



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

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5 February 2018 ***(and updated 28 February 2018)***

Dear Fishermans Bend Party

## **Fishermans Bend Planning Review Panel: Draft Amendment GC81**

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A second Directions Hearing was held on 2 February 2018 at Planning Panels Victoria in relation to the above draft Amendment. These Directions uphold many of the Directions made by the Review Panel on 28 December 2017 and amended 18 January 2018, but supersede these as appropriate.

The Hearing will be held in two Stages as follows:

- **Stage 1:** commencing 1 and 2 March, and then from 14 March 2018 to 28 March 2018, together with a public briefing on 13 February 2018 and a site inspection on 14 February 2018
- **Stage 2:** commencing 9 April to 22 May 2018.

The format of the Hearings for Stage 1 will be generally as follows:

- The Fishermans Bend Taskforce (Minister for Planning) is to replicate at 10.00am on Tuesday 13 February 2018 in Hearing Room 1 at Planning Panels Victoria (1 Spring Street, Melbourne), the presentations made at the public briefing provided to the Review Panel and others on 10 and 24 November 2017
- The Minister for Planning will run submissions and evidence in full, in relation to both General matters and each of the precincts of Lorimer, Montague, Sandridge and Wirraway, over five days from Wednesday 14 March 2018
- Melbourne City Council and Port Phillip City Council will run their primary submissions in full, and may call all, some or none of its evidence from 20 March 2018
- Submitters wishing to be heard in Stage 1 will be provided with that opportunity on 1 and 2 March 2018, or after the conclusion of the Councils submission and evidence
- The Minister for Planning and the Councils will be provided with the opportunity to make interim closing comments at the conclusion of Stage 1.

The format of the Hearings for Stage 2 will be generally as follows:

- The Minister for Planning and the Councils will make brief opening submissions on any General matters that have not been addressed in the Stage 1 hearings
- The Councils will call any evidence not provided in Stage 1
- Other parties who seek to make General submissions and call evidence will follow
- The remainder of the Hearing will be grouped into the precincts of Lorimer, Montague, Sandridge and Wirraway, running concurrently in two hearing rooms, noting that Lorimer and Montague will not be heard at the same time
- Submitters will make precinct-specific submissions and call precinct-specific evidence
- The Councils and the Minister for Planning will have the opportunity to make brief closing submissions for each precinct
- The Review Panel will convene a drafting day towards the conclusion of Stage 2

### 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



- The Councils and the Minister for Planning will have the opportunity to make substantive closing submissions at the conclusion of Stage 2.

Additional Review Panel Directions are provided in the attachment.

Further attached is a summary of the timetable with the submission number allocated against the day for the presentation. This is based on the requests to be heard and the availability of parties. While the Review Panel has endeavoured to meet the various time requirements, this has not been possible in all circumstances. A more detailed timetable will be provided by 9 February 2018.

Please note that a number of procedural matters were raised during the course of both Directions Hearings, and the Review Panel was asked to make determinations and rulings, and provide reasons. The reasons for these determinations will be provided by 9 February 2018.

***Additional Directions***

***Since the Directions Hearings held in relation to this matter (20 December 2017 and 2 February 2018), the Review Panel provides the following additional directions (Directions 18 to 21 inclusive). These are highlighted in the attached document and are shown in bold italics.***

If you have any queries 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



**Kathy Mitchell**

**Chair, Fishermans Bend Planning Review Panel**

# Directions

Fishermans Bend Planning Review Panel: Draft Amendment GC81

## Summary of dates for key steps (other dates may also apply)

Date	Action
20 December 2017	Directions Hearing No 1 held at PPV
2 February 2018	Directions Hearing No 2 held at PPV
5 February 2018	Minister for Planning to circulate material required in Direction 11 namely relevant background reports together with reports currently being prepared and their proposed completion date
6 February 2018	Parties to advise the Fishermans Bend Taskforce if they wish to attend the site visit on 14 February 2018 and any site they want the Review Panel to visit (Direction 15)
13 February 2018	Fishermans Bend Taskforce to replicate the public briefings held on 10 and 24 November 2017
14 February 2018	Site inspection
12noon 19 February 2018	The Minister for Planning to file and circulate its Part A submission Minister for Planning, City of Melbourne and City of Port Phillip to upload the joint expert statement on urban design (Direction 8) on the Fishermans Bend Taskforce website
12noon 26 February 2018	The Minister for Planning to file and serve evidence in urban design, strategic and statutory planning, and economics
1 March 2018	Stage 1 Hearings commence
12noon 5 March 2018	Minister for Planning to file and serve evidence in development viability, strategic transport and open space
12noon 7 March 2018	City of Port Phillip and City of Melbourne to file and serve Stage 1 evidence
14 March 2018	Minister for Planning to commence submissions and evidence in full in relation to General and precinct specific matters
20 March 2018	City of Port Phillip and Melbourne City Council to commence primary submissions and evidence, to be followed by other Stage 1 submitters not listed for 1 and 2 March
12noon 26 March 2018	City of Port Phillip and City of Melbourne to file and serve Stage 2 evidence
12noon 29 March 2018	All other evidence for Stage 2 to be filed and served
10.00am 9 April 2018	Stage 2 Hearings commence

