



# 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

6 June 2019

As addressed

Dear Submitter,

## **Melbourne Planning Scheme Amendment C309: West Melbourne Structure Plan**

---

The Panel held a Directions Hearing for the above matter on 4 June 2019 at Planning Panels Victoria, 1 Spring Street Melbourne.

The following key dates apply:

Date	Step	Direction
Friday 14 June 2019	Parties must confirm expert witnesses	1
	Council must circulate background information	3
Friday 21 June 2019	Expert witness reports must be circulated	4
	Council must circulate a proposed site tour itinerary	7
Friday 28 June 2019	Parties must advise of any requested changes to the proposed itinerary	8
	Council must circulate its Part A submission	9
Monday 8 July 2019	Hearing commences	11

Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

If you have questions, please contact Ms Andrea Harwood, Senior Project Manager of Planning Panels Victoria on (03) 8392 5123 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,

**Sarah Carlisle**

Panel Chair

### 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



# Panel Directions

Melbourne Planning Scheme Amendment C309: West Melbourne Structure Plan

## Before the Hearing

### Confirmation of experts

1. Parties who have not yet done so must confirm the names of their expert witnesses to parties on the Distribution List by **4.00pm on Friday 14 June 2019**.
2. Council is to call Ian Kluckow, author of the Report titled *Amendment C309 – West Melbourne Structure Plan Preliminary Land Contamination Assessment* (Golder Associates, 17 April 2019), as the Panel will have questions for Mr Kluckow.

### Background information from Council

3. Council must provide the following background information to parties on the Distribution List by **4.00pm on Friday 14 June 2019**:
  - a. details of the notice given in relation to the Amendment, including to Multifield Constructions Pty Ltd (owner of 91-99 Dudley Street West Melbourne)
  - b. a copy of the Social Infrastructure Overview for West Melbourne
  - c. 'before' and 'after' zoning maps showing the boundaries of the five precincts/places within the Structure Plan area
  - d. 'before' and 'after' Design and Development Overlay maps showing the boundaries of the five precinct/places within the Structure Plan area
  - e. a copy of the index of information provided to the Panel.

### Expert witness reports

4. Expert witness reports must be provided to parties on the Distribution List **by 4.00pm on Friday 21 June 2019**.
5. An expert 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.
6. Council must publish all expert witness reports on its website and make them publicly available at its office.

### Site walking tour itinerary

7. Council must provide a proposed itinerary for the site walking tour to parties on the Distribution List by **4.00pm on Friday 21 June 2019**.
8. Any party who considers that additional sites should be added to the proposed itinerary must put its request in writing to Council and circulate to parties on the Distribution List by **4.00pm on Friday 28 June 2019**.

*Note: The site walking tour may be rescheduled at the discretion of the Panel pending any adverse weather conditions.*

## Council Part A submission

9. Council must provide a **Part A submission** to parties on the Distribution List by **4.00pm on Friday 28 June 2019** that includes or addresses:
  - a. background to the Amendment including chronology of events, and how the 2018 Structure Plan builds on the 2005 Structure Plan
  - b. consultation undertaken with the community and government agencies, including the Environment Protection Authority and Transport for Victoria, in preparing the Structure Plan and the Amendment
  - c. whether there was any direct consultation with the community on the application of the Environmental Audit Overlay prior to the exhibition of the Amendment
  - d. the conditions of authorisation for the Amendment
  - e. strategic context for the Amendment, including how it fits with Council's broader strategic program and current or recent amendments such as:
    - i. Amendment C270 (which introduced built form controls for the Central City)
    - ii. Amendment C258 (which, among other things, implements the West Melbourne Heritage Review)
    - iii. Amendment C305 (which implements the Southbank and Fishermans Bend Heritage Review)
    - iv. Amendment C308 (which introduces Urban Design Guidelines for the Central City and Southbank)
  - f. the alignment of proposed Clause 21.16-6 with the new Integrated Planning Policy Framework introduced by Amendment VC148, in particular how Clause 21.16-6 is tailored to the local context with locally specific content
  - g. strategic justification for:
    - i. the population projections, dwelling numbers, job numbers and employment floor space calculations in proposed Clause 21.16-6
    - ii. the Special Use Zone, addressing the requirements of Planning Practice Note 3 – Applying the Special Use Zone, and what the Special Use Zone is able to deliver that other standard zones (including the Mixed Use Zone) cannot
    - iii. the floor area ratios
    - iv. the minimum floor areas for non-accommodation uses
    - v. the 6% affordable housing contribution
  - h. how the proposed built form controls for the West Melbourne Structure Plan area relate to those for the Central City and the Arden Macaulay precinct
  - i. how Council identified special character buildings
  - j. a snapshot of how the Special Use Zone Schedule 6 will deliver the local activity centre along Spencer Street
  - k. the recommendations of the Design Review Panel dated 3 November 2017 in relation to the Structure Plan
  - l. Council's proposed site by site application of the Environmental Audit Overlay (including consistency with Ministerial Direction No. 1 on Potentially Contaminated Land)
  - m. a summary of the main issues raised in submissions
  - n. copies of any strategic material Council intends to rely upon in support of the Amendment that has not yet been provided.

