



Planning Panels Victoria

Department of Transport and Planning

1 Spring Street
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30 April 2024

Dear Party

Priority Projects Standing Advisory Committee Referral 39 Victorian Civil and Administrative Tribunal Call-In – 47 South Road, Brighton

The Minister for Planning (the Minister) called in VCAT Proceedings P1597/2023 and P1598/2023 (VCAT Proceedings) from the Victorian Civil and Administrative Tribunal (VCAT) on 16 April 2024. The call-in relates to the proposed subdivision of land at 47 South Road, Brighton into 14 lots including creation of a super lot and the construction of 84 dwellings and associated buildings and works.

We are writing to you because you are a party to the VCAT Proceeding which includes Golden Age LB Pty Ltd as the Trustee for GA South Road Development Unit Trust (Proponent), Bayside City Council, and joint respondents represented by Matthew Butler of Clement-Stone Town Planners. This Advisory Committee will not seek any further notification and only those parties to the previous VCAT proceedings are able to be heard.

The Minister has referred this matter to the Priority Projects Standing Advisory Committee (the Committee) for advice and recommendations on whether planning permits should be issued, and if so, the appropriate permit conditions that should be imposed. The letter of referral dated 16 April 2024 is attached.

The Committee

The Minister appointed the Committee under section 151 of the *Planning and Environment Act 1987* (the Act). The Minister provided the Committee with updated Terms of Reference dated 9 September 2023 (copy attached).

Committee Members Kathy Mitchell AM (Chair) and Simon Shiel will consider this matter, which will be known as Referral 39. Both members have declared they have no known conflict of interest in this matter.

Directions Hearing

The Committee will hold a Directions Hearing as follows:

2.00pm, Thursday, 9 May 2024

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

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

At the Directions Hearing, the Committee will:

- give directions about exchanging information before the Hearing and the conduct of the Hearing
- confirm Hearing times, venue and site inspections
- consider any procedural issues.

To assist the Committee process, the Committee directs that Council, the Proponent and all parties seeking to be heard provide a summary of the key issues intended to be relied upon. This summary must be no longer than one page and must be provided to the Committee and circulated to all parties on the Distribution List by **12 noon on Tuesday 7 May 2024**.

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Further, all parties seeking to be heard must confirm the details of their representation, any expert witnesses they intend to call, and how much time they require to present at the hearing. This information is to be provided irrespective of the information previously provided in this regard at VCAT. Parties must provide this information via the [online request to be heard form](#) by **12 noon on Tuesday 7 May 2024**.

VCAT orders and circulation of documents

The Committee received the VCAT file on 29 April 2024 and upon its review, the Committee will seek to maintain the orders contained in the VCAT Order to the extent possible. This will be confirmed in writing following the Directions Hearing, along with the Directions and Hearing timetable.

The Committee directs that all material to be filed be circulated to all Parties to the VCAT Proceeding and planning.panels@delwp.vic.gov.au.

Hearing and site inspection

The purpose of the Hearing is to hear from the Parties to the VCAT Proceeding.

The Hearing for this matter was set down by VCAT to commence on 3 June 2024 for up to 8 days. To ensure timely consideration of this matter, the Committee has set aside those same dates, these being 3–14 June 2024. The Hearing will be held in person at Planning Panels Victoria and will be on-line for anyone to observe at any time.

The Committee will:

- consider all submissions and evidence in an independent forum
- be informal and not like a court
- give fair, unbiased advice to the Minister about the proposed planning permit.

The Committee will discuss the arrangements for a site inspection at the Directions Hearing.

Further Information

More information about the Committee is available at www.planningpanels.vic.gov.au/panels-and-committees/projects/priority-projects-standing-advisory-committee

Information presented throughout the process, including the Hearing, will be **treated as public documents** unless the Committee specifically directs that the material is to remain confidential pursuant to its Terms of Reference (Clause 20). Please carefully read the attached *Privacy Collection Notice*.

