



Planning Panels Victoria

Department of Transport and Planning

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18 April 2024

Dear Party

Precincts Standing Advisory Committee – Referral 1: Fishermans Bend Infrastructure Funding Planning Scheme Amendment

The Committee held a Directions Hearing for the above matter on 15 April 2024 at Planning Panels Victoria with online video access. Please find attached:

- Committee Directions
- Distribution List.

A Hearing timetable will be provided after expert witnesses have been confirmed by the parties.

Members

Committee members Sarah Carlisle (Chair), Meredith Gibbs, Geoff Underwood, and Sally Conway will consider this referral.

Key dates

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Monday, 22 April 2024	Expert witness details (except City of Melbourne for OSU ratios and modelling)	1
12 noon	Monday, 22 April 2024	Site visit suggestions	6
12 noon	Monday, 22 April 2024	DTP Precincts background documents and other information	7
12 noon	Monday, 29 April 2024	City of Melbourne expert witness details for OSU ratios and modelling	1
12 noon	Wednesday, 1 May 2024	DTP Precincts joint expert meeting proposal	15
12 noon	Monday, 6 May 2024	Melbourne Water background documents	8
12 noon	Monday, 6 May 2024	DTP Precincts Part A (background and context) submission including submissions summary table	9
12 noon	Monday, 6 May 2024	Melbourne Water Part A (background and context) submission on flood modelling	10
12 noon	Monday, 6 May 2024	DTP Precincts evidence on: - land valuation	12

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 Transport and Planning, PO Box 500, East Melbourne, Victoria 8002



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12 noon	Monday, 13 May 2024	DTP Precincts evidence on: - Development Contribution Plan (DCP) matters - Planning and drafting matters Other parties' evidence on: - land valuation	12
12 noon	Monday, 13 May 2024	Melbourne Water: - Part A (background and context) submission on drainage infrastructure design and costings - evidence on drainage infrastructure design and costings	11, 12
12 noon	Monday, 13 May 2024	APA evidence on: - pipeline costings	12
12 noon	Monday, 20 May 2024	Other parties' evidence on: - DCP matters - Planning and drafting matters	12
12 noon	Monday, 20 May 2024	Joint Expert Statement on land valuation	20
12 noon	Thursday, 23 May 2024	DTP Precincts: - reply evidence (other than OSU ratios and modelling) - 'Day 1' documentation - updated submissions summary table	14, 21
12 noon	Friday, 24 May 2024	Opening statements and material to be presented on Day 1 of the Hearing	25, 26
10 am	Monday, 27 May 2024	Hearing commences	
12 noon	Monday, 27 May 2024	DTP Precincts evidence on: - Open Space Uplift ratio and modelling matters	12
12 noon	Monday, 27 May 2024	Other party 'Day 1' documentation	22
12 noon	Monday, 3 June 2024	Other parties' evidence on: - Open Space Uplift ratio and modelling matters	12
12 noon	Thursday, 6 June 2024	DTP Precincts' reply evidence on OSU ratios and modelling	14
12 noon	Two business days before commencement of relevant theme	Joint Expert Statements on matters other than land valuation (if required)	20
12 noon	One business day before commencement of each theme	Issues identification statements for the relevant theme	28
12 noon	Monday, 15 July 2024	Comments on final drafting	40

Declarations

The Panel made the following declarations and undertakings:

Member Carlisle

Ms Porter, Counsel for Melbourne Water, and Member Carlisle are both members of the Victorian Planning and Environmental Law Association Board.

Member Carlisle is friends with Chris McNeill, who will be presenting expert evidence for the City of Melbourne.

Member Carlisle undertakes not to discuss this matter with Ms Porter or Mr McNeill until after the Committee's report has been submitted.

Member Underwood

Member Underwood is a life member of both the Housing Industry Association and the Urban Development Institute of Australia (Victoria). Both associations are submitters but have not requested to be heard.

