

**Overarching Report – Version 1**

**Yarra Activity Centres Standing Advisory Committee Report 1**

*Planning and Environment Act 1987*

**19 May 2022**

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*Planning and Environment Act 1987*

Yarra Activity Centres Standing Advisory Committee Report pursuant to section 151 of the PE Act

Report 1 - Overarching Report – Version 1

**19 May 2022**



Con Tsotsoros, Chair



Sarah Raso, Deputy Chair



John Roney, Deputy Chair



Sally Conway, Member



Peter Boyle, Member

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## Glossary and abbreviations

Activity Centres Report Committee	<i>Activity Centres Roles and Boundaries Report</i> , October 2019
Council	Yarra Activity Centres Standing Advisory Committee
Heritage Strategy	Yarra City Council
Housing Strategy	<i>Yarra Heritage Strategy 2019-2030</i> , November 2019
MPS	<i>Yarra Housing Strategy</i> , September 2018
MSS	Municipal Planning Strategy
PE Act	Municipal Strategic Statement
Plan Melbourne	<i>Planning and Environment Act 1987</i>
PPF	<i>Plan Melbourne 2017-2050</i>
PPN	Planning Policy Framework
Yarra	Planning Practice Note
YSEES	City of Yarra
	<i>Yarra Spatial Economic and Employment Strategy</i> , August 2018

## Report 1 register

Report 1 should be read in conjunction with the separate reports for specific activity centres and precincts in response to referrals from the Minister for Planning summarised in Table 1.

**Table 1** Report 1 register

Report number	Referrals from the Minister for Planning	Report 1 version number	Report 1 version date of issue
2	Yarra C293yara (Collingwood South Precinct)	1	19 May 2022
3	Yarra C291yara (Swan Street and Victoria Street Activity Centres)	1	To be advised

# 1 Introduction

## 1.1 The Committee

The Minister for Planning appointed the Yarra Activity Centres Standing Advisory Committee (the Committee) on 10 June 2021 to advise on referred planning matters and associated draft Yarra Planning Scheme provisions for activity centres and other areas of urban change.

The Minister for Planning issued Terms of Reference for the Committee on 10 June 2021. A copy of the Terms of Reference is included in Appendix A.

## 1.2 Background

The Terms of Reference note:

- 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 midrise commercial development and apartments. They will continue to accommodate most of 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 C269yara 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.

Council has conducted built form analysis for the following activity centres and precincts:

- 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.

### **1.3 The Committee's approach**

The Committee has included introductory information and planning context common to all referred matters in this Report.

This Report may be updated over time depending upon the need to include additional information relevant to a specific referral.

Some aspects of the planning context chapter may not be relevant to all matters referred to the Committee, however they are included for completeness.

Subsequent reports consider issues raised in specific activity centres and precincts in response to referrals from the Minister for Planning.

## 2 Planning context

### 2.1 Planning objectives

The Committee has considered the objectives in Section 4 of the *Planning and Environment Act 1987* (the PE Act), in particular:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- ...
- c) to secure a pleasant, efficient and safe working, living and recreational environment; and
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- ...
- g) to balance the present and future interests of all Victorians.

### 2.2 Planning policy framework

A variety of relevant clauses from the Planning Policy Framework (PPF) are listed in Table 2.

**Table 2** Planning Policy Framework Clauses

#### State

##### Clauses

#### 11 Settlement

Provides context and implements the key principles of Plan Melbourne 2017- 2050, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas. The Clause encourages structure planning to facilitate the orderly development of urban areas.

#### 13 Environmental risks and amenity

Seeks to ensure that planning strengthens the resilience and safety of communities by adopting a best practice environmental and risk management approach. This Clause ensures that contaminated and potentially contaminated land is used and developed safely.

#### 15 Built Environment and Heritage

Seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance.

#### 16 Housing

Emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.

#### 17 Economic development

Seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

#### 18 Transport

Promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal

transport.

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## Local

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### 21 Municipal Strategic Statement

#### 21.03

##### ► 21.03 Vision

##### Built form

- Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised.
- Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks.
- People will safely get together and socialise in public spaces across the City.
- All new development will demonstrate design excellence.

#### 21.04

##### ► 21.04-1 Accommodation and housing

**Objective 1** - To accommodate forecast increases in population.

- Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at Clause 21.08 and other sites identified through any structure plans or urban design frameworks.

##### 21.04-2 Activity centres

**Objective 4** - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

- Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.
- Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

**Objective 5** - To maintain the long term viability of activity centres.

- Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.
- Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.
- Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

#### 21.05

##### ► 21.05-1 Heritage

**Objective 14** - To protect and enhance Yarra's heritage places.

- Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
- Strategy 14.2 Support the restoration of heritage places.
- Strategy 14.3 Protect the heritage skyline of heritage precincts.
- Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

##### 21.05-2 Urban design

**Objective 16** - To reinforce the existing urban framework of Yarra.

- Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

**Objective 19** - To create an inner city environment with landscaped beauty.

- Strategy 19.1 Require well resolved landscape plans for all new development.
- Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.

