



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8392 5115

8 November 2018

As addressed

Dear Submitter,

## **Greater Geelong Planning Scheme Amendment C367: Mollers Lane, Leopold Permit Application No PP1463/2016**

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A Directions Hearing was held on 7 November 2018 at City Hall, Geelong in relation to the above Amendment and permit application. A copy of the Panel's Directions and Hearing Timetable are attached.

The following key dates are relevant to this matter:

- The Proponent's updated information must be circulated by **12.00pm on Friday 16 November 2018**
- Council's Part A submission and the Proponent's expert witness reports must be circulated by **12.00pm on Friday 23 November 2018**
- The Hearing will commence at **10.00am on Monday 3 December 2018** in **Meeting Room 3, City Hall, Geringhap Street Geelong**

The following information is enclosed for your information:

- Panel Directions
- Distribution List
- Hearing Timetable.

If you have any queries, 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,

**Sarah Carlisle**

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



# Panel Directions

Greater Geelong Planning Scheme Amendment C367: Mollers Lane, Leopold  
Permit Application No PP1463/2016

## Before the Hearing

### Updated information from the Proponent

1. The Proponent must circulate to all parties on the distribution list the following documents by **12.00pm on Friday 16 November 2018**:
  - a. updated version of the proposed overall development layout plan, showing its preferred outcomes for the south western corner of the subject land
  - b. updated Vegetation and Biodiversity Assessment prepared by Mark Trengove Ecological Services
  - c. updated version of the report by Venant Solutions titled Mollers Lane Development Lake Connewarre Impact Assessment Final Report, dated 3 February 2017.
  - d. Arborist's Report.

### Council Part A Submission

2. Council must circulate to all parties on the distribution list its 'Part A Submission' by **12.00pm on Friday 23 November 2018**. This should include:
  - a. background to the Amendment
  - b. chronology of events
  - c. clarification of whether Minister's authorisation for the Amendment included the land at 10 Willows Place
  - d. strategic context and assessment of the Amendment, including against the Bellarine Peninsula Localised Planning Statement
  - e. officer's assessment of the permit application, including:
    - i. clarification of which agencies are referral authorities, in what capacity (recommending or determining), and confirmation that the Panel has received copies of all referral authority responses, including any preliminary responses
    - ii. an assessment of the application against the requirements of Clause 52.17 and Clause 56 of the Greater Geelong Planning Scheme
  - f. an assessment of the impact (if any) of Amendment VC148 and Amendment VC154 on the proposal
  - g. clarification of the status of the combined amendment/permit application affecting the Eastern Ash land at 73-155 Ash Road, and its relationship to the proposal
  - h. identification of the issues raised in submissions
  - i. changes to the Amendment and permit documentation (if any) proposed as a result of the issues raised in submissions
  - j. copies of the following documents:
    - i. Mr Vella's withdrawal of his submission
    - ii. updated proposed permit conditions, marked up against the exhibited version, identifying the source/reason for the proposed change and confirmation that the updated conditions relate to the amended subdivision layout which the Proponent foreshadowed at the Directions Hearing would be circulated
    - iii. the Leopold Structure Plan 2011 (updated in 2013)
    - iv. the South East Leopold Framework Plan 2016

- v. any other strategic material Council intends to rely on in support of the Amendment.

Note: At the Hearing, Council's 'Part A Submission' will be taken as read by all parties. Council should allow time on Day 1 for questions of clarification from the Panel.

### Expert Witness Reports

3. Expert witnesses reports must comply with the Planning Panels Victoria Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>).
4. Expert witness reports should not refer to any individual submitter by name. If necessary, submitters may be referred to by submission number.
5. Council's Part A submission and the Proponent's expert witness reports must be circulated by 12.00pm on Friday 23 November 2018 in accordance with the attached Distribution List.
6. A copy of any expert witness report received must be made available on Council's website and at its office. Expert witness reports are to be uploaded to Council's website as soon as practicable after the required Council internal approval processes have been completed.
7. The Panel is to be provided with an 'unlocked' copy of any document circulated.