Member Underwood and Chris McNeill were business partners in the consultancy Spade Consultants Pty Ltd from 2006 to 2017. They are also committee members of not-for-profit organisation the Australian Population Institute.

Member Underwood undertakes not to discuss this matter with Mr McNeill and both associations until after the Committee's report has been submitted.

At the Directions Hearing, no party raised any issues with the declarations and undertakings made.

Procedural matters

Scope of the Committee's remit

The Committee invited submissions on whether one of the issues raised in submissions – namely the timing of delivery of State-funded infrastructure and transport projects – is within the Committee's remit as defined by its Terms of Reference and the Referral Letter.

DTP Precincts submitted that this matter is outside the Committee's remit. It submitted questions of timing and provision of State infrastructure are not something the Committee can or should be making recommendations on, and the Committee should therefore not receive submissions on these issues.

City of Melbourne submitted it intends to address the Committee on the delivery of State infrastructure at the Hearing, and the Committee process should allow some consideration of those matters, to properly understand how the DCP has been informed. City of Port Phillip endorsed these submissions.

VCHQ2 Pty Ltd submitted the Committee cannot properly consider the full remit of the issues without some consideration of the timing of the State funded infrastructure. It submitted the transport infrastructure is the trigger for other infrastructure and planning initiatives in the Fishermans Bend Urban Renewal Area. Without some certainty on timing, landowners are left in limbo and cannot contemplate the development of their sites. VCHQ2 Pty Ltd submitted this will be an important part of the Committee's considerations.

Having considered the submissions made at the Directions Hearing, the Committee has determined to receive submissions relating to the delivery of State funded infrastructure. Parties intending to submit (or present evidence) on those matters are to demonstrate how the submissions or evidence are relevant to the draft DCP and Amendment.

Release of property specific valuation reports

City of Melbourne requested that five of the property specific valuation reports in the Lorimer Precinct be provided to the City of Melbourne. DTP Precincts indicated some concerns around confidentiality, and that release of the reports may require the consent of the relevant landowners. The parties agreed to continue discussions in relation to this matter and to seek directions from the Committee only if necessary.

Release of information informing the Open Space Uplift (OSU) ratios

City of Melbourne requested that as part of the background documents relied upon by DTP Precincts, it should release not only the built form modelling that informed the OSU mechanism, but also information that informed the determination of the OSU ratios. The parties agreed to continue discussions in relation to this matter and to seek directions from the Committee only if necessary.

If you have questions, please contact [REDACTED]
planning.panels@delwp.vic.gov.au.

Yours sincerely



Sarah Carlisle
Committee Chair

Directions

Precincts Standing Advisory Committee – Referral 1: Fishermans Bend Infrastructure Funding Planning Scheme Amendment

Confirmation of expert witness, representative details

1. Parties who have not yet confirmed details of their expert witnesses or representatives must circulate them to parties on the distribution list by 12 noon on **Monday, 22 April 2024**, except for City of Melbourne who must confirm its expert witnesses for OSU ratios and modelling evidence, by 12 noon on **Monday, 29 April 2024**. Parties must confirm the 'theme' for each expert witness.

Filing documents

2. The Proponent must host and manage online document sharing. The document sharing platform must allow parties to upload documents directly.
3. Documents must be filed electronically by uploading them to the document sharing platform. When uploading documents, a party must email all other parties on the distribution list to inform them of the document(s) that have been uploaded.
4. Documents must meet the following requirements:
 - a) Files must not exceed 20MB in size.
 - b) File names must be as short as possible and be named in accordance with the following:
[Party name] - [Document Title].
 - c) If tabling more than 10 documents at once, all documents must be accompanied by an index list.
 - d) A Microsoft Word version or unlocked pdf version of the document must be emailed directly to planning.panels@delwp.vic.gov.au after being filed.
5. All information presented to the Committee for the purposes of the Committee process is a public document solely for that purpose unless the Committee directs otherwise. It cannot be used for any other purpose.

