



25 March 2022

As addressed

Dear Submitter,

Fishermans Bend Standing Advisory Committee
Tranche 5: Amendment C195port – 240-246 Normanby Road, South Melbourne

The Minister for Planning has referred the above matter to the Fishermans Bend Standing Advisory Committee (SAC). The SAC was appointed under section 151 of the *Planning and Environment Act 1987*. The Department of Environment Land Water and Planning (DELWP) has referred your submission to the SAC.

The members of the SAC for this referral are Tim Hellsten (Chair), Rachael O'Neill and Philippa Crone.

The role of the SAC is to:

- provide independent advice to the Minister on only unresolved issues between the Proponent and other parties relating to site specific planning controls
- provide a timely, transparent and consultative process for assessment of the suitability of site specific planning controls for land within Fishermans Bend.

A copy of the SAC's Terms of Reference can be found via the following [link](#).

All submissions and information provided through the process, including at the round table about the Amendment will be **treated as public documents**. Please note the attached *Privacy Collection Notice*.

Submissions have been referred from the City of Port Phillip (Council), APA Group, Melbourne Water, Fishermans Bend Taskforce (the Taskforce) and Department of Transport (DoT) along with the final proposal, the statement of agreement and issues remaining in dispute and the completed Office of the Victorian Government Architect (OVGA) design review.

Clause 35 of the Terms of Reference provides the SAC will convene a round table or virtual forum to discuss the issues in dispute. The SAC considers that a 2-day round table will be the most appropriate format to hear submissions via videoconference or mix of videoconference/face to face discussion.

The SAC proposes to hold a Directions Hearing and a round table session for this matter as detailed below.

Directions Hearing

The purpose of the Directions Hearing is to:

- consider any preliminary or procedural issues
- confirm the current position of parties and issues in dispute
- discuss arrangements for the conduct of the round table session including:

Privacy Statement

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 the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

- round table arrangements (including whether by videoconference) including arrangements for hosting of the video conference, distribution of invitation links and preferred video conference platform
- confirmation of documents to be circulated
- document sharing (including establishment and use of a shared document hub)
- the exchange of any expert witness reports (if any) on the issues in dispute, arrangements for evidence in chief and cross examination and the provision of party submissions
- the structure of the round table format (see draft SAC approach below)
- the structure of party submissions (see draft SAC approach below)
- identifying which issues will be addressed through an 'on the papers' approach only
- the process for incorporated document drafting discussion/submissions
- the SAC's draft directions (set out below)
- answering any questions parties may have about the round table session.

The Directions Hearing will be held by Zoom video conference:

10.00am, Thursday 31 March 2022

To facilitate this, Counsel for DELWP has already sent parties a placeholder invitation to attend this session (as well as the round table). If you have not already received this invitation, then please advise Planning Panels Victoria as soon as possible. DELWP will confirm invitations at least 48 hours before the Directions Hearing.

You should attend the Directions Hearing if:

- you represent the Minister for Planning, Council or the proponent
- you wish to participate in the round table session or to inform the SAC of relevant matters
- you have any questions about the SAC process or wish to raise any procedural issues.

Parties wishing to be participate in the round table

Please complete the [online Request to be Heard Form](#) by **12.00 pm (noon) on Tuesday 29 March 2022** if:

- you wish to be heard at the Directions Hearing and any subsequent round table
- you do not wish to be heard but would like a copy of the Timetable and Directions.

Completing the request to be heard form

When completing the *Request to be Heard Form*, please note the following:

1. It will not be necessary for parties to identify time required for submissions given the proposed round table issue discussion format. Time allocation for each issue will be discussed at the Directions Hearing.
2. The email address provided on the form will be used for future correspondence and provided to other parties to the round table to allow information or Expert Witness Reports to be circulated, unless you specify otherwise. So please include all relevant people.
3. If you have any access requirement to participate in the round table session, please contact PPV.
4. Details of any experts to be called must be identified. Arrangements for the distribution of expert witness reports and providing evidence in chief will be discussed at the Directions Hearing however the focus of the round table will be on presenting expert opinions and assisting the SAC understanding the issues in dispute and not extensive cross examination.

Round table proposed dates and proposed format

The round table will be held over a two-day period (**Tuesday and Wednesday 19-20 April, 2022**) with a third day (**Thursday 21 April, 2022**) identified as a reserve day if required. Counsel for DELWP has already sent parties a placeholder invitation to attend the round table. If you have not already

received this invitation, then please advise Planning Panels Victoria as soon as possible. DELWP will confirm invitations at least 48 hours before the round table.

