



Planning Panels Victoria

Department of Transport and Planning

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8 August 2024

Dear Party

**Yarra Activity Centres Standing Advisory Committee:
Draft Yarra Planning Scheme Amendment C273yara: Heidelberg Road**

On 16 July 2024 you received a letter from Planning Panels Victoria in relation to the referral of draft Planning Scheme Amendment C273yara (the draft Amendment) to the Yarra Activity Centres Standing Advisory Committee (Committee). You are receiving this letter because you made a request to be heard at the Hearing for the draft Amendment.

This letter provides:

- details for attending the Directions Hearing
- draft directions for the Department of Transport and Planning (DTP) and Yarra City Council (Council)
- details of requests to be heard by the Committee.

Directions Hearing

As previously advised, the Directions Hearing will be held at:

10.00am, Monday, 12 August 2024
Planning Panels Victoria
Hearing Room 1, Ground Floor, 1 Spring Street, Melbourne

Alternatively, you can join online by video conference using MS Teams or dial in (audio only):

[Join the Directions Hearing](#)

Meeting ID: 430 109 233 26

Passcode: 3sdYrh

Dial in (audio only): Call (03) 9070 4463 and enter phone conference ID 943 909 888#

You should attend the Directions Hearing if you:

- are new to the Committee process and/or wish to participate in the Hearing
- have questions about the Committee process or wish to raise procedural issues.

Draft directions

The Committee will outline all of its proposed directions and dates at the Directions Hearing. Parties will have an opportunity to comment on these at the Directions Hearing and the Committee will issue final directions after considering matters raised at the Directions Hearing.

In advance of the Directions Hearing, the Committee has prepared draft directions for DTP's opening and context submission and Council's Part A and Part B submissions (see attached).

Privacy Statement

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The Committee will ask DTP to provide a 10-minute opening and context submission presentation on Day 1 of the Hearing, and an accompanying brief written submission.

The Committee confirms the Council’s Part A submission will be due on Monday 30 September 2024, and Part B submission will be due the day before the Hearing commences.

Requests to be heard at the Hearing

By way of advance notice, the Committee has received the following requests to be heard. Parties will have the opportunity to confirm details of their request at the Directions Hearing.

Party	Time requested	Representative	Expert	Preferred in person or online
Yarra City Council	4 days	Terry Montebello	Experts to be confirmed in the following areas – traffic, planning, heritage, urban design and capacity analysis	In person
Margaret Stewart	30 minutes	Pauline Stewart	No	Online

If you have questions, please contact [REDACTED] Planning Panels Victoria on [REDACTED] planning.panels@transport.vic.gov.au.

Yours sincerely



Lisa Kendal
Committee Chair

Draft Directions

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Department of Transport and Planning

The Department of Transport and Planning (DTP) must provide a brief written process and context submission (2 – 3 pages) **by 12 noon on the business day before the Hearing commences** including:

- a) a high-level summary of the process and roles and responsibilities of different organisations, government departments and the Committee
- b) an explanation of the conditions of consent issued to Council for consultation of the draft Amendment.

DTP will be provided with 10 minutes during opening the hearing to explain the process and context of the draft Amendment to the Committee and parties. The DTP submission should complement and not duplicate Council Part A submission.

Council Part A (background and context) submission

Council must file its Part A (Background and context) submission by Error! No text of specified style in document. **on** Error! No text of specified style in document. that includes:

- a) background to the Amendment including:
 - (i) chronology of events
 - (ii) details of extended notification for owners and occupiers of Precinct 2 (as mentioned in the Council report of 12 December 2023)
 - (iii) if and how submitters have been notified of post-exhibition proposed changes (if any)
- b) a summary of the conditions of consent from the Minister for Planning to exhibit the draft Amendment and how the conditions have been met, including a copy of the desktop review referred to in condition 1
- c) a summary of the strategic context, including:
 - (i) relevant planning policies and provisions including the Municipal Planning Strategy and Planning Policy Framework
 - (ii) an overview of relevant strategic planning studies completed by Council and how they informed the draft Amendment
 - (iii) any other recently approved or upcoming planning scheme amendments that might impact on the Amendment
 - (iv) relevant Planning Practice Notes and Ministerial Directions
 - (v) an explanation of how Victoria's Housing Statement relates to the proposal
 - (vi) the views of government agencies and authorities consulted in preparing the draft Amendment
- d) any proposed changes to the exhibited draft Amendment as a consequence of the gazettal of Yarra Planning Scheme Amendment C269yara (Rewrite of local policies), including but not limited to exhibited Clause 11.03 (Activity Centres) and Clause 21.08 (Neighbourhoods)
- e) an update of permit activity and recent construction relating to the Amendment land since preparation of the Heidelberg Road Built Form Framework (based on the table and map shown in Section 3.4 of Part 1 Heidelberg Road Built Form Framework, plus information on setbacks) including but not limited to 582 Heidelberg Road
- f) a summary table of issues raised in submissions:
 - (i) grouped by issues common across the whole precinct and site specific issues, and correlated with submission numbers
 - (ii) indicating which issues are considered resolved and how these have been resolved