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## DIRECTIONS

### Written submissions at the Hearing

1. All parties should bring to the Hearing at least twenty (20) hard copies of additional written submissions and accompanying documents (i.e. photographs, plans, presentations). Copies of original submissions are not needed. During the course of the Hearing, the Review Panel may direct that more or less copies must be provided.
2. Written material presented at the Hearing should be two-hole punched and stapled (not bound).
3. Submissions (preferably in MS Word, not exceeding 10MB) should be emailed to the office of PPV the following business day that the submission is tabled [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).
4. Submissions and material presented at the Hearing including PowerPoint presentations are public documents and may be made available to other parties.

### Expert witness reports and evidence

5. Expert witnesses reports must comply with the Planning Panels Victoria Guide to Expert Evidence (<http://www.planning.vic.gov.au/panels-and-committees/planning-panel-faqs>).
6. Expert witness reports should not refer to any individual submitter by name. If necessary, individual submitters may be referred to by submission number.
7. A copy of any expert witness report received must be made available to the Fishermans Bend Taskforce in digital form for uploading on its website at the same time it is filed and served. The Fishermans Bend Taskforce must upload all evidence onto its website within one business day of receipt.
8. Leanne Hodyl (Fishermans Bend Taskforce), Adelise Pearson (City of Melbourne) and Sophie Anapliotis (City of Port Phillip) must meet to discuss and reconcile differences in their built form models. The experts must provide a joint statement that provides a consolidated list of issues in agreement and disagreement (and any other relevant matters), to be uploaded on the Fishermans Bend Taskforce website by **12noon on Monday 19 February 2018**.
9. Expert witness statements will be taken as read by the Review Panel and there will be limited opportunity for the giving of evidence in chief. All witnesses for any party must be in attendance for the whole of the submissions of their client.
10. Regulation of cross examination will be undertaken at the discretion of the Chair and the Review Panel.

### Information to be supplied

11. The Minister for Planning must circulate to all parties on the distribution list relevant background reports together with reports currently being prepared and their proposed completion date by **12 noon on 5 February 2018**.
12. The Minister for Planning must circulate to all parties on the distribution list its 'Part A Submission' by **12.00noon on Monday 19 February 2018**. This should include:
  - a. Background to the draft Amendment
  - b. Chronology of events leading to this Draft Amendment
  - c. Strategic context and assessment of the proposed planning controls
  - d. The proposed Governance framework and its rationale
  - e. Response to the matters raised and tabled at the Directions Hearing by the Review Panel "*Preliminary List of Key Issues*" (Document 20)
  - f. Identification of the issues raised in submissions

- g. Any amended documentation in relation to the draft Planning Scheme Amendment as a result of further work and submissions considered

Note: At the Hearing, the Minister for Planning's 'Part A Submission' will be taken as read.