10. Council must publish its Part A, Part B and Closing submissions on its website and make them publicly available at its office.

*Note: Council's Part A submission will be taken as read by the Panel at the Hearing. Council should allow time for questions about its Part A submission on Day 1.*

## At the Hearing

### The Hearing

11. The Hearing will commence at **10.00am on Monday 8 July 2019** in Hearing Room 1, Planning Panels Victoria, 1 Spring Street Melbourne.

### Submissions and information

12. If electronic information is presented at the Hearing, all files 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.
13. If a paper copy is presented at the Hearing, at least twelve (12) copies must be provided, two-hole punched and stapled (not bound).
14. After presenting to the Panel, submissions presented in paper copy should be emailed to [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au), preferably in MS Word or an unlocked pdf format.
15. All information presented at the Hearing is a public document unless the Panel directs otherwise.

### Council Part B submission

16. At the Hearing, Council must provide a **Part B submission** that includes or addresses:
  - a. the relationship between the proposed floor area ratios and the proposed building envelopes in each precinct/place
  - b. proposed delivery mechanisms for affordable housing contributions (for example, section 173 agreements)
  - c. the appropriateness of Council requesting what could be termed as commercial-in-confidence information (ie indicative profit margins) to justify not providing a 6% affordable housing contribution; and whether Council has the expertise to assess this information
  - d. how developer contributions toward shared infrastructure are currently being dealt with in relation to existing permit applications, and how they are proposed to be dealt with going forward
  - e. Council's response to the main issues raised in submissions
  - f. Council's response to expert evidence
  - g. any further changes Council proposes to make to the Amendment in response to expert evidence or submissions
  - h. Council's final position on the Amendment.

### Evidence in relation to feasibility testing

17. The Panel directs Council to address the following matters through evidence:
  - a. Feasibility testing of the impact on development viability of the floor area ratios, affordable housing requirements and mandatory minimum floor areas for non-

accommodation uses in each precinct. Include sensitivity testing based on developer contributions, outlining the assumptions made about the likely amount of developer contributions.

#### **Maps or plans**

18. It would assist the Panel if Council presented the following at the Hearing:
  - a. a map or plan in the nature of a structure plan map, which shows the key features and land use and development directions for each precinct/place
  - b. a map, plan or diagram which shows the key built form controls (including heights and floor area ratios) for each precinct/place.

#### **Aerials and maps**

19. At the Hearing, Council should arrange for:
  - a. a large scale map showing the location of submitters by submitter number
  - b. appropriate aerials and plans at large scale
  - c. if possible, access to Council's GIS maps/system.

# Distribution List

Melbourne Planning Scheme Amendment C309: West Melbourne Structure Plan

Use this list to circulate expert witness statements and other information requested by the Panel. It must not be used for any other purpose.

## Electronic documents

Party	email address
Planning Panels Victoria	<a href="mailto:planning_panels@delwp.vic.gov.au">planning_panels@delwp.vic.gov.au</a>
Melbourne City Council	<a href="mailto:Deborah.Payne@melbourne.vic.gov.au">Deborah.Payne@melbourne.vic.gov.au</a> <a href="mailto:Robyn.Hellman@melbourne.vic.gov.au">Robyn.Hellman@melbourne.vic.gov.au</a> <a href="mailto:Colin.Charman@melbourne.vic.gov.au">Colin.Charman@melbourne.vic.gov.au</a>
Spencer Street West Melbourne Fort Knox Storage Solutions Holder East Multifield Constructions Pty Ltd	<a href="mailto:sutton@pppartners.com.au">sutton@pppartners.com.au</a> <a href="mailto:little@pppartners.com.au">little@pppartners.com.au</a> <a href="mailto:naughton@pppartners.com.au">naughton@pppartners.com.au</a> <a href="mailto:hughes@pppartners.com.au">hughes@pppartners.com.au</a>
Stadiums Pty Ltd and Floton Pty Ltd	<a href="mailto:jpitt@besthooper.com.au">jpitt@besthooper.com.au</a>
355 Spencer Street Pty Ltd	<a href="mailto:dscally@besthooper.com.au">dscally@besthooper.com.au</a>
Simon Mitchell-Wong	<a href="mailto:Simon.mitchell@gmail.com">Simon.mitchell@gmail.com</a>
328 – 348 Spencer Street West Melbourne	<a href="mailto:giovanni@gattini.com.au">giovanni@gattini.com.au</a>
R & M Holdings (VIC) Pty Ltd	<a href="mailto:lriordan@tract.net.au">lriordan@tract.net.au</a>
Marshall Waters	<a href="mailto:marshall@rewine.com.au">marshall@rewine.com.au</a>
Affordable Housing Industry Advisory Group	<a href="mailto:kate@affordabledevelopmentoutcomes.com.au">kate@affordabledevelopmentoutcomes.com.au</a>
Property Council of Australia	<a href="mailto:Cwall@propertycouncil.com.au">Cwall@propertycouncil.com.au</a>
Melbourne Budokai & Kenshikan Dojo	<a href="mailto:mitchells@ratio.com.au">mitchells@ratio.com.au</a>
Environment Protection Authority	<a href="mailto:Nicholas.kennedy@epa.vic.gov.au">Nicholas.kennedy@epa.vic.gov.au</a>
King Street Investments Pty Ltd Echo Links Holdings Pty Ltd	<a href="mailto:tsobel@urbis.com.au">tsobel@urbis.com.au</a>
UAG West Melbourne Pty Ltd	<a href="mailto:hwood@sjbplanning.com.au">hwood@sjbplanning.com.au</a>
GHK No.2 Pty Ltd	<a href="mailto:jseyedi@graypuksand.com.au">jseyedi@graypuksand.com.au</a>
Miami Hotel Group	<a href="mailto:antony@echelonplanning.com.au">antony@echelonplanning.com.au</a>
Gerard Rodgers	<a href="mailto:Gerard.rodgers3003@gmail.com">Gerard.rodgers3003@gmail.com</a>

