



Planning Panels Victoria

Department of Transport and Planning

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28 November 2024

Dear Party

Precincts Standing Advisory Committee Referral 1: Fishermans Bend Infrastructure Funding

Committee directions

In response to a request from Melbourne City Council on 26 November 2024 that received no objection, the Committee made the following directions:

- Melbourne City Council must file its submission on drainage by 12 noon on Monday 9 December 2024
- Melbourne Water must file its submission by 12 noon on Wednesday 11 December 2024
- Melbourne City Council must respond to Melbourne Water's submission by Monday 16 December 12 noon.

They appear as Directions 39, 40 and 41.

Timetable

The timetable has been revised to:

- provide Melbourne City Council with one hour on Tuesday 17 December 2024 to make a further submission on drainage
- remove Property Council Australia after it advised it no longer seeks to appear at the Hearing.

Distribution list

The distribution list has been revised to:

- remove Aaron Shrimpton of Hardwood Andrews as a contact for the Proponent
- add Evie Atkinson-Willes of Harwood Andrews, and Tania Quick and Kate Weatherley of the Department of Transport and Planning (Precincts) as a contact for the Proponent
- remove Property Council Australia as a party.

If you have questions, please contact Georgia Brodrick, Project Officer on (03) 9935 4196 or planning.panels@transport.vic.gov.au.

Yours sincerely

Con Tsotsoros
Committee Chair

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



OFFICIAL

Directions

Precincts Standing Advisory Committee Referral 1: Fishermans Bend Infrastructure Funding

Filing documents

1. Proponent must host and manage online document sharing. The document sharing platform must allow parties to upload documents directly.
2. 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.
3. 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@transport.vic.gov.au after being filed.
4. 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 material. If you think you will not meet the specified deadline you must provide reasons in writing to planning.panels@transport.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.

Before the Hearing

Part A (background and context) submissions

Refer to Version 5 and older for Directions 5 to 7.

Expert reports

6. Expert reports must be filed as follows:
 - a) Land valuation:
 - (i) Proponent expert report by 12 noon on Friday, 21 June 2024
Note: The land valuation expert report must include the value of land to be funded by the DCP and the value of all OSU sites
 - (ii) other land valuation expert reports by 12 noon on Monday, 8 July 2024
 - b) OSU ratios and modelling:
 - (i) Proponent expert report by 12 noon on Monday, 22 July 2024
Note: this includes any written material on OSU ratios and modelling to be provided by Proponent's officers as part of Proponent's submission

Directions:

- (ii) other OSU ratios and modelling expert reports by 12 noon on Monday, 16 August 2024
 - c) All other expert reports:
 - (i) Proponent experts by 12 noon on Monday, 9 September 2024
 - (ii) other expert reports by 2 pm on Wednesday, 25 September 2024.
7. An expert witness report must:
- a) comply with the PPV Practice Note 1 – Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://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 to expert reports

8. An expert called by the Proponent who has not participated in a joint meeting of experts can provide a response to other like-reports by 12 noon on Thursday, 3 October 2024.

Expert meetings

9. The Proponent must consult with all parties calling witnesses and circulate a proposal for joint expert meetings by 12 noon on Wednesday, 15 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.
10. 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) development contributions.
11. Each meeting is to be chaired by the relevant Proponent expert and can be attended only by:
- a) the experts being called at the Hearing
 - b) any relevant staff from the government agencies if directed by the Committee before the meeting
 - c) a non-participating note taker if necessary.
- Advocates or parties instructing the experts must not attend the meeting(s).
12. 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.
13. Each statement 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 content in the expert report – it can be cross-referenced in the agreed statement if required
 - f) must be signed by all participants.
14. Each Joint Expert Statement must be filed as follows:
- a) land valuation by 12 noon on Tuesday, 16 July 2024
 - b) if required, OSU ratios and modelling by 12 noon on Monday, 26 August 2024
 - c) if required, other matters by Monday, 14 October 2024.

Updated OSU documents

Refer to Committee Directions Version 5 and older for Direction 17.

Version 1 documents and updated submissions summary table

Refer to Committee Directions Version 5 and older for Directions 18.

15. Any other party who intends to seek changes to the draft DCP and Amendment documentation must file a Version 1 of the documentation by 12 noon on Wednesday, 6 November 2024. Version 1 must:
- a) show any suggested changes reflecting their position
 - b) be marked up against the exhibited version
 - c) be labelled '[Party] Version 1 – [Clause X/Document title]'
 - d) be in an editable format such as MS Word

At the Hearing

16. The Proponent 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

17. 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 submissions

18. Parties identified in the timetable must file an opening submission by 12 noon on Wednesday, 30 October 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 Attachment A of these Directions.
19. Other parties presenting expert reports must file an opening statement by 12 noon on Wednesday, 30 October 2024 that briefly outlines the issues they intend to raise at the Hearing, grouped by key themes as outlined in Attachment A.

