



31 March 2020

As addressed

Dear Party,

**Monash Planning Scheme Amendment C159: 1 Jacksons Road and 636 Wellington Road, Mulgrave**

The Panel held a Directions Hearing for the above matter on 16 March 2020 at the Ibis Hotel, Glen Waverley. Please find attached:

- Panel Directions
- Distribution List.

Given the concerns about Novel Coronavirus Disease 2019 (COVID-19) and its potential impacts on conducting public hearings, the Panel is intending to conduct the full Hearing 'on the papers' as agreed to by the parties.

Section 165 of the *Planning and Environment Act 1987* provides that a "panel may from time to time adjourn a hearing to any times and places and for any purposes it thinks necessary and on any terms as to costs or otherwise which it thinks just in the circumstances".

The Panel considers there is sufficient reason to progress this Amendment 'on the papers' for the following reasons:

- Face-to-face contact should be minimised due to COVID-19
- There is no contested evidence (the Proponent is the only party to provide evidence)
- The parties have requested this course of action
- The Panel will undertake an unaccompanied site inspection of the site and its surrounds
- Council will be required to provide its opening Part A submission
- Council and the Panel can provide any questions to any of the expert witnesses in writing. The expert witnesses will be required to respond in writing
- All submitters can finalise any written submissions in writing
- Council will be provided with the opportunity to make a closing submission
- The Panel will provide its report to the Planning Authority within the required timeframe, that is, 40 business days from the date Council provides its closing submission.

If, after considering the submissions and evidence, the Panel considers it needs to hear from any person via video conference, this could be arranged.

The following key dates apply:

| Time    | Date                    | Action  | Direction |
|---------|-------------------------|---|-----------|
| 4.00pm  | Friday, 3 April 2020    | Council must supply the documents specified   | 10        |
| 10.00am | Wednesday, 8 April 2020 | Council must circulate its Part A submission  | 11        |
| 10.00am | Wednesday, 8 April 2020 | Parties must circulate expert witness reports | 13        |

**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

| Time    | Date                  | Action  | Direction |
|---------|-----------------------|---|-----------|
| 10.00am | Friday, 17 April 2020 | Council must circulate its Part B submission<br>Any other submissions and documents to be relied on must be provided to the Panel and parties |           |
| 10.00am | Wednesday 6 May 2020  | Council may circulate a closing submission  |           |

### Declarations

Member Cook declared at the Directions Hearing that she is a Sessional Member of the Victorian Civil and Administrative Tribunal and that she had heard cases involving Monash City Council. Likewise, she has previously given legal advice to Monash City Council when working as a solicitor at Maddocks. However, she has not had any dealings with this site or the adjacent residential properties. No party raised any issue in relation to these declarations.

If you have questions, please contact Planning Panels Victoria on (03) 8392 5115 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,



**Dalia Cook**  
Panel Chair

# Panel Directions

Monash Planning Scheme Amendment C159: 1 Jacksons Road and 636 Wellington Road,  
Mulgrave

## Novel Coronavirus Disease 2019 (COVID-19)

### Advice from Health Authorities

1. You should monitor the advice from health authorities on COVID-19 at <https://www.dhhs.vic.gov.au/coronavirus>

### Scheduled Hearings

2. Please be aware that the Panel may reschedule, postpone or cancel face to face scheduled hearings at short notice if there is a known risk to people attending from COVID-19 or on the advice of Victorian health authorities and the Victorian State Government.
3. Scheduled and new hearings may be arranged through video or phone conference where practicable.

### At the Hearing

4. If you are unwell or showing any symptoms of COVID-19 or have been in contact with anyone with COVID-19 then you must not attend the Hearing. Information on symptoms and at-risk travel and contact is available on the DHHS website above.
5. If you cannot attend in person for the reasons above contact [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) to discuss alternative arrangements.
6. If you attend a hearing in person you must fill in the attendance sheet with full contact details in case we need to contact you later in the event of an identified virus threat.
7. Pay close attention to personal hygiene at the hearing including frequent hand-washing, avoiding physical contact with others and making use of sanitisers provided.

### After the Hearing

8. If you become unwell within 14 days of attending the hearing with symptoms that may indicate you have contracted COVID-19 you should contact your health professional first and then advise the Planning Panels Victoria Business Manager as soon as possible on 8392 5114 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

## Before the Hearing

### Circulation of documents

9. Documents should be circulated electronically as a first preference.
10. **By 4.00pm on Friday 3 April 2020**, Council must provide the following to parties on the Distribution List:  
Confirmation that the versions of the draft planning scheme provisions provided to Planning Panels Victoria (by reference to date provided or version number) incorporate changes required by the conditions of authorisation from the Department of Environment, Land, Water and Planning or advice on other modifications that may be required to comply with conditions of authorisation.