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- g) a summary table of Council's recommended changes to the draft Amendment as endorsed on 12 December 2023, and any further changes proposed by Council, with an explanation of reasons for the proposed change
- h) a copy of the recent VCAT decision relating to sunlight as a fundamental human right (referred to in submission 112).

Note

Council's Part A (background and context) submission will be taken as read. Council should allow time for questions on Day 1 of the Hearing.

The Part A submission should not duplicate information already available to the Committee and parties and for efficiency it may cross reference material as relevant.

Council Part B (main) submission

Council must address the following issues in its Part B (main) submission or through evidence (unless specified):

Mandatory provisions

- a) explain the justification for mandatory provisions, including:
 - (i) an assessment against guidance in Planning Practice Note 59: The role of mandatory provisions in planning schemes
 - (ii) how/whether the built form and shadow modelling informing the Amendment supports the application of mandatory controls
 - (iii) an assessment of whether exceptional circumstances exist to warrant the application of mandatory interface requirements, such as setbacks and heights along rear boundaries

Height and setback provisions

- b) explain the justification for applying the proposed provisions having regard to Planning Practice Note 60: Height and setback controls for activity centres, including:
 - (i) details of relevant 3D-modelling completed as part of the preparation of the built form controls
 - (ii) clarification of the floor height assumptions made when applying the proposed building heights for each precinct
 - (iii) how topography/slope has been taken into consideration in determining appropriate heights (referred to in submission 4)
- c) provide a comparative assessment for all metrics proposed in the DDO18 (for example street wall heights, setbacks) with those in Part 1 and Part 2 of the Heidelberg Road Built Form Framework (Part 2) (including the table at page 74 of the Part 2 report titled 'Summary of development controls (all precincts)' and an explanation of any inconsistencies between the metrics.
- d) in relation to overshadowing, page 9 of Council's response to submissions states "*The requirements were tested in the Built Form Framework and generally are achievable with the building heights specified in the proposed DDO18*" - explain where the requirements were not achievable

Landscape setbacks

- e) regarding the post-exhibition proposed change to landscape setbacks for Precincts 2 and 3B the Council report of 12 December states "*The proposed changes only affect Precinct 2 and 3B as tailored setbacks are proposed to apply in Precincts 1 and 3A*" - explain:
 - (i) what is meant by tailored setbacks and how these differ from the approach proposed for Precincts 2 and 3B
 - (ii) the justification/rationale, including relevant modelling if available

Activity centre and impacts across municipal boundaries

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- f) explain the impact of the draft Amendment, if any, on the area and growth and function of the centre across municipal boundaries (Darebin and Yarra) and
 - (i) any consultation with Darebin City Council regarding the Amendment
 - (ii) the status of the Heidelberg Road Local Area Plan (referred to in submission 33) and alignment of the Local Area Plan with the draft Amendment, identifying any inconsistencies
 - (iii) any implications of the Amendment on the Darebin Planning Scheme.
- g) explain whether the boundary of the Heidelberg Road Neighbourhood Activity Centre should be extended to include Precinct 1 and 2
- h) explain the implications of the Public Acquisition Overlay (PAO) on the setbacks in Precinct 3B

Heritage

- i) with reference to Planning Practice Note 1: Heritage Overlay, explain the strategic justification for applying the Heritage Overlay to 730-734 Heidelberg Road, Alphington (HO451) and 760-764 Heidelberg Road, Alphington (HO455) and whether changes to the intactness of these places has compromised their heritage significance
- j) opinion from Council's heritage expert on the proposed DDO18 design requirements regarding heritage buildings and whether they are acceptable or should be modified

Porta site

- k) explain details of the permit application refused by Council and VCAT referred to in Council's response to submission 40, as relevant to the Amendment

General

- l) Council's response to submissions and evidence
- m) Council's final position on the draft Amendment.