



Planning Panels Victoria

Department of Transport and Planning

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

30 August 2023

Dear Party

Priority Projects Standing Advisory Committee Referral 35: Victoria Gardens Expansion

The Committee held a Directions Hearing for the above matter on Tuesday 29 August 2023 in a hybrid format (in person at Planning Panels Victoria and online via Microsoft Teams). Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Monday, 11 September 2023	Amended plans	9
12 noon	Monday, 9 October 2023	Proponent background submission	10
12 noon	Wednesday, 11 October 2023	Proponent expert witness reports	11.a)
12 noon	Friday, 13 October 2023	Council and other parties expert witness reports	11.b)
10am	Friday, 20 October 2023	Site inspection	3
12 noon	Friday, 20 October 2023	Any supplementary submission from a party not appearing at the Hearing	26
12 noon	Friday, 20 October 2023	Proponent and Council opening submissions	19
12 noon	Friday, 20 October 2023	Proponent 'Day 1' version of the Project documentation	22
10 am	Monday, 23 October 2023	Hearing commences	

Declarations

The Chair made two declarations at the Directions Hearing.

Ms Jane Power and her husband are submitters to this matter. Committee members know Ms Power through the Victorian Planning and Environmental Law Association where she was the Executive Officer for over 25 years.

Assoc Professor Andrew Hutson was a member of the Panel that considered Amendment C223yara to the Yarra Planning Scheme, the report of which was provided to Council on 23 July 2020. That Amendment related to what is commonly known as the 'Harry the Hirer' site.

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



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

Yours sincerely



Kathy Mitchell AM
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.

Site inspection

3. An accompanied site inspection will take place at **10am on Friday, 20 October 2023**.
4. The Proponent must organise and manage all logistical details for the site inspection, including a clearly defined meeting point and a coffee/comfort break at the appropriate time.
5. Noting that the Proponent will ensure it takes the Committee to various places relevant to its proposal, any party or submitter who seeks the Committee to review a particular place or area external to the Victoria Gardens Expansion Area is to provide that information to Planning Panels Victoria by **12 noon Tuesday, 17 October 2023**. If the Committee considers it to be relevant to its understanding of the proposal, it will forward that information to the Proponent for inclusion in the itinerary.
6. Any party or submitter seeking to attend the site inspection, including any advocates and/or witness, must notify and advise the Committee by **12 noon on Tuesday, 17 October 2023**. If you do not register, you may not be able to attend.
7. The Proponent must file a written and visual plan of the inspection area by **12 noon on Thursday, 19 October 2023**.
8. The Committee will confirm all details of the site inspection by **4.00pm on Thursday, 19 October 2023**.

Before the Hearing

Amended plans

9. The Proponent must file any amended plans and supporting material sought to be relied upon, including a statement of changes which describes the changes from the architectural plans dated 23 February 2022 by **12 noon on Monday, 11 September 2023**.

Proponent background and context submission

10. The Proponent must file a background and context submission by **12 noon on Monday, 9 October 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 reports

11. Any expert witness reports must be filed as follows:
 - a) the Proponent must file its expert witness reports by **12 noon on Wednesday, 11 October 2023**
 - b) Council and other parties must file their expert witness reports by **12 noon on Friday, 13 October 2023**.
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.
13. 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

14. Expert witnesses in in the following areas must meet to prepare a statement of agreed opinions and facts:
 - a) Traffic, car parking and access
 - b) Urban design.
15. The meeting(s) should be held after the expert reports are filed but before the Hearing commences. A nominated expert should act as a chair for the meeting and coordinate arrangements and note taking.
16. 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 Department of Transport and Planning (Head, Transport for Victoria) for the traffic, car parking and access conclave
 - c) a non-participating note taker if necessary.

Directions:

Advocates or parties instructing the experts must not attend the meeting(s).

17. 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.
18. 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 **on the day before the first expert in that area is to be called.**

Proponent and Council opening submission

19. The Proponent and Council must file its Day 1 opening submission by **12 noon on Friday, 20 October 2023.**

At the Hearing

Presenting material

20. 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
 - d) must include a summary of fewer than 5 pages if the material is more than 40 pages.

Proponent main submission

21. The Proponent must address the following issues in its main submission and/or through evidence:
 - a) a response to the issues raised by Council in its original submission and then its statement of grounds (Document 50), particularly its 're-drafting requirements' in relation to the proposed Comprehensive Development Plan and its proposed Planning Permit conditions
 - b) a response to the issues raised by the Environment Protection Authority in its original and submission and its statement of grounds (Documents 31, 49)
 - c) a response to the issues raised by the Department of Transport and Planning (Head, Transport for Victoria) in its original submission and its statement of grounds (Document 48)
 - d) with regard to traffic and access:
 - (i) provide more detail regarding the traffic assumptions and methodology in Chapter 3 of the Transport Impact Assessment, Stantec, 15 July 2022 (Document 42)
 - (ii) provide advice on pedestrian and cyclist travel routes and volumes beyond the subject site, including across Burnley Street.
 - e) its response to submissions and evidence.
22. The Proponent must file a 'Day 1' version of the relevant Project Documentation (including but not limited to the proposed Comprehensive Development Plan and Planning Permit and any exhibited ordinance requiring amendment) by **12 noon on Friday, 20 October 2023.** The Day 1 version must:
 - a) show any suggested changes in response to the amended plans, submissions and evidence

Directions:

- b) be marked up against the exhibited version
- c) be labelled 'Proponent Day 1 version – [Document title eg Comprehensive Development Plan]'
- d) be in an editable format such as MS Word.

