Department of Transport and Planning

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Ms Alison Leighton
Chief Executive Officer
Melbourne City Council
GPO Box 1603
Melbourne VIC 3001

Email: hannah.ehlenfeldt@melbourne.vic.gov.au

Dear Ms Leighton

PROPOSED MELBOURNE PLANNING SCHEME AMENDMENT C466melb

I refer to your council's application for authorisation to prepare the above amendment to the Melbourne Planning Scheme. The amendment proposes to correct anomalies and errors in 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 conditions:

1. Update the Explanatory Report as per the attached version to:
    a) Use the current version of the template available online at Amendment templates.
    b) Discuss how *Ministerial Direction 1: Potentially contaminated land* has been addressed in relation to the rezoning of 70-90 Chelmsford Street, Kensington.
    c) Remove reference *Ministerial Direction No. 9 Metropolitan Strategy,* which has been revoked.
    d) Address all strategic considerations outlined in *Ministerial Direction 11 Strategic Assessment of Amendments* (which was updated on 11 September 2025), including new considerations relating to climate change and housing targets.
    e) Explain, under the heading 'Does the amendment make proper use of the Victoria Planning Provisions,' the strategic justification for using two overlays on part of 607-619 Bourke Street, Melbourne (Environmental Significance Overlay, Schedule 2 and Heritage Overlay, HO512) for tree protection.
    f) Adhere to the *Use of standard terms for the explanatory report and application forms* to improve clarity.
2. Amend the Instruction Sheet to align with the template, and having regard to the comments in the attached version.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Transport and Planning, GPO Box 3292, East Melbourne, Victoria 3001.

3. Ensure that the proposed ordinance changes have been authored in Keystone against a refreshed version of the (current) planning scheme, so that the only changes shown in the exhibited ordinance documents are those sought by Amendment C466melb. The version of Clause 72.04 (Incorporated Documents) submitted with the amendment authorisation request shows several additions and deletions made by other amendments (e.g. C396melb and C426melb).
4. Update the incorporated document '*Heritage Places Inventory March 2022* (City of Melbourne, August 2025) to remove changes already included in the planning scheme.

Substantive issue: review of overlapping tree protection controls

The *Practitioners Guide to Victoria's Planning Schemes* contains entry rules that seek to ensure planning scheme provisions (including both policy and controls) are drafted clearly, unambiguously and will be effective in achieving the intended outcome. Entry Rule 3 is that 'a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.'

It is recommended that your council's next planning scheme review should seek to identify instances where tree protection controls may be duplicated through the application of the Environmental Significance Overlay to places in the Heritage Overlay where tree protection controls are switched on, and/or that are VHR places – and consider ways to remove any duplication.

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.

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 would like further information, please contact Patrick Doyle, Department of Transport and Planning, via email at patrick.doyle@transport.vic.gov.au.

Yours sincerely



Emma Bryant
Acting Manager, Metropolitan Planning Services

9 / 01 / 2026