



1 May 2020

As addressed

Dear Submitter,

**Fishermans Bend Standing Advisory Committee
Amendment C166 – 256-262 Normanby Road, South Melbourne (Site 2)**

The Fishermans Bend Standing Advisory Committee (SAC) considering this matter received correspondence from the Department of Land, Water and Environment (DELWP) on 24 April 2020 outlining proposed draft directions and hearing timetable for the SAC consideration.

The SAC noted in the correspondence that all parties have confirmed their agreement to the video hearing timetable but not all of the draft directions.

Hearing timetable

The SAC has considered the proposed timetable and has made minor adjustments. In particular, the SAC will not be sitting on Wednesday 17 June 2020. The SAC has also moved the without prejudice drafting session to the end of the hearing. These changes are detailed below in the version 1 timetable for this matter.

Proposed Directions

There is disagreement between the parties in regard to when draft Incorporated Document with comments by DELWP was to be circulated. In summary, the Proponent and the City of Port Phillip (COPP) have requested that this version of the draft Incorporated Document be provided to all parties by 4.00pm 18 May 2020 rather than DELWP's proposed timeframe of 4.00pm 22 May 2020.

COPP suggested that subject to DELWP providing its comments on the draft Incorporated Document by 18 May 2020, the COPP, the Fishermen's Bend Taskforce and all referral authorities could provide comments on the DELWP version on 25 May 2020. DELWP could then provide its final version (taking into account the comments of COPP and others on 25 May 2020) and circulate a final preferred version with DELWP's Part A submission. DELWP did not agree with this proposed timing.

Having considered the above matters the SAC considers that the timeframes proposed by COPP are preferable. In some instances, the SAC has also moved forward dates for the circulation of material where this was due on the day it was to be presented. This is to account for the electronic format of the Hearing where Members are working electronically from home and have limited technical support to access documents at short notice.

Please find attached the SAC Directions (version 2).

The following key dates apply:

Time	Date	Action	Direction
4.00pm	Friday, 8 May 2020	Confirm names of any expert witnesses proposed to be called.	1a

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



Time	Date	Action	Direction
4.00pm	Friday, 8 May 2020	Proponent must clarify documents to be relied on.	1b
4.00pm	Friday, 8 May 2020	Proponent to provide updated 3D model to DELWP.	1c
4.00pm	Friday, 8 May 2020	Proponent to circulate new draft Incorporated Document based on amended plans.	1d
4.00pm	Wednesday, 13 May 2020	City of Port Phillip, Fishermans Bend Taskforce and referral authorities to provide any update to their submission in response to the amended plans and draft Incorporated Document with any proposed changes.	2
4.00pm	Wednesday, 13 May 2020	Vantage points to be advised to DELWP for use in 3D modelling/images.	9
12.00pm	Friday, 15 May 2020	Provide individual email address and telephone number for each hearing participant (including legal representatives and experts) and observer for that party.	11
4.00pm	Monday, 18 May 2020	DELWP to email individual calendar invitations for a video hearing and login details to access a secure online file sharing platform.	12
4.00pm	Monday, 18 May 2020	DELWP to circulate an indexed and page numbered E-book.	3
4.00pm	Monday, 18 May 2020	DELWP to circulate a track changes version of Proponent's draft Incorporated Document with any proposed changes.	4
4.00pm	Monday, 25 May 2020	City of Port Phillip, Fishermans Bend Taskforce and all referral authorities are to provide comments on the draft version of the Incorporated Document circulated by DELWP on the 18 May 2020.	5
12.00pm	Monday, 1 June 2020	Expert evidence to be circulated.	15
12.00pm	Monday, 1 June 2020	DELWP to circulate its Part A submission and further track changes version of the Incorporated Document.	8
12.00pm	Friday, 12 June 2020	DELWP to circulate Part B Submission.	14a
12.00pm	Friday, 12 June 2020	Fishermans Bend Taskforce and Melbourne Water to circulate their submissions.	14b
12.00pm	Friday, 12 June 2020	Advise the Committee of the proposed order of their expert witnesses.	14c
10.00am	Monday, 15 June 2020	Hearing commences	
4.00pm	Monday, 15 June 2020	City of Port Phillip to circulate submission.	15
4.00pm	Wednesday, 17 June 2020	Proponent to circulate Opening Submission any presentations to be presented by experts.	16

At this stage, due to the circumstances in relation to the COVID-19 the SAC proposes to schedule this hearing by video conference, but the SAC will revisit the situation closer to the time. If a face to face hearing is to be held based on the advice of Victorian health authorities and the Victorian State Government, the Directions may change.

The SAC also notes that DELWP intends to seek further information from the Proponent and will provide a copy of this request to the SAC and all parties at the same time as the Proponent.

