



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8624 5712

16 July 2021

Dear Party

Victorian Transport Projects Integrated Opportunities Standing Advisory Committee: Referral 2 Rosanna Station; C160bany and planning permit application P384/2021

The Committee held a Directions Hearing for the above matter on 14 July 2021 by videoconference using Microsoft Teams. Please find attached:

- Committee Directions
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Tuesday, 10 August 2021	The Proponent must file its Part A background submission	4
12 noon	Tuesday, 10 August 2021	Proponent must file its expert witness reports	6
12 noon	Thursday, 12 August	Parties calling evidence must file their expert witness reports	7
12 noon	Tuesday, 17 August 2021	Proponent must file its Part B opening submission	11
12 noon	Wednesday, 18 August 2021	Any supplementary submission from a party not appearing at the Hearing must be circulated	20
10 am	Tuesday, 17 August 2021	Hearing commences (in-person or by video conference to be advised)	

Declarations

The Chair advised that from 2016 to 2020, Mr Halaliku was a Principal at Kinetica, which is a planning and urban design consulting firm in Melbourne. The Committee was advised that Ms Bell of Kinetica was providing evidence in this matter, but at the Directions Hearing, Counsel for the Proponent advised the Committee that was no longer the case.

Mr Halaliku is co-Director of Three Thirds Group Pty Ltd which currently has two active planning permit applications under consideration by Banyule City Council. Both applications are being managed by other employees and he is not involved with these, nor is he in discussion with stakeholders or the Council.

Two other applications recently managed by Three Thirds Group and considered by Council are now awaiting consideration by the VCAT. Both have been referred to external representatives and Three Thirds Group have had no further involvement in them. Mr Halaliku undertook to continue his exclusion from these matters, and they will continue to be managed by other or non-Three Thirds Group employees.

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 3002

OFFICIAL



Two submitters indicated they objected to Mr Halaliku being involved in this referral on this basis. After considering this objection, the Committee considered there was no conflict on the basis that:

- The expertise of Mr Halaliku is essential for this matter
- Banyule City Council is a submitter to this matter, with the Minister for Planning being the decision maker, not the Council.

Conduct of the hearing

Subject to the advice of the Chief Health Officer and the Victorian State Government, the Hearing will be conducted in person. Should this not be possible, the Hearing will be convened by video conference. Planning Panels Victoria will confirm the final arrangements by Friday 13 August 2021.

If you have questions, please contact Ms Andrea Harwood or Mr Tom Milverton of Planning Panels Victoria on planning_panels@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kathy Mitchell', is positioned above the printed name and title.

Kathy Mitchell AM
Committee Chair

Directions

Victorian Transport Projects Integrated Opportunities Standing Advisory Committee:
Referral 2 Rosanna Station; C160bany and planning permit application P384/2021

Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.
2. All documents must be provided electronically to planning.panels@delwp.vic.gov.au
3. The Committee will not circulate material to parties on a distribution list, rather all material will be published on the Committee's Engage Victoria webpage: <https://engage.vic.gov.au/vtpsac/rosanna> under 'Tabled Documents'.

The Proponent Part A submission

4. The Proponent must file its Part A submission to parties by **12 noon on Tuesday 10 August 2021** that includes:
 - (i) background to the proposal, including chronology of events
 - (ii) strategic context and assessment
 - (iii) issues identified in submissions
 - (iv) any suggested changes to the proposal in response to the written submissions
 - (v) draft permit conditions, taking into account those provided by Department of Transport and/or Council.

Note: the Proponent's Part A submission will be taken as read by the Committee at the Hearing and the Proponent should allow time for questions about its Part A submission on Day 1.

Witness reports

5. A witness report must:
 - (i) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
 - (ii) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number (*Note: it can refer to community groups, organisations, corporations and government agencies*)
 - (iii) be provided to the Committee as an unlocked document.
6. The Proponent must file its expert witness reports by **12 noon on Tuesday 10 August 2021**.
7. All other parties and submitters must file their expert witness reports by **12 noon on Thursday 12 August 2021**.