Council main submission

23. 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 about changes to the Comprehensive Development Plan and exhibited ordinance and Council's proposed permit conditions are generally accepted by the Proponent, the draft Amendment and Permit Application results in an acceptable outcome
 - b) response to the issues raised by the Environment Protection Authority in its original and submission and its statement of grounds (Documents 31, 49)
 - c) a response to the issues raised by the Department of Transport and Planning (Head, Transport for Victoria) in its original submission and its statement of grounds (Document 48)
 - d) its response to the amended plans, submissions and evidence
 - e) its response to the Proponent's 'Day 1' version of the Project Documentation
 - f) its final position on the Amendment and Planning Permit Application.
24. The Council must file its final preferred version of the Project Documentation (including but not limited to the Comprehensive Development Plan and Planning Permit and any exhibited ordinance requiring amendment) with its main submission. The final preferred version must:
- a) show changes proposed in response to the amended plans, evidence or submissions presented at the Hearing
 - b) be marked up against the Proponent Day 1 version (refer to Direction 22)
 - c) be labelled 'Council Part C (closing) version – [Document title e.g. Comprehensive Development Plan]'

Other party submissions

25. 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.
26. 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, 20 October 2023**.

Note

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

Evidence and cross examination

27. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
28. 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.
29. 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

Directions:

- 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.

30. A party, advocate and the Committee may question an expert witness.

31. 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](#).

Part C (closing) submissions

32. 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

33. The Proponent must file its final preferred version of the Project Documentation with its Part C (closing) submission. The final preferred version must:

- a) show changes proposed in response to evidence or submissions presented at the Hearing
- b) be labelled 'Proponent Part C (closing) version – [Document title e.g. Comprehensive Development Plan].

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

34. 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.
35. A party must not record any part of a Hearing by any means without permission from the Chair.
36. 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.
37. 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 35: Victoria Gardens Expansion

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	[REDACTED]
Department of Transport and Planning (Planning)	[REDACTED]
Vicinity Centres Pty Ltd (Proponent)	[REDACTED]
Yarra City Council	[REDACTED] [REDACTED]
Department of Transport and Planning (Head, Transport for Victoria)	[REDACTED]
Astrodome Hire Pty Ltd	[REDACTED]
Jin Leng Harris	[REDACTED]
Kerry and Jane Power	[REDACTED]

Timetable Version 1

Document hub link

Documents are available online here: [\[REDACTED\]](#)

Friday 20 October 2023

10.00am – 1:00pm Accompanied site inspection

Day 1: Monday 23 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Vicinity Centres Pty Ltd (Proponent) , represented by Emily Porter SC and Jordan Wright of Counsel, instructed by Planning & Property Partners Pty Ltd: Opening submission and presentation of proposed concept by [project architect – Proponent to confirm] Calling the following expert evidence: <ul style="list-style-type: none">- Colleen Peterson of Ratio in town planning- Tim De Young of Stantec in traffic engineering- Craig Czarny of Hansen Partnership in urban design- Bryce Raworth of Bryce Raworth in heritage		60 mins
11.30am – 12noon	Yarra City Council (Council) , represented by Terry Montebello of Maddocks Lawyers: Opening submission Calling the following expert evidence: <ul style="list-style-type: none">- Rob McGauran of MGS Architects in urban design- Leigh Furness of Traffix in traffic and car parking	15	30 mins
12noon – 1.00pm	Urban design and built form evidence: <ul style="list-style-type: none">- Proponent: Craig Czarny of Hansen Partnership- Council: Rob McGauran of MGS Architects		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Urban design and built form evidence cont		

Day 2: Tuesday 24 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Urban design and built form evidence, cont		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 2.30pm	Department of Transport and Planning (Head, Transport for Victoria) represented by Gillian Menegas	28	30 mins
2.30pm – 4.30pm	Traffic evidence: <ul style="list-style-type: none"> - Proponent: Tim De Young of Stantec - Council: Leigh Furness of Traffix - Astrodome Hire Pty Ltd: TBC 		

Day 3: Wednesday 25 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Traffic evidence, cont:		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Traffic evidence cont.		

Day 4: Thursday 26 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Proponent		2 days
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Proponent cont.		

Day 5: Monday 30 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Proponent cont.		2 days
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Proponent cont.		

Day 6: Tuesday 31 October 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Council		1.5 days
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Council cont.		

Day 7: Wednesday 1 November 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Council cont.	15	1.5 days
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.00pm	Astrodome Hire Pty Ltd (Harry the Hirer) represented by TBC, calling the following expert evidence: - TBC in traffic	21	2 hours

Day 8: Thursday 2 November 2023

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

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

Meeting ID: 446 038 567 850

Passcode: oxPnwM

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.25am	Jin Leng Harris	2	10 mins
10.25am – 10.35am	Kerry and Jane Power	23	10 mins
10.35am – 1.00pm	Roundtable discussion/drafting (will include a break)		2.5 hours
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 2.30pm	Council closing submission	15	30 mins
2.30pm – 3.30pm	Proponent closing submission		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 [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 [REDACTED]