Expert reports and questions

20. Except for Port Phillip City Council and Melbourne Water, experts at the Hearing will be grouped according to the following themes:
- a) land valuation
 - b) OSU ratios and modelling
 - c) planning and drafting
 - d) development contributions.
21. For each theme:

Directions:

- a) any party proposing to present expert reports or to ask questions of experts, must provide a high-level statement identifying the issues (in dot point form) it proposes through its expert reports or questions
 - b) the Committee prefers written statements but may accept verbal statements in exceptional circumstances
 - c) written statements must be filed by 12 noon one business day before the first relevant theme day
 - d) verbal statements must be presented at the start of the relevant theme before any expert presents.
22. Unless agreed by the Chair, each expert must present a summary of their report in less than 30 minutes. This time allocation may be reduced for timetabling reasons.
23. An expert may refer to a report summary presentation at the Hearing, but it must:
- a) not include new information
 - b) be filed by 12 noon the business day before that witness is scheduled to appear.
24. If online, an expert witness must:
- a) be alone in the room from which they appear and not make or receive any communication with another person except with permission from the Committee
 - b) inform the Committee immediately should another person enter the room
 - c) not discuss their report with any other person during breaks when being questioned by parties
 - d) not have before them any document, other than their expert report and relevant supporting documents.
25. A party, advocate and the Committee may question an expert.
26. To ask an expert questions, a party must:
- a) be present for the whole of the expert giving their expert summary
 - 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 time to explain their answer.

Notes

The Chair will regulate questions. During the Hearing, the Chair may ask you how much time you will need to question each witness, and will ask you to keep to your estimate. You should aim to finish as concisely as possible.

Question 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 asking questions 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 expert report
- arguing with the witness
- commenting on the expert or their report
- asking questions that have already been asked by another party.

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

If you are not experienced in asking questions of experts, 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 ask experts questions, refer to the [PPV Website](#).

Directions:

Main submissions

27. The Proponent must address the following in its Part B (main) submission or through its experts:
 - a) its response to submissions, grouped by the key themes outlined in Attachment A
 - b) a summary of recommendations from its experts, and its position on those recommendations
 - c) its response to expert reports of other parties
 - d) its final position on the draft DCP and Amendment.
28. Melbourne Water must address the following in its Part B (main) submission or through its experts:
 - 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
 - c) its response to expert reports of other parties
 - d) its final position on the draft DCP and Amendment.
29. Other parties presenting expert reports must each address the following in their main submission or through their experts:
 - a) a summary of recommendations from its experts, and its position on those recommendations
 - b) its response to expert reports of other parties
 - c) its final position on the draft DCP and Amendment.
30. 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

31. The Proponent, Melbourne Water, Melbourne City Council and Port Phillip City Council 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 experts.

Drafting changes

32. The Proponent 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 expert reports or submissions presented at the Hearing
 - b) be marked up against the Proponent Version 1
 - c) be labelled 'Proponent Part C (closing) version – Clause X/Document title'.
33. A party seeking to provide drafting comments on the Proponent Part C (closing) version of the DCP and Amendment documentation must file them by 12 noon on Friday, 31 January 2025. Their preferred versions must:
 - a) be marked up against the Proponent final version (refer to Direction 32)
 - b) be labelled 'Proponent Part C (closing) version – Clause X/Document title'.
34. 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).

Directions:

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

35. 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.
36. A party must not record any part of a Hearing by any means without permission from the Chair.
37. 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.
38. 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.

Supplementary directions

39. Melbourne City Council must file its submission on drainage by 12 noon on Monday 9 December 2024
40. Melbourne Water must file its submission by 12 noon on Wednesday 11 December 2024
41. Melbourne City Council respond to Melbourne Water's submission by Monday 16 December 12 noon.

Attachment A – Key issues by theme

Precincts Standing Advisory Committee Referral 1: Fishermans Bend Infrastructure Funding

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.

1 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 levy indexation 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 include a governance model for using the collected DCP funds

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 the PAO should be applied through the Amendment

3 Operation and implementation of the proposed Open Space Uplift

- 3.1 Uncertainty with a voluntary mechanism
- 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, in addition to 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 Contribution charge amount, operation and implementation

- 5.1 Whether applying a single DCP levy for residential and non-residential development across the entire Urban Renewal Area is appropriate
- 5.2 Whether the 3-in-1 contribution charge amount is too high and will discourage development
- 5.3 Whether it is appropriate to exclude 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 per cent contingency 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:
 - a. potentially rebalancing what is included in the three infrastructure categories
 - b. inclusion of additional projects
- 6.3 Whether design standards are appropriate (basic and essential)
- 6.4 Whether open space embellishment is appropriate (and if so what)
- 6.5 Whether projects are accurately described in the DCP

7 Drafting of the associated planning provisions

- 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 DCP levy exemptions have been appropriately drafted
- 7.5 Whether Melbourne Water should be a determining referral authority for flood hazard in the Urban Renewal Area
- 7.6 Whether changes to the site-specific controls in the various Specific Controls Overlay schedules need to be considered after the Amendment is introduced into the Planning Scheme.

