



26 March 2020

As addressed

Dear Submitter

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

The Fishermans Bend Standing Advisory Committee (SAC) has received two suggested timeframes for moving the matter forward from the Proponent, Gurner (letter dated 20 March 2020 – SAC Document 17) and the Department of Environment, Land, Water and Planning (DELWP) (letter dated 24 March 2020 – SAC Document 19).

In principle the SAC supports and encourages the further discussions with the view of narrowing the issues in dispute.

The suggested pathways are in accord up to the agreement for evidence to be identified by the Proponent by Friday 3 April 2020. The SAC accepts and directs the following occur:

1. Circulation of draft plans by **4.00pm Monday 23 March 2020** to parties (not SAC) (new direction).
2. Comments by these parties to the Proponent by **4.00pm Friday 27 March 2020** (new Direction).
3. Amended plans circulated to all parties and SAC by **4.00pm Friday 3 April 2020** (update to Direction 3).
4. Clarification of documents to be relied by **4.00pm Friday 3 April 2020** (update to Direction 4).
5. Confirmation of experts by **4.00pm Friday 3 April 2020** (update to Direction 12).

After the 3 April 2020 there is some divergence on dates as follows:

| Issue  | Gurner            | DELWP             |
|--|-------------------|-------------------|
| Evidence circulation (Direction 14)  | COB 14 April 2020 | COB 9 April 2020  |
| DELWP Circulate Statement of Agreement (Direction 5), revised, track changes version of the Incorporated Document (Direction 6) and Part A (Direction 8) | COB 16 April 2020 | COB 24 April 2020 |
| Taskforce outline of submissions (Direction 10)  | COB 16 April 2020 | COB 24 April 2020 |

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|  |                      |                          |
|--|----------------------|--------------------------|
| Hearing start (or COVID-19 alternative arrangements) | Monday 20 April 2020 | Not before 27 April 2020 |
|--|----------------------|--------------------------|

Having considered these dates the SAC directs as follows:

Direction 14 remains unchanged:

1. Evidence to be circulated by **4.00pm Thursday 9 April 2020** (*the experts will have had the views of parties on Amended plans since 27 March 2020*).

Directions 5, 6, 8 and 10 be updated to:

2. The DELWP revised, track changes version of the Incorporated Document, Part A and Statement of Agreement, and the Taskforce outline of submissions be circulated by **12 noon on Friday 17 April 2020** (*which is longer than in the original consent directions*).
3. The Hearing to commence on **Monday 20 April 2020** as previously directed (*or alternative COVID-19 arrangements*).

Please find below an updated version 3 set of directions.

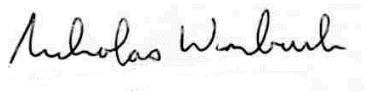
The SAC does not consider the retention of the previously agreed Hearing dates at this point should seriously disadvantage any party. The SAC reserves the right to change this view in the light of new information.

#### **Hearing arrangements**

As you can understand the situation is very fluid regarding Government directives around COVID-19. As other Panels are doing the SAC is open to exploring other options including 'on the papers' (some other Panels are, by consent, undertaking even the testing of evidence in writing) or a video-link up for some or part of the Hearing. All movements towards a consent position on merits issues should assist in making these alternative arrangements simpler.

If you have any queries, please contact Amy Selvaraj, Senior Project Officer at Planning Panels Victoria at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,



**Nick Wimbush**

Co-Chair, Fishermans Bend Standing Advisory Committee

# SAC Directions

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

## Version 3 – 26 March 2020

The following dates still 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  | Friday, 3 April 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  | Friday, 3 April 2020   | The Proponent to circulate amended plans   | 3         |
| 4.00pm  | Friday, 3 April 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        |
| 12.00pm | Friday, 17 April 2020  | DELWP to circulate a statement identifying points of agreement and disagreement  | 5         |
| 12.00pm | Friday, 17 April 2020  | DELWP to circulate a track changes version of the Incorporated Document with points of agreement and disagreement identified | 6         |
| 12.00pm | Friday, 17 April 2020  | DELWP to circulate its Part A submission   | 8         |
| 12.00pm | Friday, 17 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  |           |

## 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 Friday 3 April 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 Friday 3 April 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 **12.00pm on Friday 17 April 2020**.
6. A revised, track changes version of the Incorporated Document should be circulated by DELWP by **12.00pm on Friday 17 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 **12.00pm on Friday 17 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**.

#### **Fishermans Bend Taskforce**

10. By **12.00pm on Friday 17 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 Friday 3 April 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 **12.00pm 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:
- circulated to parties on the distribution list by 10.00am on the morning the information is to be presented
  - 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.

### **DELWP Part B submission**

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

### **Proponent Submission**

22. At the Hearing, the Proponent must provide:
- a detailed response to submissions including that of the Fishermans Bend Task Force and the City of Port Phillip
  - a detailed assessment of the proposal against relevant planning policy in the planning scheme
  - a detailed assessment and response against the relevant decision guidelines in the zone and overlay controls in the planning scheme
  - 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.

#### **Novel Coronavirus 2019 (COVID-19):**

##### **Advice from Health Authorities**

- 27. You should monitor the advice from health authorities on COVID-19 at <https://www.dhhs.vic.gov.au/coronavirus>

##### **Scheduled Hearings**

- 28. Please be aware that the Panel may reschedule, postpone or cancel face to face scheduled hearings at short notice if there is a known risk to people attending from COVID-19 or on the advice of Victorian health authorities and the Victorian State Government.
- 29. Scheduled and new hearings may be arranged through video or phone conference where practicable.

##### **At the Hearing**

- 30. If you are unwell or showing any symptoms of COVID-19 or have been in contact with anyone with COVID-19 then you must not attend the Hearing. Information on symptoms and at-risk travel and contact is available on the DHHS website above.
- 31. If you cannot attend in person for the reasons above contact [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) to discuss alternative arrangements.
- 32. If you attend a hearing in person you must fill in the attendance sheet with full contact details in case we need to contact you later in the event of an identified virus threat.
- 33. Pay close attention to personal hygiene at the hearing including frequent hand-washing, avoiding physical contact with others and making use of hand sanitisers provided.

##### **After the Hearing**

- 34. If you become unwell within 14 days of attending the hearing with symptoms that may indicate you have contracted COVID-19 you should contact your health professional first and then advise the Planning Panels Victoria Business Manager as soon as possible on 8392 5114 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

