



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001

15 November 2022

Dear Submitter

Priority Projects Standing Advisory Committee:

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

We are writing to you because you made a submission to the above draft Amendment. The Minister for Planning has referred all submissions to the Priority Projects Standing Advisory Committee. We are writing to you because you were a submitter to the Amendment. The Minister has instructed the Committee to consult with all submitters.

The Proposal

The Amendment seeks to rezone the land at 442-450 Auburn Road and 9 Bills Street, Hawthorn from Public Use Zone, Schedule 2 to Residential Growth Zone. It seeks to introduce and apply Schedule 2 to the Residential Growth Zone, apply Schedule 4 to the Development Plan Overlay, and apply the Environmental Audit Overlay.

The Minister for Planning (the Minister) is proposed to be the Planning Authority for the Amendment. The Proponent is Hamton JV (Hawthorn) Pty Ltd.

The Minister has referred all submissions to the Committee for advice and recommendations on whether the project achieves acceptable planning outcomes. Specific advice on matters relating to built form and building heights, and potential traffic impacts has also been sought. You can view all submissions and other documentation received by the Committee so far in the link in the 'Key Information' attachment to this letter.

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 Terms of Reference dated 14 June 2020. Committee Members Lester Townsend (Chair), Lucinda Peterson (Member) are appointed as the Committee. We will consider this referral, which will be known as Referral 27.

In accordance with the Terms of Reference and the Letter of Referral for Referral 24, the purpose of the Committee is to:

- provide timely and independent advice to the Minister for Planning on projects referred by the Development Facilitation Program, and projects affected by COVID-19
- provide advice to the Minister about whether they should approve the draft Amendment, the matters raised in submissions and matters relating to built form and building heights, and potential traffic impacts.

The Committee will hold a Public Hearing in relation to Referral 27. This letter:

- tells you about the hearing process
- tells you what you need to do if you want to participate in the Public Hearing

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



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- explains how we will use information the Committee collects
- sets out draft directions for the Public Hearing.

Objections, 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

This process includes a Directions Hearing and a 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:

10.00am, Wednesday, 7 December 2022

by video conference using MS Teams

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

Meeting ID: 498 069 606 948

Passcode: vnMK2W

Or dial in by phone (audio only)

Dial [1800 571 208](#) Australia (Toll-free)

Phone Conference ID: 508 620 216#

You should attend the Directions Hearing if you:

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

The Committee proposes to issue 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 Hearing is for people to speak to their written submission and to hear from the Planning Authority. At the Hearing, the Committee will:

- consider submitters in an independent forum
- be informal and not like a court
- give fair, unbiased advice to the Minister for Planning about the Amendment

The Hearing will start on **Monday 20 March 2023** and should run for approximately **five** days. Specific Hearing dates will be discussed at the Directions Hearing. The Hearing is open for anyone to attend.

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

Key dates

The 'Key Information' attachment to this letter includes a list of key dates for the circulation of information in the leadup to the Hearing. If you wish to comment on the key dates but are unable to attend the Directions Hearing, you can provide comments in writing to planning.panels@delwp.vic.gov.au by Monday, 5 November 2022.

If you wish to be involved in the Hearing

Please complete the [online request to be heard form](#) by **12 noon on Monday 5 December 2022** if:

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

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

Further Information


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

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

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

If you need a paper copy of these documents or if you have any other questions, please contact Georgia Thomas, Project Officer, Planning Panels Victoria on [REDACTED] or planning.panels@delwp.vic.gov.au.

Yours sincerely



Lester Townsend
Committee Chair

Completing the Request to be Heard Form

Priority Projects Standing Advisory Committee:

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

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 20/03/2023 and 3/04/2023.

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
- circulate expert witness reports at a specified time before the 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 also be added to the Distribution List for the circulation of information like 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 [REDACTED] 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, 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.

Key information

Priority Projects Standing Advisory Committee:
Referral 27 Draft Boroondara Planning Scheme Amendment C376 – 442-450 Auburn Road and 9 Bills Street

Preliminary list of issues

The Minister has identified the following issues in submissions:

- built form
- traffic
- building heights.

Documentation

Key documentation received to date includes:

- the Committee's Terms of Reference date 14 June 2020
- Letter of Referral dated 29 October 2022
- Exhibited draft planning scheme amendment and supporting documents, referral authority responses and submissions.

To view the documentation, please click [\[redacted\]](#).

Summary of dates

The following dates are proposed:

Time	Date	Action
12 noon	Monday, 5 December 2022	Parties must submit their request to be heard
12 noon	Monday, 19 December 2022	The Proponent must supply any additional documents if required
12 noon	Monday, 27 February 2023	Parties must circulate expert witness reports
12 noon	Monday, 13 March 2023	The Proponent must circulate its submission
12 noon	Monday, 20 March 2023	Hearing commences this week

Planning Panels Victoria Privacy Notice

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

While the Panel process is underway

Natural justice for all participants and transparency are important parts of the Panel 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 Panel. 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 Environment, Land, Water and Planning (DELWP) 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 DELWP Regional Office.

Hearings

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

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

The Panel report

Under the *Planning and Environment Act 1987*, a Panel report is a public document. The Panel's report 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. The report will be published on the internet.

After the Panel has reported

When the Panel 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 Panel, or a copy of any recording the Panel makes of the Hearing, make a request to PPV by email at planning.panels@delwp.vic.gov.au before the Panel submits its report. If the Panel has reported, you should submit your request to the DELWP Freedom of Information and Privacy Unit at foi.unit@delwp.vic.gov.au

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