The attached *Privacy Collection Notice* explains how your submission will be used by the Committee.

Further information including the *What is a Committee?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at:

<https://www.planningpanels.vic.gov.au/guides-and-resources>

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

Yours sincerely



Kathy Mitchell AM
Committee Chair

Key information

Priority Projects Standing Advisory Committee Referral 39
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Summary of key dates

Time	Date	Actions for filing and other matters
12 noon	Tuesday, 7 May 2024	Representation and expert witness details to be provided to the Committee
12noon	Tuesday 7 May 2024	Statement of issues to be relied upon must be tabled from Council, the Proponent and for those seeking to be heard
12 noon	Monday, 20 May 2024	Council Part A (background and context) submission
12 noon	Monday, 20 May 2024	Proponent background submissions
12 noon	Monday, 20 May 2024	Proponent expert evidence report(s)
12 noon	Wednesday 22 May 2024	All other expert evidence reports
12 noon	Friday, 31 May 2024	Council 'Day 1' version of the permit documentation
12 noon	Friday, 31 May 2024	Proponent 'Day 1' version of the project documentation
12 noon	Business day prior to the first of any like evidence	Statement(s) of agreed opinions and facts if required
10 am	Monday, 3 June 2024	Hearing commences

Planning Panels Victoria Privacy Notice

Your personal information will be collected during this Advisory Committee process for the purpose of documenting your views about the permit application, advising the planning authority and the Minister for Planning about the permit application and communicating with you throughout the Advisory Committee process.

While the Advisory Committee process is underway

Natural justice for all participants and transparency are important parts of the Advisory Committee process. The *Planning and Environment Act 1987* requires the Panel to conduct any Hearing it holds in public, and to keep a public record of the material provided to the Advisory Committee. Planning Panels Victoria (PPV) may:

- provide a copy of your material with all contact details to the Proponent, government agencies and other parties to the Hearing
- provide a copy of your material to any other person who requests it (your personal information will be removed first)
- provide a copy of your material to the Department of Transport and Planning (DTP) if needed for preparing Ministerial briefings
- publicly display a copy of your material in the PPV Office or Hearing room
- direct that a copy of your material be publicly displayed in the relevant local council office or DTP regional office.

Hearings

The Advisory Committee may conduct a Hearing, either in person or using video conferencing. Hearings by video conference have special privacy requirements. If you choose to participate in the Hearing, you should be aware:

- a link to the Hearing will be published on the internet, and third parties will be able to join the Hearing and observe
- the Panel may broadcast the Hearing live on the internet.

The Advisory Committee may make a recording of the Hearing and may provide a copy of any recording to any person who requests it. Where Hearings are recorded, generally audio only is recorded (not video).

The Advisory Committee can hear submissions or accept material on a confidential basis, provided this would be fair to the other parties to the Hearing. If you want to make your submissions or provide material to the Advisory Committee confidentially, you will need to ask permission from the Chair and provide reasons why the Advisory Committee should treat your submissions or material confidentially.

The Advisory Committee report

The Advisory Committee's report is a public document which will include a list of the names of submitters and a list of the names of the Parties to the Hearing. It may also include direct quotes from submitters. Once the report is submitted to the Minister for Planning, it is at the Minister's discretion if or when to release it to the public. If it is released, the Committee report will be published on the internet.

After the Advisory Committee has reported

When the Advisory Committee has reported to the Planning Authority, your material will be removed from public display.

Requesting copies

If you would like a copy of any submissions or material collected by the Advisory Committee, or a copy of any recording the Advisory Committee makes of the Hearing, make a request to PPV by email at planning.panels@delwp.vic.gov.au before the Advisory Committee submits its report. If the Advisory

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Committee has been released, you should submit your request to the DTP Freedom of Information and Privacy Unit at foi.unit@transport.vic.gov.au

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 5719.