

EXTRACTS FROM INFORMATION RECEIVED UNDER FOI  
RE THE PLANNING PROCESSES FOR THE GISBORNE (AAMI) CALL CENTRE, 2006

Date	FOI Page	From / To	Comments
11/05	91	Background to grant application	AAMI in discussions with Financial Services group in Department since late 2003. Needs to establish a disaster recovery site away from St. Kilda Rd HQ to continue to function effectively in the event of a major power/telecommunications outage.
11/05	92	Background to grant application	60 FTE jobs at Gisborne will come from St. Kilda Rd staff.
11/05	93	Background to grant application	Brief prepared in consultation with Regional Development Victoria which supports CRISP funding to encourage project to proceed at Gisborne. On-going project support in relation to sites and also being provided by Office of Investment Facilitation.
30/12/05	90	John Brumby, Minister for State & Regional Development	Signed application approval for \$600,000 grant to AAMI. Create 200 jobs. Noted "Excellent Proposal"
2/1/06	94	John Brumby to AAMI	Letter – successful application. Delighted to be able to make offer and wish every success with project. Refers to AAMI discussions with Regional Development Victoria and Department of Innovation, Industry and Regional Development [DIIRD].
20/6/06 5.57pm	182	DIIRD to ?? [AAMI?]	Thanks for opportunity to become more involved in centre in Gisborne. <b>Will ring Council on AAMI's behalf to explain and engender support to achieve a planning outcome acceptable to all.</b> Will do as a matter of priority.
21/6/06	181	AAMI letter	<b>2 permit conditions – two render project unviable. Restriction on staff to 80 (Cond. 3) wholly defeats point of project.</b> Will employ up to 250 full and part time staff from surrounding areas. Building and fit-out to accommodate 210 seats. <b>Want condition removed. Cond. 20 likewise renders unviable.</b> Cond. 9 re signage also of concern/ Staff leaving at any one time will be 20 initially, will increase modestly.
23/6/06 10.55am	180	DIIRD to MRSC	<b>AAMI objects to permit conditions.</b> Facilitation meeting called – Councillors to AAMI St. Kilda Rd HQ. AAMI has negotiated 107 car parks with developer.
26/6/06 5.43pm	173	?? [addressed to "Folks"]	Astounded by latest information. Parking based on 80 people / 40 sq m per person. <b>Misled on what appears a dishonest attempt to place responsibility for approval of call centre with deficient car parking and supporting information on Council.</b> I find external parties to this exercise have acted inappropriately and if the project falls over, will immediately seek a review by Audit Victoria.
27/6/06 12.10pm	172	Details for Meeting on 3/7/06	Proposes MRSC reps (3), AAMI (2), Colliers International (1), Nexus (1), DIIRD (3), Office of Manufacturing and Services Industries (DIIRD) (1).
7/7/06 2.20pm	166	DIIRD Office of Investment Facilitation	Copy of minutes from 3/7/06 meeting attached.

