



24 May 2021

Dear Party,

Priority Projects Standing Advisory Committee – Referral 13 Jewish Arts Quarter

The Committee held a Directions Hearing for the above matter on 20 May 2021 by video conference. Please find attached the Committee Directions, Distribution List and Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Friday, 4 June 2021		
		Council's further information under Direction 4 is due	4
		Applicant's further information under Direction 6 is due	6
12 noon	Tuesday, 8 June 2021	Expert witness reports are due	9
12 noon	Wednesday, 9 June 2021	Council's updated permit conditions (if any) are due	5
12 noon	Friday, 11 June 2021	Applicant's preferred permit conditions are due	7
		Written submissions are due	2
10 am	Wednesday, 16 June 2021	Roundtable commences	8
12 noon	Thursday, 24 June 2021	Objectors' preferred permit conditions are due	8
	Friday, 25 June 2021	Roundtable ends	

Declarations

The Committee members declared they had no conflict of interest.

Procedural matters

Roundtable dates

After considering the submissions of the parties, the Committee has set down dates for the roundtable of 16-18, 24 and 25 June 2021. Unfortunately, it has not been possible to accommodate all of the parties' availability constraints. Ms Rader indicated she was not available in the week commencing 15 June, and several parties had availability constraints between 21 and 23 June. The Committee acknowledges that Ms Rader will not be available on 16-18 June, but she is one of a group of objectors and the Committee trusts that another member of the group will be able to represent the group on these dates.

Privacy Statement

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Mr Gottschalk

At the Directions Hearing Ms Rader indicated that Mr Gottschalk has agreed to be jointly represented by the Rader group of objectors, as his objection and statement of grounds raises similar issues to those raised by the Rader group of objectors. This is reflected in the attached Timetable.

Site visit

The Committee indicated that it will view the site and surrounds on an unaccompanied basis, and invited the parties to nominate locations they consider should be included on the site visit. A number of parties provided suggestions.

Ms Rader requested the Committee to include a view of the site from a private balcony of one of the apartments at 17 Gordon Street. The Committee has determined not to include private property locations on its site visit at this stage. If, after completing its site visit and its review of the information referred to in Direction 4(c), the Committee considers that an inspection from one of the private balconies is necessary, Planning Panels Victoria will liaise with Ms Rader in relation to the request. Direction 17 will apply.

Request for further montages

On Monday 24 May 2021 the Committee received a request from Ms Deacon that the Applicant provide renders/montages as to how the proposed building will be viewed from Riddell Parade, Regent Street and May Street. She indicated that the residents have not been able to see these what the proposed development will look like from these perspectives.

This request should have been raised at the Directions Hearing, where it could have been fully ventilated, and the Applicant given an opportunity to respond.

The Committee has determined not to direct the Applicant to produce further montages or renders of the proposed development. Production of montages and renders is expensive and time consuming, and Ms Deacon has not provided sufficient justification for why they are required. The Committee does not consider that they are necessary to enable it to properly assess the appropriateness of the built form and massing of the proposed development.

Online roundtable

After considering the submissions of the parties, the Committee has determined to convene the roundtable online. While it acknowledges the submissions on behalf of the group of objectors represented by Mr Townsend that it would prefer the roundtable to be face to face, the Committee is not able to secure a suitable venue that can meet COVID social distancing requirements while allowing full participation of all parties, their representatives and witnesses.

Video conference

The roundtable discussion will be convened through Microsoft Teams video conference. To access the roundtable please use the following link:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+61 3 7019 2540,,768536475#](#) Australia, Melbourne

[1800 571 208,,768536475#](#) Australia (Toll-free)

Phone Conference ID: 768 536 475#

For technical support, parties should refer to the [Planning Panels Victoria Guide to MS Teams](#).

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Carlisle', written in a cursive style.

Sarah Carlisle
Chair

Before the roundtable

Electronic roundtable arrangements

1. Parties must present and circulate material electronically, using the attached Distribution List.
2. Unless directed otherwise, all material to be presented at the roundtable must be circulated by 12 noon on the day before the information is to be presented.
3. All information presented to the Committee is a public document unless the Committee directs otherwise.