## Hard copies

Party	No of Copies
<b>Planning Panels Victoria</b> Attn: Ms Andrea Harwood GPO Box 2392 Melbourne, Victoria 3001 (By courier to Level 5, 1 Spring Street, Melbourne 3000 and mark as 'Urgent')	02 copies

# Timetable

Melbourne Planning Scheme Amendment C309: West Melbourne Structure Plan

## Day 1: Monday 8 July 2019

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 Melbourne</b> represented by Juliet Forsyth SC and Alexandra Guild of Counsel with Debbie Payne, providing opening submission calling the following expert evidence: <ul style="list-style-type: none"><li>Urban Design from Leanne Hodyl of Hodyl + Co</li></ul>		1 of 5 days
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>City of Melbourne</b> cont		

## Day 2: Tuesday 9 July 2019

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

Time	Party	Sub No	Allocated
8.30am – 12.30pm	<b>Accompanied Site Inspection</b> [ <i>location and time to be confirmed</i> ]		2 of 5 days
<b>12.30pm – 2.00pm</b>	<b>Lunch Break</b>		
2.00pm – 4.30pm	<b>City of Melbourne</b> cont, and calling the following expert evidence: <ul style="list-style-type: none"><li>Economics from Julian Szafraniec of SGS Economics and Planning</li><li>Economics from Andrew Spencer of SGS Economics and Planning</li></ul>		

### Day 3: Wednesday 10 July 2019

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 Melbourne</b> cont, and calling the following expert evidence: <ul style="list-style-type: none"> <li>Planning from David Barnes of Hansen Partnership</li> </ul>		3 of 5 days
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>City of Melbourne</b> cont, and calling the following expert evidence: <ul style="list-style-type: none"> <li>Traffic from TBC</li> <li>Traffic from TBC</li> </ul>		

### Day 4: Thursday 11 July 2019

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 Melbourne</b> cont, and calling the following expert evidence: <ul style="list-style-type: none"> <li>Urban Design from Jeremy McLeod of Breathe Architects</li> <li>Contamination from Ian Kluckow of Golder Associates</li> </ul>		4 of 5 days
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>City of Melbourne</b> cont, Part B submission		

### Day 5: Friday 12 July 2019

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 – 12.15pm	<b>Stadiums Pty Ltd and Floton Pty Ltd</b> represented by Ian Pitt of Best Hooper Solicitors	49	2 hours
<b>12.15pm – 12.30pm</b>	<b>Break</b>		15 mins
12.30pm – 1.30pm	<b>UAG West Melbourne Pty Ltd</b> represented by Ian Pitt of Best Hooper Solicitors	15	1 hour
<b>2.30pm – 4.30pm</b>	<b>Reserved for Council if required</b>		



**Day 6: Monday 15 July 2019**

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>Spencer Street West Melbourne</b> represented by Peter O’Farrell and Carly Robertson of Counsel, instructed by Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning from TBC</li> <li>• Economics from TBC</li> </ul>	25	2 hours
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>Fort Knox Self Storage</b> represented by Peter O’Farrell and Carly Robertson of Counsel, instructed Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning from TBC</li> <li>• Economics from TBC</li> </ul>	29	3 hours

