



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8624 5712

15 December 2022

Dear Party

Priority Projects Standing Advisory Committee:

Referral 27 Draft Boroondara Planning Scheme Amendment C376 – 442-450 Auburn Road and 9 Bills Street, Hawthorn

The Committee held a Directions Hearing for the above matter on 7 December 2022 by video conference. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 27 February 2023	Parties must circulate Expert witness reports	7
12 noon	Monday, 13 March 2023	The Proponent must circulate its submission	8
10 am	Monday, 20 March 2023	Hearing commences	

The Committee made no declarations.

To address internal resourcing issues, this matter will now be conducted by Sarah Carlisle (Chair) and Lucinda Peterson.

If you have questions, please contact Gabrielle Trowse of Planning Panels Victoria on [REDACTED] or planning.panels@delwp.vic.gov.au.

Yours sincerely

Lester Townsend

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 Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

OFFICIAL



Committee Directions

Priority Projects Standing Advisory Committee:

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Scope of Committee considerations

A draft development plan was exhibited with the draft amendment ([here](#))

The referral letter states:

The Minister has decided to refer all submissions and the draft Amendment to the Priority Projects Standing Advisory Committee for consideration and advice on whether the project achieves acceptable planning outcomes. Under delegated authority from the Minister, I request the Committee provide specific advice on matters relating to built form and building heights, and potential traffic impacts.

The Committee notes that the draft Amendment does not seek to change the responsible authority for the land and so the Boroondara City Council will be responsible for approving the development plan, and issuing planning permits. The draft development plan will inform the consideration of the draft Amendment, but it will not be for the Minister to approve the development plan unless the Minister is made the responsible authority. The Committee anticipates that its report will focus on the text and plan in the Development Plan Overlay which, if this matter proceeds, the Minister will approve.

Before the Hearing

Unredacted submissions

1. The Department of Environment, Land Water and Planning must supply the Committee and the Proponent with an unredacted set of submissions as soon as practicable.

Circulation and sharing of documents

2. Documents must be circulated electronically to all parties on the Distribution list.
3. Files should not exceed 20MB in size. Documents larger than 20MB should be broken down into smaller files less than 20MB.
4. File names should be as short as possible and follow the naming convention:
[Party name] – [document title].
5. Paper documents will only be permitted in exceptional circumstances. If any party has issues supplying documents electronically, they should contact Planning Panels Victoria.

Witness reports

6. A witness report must:
 - a) comply with the Guide to 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, submitters should be referred to by submission number (*Note: it can refer to community groups, organisations, corporations and government agencies*)
 - c) be provided to the Committee as an unlocked document.
7. Council and the Proponent must circulate their witness reports to parties on the distribution list by **12 noon on Monday, 27 February 2023**.

Proponent submission

8. The Proponent must circulate its outline of submission to parties on the distribution list by **12 noon on Monday, 13 March 2023** that includes:
 - a) background to the Amendment including chronology of events
 - b) strategic context and assessment
 - c) issues identified in submissions

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- d) any suggested changes to the Amendment in response to submissions. These should be tracked in the version of the overlay supplied by the Committee.

At the Hearing

Submissions and information

- 9. Parties must present material at the Hearing electronically.
- 10. Electronic information must be circulated to parties on the distribution list by **12 noon on the day before** the information is to be presented at the Hearing.
- 11. All information presented at the Hearing is a public document for the purposes of the Committee process unless the Committee directs otherwise.

Evidence and cross examination

- 12. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 minutes – *all expert witness reports will be read before the Hearing.*
- 13. An expert witness may refer to a presentation which summarises their evidence, but it must:
 - a) not include new evidence
 - b) be provided to parties by 12 noon the day before that witness is scheduled to appear.
- 14. Unless a specific direction is made about ‘like’ evidence, an expert witness can provide their response to other like evidence by 12 noon the day before that witness is scheduled to appear.
- 15. Parties, advocates and the Committee may question a witness.
- 16. If giving evidence remotely, a 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 statement and relevant supporting documents.
- 17. The Committee will regulate cross-examination.

Other information

- 18. After presenting to the Committee, submissions and other material (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.

Closing submissions

- 19. The Proponent will be provided time to present a closing submission.

The closing submission must not raise new matters but should respond to matters raised in other parties’ submissions or evidence.

Recording Hearings and use of personal information

- 20. Parties must not record any part of an electronic hearing by any means without permission from the Committee.

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21. In exceptional cases, the Chair may direct that the Hearing be recorded. A party who wishes proceedings to be recorded must make a request to the Committee at least five business days before the Hearing commences, outlining its reasons.
22. If Planning Panels Victoria records an electronic hearing, any party provided with a copy of the recording on request must not publish or distribute that recording or use it for any purpose other than for the Hearing.
23. Parties must not record, keep, distribute or publish contact details of any other party obtained during an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

Compliance with Committee directions

24. All directions must be complied with. It is an offence to not comply with a direction without lawful excuse. [section 169 of the *Planning and Environment Act 1987*]
25. If you anticipate being unable to comply with a direction (for example, meeting a deadline for the circulation of evidence), you must provide the Committee with advance notice, and a written statement explaining why you are unable to comply with the direction, and permission from the Committee to vary the direction.
26. The Committee may:
 - a) refuse to hear from anyone who fails to comply with a direction. [section 159(b)]
 - b) not accept evidence if permission to vary a direction for the circulation of evidence is not sought or granted.

