

# Panel Directions

Yarra Planning Scheme Amendment C245: Heritage Overlay and Zone Fix Up

## Hearing format

1. The Panel will proceed on the dates previously scheduled, however for public health reasons associated with the coronavirus, the Hearing will be conducted via a video conferencing format. All parties are invited to participate in this process.
2. Any party may elect to have their submission considered 'on the papers' rather than participate in the video conference.
3. Council will facilitate the video conference and the specific platform will be determined in conjunction with Planning Panels Victoria and Council. The Panel anticipates the platform could be 'Zoom', 'Skype' or similar. The Panel will advise all parties of the specific platform as soon as possible.
4. The Panel requests Council to provide reasonable assistance to all parties to help them access and participate in the video conference process.
5. The Panel requests Council to facilitate a short 'group test run' of the video conference platform a couple of days before the commencement of the Hearing to enable all parties to experience the platform, ask questions and clarify operational protocols. Planning Panels Victoria will liaise with Council to refine the details of this 'test run'. The Panel will provide details regarding the time and date for the test run as soon as possible.

## Before the Hearing

### Video recording of internal features of three former theatres

6. A video recording of the internal features of each of the following properties must be prepared by the owners or their representatives:
  - a) 200-202 Johnson Street, Collingwood (former Austral Theatre)
  - b) 365-377 Swan Street, Richmond (former Burnley Theatre)
  - c) 311-317 Bridge Road, Richmond (former Richmond Theatre)
7. The purpose of the video recording is to provide the Panel with a thorough view of all of the main internal parts of each former theatre and in particular any elements that are referred to in any relevant citation or heritage report or are purported to have heritage significance.
8. To meet the intent of Direction 7, Council and the relevant owners of each theatre (or their representatives) must discuss and agree on a 'list' of the relevant internal features to be filmed for each theatre. If other parties have particular points of interest they wish to have filmed then they should contact Council as soon as possible. The lists must be finalised by Council and emailed to all parties on the Distribution List by **4.00pm on Thursday 9 April 2020**.
9. The video must include footage of at least all of the places of interest included on the list prepared under Direction 8. It should include simple captions or basic commentary to explain the location of each scene. This must be factual and not include opinion or an assessment of the quality of the internal features.
10. A simple floor plan should be prepared for each building (does not need to be drawn to scale) sufficient to help the Panel understand the internal layout of each former theatre against the video footage.

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11. If necessary, the video recording may be supplemented with additional still photographs.
12. The video for each site must be sent in electronic form by representatives for each of the sites to all parties on the Distribution List by **4.00pm Friday 17 April 2020**.
13. It is a requirement that the preparation of the video:
  - a) must ensure that all relevant social distancing and hygiene standards are met at the time of filming
  - b) must not proceed if it becomes unlawful to do so by way of public health regulations or restrictions associated with the coronavirus.

**Council Part A submission**

14. Council must circulate a Part A submission to parties on the Distribution List by **4.00pm on Tuesday 14 April 2020** that includes:
  - a) background to the Amendment including chronology of events
  - b) strategic context and assessment
  - c) issues identified in submissions, including late submissions
  - d) a response to each submission, including late submissions
  - e) any suggested changes to the Amendment in response to submissions
  - f) a detailed response to how the Amendment addresses changes to the Heritage Overlay (clause 43.01) introduced by Amendment VC148 regarding the inclusion of statements of significance as incorporated documents (refer clause 43.01-5) and noted in the letter of authorisation from the Department of Environment, Land, Water and Planning dated 21 December 2018
  - g) an assessment of the Amendment against:
    - (i) Planning Practice Note 1 – Applying the Heritage Overlay
    - (ii) Planning Practice Note 13 – Incorporated and Background Documents
  - h) an assessment of the Amendment against the Ministerial Direction on the Form and Content of Planning Schemes and whether any changes are required to the documentation to ensure compliance with the Ministerial Direction.

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

**Expert witness reports**

15. 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.
16. Parties must circulate their witness reports to parties on the Distribution List by **4.00pm on Tuesday 14 April 2020**.
17. Council must publish all witness reports on its website and make them publicly available at its office.
18. If a party intends to ask questions of any expert witness then the party must advise the Panel the name of the witness and if:
  - a) The questions (and answers) are to be provided in writing only, or
  - b) The questions (and answers) requires the attendance of the expert witness at the video conference.

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This includes any party who does not intend to attend the Hearing via video conference as well as those parties who are attending the Hearing via video conference.

The response to this Direction must be circulated to all parties on the Distribution List by **4.00pm on Thursday 16 April 2020**.

19. The Panel will confirm with all parties by **4.00pm Friday 17 April 2020** whether:
  - a) A witness is not required to attend the Hearing, or
  - b) A witness is not required to attend the Hearing but is required to respond to written questions, or
  - c) A witness is required to attend the Hearing and present their evidence statement and answer questions via video conference.
20. A party who has responded to Direction 18 (a) must provide the questions for the expert witness in writing to all the parties on the Distribution List by **2.00pm Monday 20 April 2020**. This includes any party who does not intend to attend the Hearing via video conference as well as those parties who are attending the Hearing via video conference.

The advocate calling the expert witness must forward the questions to the witness as soon as possible.
21. An expert witness who has received any questions in writing pursuant to Direction 20 must provide a response in writing to all parties on the Distribution List by **4.00pm Tuesday 21 April 2020**. Preparation of any response from a witness must not include collaboration with any other person and must be the opinion of the witness. The witness must not circulate a draft of the response for comment or review to any person.
22. If a party has any follow up questions resulting from a written response from a witness then these will be dealt with through the Chair during the video conference process and via email, as necessary.
23. Any party that does not want to attend the video conference must:
  - a) advise the Panel of their intention to so by **4.00pm Friday 17 April 2020**.
  - b) submit their written submission to all parties on the Distribution List by **4.00pm Tuesday 21 April 2020**.

Parties who do not attend the video conference may provide a supplementary submission in response to the Council Part B submission. A supplementary submission must be made in writing before the Council closing submission.

All information presented to the Panel is a public document unless the Panel directs otherwise.

## At the Hearing

### Submissions and information

24. Parties must present any written material at the Hearing electronically. Further Directions will be made with respect to the timing and format of this process following confirmation of the video conferencing platform.
25. After presenting to the Panel, submissions (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.
26. All information presented at the Hearing is a public document unless the Panel directs otherwise.

### Council Part B submission

27. At the Hearing, Council must provide a Part B submission that includes:
  - a) A summary of the key issues raised in submissions

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- b) its response to submissions and evidence
- c) its final position on the Amendment.

**Aerials and maps**

28. At the Hearing, Council should, if possible, arrange for:
- a) appropriate aerials and plans
  - b) access to Council's GIS maps/system

**Note:**

*These Directions include a number of specific times and dates when actions must be completed. It is important for the efficient functioning of this Hearing that these timelines are met in all instances. The Panel may not accept late documents or may require parties to formally seek leave to submit material beyond the time or date. This process may include the completion of a statutory declaration to explain why a document is late.*

*If exceptional circumstances prevent a party from meeting a deadline then the party should contact Planning Panels Victoria at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) before the expiry of the deadline.*