



# Planning Panels Victoria

Department of Transport and Planning

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31 October 2024

Dear Party

## Priority Projects Standing Advisory Committee Referral 43 Victorian Civil and Administrative Tribunal Call-In – 475-481 Church Street, Richmond

The Committee held a Directions Hearing for the above matter on Wednesday, 30 October 2024 online via MS Teams videoconference. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Wednesday, 6 November 2024	Applicant to circulate Hearing version of Notice of Decision and amended plans, and detailed schedule of changes	6
12 noon	Wednesday, 20 November 2024	Expert witness reports to be filed	11
5 pm	Friday, 22 November 2024	Applicant must circulate Courtbook	2
12 noon	Friday, 22 November 2024	Council to provide a map of objectors to the Committee	7
12 noon	Friday, 22 November 2024	Parties to file revised summaries of issues	8
12 noon	Monday, 25 November 2024	Council Part A submission due	10
12 noon	Friday, 29 November 2024	Head, Transport for Victoria and CityLink to confirm if they wish to remain a Party	9
12 noon	Friday, 29 November 2024	Parties' written submissions and Council Part B submission due	15
12 noon	Friday, 29 November 2024	Council and Applicant to file Day 1 version of the Notice of Decision	16
10 am	Tuesday, 3 December 2024	Hearing commences	

## Declarations

The Committee declared no conflict of interest in this matter.

### 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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## Procedural matters

The timing of an accompanied site inspection was discussed at the Directions Hearing. A potential time on Day 1 after the opening submission of the Applicant was put forward by the Applicant. However in the interests of time efficiency and ensuring the site inspection occurs on Day 1 prior expert evidence, The Committee has provided for an extended lunch break on Day 1 that will also accommodate the site inspection.

The Hearing will now be held in Hearing Room 2, instead of Hearing Room 1 as advised at the Directions Hearing.

If you have any questions, please contact Gabrielle Trowse, Project Officer, Planning Panels Victoria on [REDACTED] or [planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au).

Yours sincerely



**David Merrett**  
Committee Chair

# Directions

Priority Projects Standing Advisory Committee Referral 43  
Victorian Civil and Administrative Tribunal Call-In – 475-481 Church Street, Richmond

## Filing documents

1. The Applicant must set up and manage an online document sharing platform. The document sharing platform must allow parties to upload documents directly. This platform must include the Courtbook.
2. The Applicant must circulate an electronic Courtbook that is compiled with Council input by **5pm on Friday 22 November 2024**.
3. Documents must meet the following requirements:
  - a) Files must not exceed 20MB in size.
  - 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@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au) after being filed.
4. All information presented to the Committee for the purposes of the Committee process is a public document solely for that purpose unless the Committee directs otherwise. It cannot be used for any other purpose.

### Notes

Any request to access a document after that date will be subject to the Freedom of Information process.

For more information on how your submission will be used, refer to the [PPV Website](#).

If your document is larger than 20MB, break it down into parts that are less than 20MB each.

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@transport.vic.gov.au](mailto:planning.panels@transport.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

### Hearing Administration

5. Planning Panels Victoria will publish notice of the Hearing on its website, with information on how members of the public can observe it in person and online.

### Information to be provided

6. The Applicant must circulate updated Notice of Decision to Grant a Permit and amended plans with a detailed schedule of changes by **12 noon on Wednesday, 6 November 2024**.
7. Council must provide a map showing the location of objectors to the Committee only (not to be circulated to all parties) by **12 noon on Friday, 22 November 2024**.
8. Parties may file a revised summary of issues in response to the Applicant's updated Notice of Decision and amended plans (Direction 6) by **12 noon on Friday, 22 November 2024**.
9. The Head, Transport for Victoria and CityLink Melbourne Limited must confirm if they wish to remain a Party to the hearing by **12 noon on Friday, 29 November 2024**.

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

10. Council must file a Part A (Background and context) submission by **12 noon on Monday, 25 November 2024** 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.

### Expert witness details and reports

11. All expert witness reports must be filed by **12 noon on Wednesday, 20 November 2024**.
12. 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

### Presenting material

13. 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.

### Submissions

14. All parties have provided a statement of key issues, and submissions must address those issues.
15. All written submissions, including Council's Part B submission, must be filed by **12 noon on Friday, 29 November 2024**.
16. Council and the Applicant must file a 'Day 1' version of the Notice of Decision by **12 noon on Friday, 29 November 2024**. The Day 1 version must:
- a) show any suggested changes in response to submissions
  - b) be marked up against the Applicant's Hearing version filed under Direction 6
  - c) be in an editable format such as MS Word.

