



Planning Panels Victoria

Department of Transport and Planning

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Melbourne Victoria 3000
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25 August 2023

Dear Party

Priority Projects Standing Advisory Committee Referral 34: Box Hill Central North Master Plan

The Priority Projects Standing Advisory Committee (the Committee) held a Directions Hearing for the above matter on 24 August 2023 in hybrid format (in person at Planning Panels Victoria and online via Microsoft Teams).

Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

All directions must be complied with, with some of the key directions and dates including:

Time	Date	Actions for filing and other matters	Direction
12 noon	Monday, 4 September 2023	Proponent background submission	3
12 noon	Friday, 8 September 2023	Proponent expert witness reports	4.a)
12 noon	Tuesday, 12 September 2023	Council and other expert witness reports	4.b)
12 noon	Friday, 15 September 2023	Any supplementary submission from a party not appearing at the Hearing	19
12 noon	Friday, 15 September 2023	Proponent and Council opening submissions	12
12 noon	Friday, 15 September 2023	Proponent 'Day 1' version of the Project documentation	15
12 noon	Friday, 15 September 2023	Documents or material to be presented on Day 1 of the Hearing	13
10 am	Monday, 18 September 2023	Hearing commences	

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.



OFFICIAL

At the Directions Hearing, the Chair noted she and Member Ms Partenio were Chair and member respectively of the Suburban Rail Loop Inquiry and Advisory Committee (IAC) in 2022, at which Vicinity Centres presented to that IAC in relation to its high-level plans for Box Hill.

If you have questions, please contact [REDACTED]
[REDACTED] planning.panels@delwp.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kathy Mitchell', is positioned above the printed name.

Kathy Mitchell AM
Committee Chair

Filing documents

1. Documents must be filed electronically by uploading them to the document sharing platform. When uploading documents, a party must email all other parties on the distribution list to inform them of the document(s) that have been uploaded.
2. 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@delwp.vic.gov.au after being uploaded.

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 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@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 background and context submission

3. The Proponent must file a background and context submission by **12 noon on Monday, 4 September 2023** that includes:
 - a) an explanation of the proposal
 - b) a summary of the physical context of the subject land and surrounds
 - c) a summary of the strategic context, including relevant planning policies and controls
 - d) 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.

Expert witness details and reports

4. Any expert witness reports must be filed as follows:
 - a) the Proponent must file its expert witness reports by **12 noon on Friday, 8 September 2023**
 - b) Council and other parties must file their expert witness reports by **12 noon on Tuesday, 12 September 2023**.

Directions:

5. An expert witness report must:
 - a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](http://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.
6. An expert witness who has not participated in a meeting of experts can provide a response to other like evidence by 12 noon the business day before they are scheduled to appear.

Expert meetings

7. Expert witnesses in the following areas must meet to prepare a statement of agreed opinions and facts. A nominated expert should act as chair for the meeting and coordinate arrangements and note taking.
 - a) Traffic, car parking and access
 - b) Economics.
8. The meeting(s) should be held after the expert reports are filed, but before the Hearing commences.
9. The meeting(s) can only be attended by:
 - a) the experts being called to give evidence
 - b) relevant staff from the following government agencies:
 - (i) staff from the Transport Division of the Department of Transport and Planning for the Traffic, car parking and access conclave
 - c) a non-participating note taker if necessary.

Advocates or parties instructing the experts must not attend the meeting(s).
10. If any expert witness is instructed not to reach agreement in respect of points of difference, the expert must report those instructions in writing to the Committee and all parties.
11. The statement(s) of agreed opinions and facts:
 - a) must list the relevant participants in attendance
 - b) must note if any participant is not present for any significant discussion point
 - c) must record the facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement
 - d) should be fewer than five pages with numbered paragraphs
 - e) should not restate the evidence – evidence should be cross-referenced in the agreed statement if required
 - f) must be signed by all participants.
 - g) The statement(s) of agreed opinions and facts must be filed one full business day before the first of any expert in a particular field is called to give evidence.

