



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Ref: MBR043073



Ms Kathy Mitchell
Chief Panel Member
Planning Panels Victoria
Level 5, 1 Spring Street
MELBOURNE VIC 3000

Dear Ms Mitchell

PLANNING SCHEME AMENDMENT C370MELB – TREASURY SQUARE

On 22 January 2020, I received a request from VicTrack for a combined planning permit application for a two-lot subdivision and a planning scheme amendment (C370melb) for a site in Wellington Parade, East Melbourne, known as Treasury Square.

The proposed amendment seeks to:

- apply the Capital City Zone Schedule 1 (Outside the Retail Core) to the land;
- apply the Design and Development Overlay Schedule 10 to the land;
- apply the Environmental Audit Overlay to the land; and
- amend Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) to insert a requirement for planning applications triggered under Clause 3.0 of Schedule 1 to Clause 37.04 on the Treasury Square site to be referred to VicTrack as a determining referral authority to ensure that the current and future transport interests are protected regarding the future development of the site.

The site forms part of a larger single railway lot landholding owned by VicTrack which extends between Flinders Street and Richmond Stations. The project includes only a portion of the rail lot, located directly south of Wellington Parade South and Flinders Street, east of Batman Avenue. A separate new lot (with multiple parts) will need to be created from the larger parcel, and to protect major transport infrastructure on the site that will be retained in VicTrack ownership (comprising the tram substation, the train substation, the Hurstbridge/Mernda lines, the City Circle Tunnel and the future Northern Loop Tunnel).

I directed the Department of Environment, Land, Water and Planning (DELWP) to undertake a consultation process to seek the views of interested parties on the above project in April and May 2020. Following the closing of the consultation process, I have now received 25 submissions via the EngageVic portal and other parties have written to me directly.

Despite being a “superlot” subdivision, a 5 per cent open space contribution would be triggered under the schedule to clause 53.01 of the Melbourne Planning Scheme. VicTrack believes that this contribution should only be paid when the superlot is further subdivided by the successful bidder. In August 2020, VicTrack requested that the schedule to Clause 53.01 of the Melbourne Planning Scheme be modified to specify the following open space contributions for the land:

- 0.00001 per cent for the one off event of the VicTrack two lot subdivision; and
- 5 per cent for the further subdivision of the land.

The proposed changes to the schedule to Clause 53.01 of the Melbourne Planning Scheme did not form part of the project when consultation was undertaken.

I request that a suitability qualified member or members drawn from Planning Panels Victoria list and be appointed pursuant to section 151 of the *Planning and Environment Act 1987*, to undertake the following “on the papers”. I would appreciate timely review of the project.

I request that the member(s):

- a. provide a brief report to me within 20 business days from the date of the letter or when the member is satisfied that it has been provided with all relevant information;
- b. consider the draft planning permit and amendment documents which formed the basis of the consultation process;
- c. consider all written submissions collected during the consultation process, via the EngageVic portal and those parties who have written to me directly;
- d. address the following issues in its report in addition to those matters set out in the Terms of Reference:
 - i. the appropriateness of the planning controls proposed by VicTrack, including matters raised in the City of Melbourne’s submission;
 - ii. overshadowing;
 - iii. urban design and public realm;
 - iv. impacts on key view lines between significant areas of the city, public spaces, and heritage buildings;
 - v. existing and future pedestrian links between key public spaces; and
 - vi. any other matter that the committee considers appropriate.
- e. with respect to the proposed subdivision:
 - i. prepare a draft planning permit to approve the proposed two-lot subdivision including relevant requirements relating to servicing authorities, protection of transport infrastructure and future development; and
 - ii. recommend whether the open space requirement in the schedule to clause 53.01 of the Melbourne Planning Scheme should be reduced for the proposed two-lot subdivision (noting that the requirement would remain in place for further subdivision).

Following receipt of the report, I intend considering the proposal under section 20(4) of the *Planning and Environment Act 1987*.

The costs associated with the process will be met by VicTrack. Officers from the DELWP will liaise with Planning Panels Victoria to facilitate this process.

Should you have any queries in relation to this project, please contact Paul Jarman, Director State Project Facilitation, DELWP, on (03) 8683 0921 or 0411 154 606, or by email at paul.jarman@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

28 / 08 / 2020