## At the Hearing

### Written Submissions at the Hearing

8. All parties should bring to the Hearing at least **six (6) hard copies** of additional written submissions and accompanying documents (i.e. photographs, plans). Copies of original submissions are not needed.
9. Written material presented at the Hearing should be two-hole punched and stapled (not bound).
10. Submissions (preferably in MS Word) should be emailed to the Panel after the Hearing at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).
11. Submissions and material presented at the Hearing including PowerPoint presentations are public documents and may be made available to other parties.

### Council Part B Submission

12. At the Hearing, Council must provide through its 'Part B Submission':
  - a. a summary of the key issues raised in submissions, and Council's response
  - b. its response to evidence tabled
  - c. an explanation of the rationale for the use of the Design and Development Overlay
  - d. in relation to the proposed extension of the Leopold settlement boundary, an explanation of:
    - i. how the extension of the settlement boundary will facilitate the benefits referred to in Item 25 of the Council minutes dated 20 September 2017
    - ii. whether there are any other strategic reasons for extending the settlement boundary
  - e. in relation to infrastructure:
    - i. an explanation of how the sequencing of infrastructure delivery required under the draft section 173 agreement will work, given multiple land owners
    - ii. clarification of whether Council and the Proponent are in agreement in relation to the proposed rate of developer contributions set out in the draft section 173 agreement
    - iii. an update on any areas of agreement and/or dispute between Council and the Proponent in relation to the projects outlined in Schedule 3 of the proposed section 173 agreement (if there have been any changes since the submission from TGM Group dated 14 June 2018)

- iv. proposed ongoing ownership and management arrangements for the on-site stormwater basins and drainage reserves, including the timing of when the drainage reserves will be transferred to Council, and future zoning of the reserve areas
- v. proposed ongoing management arrangements for the drainage features located on privately owned land to the south of the subject land, into which stormwater run-off from the site is proposed to be directed prior to being discharged to Lake Connewarre
- f. an explanation of how the objectives of the Significant Landscape Overlay Schedule 10 will be achieved with the deletion of the overlay from the subject land
- g. the justification for the requirements in proposed permit condition 34 relating to environmental assessments and contamination
- h. an explanation of what (if any) measures are proposed to address potential land use conflicts between the proposed development and duck shooters using the Lake Connewarre State Game Reserve
- i. an update on areas of agreement and dispute between Council and the Proponent in relation to the proposed Amendment and permit conditions (if there have been any changes since the submission from TGM Group dated 14 June 2018)
- j. Council's final position on the Amendment.

### **Proponent Submission**

13. At the Hearing, the Proponent must address the following issues, either through submissions or through expert evidence:

- a. an explanation of whether or not the proposal will require referral under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*, and why
- b. clarification of whether the assessments prepared in support of the Amendment and permit application have considered the land at 10 Willows Place
- c. clarification of the caveat that appears to apply to parcel 9225/576, including which lot(s) the caveat relates to, and whether it would prevent the registration of a section 173 agreement on the land
- d. further detail in relation to the existing strategic water supply pipelines traversing the land (referred to in proposed permit condition 95), and how they may be impacted by the proposed development
- e. clarification of the status of discussions with the Lutheran Church, and how these might affect the proposed development
- f. further justification of the changes to the Amendment and permit conditions sought in the submission from TGM Group to Council dated 14 June 2018.

14. At the Hearing, the Proponent must provide copies of updated title searches for the subject land.

### **Aerials and maps**

15. At the Hearing, Council should arrange for:

- a. a map showing the location of submitters by submitter number. This map:
  - i. must not show submitter names
  - ii. does not need to show the location of pro-forma submitters
  - iii. must not be placed on the internet or replicated in any report.
- b. appropriate aerials and plans at large scale
- c. access to Council's GIS maps/system.

# Distribution List

Greater Geelong Planning Scheme Amendment C367: Mollers Lane, Leopold  
Permit Application No PP1463/2016

This list is to be used to circulate expert witness statements and any other information as directed by the Panel.

## Electronic documents

Party	email address
Planning Panels Victoria	<a href="mailto:planning.panels@delwp.vic.gov.au">planning.panels@delwp.vic.gov.au</a>
City of Greater Geelong	<a href="mailto:swilliamson@geelongcity.vic.gov.au">swilliamson@geelongcity.vic.gov.au</a> <a href="mailto:lstockley@geelongcity.vic.gov.au">lstockley@geelongcity.vic.gov.au</a>
Proponent	<a href="mailto:chrism@tgmgroup.com">chrism@tgmgroup.com</a> <a href="mailto:jarryd.gray@minterellison.com">jarryd.gray@minterellison.com</a>
Transport for Victoria	<a href="mailto:nicolas.olivares@ecodev.vic.gov.au">nicolas.olivares@ecodev.vic.gov.au</a>

## Hard copies

Party	No of Copies
<b>Planning Panels Victoria</b> Attn: The Panel Coordinator GPO Box 2392 Melbourne, Victoria 3001 (By courier to Level 5, 1 Spring Street, Melbourne 3000 and mark as 'Urgent')	3 copies

# Timetable

Greater Geelong Planning Scheme Amendment C367: Mollers Lane, Leopold  
Permit Application No PP1463/2016

## Day 1: Monday 3 December 2018

Venue: Meeting Room 3, City Hall, Geringhap Street Geelong

Time	Party	Sub No	Allocated
10.00am	Preliminary matters		15 mins
10.15am-11.45am	<b>City of Greater Geelong</b> represented by Susan Williamson and Leanne Stockley		3 hours
11.45am-12.00pm	<i>Break</i>		<i>15 mins</i>
12.00pm-1.00pm	City of Greater Geelong cont		
<b>1.00pm</b>	<b>Lunch Break</b>		
2.00-2.30pm	City of Greater Geelong cont		
2.30pm-4.30pm	<b>Proponent</b> represented by Stuart Morris QC instructed by Minter Ellison, calling the following expert evidence: <ul style="list-style-type: none"><li>- Amanda Ring from SJB Planning in town planning</li><li>- Dr Mark Jempson of Venant Solutions in hydrology</li><li>- Alan Wyatt of Xurban in landscape architecture and urban design</li><li>- Jason Walsh of Traffix Group in traffic</li></ul>		1.5 days

## Day 2: Tuesday 4 December 2018

Venue: Meeting Room 4, City Hall, Geringhap Street Geelong

Time	Party	Sub No	Allocated
10.00am-10.15am	Preliminary matters		15 mins
10.15am-11.45am	<b>Proponent</b> cont		
11.45am-12.00pm	<i>Break</i>		<i>15 mins</i>
12.00pm-1.00pm	<b>Proponent</b> cont		
<b>1.00pm – 2.00pm</b>	<b>Lunch Break</b>		
2.00pm-4.30pm	<b>Proponent</b> cont		

**Day 3: Wednesday 5 December 2018**

Venue: Meeting Room 4, City Hall, Geringhap Street Geelong

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am-11.30am	<b>Proponent</b> cont (if possible, Proponent is to call Jason Walsh of Traffix Group in this session)		1 hr 15 mins
<i>11.30am-11.45am</i>	<i>Break</i>		<i>15 mins</i>
11.45am-12.15pm	<b>Transport for Victoria</b> , represented by Nicolas Olivares		30 mins

**Hearing Timetable Notes:**

1. This timetable may be amended without notice.
2. Please arrive at least 15 minutes before your scheduled time of commencement. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as practicable.
3. Any queries regarding this timetable should be made to Laura Agius, Panel Coordinator on 8392 5115
4. **Getting to City Hall: LA to confirm with Council**