



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 June 2022

Dear Party,

Darebin Planning Scheme Amendment C191dare Thornbury Park Estate heritage precinct

The Panel held a further Directions Hearing for the above matter on 8 June 2022 via video conference. Please find attached:

- Panel Directions
- Hearing Timetable, Version 6.

The following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 14 June 2022	Council must circulate the inputs to the model relied on and referred to in the Sustainability and Heritage Report	7
12 noon	Monday, 14 June 2022	Council must circulate a scaled plan and the whole of house report from the model relied on and referred to in the Sustainability and Heritage Report OR advise all parties that it does not have instructions to provide such	8
12 noon	Tuesday, 28 June 2022	Council must circulate its written response to the Panel Questions	9
12 noon	Tuesday, 5 July 2022	Submitters must circulate any written submissions intended to be relied upon at the hearing	10
10 am	Tuesday, 12 July 2022	Hearing commences	

Procedural matters

Hearing Adjournment

On 6 June 2022 the Panel received two requests to adjourn the hearing for Amendment C191 from:

- Mr Paul Vascotto; and
- Ms Catherine Maguire and Mr Brett Esler.

Mr Vascotto sought an adjournment for two weeks on the basis that further time is required to analyse and respond to the Sustainability and Heritage Report prepared by HIP V. Hype.

Ms Maguire and Mr Esler sought an adjournment for one week on the basis that further time is required read and consider the relevant documents filed.

Privacy Statement

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On 7 June 2022 the City of Darebin indicated that Council supports the requests for an adjournment of the hearing for 1-2 weeks. The Council advised that Mr Anthony Hemmingway, its expert witness, was unwell and would not be able to give evidence at the hearing as scheduled.

Several submitters also confirmed in writing that they support the adjournment requests.

In the circumstances, the Panel determined to adjourn the hearing. The hearing is now scheduled to occur on **Tuesday 12 July and Wednesday 13 July 2022**.

Hearing Logistics

The Panel sought the views of parties on whether the Hearing should be held online or as a hybrid hearing. Parties were supportive of a hybrid hearing with most parties indicating that they would attend in person if possible. As such, the Panel has decided to hold the hearing in a hybrid format.

The in-person component of the hearing will be subject to any changing Government and Chief Health Officer COVID-19 advice and will be held at Planning Panels Victoria (PPV) in Hearing Room 1, Ground Floor, 1 Spring Street, Melbourne.

Parties may elect whether they wish to be heard online or in person. Those observing may also choose to attend in person, or online. The hearing room at PPV can accommodate the technology requirements, including audio visual technology to facilitate a hybrid Hearing. If attending online, the login details are provided below.

Hearing Link

[Click here to join the Hearing](#)

Join with a video conferencing device

Or call in (audio only)

[+61 3 7019 2540,455842239#](#) Australia, Melbourne

[1800 571 208,455842239#](#) Australia (Toll-free)

Phone Conference ID: 455 842 239#

Sustainability and Heritage Report prepared by HIP V. Hype

Council indicated that it would provide the Panel and all parties with the inputs to the model relied on and referred to in the Sustainability and Heritage Report. Mr Vascotto asked the Council to enquire whether it could also provide:

- a scaled plan from the model which includes a schedule of window types, head height measurements for windows and floor to ceiling heights; and
- the whole of house report from the model.

Council indicated it would seek instructions on this and provide a response to the Panel and all parties.

Panel Questions

The Panel had several questions for the Council having read its Part A and B submissions and the Heritage and Sustainability Report. The Panel has asked the Council to consider these questions and provide a written response to the Panel and all parties.

The questions in relation to Council's Part A and B submissions are:

- Is the demolition permit for 33 Comas Grove still active?
- What is the rationale for not proposing any changes to the local policy framework?
- How does Council intend to balance issues of environmentally sustainable design and overland flooding against the heritage overlay? What policy guides these matters?
- Does the Darebin Planning Scheme provide guidance on 'building condition' as a consideration for demolition?

- Does the Darebin Planning Scheme provide guidance on heritage homes which are subject to the Special Building Overlay?
- At paragraph 75 of the Part B submission – is Council saying there have been no applications which progressed on appeal to the Victorian Civil and Administrative Tribunal on this issue?

The questions in relation to the Heritage and Sustainability Reports are:

- Does Council expect the CSIRO and GBC will provide a response?
- Was consideration given to using a case study with brick construction (both brick veneer and double brick)?
- How does Council intend to use this report in the future? Will it be used to consider future permit applications?
- Page 11 of the report refers to the removal of the floor. Was an example of a home not constructed on stumps considered?