The SAC proposes the following round table approach and draft directions for discussion at the Directions Hearing:

Proposed Round table approach

1. The round table will be conducted around the issues in dispute and set out in the 'Table of Issues in Contention and Agreement between the Parties' received on the 24 March 2022 and consolidated into themes below by the SAC (noting potential mismatch with referral submissions and Table summary):
 - Building height and tower setbacks
 - Building design:
 - Podium and tower architectural treatments
 - Ground level floor area use, detail and activation (including Munro Street)
 - Design detail:
 - communal amenities
 - floor levels (flooding)
 - Clause 58 compliance including storage, communal open space, access, solar access and energy efficiency
 - asset (including gas pipeline) clearance and setbacks (APA issue not identified in Table)
 - Car and bicycle parking:
 - design detail of car stackers and bay widths and access ramp angle
 - EV charging point access
 - bicycle maintenance facilities (DoT issue not identified in Table)
 - vehicle crossing location design details
 - Green Travel Plan (DoT issue not identified in Table)
 - role of serviced apartments in meeting non-residential (employment floor area) targets
 - Affordable Housing bedroom mix.
2. The SAC will hear a short 30 minute Amendment overview from DELWP including identification of issues in dispute and its principal position on them.
3. The DELWP overview will be followed by a 20 minute presentation from the Proponent and architect representative on the proposal and respond to key issues including the OVGA design report with an opportunity for the SAC to ask clarifying questions about the development plans
4. A 5 minute summary from each party of its key issues and position on them will follow the Proponent's overview presentation.
5. The Office of the Victorian Government Architect will then be provided with a 10 minute opportunity to summarise its Design Report.
6. The SAC will then manage round table discussions on the issue themes identified in the Timetable, hearing from each party on those issues (as relevant) in the order identified below. Times will be allotted to each issue following advice from parties at the Directions Hearing.
7. The SAC will hear concise submissions on each issue in the following order (where parties are in dispute for that issue or have identified conditional support for that issue):
 - Proponent
 - DELWP
 - Council
 - Fishermans Bend Taskforce
 - Department of Transport
 - Melbourne Water

- APA Group.

The SAC may ask the Proponent and DELWP for a brief response to issues/matters identified by other parties after each issue theme discussion.

8. Submissions should:
 - clearly articulate positions on the issues in dispute (while the issue theme responses may include context and detailed explanation they should not be read verbatim at the round table and parties will be asked to succinctly summarise issue positions and reasons)
 - clearly articulate any conditional acceptance of issues or suggested design or document changes in response to each issue
 - include a table of requested changes to the DELWP round table Day 1 version of the Incorporated document.
9. Department or Agency parties may make submissions to the SAC without attending the round table if their issues are limited.
10. The Proponent's submission should also respond to the issues in contention and OVGA design report and include details of:
 - a. Response to Clause 58 provisions regarding on site amenity and facilities
 - b. Detail of basement storage provision for residential apartments
 - c. Car parking space height clearances, any provisions for disabled bays, stacker details (on plan and written detail)
 - d. Impacts of any DDA requirements on floor templates or building detail
 - e. Drawing or illustrative responses to referrals that it accepts.
11. The SAC may ask questions of submitters in a discussion format based on submissions made to it on each issue.
12. Parties may call evidence on issues in dispute, however evidence will be taken as read with a 15 minute overview permitted. There will be minimal opportunity for cross-examination however parties may put questions to witnesses to clarify their statements/opinions including alternative design response options. Experts should structure their statements consistent with the submission themes and may speak to that evidence during the relevant issue theme discussion.
13. No closing submissions.
14. Following the round table, parties will have an opportunity to provide 'without prejudice' responses on a 'Final DELWP round table version of the Incorporated document', with dates to be confirmed at the conclusion of the round table. There will be no follow-up submissions in response.

Draft Directions

15. By **12.00pm on Friday 1 April 2022** all parties are to provide Planning Panels Victoria with an individual email address and telephone number for each participant (including legal representatives and experts) and where relevant, observer(s), for that party. This information is required so PPV can provide the email details to DELWP so they can be circulated the video conference round table invitation links and advised of the shared document hub details. PPV will also use this information to provide support during the round table if required.
16. By **12.00pm on Tuesday 5 April 2022**, DELWP is to circulate to the SAC and all parties:
 - a. Individual calendar invitations for a video conference round table using Microsoft Teams or Zoom and instructions for using the same

