



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8624 5712

20 September 2021

Dear Party,

## **Priority Projects Standing Advisory Committee Referral 18 | 196 - 206 High Street, Windsor**

The Committee held a Directions Hearing for the above matter on 10 September 2021 by video conference. Please find attached Committee Directions, Distribution List and Hearing Timetable.

With the Hearing scheduled to commence on Tuesday 19 October, the following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 11 October 2021	The Proponent must circulate witness statements to parties on the distribution list	3
12 noon	Monday, 11 October 2021	The Proponent must circulate an opening statement including a response to submissions to identify relevant issues, as well as where information that addresses those issues is to be found in supporting material	5
12 noon	Wednesday, 13 October 2021	Other parties must circulate any witness statements	4
12 noon	Wednesday, 13 October 2021	Council must circulate an opening statement	6
12 noon	Wednesday, 13 October 2021	Council must circulate draft permit conditions after discussion with the Proponent. The document must include any areas of dispute and alternate wording to resolve that dispute	7
12 noon	Friday, 15 October 2021	If a party seeks to respond in writing to the draft permit conditions, they must circulate the comment to allow without prejudice discussion at the Hearing	8
10.00am	Tuesday, 19 October 2021	The Hearing commences	

### **Procedural Matters**

Several parties, including Ms Lyle for Stonnington City Council and Mr Marr on behalf of various submitters, advised the Committee that the proposed Hearing timeframe did not provide adequate time to prepare for the Hearing. With acquiescence from Ms Macindoe for the Proponent, the Committee agreed with the requests to delay the Hearing. The Hearing will be held on 19 and 20 October 2021.

Day 2 of the Hearing will be set aside for closing submissions should all presentations and discussions be completed on the first day.

#### **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

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## Video Conference

The Hearing will be convened through video conference. To join the Hearing please use the following details.

**10.00am, Tuesday 19 and Wednesday 20 October 2021:**

[Click here to join the Hearing](#)

Video Conference ID: 139 117 199 2

### Dial in (audio only)

1800 571 208

Phone conference ID: 695 669 226 #

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

Yours sincerely,



**Geoff Underwood**  
Committee Chair

## Before the Hearing

### Circulation and sharing of documents

1. Documents must be circulated electronically.

### Witness reports

2. 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.
3. The Proponent must circulate witness statements to parties on the distribution list by 12 noon on Monday, 11 October 2021.
4. Other parties must circulate any witness statements by 12 noon on Wednesday, 13 October 2021.

### Opening Statements

5. The Proponent must circulate an opening statement including a response to submissions to identify relevant issues, as well as where information that addresses those issues is to be found in supporting material, by 12 noon on Monday, 11 October 2021.
6. Council must circulate an opening statement by 12 noon on Wednesday, 13 October 2021.

### Draft Permit Conditions

7. Council must circulate draft permit conditions after discussion with the Proponent. The document must include any areas of dispute and alternate wording to resolve that dispute by 12 noon on Wednesday, 13 October 2021.
8. If a party seeks to respond in writing to the draft permit conditions, they must circulate the response to allow without prejudice discussion during the hearing by 12 noon on Friday, 15 October 2021.

## At the Hearing

### Submissions and information

9. Parties must circulate and present material at the Hearing electronically.
10. 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.
11. All written information presented at the Hearing is a public document unless the Committee directs otherwise.

### Evidence and cross examination

12. Unless agreed by the Chair, evidence-in-chief must be no longer than 20 minutes – all expert witness reports will be read before the Hearing.
13. 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.

14. Parties, advocates and the Committee may question a witness.
15. 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.
16. 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.
17. 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.
18. The Committee will regulate cross-examination.

### **Other information**

19. Any other written material a party, other than the Proponent and the Council, wishes to present at the Hearing must be circulated to parties on the distribution list by 12 noon on the day before the party presenting the material is due to present.

### **Recording Hearings and use of personal information**

20. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
21. In exceptional cases, the Chair may direct that the Hearing be recorded. A party who wishes proceedings to be recorded must make a request to the Committee at least five business days before the commencement of the Directions Hearing, outlining its reasons.
22. 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.
23. 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**

24. Parties will have an opportunity to comment on the circulated draft conditions.
25. This process is not an opportunity to revisit any matter of merit.

**Directions:**

**Compliance with Committee Directions**

26. All directions must be complied with.
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.
28. 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.

## Key issues

The issues for consideration are to assist the Committee with preparing advice to the Minister for Planning as to

1. whether planning approval should be given for the proposed development and, particularly, whether planning permit PA2101189 should be issued,
2. what conditions might be appropriate taking into consideration the matters raised in submissions received and the previous VCAT decision,
3. the drafting of Amendment C313ston whereby the Minister for Planning becomes the responsible authority for the site.

The issues include:

1. The response to issues considered in VCAT proceeding P327/2020 in August 2020 especially those that were determinative in the VCAT order dated 14 October 2020.
2. Current planning controls and the response of the proposal to those controls applying to the precinct including height, design and street presentation of the proposed building.
3. Concerns raised in submissions about the height, mass and visual bulk of the proposed building, the appropriateness of the architectural expression within the streetscape and context, as well as off-site impacts from the building.
4. Traffic and access considerations.
5. The suitability of draft conditions for proposed planning permit application PA2101189 as exhibited and/or as submitted by Stonnington City Council.
6. The form of Planning Scheme Amendment C313ston that amends the Schedule to Clause 72.01 of the Stonnington Planning Scheme to identify the Minister for Planning as the responsible authority for the site.







**Distribution list:**

Priority Projects Standing Advisory Committee Referral 18 | 196 - 206 High Street, Windsor

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

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# Timetable

Priority Projects Standing Advisory Committee Referral 18 | 196 - 206 High Street, Windsor

## Timetable Version 1

### Day 1: Tuesday 19 October 2021

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

Time	Party	Allocated
10.00am	Preliminary matters	15 mins
10.15am	Proponent session	About 2 hours
	a) Opening presentation	
	b) Expert witness presentations, cross examination and discussion.	
<b>11.15am</b>	<b>Break</b>	<b>15 mins</b>
11.30am	Proponent session continues	
<b>12.30pm</b>	<b>Lunch break</b>	<b>45 minutes</b>
1.30pm	Council session	90 mins
<b>2.45pm</b>	<b>Break</b>	<b>1 hour</b>
3.00pm	Objector presentations	90 mins
4.30pm	Day close	

### Day 2: Wednesday 20 October 2021

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

Time	Party	Allocated
10.00am	Preliminary matters	15 mins
10.15am	Objector presentations continue	75 mins
<b>11.30am</b>	<b>Break</b>	<b>15 mins</b>
11.45am	Permit condition discussion	45 mins
<b>12.30pm</b>	<b>Lunch break</b>	<b>1 hour</b>
1.30pm	Closing submissions - 10-minute summary presentations	30 mins
	1. Lead Objector	
	2. Council	
	3. Proponent	
2.00pm	End of Hearing	

#### Hearing Timetable Notes:

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