
Request to be heard?: Yes

Precinct: Montague

Full Name: Alex Gelber - HWL Ebsworth Lawyers

Organisation: 202N Pty Ltd

Affected property: 202 Normanby Road, South Melbourne

Attachment 1: Submission_to_A

Attachment 2:

Attachment 3:

Comments: Refer to attached submission

Our Ref: JL:AG:682698

Your Ref: GC81

11 December 2017

Ms Kathy Mitchell
Chair
Planning Panels Victoria
1 Spring Street
MELBOURNE VIC 3000

Dear Ms Mitchell

Amendment GC81 to the Melbourne and Port Phillip Planning Schemes

We refer to the above and advise that we act on behalf of the developer of 202 Normanby Road, South Melbourne, 202N Pty Ltd (**Client**). Our Client's land is located within the Montague Precinct (**Precinct**) of Fishermans Bend.

Our Client seeks to be heard at the public hearing of this matter.

At this stage, our Client's concerns include, but are not limited to:

- the consideration of matters of detailed design of the Precinct is premature, having regard to the uncertainty surrounding the design of the transport network and anticipated population densities in Fishermans Bend;
- the proposed floor area ratio would represent a poor planning outcome;
- the proposed height limits will result in a poor planning outcome including the undercapitalisation of the Precinct; and
- the requirements for adaptable car parking areas and floor plates are not sufficiently flexible to permit beneficial design outcomes.

Our Client does not support the Panel Hearing proceeding on the proposed dates. In summary our Client says:

- (a) Amendment GC81 (**Amendment**) applies new planning controls to a vast area and has significant ramifications for affected landowners. The Amendment is not required to meet a compelling or urgent community need, but rather seeks to set out a considered structure for the future development of an area. This is not the same as public infrastructure amendments which are sometimes rushed to meet statutory requirements (for example, under the *Major Transport Projects Facilitation Act 2009*). The emphasis in this case should be on the provision of adequate time for the preparation and engagement of expert material to help inform the advisory committee, procedural fairness and a thorough and considered process which allows for the orderly, fulsome and efficient consideration of the Amendment;

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- (b) the Amendment should not be rushed through without first considering the public infrastructure components of the Amendment so that parties can respond accordingly;
- (c) the Panel should include a legal member. This is a drafting exercise; and
- (d) there is insufficient time to prepare for the hearing and instruct appropriate witnesses and materials in support of our Client's submissions.

We reserve the right to raise further matters for the Panel's consideration following the Directions Hearing that is listed for 20 December 2017.

Should you have any queries please do not hesitate to contact us.

Yours sincerely



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