



# Planning Panels Victoria

Department of Transport and Planning

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Melbourne Victoria 3000  
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Telephone (03) 5381 9457

19 August 2024

Dear Party

## Yarra Activity Centres Standing Advisory Committee: Draft Yarra Planning Scheme Amendment C273yara: Heidelberg Road

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The Yarra Activity Centres Standing Advisory Committee (Committee) held a Directions Hearing for the above matter on 12 August 2024 at Planning Panels Victoria (PPV) and online. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

| Time    | Date                      | Actions   | Direction |
|---------|---------------------------|---|-----------|
| 12 noon | Thursday, 29 August 2024  | Council must provide a submitter location map to the Committee only                                     | 6         |
| 12 noon | Monday, 30 September 2024 | Council Part A (background and context) submission  | 7         |
| 12 noon | Monday, 30 September 2024 | Council expert witness reports  | 8         |
| 12 noon | Friday, 11 October 2024   | Council Part B and 'Day 1' version of the Amendment documentation and summary table of proposed changes | 11 & 12   |
| 12 noon | Friday, 11 October 2024   | Documents or material to be presented on Day 1 of the Hearing   | 10        |
| 10 am   | Monday, 14 October 2024   | Hearing commences   |           |

## Declarations

Both Committee members declared they had no known conflict of interest.

The following associations and previous Committee/Panel appointments were recorded:

- Member Kendal advised she had attended a Women's Planning Network event the previous week which was also attended by Maria Marshall from Maddocks and Madeleine Craig from Hansen. Member Kendal did not converse with Ms Marshall and had a brief general conversation with Ms Craig about things not related to the Amendment.
- Members Kendal and Roney were both appointed to consider the Yarra Planning Scheme Amendment C269 (Rewrite of local policies).

### 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



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- Member Roney was appointed to a number of other recent Yarra Planning Scheme amendments including:
  - C245yara Heritage Overlay and Zone Fix Up (as Chair)
  - C191yara Swan Street Activity Centre
  - Yarra Activity Centres Standing Advisory Committee - Draft C293 Collingwood South Mixed User Precinct (as Chair).

No party raised concerns regarding the associations and previous Committee/Panel appointments.

## Procedural matters

### Experts

Council advised the names and availability of its five experts. Council offered to provide the information in writing to assist with preparation of the hearing timetable. This letter was received by the Committee on Thursday 15 August 2024 (see attached).

The letter from Council indicated it intends to call four of the witnesses, and Mr Furness of Traffix Group may be called if required by the Committee. The Committee will advise Council on day 1 of the hearing if it requires Mr Furness to be called.

### Site inspection

The Committee will undertake an unaccompanied site inspection before the Hearing to view the general area and surrounds, and specific sites that are subject of submissions, from the public realm.

### DTP submission

Representatives of the Department of Transport and Planning (DTP) advised other Yarra Planning Scheme amendments considered by the Standing Advisory Committee had recently been approved, and it would provide an update on these with its submission. In response to a question from the Committee, DTP confirmed there had been no new or modified submissions received on the matter.

### Hearing

The hearing will be held in the Planning Panels Victoria Hearing Room 2 and online (details are included in the attached timetable). Parties and experts may attend in person or online.

### Committee report

The Committee noted an overarching report was prepared for previous matters which presented the purpose of the Standing Advisory Committee, its role and scope, planning context and a register of matters considered by the SAC. The overarching report will be updated by this Committee as needed, including to reflect the amended planning policy framework in the Planning Scheme and register of matters considered.

If you have questions, please contact [REDACTED] of Planning Panels Victoria on [REDACTED] or [planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au).

Yours sincerely



**Lisa Kendal**  
Committee Chair

# Directions

Yarra Activity Centres Standing Advisory Committee:  
Draft Yarra Planning Scheme Amendment C273yara: Heidelberg Road

## Administration

### Hosting the hearing

1. Council must provide administrative support to manage the Hearing.

### Circulating documents

2. Documents must be circulated electronically by emailing to all parties on the distribution list.
3. 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 as follows:

[Party name] - [Document Title].
  - c) If tabling more than 10 documents at once they must be accompanied by an indexed list.
  - d) A Microsoft Word version of Amendment documents and unlocked pdf version of other documents must be emailed directly to [planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au) after being uploaded.
4. All information circulated for the purposes of the Committee process is a public document only for that purpose unless the Committee directs otherwise. It cannot be used for any other purpose.