- b. login details to access a secure online file sharing platform to facilitate electronic tabling of documents during the round table in a way that is transparent to all round table participants and observers.
17. By **12.00pm, Wednesday 6 April 2022** the Proponent is to:
- a. provide a set of architectural plans with dimensions (as a minimum with dimensioned grid lines)
 - b. circulate any amended plans or confirm it is pursuing the September 2021 version of plans.
18. All parties are to circulate any expert evidence to all parties on the distribution list by **12.00pm, Tuesday 12 April 2022**.
19. DELWP to provide a brief Part A submission to all parties on the distribution list by **12.00pm, Tuesday 12 April 2022** which sets out:
- a. the background chronology of the permit application and draft Amendment
 - b. include all draft Amendment documents not already provided (Maps, schedule changes) as attachments
 - c. confirm its position on the key issues in dispute and any proposed changes to the Incorporated document
 - d. its preferred version of the incorporated document (Day 1 version) including its response to the proposed conditions of Melbourne Water, the APA Group and DoT referrals and any proposed conditions in response to the submissions of the Taskforce and City of Port Phillip Council. The version should also reconcile the incorporated document purpose – with the permit application.
20. Any further amended plans prepared by the Proponent in response to evidence are to be circulated to all parties on the distribution list by **12.00pm, Wednesday 13 April 2022**.
21. Submissions of parties on the issues in dispute to be circulated to all parties on the distribution list by **12.00pm, Thursday 14 April 2022**.

Further Information

If you have any queries, please contact Amy Selvaraj, Senior Project Officer at Planning Panels Victoria on [REDACTED]

Yours sincerely,



Tim Hellsten

Chair, Fishermans Bend Standing Advisory Committee

Draft Distribution List

Fishermans Bend Standing Advisory Committee – Amendment C195port 240 – 246 Normanby Road, South Melbourne

Version 1 – 25 March 2022

This list is to be used to circulate information as directed by the SAC.

Electronic documents

Party	email address
Fishermans Bend Standing Advisory Committee	[REDACTED]
Department of Environment Land Water and Planning (DELWP) – Statutory Planning Services	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Proponent MG Normanby Road Pty Ltd	[REDACTED] [REDACTED]
APA Group	[REDACTED] [REDACTED]
City of Port Phillip	[REDACTED] [REDACTED] [REDACTED]
Department of Jobs, Precincts and Regions – Fishermans Bend Taskforce	[REDACTED] [REDACTED]
Department of Transport	[REDACTED] [REDACTED] [REDACTED]
Melbourne Water	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Office of the Victorian Government Architect (OVGA)	[REDACTED] [REDACTED]

Privacy Collection Notice

Your submission has been collected for the primary purpose of this Standing Advisory Committee process.

Natural justice for all participants and transparency are important parts of the Standing Advisory Committee process. In meeting its legislative requirements, the Standing Advisory Committee may:

- provide a copy of your submission with all contact details to the Proponent, Local Council, Government Agencies and other parties to the Hearing
- provide a copy of your submission to the Department of Environment, Land, Water and Planning if needed for preparing Ministerial briefings
- display a copy of your submission in the Planning Panels Victoria Office or Hearing room.
- display a copy of your submission in the relevant Local Council Office or Regional Government Office as appropriate.

Displaying submissions online

The Standing Advisory Committee does not propose to display your full submission on a website unless this is necessary, and you have given your consent. However, your name and other personal information may be published on the internet as detailed below.

Publication of your personal information on the internet

A Standing Advisory Committee Report will be published on the internet and may include:

- each submitter's name
- direct quotes from submissions
- submitter addresses, if required.

Please note that even when your personal information is removed from the internet, it may remain on external servers indefinitely.

Hearing of submissions

A round table session may be held by videoconference, in person, or a combination of these. You should be aware the Standing Advisory Committee may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available to submitters and parties to the round table who request it from Planning Panels Victoria at planning.panels@delwp.vic.gov.au
- use your phone contact details to contact you during a telephone/video hearing, if necessary.

The Standing Advisory Committee will direct that parties:

- use any recording provided by Planning Panels Victoria solely for the purpose of the Standing Advisory Committee process
- not record online the Direction Hearing or round table.

The Standing Advisory Committee cannot:

- guarantee that a third party will not produce an unauthorised recording
- regulate how recordings are used outside the hearing context.

After the Standing Advisory Committee has reported

When the Standing Advisory Committee has reported to the Minister for Planning, your submission will be removed from public display.

Your original submission and any additional material provided will be held at Planning Panels Victoria for two years and then sent to the Public Record Office Victoria. All additional copies of the submission and other material held by Planning Panels Victoria will be securely destroyed.

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 5714.