Proponent and Council opening submission

12. The Proponent and Council must circulate its Day 1 opening submission by **12 noon on Friday, 15 September 2023**.

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

Directions:

- c) should relate to the matters before the Committee
- d) must include a summary of fewer than five pages if the material is more than 40 pages.

Proponent main submission

14. The Proponent must address the following issues in its main submission or through evidence:
- a) a response to the issues raised by Council in its original submission and then its statement of grounds (Document 9), particularly its 'requests' at the end of each substantive issue and its responses to the Incorporated Document
 - b) a response to the issues raised by the Environment Protection Authority in its original submission and its letter of 18 August 2023 (Document 6)
 - c) a response to the issues raised by the Department of Transport and Planning in its original submission and its statement of grounds (Document 10)
 - d) with regard to traffic and access:
 - (i) show how Lane 3 can accommodate a shared path coming from a rail overpass
 - (ii) provide further detail in relation to the design of Lot 1 and its interaction with the vehicular access to 852 Whitehorse Road to the north and whether the access could in the future accommodate all of the vehicle access for that site if it were to be redeveloped
 - (iii) provide detail on how the Box Hill Central South loading dock interfaces with the new plaza space in the Main Street connection
 - (iv) provide detail on how the mode share targets and trip generation rates in Chapter 3 of the Transport Impact Assessment, Stantec, June 2022 (Document 3b) were calculated, and how the vehicle generation rates relate to the proposed supply of parking spaces identified in the proposed Master Plan
 - (v) provide sensitivity analysis considering the potential accuracy of the traffic assumptions
 - (vi) provide estimates for the cycling trip generation and distribution of trips and provide advice on cycling constraints in the area in meeting the mode share target
 - e) its response to submissions and evidence
 - f) its overall position on the Amendment.
15. The Proponent must file a 'Day 1' version of the Incorporated Document and any other Amendment documentation by **12 noon on Friday, 15 September 2023**. The Day 1 version must:
- a) show any changes in response to submissions
 - b) be marked up against the exhibited version
 - c) be labelled 'Proponent Day 1 version – [Document title eg Incorporated Document]'
 - d) be in an editable format such as MS Word.

Council main submission

16. The Council must address the following issues in its main submission and/or through evidence:
- a) a response as to whether, if Council's recommendations provided in its original submission (Submission 2) about changes to the Incorporated Document are generally accepted by the Proponent, the draft Amendment would result in an acceptable outcome
 - b) a response to the issues raised by the Environment Protection Authority in its original submission and then in its letter of 18 August 2023 (Document 6)
 - c) a response to the issues raised by the Department of Transport and Planning in its original submission and then in its statement of grounds (Document 10)
 - d) its response to submissions and evidence
 - e) its response to the Proponent's 'Day 1' version of the Incorporated Document and any other Amendment documentation
 - f) its overall position on the Amendment.

Directions:

17. The Council must file its final preferred version of the Incorporated Document and any Amendment documentation with its main submission. The final preferred version must:
- show changes proposed in response to evidence or submissions presented at the Hearing
 - be marked up against the Proponent Day 1 version (refer to Direction 15)
 - be labelled 'Council Part C (closing) version – [Document title eg Incorporated Document]'

Other party submissions

18. A party who objects to the proposal must say how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both.
19. A party who intends to supplement their original written submission but not present at the Hearing must file their supplementary written submission by 12 noon on Friday, 15 September 2023.