**Objective 20** - To ensure that new development contributes positively to Yarra's urban fabric.

- Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

**Objective 21** - To enhance the built form character of Yarra's activity centres.

- Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.
  - Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.
  - Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.
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The following local policies under Clause 22 are relevant:

- 22.02 Development guidelines for sites subject to the Heritage Overlay
- 22.05 Interface uses policy
- 22.07 Development abutting laneways
- 22.10 Built form and design policy
- 22.12 Public open space contribution policy.

## 2.3 Municipal Planning Strategy

Amendment C269yara proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Planning Scheme with a Municipal Planning Strategy (MPS) and local policies within the PPF, consistent with the structure introduced by Amendment VC148.

In general, Amendment C269yara:

- revises and updates local planning policies in the Planning Scheme by implementing the findings of the Yarra Planning Scheme Review undertaken in 2014 and other key pieces of strategic work undertaken since that time
- facilitates the integration of Council's local policy into the PPF as required by Amendment VC148 and the Victorian Government's Smart Planning Program which seeks to simplify and modernise Victoria's planning policy, and to make planning schemes more efficient, accessible and transparent.

More specifically, C269yara proposes to (most relevantly):

- introduce a new MPS
- introduce new and revised local policy content into the PPF at Clauses 11-19
- replace the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule
- introduce a new schedule to Clause 72.08 (Background Documents) comprising a list of background documents that informed the revised content in the MPS and PPF
- introduce a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives and strategies, and the Planning Scheme provisions on the use and development of land.

The following proposed local policies in C269yara are relevant:

- Clause 02.03 Strategic Directions
- Clause 02.04 Strategic Framework Plan
- Clause 11.03-1L Activity Centres
- Clause 15.01-1L Urban Design
- Clause 15.01-2L Building Design
- Clause 15.03-1L Heritage
- Clause 16.01-2L Location of Residential Development

A Panel hearing for C269yara was held in October 2021 and the Panel's report was published in January 2022.

## 2.4 Relevant planning strategies and policies

### (i) Plan Melbourne

*Plan Melbourne 2017-2050* (Plan Melbourne) sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

Relevant Directions are:

- **Direction 1.1** – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment, which seeks to strengthen the competitiveness of Melbourne's employment land. The Amendment provides appropriate policy direction for the planning and development of the Swan Street Activity Centre to ensure that the activity centre continues to meet community needs.
- **Direction 5.1** – Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes a policy for local governments to prepare structure plans for activity centres to accommodate growth. The amendment will facilitate the renewal of a major activity centre which will improve local employment, housing and commercial opportunities.

### (ii) Yarra Housing Strategy

The Yarra Housing Strategy (Housing Strategy):

- is a housing growth framework that sets a preferred vision for Yarra over 15 years
- aims to ensure clear policy direction about where residential development will be focused, and where it will be limited, in order to meet the changing needs of the Yarra community
- recognises the importance of heritage in the context of managing growth and specifically calls for future growth to respond to places of heritage significance within activity centres
- was prepared in the context of State and regional policy, including Plan Melbourne, and is based on demographic profiling and housing trends
- identifies land opportunities for over 13,000 new dwellings over 15 years, and highlights that 805 hectares of land is zoned residential, accounting for 41 per cent of all land in Yarra
- identifies that current or proposed strategic land use planning is or will be underway for all its major and neighbourhood activity centres.

Four strategic directions are articulated, outlining the preferred growth strategy as follows:

- Strategic Direction 1 – Monitor population growth and evolving development trends in Yarra to plan for future housing growth and needs
- Strategic Direction 2 – Direct housing growth to appropriate locations
- Strategic Direction 3 – Plan for more housing choice to support Yarra's diverse community

- Strategic Direction 4 – Facilitate the provision of more affordable housing in Yarra.

The Housing Strategy includes a Strategic Housing Framework Plan that identifies four housing change areas applied across the municipality including:

- Minimal change
- Incremental change
- Moderate change
- High change.

The Housing Strategy describes the typical characteristics, level of growth and the type of development that is likely for each housing change area. It notes that the scale and form of residential growth may differ across a change area and development proposals will need to appropriately respond to their context and the capacity of an individual site to accommodate housing growth.

Council adopted the Housing Strategy on 4 September 2018 and is proposed to be introduced as a Background Document in the Planning Scheme through Amendment C269yara.

### **(iii) Yarra Spatial Economic and Employment Strategy**

The Yarra Spatial Economic and Employment Strategy (YSEES) seeks to understand and capitalise on Yarra's economic strengths and respond to key trends and economic drivers over the next 10 to 15 years. The YSEES:

- provides guidance on managing growth and change in employment and economic activity
- has been prepared having regard to planning contextual considerations, capacity for employment growth and trends and drivers
- identifies Yarra's stock of employment land as a strategic resource that accommodates a large and diverse range of business and jobs and provides employment opportunities
- includes six key strategies, including:
  - support employment growth in activity centres
  - retain and grow Yarra's major employment precincts
  - identify preferred locations for housing growth
  - support the expansion of health related employment and services in Yarra's health precincts
  - retain other Commercial 2 zoned precincts
  - retain Yarra's existing industrial precincts for manufacturing and urban services.