Notes

For more information on how your submission will be used, refer to the [PPV Website](#).

If your document is larger than 20MB, break it down into parts that are less than 20MB each.

If you do not file documents by the specified time, the Committee may not accept the evidence or material. If you think you will not meet the specified deadline you must provide reasons in writing to planning.panels@delwp.vic.gov.au before the deadline.

The Committee will not publish or accept material that contains offensive or defamatory material, or personal information about other people (such as emails and phone numbers or photographs of people, particularly children).

Paper documents will only be permitted in exceptional circumstances.

If you have with difficulties providing documents electronically you should contact Planning Panels Victoria.

Documents will be removed from the document sharing platform 4 weeks after the Committee submits its report.

Site visit

6. Parties wishing to suggest locations for the Committee to visit on its unaccompanied site visit must do so by 12 noon on **Monday, 22 April 2024**. When nominating a location, parties must include the particular features or aspects of the location they wish the Committee to note.

Before the Hearing

Background information

7. DTP Precincts must file the following documents by 12 noon on **Monday, 22 April 2024**:

Directions:

- a) a map showing the location of properties the subject of submissions (including any late accepted submissions) for the use of the Committee which must:
 - (i) identify submitters by submitter number, and not by name
 - (ii) be provided only to the Committee**
- b) all background documents that it seeks to rely upon that have not already been provided as part of Document 39, including the built form modelling and analysis that informed the Open Space Uplift (**OSU**) mechanism as reflected in the exhibited material
- c) a table which specifies for each individual project included in the draft Development Contribution Plan (**DCP**) the relevant document that explains or supports the cost estimate for that project
- d) a list of all existing planning approvals and section 173 agreements which provide for development contributions within the Fishermans Bend Precinct, together with:
 - (i) a locational plan identifying the affected properties
 - (ii) a copy of each of the section 173 agreements.

Note

Further to Direction 6(b), City of Melbourne and DTP Precincts are in discussion in relation to the provision of information regarding OSU ratios. If either party requires further directions in relation to this material, they must make a written request.

8. Melbourne Water must file all background documents that it seeks to rely upon by 12 noon on **Monday, 6 May 2024**.

Note

If a party needs additional information from another party and they have not agreed to provide it, they should make a request in writing to the Committee requesting it to direct the provision of the information. The information must be related to the proposal and be of assistance to the Committee. Requests should be short and clearly state why the information is needed.

Part A (background and context) submissions

9. DTP Precincts must file a Part A (background and context) submission by 12 noon on **Monday, 6 May 2024** that includes or is accompanied by the following information:
- a) a summary of the strategic context, including:
 - (i) relevant planning policies and controls
 - (ii) other amendments that may be under preparation or recently approved that may impact on the Amendment
 - (iii) current permit applications that may impact on the Amendment and/or an indication of current application activity in the Fishermans Bend Urban Renewal Area
 - b) a report that:
 - (i) identifies any mapping discrepancies between maps in the draft DCP, the proposed DCP Overlay maps and the area currently included within the ICP Overlay, and explains how they are to be resolved
 - (ii) lists any infrastructure items included in the draft DCP (as exhibited) that are located outside the DCP area
 - c) a summary of the consultation undertaken in relation to the draft DCP and Amendment
 - d) a submissions summary table that summarises the issues raised in submissions (organised by issue rather than by submitter), and DTP Precincts' response including:
 - (i) identification of which submissions raised the issue
 - (ii) any resolved issues
 - (iii) any proposed alterations to the draft DCP and Amendment in response to the issue
 - e) an explanation of the process that will be used for the eventual acquisition of land for DCP projects, including at a minimum:

Directions:

- (i) the legislative provisions that will be used
 - (ii) how valuations in the DCP might be relevant (if at all) in any future compensation processes where land is compulsorily acquired.
10. Melbourne Water must file a Part A (background and context) submission by 12 noon on **Monday, 6 May 2024** that addresses flood modelling, including whether any future changes to modelling are anticipated.
11. Melbourne Water must file a Part A (background and context) submission by 12 noon on **Monday, 13 May 2024** that addresses drainage infrastructure design and costings, including whether any future changes are anticipated.

