



Planning Panels Victoria

Department of Transport and Planning

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Melbourne Victoria 3000
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15 November 2024

Dear Party

Priority Projects Standing Advisory Committee Referral 44 Victorian Civil and Administrative Tribunal Call-In – 155 Johnson Street, Fitzroy

The Committee held a Directions Hearing for the above matter on Thursday, 14 November 2024 online via MS Teams video conference. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

| Time | Date | Actions for filing and other matters | Direction |
|---------|-----------------------------|--|-----------|
| 12 noon | Thursday, 21 November 2024 | Council expert witness details | 12 |
| 12 noon | Tuesday, 19 November 2024 | Applicant expert witness reports | 13.a) |
| 12 noon | Wednesday, 27 November 2024 | Council expert witness reports | 13.b) |
| 12 noon | Monday, 2 December 2024 | Applicant written submission | 7 |
| 12 noon | Monday, 2 December 2024 | Applicant 'Day 1' version of the permit conditions | 8 |
| 12 noon | Monday, 2 December 2024 | Written submissions from all parties | 9 |
| 12 noon | Monday, 2 December 2024 | Site inspection location requests due | 17 |
| 12 noon | Friday, 6 December 2024 | Any supplementary submission from a party not appearing at the Hearing | 11 |
| 10 am | Monday, 9 December 2024 | Hearing commences | |

The Committee made no declarations.

If you have any questions, please contact Georgia Thomas, Project Officer, Planning Panels Victoria on (03) [REDACTED] or planning.panels@transport.vic.gov.au.

Yours sincerely

Alison McFarlane
Committee Chair

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 Transport and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL

Directions

Priority Projects Standing Advisory Committee Referral 44
Victorian Civil and Administrative Tribunal Call-In – 155 Johnson Street, Fitzroy

Filing documents

1. The Applicant must host and manage online document sharing. The document sharing platform must allow a party to upload documents directly.
2. Documents must be filed electronically by uploading them to the document sharing platform. When uploading documents, a party must email all other parties on the distribution list to inform them of the document(s) that have been uploaded.
3. Documents must be available to access and download from the document sharing platform until the date the report is submitted by the Committee. Each party is responsible to retain any documents before that date.
4. Documents must meet the following requirements:
 - a) Files must not exceed 20MB in size.
 - b) File names must be as short as possible and begin with the name of the party as it appears on the distribution list:
[Party name] - [Document Title].
 - c) If tabling more than 10 documents at once, all documents must be provided through a fileshare link (for example, DropBox or OneDrive) and be accompanied by an index list.
 - d) A Microsoft Word version or unlocked pdf version of the document must be emailed directly to planning.panels@transport.vic.gov.au after being uploaded.
5. All information presented to the Committee for the purposes of the Committee process is a public document solely for that purpose unless the Committee directs otherwise. It cannot be used for any other purpose.

Notes

Any request to access a document after that date will be subject to the Freedom of Information process.

For more information on how your submission will be used, refer to the [PPV Website](#).

If your document is larger than 20MB, break it down into parts that are less than 20MB each.

If you do not file documents by the specified time, the Committee may not accept the evidence or material. If you think you will not meet the specified deadline you must provide reasons in writing to planning.panels@transport.vic.gov.au before the deadline.

The Committee will not publish or accept material that contains offensive or defamatory material, or personal information about other people (such as emails and phone numbers or photographs of people, particularly children).

Paper documents will only be permitted in exceptional circumstances.

If you have with difficulties providing documents electronically you should contact Planning Panels Victoria.

Before the Hearing

Notice of the Hearing

6. Planning Panels Victoria will publish notice of the Hearing on its website, with information on how members of the public can observe it in person and online.

Applicant written submission

7. The Applicant must file a written submission by **12 noon on Monday, 2 December 2024** that includes:
 - a) an explanation of the proposal
 - b) a summary of the physical context of the subject land and surrounds
 - c) a summary of the strategic context, including relevant planning policies and controls

- d) a summary of the issues raised in submissions
 - e) its response to submissions and evidence.
8. The Applicant must file a 'Day 1' version of the permit conditions along with its written submission. The Day 1 version must be in an editable format such as MS Word.

Other Parties' submissions

9. All parties must file a written submission by **12 noon on Monday, 2 December 2024**.
10. A party who objects to the proposal must state how the proposal does not achieve acceptable planning outcomes.
11. A party who intends to supplement their original written submission but not present at the Hearing must file their supplementary written submission by **12 noon on Friday, 6 December 2024**.

Notes

For information on how to prepare and present material at a Hearing, refer to the [PPV Website](#).

If you need additional information from another party and they have not agreed to provide it to you, you should make a request in writing to the Committee requesting it to direct the provision of the information. The information must be related to the proposal and be of assistance to the Committee. Requests should be short and clearly state why you need the information.

