



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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10 March 2021

As addressed

Dear parties,

Fishermans Bend Standing Advisory Committee – Tranche 1 Site 1 Port Phillip Planning Scheme Amendment C165port 264-270 Normanby Road, South Melbourne

The Fishermans Bend Standing Advisory Committee (SAC) held a further Directions Hearing for the above matter on 9 March 2021 via video conference. The Direction Hearing confirmed:

- a) That Site 3 was to be withdrawn and that the SAC's referral consideration will be limited to Site 1 based on the plans circulated to the previous SAC on 15 November 2019 and dated 30 October 2019.
- b) That the Department of Environment, Land, Water and Planning (DELWP) has prepared and circulated an updated Incorporated Document for Site 1 (2 March 2021) which includes the proposed conditions sought by APA, Melbourne Water, Department of Transport and VicRoads.
- c) The matter will proceed under the April 2020 Terms of Reference.
- d) To facilitate the matter's consideration under the new Terms of Reference, DELWP (through Harwood Andrews) and the Proponent (Sumill Pty Ltd and DW Keir Pty Ltd represented by Rigby Cooke) have agreed on a timetable of actions and dates (based on the Harwood Andrews letter of 17 February 2021) to be undertaken before the SAC roundtable including:
 - referral of the application to the Office of the Victorian Government Architect (OVGA) for the provision of a design review report, conference of parties to identify issues in dispute and provide a statement of agreement and issues remaining in dispute and an updated Incorporated Document (steps 6 to 13)
 - re-referral of the matter to the Committee from the Minister for Planning (step 14).

These arrangements were broadly supported by the other parties and the SAC.

- e) The matter will be conducted by a roundtable video conference arrangement commencing **10.00am on Monday 21 June 2021** and extending to 24 June with a reserve day on the 25 June 2021.

Please find attached:

1. SAC Directions
2. Updated Distribution List (v13) for Site 1 – note the SAC has removed from the distribution list those submitters who have not sought to be a party to the matter (APA, Department of Transport and VicRoads). The SAC notes DELWP may need to keep these submitters involved in the pre-referral steps as provided for in the Terms of Reference.

Privacy Statement

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The following dates apply:

Time	Date	Action	Direction
12.00 noon	Friday, 21 May 2021	OVGA Design Review, Statement of agreement and updated Incorporated Document circulated	5, 6 & 7
12.00 noon	Friday, 11 June 2021	DELWP must circulate its Part A submission	8
12.00 noon	Friday, 11 June 2021	Parties must circulate Expert witness reports	11
12.00 noon	Friday, 18 June 2021	Parties must circulate their Roundtable written submissions	12
10.00am	Monday, 21 June 2021	The Roundtable starts	

Declarations

At the Directions Hearing both Mr Hellsten and Ms Rachael O'Neill declared they had no conflicts of interest in this matter.

Roundtable arrangements

1. Parties to the Roundtable:

- DELWP represented by Ms Kate Morris of Harwood Andrews and assisted by Ms Amara Coleman of Harwood Andrews and Ms Shobhna Singh of DELWP. DELWP indicated that it was unlikely to call evidence
- Proponent represented by Mr Chiappi of counsel and instructed by Ms Gemma Robinson of Rigby Cooke and were likely to call planning and economic witnesses. It was noted that Mr Chiappi may not be available at the roundtable commencing on the 21 June 2021
- Port Phillip City Council represented by Mr Simon Gutteridge with other officers in attendance and potentially calling Affordable Housing evidence
- Fishermans Bend Taskforce (Taskforce) represented by Mr Aidan O'Neill and assisted by Nick Roebuck of Taskforce
- Melbourne Water represented by Mr Karageorge.

2. Submissions:

The SAC will hear from each party (as relevant) in relation to the issue themes in the following order – DELWP, Council, Taskforce, Melbourne Water, the Proponent and a response from DELWP. The issue themes will be confirmed in the Roundtable Timetable that will be provided by the SAC to parties following the receipt of the statement of agreement and issues remaining in dispute. Written submissions should be structured around the identified themes (as relevant) and identify any changes sought to amendment documents or respond to the latest version of the Incorporated Document issued before the roundtable.

3. Role of OVGA

The OVGA is invited to attend the roundtable as a presenter to provide an overview of its design review response and respond to any questions of the Committee or questions of clarification from other parties. On receipt of the OVGA Design Review, DELWP should notify the SAC of the relevant OVGA contact person so they can be invited to the roundtable.

4. Evidence:

Any evidence shall be provided during the relevant issue theme discussion. Evidence should be set out using issue themes where possible. Evidence in Chief should be limited to 10 minutes with cross examination limited as far as practicable and reasonable, to matters of clarification.

