



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8392 5115

5 March 2020

As addressed

Dear Submitter,

## **Fishermans Bend Standing Advisory Committee Draft Amendment C176port – 2-28 Montague Street and 80 Munro Street, South Melbourne**

The Standing Advisory Committee (SAC) held a Directions Hearing for the above matter on 28 February 2020 at Planning Panels Victoria. Please find attached:

- SAC Directions
- Distribution List (version 2)
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
4.00pm	Friday, 6 March 2020	Melbourne Water to provide a submission.	1
4.00pm	Tuesday, 10 March 2020	Fishermans Bend Taskforce to circulate the Fishermans Bend Affordable Housing Policy with track changes from V2 to V3	11
4.00pm	Tuesday, 10 March 2020	Expert evidence names to be confirmed by Proponent	12
4.00pm	Friday 13 March 2020	DELWP provide a copy of the OVGA Design Review from 2017 to be provided to SAC	9
4.00pm	Monday, 23 March 2020	The Proponent to circulate amended plans	3
4.00pm	Monday, 23 March 2020	Proponent must clarify documents to be relied on	4
4.00pm	Monday, 30 March 2020	Vantage points to be advised to DELWP for use in 3D modelling/images	16
4.00pm	Thursday, 9 April 2020	Expert evidence to be circulated	14
4.00pm	Tuesday, 14 April 2020	DELWP to circulate a statement identifying points of agreement and disagreement	5
4.00pm	Tuesday, 14 April 2020	DELWP to circulate a track changes version of the Incorporated Document with points of agreement and disagreement identified	6
4.00pm	Tuesday, 14 April 2020	DELWP to circulate its Part A submission	8
4.00pm	Tuesday, 14 April 2020	Fishermans Bend Taskforce to circulate an outline of its submission and an update, if any, on ICPs or Precinct Plans	10
10.00am	Monday, 20 April 2020	Hearing commences	

#### Privacy Statement

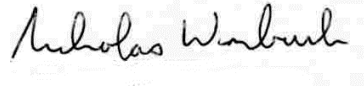
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The SAC made no declarations.

If you have questions, please contact Ms Amy Selvaraj at Planning Panels Victoria at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "Nicholas Wimbush". The signature is written in a cursive style and is positioned to the left of the typed name below.

**Nick Wimbush**

Co-Chair, Fishermans Bend Standing Advisory Committee

# SAC Directions

Draft Amendment C176port – 2-28 Montague Street and 80 Munro Street, South Melbourne

## Before the Hearing

### Leave to make late submission

1. If it wishes to make a submission, Melbourne Water must provide such submission to DELWP with copies to parties on the attached distribution list by **4.00pm on Friday Monday, 30 March 2020**.

### Parties to meet

2. At the Directions Hearing parties indicated they are willing to meet to discuss points of agreement and disagreement around the design for the site. Such meetings should be coordinated by DELWP.

### Circulation of Documents

3. By no later than **4.00pm Monday 23 March 2020** Gurner 2-28 Montague Street Pty Ltd (the Proponent) should circulate to the SAC and parties revised plans for the future development of the site; including 3D images of the revised proposal.
4. At the same time, by **4.00pm Monday 23 March 2020**, the Proponent should provide a statement clarifying the status of plans, documents and supplementary information that has been previously provided; and specifically identify which, if any, are to be relied on.
5. Following the meeting(s) in Direction 2, the Panel directs that a statement of points of agreement and outstanding disagreement should be circulated to the Panel by DELWP by **4.00pm on Tuesday 14 April 2020**.
6. A revised, track changes version of the Incorporated Document should be circulated by DELWP by **4.00pm on Tuesday 14 April 2020** incorporating comments and points of agreement and non-agreement by parties. This version should use the version circulated by DELWP on Thursday 27 February 2020 as the base.
7. Documents should be circulated electronically, and hard copy materials should only be provided in exceptional circumstances.

### DELWP Part A submission

8. DELWP must circulate a Part A submission to parties on the distribution list by **4.00pm on Tuesday 14 April 2020** that includes:
  - a) background to the Amendment including chronology of events
  - b) strategic context and assessment including an assessment of the proposal against the planning scheme and in particular the planning controls introduced by Amendment GC81 and the objectives of the Fishermans Bend Framework Plan
  - c) issues identified in submissions
  - d) any suggested changes to the draft Amendment in response to submissions
  - e) an overview of surrounding development applications approved and proposed (general descriptions within a reasonable distance; copies of planning permits not required)
  - f) commentary on the appropriateness of proposed development contributions and the methods to secure them
9. DELWP should provide a copy of the OVGA Design Review of the earlier proposal for this site from 2017 to the SAC by **4.00pm on Friday 13 March 2020**.

**Directions:**

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**Fishermans Bend Taskforce**

10. By **4.00pm on Tuesday 14 April 2020** the Taskforce should circulate an outline of its submission to the Hearing including a statement with an update on progress (if any) of relevant Infrastructure Contribution Plans, Precinct Plans or other relevant strategic documents.
11. The SAC understands a draft *Fishermans Bend Affordable Housing Policy* was tabled in the Tranche 1 - Site 6 – 203-205 Normanby Road hearing on 2 March 2020. This document will also need to be tabled in this Hearing; the Taskforce should provide to parties an explanation of the difference (perhaps via track changes) between Version 2 and Version 3 of this document by **4.00pm on Tuesday 10 March 2020**.

**Witness reports**

12. The Proponent should provide a list of names and areas of expertise of experts by **4.00pm on Tuesday 10 March 2020**.
13. A witness report must:
  - a) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
  - b) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number
  - c) be provided to the Panel as an unlocked document.
14. Parties must circulate their witness reports to parties on the distribution list by **4.00pm on Thursday 9 April 2020**.

