



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

14 September 2021

Dear Party,

Priority Projects Standing Advisory Committee: Referral 19 Call in of VCAT proceeding P855/2021

We are writing to you because you are a party to the Victorian Civil and Administrative Tribunal (VCAT) proceeding P855/2021 relating to the proposed use and development of land at 210-216 Burgundy Street and 81-83 Darebin Street, Heidelberg.

The Minister for Planning called in the matter from VCAT on Friday, 27 August 2021 and referred it to the Priority Projects Standing Advisory Committee (Committee).

The Priority Projects Standing Advisory Committee (Committee) was appointed by the Minister for Planning appointed under section 151 of the *Planning and Environment Act 1987*. Committee Members Lester Townsend (Chair) and Kate Partenio will consider this referral. This matter will be known as Referral 19.

This letter:

- sets out the purpose of the Committee
- tells you about the proposed process
- tells you what you need to do if you want to participate in the Roundtable Discussion process
- explains how we will use information the Committee collects
- sets out directions for the Roundtable Discussion.

Purpose of the Committee

The Minister for Planning has provided the Committee with Terms of Reference dated 14 June 2020 and Letter of Referral dated Friday, 27 August 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 (DFT), 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.

Proposed process

The Committee will hear from the objector, Ms Panayiotidis at an initial Roundtable Discussion, and give the proponent, Ramsay Health Care, and the Council an opportunity to make an initial response. The Committee will then set out the timing and process for more detailed submissions from the proponent, if required, in response to specific issues.

The Committee will hold the initial Roundtable Discussion by video conference. At the Roundtable Discussion the order will be:

- Individual submitter
- Ramsay Health Care Pty Ltd
- Banyule City Council.

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 East Melbourne, Victoria 8002



The Initial Roundtable Discussion will be held:

10.00am, 1 October 2021

by video conference using MS Teams

Video link: [Click here to join the Roundtable Discussion](#)

Or, Dial in (Audio only):

1. dial 1800 571 208 (Australia Toll-free)
2. input meeting ID: 463 305 304#

The Committee will:

- consider parties in an independent forum
- be informal and not like a court
- give fair, unbiased advice and recommendations to the Minister for Planning about the referral.

Submissions and other information presented throughout the process will be **treated as public documents**. Please note the attached *Privacy Collection Notice*.

The Roundtable Discussion is open for anyone to attend. Please advise the Committee if you have procedural matters that you wish to raise as soon as possible.

Parties can view the [Planning Panels Victoria guide to using MS Teams](#) online.

If you wish to be involved in the Roundtable Discussion

If you wish to participate in the Roundtable Discussion, you must confirm attendance by **12 noon on Wednesday 22 September 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 Tom Milverton, Project Support Officer at Planning Panels Victoria on (03) 8508 2691 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Lester Townsend
Committee Chair

Attachment 1 – Priority Projects Standing Advisory Committee, Terms of Reference
Attachment 2 – Letter of Referral dated Friday 27 August 2021

Committee information and Directions

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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.

Documentation

The Committee has been provided with:

- Terms of Reference dated 14 June 2020
- Letter of Referral dated Friday 27 August 2021
- Electronic file for VCAT proceeding P855/2021.

Proposed process

Scope of issues

The objector's grounds to VCAT cover six issues:

- Construction impacts
- Chemical hazards – potential chemical hazards and radiation from building plant room
- Overshadowing
- Overlooking
- Fire hazard
- Traffic.

Process

1. The matter will proceed as follows:

- a) An initial roundtable discussion providing an opportunity:
 - (i) for the objector, Ms Panayiotidis, to outline their concerns (estimated to take about one hour)
 - (ii) for an initial response from Ramsay Health Care and Council.
 - (iii) to set dates for a reconvened Hearing to hear detailed submissions and evidence from Ramsay Health Care, if required.
- b) Review of documentation (plans and background reports) by Committee in response to submissions, and formal request to Ramsay Health Care to provide submissions or evidence on specific issues.
- c) Hearing from Ramsay Health Care, if required.

Circulation and sharing of documents

2. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.

Submissions and information

3. 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.
4. All information presented is a public document unless the Committee directs otherwise.

Evidence and cross examination

5. 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.
6. Parties, advocates and the Committee may question a witness.

Committee Directions:

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7. 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.
8. 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.
9. 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.
10. The Committee will regulate cross-examination.

Other information

11. 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.

Recording Hearings and use of personal information

12. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
13. 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.

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.