



# Planning Panels Victoria

Department of Transport and Planning

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

9 August 2023

Dear Party

## **Priority Projects Standing Advisory Committee Referral 31: 140-204 Western Avenue, Westmeadows**

The Committee held a Directions Hearing for the above matter on 8 August 2023 at Planning Panels Victoria with online video access. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Monday, 28 August 2023	Proponent Part A (background and context) submission	3
12 noon	Monday, 28 August 2023	Expert witness reports	4
12 noon	Friday, 1 September 2023	Documents or material to be presented on Day 1 of the Hearing	6
12 noon	Friday, 1 September 2023	Proponent Part B (main) submission and 'Day 1' version of the amendment documentation and permit conditions	8
10am	Monday, 4 September 2023	Hearing commences	-
12 noon	Thursday, 7 September 2023	Part C (closing) submissions	17
12 noon	Monday, 11 September 2023	Proponent 'without prejudice' changes	18
4pm	Wednesday, 13 September 2023	Any party drafting changes	19
4pm	Thursday, 14 September 2023	Proponent response to drafting changes requested by parties	20
10am	Friday, 15 September 2023	Without prejudice discussion	-

In response to timetable changes discussed at the Directions Hearing, timeframes for the 'without prejudice' drafting actions have been extended.

### **Hearing details**

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

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

**By phone (audio only):** Dial 1800 571 208 and enter phone conference ID 371 904 545#

#### **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 Director, Privacy And Information Access, Department of Transport and Planning.



The Committee made no declarations.

If you have questions, please contact Chris Brennan, Senior Project Officer, Planning Panels Victoria on (03) 8624 5715 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "Con Tsotsoros". The signature is written in a cursive, flowing style.

**CON TSOTSOROS**  
Committee Chair

## Filing documents

1. Documents must be emailed to all parties on the distribution list. Use of the blind carbon copy (BCC) field is preferred when sending emails to the distribution list.
2. Documents must meet the following requirements:
  - a) Files exceeding 20MB in size must be provided through a fileshare link (for example, DropBox or OneDrive) or broken into parts less than 20MB each.
  - b) File names must be as short as possible and begin with the name of the party as it appears on the distribution list:

[Party name] - [Document Title].
  - c) If tabling more than 10 documents at once, all documents must be provided through a fileshare link (for example, DropBox or OneDrive) and 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](mailto:planning.panels@delwp.vic.gov.au) after being filed.

### Notes

All information presented to the Committee for the purposes of the Committee process is a public document unless the Committee directs otherwise. For more information on how your submission will be used, refer to the [PPV Website](#).

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](mailto: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.

## Before the Hearing

### Proponent Part A (background and context) submission

3. The Proponent must file a Part A (Background and context) submission by 12 noon on Monday, 28 August 2023 that includes:
  - a) a summary of the physical context of the subject land and surrounds
  - b) background to the Amendment including chronology of events
  - c) a summary of the strategic context, including:
    - (i) relevant planning policies and provisions
    - (ii) any other recently approved or upcoming amendments that might impact on the Amendment
  - d) a summary of any permit applications or recently granted permits that might impact on the Amendment
  - e) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how.

### Note

The Proponent's background and context submission will be taken as read. The Proponent should allow time for questions on Day 1 of the Hearing.

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### Expert witness reports

4. Expert witness reports must be filed by 12 noon on Monday, 28 August 2023.
5. 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.

### At the Hearing

#### Presenting material

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

#### Proponent Part B (main) submission

7. The Proponent must address the following issues in its Part B (main) submission or through evidence:
  - a) its response to submissions and evidence
  - b) its final position on the Amendment.
8. The Proponent must file a 'Day 1' version of the Amendment/permit documentation by 12 noon on Friday, 1 September 2023. The Day 1 version must:
  - a) show any suggested changes in response to submissions
  - b) be marked up against the exhibited version
  - c) be labelled 'Proponent Day 1 version – Clause X'
  - d) be in an editable format such as MS Word.

