



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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17 September 2021

Dear Party

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

The Committee held a Directions Hearing for the above matter on 17 September 2021 by video conference. Please find attached:

- Committee Directions
- Distribution List
- Hearing Roundtable Timetable.

The following key dates apply:

| Time | Date | Action | Direction |
|----------|---|--|-----------|
| 12 noon | Monday, 20 September 2021 | Assemble Communities to circulate schedule of changes for amended plans | 6 |
| 9.00 am | Tuesday, 21 September 2021 | Assemble Communities to circulate amended plans | 6 |
| 12 noon | Thursday 30 September 2021 | Assemble Communities must circulate its evidence | 10 |
| 12 noon | Friday, 1 October 2021 | MCC to provide position on amended plans | 7 |
| 12 noon | Monday, 4 October 2021 | Assemble Communities and MCC to circulate its preferred version of the planning permit | 8 |
| 12 noon | Tuesday 5 October 2021 | Assemble Communities and MCC must circulate its submissions | 11 |
| 12 noon | Business day before presentation at the Hearing | Parties must submit any documentation to support their submission | |
| 10.00 am | Wednesday, 6 October 2021 | Hearing commences | |

Declarations

Two declarations were made by the Committee at the Directions Hearing. David Merrett declared he had no conflict of interest but has used the services of Traffix Group in his private consulting role on other client projects. Debra Butcher declared she had no conflict of interest but also had used Traffix Group and Senversa in her private consulting role on other client projects.

No concerns were raised about these declarations.

Roundtable arrangements

It was agreed by all parties that a Roundtable format was appropriate for this matter.

1. Parties to the Roundtable

Assemble Communities represented by Mark Naughton (or Counsel) of Planning Property Partners. Assemble Communities intend to call evidence from:

- Joseph Oppedisano of Frater Consulting in relation to daylight matters; and

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- Kris Daff of Assemble Communities Pty Ltd in relation to the Applicant’s housing affordability model.

Melbourne City Council (MCC) represented by Michelle Fernando, planner. MCC indicated it will not call evidence.

2. Submissions

The Committee will hear from each party on each of the issue themes (identified below and in the timetable) in the following order – Assemble Communities and MCC. Written submission should only be structured around the identified issue themes and identify any changes sought to the Amendment or Planning Permit on that issue.

3. Evidence or presentations

Evidence to be called on daylight issues and the affordable housing model shall be provided during the issue theme. Evidence-in-Chief should be limited to 10 minutes with cross examination limited as far as practicable to matters of clarification.

4. Issue themes

| Issue theme | Sub-issues |
|------------------------------------|---|
| Issue 1 – car parking | Whether the proposed reduction in onsite parking is appropriate |
| Issue 2 – daylight access | Whether the corridor spaces between back-to-back apartment rows provide sufficient daylight and comply with the Clause 58.07-3 amenity requirement to the abutting bedrooms |
| Issue 3 – affordable housing model | Whether the Assemble affordable housing model provides for an appropriate housing outcome |
| Issue 4 - permit conditions | Drafting of the Planning Permit and its conditions |

Hearing

The Hearing will be conducted by video conference. To access the Hearing please use the following details:

[Click here to join the meeting](#)

Video Conference ID: 134 320 022 7

Or dial in (audio only)

Dial: 1800 571 208

Input: 486907861#

If you have questions about the Committee process, please contact Ms Georgia Thomas of Planning Panels Victoria on (03) 8624 5717 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



David Merrett
Committee Chair

Distribution list

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

Before the Hearing

Circulation and sharing of documents

5. Documents must be circulated electronically to parties on the distribution list. Paper documents will only be permitted in exceptional circumstances.

Amended plans

6. Assemble Communities will circulate to parties on the distribution list amended plans to address the issues raised by Council. A detailed schedule of changes and any other material that directly addresses the daylight access issue must be circulated by **12 noon on Monday 20 September 2021**. The associated amended plans must be circulated by **9.00am on Tuesday 21 September 2021**.

Council position on amended plans

7. MCC must circulate to parties on the distribution list its response to the amended plans by **12 noon on Friday 1 October 2021**.

Planning permit

8. Assemble Communities and MCC must circulate to parties on the distribution list its preferred version of the Planning Permit by **12 noon on Monday 4 October 2021**.

Witness reports

9. 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 document.
10. Assemble Communities must circulate expert witness reports to parties on the distribution list by **12 noon on Thursday, 30 September 2021**.

Submissions

11. Assemble Communities and MCC must circulate to parties on the distribution list its written submission by **12 noon on Tuesday 2 October 2021**.

Site inspections

12. The Committee intends to undertake an unaccompanied inspection of the subject site and its surrounds from the public realm prior to the commencement of the Hearing.

At the Hearing

Submissions and information

13. Parties must present material at the Roundtable Hearing electronically.
14. All information presented at the Roundtable Hearing is a public document unless the Committee directs otherwise.

Evidence and cross examination

15. Unless agreed by the Chair, evidence-in-chief must be no longer than 10 minutes – *all expert witness reports will be read before the Roundtable Hearing*.

Distribution list:

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16. 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 the day before** that witness is scheduled to appear.
17. Parties, (including advocates and submitters) and the Committee may question a witness.
18. 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.
19. 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.
20. The Committee will regulate cross-examination.

Closing submissions

21. The Committee may provide Assemble Communities an opportunity for a brief closing submission. This will be confirmed at the end of submissions on the key issue themes.
22. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Reserve day

23. Thursday 7 October 2021 will be held as a reserve hearing day, if required.

Recording Hearings and use of personal information

24. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
25. If Planning Panels Victoria records an electronic hearing, any party provided with a copy of the recording on request must not publish or distribute that recording or use it for any purpose other than for the Hearing.
26. Parties must not record, keep, distribute, or publish contact details of any other party obtained in the course of an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

Compliance with Committee directions

27. 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.

Distribution list:

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

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] |

Timetable

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

Timetable Version 1

Day 1: Wednesday 6 October 2021

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

| Time | Party | Allocated |
|--------------------------|---|----------------|
| 10.00am – 10.15am | Preliminary matters | 15 mins |
| 10.15am – 10.45am | Issue 1 – Car parking <i>(Note: Includes submissions only with no evidence)</i> | 30 mins |
| 10.45am – 11.30am | Issue 2 – Daylight access <i>(Note: Includes evidence from Assemble Communities from Joseph Oppedisano from Frater Consulting)</i> | 1 hour |
| 11.30am – 11.45am | Break | 15 mins |
| 11.45am – 12 noon | Issue 2 (cont.) | |
| 12 noon – 1.00pm | Issue 3 – Affordable housing model <i>(Note: Includes evidence from Assemble Communities from Kris Daff of Assemble Communities)</i> | 1.25 hours |
| 1.00pm – 2.00pm | Lunch | 1 hour |
| 2.00pm – 2.15pm | Issue 3 (cont.) | |
| 2.15pm – 3.15pm | Issue 4 – Planning permit drafting | 1.25 hour |
| 3.15pm – 3.30pm | Break | 15 mins |
| 3.30pm – 3.45pm | Issue 4 (cont.) | |
| 3.45pm – 4.00pm | Assemble Melbourne - potential closing submission | 15 mins |
| 4.00pm | Close | |

Hearing Timetable Notes:

1. The Committee may amend the timetable without notice.
2. Please log in at least 15 minutes before your scheduled commencement time.
3. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
4. If you have any questions about the timetable, please contact the Ms Georgia Thomas at planning.panels@delwp.vic.gov.au