



# 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

22 September 2021

Dear Party,

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

As discussed at the Hearing on 20 September 2021, please find attached revised Committee Directions and Hearing Timetable. Please note that Direction 2 has been revised to the 'business day' before information is to be presented. There are no changes to the Distribution List.

The following dates apply:

Time	Date	Action	Direction
10 am	Tuesday, 28 September 2021	Video conference Hearing resumes	
10 am	Wednesday, 29 September 2021	Permit applicant must provide without prejudice MS Word version of permit conditions	16
2 pm	Wednesday, 29 September 2021	Without prejudice drafting discussion	17
12 noon	Friday, 1 October 2021	If Current Power Pty Ltd seeks to provide without prejudice tracked changes to all parties, it must do so by this time	19
12 noon	Monday, 4 October 2021	If Council seeks to provide without prejudice tracked changes to all parties, it must do so by this time	20

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](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,

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 Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



## At the Hearing

### Submissions and information

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

### Evidence and cross examination

4. All expert witness reports will be read before the Hearing, therefore evidence-in-chief is optional.
5. Any evidence-in-chief must be no longer than 15 (preferred) to 30 minutes.
6. 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.
7. Parties, advocates and the Committee may question a witness.
8. 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.
9. 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.
10. 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.
11. The Committee will regulate cross-examination.

### Other information

12. 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.
13. All information presented at the Hearing is a public document unless the Committee directs otherwise.

### Recording Hearings and use of personal information

14. Parties must not record any part of an electronic hearing by any means without permission from the Committee.

### Directions:

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15. 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**

16. The permit applicant must provide all parties on the distribution list with a 'without prejudice' MS Word version of permit conditions with preferred drafting by **10 am on Wednesday, 29 September 2021**.
17. Parties will have an opportunity to comment on any tracked draft changes by video conference at 2 pm on Wednesday, 29 September 2021.
18. Parties must not revisit any matter of merit during drafting discussion.
19. If Current Power Pty Ltd seeks to provide 'without prejudice' preferred drafting of the permit conditions with tracked changes to all parties, it must do so by **12 noon on Friday, 1 October 2021**.
20. If Council seeks to submit its 'without prejudice' preferred drafting of the permit conditions with tracked changes, it must provide it to all parties by **12 noon on Monday, 4 October 2021**.

#### **Compliance with Committee directions**

21. All directions must be complied with.
22. 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.
23. 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

**Distribution list:**

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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 2

### Day 2: Tuesday 28 September 2021

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

Time	Party	Allocated
10.00 am	Preliminary matters	15 mins
10.15 am	<b>Issue group 3 – Transport, car parking, loading and waste management</b> (continued)	
<b>12.30pm</b>	<b>Lunch break</b>	<b>1 hour</b>
1.30pm	Council – Concluding comments	1 hour
2.30pm	Objector – Concluding comments	30 mins
<i>3.00pm</i>	<i>Break</i>	<i>15 mins</i>
3.15pm	Permit applicant – Concluding comments	30 mins
3.45 pm	Day close	

### Day 3: Wednesday 29 September 2021

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

Time	Party	Allocated
2.30 pm	Without prejudice permit conditions drafting discussion	1 hour
<b>3.30 pm</b>	<b>Hearing close</b> – process remains open until 4 October 2021 to enable drafting process	

#### 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.