If you have questions, please contact Georgia Thomas, Project Officer, Planning Panels Victoria on (03) 8624 5717 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Sarah Raso
Panel Chair

Panel Directions

Darebin Planning Scheme Amendment C191dare
Thornbury Park Estate heritage precinct

Before the Hearing

Hearing administration

1. The Hearing will be held in a hybrid format through video conference and in person at Planning Panels Victoria.
2. Council must publish notice of the Hearing on its website (including a copy of this Directions and Timetable correspondence), with information on how members of the public can observe the Hearing, either in person or via a live streaming function.

Circulation and sharing of documents

3. Documents must continue to be circulated electronically to all parties on the Distribution list.
4. Files should not exceed 20MB in size. Documents larger than 20MB should be broken down into smaller files less than 20MB.
5. File names should be as short as possible.
6. Paper documents will only be permitted in exceptional circumstances. If any party has issues supplying documents electronically, they should contact Planning Panels Victoria.

Council

7. Council must circulate the inputs to the model relied on and referred to in the Sustainability and Heritage Report by **12 noon on 14 June 2022**.
8. Council must circulate a scaled plan and the whole of house report from the model relied on and referred to in the Sustainability and Heritage Report OR advise all parties that it does not have instructions to do so by **12 noon on 14 June 2022**.
9. Council must circulate its written response to the Panel Questions to the parties on the distribution list by **12 noon on 28 June 2022**.

Submitters

10. A party who intends to supplement their original submission must circulate their written submission (which might include a PowerPoint presentation and the like) to parties on the distribution list by **12 noon on 5 July 2022**.

At the Hearing

Submissions and information

11. Parties must present material at the Hearing electronically.
12. If the Panel has allowed you to present a paper document at the Hearing:
 - a) at least six (6) 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.
13. All information presented at the Hearing is a public document for the purposes of the Panel process unless the Panel directs otherwise.

Evidence and cross examination

14. 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*.
15. 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.
16. Parties, advocates and the Panel may question a witness.
17. 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.
18. 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.
19. 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.
20. The Panel will regulate cross-examination.

Other information

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.

Timetable

Darebin Planning Scheme Amendment C191dare
Thornbury Park Estate heritage precinct

Timetable Version 6

Day 1: Tuesday 12 July 2022

Venue: Hearing Room 1 Ground Floor, 1 Spring Street, Melbourne OR [Click here to join the Hearing](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Darebin City Council represented by Darren Wong of Planology, calling the following expert evidence: <ul style="list-style-type: none">- Heritage from Anthony Hemmingway of RBA Architects and Conservation Consultants		1 day
11.15am – 11.30am	Break		15 mins
11.30am – 1.00pm	Darebin City Council cont		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 3.30pm	Darebin City Council cont		
3.45pm – 4.00pm	Break		15 mins
4.00pm – 4.20pm	Stephen Carbone	162	20 mins
4.20pm – 4.45pm	Frank Berra	103	45 mins
4.45pm	Day close		

Day 2: Wednesday 13 July 2022

Venue: Hearing Room 1 Ground Floor, 1 Spring Street, Melbourne OR [Click here to join the Hearing](#)

Time	Party	Sub No	Allocated
9.00am – 9.15am	Preliminary matters		15 mins
9.15am – 10.00am	Robin Harper and Andrew Warmington	40	45 mins
10.00am – 10.15am	Stephen Joyce and Michelle Harvey	32	15 mins
10.15am – 10.35am	Edward Bucknell	167	20 mins
10.35am – 10.50am	Break		15 mins
10.50am – 11.20pm	Stacia Goninon	87	30 mins
11.20pm – 12.10pm	Catherine Maguire and Brett Esler	29,54	50 mins
12.10pm – 12.55pm	Lunch		45 mins
12.55pm – 1.25pm	Stacia Goninon	87	30 mins
1.25pm – 3.25pm	Paul Vascotto and Ana Rachman	98	2 hours
3.25pm – 3.40pm	Break		15 mins
3.40pm – 4.10pm	Darebin City Council – Closing submissions		30 mins

4.10pm	Day close
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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. 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.
6. If you have any questions about the timetable, please contact Georgia Thomas on (03) 8624 5717.
7. If you require an interpreter service, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask to connect to Georgia Thomas on (03) 8624 5717.