Further information

Council

4. Council must circulate the following information by **12 noon on Friday 4 June 2021**:
 - a) a copy of the development plans (and any relevant supporting documentation) for the proposed development at 10-16 Selwyn Street, Elsternwick (the Woolworths development)
 - b) a copy of the endorsed planning drawings for 13-15 Selwyn Street, Elsternwick
 - c) a copy of the endorsed planning drawings of 17-19 Gordon Street, Elsternwick.
5. Council must circulate the following information by **12 noon on Wednesday 9 June 2021**:
 - a) any proposed changes to the conditions on the Notice of Decision to grant a permit (NOD) (or confirmation that no changes are proposed).

Applicant

6. The Applicant must circulate the following information by **12 noon on Friday 4 June 2021**:
 - a) any updated plans
 - b) an addendum update to the Acoustic Report (Marshall Day) submitted with the permit application that:
 - (i) correlates with the waste collection volume estimates in the Waste Management Plan (Leigh Design at page 213)
 - (ii) addresses any impacts that facilities for the collection, storage and removal of containers and packaging that may be required under the draft Victorian Container Deposit Scheme may have on noise attenuation measures.
7. The Applicant must circulate the following information by **12 noon on Friday 11 June 2021**:
 - a) its preferred version of the permit conditions.

Objectors

8. Any objector/group of objectors who wishes to provide comments or alternative drafting of permit conditions on a without prejudice basis must circulate their comments or drafting by **12 noon on Thursday 24 June 2021**.

Expert evidence

9. Parties must circulate their witness reports by **on Tuesday 8 June 2021**.
10. 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 objector by name – if necessary, objectors should be referred to by objection number
 - c) be provided to the Committee as an unlocked document.

Directions:

11. Council must publish all witness reports on its website.

Note: Given the theme approach to the roundtable (see directions below) the Committee is not proposing prior expert meetings.

Written submissions

12. The Committee directs that Council and the Applicant provide written submissions, and invites written submissions from:

- a) all other parties
- b) Anne Kilpatrick on behalf of the Glen Eira Historical Society
- c) Transport for Victoria.

13. Written submissions:

- a) must be circulated by **12 noon on Friday 11 June 2021**
- b) must address each of the following themes (if a party does not wish to make submissions in relation to a particular theme, indicate 'No submissions on this issue' under the relevant heading):
 - (i) Built form/urban design including building heights, setbacks, design quality and overshadowing
 - (ii) Heritage and neighbourhood character
 - (iii) Amenity impacts including noise
 - (iv) Traffic and carparking
- c) may include other issues as the party sees fit.

Note: The Committee is not proposing to allocate individual time slots for parties to present their written submissions. Parties are welcome to address the Committee orally on matters in their written submissions that relate to the themes. All written submissions will be considered by the Committee, whether or not they are presented orally.

14. Council must address the following in its written submissions and/or evidence:

- a) the status of key Council policies and strategies:
 - (i) the Elsternwick Structure Plan 2018-31
 - (ii) the Elsternwick Cultural Precinct Plan 2018
 - (iii) the Integrated Transport Strategy 2018-31 (including consultation with Transport for Victoria/Department of Transport on the same)
- b) an explanation of the relationship between the Design and Development Overlay Schedule 10 (DDO10) and these key policies and strategies (where relevant)
- c) an explanation of how the proposed development addresses these key policies and strategies and the DDO10, particularly in relation to height limits, setbacks, design quality and overshadowing (where relevant)
- d) how Council envisages implementation and compliance monitoring of the Green Travel Plan and Venue Management Plan referred to in the NOD
- e) the status of the road closure and public realm improvements proposed in Selwyn Street
- f) an explanation of how the proposed development addresses the local heritage policy in Clause 22.01
- g) status of any site specific heritage protection under consideration (even if contemplated but not actioned)
- h) an explanation of why the NOD does not include conditions relating to the salvage and integration into the new building of the mural and stained glass windows referred to in the Bryce Raworth advice dated 21 January 2020

Directions:

- i) an explanation of whether cumulative impacts of this and other proposed and recently approved developments in the area (including the proposal at 10-16 Selwyn Street Elsternwick) have been considered, particularly in relation to traffic, parking, heritage and liquor licence controls.
15. The Applicant must address the following information in its written submissions and/or evidence:
- a) the rationale for the selection of the date and time period of the parking survey conducted by Ratio on 18 February 2020 (including possible impacts of COVID on the results)
 - b) details of whether the parking survey considered where patrons of the proposed development are likely to park and their likely duration of stay
 - c) an explanation of the section 173 agreement registered on the title to the land relating to carparking arrangements with the Classic Cinema, and its relevance (if any) to the current proposal
 - d) an explanation of the location of the bicycle parking and end of trip facilities, including proposed access arrangements (via a goods lift)
 - e) detailed justification for the complete waiver of statutory parking spaces (213 spaces)
 - f) implications (particularly for parking) if the implementation of the Green Travel Plan does not result in reduced car usage and how that might be addressed
 - g) how the waste management plan would address the draft Victorian Container Deposit Scheme, and what impact that facilities for the collection, storage and removal of containers and packaging that may be required under the Scheme might have on the floor plan design and noise attenuation measures
 - h) an explanation of whether cumulative impacts of this and other proposed and recently approved developments in the area (including the proposal at 10-16 Selwyn Street Elsternwick) have been considered, particularly in relation to traffic, parking, heritage and liquor licence controls.
16. All submissions must be provided to the Committee (at planning.panels@delwp.vic.gov.au) as unlocked documents, preferably in MS Word.

Site inspection

17. The Committee will view the site and surrounds on an unaccompanied basis. If access to private property is required, Planning Panels Victoria will liaise with the relevant party. Persons granting access must not accompany the Committee on site and must not engage with Committee members about the merits of the proposed development.

At the roundtable

Roundtable arrangements

18. The roundtable commences at **10.00am on Wednesday 16 June 2021** and is scheduled to run over 5 days (Timetable attached).
19. The roundtable will proceed as follows:
- a) opening statements from the Applicant and Council
 - b) expert evidence and comments/discussion arranged by theme
 - c) closing comments from the Applicant and Council.

Opening statements

20. The Applicant must present a brief opening statement on Day 1 of the roundtable that provides an overview of the proposed development and takes the Committee through the plans.
21. Council must present a brief opening statement on Day 1 of the roundtable that provides an overview of the key issues as Council sees them and outlines how the issues are addressed by the conditions of the NOD.

Directions:

Evidence

Evidence by theme

22. Expert evidence will be called by theme.

Note: It would assist the Committee if all experts presenting on a theme attend all sessions on that theme and be present for the evidence of all other witnesses on that theme, including being available to answer questions of clarification from the Committee after evidence is complete.

Evidence in chief

23. Experts will present their evidence in chief in the following order:

- a) Applicant
- b) Council
- c) Objectors.

24. Evidence in chief should:

- a) be generally limited to 10-15 minutes
- b) provide a summary of the expert's key conclusions
- c) focus on
 - (i) agreement/disagreement on critical issues with other relevant experts
 - (ii) any recommended changes to the NOD conditions.

25. 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.

26. When giving evidence 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.

Note: Advocates should ask the expert to acknowledge that they are aware of and agree to these directions at the start of their evidence in chief.

Cross examination

27. Cross examination will follow the witness' evidence in chief, and each party's cross examination should be generally limited to 15-20 minutes. 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.

Witnesses must provide clear and relevant answers that genuinely assist the Committee in understanding the issues.

Directions:

Closing comments

28. Closing comments must not raise new matters but should respond to matters raised in the roundtable.

Recording the roundtable and use of personal information

29. Parties must not record any part of the roundtable by any means without permission from the Committee.
30. In exceptional cases, the Chair may direct that the roundtable or a particular session 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 roundtable, outlining its reasons.
31. If Planning Panels Victoria records a roundtable session, 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 roundtable.
32. Parties must not record, keep, distribute or publish contact details of any other party obtained in the course of a roundtable session, or use those contact details for any purpose other than for the roundtable (including circulating material in accordance with these Directions).

Timetable Version 1

Note: Timeframes are indicative – flexibility will be required as some themes may take longer than anticipated to cover, while others may take less time

Day 1: Wednesday 16 June 2021

Venue: By video conference – [Click here to join the roundtable discussion](#)

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
Opening statements		
10.15am – 11.00am	Applicant represented by David Vorchheimer of HWL Ebsworth	45 mins
11.00am – 11.45am	Council represented by Mimi Marcus of Marcus Lane Group	45 mins
11.45am – 12.00pm	<i>Break</i>	15 mins
Theme 1: Built form/urban design		
12.00pm – 1.00pm	Applicant - oral comments - evidence of Craig Czarny of Hansen Partnership	1 hour
1.00pm – 2.00pm	<i>Lunch break</i>	1 hour
2.00pm – 2.30pm	Council - oral comments	30 mins
2.30pm – 3.30pm	Edward Tamir represented by Dominic Scally of Best Hooper - oral comments - evidence of TBC of C Kairouz Architects	1 hour
3.30pm – 3.45pm	<i>Break</i>	15 mins
3.45pm – 4.15pm	Dana Rader group of objectors - oral comments	30 mins
4.15pm	Day close	