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7/7/06	167	Minutes from 3/7/06 meeting, on DIIRD letterhead.	<p>Present: AAMI (3), MRSC (2), Nexus (1), Bill Jacobs P/L (1), Synergy Property Services (1), DIIRD (4)</p> <p>Meeting to discuss call centre and permit conditions which inhibit AAMI.</p> <p>DIIRD noted that MRSC had done all possible to facilitate. Meeting would enable open discussion on permit conditions, meet requirements of all stakeholders. Information provided during meeting strictly confidential. Discussion between AAMI, Nexus &amp; MRSC started December 2005.</p>
7/7/06	168	Minutes from 3/7/06 meeting, on DIIRD letterhead.	<p>Condition 3 – Parking: 245 on-site (107 AAMI), 60 on street = 305. Planning scheme requires 420 = 115 shortfall.</p> <p>Several conditions for whole development not satisfactory for AAMI. Developer submitted staff numbers for startup, not full operations. Resulted in conditions that do not meet company's requirements.</p> <p>Condition 4 - MRSC: more spaces required. Permit requires 183 onsite, 38 offsite (total 221).</p>
7/7/06	161	Minutes from 3/7/06 meeting, on DIIRD letterhead.	MRSC to consider amendment, to Council 10/7/06.
12/7/06	165	To Nexus (letter)	Copy of amended permit. Nexus sought removal of Condition 3 on 6/7/06. MRSC didn't want to open-ended arrangement, <b>varied conditions to reflect discussions with AAMI on 3/7/06.</b>
12/7/06	162	Amended Planning Permit P206-0150	Amended Condition 1, added new 2, removed old 20, renumbered subsequent conditions, rewording Condition 4.
17/7/06 3.16pm	160	From MRSC	Amended permit sent by email. New Condition 2 recognises there is still a shortfall in parking, envisages a contribution (at a discounted rate of 45%). 305 spaces needed, 289 provided, 16 shortfall.
18/7/06 4.08pm	153	DIIRD to MRSC	<p>AAMI – <b>Permit does not meet their requirements. Delete Condition 4 (150 staff restriction). Will consider abandoning project if not deleted.</b></p> <p>?? has also expressed concern with Conditions 2 (\$75,000 contribution) and 3 (consolidation of titles). <b>The \$75,000 has the potential to thwart the development.</b> Concedes the consolidation may be required but wants some concession on when to occur (permit said prior to use commencing). Issues require resolution ASAP.</p>
18/7/06 5.05pm	152	MRSC to DIIRD	<p>Disappointed at AAMI's response. Permit is consistent with advice given but now unacceptable. <b>Conditions on permit are based on discussions with 6 of 9 councillors.</b></p> <p>Unable to see how consolidation within 12 months presents a challenge.</p>
27/7/06	147	MRSC? To Nexus	Letter sent to Nexus Nominees c/- Gattini & Partners, amended permit attached.
27/7/06	150	Amended Permit	No restriction on employees. Conditions 1 & 2 amended, renumbers subsequent conditions.

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14/8/06 4.41pm	192	DIIRD	Amended permit issued which no longer limits the number of employees that can occupy the facility. Another amendment sought by Nexus. Advertized – ends 16/8/06.
18/8/06	120	Council officer report to Council	
18/8/06 12.14pm	130/ 131	MRSC? to DIIRD	Make time next week to discuss proposed changes and process. Are we able to confirm this is the last amendment – coping a bit in the local media at the priority we have been giving to this at the expense of other applicants.
18/8/06 1.17pm	137	DIIRD to MRSC?	AAMI very committed. <b>Hope to finalize agreement 24/8/06.</b> AAMI comfortable with proposed changes. AAMI not prepared to consider further changes.  Can you confirm permit has been issued today, and endorsed plans will be available from Council by 24/8/06 (subject to being able to process the final amendment application for the Council briefing)?  Please note – <b>have discussed with AAMI the possibility of the Minister making an announcement on 1/9/06. Can only occur if lease is in place.</b>
20/8/06 Sunday	130	MRSC to ??	AAMI have not committed to this site [i.e. Nexus] and I am utterly disappointed at the contempt with which you are again treating Council so am paying you the courtesy of advising that <b>I will place before Council a proposal that the MRSC offer AAMI the Gisborne offices as an interim measure while MRSC and AAMI build an extension on site.</b>
21/8/06 3.51pm	129	MRSC to DIIRD	Note proposal below. Will discuss with Council. Would be inconvenient for Council but manageable. Totally disillusioned with the developer and their antics. <b>Do not want opportunity lost to the area and I need to impress on the Minister we are doing all we can.</b>
21/8/06 5.55pm	128	DIIRD to MRSC	MRSC has been very patient in trying to facilitate the development, <b>and the Minister's office is aware of this.</b> AAMI have a clear preference for Nexus and not in position to consider the alternative option below.
<i>NB Confirms Minister Brumby had knowledge of events. State government claimed only involvement was funding.</i>			
24/8/06 8.32am	127	DIIRD to MRSC	<b>Assumes MRSC endorsed approach of approving the final amendment under delegation without the need for notification.</b>
24/8/06 9.27am	127	MRSC? to DIIRD	Amendment 4 received and Council briefed. Endorsed support for Amendment 3, will be signed off today. AAMI keen for Amendment 3 to be issued today. Amendment 4 will go to 13/9/06 meeting.
14/9/06 3.02pm	111	MRSC to DIIRD	Last night's meeting resolved not to determine but advertise Amendment 4. Decision made on the run in chamber by councillors and raises a number of problems.  Will send addendum report provided to Council yesterday.  Following matters are being vigorously pursued by Council and staff.  Resolve issue of late but valid objection to Amendment 3.

