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Our Ref: JC:181035



31 August 2018

Joseph Morrow
Project Officer
Planning Panels Victoria
Planning | Department of Environment, Land, Water and Planning
Level 5, 1 Spring Street
Melbourne
Victoria 3000
By email: joseph.morrow@delwp.vic.gov.au

Dear Mr Morrow,

Please pass this response to Panel Members Moles, Tonkin and McKenzie.

Melbourne Amendment C258

We act for Metro Pol Investment Pty Ltd ('Metropol'), a late submitter to the Panel hearing for the proposed amendment C258 to the Melbourne Planning Scheme. Metropol is the owner of 263-267 William Street, Melbourne.

Metropol appeared before the Panel and made an application seeking procedural orders that would give Metropol a reasonable opportunity to be heard.

The Panel determined to proceed with the hearing according to the existing timetable and invited Metropol to provide an indication of Metropol's timeslots and presentation requirements. This was expressed by the Panel to be without prejudice to Metropol's application and arguments for different procedural orders. This response is provided on this basis and Metropol expressly reserves its position pending written reasons being provided by the Panel.

In terms of the future conduct of the matter, in light of what Metropol understands of the Panel's determination this morning:

- Expert evidence is likely to be called. At this stage, in the field of heritage. Metropol's legal advisors have today made contact with Mr Raworth who has indicated a willingness to receive instructions. He has indicated that he will be on leave for 5 weeks and will return on 15 October 2018 and will be able to respond to the instructions upon his return;
- It may be that other lay or expert evidence will be called by Metropol, subject to a more detailed review of the Amendment;
- Metropol estimates a requirement for one day to present evidence and submissions;

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- Metropol requests that the following witnesses be recalled for questioning by Metropol. This is critical to assessing the genesis and strategic basis for aspects of the proposed policies:
 - Melbourne City Council:
 - Anita Brady;
 - David Helms.
 - Scott Hartley;
 - Sophie Jordan.
- Metropol will review the witness statements filed by other parties and will advise the Panel in due course recognising, however, that a cost burden on other submitters is to be avoided;
- It is understood that the resumed timetable would also need to provide time for the Council's reply submissions and the without prejudice drafting workshop.
- As things stand, it looks likely that 3-4 days will be required to accommodate this timetable.

We have today made enquiries as to availability of counsel and can advise that 23, 24, 25 and 26 of October 2018 would be suitable dates for the resumed hearing. If the hearing is listed on these days, this might require some abridgement of time in relation to the filing and service of expert evidence, particularly in light of Mr Raworth's absence until 15 October 2018. If these dates are not suitable to the Panel, please advise of available dates not before these dates.

We also note that in the time available today, further investigation has been made as to whether Metropol's interests in the amendment are limited to clause 22.04. We advise that it is apparent that in addition to clause 22.04, Metropol's interests in the amendment extend more broadly to include the grading methodology used and the Incorporated Documents. It may be that upon further investigation, there will be other matters upon which Metropol will address the Panel. In any event, it is submitted that there is no basis to Council's submission that urged that Metropol ought be constrained in terms of the submissions and evidence that it makes/calls in relation to the Amendment.

For the record, Metropol also:

- rejects the apparent submission on behalf of the Planning Authority that it should immediately participate by cross examining today;
- seeks confirmation that the Panel is proceeding on the basis that Metropol's submission has been referred to it.

Yours faithfully
BEST HOOPER


John Cicero
Principal