Distribution List

Priority Projects Standing Advisory Committee:

Referral 27 Draft Boroondara Planning Scheme Amendment C376 – 442-450 Auburn Road and 9 Bills Street

Use this list to circulate expert witness statements and other information requested by the Committee. It must not be used for any other purpose.

Electronic documents

Party	email address
Planning Panels Victoria	planning.panels@delwp.vic.gov.au;
City of Boroondara	[REDACTED]
Hamton Group Pty Ltd and the University of Melbourne (on behalf of UoMC Ltd, a wholly owned subsidiary of the University)	[REDACTED]
Sandra Williams	[REDACTED]
Ingibjorg Arnadottir	[REDACTED]
Danielle Frost	[REDACTED]
Ailsa Wilson	[REDACTED]
Sheree Proposch	[REDACTED]

Timetable

Priority Projects Standing Advisory Committee:

Referral 27 Draft Boroondara Planning Scheme Amendment C376 – 442-450 Auburn Road and 9 Bills Street

Timetable Version 1

Day 1: Monday 20 March 2023

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join by video conference: [Click here to join the Hearing.](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Introductory submission from the Proponent ' Hamton ' (Hamton Group Pty Ltd and the University of Melbourne on behalf of UoMC Ltd, a wholly owned subsidiary of the University) represented by Nicholas Tweedie of Counsel instructed by Tamara Brezzi of Norton Rose Fulbright	6	1 hour
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	Introductory submission from City of Boroondara		1 hour
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 1.50pm	Sandra Williams represented by Neil Young K.C.	13	20 mins
1.50pm – 2.05pm	Ingibjorg Arnadottir represented by Neil Young K.C.	18	15 mins
2.05pm – 2.15pm	Danielle Frost	14	10 mins
2.15pm – 2.35pm	Ailsa Wilson	32	20 mins
2.35pm – 2.45pm	Sheree Proposch	31	10 mins
2.45pm – 4.30pm	Reserve		
4.30pm	<i>Day close</i>		

Timetable Version 1:

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Hawthorn**Day 2: Tuesday 21 March 2023**

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join by video conference: [Click here to join the Hearing.](#)

Time	Party	Sub No	Allocated
10.00am	Preliminary matters		15 mins
10.00am – 11.30am	Hamton represented by Nicholas Tweedie of Counsel instructed by Tamara Brezzi of Norton Rose Fulbright, calling the following expert evidence: <ul style="list-style-type: none"> - Rob McGauran of MGS in urban design - Sophie Jordan of Contour Consultants in town planning - Jason Walsh of Traffix Group in traffic engineering. 		2 days
11.30am – 11.45am	Break		15 mins
11.45am – 1.00pm	Hamton cont.		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.30pm	Hamton cont.		
3.30pm – 3.45pm	Break		1 hour
3.45pm – 4.30pm	Hamton cont.		
4.30pm	<i>Day close</i>		

Day 3: Wednesday 22 March 2023

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join by video conference: [Click here to join the Hearing.](#)

Time	Party	Sub No	Allocated
10.00am	Preliminary matters		
10.00am – 11.30am	Hamton cont.		
11.30am – 11.45am	Break		15 mins
11.45am – 1.00pm	Hamton cont.		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.30pm	Hamton cont.		
3.30pm – 3.45pm	Break		1 hour
3.45pm – 4.30pm	Hamton cont.		
4.30pm	<i>Day close</i>		

Timetable Version 1:

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Day 4: Thursday 23 March 2023

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join by video conference: [Click here to join the Hearing.](#)

Time	Party	Sub No	Allocated
10.00am	Preliminary matters		15 mins
10.00am – 11.30am	City of Boroondara representation to be confirmed, calling the following expert evidence: - Urban design - Traffic		2 days
11.30am – 11.45am	Break		15 mins
11.45am – 1.00pm	City of Boroondara cont.		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.30pm	City of Boroondara cont.		
3.30pm – 3.45pm	Break		1 hour
3.45pm – 4.30pm	City of Boroondara cont.		
4.30pm	<i>Day close</i>		

Day 5: Friday 24 March 2023

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join by video conference: [Click here to join the Hearing.](#)

Time	Party	Sub No	Allocated
10.00am	Preliminary matters		
10.00am – 11.30am	City of Boroondara cont.		
11.30am – 11.45am	Break		15 mins
11.45am – 1.00pm	City of Boroondara cont.		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.30pm	Hamton closing submissions.		
3.30pm – 4.30pm	Reserve		1 hour
4.30pm	<i>Day close</i>		

Hearing Timetable Notes:

1. The Committee may amend the timetable without notice.
2. Please be present at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.

Timetable Version 1:

Priority Projects Standing Advisory Committee:

Referral 27 Draft Boroondara Planning Scheme Amendment C376 – 442-450 Auburn Road and 9 Bills Street,
Hawthorn

5. If you have any questions about the timetable, please contact the Planning Panels Victoria on planning.panels@delwp.vic.gov.au.
6. Planning Panels Victoria 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.