#### Notes

For more information on how your submission will be used, refer to the PPV Website.

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).

## Before the Hearing

### Notice of the Hearing

5. Council must publish notice of the Hearing on its website, with information on how members of the public can observe it in person or online. Planning Panels Victoria will also publish these details on its website.

### Submitter map

6. Council must provide a map showing the location of submitters located in or nearby the Amendment area to the Committee by **12 noon on Thursday, 29 August 2024**. The Plan must:
  - a) identify submitters by submitter number, and not by name
  - b) be provided only to the Committee.

### Council Part A (background and context) submission

7. Council must circulate its Part A (Background and context) submission by **12 noon on Monday, 30 September 2024** that includes:
  - a) background to the Amendment including:
    - (i) chronology of events
    - (ii) details of extended notification for owners and occupiers of Precinct 2 (as mentioned in the Council report of 12 December 2023)
    - (iii) if and how submitters have been notified of post-exhibition proposed changes (if any)

- b) a summary of the conditions of consent from the Minister for Planning to exhibit the draft Amendment and how the conditions have been met, including a copy of the desktop review referred to in condition 1
- c) a summary of the strategic context, including:
  - (i) relevant planning policies and provisions including the Municipal Planning Strategy and Planning Policy Framework
  - (ii) an overview of relevant strategic planning studies completed by Council and how they informed the draft Amendment
  - (iii) any other recently approved or upcoming planning scheme amendments that might impact on the Amendment
  - (iv) relevant Planning Practice Notes and Ministerial Directions
  - (v) an explanation of how Victoria's Housing Statement relates to the proposal
  - (vi) the views of government agencies and authorities consulted in preparing the draft Amendment
- d) any proposed changes to the exhibited draft Amendment as a consequence of the gazettal of Yarra Planning Scheme Amendment C269yara (Rewrite of local policies), including but not limited to exhibited Clause 11.03 (Activity Centres) and Clause 21.08 (Neighbourhoods)
- e) an update of permit activity and recent construction relating to the Amendment land since preparation of the Heidelberg Road Built Form Framework (based on the table and map shown in Section 3.4 of Part 1 Heidelberg Road Built Form Framework, plus information on setbacks) including but not limited to 582 Heidelberg Road
- f) a summary table of issues raised in submissions:
  - (i) grouped by issues common across the whole precinct and site specific issues, and correlated with submission numbers
  - (ii) indicating which issues are considered resolved and how these have been resolved
- g) a summary table of Council's recommended changes to the draft Amendment as endorsed on 12 December 2023, and any further changes proposed by Council, with an explanation of reasons for the proposed change
- h) copies of the following documents:
  - (i) Heidelberg Road Local Area Plan
  - (ii) recent VCAT decision relating to sunlight as a fundamental human right (referred to in submission 112).

**Note**

Council's Part A (background and context) submission will be taken as read. Council should allow time for questions on Day 1 of the Hearing.

The Part A submission should not duplicate information already available to the Committee and parties and for efficiency it may cross reference material as relevant.

### Council's experts

- 8. Expert witness reports must be circulated by Council **by 12 noon on Monday, 30 September 2024.**
- 9. An expert witness report must:
  - a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://www.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
  - c) include a summary statement of opinion/s of the expert.

## At the Hearing

### Presenting material

10. Submissions, presentations and other material a party intends to rely on when presenting to the Committee at the Hearing:
- a) must be presented electronically
  - b) must be circulated **by 12 noon on the business day before the material is to be presented**
  - c) should relate to the matters before the Committee
  - d) should not include sensitive information such as personal contact details and photos of other people, particularly children
  - e) must include a summary of fewer than 5 pages if the material is more than 40 pages.