If you have questions, please contact Ms Amy Selvaraj at Planning Panels Victoria at planning.panels@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dalia Cook', written in a cursive style.

Dalia Cook

Chair, Fishermans Bend Standing Advisory Committee

SAC Directions

Amendment C166 – 256-262 Normanby Road, South Melbourne (Site 2)

Version 2 – 1 May 2020

Before the Hearing

Circulation of Documents

1. By **4.00pm on Friday 8 May 2020**:
 - a) **All Parties** are to confirm with the SAC and all parties the name(s) and area of expertise of any expert witness(es) to be called by that party
 - b) The **Proponent** is to clarify with the SAC and all parties the documents to be relied upon by the Proponent
 - c) The **Proponent** is to provide the Department of Environment, Land, Water and Planning (DELWP) digital files of the amended plans so that DELWP can update the 3D Urban Circus model
 - d) The **Proponent** is to circulate a updated draft Incorporated Document based on the amended plans.
This information is to be provided to all parties on the Distribution List.
2. By **4.00pm on Wednesday 13 May 2020** the **City of Port Phillip, Fishermans Bend Taskforce** and **referral authorities** are to circulate:
 - a) Any update to their submission to DELWP in response to the amended plans including an executive summary of the key issues of concern to that party to assist DELWP to identify the matters in dispute between each of the parties
 - b) Tracked-changes version of the Proponent's draft Incorporated Document with any proposed changes.
3. By **4.00pm on Monday 18 May 2020**, **DELWP** is to circulate to the SAC and all hearing participants an indexed and page numbered E-book including:
 - a) planning controls & policies
 - b) surrounding planning permits
 - c) site-specific maps (planning scheme maps, Melways map, aerial photos).
4. By **4.00pm on Monday 18 May 2020**, **DELWP** is to circulate its tracked changes version of Proponent's draft Incorporated Document to parties on the Distribution List.
5. By **4.00pm on Monday, 25 May 2020**, the **City of Port Phillip, the Fishermen's Bend Taskforce** and **all referral authorities** are to circulate any comments on the draft version of the Incorporated Document circulated by DELWP on the 18 May 2020, to all parties on the Distribution List.

Witness reports

6. By **12.00pm on Monday 1 June 2020**, **all parties** are to circulate any expert witness reports they seek to rely on to parties on the Distribution List.
7. 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.

DELWP Part A submission

8. By **12.00pm on Monday 1 June 2020**, **DELWP** is to circulate to parties on the Distribution List its Part A submission and a further track changes version of the draft Incorporated Document with points of agreement and disagreement between the parties identified.

Vantage Points

9. By no later than **4.00pm on Wednesday 13 May 2020** the SAC and parties should advise DELWP of requested vantage viewing points of interest for 3D model screenshots and for site inspection. These requests should also be provided to all parties on the Distribution List.

Prior to the hearing

10. The hearing is to proceed partly on the papers and partly using a video conferencing technology known as Microsoft Teams (**Teams**).

Please be aware that the SAC may reschedule the hearing to be face to face at short notice on the advice of Victorian health authorities and the Victorian State Government.

11. By **12.00pm on Friday 15 May 2020**, **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.
12. By **4.00pm on Monday 18 May 2020**, **DELWP** is to circulate to the SAC and all hearing participants and spectators:
 - a) Individual calendar invitations for a video hearing using Microsoft Teams 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 hearing in a way that is transparent to all hearing participants and observers.

At the Hearing

Submissions and information

13. After presenting to the SAC, submissions (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.

DELWP Part B submission and Parties' submissions

14. By **12.00pm on Friday 12 June 2020**:
 - a) **DELWP** is to circulate its Part B Submission to the SAC and all parties
 - b) **Fishermans Bend Taskforce** and **Melbourne Water** are to circulate their written submissions to the SAC and all parties
 - c) **All parties** are to advise the SAC and all other parties on the Distribution List of the proposed order of their expert witnesses.
15. By **4.00pm on Monday 15 June 2020** the **City of Port Phillip** is to circulate its written submission to the SAC and all parties.

Proponent Submission

16. By **4.00pm on Wednesday 17 June 2020**, the **Proponent** is to circulate the following to the SAC and all parties:
 - a) Proponent's written opening submission
 - b) any visual material/Powerpoint presentation to be presented by experts (with no substantive new material compared with witness report).

Directions:
Amendment C166 – 256-262 Normanby Road, South Melbourne (Site 2)

17. **The Proponent** is to circulate its written closing submission on the day it is presented to the SAC and all parties before presenting it in the video hearing.

