



Planning Panels Victoria

Department of Transport and Planning

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

20 July 2023

Dear Submitter

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

We are writing to you because you made a submission to the Department of Transport and Planning or previously commented on the draft Hume Planning Scheme Amendment C269hume (the Amendment) and draft planning permits PA2302140, PA2302142 and PA2302143 (the planning permits) to facilitate development at 140-204 Western Avenue, Westmeadows (subject site).

The Minister for Planning (the Minister) has referred all submissions to the Priority Projects Standing Advisory Committee (the Committee). A copy of the referral letter dated 16 July 2023 is attached.

This letter:

- tells you what you need to do if you want to participate in the Committee process
- explains how we will use information the Committee collects
- sets out preliminary directions and key dates for the Committee process.

The Proposal

The Amendment proposes to:

- rezone the subject site from Farming Zone to Industrial 3 Zone and Public Park and Recreation Zone
- apply a new Design and Development Overlay Schedule 6
- amend the Hume Planning Scheme to make the Minister the responsible authority for the matters relating to the draft planning permits.

The planning permits seek to:

- use and develop the subject site for a data centre and a warehouse
- display signage and reduce the standard car parking requirements
- subdivide the subject site into 34 lots including a stormwater bio-retention area
- remove part of a drystone wall and remove native vegetation.

The Minister is the Planning Authority for the Amendment.

MAB Corporation Pty Ltd is the proponent for the Amendment and the permits.

About the Committee

The Minister appointed the Committee under section 151 of the *Planning and Environment Act 1987* (the Act). More information about the Committee, including its Terms of Reference can be viewed at planningpanels.vic.gov.au/panels-and-committees/projects/priority-projects-standing-advisory-committee.

Committee members Con Tsotsoros (Chair) and Meredith Gibbs will consider this referral, which will be known as Referral 31.

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



In accordance with its Terms of Reference and referral letter, the purpose of the Committee is to:

- provide advice to the Minister about whether to approve the amendment and issue the planning permits
- provide specific advice and recommendations on the main themes raised in submissions (see attached key information).

The Committee process

Form of engagement

Clause 16 of the Committee's Terms of Reference provides that the Committee is not expected to carry out a public hearing or roundtable discussion but may do so if it is deemed necessary. At this stage, the Committee considers a Directions Hearing and main Hearing is required for Referral 31.

The Committee will:

- consider submitters in an independent forum
- be informal and not like a court
- give fair, unbiased advice to the Minister about the amendment and planning permits.

Submissions and other information presented throughout the process, including the Hearing, will be treated as public documents. Please carefully read the attached *Privacy Collection Notice*.

Directions Hearing

At the Directions Hearing, the Committee will:

- give directions about exchanging information before the Hearing and the conduct of the Hearing
- consider Hearing times and venue and site inspections
- answer questions people have about the Committee process including the Hearing.

The Directions Hearing will be held:

10am, Tuesday, 8 August 2023

Hearing Room 1, Ground floor

1 Spring Street, Melbourne

You can also participate in or observe the Directions Hearing by online video through MS Teams:

Video link: [Click here to join the meeting](#)

You should attend the Directions Hearing if you:

- wish to participate in the Committee process
- have questions about the Committee process or wish to raise procedural issues.

The Committee will issue final directions after considering all requests to be heard and any additional matters raised at the Directions Hearing or in writing before the Directions Hearing.

Hearing

The purpose of the main Hearing is for people to speak to their written submission and to hear from the Proponent. The Hearing will start in the week of Monday 4 September 2023 and should run for up to 5-7 days. The Hearing is open for anyone to observe.

The Committee will consider all referred written submissions when preparing its report, including those from submitters who do not attend the Hearing.

Preliminary directions and key dates

The Key Information attached to this letter includes preliminary directions and a list of key dates for filing information in the leadup to the Hearing. If you wish to comment on this or raise any other preliminary matters but are unable to attend the Directions Hearing, you can provide comments in writing to planning.panels@delwp.vic.gov.au by Thursday, 3 August 2023.

If you wish to be involved in the Committee process

Please complete the [online request to be heard form](#) by 12 noon on Thursday 3 August 2023 if:

- you wish to be involved in the Hearing
- you do not wish to speak but would like a copy of the timetable and final directions.

Notes on completing the online request to be heard form are attached.

Further Information

Objections, submissions, and other information presented throughout the process will be treated as public documents. Committee proceedings, including directions hearings and hearings, are generally public and open for anyone to attend. The attached *Privacy Collection Notice* explains how your submission will be used by the Committee. Please read it carefully.

Further information including the *What is a Panel?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at: www.planningpanels.vic.gov.au/guides-and-resources.

If you need a paper copy of these documents or if you have any other questions, please contact [REDACTED]

planning.panels@delwp.vic.gov.au.

Yours sincerely



CON TSOTOSOROS
Committee Chair

Completing the Request to be Heard Form

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

When completing the online [request to be heard](#) form, please note the following details.

When will the Hearing be held?

The expected hearing dates are between 4/09/2023 and 15/09/2023.

What if I have availability issues during the expected hearing dates?

You can tell us when you are not available.

The Committee will accommodate your availability where possible.

Time required to present your submission

You will be allocated 10 minutes for your submission if this field is left blank.

Expert witness details

An expert witness gives evidence in a field of expertise and must prepare a report.

If you propose to call expert witnesses, you must:

- provide details of all expert witnesses on the request to be heard form – this includes their name, organisation, and field of expertise
- file expert witness reports at the time directed by the Committee before the Hearing.

