



Department of Environment, Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 3002
PO Box 500
East Melbourne, Victoria 8002

Mr Justin Hanney
Chief Executive Officer
Melbourne City Council

FAO Molly Wilson
Email address: Molly.Wilson@melbourne.vic.gov.au

Dear Mr Hanney

PROPOSED MELBOURNE PLANNING SCHEME AMENDMENT C394MELB – FISHERMANS BEND HERITAGE REVIEW

I refer to your council's application for authorisation to prepare the above amendment to the Melbourne Planning Scheme. The amendment proposes to implement the recommendations of the *Fishermans Bend In-Depth Heritage Review 2021* by introducing the Heritage Overlay to individual heritage places in Fishermans Bend and making consequential changes to the Melbourne 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 condition:

- Amend proposed planning scheme mapping to remove reference to HO1380 (West Gate Service Stations).
- Notification must be given to any property in the Docklands Zone with an existing Heritage Overlay as the amendment proposes to apply the heritage policy at 22.04 to properties in the Docklands Zone with a Heritage Overlay.

Substantive Issue

The *Fishermans Bend in Depth Heritage Review 2021* (Heritage Study) includes a significant amount of background information on sites that are not being pursued via Amendment C394melb. Having regard to Planning Practice Note 13, the Heritage Study, as a background document, should only include content which helps explain further context about properties subject to the Heritage Overlay and associated Statements of Significance. Including content about other sites that are not proposed to be included in a Heritage Overlay (or are being considered via other processes) may result in confusion and unnecessary delays in the planning permit application process. Your council should give consideration to removing these properties from the Heritage Study, or revising the structure of the Heritage Study, either prior to exhibition or prior to adoption by the council, should it progress to that stage.

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

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- 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 Hannah Pascoe, Senior Planner, State Planning Services, Department of Environment, Land, Water and Planning, by email hannah.pascoe@delwp.vic.gov.au.

Yours sincerely,



Steven Cox
Manager, State Planning Services

5 May 2021