### Department of Transport and Planning

- f) The Department of Transport and Planning (DTP) must provide a brief written process and context submission (2 – 3 pages plus appendices as needed) **by 12 noon on the business day before the Hearing commences** including:
  - (i) a high-level summary of the process and roles and responsibilities of different organisations, government departments and the Committee
  - (ii) an explanation of the conditions of consent issued to Council for consultation of the draft Amendment.

#### Note

DTP will be provided with 10 minutes at the opening of the hearing to explain the process and context of the draft Amendment to the Committee and parties. The DTP submission should complement and not duplicate Council's Part A submission.

### Council Part B (main) submission and Day 1 documents

11. Council must address the following issues in its Part B (main) submission or through evidence (unless specified):

#### Mandatory provisions

- a) explain the justification for mandatory provisions, including:
  - (i) an assessment against guidance in Planning Practice Note 59: The role of mandatory provisions in planning schemes
  - (ii) how/whether the built form and shadow modelling informing the Amendment supports the application of mandatory controls
  - (iii) an assessment of whether exceptional circumstances exist to warrant the application of mandatory interface requirements, such as setbacks and heights along rear boundaries

#### Height and setback provisions

- b) explain the justification for applying the proposed provisions having regard to Planning Practice Note 60: Height and setback controls for activity centres, including:
  - (i) details of relevant 3D-modelling completed as part of the preparation of the built form controls
  - (ii) clarification of the floor height assumptions made when applying the proposed building heights for each precinct
  - (iii) how topography/slope has been taken into consideration in determining appropriate heights (referred to in submission 4)
- c) provide a comparative assessment for all metrics proposed in the DDO18 (for example street wall heights, setbacks) with those in Part 1 and Part 2 of the Heidelberg Road Built Form Framework

(Part 2) (including the table at page 74 of the Part 2 report titled 'Summary of development controls (all precincts)' and an explanation of any inconsistencies between the metrics.

- d) in relation to overshadowing, page 9 of Council's response to submissions states "*The requirements were tested in the Built Form Framework and generally are achievable with the building heights specified in the proposed DDO18*" - explain where the requirements were not achievable

**Landscape setbacks**

- e) regarding the post-exhibition proposed change to landscape setbacks for Precincts 2 and 3B the Council report of 12 December states "*The proposed changes only affect Precinct 2 and 3B as tailored setbacks are proposed to apply in Precincts 1 and 3A*" - explain:
- (i) what is meant by tailored setbacks and how these differ from the approach proposed for Precincts 2 and 3B
  - (ii) the justification/rationale, including relevant modelling if available

**Activity centre and impacts across municipal boundaries**

- f) explain the impact of the draft Amendment, if any, on the area and growth and function of the centre across municipal boundaries (Darebin and Yarra) and
- (i) any consultation with Darebin City Council regarding the Amendment
  - (ii) the status of the Heidelberg Road Local Area Plan (referred to in submission 33) and alignment of the Local Area Plan with the draft Amendment, identifying any inconsistencies
  - (iii) any implications of the Amendment on the Darebin Planning Scheme.
- g) explain whether the boundary of the Heidelberg Road Neighbourhood Activity Centre should be extended to include Precinct 1 and 2
- h) explain the implications of the Public Acquisition Overlay (PAO) on the setbacks in Precinct 3B

**Heritage**

- i) with reference to Planning Practice Note 1: Heritage Overlay, explain the strategic justification for applying the Heritage Overlay to 730-734 Heidelberg Road, Alphington (HO451) and 760-764 Heidelberg Road, Alphington (HO455) and whether changes to the intactness of these places has compromised their heritage significance
- j) opinion from Council's heritage expert on the proposed DDO18 design requirements regarding heritage buildings and whether they are acceptable or should be modified

**Porta site**

- k) explain details of the permit application refused by Council and VCAT referred to in Council's response to submission 40, as relevant to the Amendment

**General**

- l) Council's response to submissions and evidence
- m) Council's final position on the draft Amendment.

12. Council must circulate a 'Day 1' version of the Amendment documentation and summary table of proposed changes by **12 noon on Friday, 11 October 2024**.

- a) The Day 1 version must:
- (i) include Council's preferred Amendment documents, including Clause 11.03-1L (Activity Centres)
  - (ii) show any suggested changes in response to submissions
  - (iii) be marked up against the exhibited version
  - (iv) be labelled 'Council Day 1 version – Clause X'
  - (v) be in an editable format such as MS Word.
- b) The summary table must include the reason for each change.

