



CITY OF MELBOURNE

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26 November 2018

By email: planning.panels@delwp.vic.gov.au

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Jenny Moles
Panel Chair
Planning Panels Victoria
1 Spring Street
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BY Email: planning.panels@delwp.vic.gov.au

Dear Madam

Amendment C258 Melbourne Planning Scheme Response to Panel Directions dated 14 November 2018

I refer to the Panel's directions made on 14 November 2018 which requested Council (and certain late submitters) advise the Panel of its attitude to the alternative course proposed by the Panel to progress Amendment C258 ('the Amendment'), as set out in its letter.

Council's response is as follows:

- Council seeks the uniform and consistent application of heritage policy to all heritage places in the CCZ regardless of the timing of the introduction of the heritage overlay;
- Council is committed to progressing proposed clause 22.04 for all heritage places in the CCZ through the Amendment;
- The comprehensive and transparent notice process, and the future conduct of the Panel hearing proposed by Council in its submission to the Panel on 19 September 2018, provided a reasonable opportunity for any of the affected landowners to be heard in relation to the proposed heritage policy.

Accordingly Council does not support the Panel's proposed alternative course. It considers that the alternative course would introduce a complexity to the process which is inappropriate and would result in piecemeal and ad hoc application of heritage policy in the CCZ.

Council has progressed the Amendment in accordance with the *Planning and Environment Act 1987* ('the Act') and enabled all interested persons to be informed of and participate in the Panel hearing. Throughout the process Council has at all times acted fairly and led the process with complete transparency. Council considers that there has been no procedural defect associated with the Amendment.

The conduct of some late submitters appears directed to frustrating and delaying the fair and efficient conduct and completion of the Panel hearing. Council is very concerned by this conduct and its implications for the timely and effective consideration by the Panel of all submissions which have been referred to it. The Panel is required to act according to equity and good conscience without regard to technicalities or legal forms and is bound by the rules of natural justice in accordance with the Act. Those rules do not require the hearing to be conducted formally or legalistically, nor do they prevent the Panel from informing itself in any way it thinks fit and without notice to any submitter. Ongoing lengthy delays in progressing and finalising this Amendment, result in significant cost to rate-payers and impede Council's implementation of its adopted Heritage Strategy and commitment to improving the protection, management, understanding and celebration of heritage in Melbourne.

Council respectfully requests that the Panel rule on the recusal application and give directions for the future conduct of the hearing and completion of the Panel process without further delay.

Based on the estimate of times provided by represented submitters at the previous directions hearing, Council proposes 7 days from 11 to 19 February 2019 to continue the hearing.

Yours sincerely



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