Note

The Part A (background and context) submissions will be taken as read. DTP Precincts and Melbourne Water should allow time for questions on Day 1 of the Hearing.

Expert witness details and reports

12. Any expert witness reports must be filed as follows:
- a) DTP Precincts must file its expert witness reports as follows:
 - (i) Land valuation matters: by 12 noon on **Monday, 6 May 2024**
 - (ii) DCP matters and Planning and drafting matters: by **12 noon on Monday, 13 May 2024**
 - (iii) OSU ratios and modelling matters: by 12 noon on **Monday, 27 May 2024** (note this includes any written material on OSU ratios and modelling to be provided by DTP Precincts' officers as part of DTP Precincts' submission)
 - b) Melbourne Water must file its expert witness reports as follows (if relevant):
 - (i) Land valuation matters: by 12 noon on **Monday, 13 May 2024**
 - (ii) Flood Modelling and sea level rise/climate change matters: by 12 noon on **Monday, 6 May 2024**
 - (iii) Drainage infrastructure design and costings matters: by 12 noon on **Monday, 13 May 2024**
 - (iv) Planning and drafting matters: by 12 noon on **Monday, 20 May 2024**
 - c) APA must file its expert witness report as follows:
 - (i) Pipeline costings matters: by 12 noon on **Monday, 13 May 2024**
 - d) other parties must file their expert witness reports as follows:
 - (i) Land valuation matters: by 12 noon on **Monday, 13 May 2024**
 - (ii) DCP matters and Planning and drafting matters: by 12 noon on **Monday, 20 May 2024**
 - (iii) Open Space Uplift ratio and modelling matters: by 12 noon on **Monday, 3 June 2024**.
13. An expert witness report must:
- a) comply with the PPV Practice Note 1 – Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://www.planningpanels.vic.gov.au))
 - b) not refer to any individual submitter by name – if necessary, individual submitters should be referred to by submission number. Community groups, organisations, corporations and government agencies can be referred to by name.

Reply evidence

14. An expert witness called by DTP Precincts who has not participated in a joint meeting of experts can provide a response to other like evidence:
- a) for matters other than OSU ratios and modelling: by 12 noon on **Thursday, 23 May 2024**.
 - b) for OSU ratios and modelling: by 12 noon on **Thursday, 6 June 2024**.

Directions:

Expert meetings

15. DTP Precincts must consult with all parties calling witnesses and circulate a proposal for joint expert meetings by 12 noon on **Wednesday, 1 May 2024** which suggests:
 - a) themes that would benefit from a joint expert meeting
 - b) whether, and if so which, government agencies should be represented at each recommended meeting.
16. Expert witnesses in the following areas must meet to prepare a Joint Expert Statement setting out opinions and facts on which the experts agree and disagree:
 - a) land valuation
 - b) other subject areas to be confirmed by the Committee, following receipt of DTP Precincts' proposal under Direction 14.
17. The meeting(s) are to be chaired by the relevant DTP Precincts expert and can be attended only by:
 - a) the experts being called to give evidence
 - b) relevant staff from the government agencies (if any) as directed by the Committee in advance of the meeting
 - c) a non-participating note taker if necessary.