**Meeting of experts**

15. At this stage only the Proponent is calling expert evidence, but a number of parties have reserved the right to call evidence in the light of amended plans. If additional evidence is adduced the SAC will provide further directions on expert meetings.

**Vantage Points**

16. By no later than **4.00pm on Monday 30 March 2020** the SAC and parties should advise DELWP of particular vantage point of interest for use in the 3D model in the Hearing and for site inspections.

**At the Hearing**

**Submissions and information**

17. The Proponent must provide digital files of the amended plans so that DELWP updates the 3D Urban Circus modelling for use in the Hearing.
18. Parties should present material at the Hearing electronically. Electronic information presented at the Hearing must be:
  - a) circulated to parties on the distribution list by 10.00am on the morning the information is to be presented
  - b) brought to the Hearing Room on a USB stick in a clearly marked folder half an hour before the start of the day's hearing, to allow it to be uploaded onto the Hearing Room laptop.
19. After presenting to the Panel, submissions (preferably in MS Word) should be emailed to [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) as an unlocked document.
20. All information presented at the Hearing is a public document unless the Panel directs otherwise.

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#### **DELWP Part B submission**

21. At the Hearing DELWP must provide a Part B submission that includes:
- a) A response to the evidence circulated; and
  - b) DELWPs final position on the draft amendment and development proposal.

#### **Proponent Submission**

22. At the Hearing, the Proponent must provide:
- a) a detailed response to submissions including that of the Fishermans Bend Task Force and the City of Port Phillip
  - b) a detailed assessment of the proposal against relevant planning policy in the planning scheme
  - c) a detailed assessment and response against the relevant decision guidelines in the zone and overlay controls in the planning scheme
  - d) advice on what legal instruments or planning scheme provisions will be used to deliver commitments made for the proposal, such as affordable housing contributions for example

## **General**

#### **Issues**

23. As discussed at the Directions Hearing the SAC raises the following issues on a without prejudice basis as issues that would appear to be relevant to the draft Amendment and proposal:
- a) Consistency of the proposal (height and building typology) with the planning scheme including the Fishermans Bend Framework Plan, policy and the provisions of the zone and DDO30
  - b) Whether the proposal meets the dwelling mix objectives in the planning scheme
  - c) The definition of employment uses and floorspace provision; are serviced apartments an employment use?
  - d) The provision of affordable housing and separate entrances for same
  - e) Parking provision and consistency with policy.
24. There are many issues of detail which will need to be addressed such as those raised in the Taskforce referral response; some of these will be contingent on the amended plans to be provided by the Proponent.

#### **Other sites in Fishermans Bend**

25. The SAC as a whole will be attempting to ensure that relevant material is shared across the particular site sub-committees to ensure a body of knowledge develops and is shared whilst preserving the procedural fairness rights of individual site proponents.
26. As reports are submitted to the Minister for Planning, the SAC will liaise with DELWP to ensure the findings of the SAC are available as soon as possible; without limiting the Minister's discretion to release such reports.

# Timetable

Draft Amendment C176port – 2-28 Montague Street and 80 Munro Street, South Melbourne

## Timetable Version 1 – 5 March 2020

### Day 1: Monday 20 April 2020

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	<b>Gurner 2-28 Montague Street Pty Ltd (Gurner)</b> represented by Jeremy Gobbo QC and Nicola Collingwood of Counsel instructed by Planning and Property Partners. Introductory explanation of building design by Cox Architecture		45 mins
11.00am – 1.00pm	<b>Department of Environment, Land, Water and Planning (DELWP)</b> represented by Rupert Watters of Counsel instructed by Kate Morris of Harwood Andrews		2 hours
<b>1.00pm – 2.00pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
2.00pm – 4.30pm	<b>Fishermans Bend Task Force</b> represented by Aiden O'Neill		2.5 hours
4.30pm	Day close		

### Day 2: Tuesday 21 April 2020

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 12.30pm	<b>City of Port Phillip</b> represented by Emily Marson of Best Hooper		4 hours
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
1.30pm – 3.00pm	<b>City of Port Phillip</b> contd.		
3.00pm - 4.00pm	<b>Melbourne Water</b> represented by Ashlee Gaunt (TBC)		1 hour
4.00pm	Day close		

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**Day 3: Wednesday 22 April 2020****Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	<b>Gurner</b> represented by Jeremy Gobbo QC and Nicola Collingwood of Counsel instructed by Planning and Property Partners calling the following expert evidence: <ul style="list-style-type: none"> <li>- Planning, two experts TBC</li> <li>- Urban Design</li> <li>- Traffic</li> <li>- Economics from Urbis</li> <li>- Photomontages</li> </ul>		2.5 days
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
1.30pm – 4.30pm	<b>Gurner</b> contd.		
4.30pm	Day close		

**Day 4: Thursday 23 April 2020****Venue: TBC**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 12.30pm	<b>Gurner</b> contd.		
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
1.30pm – 4.30pm	<b>Gurner</b> contd.		
4.30pm	Day close		

**Timetable Version 1 – 5 March 2020:**

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**Day 5: Friday 24 April 2020**

**Venue: TBC**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	<b>Gurner</b> contd.		
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
1.30pm – 2.30pm	<b>Gurner</b> contd.		
2.30pm – 3.00pm	<b>DELWP</b> represented by Rupert Watters of Counsel instructed by Kate Morris of Harwood Andrews – closing submission		30 mins
3.00pm – 4.30pm	<b>Without prejudice drafting session</b> – incorporated document		
4.30pm	Day close		

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**Hearing Timetable Notes:**

1. The Panel may amend the timetable without notice.
2. Please arrive at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
5. If you have any questions about the timetable, please contact Amy Selvaraj at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).