



## Department of Environment, Land, Water and Planning

8 Nicholson Street  
East Melbourne, Victoria 3000  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

Mr Mick Cummins  
Chief Executive Officer  
Bayside City Council  
Email address: [tvercoe@bayside.vic.gov.au](mailto:tvercoe@bayside.vic.gov.au)

Dear Mr Cummins

### **PROPOSED BAYSIDE PLANNING SCHEME AMENDMENT C160bays**

I refer to your council's application for authorisation to prepare an amendment to the Bayside Planning Scheme. The amendment proposes to implement the *Highett Structure Plan, 2018*, by introducing new residential zone schedules and making other associated changes to the Bayside Planning Scheme.

Under delegation from the Minister for Planning, 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 conditions:

- Author the amendment in ATS Authoring.
- All amendment documentation be amended to refer to the amendment as C160bays.
- Amend Clause 21.11 by removing strategies relating to council advocacy for the CSIRO site as these provisions do not meet the entry rules of *A Practitioner's Guide to Victorian Planning Schemes*.
- Amend Map 1 to Clause 21.11-6 by removing any designation of built form requirements such as heights from the plan and remove the application of any structure plan policy for the CSIRO site.
- Amend the General Residential Zone and Neighbourhood Residential Zone schedules generally in accordance with the track change versions provided, which includes:
  - Remove built form requirements relating to recessed upper storeys from the maximum building height section and insert within the minimum street setback variation.
  - Remove the description of each schedule
  - Ensure the drafting of the Schedule requirements are quantitative. Non-quantitative performance based policy, e.g. overshadowing policy and canopy tree provision if deep soil requirement cannot be met, should be redrafted to be objectives and decision guidelines.
  - Remove the maximum building height requirement for land at 36-40 Graham Street, Highett and associated open space requirements from GRZ14.
- Prepare a new GRZ16 for 36-40 Graham Street, Highett, which allows for a maximum building height of 4 storeys. The requirements of this schedule should be drafted to be generally in accordance with the track change version provided.
- Amend Schedule 4 to the DDO generally in accordance with the track change version provided, which includes:
  - Delete the permit exemption for works on public use zone land.
- Delete the application of DDO4 from Public Use Zone land. Removing the application of DDO4 from PUZ land simplifies the control by allowing the removal of the permit exemption for public land managers.

A track changes version of the provisions as referred to above will be provided by email directly to council officers.

#### Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



DELWP officers note that the use of multiple requirements for specific variations is not contemplated in any of the guidance material currently available for the reformed residential zones. Further advice on the use of the reformed residential zones is currently in development. At this stage, Planning Services' consider that it is appropriate that the schedules be exhibited with the above conditions, however, Bayside City Council should be mindful of further advice being released as the amendment progresses.

The amendment must be submitted to the Minister 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 Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may 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 the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you have any further queries in relation to this matter, please contact Che Dungey, Planner, State Planning Services, Department of Environment, Land, Water and Planning on (03) 9637 8692 or email [che.dungey@delwp.vic.gov.au](mailto:che.dungey@delwp.vic.gov.au)

Yours sincerely



**Peita Tapper**  
Manager, State Planning Services

28/8/19