



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) 8392 5115

18 January 2021

As addressed

Dear Party

Priority Projects Standing Advisory Committee – Referral No. 8 Call in of VCAT proceeding P701/2020 – 17 Smith Street Daylesford

The Minister for Planning called in proceeding P701/2020 relating to the proposed 53 lot subdivision and removal of vegetation at 17 Smith Street Daylesford from the Victorian Civil and Administrative Tribunal (VCAT) (reference P701/2020) and referred it to the Priority Projects Standing Advisory Committee (Committee). We are writing to you because you are a party to the VCAT proceeding.

The Minister for Planning appointed the Priority Projects Standing Advisory Committee (Committee) under section 151 of the *Planning and Environment Act 1987*. Committee Members Mr Rodger Eade (Deputy Chair), Ms Noelene Duff and Mr Peter Edwards will consider this referral. This matter will be known as Referral No. 8.

The Minister for Planning has provided the Committee with Terms of Reference dated 14 June 2020 and Letter of Referral dated 13 December 2020 (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 Building Victoria's Recovery Taskforce (BVRT), and projects affected by COVID-19.
- provide advice and recommendations on whether a planning permit should be issued, and if so, the appropriate permit conditions.

Information about the Priority Projects Standing Advisory Committee including its Terms of Reference and Member biographies can be found on the Committee's website at:

<https://www.planning.vic.gov.au/panels-and-committees/browse-panels-and-committees/projects/priority-projects-standing-advisory-committee>

Issues in dispute

The Committee notes that VCAT Order made on 18 September 2020, lists the issues in dispute under the following headings:

- Neighbourhood character
- Traffic implications
- Stormwater and service issues
- Vegetation removal
- Compliance with Clause 56

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



This Committee will focus its consideration on the five grounds listed above and will structure the roundtable discussion around each issue in turn. The VCAT Order of 18 September 2020 struck out a number of grounds of objection and consequently the Committee will not consider these.

Form of engagement

Clause 16 of the Terms of Reference provides that the Committee is not expected to carry out a public hearing but may do so if it is deemed necessary. The Committee considers that in this case a roundtable discussion between the Committee and the parties is the appropriate way for the Committee to understand the issues in dispute and make its recommendation to the Minister for Planning. The Committee notes that this approach has been used successfully in earlier referrals that have been made to it.

Please advise the Committee as soon as possible if you have procedural matters that you wish to raise.

The Committee will consider Referral No. 8 by way of roundtable discussion using video link on **Monday 15 February 2021**, possibly continuing to the morning of **Wednesday 17 February 2021**. A link is provided in the table below. The Committee is aware that this is a shorter time period than had been set down by VCAT.

Confirmation of Parties	Method
<p>Niche Planning Studio/ Smith Development Partnership(Applicant) Represented by Harwood Andrews (Kim Piskuric)</p>	<p>Roundtable Discussion Microsoft Teams from 10:00 am to 4:30 pm Monday 15 February 2021 and 10:00am to 1.00pm Wednesday 17 February 2021 (the Wednesday date will be confirmed later)</p> <p><u>Join Referral No. 8 Roundtable Discussion</u></p>
<p>Hepburn Shire Council (Council) Represented by Nathan Aikman</p>	
<p>Objectors Deborah Semple and others</p>	

Parties wishing to participate in the roundtable discussion must confirm attendance and representation **by 12.00noon on Wednesday 27 January 2021** by emailing planning.panels@delwp.vic.gov.au.

To assist parties, a guide to using MS Teams is available on the [Planning Panels Victoria website](#).

Expert Witnesses

Parties proposing to file expert evidence in this matter must confirm the number of expert witnesses and their areas of expertise by **12.00 noon on Wednesday 27 January 2021** by emailing planning.panels@delwp.vic.gov.au. Expert witness statements are required to be filed and distributed to parties one week before the scheduled roundtable discussion.

Documentation

While the Committee has been provided with the VCAT file (hard copy only), to assist the Committee's work, Council, the applicant and objectors are requested to provide the Committee with electronic copies of all relevant documents and correspondence in relation to the application and the matters before VCAT by **12noon on Monday 1 February 2021** at planning.panels@delwp.vic.gov.au. Please note that all materials provided will be treated in accordance with the Privacy Collection Notice attached. In particular the Committee requests electronic copies of the following:

Hepburn Shire Council	<ul style="list-style-type: none">- a copy of NOD PA 2504- a copy of the officer report supporting the NOD- email to VCAT dated 24 June 2020 which provides detail relating to the Application for Review- any other relevant documents and correspondence.
Applicant	<ul style="list-style-type: none">- application for the planning permit including reports appended to it- any proposed updates to the plans for the proposed application as required in Condition 1 of the permit conditions attached to the Notice of Decision (NOD).- copy of Respondent's initial 'Grounds in Response' to the Applicants Review Grounds, dated 24 June 2020- any other relevant documents and correspondence
Objectors	<ul style="list-style-type: none">- a copy of VCAT Application P701/2020 and the accompanying Statement of Grounds- copy of email dated 23 October 2020 providing further details of grounds as VCAT Order subsequent to the Practice Day Hearing on 18 September 2019- copy of email to VCAT dated 24 July 2020 setting out 21 grounds of concern- any other relevant documents and correspondence relating to the Application for Review of the Council NOD.

How will my contact information be used?

We will use your contact address to contact you. We will provide your email or postal address to participants in the Hearing so that they can share reports and submissions unless you tell us otherwise.

Privacy

The *Privacy Collection Notice* and other information is attached for your convenience.

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

Timetable and Directions

Once information on the parties wishing to participate in the roundtable and the number of expert witnesses is known the Committee will circulate a timetable indicating the order and approximate timing of consideration of each issue. This will include Directions for a truncated process for the presentation of expert evidence and limited cross examination of witnesses.

If you have any queries, please contact Tom Milverton, Project Support Officer at Planning Panels Victoria on (03) 8508 2691 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Rodger Eade". The signature is written in a cursive style with a light blue background behind it.

Rodger Eade

Deputy Chair, Priority Projects Standing Advisory Committee

Attachment 1: Terms of Reference, dated 14 June 2020

Attachment 2: Letter of Referral, dated 20 December 2020.

Privacy Collection Notice

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.

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
- submitter addresses, if required.

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

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) 8392 5114.