Day 2: Thursday 17 June 2021

Venue: By video conference – [Click here to join the roundtable discussion](#)

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
Theme 1: Built form/urban design cont		
10.15am – 10.45am	Kathleen Deacon group of objectors represented by Matthew Townsend of Counsel - oral comments	30 mins
10.45am – 11.30am	General discussion	45 mins
11.30am – 11.45am	<i>Break</i>	15 mins

Timetable Version 1:
Priority Projects Standing Advisory Committee – Referral 13 Jewish Arts Quarter

Theme 2: Planning, heritage and neighbourhood character		
11.45am – 12.45pm	Applicant - oral comments - evidence of John Glossop of Glossop Town Planning	1 hour
12.45pm – 1.45pm	<i>Lunch break</i>	1 hour
1.45pm – 4.00pm	Council - oral comments - evidence of Stuart McGurn of Urbis - evidence of Anita Brady of Anita Brady Heritage	2 hours
3.15pm – 3.30pm	<i>Break</i>	15 mins
4.00pm – 4.30pm	Edward Tamir - oral comments	30 mins
4.30pm	Day close	

Day 3: Friday 18 June 2021

Venue: By video conference – [Click here to join the roundtable discussion](#)

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
Theme 2: Planning, heritage and neighbourhood character cont		
10.15am – 10.45am	Dana Rader group of objectors - oral comments	30 mins
10.45am – 11.15am	Kathleen Deacon group of objectors - oral comments	30 mins
11.15am - 11.30am	<i>Break</i>	15 mins
Theme 3: Amenity impacts including noise		
11.45am – 1.00pm	Oral comments (30-45 mins per party) - Applicant - Council	
1.00m – 1.45pm	<i>Lunch break</i>	1 hour
1.45pm – 3.45pm	Oral comments cont - Edward Tamir - Dana Rader group of objectors - Kathleen Deacon group of objectors	
3.45pm – 4.30pm	General discussion	45 mins
4.30pm	Day close	

Day 4: Thursday 24 June 2021

Venue: By video conference – [Click here to join the roundtable discussion](#)

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
Theme 4: Traffic and parking		
10.15am – 11.15am	Applicant - oral comments - evidence of Valentine Gnanakone of One Mile Grid	1 hour
11.15am - 11.30am	<i>Break</i>	15 mins
11.30am – 12.30pm	Council - oral comments - evidence of Charmaine Dunstan of Traffix Group	1 hour
12.30pm – 1.30pm	<i>Lunch break</i>	1 hour
1.30pm – 2.30pm	Kathleen Deacon group of objectors - oral comments - evidence of TBC of TBC (if called)	1 hour
2.30pm – 4.30pm	Objector oral comments (30-45 mins per party) - Edward Tamir - Dana Rader group of objectors	
3.30pm – 3.45pm	<i>Break</i>	15 mins
4.30pm	Day close	

Day 5: Friday 25 June 2021

Venue: By video conference – [Click here to join the roundtable discussion](#)

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
Theme 4: Traffic and parking cont		
10.15am – 11.15am	General discussion (if required)	1 hour
11.15am - 11.30am	<i>Break</i>	15 mins
Other matters		
11.30am – 1.00pm	Oral comments (30-45 mins per party) - Applicant - Council	
1.00pm – 2.00pm	<i>Lunch break</i>	1 hour
2.00pm – 3.30pm	Oral comments (30-45 mins per party) - Edward Tamir - Dana Rader group of objectors	

	- Kathleen Deacon group of objectors	
3.30pm – 3.45pm	<i>Break</i>	15 mins
3.45pm – 4.45pm	Closing comments (30 mins per party) - Applicant - Council	1 hour
4.45pm	Day close	

Hearing Timetable Notes:

1. The Committee may amend the timetable, particularly start times and break times, without notice.
2. Please be present at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
5. If you have any questions about the timetable, please contact Georgia Thomas on (03) 8624 5717.