### Council Part A submission

11. Council must circulate a Part A submission to parties on the distribution list by **10.00am on Wednesday 8 April 2020** that includes:

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- a) background to the Amendment including chronology of events and relevant dealings with the Department of Environment, Land, Water and Planning as to the form and content of the Amendment
- b) relevant planning controls or approvals for adjacent residential or other properties including the Waverley Park Estate
- c) a summary of key elements of the *Monash Industrial Land Strategy 2014* and an update on its status
- d) a summary of key elements of the *Monash Housing Strategy 2014* and an update on its status
- e) an assessment against the General Practice Note for Potentially Contaminated Land (DSE, 2005) and response to the matters raised in the submission of the Environment Protection Authority dated 14 November 2019
- f) strategic context and assessment, including why the Design and Development Overlay is proposed instead of the Development Plan Overlay
- g) issues identified in submissions
- h) any suggested changes to the Amendment in response to submissions

### Witness reports

12. 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
  - c) be provided to the Panel as an unlocked document.
13. Parties must circulate their witness reports to parties on the distribution list by **10.00am on Wednesday 8 April 2020**.
14. Council must publish all witness reports on its website and make them publicly available at its office.

### Submissions and information

15. Submissions and material proposed to be relied on by parties must be provided in an indexed document to the Panel and parties on the Distribution List by **4.00pm on Friday 17 April 2020**.
16. Council must provide a Part B submission by the date above that includes:
  - a) its response to submissions and evidence
  - b) its final position on the Amendment, include any suggested changes in ‘track changes’ format.
17. All submissions and documents proposed to be relied on must be emailed to [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) as an unlocked document.
18. All information presented at the Hearing is a public document unless the Panel directs otherwise.

### Questions to witnesses

19. The Panel directs written questions to witnesses be provided as follows:

| Date                        | Description   | Party       |
|-----------------------------|---|-------------|
| 4.00pm Friday 17 April 2020 | Parties must submit any questions to the Panel to forward on to expert witnesses – ‘Witness Questions document’ | All parties |

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|        | Date                    | Description  | Party       |
|--------|-------------------------|--|-------------|
| 4.00pm | Wednesday 29 April 2020 | Witnesses must circulate to all parties a written response to the questions sent by the Panel. One consolidated document should be sent by each witness – ‘Witness Questions Response document’. | Witnesses   |
| 4.00pm | Monday 4 May 2020       | Parties may make further submissions addressing the answers provided by witnesses. These should be sent to all parties.  | All parties |

**Panel questions of submitters**

20. Any questions the Panel may have of submitters will be managed in the following way:

|        | Date                    | Description   | Party            |
|--------|-------------------------|---|------------------|
| 4.00pm | Wednesday 22 April 2020 | The Panel may ask specific parties questions in writing – ‘Panel’s Questions of Submitters document’. Only the nominated parties should respond to the questions. | Panel            |
| 4.00pm | Wednesday 29 April 2020 | Nominated parties to respond in writing to the Panel’s questions. All responses to be sent to parties on the Distribution List for information only.              | Relevant parties |

**Closing submission**

21. Council’s Closing submission:

|        | Date                 | Description  | Party   |
|--------|----------------------|--|---------|
| 4.00pm | Wednesday 6 May 2020 | Council’s closing submission to be distributed to all parties on the Distribution List | Council |

# Distribution List

Monash Planning Scheme Amendment C159: 1 Jacksons Road and 636 Wellington Road,  
Mulgrave

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 | <a href="mailto:planning.panels@delwp.vic.gov.au">planning.panels@delwp.vic.gov.au</a>   |
| Monash City Council      | <a href="mailto:andre.schmid@monash.vic.gov.au">andre.schmid@monash.vic.gov.au</a>       |
| Proponent                | <a href="mailto:rory.oconnor@hallandwilcox.com.au">rory.oconnor@hallandwilcox.com.au</a> |

## Hard copies

| Party   | No of Copies |
|---|--------------|
| <b>Planning Panels Victoria</b><br>Attn: The Panel Coordinator<br>GPO Box 2392<br>Melbourne, Victoria 3001<br>(By courier to Level 5, 1 Spring Street, Melbourne 3000 and mark as 'Urgent') | 1 copy       |