The YSEES was adopted by Council in September 2018 and is proposed to be introduced as a Background Document in the Planning Scheme through Amendment C269yara.

### **(iv) Yarra Heritage Strategy 2019-2030**

The City of Yarra Heritage Strategy 2019-2030 (Heritage Strategy) defines Council's strategic approach to managing heritage. It defines key priorities that are important for developing and promoting a greater understanding of heritage within the community and recommends key actions and measures intended to better protect and manage the City's heritage places and assets.

Council adopted the Heritage Strategy on 12 November 2019.

## **(v) Activity Centres Roles and Boundaries**

The *Activity Centres Roles and Boundaries* report, October 2019, (Activity Centres Report):

- assesses the policy context for the system of activity centres in Yarra
- reviews the planning scheme provisions and analyses the roles, extent and boundaries of all the activity centres
- provides the basis for revisions in the Planning Scheme re-write (Amendment C296yara) and adds explicit boundaries to local policy
- addresses the level of change and new development anticipated in the Major, Neighbourhood and Local activity centres.

Amendment C269yara proposed to more accurately delineate the boundaries of activity centres in Yarra with reference to the criteria contained in Planning Practice Note 58 (Structure Planning for Activity Centres) (PPN58). An assessment against PPN58 for all activity centres was undertaken in the Activity Centres Report.

The Activity Centres Report is proposed to be introduced as a Background Document in the Planning Scheme through Amendment C269yara.

## **2.5 Planning scheme provisions**

Details of relevant zoning, overlay and other provisions specific to each activity centre or precinct are provided in subsequent reports.

## **2.6 Ministerial Directions**

The following Ministerial Directions are relevant to the draft amendments being considered by the Committee.

- Ministerial Direction 1: Potentially Contaminated Land
- Ministerial Direction 9: Metropolitan Planning Strategy
- Ministerial Direction 11: Strategic Assessment of Planning Scheme Amendments
- Ministerial Direction 15: The Planning Scheme Amendment Process.

## **2.7 Planning Practice Notes**

The following Planning Practice Notes are relevant to the draft amendments being considered by the Committee:

### **(i) Planning Practice Note 13 – Incorporated and background documents, March 2020**

PPN13 explains the role of external documents in planning schemes, the difference between incorporated and background documents and when a document should be incorporated or be a background document.

### **(ii) Planning Practice Note 30 – Potentially contaminated land, July 2021**

PPN30 provides guidance on how to identify potentially contaminated land, the appropriate level of assessment of contamination in different circumstances, appropriate provisions in planning scheme amendments and appropriate conditions on planning permits.

**(iii) Planning Practice Note 46 – Strategic assessment guidelines, August 2018**

Minister’s Direction 11 (Strategic Assessment of Planning Scheme Amendments) requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. This Practice Note explains what should be considered as part of the direction.

**(iv) Planning Practice Note 58 – Structure planning for activity centres, September 2018**

PPN58 provides guidance on the activity centre structure planning process. Covers the reasons for structure planning in activity centres, the policy context, and possible inputs and outputs of the process.

**(v) Planning Practice Note 59 – The role of mandatory provisions in planning schemes, September 2018**

PPN59 states:

Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.

It sets out a series of five criteria which should be used to assess whether the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility inherent in a performance based system. The criteria include:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

**(vi) Planning Practice Note 60 – Height and setback controls for activity centres, September 2018**

PPN60 provides guidance on the preferred approach to the application of height and setback controls for activity centres, including more specific guidance regarding the application of mandatory controls in activity centres:

Mandatory height or setback controls should only be applied where:

- exceptional circumstances exist; or
- council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

In relation to ‘exceptional circumstances’, PPN60 states:

Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include:

- ...
- significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values
- significant physical features, such as views to or from the activity centre or topography, where it can be demonstrated that discretionary controls would be inadequate to deliver the desired built form objectives or outcomes for the activity centre

- sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance
- ...

Where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis. Where mandatory controls are proposed, it will need to be demonstrated that discretionary controls could result in an unacceptable built form outcome.

Where a Council is relying on 'comprehensive strategic work' to justify mandatory controls this should be assessed against:

- consistency with State and regional policy
- currency of the work
- the capacity to accommodate growth within the activity centre.

**(vii) Planning Practice Note 93 – Wind impacts in apartment developments, December 2021**

PPN93 provides guidance on the requirements of Clause 58.04-4 which relate to wind impacts for an apartment development of five or more storeys.

## Appendix A 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 midrise 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 dates
- The 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 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