



Hon Richard Wynne MP

Minister for Planning
Minister for Housing
Acting Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002

Ms Kathy Mitchell
Chair (Lead), Priority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR045317



Dear Ms Mitchell

DEVELOPMENT FACILITATION PROGRAM – 196-206 HIGH STREET, WINDSOR

I refer to the proposed draft Amendment C313ston to the Stonnington Planning Scheme and planning permit PA2101189 affecting land at 196-205 High Street, Windsor. The project has been considered by the Development Facilitation Program (DFP), which has deemed that it meets relevant criteria and should be prioritised for accelerated assessment and determination.

I am considering preparing an amendment to the Stonnington Planning Scheme (Amendment C313ston) to make me the responsible authority for the site, allowing me to determine planning permit PA2101189 for the use and development of land for a six-storey building with two basement levels comprising retail (shop and food and drink premises), office floorspace, a reduction in car parking and alteration of access to a Road Zone Category 1. I am considering these matters under Part 4, Division 5 of the *Planning and Environment Act 1987*, which allows for a combined permit and amendment process. I am also considering exempting myself from the normal exhibition and notice requirements under section 20(4) of the Act.

A previous permit application on the site was considered by the Victorian Civil and Administrative Tribunal (VCAT) (P327/2020) against the council's failure to grant a permit. This decision can be viewed at <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2020/1081.html>. The new proposal seeks to respond to the issues raised by VCAT.

To inform my decision about whether to prepare, adopt and approve Amendment C313ston and grant planning permit P2101189, I undertook consultation with a range of stakeholders to seek their views about the draft amendment and the draft planning permit, and consultation under section 20(5) of the Act about the proposed exemption under section 20(4) of the Act. Parties consulted with were the council, the proponent, adjoining owners and occupiers, 12 objecting parties to VCAT proceeding P327/2020, and the Department of Transport.

I also advise that a change has been made to draft Amendment C313ston. The change affects the Schedule to Clause 72.01 and is administrative in nature. Originally, the draft amendment proposed to make me the responsible authority for the issue of planning permit PA2101202, if it was determined that a permit should issue; however, this has now been changed to make me the responsible authority for the subject site. The altered Schedule to Clause 72.01 of the draft amendment is attached to this letter.

I have decided to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations about whether planning approval should be given for the proposed development. I request your specific advice about the drafting of draft Amendment C313ston and whether planning permit PA2101189 should be issued and, if so, the appropriate conditions taking into consideration the matters raised in submissions received and the previous VCAT decision.



OFFICIAL

All 59 submissions received will separately be provided to the advisory committee, along with the draft amendment, draft planning permit and the planning permit application documents that were made available during the consultation period.

The cost of the advisory committee will be met by the applicant, FC (High St Windsor) Pty Ltd.

If you have any questions about this matter, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, at jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

15 / 08 / 2021

Encl.

SCHEDULE TO CLAUSE 72.01 – AS ADVERTISED UNDER SECTION 20(5) CONSULTATION

STONNINGTON PLANNING SCHEME

11/10/2018
GC98

SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0
31/07/2018
VC148

Responsible authority for administering and enforcing this planning scheme:

The Stonnington City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0
14/10/2018
6088 Proposed C313cton

Responsible authority for administering and enforcing a provision of this planning scheme:

For the purposes of the relevant provisions of Divisions 1, 1A, 2, 3 and 5 of Part 4 of the Planning and Environment Act 1987, the Minister for Planning is the responsible authority for administering:

- Planning permit PA2101189 for land at 196-206 High Street, Windsor; and
- Any matters required by planning permit PA2101189 to be endorsed, approved, or done to the satisfaction of the responsible authority.

The Minister for Planning is the responsible authority for considering and determining applications, in accordance with Divisions 1, 1A, 2, and 3 of Part 4 and exercising the powers set out in Section 171 and under Division 2 of Part 9 of the *Planning and Environment Act 1987* and for approving matters required by the scheme or a condition of a permit to be done to the satisfaction of the responsible authority in relation to the use and development of land:

- Within the area known as Horace Petty Estate, South Yarra, more particularly being the areas affected by Schedule 5 to the Development Plan Overlay.
- Within the area known as Precinct B as shown in Schedule 15 to the Design and Development Overlay.

The Minister for Planning is the responsible authority for administering and enforcing:

- Clause 51.01 of the planning scheme with respect of the “Melbourne Metro Rail Project Incorporated Document, May 2017”.
- Any other provision of the planning scheme as it applies to the use or development of land for the purposes of the Melbourne Metro Rail Project.
- Clause 51.01 of the scheme in respect of the “Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018”.
- Any other provision of the scheme as it applies to the use or development of land for the Melbourne Metro Rail Project: Upgrades to the Rail Network.

3.0
31/07/2018
VC148

Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0
08/06/2020
VC176

Responsible authority for VicSmart and other specified applications:

The Chief Executive Officer of Stonnington City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of Stonnington City Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

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SCHEDULE TO CLAUSE 72.01 – AS AMENDED AFTER SECTION 20(5) CONSULTATION

STONNINGTON PLANNING SCHEME

- 11/10/2018
GC98
- SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME**
- 1.0
31/07/2018
VC148
- Responsible authority for administering and enforcing this planning scheme:**
The Stonnington City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.
- 2.0
14/10/2018
GC98 Proposed C313ston
- Responsible authority for administering and enforcing a provision of this planning scheme:**
The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, 3 and 5 of Part 4 and Division 2 of Part 9 of the Planning and Environment Act 1987 and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the land at 196-206 High Street, Windsor.
- The Minister for Planning is the responsible authority for considering and determining applications, in accordance with Divisions 1, 1A, 2, and 3 of Part 4 and exercising the powers set out in Section 171 and under Division 2 of Part 9 of the *Planning and Environment Act 1987* and for approving matters required by the scheme or a condition of a permit to be done to the satisfaction of the responsible authority in relation to the use and development of land:
- Within the area known as Horace Petty Estate, South Yarra, more particularly being the areas affected by Schedule 5 to the Development Plan Overlay.
 - Within the area known as Precinct B as shown in Schedule 15 to the Design and Development Overlay.
- The Minister for Planning is the responsible authority for administering and enforcing:
- Clause 51.01 of the planning scheme with respect of the “Melbourne Metro Rail Project Incorporated Document, May 2017”.
 - Any other provision of the planning scheme as it applies to the use or development of land for the purposes of the Melbourne Metro Rail Project.
 - Clause 51.01 of the scheme in respect of the “Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018”.
 - Any other provision of the scheme as it applies to the use or development of land for the Melbourne Metro Rail Project: Upgrades to the Rail Network.
- 3.0
31/07/2018
VC148
- Person or responsible authority for issuing planning certificates:**
Minister for Planning.
- 4.0
08/05/2020
VC179
- Responsible authority for VicSmart and other specified applications:**
The Chief Executive Officer of Stonnington City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
- The Chief Executive Officer of Stonnington City Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.