#### Other party submissions

9. A party who objects to the proposal must:
  - a) explain how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both
  - b) provide information which supports identified issues
  - c) explain whether certain issues are out of scope of the Committee's consideration

**Note**

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

#### Evidence and cross examination

10. Evidence-in-chief must be presented as a succinct executive summary of no longer than 15 minutes.
11. An expert witness may present a summary of their evidence at the Hearing, but it must:
  - a) not include new evidence
  - b) be filed by 12 noon the business day before that witness is scheduled to appear.
12. If giving evidence online, an expert witness must:

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- 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.
13. A party, advocate and the Committee may question an expert witness.
14. A party who intends to question an expert witness must provide written notice to Planning Panels Victoria ([planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)) by 3pm the day before the expert witness is due to appear.
15. 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](#).

## Part C (closing) submissions

16. The Proponent, Hume City Council, Department of Transport and Planning and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation will be provided time to present a Part C (closing) submission.
17. The Part C (closing) submissions:
- a) must be supported by a written submission filed by 12 noon on Thursday, 7 September 2023
  - b) must not raise new matters
  - c) may respond to matters raised in other parties' submissions or evidence.

**Directions:**

## Drafting changes

18. The Proponent must file its final preferred version of the Amendment clauses and permit conditions by 12 noon on Monday, 11 September 2023. 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 Proponent Day 1 version (refer to Direction 8)
  - c) be labelled 'Day 5 version'.
19. A party seeking to provide drafting comments on the Proponent Part C (closing) version of the Amendment clauses/permit conditions must file them by 4pm on Wednesday, 13 September 2023. Drafting comments must only relate to drafting issues, not broader issues.
20. The Proponent must file a response by 4pm on Thursday, 14 September 2023 to the requested drafting changes, confirming if changes are agreed to in whole or in part or not agreed.
21. There will be 'without prejudice' drafting discussion at 10am on Friday, 15 September 2023.

**Note**

Comments on the final version of Amendment documentation must be limited to drafting (form and content). Drafting comments can be provided on a without prejudice basis even though your primary position may be that the proposal should not be supported.

## Privacy and use of personal information

22. 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.
23. A party must not record any part of a Hearing by any means without permission from the Chair.
24. 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.
25. 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**

Hearings are only recorded in exceptional circumstances. For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 20 July 2023.

# Distribution List

Priority Projects Standing Advisory Committee Referral 31: 140-204 Western Avenue, Westmeadows

Use this list to file expert witness reports and other information in accordance with the Committee's directions. It must not be used for any other purpose. If you are unsure about whether any material or content is appropriate for filing, please seek guidance from Planning Panels Victoria before filing the material.

## Electronic documents

Party	email address
Planning Panels Victoria	[REDACTED]
Department of Transport and Planning (Planning)	[REDACTED]
MAB Corporation Pty Ltd	[REDACTED]
Hume City Council	[REDACTED] [REDACTED]
Cherine Fielder	[REDACTED]
Friends of Moonee Ponds Creek	[REDACTED]
Graeme Hodgson	[REDACTED]
Dr Kenneth Knowles and Assoc Prof Graeme Pollock OAM	[REDACTED]
Peter Barbetti	[REDACTED]
Renaë Kenessy	[REDACTED]
Roy Ellis	[REDACTED]
Terminate Tullamarine Toxic Dump Action Group	[REDACTED]
Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation	[REDACTED]

# Timetable

Priority Projects Standing Advisory Committee Referral 31: 140-204 Western Avenue, Westmeadows

## Timetable Version 1

### Document hub link

Documents are available online here: [\[REDACTED\]](#)

