



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

14 May 2021

Dear Party,

**Boroondara Planning Scheme Amendment C341boro
12-14 Tannock Street, Balwyn North
Panel Directions and Hearing Timetable**

The Panel held a Directions Hearing for the above matter on 12 May 2021 via videoconference. Please find attached the:

- Panel Directions
- Distribution List
- Hearing Timetable (containing a link to the Hearing (via video conference)).

The following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 7 June 2021	Council must circulate its Part A submission	2
12 noon	Monday, 7 June 2021	Parties must circulate Expert witness reports	4
12 noon	Friday, 11 June 2021	Council must circulate its Part B submission	10
12 noon	Friday, 11 June 2021	Any supplementary submission from a party not appearing at the Hearing must be circulated	20
10 am	Tuesday, 15 June 2021	Video conference Hearing commences	

Declarations

The Panel made no declarations.

Procedural matters

No procedural matters were raised at the Directions Hearing. However, the Panel alerted Council to the fact that the owner of the affected property had not requested to become party to the hearing.

If you have questions, please contact Planning Panels Victoria on (03) 8624 5712 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

GABBY MCMILLAN
Panel Chair

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 8002



Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.

Council Part A submission

2. Council must circulate a Part A submission to parties on the distribution list by **12 noon on 7 June 2021** that includes:
 - a) background to the Amendment including chronology of events
 - b) strategic context and assessment
 - c) issues identified in submissions
 - d) any suggested changes to the Amendment in response to submissions
 - e) information on any current planning permit application affecting the land at 12-14 Tannock Street.

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

Witness reports

3. A witness report must:
 - a) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
 - b) 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*)
 - c) be provided to the Panel as an unlocked document.
4. Parties must circulate their witness reports to parties on the distribution list by **12 noon on 7 June 2021**.
5. Council must publish all witness reports on its website and make them publicly available at its office.

At the Hearing

Submissions and information

6. Parties must present material at the Hearing electronically.
7. Electronic information must be circulated to parties on the distribution list by 12 noon on the day before the information is to be presented at the Hearing.
8. If the Panel has allowed you to present a paper document at the Hearing:
 - a) at least four (4) copies must be provided, two-hole punched and stapled (not bound)
 - b) after presenting to the Panel, submissions (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.
9. All information presented at the Hearing is a public document unless the Panel directs otherwise.

Council Part B submission

10. At the Hearing, Council or the Proponent must provide a Part B submission that includes:
 - a) list other items, i.e. key items to be addressed
 - b) its response to submissions and evidence

- c) its final position on the Amendment.

Evidence and cross examination

11. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 - 45 minutes – *all expert witness reports will be read before the Hearing.*
12. An expert witness may refer to a presentation which summarises their evidence, but it must:
 - a) not include new evidence
 - b) be provided to parties by 12 noon the day before that witness is scheduled to appear.
13. Unless a specific direction is made about 'like' evidence, an expert witness can provide their response to other like evidence by 12 noon the day before that witness is scheduled to appear.
14. Parties, advocates and the Panel may question a witness.
15. During the Hearing, for scheduling purposes, the Panel will ask each party:
 - a) how much time they anticipate they will need for each witness
 - b) to keep to their anticipated time for each witness.
16. If cross-examining a witness, a party must:
 - a) be present for the whole of the giving of the evidence
 - b) ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Panel in understanding the issues
 - c) allow a witness time to explain their answer.
17. If giving evidence remotely, a witness must:
 - a) be 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 Panel
 - b) inform the Panel immediately should another person enter the room from which they are giving evidence
 - c) not discuss their evidence with any other person during breaks in evidence when under cross-examination
 - d) not have before them any document, other than their expert witness statement and relevant supporting documents.
18. The Panel will regulate cross-examination.

Written submissions

19. A party who intends to supplement their original submission (without orally presenting that submission) must circulate their written submission to parties on the distribution list by **12 noon on 11 June 2021.**

Other information

20. Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list by **12 noon on the day before** the party presenting the material is due to present.
21. After presenting to the Panel, submissions and other material (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.
22. All information presented at the Hearing is a public document unless the Panel directs otherwise.

Closing submissions

23. Council will be provided time to present a closing submission.

24. 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

25. Parties must not record any part of an electronic hearing by any means without permission from the Panel.
26. In exceptional cases, the Chair may direct that the Hearing be recorded. A party who wishes proceedings to be recorded must make a request to the Panel at least five business days before the commencement of the Directions Hearing, outlining its reasons.
27. 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.
28. 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.

Compliance with Panel directions

29. All directions must be complied with. It is an offence to not comply with a direction without lawful excuse. [section 169 of the *Planning and Environment Act 1987*]
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 Panel with advance notice, and a written statement explaining why you are unable to comply with the direction, and seek leave from the Panel to vary the direction.
31. The Panel may:
- a) refuse to hear from anyone who fails to comply with a direction. [section 159(b)]
 - b) not accept evidence if leave to vary a direction for the circulation of evidence is not sought or granted.

Distribution list

Panel Directions and Hearing Timetable

Use this list to circulate expert witness statements and other information requested by the Panel. It must not be used for any other purpose.

Electronic documents

Party	email address
Planning Panels Victoria	planning.panels@delwp.vic.gov.au
City of Boroondara	nick.brennan@boroondara.vic.gov.au
Jacqui Alexander	jacqui.alexander@monash.edu
Christina Branagan	christinabranagan@bigpond.com
Sandra Alexander	calexander50@bigpond.com
Robin Boyd Foundation	tonyi@timid.net.au

Timetable

Panel Directions and Hearing Timetable

Panel Hearing Timetable Version 1

Day 1: Tuesday 15 June 2021

Venue: Videoconference [Click here to join the Microsoft Teams meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Council calling the following expert evidence: - Simon Reeves of Built Heritage		4 hours
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	Council cont		
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 3.15pm	Council cont		
3.15pm – 3.30pm	Break		15 mins
3.30pm – 3.45pm	Jacqui Alexander	3	15 mins
3.45pm – 4.15pm	Christina Branagan – representing herself and as an advocate for Sandra Alexander	1 & 2	30 mins
4.15pm	Day close		

Day 2: Wednesday 16 June 2021

Venue: Videoconference [Click here to join the Microsoft Teams meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Tony Isaacson representing the Robin Boyd Foundation calling the following expert evidence: - Philip Goad from Melbourne University	24	1 hour
11.15am – 11.30am	Break		15 mins
11.30am – 12.00pm	Council reply		30 mins
12.00pm	Day close		

Hearing Timetable Notes:

1. The Panel 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 the Panel Coordinator on (03) 8624 5712.
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.