Expert witness details and reports

12. Council must advise whether it is calling an expert witness in acoustics and provide the expert's details by **12 noon on Thursday, 21 November 2024**.
13. Expert witness reports must be filed as follows:
- a) The Applicant must file its expert witness reports by **12 noon on Tuesday, 19 November 2024**.
 - b) Council must file its expert witness reports by **12 noon on Wednesday, 27 November 2024**.
14. An expert witness report must:
- a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](#))
 - b) not refer to any individual submitter by name – if necessary, individual submitters should be referred to by submission number. Community groups, organisations, corporations and government agencies can be referred to by name.
15. An expert witness can provide a response to other like evidence by 12 noon the business day before the Hearing commences.

Site inspection

16. The Committee will undertake an unaccompanied inspection of the subject site and surrounds before the commencement of the Hearing.
17. Any Party that wishes to request the Committee visit a particular location must send this request to planning.panels@transport.vic.gov.au (copying all parties on the Distribution List) by **12 noon on Monday, 2 December 2024**. Nominated locations must be publicly accessible.
18. The Applicant must advise the Committee by **12 noon on Monday, 2 December 2024** if there is a publicly accessible elevated location from which the Committee can view the site.

At the Hearing

19. The Applicant must provide administrative support to manage the Hearing.

Note

This may include finding a suitable venue for an in person Hearing, or if the Hearing is online or hybrid, configuring a video conference meeting, publishing links to the Hearing online, issuing direct invitations to participants (including the Committee, parties and experts) and providing technical support. It may also include managing the document sharing platform and making audio recordings of sessions if directed by the Committee.

Evidence and cross examination

20. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
21. An expert witness may present a summary of their evidence at the Hearing, but it must:
 - a) not include new evidence
 - b) be filed by 12 noon the business day before that witness is scheduled to appear.
22. If giving evidence online, an expert 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 permission from 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 report and relevant supporting documents.
23. A party, advocate and the Committee may question an expert witness.
24. If cross examining an expert witness, a party must:
 - a) be present for the whole of the expert witness giving their 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 the expert witness time to explain their answer.

Notes

The Chair will regulate cross examination. During the Hearing, the Chair may ask you how much time you will need for cross examining each witness, and will ask you to keep to your estimate. You should aim to complete your cross examination as concisely as possible.

Cross examination time may be limited.

You may be asked to move on to another topic if the line of questioning is not useful to the Committee.

Things to avoid when cross examining include:

- making a submission or providing your opinion
- giving extensive comment or context as an introduction to your question
- asking questions that are unrelated to the evidence
- arguing with the witness
- commenting on the expert or the evidence
- asking questions that have already been asked by another party.

If you do not support the evidence or basis on which it was prepared, or consider the evidence should not be given weight, detail your reasons in your submission rather than raising these issues in cross examination.

If you are not experienced in cross examination, you are encouraged to write your questions down to ensure they are succinct, structured into themes and able to be asked without long explanations of the context.

For information on how to cross examine, refer to the [PPV Website](#).

Part C (closing) submissions

25. The Applicant will be provided time to present a Part C (closing) submission. The Part C (closing) submissions:
- a) must not raise new matters
 - b) may respond to matters raised in other parties' submissions or evidence.

Drafting changes

26. The Applicant must file its final preferred version of the permit conditions with its Part C (closing) submission. The final preferred version must:
- a) show changes proposed in response to evidence or submissions presented at the Hearing
 - b) be marked up against the Applicant Day 1 version (refer to Direction 8)
 - c) be labelled 'Applicant Part C (closing) version'

Note

Comments on the final version of Amendment documentation must be limited to drafting (form and content). Drafting comments can be provided even though your primary position may be that the proposal should not be supported.

Privacy and use of personal information

27. A party must not record, keep, distribute or publish contact details of any other party obtained during the Committee process, or use those contact details for any other purpose.
28. A party must not record any part of a Hearing by any means without permission from the Chair.
29. A party who wishes proceedings to be recorded must make a request to the Chair at least five business days before the Hearing commences, outlining its reasons.
30. If Planning Panels Victoria records a Hearing, any person provided with a copy of the recording must not publish or distribute that recording or use it for any purpose other than for the Committee process.

Note

Committee hearings are only recorded in exceptional circumstances. EES Hearings are generally recorded (audio only), but you should check with Planning Panels Victoria before the Hearing starts. For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 31 October 2024.

Timetable

Priority Projects Standing Advisory Committee Referral 44
Victorian Civil and Administrative Tribunal Call-In – 155 Johnson Street, Fitzroy

Timetable Version 1

Day 1: Monday 9 December 2024

Venue: Venue TBC

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|--|----------------|
| 10:00am – 10:20am | Preliminary matters | 20 mins |
| 10:20am – 11:15am | Greystar Australia Development Manager Pty Ltd (Applicant) represented by Peter O’Farrell and Carly Robertson of Counsel, instructed by Meg Lee of Hall & Wilcox, calling the following expert evidence: <ul style="list-style-type: none">- Urban design from Mark O’Dwyer of H2O Architects- Acoustics from Darren Tardio of Enfield Acoustics- Planning from Kel Twite of UpCo- ESD from Jan Talacko of Ark Resources- Traffic from John-Paul Maina of Impact- Visual amenity from Chris Goss of Orbit | 3.5 days |
| 11:15am – 11:30am | Break | 15 mins |
| 11:30am – 12:30pm | Applicant cont. | |
| 12:30pm – 1:30pm | Lunch break | 1 hour |
| 1:30pm – 3:15pm | Applicant cont. | |
| 3:15pm – 3:30pm | Break | 15 mins |
| 3:30pm – 4:30pm | Applicant cont. | |
| 4:30pm | Day close | |