Note

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

Evidence and cross examination

20. Unless agreed by the Chair, evidence-in-chief should be presented for no longer than 30 minutes.
21. An expert witness may present a summary of their evidence at the Hearing, but it must:
- not include new evidence
 - be filed by 12 noon the business day before that witness is scheduled to appear.
22. If giving evidence online, an expert witness must:
- 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
 - inform the Committee immediately should another person enter the room from which they are giving evidence
 - not discuss their evidence with any other person during breaks in evidence when under cross examination
 - not have before them any document, other than their expert witness report and relevant supporting documents.
23. A party, advocate and the Committee may question an expert witness.
24. If cross examining an expert witness, a party must:
- be present for the whole of the expert witness giving their evidence
 - ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the issues
 - 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

Directions:

- 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

25. Council and the Proponent will be provided time to present a Part C (closing) submission. The Part C (closing) submissions:
- a) must not raise new matters
 - b) may respond to matters raised in other parties' submissions or evidence.

Drafting changes

26. The Proponent must file its final preferred version of the Incorporated Document and any Amendment documentation with its Part C (closing) submission. The final preferred version must:
- a) show changes proposed in response to evidence and/or submissions presented at the Hearing
 - b) be labelled 'Proponent Part C (closing) version – [Document title eg Incorporated Document].

Note

Comments on the final version of Amendment documentation must be limited to drafting (form and content).

Drafting comments can be provided even though your primary position may be that the proposal should not be supported.

Privacy and use of personal information

27. 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.
28. A party must not record any part of a Hearing by any means without permission from the Chair.
29. 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.
30. 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. EES Hearings are generally recorded (audio only), but you should check with Planning Panels Victoria before the Hearing starts.

For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 3 August 2023.

Distribution List

Priority Projects Standing Advisory Committee Referral 34: Box Hill Central North Master Plan

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 particular 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	planning.panels@delwp.vic.gov.au;
Department of Transport and Planning (Planning)	[REDACTED]
Vicinity Limited (Proponent)	[REDACTED]
Whitehorse Council (Council)	[REDACTED]
Vision Eye Institute	[REDACTED]
Surrey Hills and Mont Albert Progress Association	[REDACTED]
Department of Transport & Planning (Head, Transport for Victoria)	[REDACTED]
Kevin Earl	[REDACTED]
Blackburn Village Residents Group and Combined Residents of Whitehorse Action Group	[REDACTED]

Timetable Version 1

Document hub link

Documents are available online here: <https://1drv.ms/f/s!Agj9N2J8-J0wmAKu5mgUgXlDpvcqj?e=H9yo1j>

Day 1: Monday 18 September 2023

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

[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	<p>Proponent, Vicinity Centres Pty Ltd, represented by Nick Tweedie SC and Jennifer Trewella of Counsel, instructed by Norton Rose Fulbright:</p> <p>Opening submission and presentation of proposed concept by Karen Wong of Bates Smart</p> <p>Calling the following expert evidence:</p> <ul style="list-style-type: none"> - Amanda Ring of UPco in planning - Damien Thompson of LatStudios in public realm - Charmaine Dunstan of Traffix Group I traffic and parking - Tim de Young of Stantec in traffic and parking - Michael Eaddy of MEL Consulting in wind engineering - Julia Bell of Urbis in urban design - Paul Shipp of Urban Enterprise in economics - Andrew Sanderson of Architecture and Access in public and pedestrian access 		60 mins
11.15am – 11.30am	Tea break		
11.30am – 12noon	<p>Whitehorse City Council, represented by Terry Montebello of Maddocks Lawyers:</p> <p>Opening submission</p> <p>Calling the following expert evidence:</p> <ul style="list-style-type: none"> - Rob McGauran of MGS Architects in urban design - David Barnes of Hansen in planning - Alex Hrelja of Hill PDA in development contributions and affordable housing - Hillary Marshall of Ratio Consultants in traffic and transport 	2	30 mins
12noon – 1.00pm	<p>Urban design and built form evidence:</p> <ul style="list-style-type: none"> - Vicinity Centres Pty Ltd, Julia Bell of Urbis in urban design - Vicinity Centres Pty Ltd, Damien Thompson of LatStudios in public realm - Council, Rob McGauran of MGS Architects - Vision Eye Institute, Gerhani Waty of Hansen 		remainder of day
1.00pm – 2.00pm	Lunch break		

