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### Email Letter

<b>From</b> Terry Montebello	<b>Date</b> 15 May 2018	
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<b>To</b> Ms Kathy Mitchell Chair: Fishermans Bend Planning Review Panel Amendment GC81 GC81	<b>Organisation</b> Planning Panels Victoria	<b>Email</b> planning.panels@delwp.vic.gov.au

Our Ref TGM:7496354

Dear Ms Mitchell

#### **Fishermans Bend Draft Amendment GC 81 - Letter of Norton Rose Fulbright**

We act for Port Phillip City Council.

We have received a letter from Norton rose Fulbright (**NRF**) dated 15 May 2018 which seeks to delay the filing of written submissions addressing the Part C Draft until no later than 22 June 2018.

Council submits that the Review Panel should not adjourn the matter as proposed by NRF.

The letter identifies two changes to the draft amendment although we note that they say that there are other changes. The two changes referred to are as follows:

- A change to the mechanism proposed to acquire land for public purposes; and
- The proposal of a 20% policy target for affordable housing

As to the first matter, we note from the Part C documents circulated yesterday that the CCZ Schedule proposes that the requirement to transfer open space land to public ownership has been deleted although the requirement to transfer land for roads and lanes to the public has been retained albeit it has been moved to become a condition.

This change is responsive to the numerous submissions of the landowners that sought the removal of the land transfer provisions.

The change to the way roads are dealt with is largely consistent with the drafting put forward by Council when it tendered its version of the CCZ Schedule during its stage 1 submission. Accordingly, it cannot be something that the landowners did not reasonably contemplate.



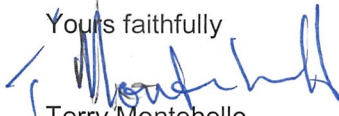
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As to the proposal for a 20% policy target for affordable <sup>1</sup> housing, we submit that Council's submission (and amended policy as circulated as part of its stage 1 submission) clearly specified this change. Accordingly, the landowners have known for the last 38 hearing days spread over many weeks that at least Port Phillip City Council was pursuing this requirement. Indeed, we note that the Minister's advocate cross-examined Council's expert witness (Dr Spiller) on this issue.

Any suggestion that the landowners are taken by surprise or denied procedural fairness by the Part C documents being amended to include this requirement is misconceived.

Council opposes any material alteration to the timetable for completion of the hearing.

Yours faithfully



Terry Montebello  
Partner

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<sup>1</sup> Of which a total of 6% is to be Social Housing as per Council's stage 1 submission.