



Planning Panels Victoria

Department of Transport and Planning

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21 February 2025

Dear Party

Priority Projects Standing Advisory Committee Referral 46 Victorian Civil and Administrative Tribunal Call-In – 810 Boneo Road, Boneo

The Committee held a Directions Hearing for the above matter on 20 February 2025 at Planning Panels Victoria and online by 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	Friday, 21 March 2025	Site inspection location requests due	12
12 noon	Tuesday, 25 March 2025	Expert witness reports	9
12 noon	Tuesday, 25 March 2025	Proponent written submission and 'Day 1' version of the Permit	5
12 noon	Tuesday, 25 March 2025	Other parties' written submissions	7
12 noon	Monday, 31 March 2025	Documents or material to be presented on Day 1 of the Hearing	16
10 am	Tuesday, 1 April 2025	Hearing commences	
12 noon	5 business days after the Hearing concludes	Comments on final drafting	24

The Committee made no declarations.

Referred materials

The VCAT files referred to the Committee are available in OneDrive [REDACTED]

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

Yours sincerely

Con Tsotsoros
Committee Chair

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

Directions

Priority Projects Standing Advisory Committee Referral 46
Victorian Civil and Administrative Tribunal Call-In – 810 Boneo Road, Boneo

Filing documents

1. Documents must be emailed to all parties on the distribution list.
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@transport.vic.gov.au after being filed.
3. 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 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

Notice of the Hearing

4. 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.

Proponent written submission

5. The Proponent must file a written submission by 12 noon on Tuesday, 25 March 2025 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 provisions
 - d) confirmation of uses and development that have existing planning approval and a list of the amendments now sought
 - e) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how
 - f) any suggested changes to the permit conditions in response to submissions.
6. The Proponent must file a Version 1 of the permit conditions along with its written submission. Version 1 documents must be in an editable format such as MS Word.

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.

Other Parties' submissions

7. All parties must file a written submission by 12 noon on Tuesday, 25 March 2025.
8. A party who objects to the proposal must state how the proposal does not achieve acceptable planning outcomes.

Notes

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

If you need additional information from another party and they have not agreed to provide it to you, you should make a request in writing to the Committee requesting it to direct the provision of the information. The information must be related to the proposal and be of assistance to the Committee. Requests should be short and clearly state why you need the information.

Expert details and reports

9. All expert witness reports must be filed by 12 noon on Tuesday, 25 March 2025.
10. An expert report must:
 - a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](#))
 - 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.
11. An expert can provide a response to other like evidence by 12 noon the business day before the Hearing commences.

Site inspection

12. The Committee will undertake an accompanied inspection of the subject site and immediate vantage points on the morning of Wednesday, 26 March 2025.
13. Any Party that wishes to request the Committee visit a particular location must send this request to planning.panels@transport.vic.gov.au (copying all parties on the Distribution List) by 12 noon on Friday, 21 March 2025.
14. The Committee will confirm details regarding the site inspection (including the meeting point and time) by Monday, 24 March 2025.

At the Hearing

15. The Proponent must provide administrative support to manage the Hearing.

Note

This may include finding a suitable venue for an in person Hearing, or if the Hearing is online or hybrid, configuring a video conference meeting, publishing links to the Hearing online, issuing direct invitations to participants (including the Committee, parties and experts) and providing technical support. It may also include managing the document sharing platform and making audio recordings of sessions if directed by the Committee.

Presenting material

16. 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.

Other party submissions

17. 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.

Note

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

Evidence and cross examination

18. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
19. An expert 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 expert is scheduled to appear.
20. If giving evidence online, an expert 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.
21. A party, advocate and the Committee may question an expert.
22. If cross examining an expert, a party must:
- a) be present for the whole of the expert 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 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 expert, 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 expert
- 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

23. 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

24. The Proponent must file its final preferred version of the permit conditions 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 marked up against the Proponent Day 1 version (refer to Direction 6)
 - c) be labelled 'Proponent Part C (closing) version'
25. A party seeking to provide drafting comments on the Proponent Part C (closing) version of the permit conditions must file them by 12 noon, 5 business days after the Hearing concludes. Drafting comments must only relate to drafting issues, not broader issues.

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

26. 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.
27. A party must not record any part of a Hearing by any means without permission from the Chair.
28. 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.
29. 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 23 January 2025.

Distribution List

Priority Projects Standing Advisory Committee Referral 46
Victorian Civil and Administrative Tribunal Call-In – 810 Boneo Road, Boneo

Use this list to file expert 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 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@transport.vic.gov.au
Jodi and Aaron Neary (Proponent)	[REDACTED]
Mornington Peninsula Shire Council	[REDACTED]
Simon Stuart	[REDACTED]
Asher Nominees Pty Ltd	[REDACTED]

Timetable

Priority Projects Standing Advisory Committee Referral 46
Victorian Civil and Administrative Tribunal Call-In – 810 Boneo Road, Boneo

Timetable Version 1

Day 1: Tuesday 1 April 2025

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

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

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		20 mins
10:20am	Proponent represented by Matthew Townsend of Counsel, instructed by Megan Schroor of S&K Planning Lawyers, calling the following expert evidence: <ul style="list-style-type: none">- planning from Sandra Rigo of Hansen Partnership- landscape architecture and master planning from Peter Wilson Architecture Will Stoyle of Skate Australia will appear as a 'lay witness' on skateboarding		1.5 days
12:45pm	Lunch break		1 hour
1:45pm	Proponent continued		
4:30pm	Day close		

Day 2: Wednesday 2 April 2025

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

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

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		15 mins
10:15am	Proponent continued (reserved, if needed)		1.5 days
11:15am	Break		15 mins
11:30am	Proponent continued		
12:30pm	Lunch break		1 hour
1:30pm	Mornington Peninsula Shire Council represented by Adeline Lane of Jackson Lane Legal		2.5 hours
3:15pm	Break		15 mins
3:30pm	Council continued		
4:30pm	Day close		

Day 3: Thursday 3 April 2025

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

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

Time	Party	Sub No	Allocated
10:00am	Preliminary matters		15 mins
10:15am	Asher Nominees Pty Ltd represented by Tyrone Rath of Planning and Property Partners		30 mins
10:45am	Simon Stuart represented by Luke English of DSA Law, calling the following expert evidence: - landscape and visual impact from Brendan Papworth of Papworth Design		4 hours
12:45pm	Lunch break		1 hour
1:45pm	Simon Stuart continued		
3:45pm	Break		
4:00pm	Council – reply		5 mins
4:05pm	Proponent – reply and closing submission		15 mins
4:20pm	Day close		

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on (03) 9935 4189 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]