- 13. At the Hearing, the Minister for Planning must address the following issues through its 'Part B Submission':
  - a. Summary of the key issues raised in submissions and further evidence
  - b. To the extent not covered in Direction 12, response to issues raised in submissions and evidence including the outcome of any further discussions with submitters
  - c. To the extent not covered in Direction 12, post exhibition changes to the Amendment documents
  - d. Its final position on the draft Amendment.
- 14. All submissions (and evidence as relevant) presented at the Hearing are to be structured to include the following for each discrete issue:
  - a. Identify each specific issue identified for resolution
  - b. Provide relevant background and evidence if required, including maps and plans that identify clearly the subject land, its context and its surrounds
  - c. Identify what aspect of the planning controls is sought to be amended (and provide track changes to the relevant part of the draft Amendment)
  - d. Clarify and explain the reason for the recommended change(s).
- 15. The Minister for Planning is to coordinate and conduct a full day site inspection on **Wednesday 14 February 2018** of the Fishermans Bend Precinct. This is to replicate the site inspection undertaken by the Review Panel on 28 November 2017, and additional sites may be included. The inspections will be open to all submitters. Submitters are to advise Ms Fawn Goodall of the Fishermans Bend Taskforce at [fishermansbend@delwp.vic.gov.au](mailto:fishermansbend@delwp.vic.gov.au) by **Tuesday 6 February 2018** if you wish to attend, and of any sites you seek the Review Panel to visit. The sites noted on Document 14 do not need to be re-nominated.
- 16. At the Hearing, the Minister for Planning should arrange for:
  - a. Map(s) showing the location of submitters by submitter number:
  - b. Appropriate aerials, zone plans and other relevant plans at large (A1) scale.

#### **Distribution list and communications with Planning Panels Victoria**

- 17. The Distribution List comprises the email address of all parties seeking to be heard. From time to time, submitters contact PPV to seek clarification on issues such as timetabling, where to find documents and other administrative matters. These communications are not recorded as Hearing Documents, but all emails are retained on file.

Members of the Review Panel are not to be contacted or communicated with directly. All communication must be directed through PPV.

If a party wishes to raise a procedural issue by email where it may be of interest to other parties, it must provide a header to the email "Procedural Matter ....", and send such email to PPV and to blind copy all on the Distribution List. The commencement of the email must state "*This email has been blind copied to all on the Distribution List*". Such emails and any attachments will be recorded with a Document No., and will be uploaded to the PPV web page.

**Additional Directions:**

**18. The Review Panel confirmed on 12 February 2018 that any party calling evidence from 14 March in Stage 1 of the hearing, must file and serve its evidence by 12noon 7 March 2018, which is the same time as the two Councils.**

**Additionally, any party calling evidence in Stage 1 on 1 and 2 March 2018 must file and serve its evidence by 12noon 22 February 2018 (note – no evidence received).**

**19. Nomination and order of Expert Witnesses:**

**Any party calling expert evidence in Stage 2 must nominate its experts and field of expertise by 8 March 2018 so that the timetable can be updated.**

**The Minister for Planning and the Cities of Port Phillip and Melbourne must advise the Review Panel through the Senior Project Manager the order of its submissions and evidence over the days allocated for its Hearing schedule accordingly.**

**20. Correspondence from Minister for Planning:**

**The correspondence circulated on 27 February 2018 by Harwood Andrews, recorded as Document 54, advised that the Minister for Planning intends to address the Review Panel on Day 1 in relation to this correspondence.**

**The Review Panel directed that this and other major procedural matters be raised at the commencement of Day 3, Wednesday 14 March 2018.**

**21. Evidence:**

**All witnesses must ensure the following information is able to be provided, if asked, at the time of giving evidence:**

- a copy of any written instructions or briefs, as original, or as amended**
- any other document, report, communication, paper or other material that may have been relied upon or have been provided with in preparing evidence.**

**In giving evidence in chief, witnesses must not read the report, rather it must be succinctly summarised. A summary PowerPoint or additional notes is permitted. Twenty copies of such material must be produced for circulation (stapled and hole punched). Unless with the leave of the Review Panel, evidence in chief must be no longer than 20 minutes.**

**22. Planning controls:**

**The Review Panel considers that on a without prejudice basis, the proposed controls and policy are similar for the Melbourne and Port Phillip Planning Schemes. It considers that dealing with two versions of the same material may be cumbersome and unnecessary.**

**With long planning scheme clauses, it is useful to have a way of referring to specific paragraphs.**

**The Review Panel will produce a version of the planning scheme provisions for use at the Hearing that combines the provisions from the two schemes and includes paragraph reference numbers.**

**The Review Panel considers that the versions of the controls circulated with the Minister for Planning's Part A submission will form the basis of these combined controls will be an appropriate starting point.**

**It should be noted that this does not imply that the Review Panel accepts those proposed changes.**

***Any suggested changes to the controls should:***

- ***track changes onto the Review Panel's Consolidated Day 1 version (to be provided on or before 14 March 2018) and include the submission number and name as appropriate.***
- ***use the paragraph references in the Review Panel's Consolidated Day 1 version to identify specific paragraphs.***

***The Review Panel directs that any evidence already provided must be updated to reflect these requirements accordingly.***