Roundtable invitations and document hub

DELWP through Harwood Andrews will provide videoconference invitations to parties for the Roundtable and instructions for using the most suitable videoconference platform. This invite will be sent to the SAC members, Planning Panels Victoria support staff, parties on the distribution list, the relevant OVGA contact person and expert witnesses. If parties require additional invitations, they should contact Amy Selvaraj at Planning Panels Victoria. Invitations must not be forwarded to other persons. The videoconference invitations should be sent once parties confirm the details of their expert witnesses.

Harwood Andrews has also agreed to the Committee's request to set up an accessible shared document hub for documents to be relied on by the parties. This will be sent to parties on the distribution list and to expert witnesses. If parties require additional links, they should contact Amy Selvaraj at Planning Panels Victoria in the first instance.

Further Directions

The Committee will issue a further set of Directions including arrangements for circulation of evidence and submissions and a roundtable Timetable following the distribution of the statement of agreement and issues remaining in dispute, the OVGA Design review and confirmation of expert witness details.

If you have questions, please contact Amy Selvaraj, Senior Project Officer, Planning Panels Victoria on (03) [REDACTED] or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Tim Hellsten

Deputy Chair Fishermans Bend Standing Advisory Committee

SAC Directions

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Before the Roundtable

Shared document folder

1. DELWP are to provide a secure on-line file sharing platform to facilitate access to amendment materials and tabled documents circulated relating to the roundtable. DELWP is to circulate the link and instructions relating to the on-line file sharing platform to the to the SAC members and parties on the distribution list by **4.00pm Friday 19 March 2021**.
2. The Proponent must confirm with parties what existing lodged documents it is relying on by **4.00pm on Tuesday 16 March 2021** (this information should reference the Document List (v42) that was distributed to parties). Any new documents to be relied on should be circulated to parties on the Distribution list.
3. Documents should be circulated electronically by email to all parties on the distribution list and separately uploaded by parties on the shared drive.

Context plan

4. The Proponent is to prepare a context plan generally based on content included in the Urban Context Report. The updated content plan should include envelope elevations and views of the proposed building in the context of recent approvals for nearby sites and released Committee reports and informed by material to be made available by DELWP including its updated precinct maps and available 3D modelling. **The context plan should be provided to parties before the conference of parties.**

Referral to the Office of the Victorian Government Architect (OVGA) for design review

5. The proposed plans (once confirmed) must be referred to the OVGA for the preparation of a design review report as set out in the Harwood Andrews letter of the 17 February 2021.

DELWP is to provide the SAC the OVGA design review report by **12.00 noon on Friday 21 May 2021**.

If following the OVGA design review, the Proponent intends to make changes to the proposed plans it is relying on. They must inform the parties on the distribution list and circulate the new proposed plans or documents to parties on the Distribution list before the conference is held (as provided for in Paragraph 32 of the Terms of Reference).

Conference of parties

6. The parties are to conduct a conference to identify agreements and issues in dispute and prepare a written statement of agreements and issues remaining in dispute which is to be provided to the SAC by **12.00 noon on Friday 21 May 2021**.

Revised Incorporated Document

7. DELWP is to circulate a revised version of the Incorporated Document (Roundtable version) by **12.00 noon on Friday 21 May 2021**.

DELWP Part A submission

8. DELWP must circulate a Part A submission to parties on the distribution list by **12.00 noon on Friday, 11 June 2021** that includes:
 - a) overview of the proposal

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- b) summary of strategic context
- c) a summary of its position on the issues in dispute
- d) summary of updated Incorporated Document (Roundtable version) and any proposed amendment changes.

Note: DELWP's Part A submission will be taken as read by the SAC at the Roundtable. DELWP should allow time for questions about its Part A submission on Day 1.

Witness reports

- 9. Parties must confirm with the SAC and those parties on the distribution list their expert witness details by **12.00 noon on Wednesday 26 May 2021**.
- 10. 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 SAC as an unlocked document.
- 11. Parties must circulate their witness reports to parties on the distribution list by **12.00 noon on Friday, 11 June 2021**.

Submissions and information

- 12. Parties should present material at the roundtable electronically in MS Word format and unlocked format. Submissions prepared for the Roundtable must be:
 - a) circulated to parties on the distribution list and uploaded to the shared drive by **12.00 noon on Friday 18 June 2021**.
 - b) structured around the issues in dispute themes (as relevant) and identify changes sought to the amendment documents including those proposed by DELWP in its Roundtable version of the Incorporated Document.
- 13. All information presented at the roundtable is a public document unless the SAC directs otherwise.
- 14. The City of Port Phillip shall by **12.00 noon on Friday 21 May 2021** inform the SAC and DELWP if they are able to access the Zoom Video Conference Platform for the week commencing the 21 June 2021.

At the Roundtable

- 15. Subject to a further Direction and Timetable.