### Evidence and cross examination

17. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
18. 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.

19. If giving evidence online, an expert 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 report and relevant supporting documents.
20. A party, advocate and the Committee may question an expert witness.
21. 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](#).

## **Right of reply**

22. Council and the Applicant will be provided time to present a right of reply that:
- a) must not raise new matters
  - b) may respond to matters raised in other parties' submissions or evidence.

## **Privacy and use of personal information**

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

26. 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**

Committee 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 30 April 2024.

**The Committee reserves the right to make additional Directions during these proceedings.**

# Timetable

Priority Projects Standing Advisory Committee Referral 43  
Victorian Civil and Administrative Tribunal Call-In – 475-481 Church Street, Richmond

## Timetable Version 1

### Day 1: Tuesday 3 December 2024

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

Or join online: [Click here to join the meeting](#)

Time	Party	Allocated
10:00am – 10:15am	Preliminary matters	15 mins
10.15am – 11.15am	<b>Yarra City Council</b> represented by Darren Wong of Planology	2.5 hours
<b>11:15am – 11:30am</b>	<b>Break</b>	15 mins
11:30am – 1:00pm	<b>Yarra City Council</b> cont.	
<b>1:00pm – 3:00pm</b>	<b>Lunch break, including site inspection</b>	2 hours
3.00pm – 4.30pm	<b>475 Church Street Pty Ltd (Applicant)</b> represented by Adrian Finanzio of Counsel, instructed by Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"><li>- Mark Sheppard of Urbis in urban design</li><li>- Clare McAllister of Ratio in urban design/architecture</li><li>- Stuart McGurn of Urbis in town planning</li></ul>	1.5 days
4:30pm	Day close	

### Day 2: Wednesday 4 December 2024

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

Or join online: [Click here to join the meeting](#)

Time	Party	Allocated
10:00am – 10:15am	Preliminary matters	20 mins
10:15am – 11:15am	<b>Applicant</b> cont.	1.5 days
<b>11:15am – 11:30am</b>	<b>Break</b>	15 mins
11:30am – 12:30pm	<b>Applicant</b> cont.	
<b>12:30pm – 1:30pm</b>	<b>Lunch break</b>	1 hour
1.30pm – 3.15pm	<b>Applicant</b> cont.	
<b>3:15pm – 3:30pm</b>	<b>Break</b>	15 mins
3:30pm – 4.30pm	<b>Applicant</b> cont.	
4:30pm	Day close	

**Day 3: Thursday 5 December 2024**

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

Or join online: [Click here to join the meeting](#)

Time	Party	Allocated
10:00am – 10:15am	Preliminary matters	15 mins
10.15am – 10.45am	<b>Head, Transport for Victoria and CityLink Melbourne Limited</b> represented by Gillian Menegas	30 mins
10.45am – 11.15am	<b>Joint submitters (Nicolas Voelcker and others)</b> represented by Peter English of Peter English & Associates	1.5 hours
<b>11.15am – 11.30am</b>	<b>Break</b>	<b>15 mins</b>
11.30am – 12.30pm	<b>Joint submitters (Nicolas Voelcker and others) cont.</b>	
<b>12:30pm – 1:30pm</b>	<b>Lunch break</b>	<b>1 hour</b>
1.30pm – 2.15pm	<b>Anna Bennett</b> represented by Peter O'Leary of Polplan	45 mins
2.15pm – 2.30pm	<b>Scott Pease</b>	15 mins
<b>2.30pm – 3.00pm</b>	<b>Break</b>	<b>30 mins</b>
3.00pm – 3.30pm	<b>'Without prejudice' permit conditions discussion</b>	30 mins
3.30pm – 4.00pm	<b>Council closing submission</b>	30 mins
4.00pm – 4.30pm	<b>Applicant closing submission</b>	30 mins
4.30pm	Hearing close	

**Hearing Timetable Notes:**

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on [Planning.Panels@transport.vic.gov.au](mailto:Planning.Panels@transport.vic.gov.au) or [REDACTED] 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. However 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 on [Planning.Panels@transport.vic.gov.au](mailto:Planning.Panels@transport.vic.gov.au) or [REDACTED]