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			<p>Advised objector of changes in Amendment 4, may address issues and sought their written confirmation to this effect. If don't agree, Council needs to revoke permit and issue Notice of Decision and wait 21 days. <b>?? has been trying to reach the objectors to resolve/clarify their position and is hoping to see them tonight.</b></p> <p>Amendment 4 – Notice of Motion at Ordinary meeting to cancel last night's motion and new motion to approve this amendment will be put.</p> <p><b>Permit proposed to be issued 27/9/06.</b></p> <p>Outcome from last night most unfortunate, as is it with Amendment 3. <b>Doing everything to resolve speedily and completely as possible. Asking AAMI to show the same courtesy.</b></p>
18/9/06 12.11pm	110/ 110	DIIRD to MRSC	<p>AAMI still very keen to proceed. Would like resolution of planning issues ASAP. <b>However, will also investigate other options</b> – have no certainty that planning approval will be secured in a manner satisfactory to all parties.</p> <p>Issues requiring resolution:</p> <ol style="list-style-type: none"> <li>1. Validity of amended permit and endorsed plans issued by Council (Council seeking legal advice)</li> <li>2. <b>Resolution of objection – Council seeking to meet with objector.</b></li> </ol> <p>Your advice suggests point 1 and 2 require resolution before Council can consider final permit amendment. Can you confirm Council can move directly to consideration of final permit amendment should the current amended permit be considered invalid?</p> <p><b>AAMI has an expectation that Council will be able to resolve planning issues by the Council meeting of 27/9/06.</b> Is this achievable?</p>
18/9/06 3.57pm	110	MRSC to DIIRD	<p>Unable to give any undertakings about being resolved by 27/9/06. Mayor has given notice of rescission and motion to approve Amendment 4. Success will depend on the politics. Applicant has muddied the water with changes.</p>
18/9/06 5.09pm	110	MRSC to DIIRD	<p>Confirm a number of issues.</p> <ol style="list-style-type: none"> <li>1. Withdrawal of Amendment 3 will not ease issues and would in turn force Amendment 4 to be advertised. Not a beneficial outcome.</li> <li>2. ?? has arranged to meet with objector – earliest time that suited is Wednesday night.</li> <li>3. Current 'valid' permit was for Amendment 2 and no endorsed plan with that one.</li> </ol> <p>Will continue to work towards resolution of Amendment 3 and assist with process of Amendment 4 as possible.</p>

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25/9/06 3.53pm	106	Gattini & Partners to ??	Attached letter – outlines position in regard to Planning and Environment Act. Have sought legal advice re interpretation of Act and have verbal advice it is correct and should form basis for Council's consideration of matter at hand.
	108/ 109	Letter to MRSC dated 22/7/09	Interpretation of Act to justify not allowing rights on Amendment 4 = Amendment 3 has rights but Amendment 4 does not.
25/9/06 4.30pm	106	?? to DIIRD	Seem difficult for this not to be acted on. Clarification being sought from solicitors used by Council.
25/9/06 5.10pm	106	DIIRD to ??	Applicant's attempt to have Council consider Amendment 4 whilst Council has been busily trying to resolve outstanding objection to Amendment 3.
28/9/06 11.47am	104/ 105	DIIRD to MRSC	Status of planning approvals. 1. MRSC received legal advice permit and plans for Amendment 3 valid <b>irrespective of permit being incorrectly issued unless challenged at VCAT / Supreme Court.</b> 2. MRSC determined 24.9.06 to issue permit for Amendment 4. Objector also objected to Amendment 4. 21 days to appeal at VCAT. 3. MRSC included additional conditions to address objector's issues. 4. <b>Mayor and officers</b> if required will meet with objector to advise of Council's decision <b>with the intention of encouraging the objector to withdraw objections.</b> 5. <b>MRSC determined to delegate any further minor amendments to Director of Sustainable development.</b>
28/9/06 5.59pm	104	MRSC to DIIRD	Correct except at 4., Council's intention is to explain decision and objector's options.
29/9/06 4.10pm	103	DIIRD to MRSC	Met with AAMI. Pleased with MRSC decision but keen for objection to be resolved. <b>AAMI will continue to explore alternative sites for proposed call centre, given continuing uncertainty.</b> Keep informed of any developments as could be critical to AAMI's decision-making.
<i>NB After the objector applied to VCAT, MRSC and Nexus Nominees lodged an application with VCAT to have the objector's application struck out and for the objector to pay costs to MRSC and Nexus.</i>			
18/10/06 9.46pm	100/ 102	DIIRD to VCAT	Left message re recently listed VCAT application P2554/2006. Background – Department has been working with AAMI to facilitate establishment of \$10 million, 150 seat call centre in Gisborne. This significant investment project will result in over 200 jobs in a regional location. AAMI is negotiating with Nexus Nominees (developer and applicant for planning approvals) to be tenant in the new facility. AAMI is working to a timeframe to occupy in last quarter of 2007 – <b>planning approvals for project need to be secured ASAP.</b> <b>It is my understanding</b> that MRSC issued a Notice of Decision to grant which has been appealed by one party to VCAT. <b>We</b> are seeking your consideration of an expeditious hearing of the case, given the significant level of capital investment and creation of new jobs in regional Victoria.
<i>DIIRD was not a party to the VCAT appeal, nor was AAMI.</i>			