Advocates or parties instructing the experts must not attend the meeting(s).
18. If any expert witness is instructed not to reach agreement in respect of points of difference, the expert must report those instructions in writing to the Committee and all parties.
19. The statement(s) of agreed opinions and facts:
 - a) must list the relevant participants in attendance
 - b) must note if any participant is not present for any significant discussion point
 - c) must record the facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement
 - d) should be fewer than five pages with numbered paragraphs
 - e) should not restate the evidence – evidence should be cross-referenced in the agreed statement if required
 - f) must be signed by all participants.
20. The Joint Expert Statement(s) must be filed as follows:
 - a) Land valuation matters: by 12 noon on **Monday, 20 May 2024**
 - b) other matters: by 12 noon **two (2) business days prior to commencement of evidence on the relevant theme.**

'Day 1' documents and updated submissions summary table

21. DTP Precincts must file the following by 12 noon on **Thursday, 23 May 2024**:
 - a) a 'Day 1' version of the draft DCP and Amendment documentation. The Day 1 version must:
 - (i) show any suggested changes in response to submissions
 - (ii) be marked up against the exhibited version
 - (iii) be labelled 'DTP Precincts Day 1 version – [Clause X/Document title]'
 - (iv) be in an editable format such as MS Word
 - b) an updated submissions summary table (tracked against the background version).
22. Any other party who intends to seek changes to the draft DCP and Amendment documentation must file a 'Day 1' version of the documentation by 12 noon on **Monday, 27 May 2024**. The Day 1 version must:

Directions:

- a) show any suggested changes reflecting their position
- b) be marked up against the exhibited version
- c) be labelled '[Party] Day 1 version – [Clause X/Document title]'
- d) be in an editable format such as MS Word.

At the Hearing

23. DTP Precincts must provide administrative support to manage the Hearing.

Note

This may include configuring a video conference meeting, publishing links to the Hearing online, issuing direct invitations to participants (including the Committee, parties and experts) and providing technical support. It may also include managing the document sharing platform and making audio recordings of sessions if directed by the Committee.

Presenting material

24. Submissions, presentations and other material presented to the Committee must:
- a) be presented electronically
 - b) be filed by 12 noon on the business day before the material is to be presented or as otherwise specified in these Directions
 - c) relate to the matters before the Committee
 - d) include a summary of fewer than 5 pages if the material is more than 40 pages.

Opening statements

25. DTP Precincts must file an opening statement by 12 noon on **Friday, 24 May 2024** that addresses the following:
- a) an overview of the draft DCP and Amendment
 - b) the issues it intends to raise at the Hearing, grouped by key themes as outlined in Annexure A of these Directions.
26. Other parties presenting evidence must file an opening statement by 12 noon on **Friday, 24 May 2024** that briefly outlines the issues they intend to raise at the Hearing, grouped by key themes as outlined in Annexure A.

Evidence and cross examination

27. The provision of evidence by all parties' experts will be grouped according to the following themes:
- a) Land valuation matters
 - b) DCP matters
 - c) Planning and drafting matters
 - d) Open Space Uplift ratio and modelling matters.
28. For each theme, any party proposing to present expert evidence or to cross examine experts must provide a high-level statement identifying the issues (in dot point form) on which that party proposes to present evidence or cross examine. The Committee prefers written statements but will accept verbal statements in exceptional circumstances. Written statements must be filed by 12 noon one business day before the first relevant theme day. Verbal statements must be presented at the commencement of the relevant theme, before any evidence is presented.
29. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes. This time allocation may be reduced for timetabling reasons.
30. An expert witness may present a summary of their evidence at the Hearing, but it must:

Directions:

- a) not include new evidence
 - b) be filed by 12 noon the business day before that witness is scheduled to appear.
31. If giving evidence online, an expert witness must:
- a) be alone in the room from which they give evidence and not make or receive any communication with another person while giving evidence except with permission from the Committee
 - b) inform the Committee immediately should another person enter the room from which they are giving evidence
 - c) not discuss their evidence with any other person during breaks in evidence when under cross examination
 - d) not have before them any document, other than their expert witness report and relevant supporting documents.
32. A party, advocate and the Committee may question an expert witness.
33. If cross examining an expert witness, a party must:
- a) be present for the whole of the expert witness giving their evidence
 - b) ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the issues
 - c) allow the expert witness time to explain their answer.