### Other party submissions

13. A party who objects to the proposal must say how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both.
14. Parties must circulate any written material **by 12 noon on the business day before the material is to be presented** (see Directions 2-4).

**Note**

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

### Evidence and cross examination

15. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
16. An expert witness may present a summary of their evidence at the Hearing, but it must:
  - a) not include new evidence
  - b) be circulated **by 12 noon the business day before that witness is scheduled to appear**.
17. 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.
18. A party, advocate and the Committee may question an expert witness.
19. 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. You should aim to complete your cross examination as concisely as possible. Cross examination time may be limited.

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

### Part C (closing) submissions

20. Council may circulate a written submission with its 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
  - c) must include its final position on the Amendment, including details any further proposed changes to the Amendment documents.

### Privacy and use of personal information

21. 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.

22. A party must not record any part of a Hearing by any means without permission from the Chair.
23. 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.
24. 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 16 July 2024.



# Distribution List

Yarra Activity Centres Standing Advisory Committee:  
Draft Yarra Planning Scheme Amendment C273yara: Heidelberg Road

## Version 1 – 19 August 2024

Use this list to circulate expert witness reports and other information in accordance with the Committee's directions. It must not be used for any other purpose. If you are unsure about whether any material or content is appropriate for circulation, please seek guidance from Planning Panels Victoria before circulating.

### Electronic documents

| Party  | email address |
|--|---------------|
| Planning Panels Victoria<br>Council                      | [REDACTED]    |
| Department of Transport and Planning<br>Margaret Stewart |               |
| Giancorp Property Group                                  |               |
|  |               |

# Timetable

Yarra Activity Centres Standing Advisory Committee:  
Draft Yarra Planning Scheme Amendment C273yara: Heidelberg Road

## Timetable Version 1

### Hearing link

[Join the hearing now](#)

Meeting ID: 430 807 044 218      Passcode: TpzFJ3

Or dial in (audio only) +61 3 9070 4463 input code 581673975#

### Day 1: Monday 14 October 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne) and/or online at [Join the hearing now](#)

| Time            | Party   | Sub No | Allocated      |
|-----------------|---|--------|----------------|
| 10.00 am        | Preliminary matters   |        | 15 mins        |
| 10.15 am        | Department of Transport and Planning represented by Alex Antoniadis   |        | 10 mins        |
| 10.25 am        | Council represented by Maria Marshall of Maddocks, calling the following expert evidence:<br>- Urban Design from Leanne Hodyl of Hodyl & Co |        | 3 days         |
| <b>11.15 pm</b> | <b>Break</b>  |        | <b>15 mins</b> |
| <b>1.00 pm</b>  | <b>Lunch break</b>  |        | <b>1 hour</b>  |
| <b>3.15 pm</b>  | <b>Break</b>  |        | <b>15 mins</b> |
| 4.30 pm         | Day close   |        |                |

### Day 2: Tuesday 15 October 2024

Venue: Planning Panels Victoria, Hearing Room # (Ground Floor, 1 Spring Street, Melbourne) and/or online at [Join the hearing now](#)

| Time            | Party  | Sub No | Allocated      |
|-----------------|--|--------|----------------|
| 10.00 am        | Preliminary matters  |        | 15 mins        |
| 10.15 am        | Council represented by Maria Marshall of Maddocks, calling the following expert evidence:<br>- Planning from John Glossop of Glossop Town Planning<br>- Economics from Julian Szafraniec of SGS Economics and Planning<br>- Heritage from Mr Hemmingway of RBA Architects and Conservation Consultants |        | 3 days         |
| <b>11.15 am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| <b>1.00 pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| <b>3.15 pm</b>  | <b>Break</b>   |        | <b>15 mins</b> |
| 4.30pm          | Day close  |        |                |