DELWP closing submission

18. By **9.30am**, on the day it is presented to the SAC and all parties in the video hearing, **DELWP** is to circulate to the SAC and all parties:
- a) any closing submission it wishes to make
 - b) a final tracked-change version of the draft Incorporated Document incorporating comments and points of agreement/disagreement.

Joining and participating in the video hearing

19. All hearing participants and observers are to download the Teams application to their device and familiarise themselves with the application before the hearing starts. This should include testing of the microphone, speaker and camera. The application can be downloaded [here](#) free of charge.
20. All hearing participants and observers are to log on to the secure online file sharing platform and familiarise themselves with its content and functions before the hearing starts.
21. Participants and spectators are to join the video hearing at least 15 minutes before it is scheduled to start by clicking on the [Join Microsoft Teams Meeting](#) link the video hearing calendar invitation.
22. When joining the video hearing, you will be asked to enter your name and details.
23. After 'joining' the video hearing, you will enter a virtual lobby and remain there until admitted into the video hearing.
24. Except at the direction of the SAC, recording the video hearing is prohibited.
25. Participants and spectators in the video hearing are expected to ensure that:
- a) They are joining the virtual hearing from a quiet, private location
 - b) They have adequate internet coverage, a working microphone and camera
 - c) For all hearing participants (other than experts), their microphone remains muted except when addressing the SAC
 - d) For all experts, their microphone remains muted and camera switched off except when they are giving evidence to the SAC
 - e) For all hearing observers, their microphone remains muted and camera switched off at all times.
 - f) Microphones are muted during all breaks.
26. If an advocate intends to refer an expert witness to a document that has not already been tabled before the SAC, the advocate must share the document electronically as soon as practicable beforehand, with the SAC and all hearing participants.
27. During the hearing, a document may be tabled with the SAC by sharing it electronically with the SAC and all hearing participants using the DELWP nominated secure online document sharing platform.

General

Other sites in Fishermans Bend

28. 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.

Timetable

Amendment C166 – 256-262 Normanby Road, South Melbourne (Site 2)

Timetable Version 1 – 1 May 2020

The scheduled time in the timetable is intended to allow for any questions from the SAC and other parties through the SAC.

Day 1: Monday 15 June 2020

Venue: Microsoft Team Video Meeting

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Ausun Property CBD Pty Ltd represented by Rigby Cooke Lawyers presenting: - Overview of proposal design by project architect.		45 mins
11.00am – 1.00pm	Department of Environment, Land, Water and Planning (DELWP) represented by Harwood Andrews - Part B Submission.		2 hours
11.30am – 11.45am	Morning Tea Break		15 mins
11.45am – 1.00pm	DELWP contd.		
1.00pm – 2.00pm	Lunch Break		1 hour
2.00pm – 3.00pm	Fishermans Bend Task Force represented by Aiden O'Neill		1 hour
3.00 – 3.30pm	Melbourne Water represented by (TBC)		1.5 hours
3.30pm – 3.45pm	Afternoon Tea Break		15 mins
3.45pm – 4.30pm	Melbourne Water contd.		
4.30pm	Day close		

Day 2: Tuesday 16 June 2020

Venue: Microsoft Team Video Meeting

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.30am	City of Port Phillip represented by Kierra Parker of Maddocks and calling the following expert evidence: - Marcus Spiller in Affordable Housing.		3 hours
11.30am – 11.45am	Morning Tea Break		15 mins
11.45am – 1.00pm	City of Port Phillip contd.		
1.00pm	Day close		

Timetable Version 1 – 1 May 2020:
Amendment C166 – 256-262 Normanby Road, South Melbourne (Site 2)

Day 3: Thursday 18 June 2020

Venue: Microsoft Team Video Meeting

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.30am	Ausun Property CBD Pty Ltd represented by Rigby Cooke Lawyers and calling the following expert evidence: - Mark Sheppard in Urban Design.		5 hours
11.30am – 11.45am	Morning Tea Break		15 mins
11.45am – 1.00pm	Ausun Property CBD Pty Ltd contd.		
1.00pm – 2.00pm	Lunch Break		1 hour
2.00pm – 3.00pm	Ausun Property CBD Pty Ltd contd.		
3.00pm	Day close		

Day 4: Friday 19 June 2020

Venue: Microsoft Team Video Meeting

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.45am	City of Port Phillip represented by Kierra Parker of Maddocks – right of reply.		30 mins
10.45am – 11.15am	DELWP represented by Harwood Andrews – right of reply.		30 mins
11.15am – 11.30am	Morning Tea Break		15 mins
11.30am – 1.30pm	Without prejudice drafting session – Incorporated Document.		2 hours
1.30pm	Day close		

Hearing Timetable Notes:

1. The Panel may amend the timetable without notice.
2. Please join the meeting 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, Senior Project Officer at planning.panels@delwp.vic.gov.au