Notes

The Chair will regulate cross examination. During the Hearing, the Chair may ask you how much time you will need for cross examining each witness, and will ask you to keep to your estimate. You should aim to complete your cross examination as concisely as possible.

Cross examination time may be limited.

You may be asked to move on to another topic if the line of questioning is not useful to the Committee.

Things to avoid when cross examining include:

- making a submission or providing your opinion
- giving extensive comment or context as an introduction to your question
- asking questions that are unrelated to the evidence
- arguing with the witness
- commenting on the expert or the evidence
- asking questions that have already been asked by another party.

If you do not support the evidence or basis on which it was prepared, or consider the evidence should not be given weight, detail your reasons in your submission rather than raising these issues in cross examination.

If you are not experienced in cross examination, you are encouraged to write your questions down to ensure they are succinct, structured into themes and able to be asked without long explanations of the context.

For information on how to cross examine, refer to the [PPV Website](#).

Main submissions

34. DTP Precincts must address the following in its Part B (main) submission or through evidence:
- a) its response to submissions, grouped by the key themes outlined in Annexure A
 - b) a summary of recommendations from its experts, and its position on those recommendations
 - c) its response to the expert evidence of other parties
 - d) its final position on the draft DCP and Amendment.
35. Melbourne Water must address the following in its Part B (main) submission or through evidence:
- a) its response to submissions that relate to drainage and flood matters and related DCP infrastructure
 - b) a summary of recommendations from its experts, and its position on those recommendations

Directions:

- c) its response to the expert evidence of other parties
 - d) its final position on the draft DCP and Amendment.
36. Other parties presenting evidence must each address the following in their main submission or through evidence:
- a) a summary of recommendations from its experts, and its position on those recommendations
 - b) its response to the expert evidence of other parties
 - c) its final position on the draft DCP and Amendment.
37. A party who objects to the proposal must say how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both.

Note

For information on how to prepare and present material at a Hearing, refer to the [PPV Website](#).

Part C (closing) submissions

38. DTP Precincts, Melbourne Water, Melbourne City Council and Port Phillip City Council, and any other party on request, will be provided time to present a Part C (closing) submission. The Part C (closing) submissions:
- a) must not raise new matters
 - b) may respond to matters raised in other parties' submissions or evidence.

Drafting changes

39. DTP Precincts must file its final preferred version of the DCP and Amendment documentation with its Part C (closing) submission. The final preferred version must:
- a) show changes proposed in response to evidence or submissions presented at the Hearing
 - b) be marked up against the DTP Precincts Day 1 version (refer to Direction 20)
 - c) be labelled 'DTP Precincts Part C (closing) version – Clause X/Document title'.
40. A party seeking to provide drafting comments on the DTP Precincts Part C (closing) version of the DCP and Amendment documentation must file them by **12 noon on Monday, 15 July 2024**. Their preferred versions must:
- a) be marked up against the DTP Precincts final version (refer to Direction 38)
 - b) be labelled 'DTP Precincts Part C (closing) version – Clause X/Document title'.
41. Drafting comments must only relate to drafting issues, not broader issues.

Note

Comments on the final version of Amendment documentation must be limited to drafting (form and content). Drafting comments can be provided even though your primary position may be that the proposal should not be supported.

Privacy and use of personal information

42. A party must not record, keep, distribute or publish contact details of any other party obtained during the Committee process, or use those contact details for any other purpose.
43. A party must not record any part of a Hearing by any means without permission from the Chair.
44. A party who wishes proceedings to be recorded must make a request to the Chair at least five business days before the Hearing commences, outlining its reasons.

Directions:

Precincts Standing Advisory Committee – Referral 1: Fishermans Bend Infrastructure Funding Planning Scheme
Amendment

45. If Planning Panels Victoria records a Hearing, any person provided with a copy of the recording must not publish or distribute that recording or use it for any purpose other than for the Committee process.

Note

Committee hearings are only recorded in exceptional circumstances. EES Hearings are generally recorded (audio only), but you should check with Planning Panels Victoria before the Hearing starts.