**Day 3: Thursday 17 October 2024**

Venue: Planning Panels Victoria, Hearing Room # (Ground Floor, 1 Spring Street, Melbourne) and/or online at [Join the hearing now](#)

| Time            | Party  | Sub No | Allocated      |
|-----------------|--|--------|----------------|
| 10 am           | Preliminary matters  |        | 15 mins        |
| 10.15 am        | Council represented by Maria Marshall of Maddocks, calling the following expert evidence:<br>- Traffic from Leigh Furness of Traffix Group |        | 3 days         |
| <b>11.15 am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| <b>12.30 pm</b> | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| <b>3.15 pm</b>  | <b>Break</b>   |        | <b>15 mins</b> |
| 4.30pm          | Day close  |        |                |

**Day 4: Friday 18 October 2024**

Venue: Planning Panels Victoria, Hearing Room # (Ground Floor, 1 Spring Street, Melbourne) and/or online at [Join the hearing now](#)

| Time            | Party   | Sub No | Allocated      |
|-----------------|---|--------|----------------|
| 10.00 am        | Preliminary matters   |        | 15 mins        |
| 10.15 am        | Giancorp Property Group, represented by Madeleine Craig of Hansen | 31     | 1 hour         |
| 11.15 am        | Margaret Stewart, represented by Pauline Stewart                  | 32     | 30 mins        |
| <b>11.45 am</b> | <b>Break</b>  |        | <b>30 mins</b> |
| 12.15 pm        | Council closing submission  |        | 1 hour         |
| 1.15 pm         | Hearing close   |        |                |

**Hearing Timetable Notes:**

1. If you are unable to be present at your scheduled time, please contact [REDACTED] of Planning Panels Victoria on [REDACTED] or [planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au) 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 [REDACTED] of Planning Panels Victoria on [REDACTED] [planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au)



# Maddocks

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## Email Letter

|                                |   |  |
|--------------------------------|---|--|
| <b>From</b><br>[REDACTED]      | <b>Date</b><br>15 August 2024                   |  |
| <b>Direct</b><br>[REDACTED]    | <b>Email</b><br>[REDACTED]                      |  |
| <b>Partner</b><br>[REDACTED]   |   |  |
| <b>To</b><br>Panel Coordinator | <b>Organisation</b><br>Planning Panels Victoria | <b>Email</b><br>planning.panels@transport.vic.gov.au |

Our Ref MYM:ZTEO:9076902

Dear Panel Coordinator

### **Yarra Activity Centre Standing Advisory Committee Amendment C273yara (Heidelberg Road)**

We continue to act on behalf of Yarra City Council in relation to the above proceeding which is scheduled for a hearing commencing on 14 October 2024.

As foreshadowed at the Directions Hearing for this matter on 12 August 2024, Council confirms its expert witnesses, their availability constraints and the proposed order for Council's case.

At this stage, we anticipate that Council will require approximately 3 hearing days to present its case – of course, this may be subject to variation depending on the nature and extent of questions for each witness, from submitters and/or the Committee.

Based on the availability of Council's expert witnesses, we propose the following:

- Council to present its submission on 14 October after the DTP introductory submission;
- Ms Leanne Hodyl be called to give evidence in relation to urban design matters on 14 October (Ms Hodyl is not available on 15 and 16 October);
- Mr John Glossop be called to give evidence in relation to planning matters on 15 October;
- Mr Julian Szafraniec be called to give evidence in relation to economic matters on 15 October (Mr Szafraniec is not available before 11am on 14 October and all day on 17 or 18 October);
- Mr Hemingway be called to give evidence in relation to heritage matters on 15 October (Mr Hemingway is not available from 31 October);
- Mr Furness be called to give evidence in relation to traffic matters in the morning of 16 or 17 October if required by the Panel (depending on the non-sitting day);

Interstate offices  
Canberra Sydney



Maddocks

- Council to present its closing submission on 16 or 17 October (depending on the non-sitting day).

Further, given the availability of Ms Stewart as discussed in the Directions Hearing on Monday, we suggest that the non-sitting day for the week could be Wednesday 16 October rather than Friday 18 October. This would enable the submitter to attend the final day of Council's case.

If you have any further queries regarding the availability and proposed order of appearance of each of Council's expert witnesses please contact [REDACTED] or [REDACTED]

Yours faithfully

[REDACTED]

Maria Marshall  
Partner