Timetable Version 10

Document hub link

Documents are available online here: [Precincts SAC Referral 1 - Fishermans Bend - Document Sharing](#)

Week 5

Day 11: Tuesday 3 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Allocated
10:00am	Preliminary matters	10 mins
10:10am	Development contributions evidence with experts: <ul style="list-style-type: none">- Chris De Silva of Mesh Planning called by the Proponent- Jo Fisher of Mesh Planning called by the Proponent- Matt Ainsaar of Urban Enterprise called by the Proponent	Day 1 of 4
12:45pm	Lunch break	1 hour
1:45pm	DCP evidence continued	
4:30pm	Day close	

Day 12: Wednesday 4 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Allocated
10:00am	Preliminary matters	10 mins
10:10am	Development contributions evidence continued	Day 2 of 4
12:45pm	Lunch break	1 hour
1:45pm	Development contributions evidence continued	
4:30pm	Day close	

Day 13: Thursday 5 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Allocated
10:00am	Preliminary matters	15 mins
10:15am	Development contributions evidence continued	Day 3 of 4
12:45pm	Lunch break	1 hour
1:45pm	Development contributions evidence continued with experts: - Chris McNeil of Ethos Urban called by Melbourne City Council	
4:30pm	Day close	

Week 6

Day 14: Monday 9 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Allocated
10:00am	Preliminary matters	10 mins
10:10am	Development contributions evidence continued	Day 4 of 4
12:45pm	Lunch break	1 hour
1:45pm	Development contributions evidence continued	
4:30pm	Day close	

Day 15: Wednesday 11 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		10 mins
10:10am	Proponent – main submission		Day 1 of 1.5 days
12:30pm	Lunch break		1 hour
1:30pm	Proponent – main submission continued		
4:30pm	Day close		

Day 16: Thursday 12 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		10 mins
10:10am	Proponent – main submission		Day 2 of 1.5 days
12:45pm	Lunch break		1 hour
1:45pm	Melbourne Water – main submission		2.5 hours
4:30pm	Day close		

Day 17: Friday 13 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		10 mins
10:10am	Melbourne City Council – main submission		1 day
12:45pm	Lunch break		1 hour
1:45pm	Melbourne City Council – main submission continued		
4:30pm	Day close		

Week 7

Day 18: Monday 16 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		10 mins
10:10am	Gadens Clients – main submission	18, 19, 26, 32	3 hours
12:40pm	Lunch break		1 hour
1:40pm	Gadens Clients – main submission continued		
2:15pm	R. Corporation Pty Ltd represented by Clare Somerville	22	20 mins
2:35pm	Ausnet Transmission Group represented by Moustapha Ayache	35	10 mins
2:45pm	Normanby Road Developments Pty Ltd represented by Daniel De Fazio of Human Habitats	37	20 mins
3:05pm	Stewart Proper	5	10 mins
3:15pm	Day close		

Day 19: Tuesday 17 December 2024

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		15 mins
10:15am	Lorimer Place Owners Corporation – main submission	33	1 hour
11:15am	Break		15 mins
11:30am	VCHQ2 Pty Ltd – main submission	30	1 hour
12:30pm	Lunch break		1 hour
1:30pm	Claric 178 Pty Ltd – main submission	36	1.5 hours
3:00pm	Break		15 mins
3:15pm	Melbourne Council – further submission on drainage		1 hour
4:15pm	Day close		

Day 20: Wednesday 18 December 2024**Venue:** Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		15 mins
10:15am	Goodman Ltd – main submission	46	1.5 hours
11:15am	Break		15 mins
11:30am	Goodman Ltd – main submission continued		
12:00pm	Lunch break		1 hour
1:00pm	Kador Holdings Pty Ltd – main submission	38	1.5 hours
2:30pm	Day close		

Day 21: Thursday 19 December 2024**Venue:** Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)By video (Microsoft Teams): [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10:45am	Preliminary matters		15 mins
11:00am	Port Phillip City Council – closing submission		30 mins
11:30am	Melbourne City Council – closing submission		30 mins
12:00pm	Melbourne Water – closing submission		30 mins
12:30pm	Lunch break		1 hour
1:30pm	Proponent – closing submission		2 hours
3:30pm	Hearing close		

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
2. Please be present or online at least 15 minutes before your scheduled start time.
3. The Committee may amend a Party's start time without notice. However you will be contacted in advance if you are to be rescheduled to a different day.
4. Time will be made for morning and afternoon breaks each day. Break times will be taken at appropriate points in the proceedings, and break times in the timetable are indicative only.
5. Getting to the Hearing venue – Planning Panels Victoria (corner Spring and Flinders Streets) is on the 75 and City Circle tram lines and a short walk from the Collins Street trams 109, 11, 12 and 48. It is also a short walk from Parliament Train Station.
6. If you have any questions about the timetable, please contact Planning Panels Victoria.