

**MINISTERIAL POWERS OF INTERVENTION IN PLANNING
AND HERITAGE MATTERS**

**REASONS FOR DECISION TO EXERCISE POWER OF
INTERVENTION**

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
APPLICATION FOR REVIEW P3418/2008**

The *Planning and Environment Act 1987*, the *Heritage Act 1995* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising my powers of intervention, in accordance with the *Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note*, I have agreed to:

- Make publicly available written reasons for each decision, including an explanation of how the circumstances of the matter respond to the Practice Note and the legislative criteria for that action.
- Provide a report to Parliament at least every twelve months detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. The request for intervention has been made by Fulcrum Town Planners acting on behalf of the Planning Permit applicant, Yarra Community Housing.

WHAT POWER OF INTERVENTION IS BEING USED?

2. Clause 58 of Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998 enables the Minister for Planning to call-in a proceeding for review of a decision under the *Planning and Environment Act 1987*, from the Victorian Civil and Administrative Tribunal (VCAT).
3. In seeking to exercise this power, Clause 58(1) of Schedule 1 of the *VCAT Act* requires that the Minister for Planning must satisfy him or herself that:
 - The proceeding raises a matter issue of policy; and
 - The determination of the proceeding may have a substantial effect on the achievement or development of planning objectives.

BACKGROUND

4. Fulcrum Town Planners acting on behalf of the Planning Permit applicant, Yarra Community Housing has requested that I 'call in' planning permit application (TP-2008/591) which is currently before the Victorian Civil and Administrative Tribunal (VCAT). An Application for Review (ref P3418/2008) has been lodged with the Victorian Civil and Administrative Tribunal (VCAT). No hearing date for the matter has been set by VCAT.

5. On 22 July 2008 Yarra Community Housing made an Application for Planning Permit No. TP-2008/591 to the City of Melbourne for demolition of buildings and use and development of the land for an eleven storey building with 161 dwellings including ground floor cafe (restaurant), offices and ancillary medical centre and reduction of car parking requirements.
6. The proposal is a pilot a model of sustainable, long-term housing for members of the community who have experienced homelessness and/or seek affordable housing. It will incorporate two separate models of housing: supportive housing and affordable housing. The supportive housing component will comprise 131 single-person dwellings (studios) over seven levels for rental to homeless or low income people aged over 18 years. The affordable housing component comprises 30 dwellings (three one-bedroom and 27 two-bedroom) over the top three levels of the building. These dwellings will provide affordable rental housing for low income families.
7. A Notice of Decision to Grant a Permit No. TP-2008/591 was issued by the City of Melbourne on 5 November 2008.

CONSULTATION

8. Despite the matter now being before VCAT, Melbourne City Council officers have advised that Council would still support the call in by the Minister.

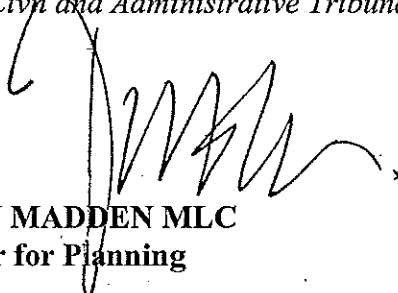
REASONS FOR INTERVENTION

9. The *Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note* requires the Minister for Planning to meet certain criteria in the exercise of Ministerial powers of intervention. As an overriding consideration, Ministerial powers will only be exercised having regard to and within the confines of; the legislative provision in question.
10. I am satisfied that the circumstances for Ministerial intervention and the nature of the proposed amendment satisfy the relevant criteria in *the Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note* on the following basis:
 - Criteria 1: The matter will be one of genuine State or regional significance, as the determination of the application may have a substantial effect on achievement or development of State or regional planning objectives.
 - Criteria 4: The matter will raise issues of fairness or public interest, as there is a need for urgency and the public interest would be served by immediate action.
11. In accordance with the requirements of Clause 58 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, I consider that –
 - The proposal is of State interest in terms of social policy, particularly with regard to affordable housing provision.
 - The Facility raises major policy issues including interpretation and application of State and Local planning policy as contained in the Melbourne Planning Scheme.

- The determination of the proceedings may have a substantial effect on the ability of State and Local Governments to secure a pleasant, efficient and safe working, living and recreational environment and to balance the present and future interests of all Victorians.

DECISION

12. I have therefore decided to call in the application from the Victorian Civil and Administrative Tribunal pursuant to Clause 58(2)(a) of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*.



JUSTIN MADDEN MLC
Minister for Planning

Date: