

**IN THE MATTER OF A PANEL HEARING CONCERNING PROPOSED
AMENDMENT C183 TO THE WHITTLESEA PLANNING SCHEME**

BETWEEN:

METROPOLITAN PLANNING AUTHORITY

and

WHITTLESEA CITY COUNCIL

and

HUME CITY COUNCIL

and

ENGLISH STREET DEVELOPMENT PARTNERS PTY LTD & ORS

CONSENT ORDERS

The parties request that the Panel proceed with the hearing of proposed Amendment C183 to the Whittlesea Planning Scheme (**Amendment**) on the following agreed bases:

1. By no later than close of business on Monday 27 July 2015 the Metropolitan Planning Authority (MPA) must forward written notice to the eighteen (18) properties¹ within the municipality of Hume which are affected by the growling grass frog conservation area (**Conservation Area**), with such notice to address the following matters:
 - 1.1 a Planning Panel has been convened to consider submissions in respect of the Amendment;
 - 1.2 the Amendment will consider matters concerning the Conservation Area as it affects properties within the Whittlesea municipality and the Panel will make recommendations concerning the Conservation Area;
 - 1.3 if, on account of the similarities of issues raised in the Amendment and the proposed Amendment C198 to the Hume Planning Scheme the owners of the notified properties wish to be heard in respect of the Amendment they must write to the MPA confirming this intention and advising of the matters upon which they intend to address the Panel at the hearing together with an estimate of the time their submission will take and whether they intend to call any evidence;
 - 1.4 the information outlined in paragraph 1.3 must be received by the MPA by no later than 11 August 2015; and
 - 1.5 the MPA, as planning authority, will refer any submission made in response to the notice given under this paragraph to the Panel.

¹ Such notice to be forwarded to the addresses of the 18 properties via Australia Post.

2. The MPA is to convene a conclave of experts or representatives to address the overall cost of the bridge (DCP Item BR-25.2-2 under the Amendment and DCP Item BR-25.1-1 under Hume Amendment C198) (Bridge).
3. The purpose of the conclave is to reach an agreed costing of the Bridge.
4. The conclave is to be conducted in the following manner:
 - 4.1 the conclave is to consist of a nominated representative from each of Whittlesea City Council, Hume City Council and English Street Development Partners Pty Ltd;
 - 4.2 each of Whittlesea City Council, Hume City Council and English Street Development Partners Pty Ltd are to provide the name and contact details of their nominated representative to the MPA as soon as practicable;
 - 4.3 apart from the nominated representatives, no party is to be represented at the conclave by any other person including legal or other advocates or clients;
 - 4.4 by 4 August 2015 the MPA will provide the parties with the costings peer review that has been carried out by Cardno;
 - 4.5 the MPA will host the conclave at its offices and will initially appear to run through the protocol with the representatives after which it will not participate in the conclave; and
 - 4.6 in respect of the issues identified in paragraph 2 and 3, the Bridge will need to be reviewed on a line by line basis during the conclave. When reviewing each line item, consensus in relation to the unit costing of each item will be achieved by the following:
 - agreed unanimously; or
 - through a majority vote; or
 - do not agree, in which case an explanation for the areas of disagreement will be given and the different costings noted.

The report of the representatives should be in the form of the table below.

Item and Cost	Unanimous	Majority	Disagree and comment and alternative costing

5. If the representatives agree to a change in the cost of the Bridge which is:
 - 5.1 greater than 20% of the exhibited cost; and
 - 5.2 in the opinion of the MPA, after consultation with the councils, that cost increase has a material effect on the DCP in Amendment C198 or the English Street DCP – the MPA will provide notice² to all land holders in the PSP or PSPs affected.
6. The councils reserve their rights to make submissions to the Panel in the event that they disagree with the MPA's determination on whether notice should be given.
7. Any person notified in accordance with paragraph 5 who wishes to be heard in respect of the Amendment must write to the MPA advising of this intention and of the matters upon which they intend to address the Panel at the hearing together with an estimate of the time their submission will take and whether they intend to call any evidence.

² Such notice to be forwarded via Australia Post

8. The information outlined in paragraph 7 must be received by the MPA by no later than 14 days after the date of the MPA letter.
9. The MPA, as planning authority, will refer any submission made in response to the notice given under this paragraph to the Panel.
10. In the event that the further notice concerning the Bridge is required to be given and that notice results in submissions, the parties acknowledge it may be necessary for a further hearing day to be listed shortly after the current Amendment hearing days of 31 August and 1 September, at a time convenient to the Panel and parties.

Reservation of rights

11. If it transpires that the Bridge is required to be relocated, the parties may make a submission to the C198 Panel on any consequential change to the DCP levy and the C198 Panel may consider those submissions upon their merits even if that potentially requires a further amendment to the English Street DCP levy (whether approved or not).

DATED:

Harwood Andrews
 Harwood Andrews for Hume City Council

Maddocks Lawyers
 Whittlesea City Council

[Signature]
 Metropolitan Planning Authority

[Signature]
 English Street Development Partners Pty Ltd