



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

2 August 2021

Dear Party,

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

The Minister for Planning called in proceeding P779/2021 from the Victorian Civil and Administrative Tribunal (VCAT) on 25 July 2021 and referred it to the Priority Projects Standing Advisory Committee (the Committee). We are writing to you because you are a party to the VCAT proceeding.

The permit application relates to the proposed use and development of land for a nine-storey residential building at 215-219 Albion Street in Brunswick. On 8 April 2021, the Moreland City Council issued a notice of decision to grant a planning permit. An objector appeal was subsequently lodged through VCAT. A compulsory conference was scheduled for 11 October 2021 and a hearing was scheduled for 16-17 December 2021.

The Minister for Planning appointed the Committee under section 151 of the *Planning and Environment Act 1987*. Committee Members Con Tsotsoros (Chair) and Andrew Hutson will consider this referral. This matter will be known as Referral 16.

The Minister for Planning has provided the Committee with Terms of Reference dated 14 June 2020 and Letter of Referral dated Sunday, 25 July 2021 (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 Development Facilitation Team, 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.

Form of engagement

The Committee will consider referral 16 by Roundtable Discussion.

Before the Roundtable Discussion, the Committee will hold a Directions Hearing by video conference on **Thursday, 23 August 2021**. At the Directions Hearing the Committee will:

- finalise its directions about exchanging information and evidence before the roundtable discussion
- consider roundtable discussion dates and timeframes and the conduct of the roundtable discussion
- make arrangements for a site inspection
- answer questions parties may have about the Committee process.

A link to the Directions Hearing is provided below.

Directions Hearing

10 am, Monday, 23 August 2021

[Click here to join the Directions Hearing](#)

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



OFFICIAL

Or Dial in (audio only)

1. dial 1800 571 208 (Australia Toll-free)
2. input meeting ID: 940 698 066#

You are encouraged to review the [Planning Panels Victoria guide to using MS Teams](#) to familiarise yourself with MS Teams before the Directions Hearing.

Roundtable Discussion

The Roundtable Discussion will be held on Monday, 20 September 2021. A reserve day will be scheduled for Tuesday, 21 September, if required.

Please advise the Committee if you have procedural issues that you wish to raise as soon as possible by emailing planning.panels@delwp.vic.gov.au and blind copying all parties on the distribution list. Procedural issues will be discussed at the Directions Hearing.

If you wish to be involved in the Committee process

If you wish to participate in the Committee process, you must confirm your attendance at the Directions Hearing by **12 noon on Thursday 19 August 2021** by emailing planning.panels@delwp.vic.gov.au.

Further Information

The attached *Privacy Collection Notice* explains how your submission will be used by the Committee.

Further information including the *What is a Panel?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at:

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

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

Yours sincerely,



Con Tsotsoros
Committee Chair

Documentation and Preliminary list of issues

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

Documentation

The Committee has been provided with:

- Terms of Reference dated 14 June 2020
- Letter of Referral dated Sunday 25 July 2021
- Electronic file for VCAT proceeding P779/2021

Preliminary Issues

The Committee has identified the following issues from the documentation provided so far:

- building height
- amenity impacts
- building design
- traffic and car parking
- insufficient public consultation by Council
- overdevelopment of the site.

Parties are directed to advise the Committee and other parties on the distribution list, of any other previously identified issues additional to those listed by **12 noon on Thursday 19 August 2021**.

Section 159 of the *Planning and Environment Act 1987* allows Committees to give directions about the time, place and conduct of proceedings and preliminary matters. The Committee will decide on the final directions after parties have had an opportunity to comment at the Directions Hearing.

Summary of dates

The following dates are proposed:

Time	Date	Action	Direction
12 noon	Monday, 13 September 2021	Council must supply the documents specified	2
12 noon	Monday, 13 September 2021	Parties must circulate any Expert witness reports	5
12 noon	Tuesday, 21 September 2021	Council and the permit applicant must provide parties with an MS Word version of the 'without prejudice' permit conditions	26
10 am	Monday, 20 September 2021	Video conference Hearing commences	

Before the Roundtable Discussion

Witness reports

1. 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.
2. Parties must circulate their witness reports to parties on the distribution list by **12 noon on Monday 13 September 2021**.

Submissions and information

3. Parties must present material at the Hearing electronically.
4. 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.
5. All information presented is a public document unless the Committee directs otherwise.

Evidence and cross examination

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 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 Panel
 - 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. After presenting to the Committee, submissions and other material (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.
14. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Closing submissions

15. Council and the Permit Applicant will be provided time to present a brief closing submission.
16. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Recording Hearings and use of personal information

17. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
18. 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.
19. 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.
20. 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.

'Without prejudice' drafting

21. Council and the Permit Applicant must provide parties by **12 noon on Tuesday, 21 September 2021** with an MS Word version of:
- a) clause (include version and document numbers where relevant)
 - b) clause, etc
22. If Current Power Pty Ltd seeks to provide without prejudice tracked changes, it must provide them to all parties by **12 noon on Thursday, 23 September 2021**.
23. After submissions close, parties will have an opportunity to comment on any tracked draft changes.

Committee Directions:

Priority Projects Standing Advisory Committee Referral 16

24. This process is not an opportunity to revisit any matter of merit.

Compliance with Committee directions

25. All directions must be complied with. It is an offence to not comply with a direction without lawful excuse. [section 169 of the *Planning and Environment Act 1987*]
26. 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.
27. The Committee may:
- a) refuse to hear from anyone who fails to comply with a direction. [section 159(b)]
 - b) not accept evidence if leave to vary a direction for the circulation of evidence is not sought or granted.

Planning Panels Victoria Privacy Notice

Your submission has been collected for the primary purpose of this Committee process.

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.

Displaying submissions online

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 and submitter addresses, if required.

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

Hearing of submissions

A Hearing may be held in person at a venue, by telephone conference, by video link, or a combination of these. You should be aware the Committee may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available to submitters and parties to the Hearing and third parties who request it from Planning Panels Victoria at planning.panels@delwp.vic.gov.au
- use your phone contact details to contact you during a telephone/video hearing, if necessary.

The Committee will direct that parties:

- use any recording provided by Planning Panels Victoria solely for the purpose of the Committee process
- not record online hearings.

The Committee cannot:

- guarantee that a third party will not produce an unauthorised recording
- regulate how recordings are used outside the hearing context.

During the Committee process, all participants, including the general public, must respect the privacy of others and not make defamatory comments.

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) 8624 3127.