



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

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

10 September 2021

Dear Submitter

## **Priority Projects Standing Advisory Committee Referral 20 | Assemble Kensington at 86-96 Stubbs Street, Kensington**

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On 27 August 2021 the Minister for Planning referred the above matter to the Priority Projects Standing Advisory Committee (the Committee). You are receiving this letter because you responded to consultation from the Department of Environment, Land, Water and Planning about proposed Draft Amendment C408 to the Melbourne Planning Scheme and Draft Planning Permit PA2101202.

The proposed draft Amendment C408 to the Melbourne Planning Scheme proposes the use and development of land for an eight-storey building comprising dwellings, office, food and drink premises, and a reduction in car parking requirements at 86-96 Stubbs Street, Kensington. The Minister is considering this matter as a combined permit and amendment process under Part 4, Division 5 the *Planning and Environment Act 1987* (the Act).

The Minister for Planning appointed the Committee under section 151 of the Act. Committee Members David Merrett (Chair) and Deb Butcher will consider this referral. This matter will be known as Referral 20.

The Committee will be supported by Georgia Thomas, Project Officer of Planning Panels Victoria (PPV).

The Minister for Planning has issued the Committee with Terms of Reference dated 14 June 2020 and Letter of Referral dated 27 August 2021 (both attached). In accordance with these documents, the purpose of the Committee is to:

- provide timely and independent advice to the Minister for Planning on projects referred by the Development Facilitation Team of the Department of Environment, Land, Water and Planning, and projects affected by COVID-19.
- provide advice and recommendations about:
  - whether planning approval should be given for the proposed development
  - the drafting of proposed Amendment C408melb
  - whether planning permit PA2101202 should be issued, and if so, the appropriate conditions.

### **Form of engagement:**

Clause 16 of the Committee's Terms of Reference provides that the Committee is not expected to carry out a public hearing or roundtable discussion but may do so if it is deemed necessary. The Committee considers a Hearing is required for Referral 20 and invites you to participate in the process. Whether the Hearing will be held in the usual format, or a roundtable will be discussed at the Directions Hearing.

Before the Hearing, the Committee will hold a Directions Hearing by video conference using MS Teams at **10.00am on Friday 17 September 2021**. At the Directions Hearing the Committee will:

- finalise its directions about exchanging information and filing of evidence before the Hearing
- finalise the Hearing dates
- discuss opportunities for a site inspection

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- answer questions parties may have about the Committee process.

### **Accessing the Directions Hearing:**

The Directions Hearing should be accessed through the below link.

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

Or Dial in (audio only)

1. dial 1800 571 208 (Australia Toll-free)
2. Input meeting ID: 137 489 264 4, followed by the '#' key

You are encouraged to review the [Planning Panels Victoria guide to using MS Teams](#) to familiarise yourself with MS Teams before the Directions Hearing.

### **Documentation:**

The Committee has been provided with:

- Terms of Reference dated 14 June 2020
- Letter of Referral dated 27 August 2021
- Draft Planning Scheme Amendment documentation for C408melb
- Planning permit application documents
- 4 submissions (1 withdrawn)

To access the referred documentation please use the following link:

[REDACTED]

### **Directions Hearing:**

To assist in preparing for the Directions Hearing the Committee would be assisted if:

- you wish to participate in the Hearing, you must confirm your attendance and length of time requested to present to the Committee by **12 noon on Thursday 16 September 2021** by emailing [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).
- all parties intending to file evidence advise the Committee by **12 noon on Wednesday 15 September 2021:**
  - The name of your advocate(s)
  - The name and expertise of all witnesses.

This will assist with the date(s) of the Hearing and preparing the timetable.

### **Preliminary Directions:**

#### ***Direction 1: Procedural matters***

Please advise the Committee in writing if you have any procedural or timing matters that you wish to raise at the Directions Hearing by **12 noon on Wednesday 15 September 2021**

#### ***Direction 2: Dates for Hearing***

The Hearing will be held **on Wednesday 6 October 2021**

At the Hearing, the likely order of appearance will be:

- Assemble Kensington (Applicant)
- Melbourne City Council
- Government departments and agencies
- Individual submitters.

If required, a reserve day has been set aside on **Thursday 7 October 2021**.

**Direction 3: Design issue**

The email dated 21 June 2021 from Melbourne City Council raises a potential flaw in the design. As part of its submission the Committee requires the Applicant to advise how this issue has been addressed.

**Direction 4: Draft Planning Permit PA 2101202**

Conditions 1, 15 and 17 of the draft Planning Permit 2101202 indicate there is detail in each condition that is yet to be provided. Prior to the Hearing (refer below), Council and the Applicant are to provide a preferred version of the Planning Permit. The Committee encourages the Applicant and Council to discuss this to present an agreed version.

**Direction 5: Dates for filing evidence and submissions**

Assuming the Hearing commences on **Wednesday 6 October 2021**, the Committee directs as follows:

Time	Date	Action
12 noon	Wednesday 29 September 2021	The Applicant must circulate expert witness statements
12 noon	Wednesday 29 September 2021	Other parties must circulate expert witness statements
12 noon	Friday 1 October 2021	Applicant and Council must circulate without prejudice MS Word version of permit conditions
12 noon	Tuesday 5 October 2021	If a party seeks to respond to Applicant's draft conditions, they must circulate them to allow without prejudice discussion during the Hearing
12 noon	Business day prior to presenting at the Hearing	All material in support of submissions

**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 have any other questions, please contact Georgia Thomas, Project Officer at Planning Panels Victoria on (03) 8624 5717 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely



**David Merrett**  
Chair

Attachment 1 – Priority Projects Standing Advisory Committee, Terms of Reference  
Attachment 2 – Letter of Referral, dated 27 August 2021

# Planning Panels Victoria Privacy Notice

Your submission has been collected for the primary purpose of this Committee process.

Natural justice for all participants and transparency are important parts of the Committee process. In meeting its legislative requirements, the Committee may:

- provide a copy of your submission with all contact details to the Proponent, Local Council, government agencies and other parties to the Hearing
- provide a copy of your submission to the Department of Environment, Land, Water and Planning if needed for preparing Ministerial briefings
- display a copy of your submission in the Planning Panels Victoria Office or Hearing room.
- display a copy of your submission in the relevant Local Council Office or Regional Government Office as appropriate.

## Displaying submissions online

The Committee does not propose to display your full submission on a website unless this is necessary, and you have given your consent. However, your name and other personal information may be published on the internet as detailed below.

## Publication of your personal information on the internet

A Committee Report will be published on the internet and may include each submitter's name, direct quotes from submissions and submitter addresses, if required.

Please note that even when your personal information is removed from the internet, it may remain on external servers indefinitely.

## Hearing of submissions

A Hearing may be held in person at a venue, by telephone conference, by video link, or a combination of these. You should be aware the Committee may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available to submitters and parties to the Hearing and third parties who request it from Planning Panels Victoria at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)
- use your phone contact details to contact you during a telephone/video hearing, if necessary.

The Committee will direct that parties:

- use any recording provided by Planning Panels Victoria solely for the purpose of the Committee process
- not record online hearings.

The Committee cannot:

- guarantee that a third party will not produce an unauthorised recording
- regulate how recordings are used outside the hearing context.

During the Committee process, all participants, including the general public, must respect the privacy of others and not make defamatory comments.

## After the Committee has reported

When the Committee has reported to the Planning Authority, your submission will be removed from public display. Your original submission and any additional material provided will be held at Planning Panels Victoria for two years and then sent to the Public Record Office Victoria. All additional copies of the submission and other material held by Planning Panels Victoria will be securely destroyed.

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 3127.