**Day 7: Tuesday 16 July 2019**

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 – 11.45am	<b>R &amp; M Holdings</b> , represented by Liam Riordan of Tract Consultants, calling the following expert evidence: <ul style="list-style-type: none"> <li>• TBC</li> </ul>	23	1.5 hours
<b>12.30pm – 4.30pm</b>	<b>Reserved</b>		

**Day 8: Wednesday 17 July 2019**

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>Melbourne Budokai &amp; Kenshikan Dojo</b> represented by Chris Canavan QC of Counsel, instructed by Ratio Consultants <ul style="list-style-type: none"> <li>• Heritage from TBC</li> <li>• Planning and Urban Design from TBC</li> </ul>	37	1 day
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>Melbourne Budokai &amp; Kenshikan Dojo, cont</b>		

**Day 9: Thursday 18 July 2019**

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>Multifield Constructions Pty Ltd</b> represented by Peter O’Farrell and Carly Robertson of Counsel, instructed Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning from TBC</li> <li>• Economics from TBC</li> </ul>	54	2 hours
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>Holder East</b> represented by Peter O’Farrell and Carly Robertson of Counsel, instructed Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning from TBC</li> <li>• Economics from TBC</li> </ul>	45	3 hours

**Day 10: Friday 19 July 2019**

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 – 12.15pm	<b>355 Spencer Street Pty Ltd</b> represented by Dominic Scally and Lucy Eastoe of Best Hooper Lawyers, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning and Urban Design from TBC</li> </ul>	50	2 hours
<b>1.00pm – 4.00pm</b>	<b>Reserved</b>		

**Day 11: Monday 22 July 2019**

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 – 10.45am	<b>Environment Protection Authority</b> represented by Nicholas Kennedy	16	30 mins
10.45am – 11.05am	<b>Property Council of Australia</b> , represented by Cressida Wall	52	20 mins
11.05am – 11.35am	<b>Affordable Housing Industry Advisory Group</b> , represented by Nicola Foxworthy	21	30 mins
11.35am – 11.50am	<i>Break</i>		15 mins
11.50am – 12.10pm	<b>GHK No.2 Pty Ltd</b> , represented by Robert Puksand of Gray Puksand Architects	19	20 mins
12.10pm – 12.30pm	<b>Simon Mitchell - Wong</b>	46	20 mins
12.30pm – 12.40pm	<b>Gerard and Helen Sweeting</b>	22	10 mins
12.40pm – 12.50pm	<b>Marshall Waters</b>		10 mins
<b>12.50pm – 2.00pm</b>	<b>Lunch Break</b>	47	
<b>2.00pm – 5.00pm</b>	<b>Miami Hotel Group</b> , represented by Mark Woodland of Echelon Planning and calling the following expert evidence: <ul style="list-style-type: none"> <li>• Urban Design from TBC</li> <li>• Heritage from TBC</li> </ul>	36	3 hours

**Day 12: Tuesday 23 July 2019**

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 – 11.45am	<b>328 – 348 Spencer Street West Melbourne</b> , represented by Giovanni Gattini of G2 Urban Planning	38	1.5 hours
11.45am – 12.00pm	<i>Break</i>		15 mins
12.00pm – 1.00pm	<b>King Street Investments and Echo Links Holdings</b> represented by Taryn Sobel of Urbis, calling the following expert evidence: <ul style="list-style-type: none"> <li>• Planning / Urban Design from TBC</li> <li>• Heritage from TBC</li> </ul>	42, 28	4 hours
<b>1.00pm – 2.00pm</b>	<b>Lunch Break</b>		
2.00pm – 5.00pm	<b>King Street Investments and Echo Links Holdings</b> , cont		

**Day 13: Wednesday 24 July 2019**

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 Melbourne, cont</b> , calling the following expert evidence: <ul style="list-style-type: none"> <li>Urban Design from Mark Sheppard of David Lock and Associates</li> </ul>		5 of 5 days
<b>12.30pm – 1.30pm</b>	<b>Lunch Break</b>		
1.30pm – 4.30pm	<b>City of Melbourne, cont</b>		

**Day 14: Thursday 25 July 2019**

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

Time	Party	Sub No	Allocated
10.00am	<b>Reserve Day</b>		

**Day 15: Friday 26 July 2019**

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 – 12.15pm	<b>Without prejudice drafting session</b>		
<b>12.15pm – 1.15pm</b>	<b>Lunch Break</b>		
1.15pm – 4.30 pm	<b>City of Melbourne Closing Submission</b>		
<b>4.30pm</b>	<b>Panel close</b>		

**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. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
4. If you have any questions about the timetable, please contact the Ms Andrea Harwood, Senior Project Manager of Planning Panels Victoria on 8392 5123.
5. Getting to Planning Panels Victoria:  
Planning Panels is on the 75 and City Circle tram lines and a short walk from the Collins Street trams 109, 112 and 48. It is also a short walk from Parliament Train Station.