

7 May 2020

By Email: [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)

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**Your reference:**

**Our reference:**  
4029620

Dear Mr Wimbush

**Yarra Strategic Plan Panel - Draft Yarra Strategic Plan: Part 2 Land Use Framework**

We act for St Kevin's College (submission no. 215095) in relation to this matter.

We refer your correspondence, dated 4 May 2020, which enclosed version 1 of the hearing timetable.

In our request to be heard form, submitted on 27 April 2020, we informed the Panel that counsel for our client would be unavailable from 25 to 27 May 2020. Mr Jeremy Gobbo QC is involved in another Panel hearing, Amendment C223 to the Yarra Planning Scheme, which is due to conclude on 27 May 2020.

Version 1 of the hearing timetable has listed our client's case to be heard on 27 May 2020. This poses a significant challenge for our client given that Mr Gobbo QC has been retained on this matter since its inception and it prevents him from making oral submissions to the Panel and conducting examination-in-chief of our three expert witnesses.

We kindly request that the Panel exercise its discretion, as foreshadowed on page 4 of the hearing timetable, to amend the hearing timetable such that our client's case be listed on one of the following dates (in order of preference):

- (1) Tuesday 1 June 2020;
- (2) Wednesday 3 June 2020 following Environmental Justice Australia and Yarra Riverkeeper Association;
- (3) Friday 29 May 2020; or
- (4) Thursday 28 May 2020.

Lastly, we understand that the Panel wishes to use Microsoft Teams as the videoconferencing platform for this hearing (Direction 16). One major limitation of Microsoft Teams is the inability to see more than four participants at any one time. Counsel has noted that in previous Panel hearings that have utilised this platform, it could not see all Panel members, witnesses and representatives at the same time during cross examination or examination-in-chief and that this presented some significant challenges for parties as well as for the Panel.

We therefore request that, consistent with sections 160 and 205B of the *Planning and Environment Act 1987*, another video conferencing platform such as Zoom be used for this hearing so that more than four participants can be seen at once. We are advised by the IT specialists at our firm that the security issues that APAC-#106339292-v1

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have been variously raised in the press concerning Zoom as a platform are issues that relate to the free US version of Zoom, and not to the more secure 'Zoom Business' version that we could make available to the Committee if that was so desired. We note that other firms have provided a similar view in recent times.

Please don't hesitate to contact us with any queries.

Yours faithfully

*Norton Rose Fulbright Australia*

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