For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 21 March 2024.

At the Directions Hearing, the Committee presented the following preliminary list of key issues that it had identified based on its review to date of the referred submissions.

Key issues by theme

1 The draft DCP – general issues

- 1.1 Whether the proposed 30-year timeframe is appropriate
- 1.2 The scope and timing of periodic reviews of the DCP
- 1.3 Whether the priorities and timings for delivery of DCP projects are appropriate
- 1.4 Whether the land use groups which trigger the levy are appropriate
- 1.5 Whether the method for indexation of the levy is appropriate
- 1.6 Whether the works-in-kind provisions are adequate
- 1.7 The interaction of the DCP with contributions already collected, and how that will be appropriately managed
- 1.8 Whether the DCP should contain a governance model for using the DCP funds collected

2 Land valuation and land acquisition process

- 2.1 Whether the land valuations have been appropriately undertaken
- 2.2 Whether the DCP adequately deals with the land acquisition process, including how land will be acquired and whether PAOs should be applied as part of this Amendment

3 Operation and implementation of the proposed Open Space Uplift

- 3.1 Concern about the uncertainty associated with a voluntary mechanism should landowners not opt in
- 3.2 The scope and application of the Open Space Uplift, including its interaction with the Social Housing Uplift mechanism
- 3.3 Whether the uplift rates are appropriate
- 3.4 Whether the DCP levy should be paid on uplift dwellings

4 Proposed ‘master-planning’ approach to implementation of the DCP projects

- 4.1 Whether an integrated approach to infrastructure provision across the Urban Renewal Area will be achieved if smaller incorporated plans are approved prior to the finalisation of the three remaining Precinct Implementation Plans
- 4.2 Whether there is a need for this extra layer of smaller precinct master planning, on top of the Precinct Implementation Plans
- 4.3 How the Incorporated Plan Overlay boundaries, and their sub-precincts, have been determined and whether this is appropriate

5 The amount of the contribution charge, and its operation and implementation

- 5.1 Whether the imposition of a single DCP levy for residential and non-residential development across the entire Urban Renewal Area is appropriate
- 5.2 Whether the amount of the 3-in-1 contribution charge is too high and will disincentivise development
- 5.3 Whether it is appropriate not to include a Community Infrastructure Levy (which is capped) and instead include all Community Infrastructure in the Development Levy
- 5.4 Whether the project costing methods, apportionments and outcomes are appropriate, including whether the flood and climate change modelling used by Melbourne Water to underpin costings of drainage infrastructure is appropriate
- 5.5 Whether a cap on the contribution charge will create a funding shortfall
- 5.6 How the funding shortfall will be met and how that will impact on the pace of development in Fishermans Bend
- 5.7 Whether a 15% contingency across the board is appropriate

6 The scope of essential infrastructure proposed to be included

- 6.1 Whether the projects in the DCP all qualify for inclusion in a DCP under the Ministerial Direction on Development Contributions
- 6.2 Whether further work to refine the list of DCP projects is required, including:
 - potentially rebalancing what is included in the three infrastructure categories
 - inclusion of additional projects
- 6.3 Whether design standards are appropriate (basic and essential)
- 6.4 Whether (and if so what) open space embellishment is appropriate
- 6.5 Whether projects are accurately described in the DCP

7 Drafting of the associated planning controls

- 7.1 Whether the plans and maps in the DCP are accurate
- 7.2 Whether the DCP should be an Incorporated Document or a Reference Document
- 7.3 Whether the implementation of the DCP / Amendment and Precinct Implementation Plans will be appropriately integrated
- 7.4 Whether the drafting of DCP levy exemptions is appropriate
- 7.5 Whether Melbourne Water should be a determining referral authority for flood hazard in the Urban Renewal Area
- 7.6 Whether consideration needs to be given to changes to the site-specific controls in the various schedules to the Specific Controls Overlay once the Amendment takes effect