### Week 1

#### Day 1: Monday 4 September 2023

**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
10am	Preliminary matters		20 mins
10.20am	<b>Department of Transport and Planning</b> – opening submission		10 mins
10.30am	<b>MAB Corporation Pty Ltd</b> – opening submission		30 mins
11am	<b>Hume City Council</b> – opening submission	69	10 mins
11.10am	<b>Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation</b> – opening submission		10 mins
<b>11.20am</b>	<b>Break</b>		<b>15 mins</b>
11.35am	<b>MAB Corporation Pty Ltd</b> , represented by Chris Townshend, Peter O’Farrell and Jordan Wright of Counsel, instructed by Rhodie Anderson of Rigby Cooke Lawyers, calling expert evidence on: <ul style="list-style-type: none"><li>- planning from John Glossop of Glossop Town Planning</li><li>- traffic from John Kiriakidis of Stantec</li><li>- flora and fauna from Aaron Organ of Ecology and Heritage Partners</li><li>- stormwater from Neil Craigie</li><li>- industrial land supply from Rhys Quick of Urbis</li><li>- environmental from Michael Rehfisch of Senversa</li><li>- landscaping from Barry Murphy of Murphy Landscape Consultancy</li></ul>		3.5 days
<b>12.45pm</b>	<b>Lunch break</b>		<b>1 hour</b>
<b>1.45pm</b>	<b>MAB Corporation Pty Ltd cont.</b>		<b>15 mins</b>
4.30pm	Day close		



**Day 2: Tuesday 5 September 2023**

**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
10am	Preliminary matters		15 mins
10.15am	<b>MAB Corporation Pty Ltd</b> cont.		
<b>12.45pm</b>	<b>Lunch break</b>		<b>1 hour</b>
1.45pm	<b>MAB Corporation Pty Ltd</b> cont.		
4.30pm	Day close		

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**Day 3: Thursday 7 September 2023**

**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
10am	Preliminary matters		15 mins
10.15am	<b>MAB Corporation Pty Ltd</b> cont.		
<b>12.45pm</b>	<b>Lunch break</b>		<b>1 hour</b>
1.45pm	<b>MAB Corporation Pty Ltd</b> cont.		
4.30pm	Day close		

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**Day 4: Friday 8 September 2023**

**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
10am	Preliminary matters		15 mins
10.15am	<b>MAB Corporation Pty Ltd</b> cont.		
<b>12.45pm</b>	<b>Lunch break</b>		<b>1 hour</b>
1.45pm	<b>MAB Corporation Pty Ltd</b> cont.		
4.30pm	Day close		

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## Week 2

### Day 5: Tuesday 12 September 2023

**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
10am	Preliminary matters		15 mins
10.15am	<b>Hume City Council</b> represented by Allison Tansley of Harwood Andrews Lawyers	69	30 mins
10.45am	<b>Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation</b> represented by Alex Cuthbertson		30 mins
11.15am	<b>Friends of Moonee Ponds Creek Inc</b> represented by Kaye Oddie	62	30 mins
<b>11.45am</b>	<b>Break</b>		<b>15 mins</b>
12 noon	<b>Terminate Tullamarine Toxic Dump Action Group</b> represented by Helen van den Berg	2, 67	30 mins
12.30pm	<b>Graeme Hodgson</b>	28	10 mins
12.40pm	<b>Peter Barbetti</b>	7	10 mins
<b>12.50pm</b>	<b>Lunch</b>		<b>1 hour</b>
1.50pm	<b>Renae Kenessy</b>	9	10 mins
2pm	<b>Roy Ellis</b>	6	10 mins
2.10pm	<b>Dr Kenneth Knowles and Assoc Prof Graeme Pollock OAM</b> represented by Dr Knowles	83	10 mins
2.20pm	<b>Cherine Fielder</b>	82	10 mins
2.30pm	<b>Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation</b> – closing submission		10 mins
2.40pm	<b>Department of Transport and Planning</b> – closing submission		10 mins
2.50pm	<b>Hume City Council</b> – closing submission	69	10 mins
<b>3pm</b>	<b>Break</b>		<b>15 mins</b>
3.15pm	<b>MAB Corporation Pty Ltd</b> – closing submission		30 mins
3.45pm	Day close		

### Day 6: Friday 15 September 2023

**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
10am	Without prejudice drafting discussion		1 hour
<b>11am</b>	<b>Hearing close</b>		

**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. 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 at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).