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Subject: Urgent: Amendment C258 to the Melbourne Planning Scheme (BH 181035)
Date: Monday, 26 November 2018 4:51:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[26112018154620-0001.pdf](#)
Importance: High

Dear Mr Morrow,

Please see **attached** letter in respect of the abovementioned matter.

Kind regards,

Coral-Leigh Knight

Lawyer

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Principal: John Cicero
Our Ref: JC:PER:181035



26 November 2018

Attention: Ms Jenny Moles
Planning Panels Victoria
Planning | Department of Environment, Land, Water and Planning
Level 5, 1 Spring Street
MELBOURNE VIC 3000

Also by email: joseph.morrow@delwp.vic.gov.au

Dear Ms Moles,

Amendment C258 to the Melbourne Planning Scheme

We refer to your letter of 14 November 2018 and now provide our clients' response to the suggested 'alternate way to progress the Amendment' as detailed in part 3 of that letter and as directed.

This response is made on behalf of Metro Pol Investment Pty Ltd and Sydney Road Holdings Pty Ltd.

As we understand it, the officers of the Planning Authority are proposing that, notwithstanding that the changes to Clauses 22.04 and 22.05 as originally exhibited as part of Amendment C258 were exhibited as separate policies, the policies be merged into the one policy, namely Clause 22.05.

In these circumstances, if what the Panel is proposing, in its suggested 'alternative way to progress the Amendment' (noting that proposed alternative course is not entirely clear and its detail needs resolution), is that the provisions of Clause 22.04 as currently found in the Melbourne Planning Scheme continue to apply to the late submitters' properties and that the Panel will not make any recommendation in relation to the content of the Heritage Policy that should apply to the Hoddle Grid (for all properties whether late submitter or not), then our clients are prepared to explore that course of action suggested by the Panel at a further directions hearing.

We note that the proposed alternate course was raised for the first time by the Panel on the day that was listed for the hearing of the recusal application. Depending upon whether the Panel needs to determine the recusal application, Metro Pol reserves its position to make further submissions in support of its recusal application based upon the Panel's suggested 'alternative way to progress the Amendment'.

Our clients seek a further Directions Hearing to consider the future conduct of Amendment C258 on a suitable date. We request that the Panel seek input from the parties for an available date for the further Directions Hearing.

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Our clients also foreshadow with respect, that there can be no fair course which sees further hearing days of the Amendment this year by the Panel, or upon recusal, by a new Panel.

Yours faithfully
BEST HOOPER

rev. Knight.
John Cicero
Principal

CC. Panel Circulation list for Amendment C258.