At the Hearing

Submissions and information

8. Parties must present material at the Hearing electronically.
9. Any other material a party or submitter wishes to present at the Hearing must be filed by **12 noon the day before** the party or submitter presenting the material is due to present.
10. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Proponent Part B submission

11. At the Hearing, the Proponent must provide its Part B opening submission that responds to the issues raised on notice by the Committee at the Directions Hearing:

Directions

Victorian Transport Projects Integrated Opportunities Standing Advisory Committee:
Referral 2 Rosanna Station; C160bany and planning permit application P384/2021

- (i) demonstrate and assess how the proposal will sit within the existing and proposed built form context, having regard to the vantage points toward the Rosanna Neighbourhood Activity Centre.
- (ii) explain the proposed landscaping regime including, but not confined to, the planter boxes, growth expectations and suitability of species in the planter boxes, communal areas and around the site.
- (iii) clarify matters arising from the Ratio town planning and urban context report (February 2021):
 - Page 24, very brief discussion about affordable housing and key workers – how will that be realised?
 - Page 28, under Contextual Issues, proposal informed by LXRA urban design guidelines (and provide a copy of these)
- (iv) review tree removal, especially the tall River Red Gum on Beetham Parade
- (v) provide a response to submissions and evidence
- (vi) provide a final position on the proposal (noting other issues may emerge through additional submissions and evidence).

Evidence and cross examination

12. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 minutes – *all expert witness reports will be read before the Hearing.*
13. An expert witness may refer to a presentation which summarises their evidence, but it must:
 - (i) not include new evidence
 - (ii) be filed by 12 noon the day before that witness is scheduled to appear.
14. Unless a specific direction is made about ‘like’ evidence, an expert witness can file a response to other like evidence by 12 noon the day before that witness is scheduled to appear.
15. Parties, advocates and the Committee may question a witness.
16. During the Hearing, for scheduling purposes, the Committee will ask parties and submitters:
 - (i) how much time they anticipate they will need for each witness
 - (ii) to keep to their anticipated time for each witness.
17. If cross-examining a witness, a party or submitter must:
 - (i) be present for the whole of the giving of the evidence
 - (ii) ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the issues
 - (iii) allow a witness time to explain their answer.
18. If giving evidence remotely, a witness must make a second declaration that they:
 - (i) are alone in the room from which they give evidence and not make or receive any communication with another person while giving evidence except with the express leave of the Committee
 - (ii) inform the Committee immediately should another person enter the room from which they are giving evidence
 - (iii) not discuss their evidence with any other person during breaks in evidence when under cross-examination
 - (iv) not have before them any document, other than their expert witness statement and relevant supporting documents.
19. The Committee will regulate cross-examination at all times.

Directions

Victorian Transport Projects Integrated Opportunities Standing Advisory Committee:
Referral 2 Rosanna Station; C160bany and planning permit application P384/2021

Written submissions

20. A party who intends to supplement their original submission (without orally presenting at the Hearing) must file that submission by **12 noon on Wednesday 18 August 2021**.

Closing submissions

21. The Department of Transport, Council and the Proponent will be provided with a short time to present a closing submission.
22. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Recording Hearings and use of personal information

23. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
24. In exceptional cases, the Chair may direct that the Hearing be recorded. A party who wishes proceedings to be recorded must make a written request to the Committee at least five business days before the commencement of the Hearing, outlining its reasons.
25. If Planning Panels Victoria records an electronic hearing, any party provided with a copy of the recording on request must not publish or distribute that recording or use it for any purpose other than for the Hearing.
26. Parties must not record, keep, distribute or publish contact details of any other party obtained in the course of an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

'Without prejudice' drafting

27. The Committee will make directions about the proposed permit conditions on Day 1 of the Hearing in relation to timing and opportunity to comment.
28. This process will not be an opportunity to revisit any matter of merit.

Other requests for information

29. The Committee received two requests for information/documents from two submitters, it directs the Proponent to consider and provide a response to these as part of its Opening submissions, if not earlier if appropriate:
 - (i) Shadow Diagrams provided by C. Kairouz Architects and included in the Ratio Town Planning Report. Request from Ms McColl that shadow diagrams are updated to 8am (from 9am-3pm) and include the Winter Solstice date 21 June.
 - (ii) *Rosanna - Flood Modelling and Mitigation Works Design Report*, commissioned for North Eastern Program Alliance/Level Crossing Removal Project. Request by Ms Curry for a copy of this.

