



# 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

10 August 2021

Dear Party and submitter,

## **Stonnington Planning Scheme Amendment C304ston**

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The Panel held a second Directions Hearing for the above matter on 9 August 2021.

Please find attached the revised Panel Directions, Distribution List (version 2) and Hearing Timetable (version 3).

The Panel proposes the following dates:

Time	Date	Action	Direction
12 noon	Monday, 4 October 2021	Council must circulate its Part A submission	1
12 noon	Monday, 4 October 2021	Parties must circulate Expert witness reports	3
12 noon	Monday, 11 October 2021	Council must circulate its Part B submission	8
12 noon	The day before presenting the material	Any other material a party wishes to present at the Hearing must be circulated	17
10 am	Tuesday, 12 October 2021	Video conference Hearing commences	

If you have questions, please contact Chris Brennan of Planning Panels Victoria on (03) 8392 5137 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,

**Con Tsotsoros**  
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

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## Before the Hearing

### Council Part A submission

1. Council must circulate a Part A submission to parties on the distribution list by **12 noon on Monday, 4 October 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.

*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

2. 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.
3. Parties must circulate their witness reports to parties on the distribution list by **12 noon on Monday, 4 October 2021**.
4. Council must publish all witness reports on its website.

## At the Hearing

### Submissions and information

5. Parties must present material at the Hearing electronically.
6. 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.
7. All information presented at the Hearing is a public document unless the Panel directs otherwise.

### Council Part B submission

8. At the Hearing, Council must provide a Part B submission that includes:
  - a) its response to submissions and evidence, grouped by:
    - (i) common issues raised in multiple submissions including property value, ability to maintain the property, and building condition
    - (ii) precincts
    - (iii) individual properties
  - b) its final position on the Amendment.

### Evidence and cross examination

9. 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.*
10. 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.
11. 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.
  12. Parties, advocates and the Panel may question a witness.
  13. 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.
  14. 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.
  15. 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.
  16. The Panel will regulate cross-examination.

### **Other information**

17. 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.
18. After presenting to the Panel, submissions and other material (preferably in MS Word) should be emailed to [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) as an unlocked document.
19. All information presented at the Hearing is a public document unless the Panel directs otherwise.
20. A scheduled party who subsequently cannot present at the Hearing can circulate a written submission to parties on the distribution list by **12 noon on Thursday, 14 October 2021**.

### **Closing submissions**

21. Council will be provided 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 Panel.
24. 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.

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.

### **Compliance with Panel directions**

27. 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*]
28. 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.
29. 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

Stonnington Planning Scheme Amendment C304ston

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

## Version 2

### Electronic documents

Party	email address
Planning Panels Victoria	<a href="mailto:planning_panels@delwp.vic.gov.au">planning_panels@delwp.vic.gov.au</a>
Stonnington City Council	<a href="mailto:simone.jackson@marcuslanegroup.com.au">simone.jackson@marcuslanegroup.com.au</a>
18 Spring Pty Ltd	<a href="mailto:kirwanj@bevwill.com.au">kirwanj@bevwill.com.au</a> <a href="mailto:nicholas.crawford@tplegal.com.au">nicholas.crawford@tplegal.com.au</a>
Airlie Women's Clinic	<a href="mailto:admin@jlp.melbourne">admin@jlp.melbourne</a>
Bill Papastergiadis	<a href="mailto:mdm@moray.com.au">mdm@moray.com.au</a>
Mulberry's Australia Pty Ltd	<a href="mailto:johnlotton@icloud.com">johnlotton@icloud.com</a>
Sass Development (Aust) Pty Ltd	<a href="mailto:rory.oconnor@hallandwilcox.com.au">rory.oconnor@hallandwilcox.com.au</a> <a href="mailto:matthew.hughes@hallandwilcox.com.au">matthew.hughes@hallandwilcox.com.au</a>
Sohe Holdings Pty Ltd	<a href="mailto:hawilson@pppartners.com.au">hawilson@pppartners.com.au</a> <a href="mailto:administration@pppartners.com.au">administration@pppartners.com.au</a> <a href="mailto:bird@pppartners.com.au">bird@pppartners.com.au</a> <a href="mailto:little@pppartners.com.au">little@pppartners.com.au</a>

# Timetable

Stonnington Planning Scheme Amendment C304ston

## Version 3

### Day 1: Tuesday 12 October 2021

By video conference: [Link to MS Teams Meeting](#)

Time	Party	Sub No	Allocated
10.00 am	Preliminary matters		20 mins
10.20 am	<b>Stonnington City Council</b> represented by Peter O'Farrell of Counsel, instructed by Simone Jackson of Marcus Lane Group, calling expert evidence on: - heritage from Anita Brady of AB Heritage		1 day
<b>1.00 pm</b>	<b>Lunch break</b>		<b>1 hour</b>
2.00 pm	<b>Stonnington City Council</b> (continued)		
4.30 pm	Day close		

### Day 2: Wednesday 13 October 2021

By video conference: [Link to MS Teams Meeting](#)

Time	Party	Sub No	Allocated
1.20 pm	Preliminary matters		10 mins
1.30 pm	<b>Sohe Holdings Pty Ltd</b> represented by Hannah Wilson of Planning and Property Partners	43	30 mins
2.00 pm	<b>Mulberry's Australia Pty Ltd</b> represented by John Lotton	25	30 mins
<b>12.30 pm</b>	<b>Lunch Break</b>		<b>1 hour</b>
1.30 pm	<b>Airlie Women's Clinic</b> represented by James Livingston of JLP Planning, calling expert evidence on: - heritage from John Briggs	55	90 mins
3.00 pm	Day close		

**Day 3: Friday 15 October 2021**By video conference: [Link to MS Teams Meeting](#)

Time	Party	Sub No	Allocated
10.00 am	Preliminary matters		5 mins
10.05 am	<b>Sass Development (Aust) Pty Ltd</b> represented by Rory O'Connor of Hall & Wilcox, calling expert evidence on: - heritage from Katherine White of Lovell Chen	31	3 hours
<b>1.00 pm</b>	<b>Lunch break</b>		<b>1 hour</b>
2.00 pm	<b>18 Spring Pty Ltd</b> represented by Nick Crawford of Counsel, calling expert evidence on: - heritage from John Stratham of Lovell Chen	52	90 mins
3.30 pm	Break		15 mins
3.45 pm	<b>Stonnington City Council</b> – Right of reply and closing comments		45 mins
<b>4.30 pm</b>	<b>Panel close</b>		

**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 15-minute 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 Chris Brennan, Planning Panels Victoria on (03) 8392 5137.