



## Department of Environment, Land, Water and Planning

8 Nicholson Street  
East Melbourne VIC 3002  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

File: PL/12/3096

Ben Rimmer  
Chief Executive Officer  
Melbourne City Council  
MELBOURNE VIC 3001

Attention: Emma Appleton, Manager Urban Strategy  
Email address: [emma.appleton@melbourne.vic.gov.au](mailto:emma.appleton@melbourne.vic.gov.au)

Dear Mr Rimmer

### **PROPOSED MELBOURNE PLANNING SCHEME AMENDMENT C278 – SUNLIGHT TO PUBLIC PARKS AND AMENDMENT C340 – INTERIM SUNLIGHT CONTROLS TO PUBLIC PARKS**

I refer to your council's application for authorisation to prepare Melbourne Planning Scheme Amendment C278. The amendment proposes to introduce controls to protect sunlight to public parks across the municipality.

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:

- **Impact on current built form controls**  
Remove the Docklands and Spring Street South areas from the Amendment and review the impact of the controls on other strategic priorities, such as urban renewal and regeneration, in particular, in Arden Central and the Fishermans Bend Precinct of Excellence (Employment Precinct).

Prior to exhibition, your council should consider and finalise the following:

- **Hierarchy of Parks**  
Have regard to the Planning Practice Note 70 Open Space Planning and the City of Melbourne's Open Space Strategy 2012 in finalisation of the amendment for exhibition.
- **Mixture of Mandatory & Discretionary Controls**  
Consider the application of a mixture of mandatory and discretionary controls, based on the importance and significance of the park and open space.
- **Mixture of Equinox and Winter Solstice Controls**  
Consider the application of a mixture of equinox and winter solstice controls based on the importance and significance of the park and open space.
- **Areas of Parks to be Protected**  
Have regard for the proportion of the park that is proposed to be overshadowed.

The Minister for Planning has decided to refuse the request from your council to prepare, adopt and approve Amendment C340 to the Melbourne Planning Scheme to introduce the sunlight controls on an interim basis.

DELWP officers are available to work with Melbourne City Council officers to provide further guidance and assistance to finalise the Amendment C278 documents for exhibition.

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 to [planning.amendments@delwp.vic.gov.au](mailto:planning.amendments@delwp.vic.gov.au).

If you have any further questions about this matter, please call Steven Cox, Manager, State Planning Services, DELWP, on (03) 8663 0996 or email [steven.cox@delwp.vic.gov.au](mailto:steven.cox@delwp.vic.gov.au)

Yours sincerely

*S. Menzies*

**STUART MENZIES**  
Director  
State Planning Services

*26 / 10 / 2018*