Please note that it is critical the Committee receives this information about expert witnesses on time as it assists in planning the draft timetable for the Hearing before the Directions Hearing.

Participants in the Hearing can generally cross-examine expert witnesses.

What happens after I complete the form?

If you complete this form, a letter with directions and a timetable for the Hearing will be emailed to you after the Directions Hearing. Your name and email address will be added to the Distribution List for filing information, including reports and submissions for the Hearing unless you tell us otherwise.

What if I do not have an email address?

Please contact Planning Panels Victoria on (03) 8624 5712 as soon as possible if you need a form mailed to you. A paper copy of documents such as the timetable will be mailed to submitters who provide a postal address.

How will my contact information be used?

We will use your contact address to contact you. We will provide your email or postal address to participants in the Hearing so that they can share reports and submissions unless you tell us otherwise.

Access requirements

Please contact PPV with any access requirements. Some Hearings are at PPV, some are at other locations (for example, local Council offices) and some are held online. PPV Hearing Rooms are equipped with a hearing loop, and a laptop and projector if required. If the Hearing is held at another location, we may need to ensure access requirements can be met.

List of main themes raised in submissions

The Minister has identified the following issues in submissions (in no order):

- proposed rezoning of the land from Farming Zone to Industrial 3 Zone
- disturbance of contaminated land, remediation issues and air and dust pollution
- traffic and congestion
- oversupply of industrial warehouses
- flora and fauna impacts
- stormwater discharge into Moonee Ponds Creek
- use of the land as a buffer between existing residential and nearby landfills
- design response.

Documentation

Key documentation received to date includes:

- the Committee's Terms of Reference dated 14 June 2020
- Referral letter dated 16 July 2023
- the amendment and planning permits and supporting documents
- submissions.

The documents are available to view and download here: [Priority Projects SAC - Referral 31](#)

Key dates

The following dates are proposed:

Time	Date	Actions for filing and other matters
12 noon	Thursday, 3 August 2023	Parties wishing to participate in the Committee process must submit a request to be heard
10 am	Tuesday, 8 August 2023	Directions Hearing
12 noon	Monday, 28 August 2023	Proponent Part A (background and context) submission
12 noon	Monday, 28 August 2023	Parties calling evidence must file any expert witness report
12 noon	Friday, 1 September 2023	Proponent 'Day 1' version of the amendment documentation and permit conditions
12 noon	Friday, 1 September 2023	Documents or material to be presented on Day 1 of the Hearing
10 am	Monday, 4 September 2023	Hearing commences
12 noon	Wednesday, 6 September 2023	Any supplementary submission from a party not appearing at the Hearing

The Committee proposes the following preliminary directions for all parties participating in the Committee process.

Before the Hearing

1. An expert witness report must:
 - a) comply with the PPV Practice Note 1 - 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, 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

Opening submissions

2. The Department of Transport and Planning, Proponent, Council and other government agencies will be provided with 10 minutes each to present an opening submission.

Submissions

3. The Committee will read each supplementary written submission outside the Hearing, but a party may summarise their submission at the Hearing for up to the following times:
 - a) Proponent: 1 hour
 - b) Council, government agencies and community groups: 30 minutes
 - c) Other parties: 10 minutes.

Evidence and cross examination

4. All evidence-in-chief must be presented as a succinct executive summary of no longer than 15 minutes – all expert witness reports will be read before the Hearing.
5. 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 business day before that witness is scheduled to appear.
6. Unless a specific direction is made about 'like' evidence, an expert witness can provide their response to other like evidence by 12 noon the business day before that witness is scheduled to appear.
7. Parties, advocates and the Committee may question a witness.
8. A party who intends to question an expert witness must provide written notice to Planning Panels Victoria (planning.panels@delwp.vic.gov.au) by 3.00pm the business day before the expert witness is due to appear.
9. During the Hearing, for scheduling purposes, the Committee will ask each party:
 - a) how much time they anticipate they will need for each witness
 - b) to keep to their anticipated time for each witness.
10. If cross-examining a witness, a party must:
 - a) be present for the whole of the giving of the 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 a witness time to explain their answer.
11. If giving evidence remotely, a witness must:

Key information:

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

- 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 the express leave of 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.

The Committee will regulate cross-examination.

Closing submissions

12. The Proponent will be provided up to 30 minutes to present a closing submission.
13. The Department of Transport and Planning, Council and other government agencies will be provided up to 10 minutes each to present a closing submission.
14. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Other information

15. Any material a party wishes to present at the Hearing must be filed to parties on the distribution list by 12 noon on the business day before the party presenting the material is due to present.
16. 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.
17. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Without prejudice discussion

There is likely to be directions regarding without prejudice discussion on permit conditions.

Planning Panels Victoria Privacy Notice

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

While the Committee process is underway

Natural justice for all participants and transparency are important parts of the Committee process. The *Planning and Environment Act 1987* requires the Committee to conduct any Hearing it holds in public, and to keep a public record of the material provided to the 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 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 Committee may broadcast the Hearing live on the internet.

The 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 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 Committee confidentially, you will need to ask permission from the Committee Chair and provide reasons why the Committee should treat your submissions or material confidentially.

The Committee report

The Committee's report will include a list of the names of submitters and a list of the names of the parties to the process. It may also include direct quotes from submitters. The Minister may release the Committee's report publicly. The report, if publicly released, will be published on the internet.

After the Committee has reported

When the Committee has reported, your material will be removed from public display.

Requesting copies

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