



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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Melbourne Victoria 3000
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Melbourne, Victoria 3001
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16 September 2021

Dear Party,

Priority Projects Standing Advisory Committee Referral 16 | Call in of VCAT proceeding P779/2021 at 215-219 Albion Street, Brunswick

Please note changes to the Hearing process details. There are no changes to the Committee Directions, Distribution List and Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 13 September 2021	Parties must circulate Expert witness reports	4
10 am	Monday, 20 September 2021	Video conference Hearing commences	
12 noon	Wednesday, 22 September 2021	Proponent must provide without prejudice MS Word version of permit conditions	20
12 noon	Monday, 27 September 2021	If a party seeks to respond to Proponent's draft conditions, they must circulate them	21
10 am	Tuesday, 28 September 2021	Without prejudice discussion	22

If you have questions, please contact Georgia Thomas, Project Officer, at Planning Panels Victoria on (03) 8624 5717 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

Committee Chair

Privacy Statement

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OFFICIAL



Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically.
2. The Distribution List must only be used to circulate expert evidence or as directed by the Committee.

Witness reports

3. A witness report must:
 - a) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
 - b) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number (*Note: it can refer to community groups, organisations, corporations and government agencies*)
 - c) be provided to the Committee as an unlocked (can be searched and copied) document.
4. Parties must circulate their witness reports to parties on the distribution list by 12 noon on Monday, 13 September 2021.

At the Hearing

Submissions and information

5. Parties must circulate and present material at the Hearing electronically.
6. Electronic information must be circulated to parties on the distribution list by 12 noon on the day before the information is to be presented at the Hearing.
7. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Evidence and cross examination

8. All expert witness reports will be read before the Hearing, therefore evidence-in-chief is optional.
9. Any evidence-in-chief must be no longer than 15 (preferred) to 30 minutes.
10. An expert witness may refer to a presentation which summarises their evidence, but it must:
 - a) not include new evidence
 - b) be provided to parties by 12 noon on the business day before that witness is scheduled to appear.
11. Parties, advocates and the Committee may question a witness.
12. During the Hearing, for scheduling purposes, the Committee will ask each party:
 - a) how much time they anticipate they will need for each witness
 - b) to keep to their anticipated time for each witness.
13. If cross-examining a witness, a party must:
 - a) be present for the whole of the giving of the 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 a witness time to explain their answer.
14. If giving evidence remotely, a 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 the express leave of 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 statement and relevant supporting documents.

15. The Committee will regulate cross-examination.

Other information

- 16. Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list by 12 noon on the business day before the party presenting the material is due to present.
- 17. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Recording Hearings and use of personal information

- 18. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
- 19. Parties must not record, keep, distribute or publish contact details of any other party obtained during an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

'Without prejudice' drafting

- 20. Council must provide parties by 12 noon on Friday, 3 September 2021 with an MS Word version of the Permit conditions included in the Notice of Decision dated 8 April 2021.
- 21. Any party seeking to provide without prejudice tracked changes to Council's version, must provide them to all parties by 12 noon on Wednesday, 22 September 2021.
- 22. Parties will have an opportunity to comment on any tracked draft changes on Thursday, 23 September 2021.
- 23. This process is not an opportunity to revisit any matter of merit.

Compliance with Committee directions

- 24. All directions must be complied with.
- 25. If you anticipate being unable to comply with a direction (for example, meeting a deadline for the circulation of evidence), you must provide the Committee with advance notice, and a written statement explaining why you are unable to comply with the direction, and seek leave from the Committee to vary the direction.
- 26. The Committee may:
 - a) refuse to hear from anyone who fails to comply with a direction
 - b) not accept evidence if leave to vary a direction for the circulation of evidence is not sought or granted.

Committee process details

Priority Projects Standing Advisory Committee Referral 16 | Call in of VCAT proceeding P779/2021 at 215-219 Albion Street, Brunswick

Parties

Moreland City Council represented by Jack Poulson, Principal Urban Planner and Vita Galante, Planning Team Co-ordinator.

Nightingale Albion Landholding Pty Ltd represented by Ian Munt of Counsel, with Simon Pearce, Development Management of Nightingale Housing, and Damien Iles of Hansen Partnership, calling evidence on:

- architecture from Jeremy McLeod of Breathe Architecture (Project architect)
- urban design from Simon McPherson of Global South
- traffic from Charmaine Dunstan of Traffix Group
- affordable housing from Michael Lennon from Housing Choices Australia.

Current Power Pty Ltd represented by Eliza Bergin of Counsel, with Emily Nicholson and Mei Jin, calling evidence on:

- traffic from David Graham of Stantec

Distribution list

Use this list to circulate expert witness statements and other information requested by the Committee. It must not be used for any other purpose.

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]

Key issues

Issue group 1 – Built form and design

Whether the building design, height and setbacks are appropriate and will result in an appropriate urban design response.

Issue group 2 – Public realm and amenity impacts

Whether the development will result in unreasonable public realm and amenity impacts, including overlooking and overshadowing.

Issue group 3 – Transport, car parking, loading and waste management

Whether the proposed development:

- should include more car parking for people with mobility issues
- will result in unacceptable parking impacts on the surrounding road network

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- will provide appropriate loading, delivery, and waste management facilities.

Issue group 4 – Affordable housing

Timetable

Priority Projects Standing Advisory Committee Referral 16 | Call in of VCAT proceeding P779/2021 at 215-219 Albion Street, Brunswick

Timetable Version 1

Day 1: Monday 20 September 2021

Video conference – [Click here to join the Hearing](#)

Time	Party	Allocated
10.00 am	Preliminary matters	15 mins
10.15 am	Council – Opening comments and overview of position	10 mins
10.25 am	Objector – Opening comments and overview of position	10 mins
10.35 am	Proponent – Opening comments and overview of position	10 mins
10.45 am	Issue group 1 – Built form and design (including height and setbacks) Issue group 2 – Public realm and amenity impacts	2 hours
11.30 am	Break	15 mins
11.45 am	Issue groups 1 and 2 (continued)	
1.00 pm	Lunch break	1 hour
2.00 pm	Issue group 3 – Transport, car parking, loading and waste management	1.25 hours
3.15pm	Break	15 mins
3.30 pm	Issue group 4 – Affordable housing	1 hour
4.30 pm	Day close	

Day 2: Tuesday 28 September 2021

Video conference – [Click here to join the Hearing](#)

Time	Party	Allocated
10.00 am	Additional time reserved, if needed	half day
1.00 pm	Lunch break	1 hour
2.00 pm	Council – Concluding comments	10 mins
2.10 pm	Objector – Concluding comments	10 mins
2.20 pm	Proponent – Concluding comments	10 mins
2.30 pm	Without prejudice permit conditions drafting discussion	45 mins
3.15 pm	Hearing close	

Hearing Timetable Notes:

1. The Committee may amend the timetable without notice.
2. Please be present at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you have any questions about the timetable, please contact Georgia Thomas, Project Officer on (03) 8624 5717.