Day 2: Tuesday 10 December 2024

Venue: Venue TBC

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|---------------------|----------------|
| 10:00am – 10:15am | Preliminary matters | 15 mins |
| 10:15am – 4:30pm | Applicant cont. | 3.5 days |
| 11:15am – 11:30am | Break | 15 mins |
| 12:30pm – 1:30pm | Lunch break | 1 hour |
| 3:15pm – 3:30pm | Break | 15 mins |
| 4:30pm | Day close | |

Day 3: Wednesday 11 December 2024

Venue: Venue TBC

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|---------------------|----------------|
| 10:00am – 10:15am | Preliminary matters | 15 mins |
| 10:15am – 4:30pm | Applicant cont. | 3.5 days |
| <i>11:15am – 11:30am</i> | <i>Break</i> | <i>15 mins</i> |
| <i>12:30pm – 1:30pm</i> | <i>Lunch break</i> | <i>1 hour</i> |
| <i>3:15pm – 3:30pm</i> | <i>Break</i> | <i>15 mins</i> |
| 4:30pm | Day close | |

Day 4: Friday 13 December 2024

Venue: Venue TBC

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|--|----------------|
| 10:00am – 10:15am | Preliminary matters | 15 mins |
| 10:15am – 11:15am | Applicant cont. | 3.5 days |
| <i>11:15am – 11:30am</i> | <i>Break</i> | <i>15 mins</i> |
| 11:30am – 12:30pm | Applicant cont. | |
| <i>12:30pm – 1:30pm</i> | <i>Lunch break</i> | <i>1 hour</i> |
| 1:30pm – 2:00pm | Paul Stewart and Ann Bullen | 30 mins |
| 2:00pm – 3:00pm | Michael Soltys | 30 mins |
| 3:00pm – 3:20pm | Elizabeth Dax | 20 mins |
| <i>3:20pm – 3:30pm</i> | <i>Break</i> | <i>10 mins</i> |
| 3:30pm – 4:30pm | Chris Andrianopoulos and Andrianopoulos Nominees Pty Ltd represented by Dominic Scally of Best Hooper Lawyers | 1 hour |
| 4:30pm | Day close | |

Day 5: Tuesday 17 December 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|--|----------------|
| 10:00am – 10:15am | Preliminary matters | 15 mins |
| 10:15am – 10:35am | Philip Coldwell and Fitzroy Residents' Association Inc represented by Philip Coldwell | 20 mins |
| 10:35am – 11:05am | Helena Mestrovic | 30 mins |
| 11:05am – 11:15am | Break | 10 mins |
| 11:15am – 1:00pm | Yarra City Council represented by Maria Marshall of Maddocks, calling the following expert evidence: <ul style="list-style-type: none"> - Urban design from Leanne Hodyl of Hodyl and Co - Acoustic evidence from TBC | 1.5 days |
| 1:00pm – 2:00pm | Lunch break | 1 hour |
| 2:00pm – 3:15pm | Council cont. | |
| 3:15pm – 3:30pm | Break | 15 mins |
| 3:30pm – 4:30pm | Council cont. | |
| 4:30pm | Day close | |

Day 6: Wednesday 18 December 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 429 565 715 60

Passcode: QP9ga6

| Time | Party | Allocated |
|--------------------------|------------------------------|----------------|
| 10:00am – 10:15am | Preliminary matters | 20 mins |
| 10:15am – 11:15am | Council cont. | |
| 11:15am – 11:30am | Break | 15 mins |
| 11:30am – 12:30pm | Council cont. | |
| 12:30pm – 1:30pm | Lunch break | 1 hour |
| 1:30pm – 3:15pm | Council cont. | |
| 3:15pm – 3:30pm | Break | 15 mins |
| 3:30pm – 4:30pm | Conditions discussion | 1 hour |
| 4:30pm – 5:00pm | Applicant closing submission | 30 mins |

5:00pm Day close

Day 7: Thursday 19 December 2024

| Time | Party | Allocated |
|------------------|---------|-----------|
| 10:00am – 1:00pm | Reserve | 3 hours |

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on (03) 9935 4197 as soon as possible.
2. Please be present or online at least 15 minutes before your scheduled start time.
3. The Committee may amend a Party's start time without notice. However you will be contacted in advance if you are to be rescheduled to a different day.
4. Time will be made for morning and afternoon breaks each day. Break times will be taken at appropriate points in the proceedings, and break times in the timetable are indicative only.
5. Getting to the Hearing venue – Planning Panels Victoria (corner Spring and Flinders Streets) is on the 75 and City Circle tram lines and a short walk from the Collins Street trams 109, 11, 12 and 48. It is also a short walk from Parliament Train Station.
6. If you have any questions about the timetable, please contact Planning Panels Victoria on (03) 9935 4197