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18/10/06 11.01am	100/ 99	VCAT to DIIRD	Dear Brad, Apologies for not replying to your phone message (away for 2 days). Registry today received the relevant practice note material from Council. Have asked the file to be referred to Deputy President with a print out of your email below, and to ask whether we should list the matter of the expedited hearing before the "Practice Day" list for consideration. Deputy President will direct how the matter should proceed and we will be in touch with parties in the near future.  Kind regards
25/10/06 12.48pm	98	DIIRD to VCAT	Can you advise whether a decision has been made on how to proceed with this matter?
25/10/06 12.56pm	98	VCAT to DIIRD	System tells me this matter has been set down in the practice day list for this coming Friday, 27/10/06. Notices have been sent to the parties.
<p><i>NB The objector received 2 days notice.</i></p> <p><i>NB VCAT (Deputy President Helen Gibson) gave a verbal decision on the day of the hearing, approving the permit and plans. After an application was made for written reasons, the subsequent written decision included a note that the decision had been amended since the verbal decision. Deputy President Helen Gibson declined to apply costs to the objector.</i></p>			
3/11/06 5.20pm	190	DIIRD to ?? (seems an internal communication – Ministerial office?/CRISP?)	Following VCAT determination, MRSC has issued an amended permit and endorsed plans. Paves way for AAMI lease. Lease negotiations could take a week. Announcement could take place at earliest 13/11/06.  Attached draft release prepared by Regional Development Victoria, details to be confirmed.  Appropriate for any announcement to be in conjunction with MRSC.
	191	Draft Media Release	"Minister for State and Regional development said that AAMI's investment decision, <b>which is subject to local planning approval...</b>
Post- 5/12/06	87	Background briefing to Minister? re AAMI	Accepted grant offer to facilitate <b>hiring and training</b> of new staff. Grant subject to successful negotiation of commercial terms with developer. Complications with local planning regulations delayed the project and resulted in prolonged discussions between AAMI, developer and local government. <b>The Department's Investment Facilitation group played a crucial role in negotiating a successful outcome</b> and as a result AAMI signed lease on 5/12/06.
10/4/07 1.46pm	97	DIIRD to ??	Email. Joint announcement tomorrow. <b>Thanks ?? and staff for collective efforts in working with proponent to facilitate the planning permit application and the many amendment applications.</b> Project will provide terrific employment opportunities.
10/4/07 6.02pm	184	DIIRD to ??	Extracts that should suffice for the speech  "The Department of Innovation, Industry and Regional Development, through the Office of Investment Facilitation, <b>has provided significant facilitation support to AAMI in securing the planning approvals for this project.</b>

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			<p>I commend Council and my Department for working to closely to resolve some complex planning issues so that this project could come to fruition.”</p> <p><b>The subtext is that extensive facilitation was required by OIF to achieve the planning permit for the development.</b> The developer, AAMI and Council were unable to reach agreement on a range of issues relating to the planning permit application (which was subject to various amendment applications). <b>Without the facilitation work of OIF, it is unlikely that these issues would have been resolved</b> (this para could go in the brief).</p>
<p><i>NB In mid 2007, John Brumby became Premier following the resignation of Steve Bracks.</i></p>			
31/1/08	86	Jacinta Allen, Minister	Legal agreement for \$600,000 (creation of 200 jobs) approved.
<p><i>NB The DIIRD representative in this correspondence was Brad Ostermeyer, Acting Executive Director of Office of Investment Facilitation.</i></p>			

?? Not known – FOI erased almost all names.