2.00pm – 4.30pm **Urban design and built form evidence, cont.**

Day 2: Tuesday 19 September 2023

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

[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Urban design and built form evidence, cont.		½ day
1.00pm – 2.00pm	Lunch break		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd, cont., calling the following expert evidence: - Amanda Ring of UPco in planning		2.5 hours

Day 3: Wednesday 20 September 2023

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

[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd, cont.		1 day
1.00pm – 2.00pm	Lunch break		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd, cont.		

Day 4: Thursday 21 September 2023

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

[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd, cont.		1 day
1.00pm – 2.00pm	Lunch break		
2.00pm – 2.45pm	Blackburn Village Residents Group and Combined Residents of Whitehorse Action Group, represented by David Morrison	49, 42	45 mins
2.45pm – 3.00pm	Tea break		
3.00pm – 4.30pm	Vicinity Centres Pty Ltd, cont.		

Day 5: Friday 22 September 2023

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne) and online:
[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters – traffic and access submissions and evidence		15 mins
10.15am – 1.00pm	<ul style="list-style-type: none"> - Department of Transport and Planning, represented by Steven Yang and Simon Basic (morning only) - Vicinity Centres Pty Ltd, Charmaine Dunstan of Traffix Group in traffic and parking - Vicinity Centres Pty Ltd, Tim de Young of Stantec in traffic and parking - Council, Hillary Marshall of Ratio Consultants in traffic and transport 	54	1 day
<i>1.00pm – 2.00pm</i>	<i>Lunch break</i>		
2.00pm – 4.30pm	Traffic and Access evidence, cont.		

Day 6: Monday 25 September 2023

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne) and online:
[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd, cont.		
<i>1.00pm – 2.00pm</i>	<i>Lunch break</i>		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd, cont.		

Day 7: Tuesday 26 September 2023

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne) and online:
[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Whitehorse City Council	2	1 day
<i>1.00pm – 2.00pm</i>	<i>Lunch break</i>		
2.00pm – 4.30pm	Whitehorse City Council, cont.		

Day 8: Wednesday 27 September 2023

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne) and online:
[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
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10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Whitehorse City Council, cont.		½ day
1.00pm – 2.00pm	Lunch break		
2.00pm – 4.30pm	Vision Eye Institute, represented by Adeline Lane of Jackson Legal, with Margaret Kelly, General Manager Victorian and SA Operations, calling the following expert evidence: - John Glossop of Glossop Town Planning in planning - Gerhani Waty of Hansen (heard on Days 1 and 2)	65	2.5 hours

Day 9: Thursday 28 September 2023

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne) and online:
[Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.45pm	Vision Eye Institute, cont.	65	1.5 hours
11.45am – 12noon	Tea break		
12noon – 12.15pm	Surrey Hills and Mont Albert Progress Association, represented by Greg Buchanan	23	15 mins
12.15pm – 12.35pm	Kevin Earl	43	20 mins
12.35pm – 1.45pm	Lunch break		
1.45pm – 2.45pm	Roundtable discussion on planning controls		60 mins
2.45pm – 3.00pm	Tea break		
3.00pm – 3.30pm	Whitehorse City Council: closing submissions	2	30 mins
3.30pm – 4.30pm	Vicinity Centres Pty Ltd: closing submissions		60 mins
End of hearing			

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on (03) 8508 1065 or email planning.panels@delwp.vic.gov.au as soon as possible.
2. Please be present at least 15 minutes before your scheduled start time.
3. The Panel may amend a Party's start time without notice. However, you will be contacted in advance if you are to be rescheduled.
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 a short walk from Parliament Train Station.
6. If you have any questions about the timetable, please contact Planning Panels Victoria on (03) 8508 1065 or email planning.panels@delwp.vic.gov.au.