

DIRECTION 26 – 17 MAY 2018

Direction No 26

The Review Panel has previously issued Direction No 25 (Document 244) on 17 April 2018 in relation to the submission and presentation of closing submissions. Additionally, it noted through Document 294 that it would provide the opportunity for parties to respond to the matters outlined in the Document and any response made by the Minister for Planning in relation to the issues identified.

Direction 25 remains for those who seek to provide final submissions in this way.

In response to the submission of revised planning controls and other material by the Minister for Planning on the afternoon of Monday 14 May 2018 (Documents 305, 306, 307, 308, 309 and 310), the Review Panel modifies Direction 25 in the following way.

The City of Melbourne, the City of Port Phillip and the Minister for Planning are to provide their final submissions as timetabled on Thursday 24 May 2018. Twenty five copies of all closing submissions must be tabled on the day and filed with Planning Panels Victoria at planning.panels@delwp.vic.gov.au

Those parties who seek to provide final submissions on 23 May 2018 must submit these in writing to the Review Panel by 4.00pm Monday 21 May 2018 and advise if they seek to speak to these on Wednesday 23 May 2018. The afternoon of that day will be set aside from 2.00pm and parties will be scheduled accordingly.

The week of 18 June 2018 has been set aside for additional closing submissions.

Those parties who seek to defer closing submissions until the week of 18 June must advise the Review Panel in writing by 22 May 2018 of their intention to avail this time, and any constraints within that week. Any closing submissions proposed for the week of 18 June 2018 must be submitted to the Review Panel in full and in writing by 12 noon on Wednesday 13 June 2018. Each closing submission (whether on 23 May 2018 or the week of 18 June 2018) will be given a document number and filed through the distribution list. It will not be necessary to provide any copies at the hearing, as parties will be responsible for printing their own copies if they so desire.

The Review Panel will timetable these closing submissions commencing at 10.00am on Monday 18 June 2018. The Review Panel will seek to accommodate reasonable timetabling requests and the parties are requested to indicate any particular timetabling requests by 23 May 2018. Closing submissions will be for a maximum of two hours if representing multiple submitters and evidence has been called previously, a maximum of one hour if representing a single submitter and evidence has been called previously and 30 minutes for those who presented submissions. There may also be further drafting review time scheduled into that week.

At the conclusion of all closing submissions the Cities of Melbourne and Port Philip and the Minister for Planning will be provided with a further opportunity for final closings.

To assist with the drafting session on 23 May 2018 and possibly in the week of 18 June 2018, the Minister for Planning is directed to provide all parties on the Distribution list revised planning provisions (Document 307) in word format, in both tracked format and 'clean' version by 2.00pm on Monday 21 May 2018.

It will not be necessary for parties to provide the full set of controls in support of drafting recommendations, rather, only the relevant planning control and clauses where changes are proposed. These must be clearly marked and notated to ensure it is very clear what recommendations are sought. Any such recommendations must be included with the closing submissions and be clearly labelled with the submission name and number.

Further, the Review Panel confirms that in the light of the submissions made by the Minister for Planning about the proposal to use the new Infrastructure Contributions Overlay for land required for public purposes instead of Clause 3.0 and 4.0 in the Schedule to the Capital City Zone for acquiring land for public purposes, the Review Panel has requested Counsel assisting not to undertake any further work on providing a legal opinion on the legality of the Capital City Zone mechanism (Document 299).

Kathy Mitchell, Chair
17 May 2018