Compliance with Committee directions

30. If you anticipate being unable to comply with a direction (for example, meeting a deadline for the circulation of evidence), you must provide the Committee with advance notice, and a written statement explaining why you are unable to comply with the direction, and seek leave from the Committee to vary the direction.

Timetable

Victorian Transport Projects Integrated Opportunities Standing Advisory Committee :
Referral 2 Rosanna Station; C160bany and planning permit application P384/2021

Day 1: Tuesday 17 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Beetham Parade Pty Ltd represented by Geoff Lake of Counsel, instructed by Best Hooper Lawyers, calling the following expert evidence: <ul style="list-style-type: none">- traffic, car parking and access from John Kiriakidis of Stantec- urban design from Tim Biles of Ratio- other witness to be confirmed Day 1 outline: Open case, present overview, provide a presentation from the Project Architect (Chahid Kairouz) to explain the concept and evolution of design	-	Day 1 of 3
11.15am – 11.30am	Break		15 mins
11.30am – 1.00pm	Beetham Parade Pty Ltd		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.15pm	Beetham Parade Pty Ltd		
3.15pm – 3.30pm	Break		15 mins
3.30pm – 4.30pm	Beetham Parade Pty Ltd		

Day 2: Wednesday 18 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
11.15am – 1.00pm	Beetham Parade Pty Ltd, cont. Day 2 outline: Evidence from Tim Biles and John Kiriakidis (if time permits)	-	Day 2 of 3
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.15pm	Beetham Parade Pty Ltd		
3.15pm – 3.30pm	Break		15 mins
3.30pm – 4.30pm	Beetham Parade Pty Ltd		

Day 3: Thursday 19 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Beetham Parade Pty Ltd , cont. Day 3 outline: Call/conclude evidence of John Kiriakidis, conclude presentation of case	-	Day 3 of 3
11.15am – 11.30am	Break		15 mins
11.30am – 1.00pm	Beetham Parade Pty Ltd		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.15pm	Beetham Parade Pty Ltd		
3.15pm – 3.30pm	Break		15 mins
3.30pm – 4.30pm	Beetham Parade Pty Ltd		

Day 4: Friday 20 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.45am	Department of Transport represented by Renee De Alwis, Metro North West Region	56	30 mins
10.45am – 11.15am	Banyule City Council , represented by Andrew Crackof Crack and Associates	44	1.5 hours
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	Banyule City Council , cont	44	
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 2.45pm	Alicia Curry , representation and evidence to be confirmed	33	3 hours
2.45pm – 3.00pm	Break		15 mins
3.00pm – 4.30pm	Alicia Curry , cont	33	

Day 5: Monday 23 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Friends of Banyule , represented by Michelle Giovas	52	45 mins
11.15am – 11.30am	Break		15 mins
11.30am – 11.50am	Doug Munro	47	20 mins
11.50am – 12.05pm	Susan Martin	46	15 mins
12.05pm – 12.45pm	Beetham Parade Prospectors , represented by Kerry Williams	54	40 mins
12.45pm – 12.50pm	Kevin Biaggini	48	5 mins
12.50pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.00pm	Carol McColl , representation to be advised, calling expert evidence from: - Sam Cunningham of Innovative Planning Solutions in urban design	51	60 mins
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.45pm	Alicia Waters , representation and evidence to be confirmed	49	1.5 hours

Day 6: Tuesday 24 August 2021

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.25am	Sharon Karasmanis	31	10 mins
10.25am – 10.40am	Julia Lane	29	15 mins
10.40am – 10.50am	Phil Power	22	10 mins
10.50am – 11.00am	Valma Ulmer	27	10 mins
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	<i>Time set aside for other submitters if required</i>		
12.30pm 1.30pm	Lunch break		1 hour
1.30pm – 1.45pm	Department of Transport, closing comments	56	15 mins
1.45pm – 2.00pm	City of Banyule, closing comments	44	15 mins
2.00pm – 3.00pm	Beetham Parade Pty Ltd, closing comments		60 mins

Hearing Timetable Notes:

1. The Committee may amend the timetable without notice.
2. Please be present at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
5. If you have any questions about the timetable, please contact Mr Tom Milverton at planning.panels@delwp.vic.gov.au.
6. Planning Panels Victoria 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.