



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

27 September 2021

Dear Party

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

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 Timetable.

The following key dates apply:

Time	Date	Action	Direction
12 noon	Monday, 4 October 2021	Assemble Communities and Council to confirm approach to affordable housing	2
9.00 am	Monday, 4 October 2021	Assemble Communities and Council must confirm details of the experts to be called	5
12 noon	Thursday 7 October 2021	Assemble Communities must circulate the Part A submission	3
12 noon	Thursday 7 October 2021	Assemble Communities and Council to circulate preferred versions of the planning permit	4
12 noon	Thursday 7 October 2021	Assemble Communities and Council must circulate expert evidence	7
12 noon	Business day prior to presenting at the Hearing	Parties must circulate submissions	8
10.00 am	Thursday, 14 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. Mr Merrett also declared he chaired the panel hearing for Moreland C164 that introduced the Moreland Industrial Land Strategy 2015-2030 into the planning scheme and affects this land.

No concerns were raised about these declarations.

Hearing

The Hearing will be conducted by video conference. To access the Hearing commencing **10.00am, Thursday, 14 October 2021** please use the following details:

[Click here to join the meeting](#)

Video Conference ID: 134 748 836 8

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



Dial in (audio only):

1800 571 208 Australia (Toll-free)

Phone Conference ID: 637 506 076 #

If you are unfamiliar with MS Teams, please refer to the [Planning Panels Victoria Guide to MS Teams](#).

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,

A handwritten signature in black ink, appearing to read 'David Merrett', with a stylized flourish at the end.

David Merrett
Committee Chair

Before the Hearing

Circulation and sharing of documents

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

Affordable housing

2. At the Directions Hearing there was discussion on affordable housing and the potential of it being mediated between Assemble Communities and Council prior to the Hearing or as a witness conclave to identify areas of agreement and disagreement. Assemble Communities and Council must discuss this matter further in an attempt to resolve their differences and advise all parties and the Committee by **12 noon on Monday 4 October 2021** if evidence will be called on this issue and, if so, if this will be as an expert conclave.

Assemble Communities Part A submission

3. Assemble Communities must circulate its Part A Submission outlining all the background information to parties on the distribution by **12 noon on Thursday, 7 October 2021**. The Part A submission must address:
 - The planning controls, strategies and policy that applies to the land
 - The submissions received and the issues they raise
 - Any changes to the plans as a result of submissions or further review

Planning permit

4. Assemble Communities and Council must circulate to parties on the distribution list its preferred version of the Planning Permit by **12 noon on Thursday, 7 October 2021**.

Witness reports

5. Assemble Communities and Council must confirm the details of the experts to be called by **12 noon on Monday 4 October 2021**.
6. 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.
7. Assemble Communities and Council must circulate expert witness reports to parties on the distribution list by **12 noon on Thursday, 7 October 2021**.

Submissions

8. All parties must circulate written submissions to parties on the distribution list by **12 noon the day before the submission is due to be heard**.

Site inspection

9. 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. With the access assistance provided by Assemble Communities and the Brunswick Baptist Church the Committee

Distribution list:

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

intends to inspect the site externally and internally, its surrounds and the grounds of Brunswick Baptist Church.

10. This is to be conducted on Thursday 30 September 2021. If this changes parties will be notified.

New party

11. Mr Verduci has confirmed he intends to present a submission. Accordingly, Mr Verduci has been allocated time on the timetable.

At the Hearing

Submissions and information

12. Parties must present material at the Hearing electronically.

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

Evidence and cross examination

14. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 minutes – *all expert witness reports will be read before the Hearing.*

15. 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.

16. Parties, (including advocates and submitters) and the Committee may question a witness.

17. 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.

18. 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.

19. 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.

20. 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.

21. The Committee will regulate cross-examination.

Distribution list:

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

Closing submissions

- 22. The Committee may provide Assemble Communities and Council an opportunity for a brief closing submission. This will be confirmed during the Hearing.
- 23. 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

- 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 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

Use this list to circulate expert witness statements and other information requested by the Committee. It must not be used for any other purpose.

Version 2

Party	Email Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]

Timetable

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

Timetable Version 1

Day 1: Thursday 14 October 2021

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

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.30am	Moreland City Council represented by Lauren Lees or advocate TBC, calling the following expert evidence: <ul style="list-style-type: none">• Urban design from TBC• Heritage from TBC• Affordable housing from TBC	2 days
11.30am – 11.45am	Break	15 mins
11.45am – 1.00pm	Moreland City Council (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 3.15pm	Moreland City Council (cont.)	
3.15pm – 3.30pm	Break	15 mins
3.30pm – 4.30pm	Moreland City Council (cont.)	
4.30pm	Close	

Day 2: Friday 15 October 2021

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

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.30am	Moreland City Council (cont.)	2 days
11.30am – 11.45am	Break	15 mins
11.45am – 1.00pm	Moreland City Council (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 3.15pm	Moreland City Council (cont.)	
3.15pm – 3.30pm	Break	15 mins
3.30pm – 4.30pm	Moreland City Council (cont.)	
4.30pm	Close	

Day 3: Monday 18 October 2021

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

Time	Party	Allocated
------	-------	-----------

Timetable Version 1:

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.15am	Brunswick Baptist Church represented by Damien Iles of Hansen Partnership	1 hour
11.15am – 11.30am	Bart Verduci	15 mins
11.30am – 11.45am	Break	15 mins
11.45am – 1.00pm	Assemble Communities Pty Ltd represented by Jeremy Gobbo QC and Carly Robertson of Counsel, instructed by Mark Naughton of Planning & Property Partners, calling the following expert evidence: <ul style="list-style-type: none"> • Town planning from TBC • Urban design from TBC • Heritage from TBC • Traffic from TBC • Environmentally Sustainable Development from TBC • Affordable housing from TBC 	2.5 days
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 3.15pm	Assemble Communities Pty Ltd (cont.)	
3.15pm – 3.30pm	Break	15 mins
3.30pm – 4.30pm	Assemble Communities Pty Ltd (cont.)	
4.30pm	Close	

Day 4: Tuesday 19 October 2021

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

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.30am	Assemble Communities Pty Ltd (cont.)	2 days
11.30am – 11.45am	Break	15 mins
11.45am – 1.00pm	Assemble Communities Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 3.15pm	Assemble Communities Pty Ltd (cont.)	
3.15pm – 3.30pm	Break	15 mins
3.30pm – 4.30pm	Assemble Communities Pty Ltd (cont.)	
4.30pm	Close	

Timetable Version 1:

Priority Projects Standing Advisory Committee Referral 21 | Assemble Brunswick at 2-6 Ballarat Street and 14, 16-18 Ovens Street, Brunswick

Day 5: Wednesday 20 October 2021

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

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.30am	Assemble Communities Pty Ltd (cont.)	2 days
11.30am – 11.45am	Break	15 mins
11.45am – 1.00pm	Assemble Communities Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 3.00pm	‘Without prejudice’ discussion of permit conditions	1 hour
3.00pm – 3.30pm	Closing submissions (if required)	30 mins
3.30pm	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 advise Planning Panels Victoria as soon as possible.
4. If you have any questions about the timetable, please contact Ms Georgia Thomas at planning.panels@delwp.vic.gov.au or (03) 8624 5717.