



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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Melbourne Victoria 3000
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Melbourne, Victoria 3001
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29 October 2021

Dear Party

Greater Geelong Planning Scheme Amendment C391ggee and Planning Permit Application 39-2019

The Panel held a Directions Hearing for the above matter on 28 October 2021 by video conference. Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Wednesday, 3 November 2021	Council must supply the documents specified	2
12 noon	Monday, 8 November 2021	Council must establish a video conference link	5
12 noon	Monday, 15 November 2021	Council must file and circulate its Part A submission	6
12 noon	Monday, 15 November 2021	Proponent must file and circulate Expert witness reports	8
12 noon	Friday, 19 November 2021	Council and the Proponent must file and circulate its opening submissions	12
12 noon	The day prior to submission	Submissions and presentations to be filed and circulated	13
10.00am	The day scheduled to appear	Expert witness presentation	15
10.00am	Monday, 22 November 2021	Video conference Hearing commences	

If you have questions, please contact please contact Kimberly Martin, Senior Project Officer of Planning Panels Victoria on (03) 8624 3266 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

Kathy Mitchell AM
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



Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically by blind copying all parties on the distribution list. Paper documents will only be permitted in exceptional circumstances.
2. City of Greater Geelong (**Council**) must provide the following documents to the Panel and parties on the distribution list by **12 noon on Wednesday, 3 November 2021**.
 - a) A plan in the form of a map of the areas it considers the Panel should visit, noting it will generally only view the areas from the public domain. If submitters can provide Council with suggestions of areas to visit, which may include private property, this is to be coordinated by Council and the Proponent and provided to the Panel through Ms Martin.
 - b) A copy of the traffic impact assessment report prepared by CardnoTGM.
 - c) Copies of the Leopold Structure Plan 2011 (amended 2013) and the South East Leopold Framework Plan 2016 and an understanding of the process for each of these for inclusion in the Greater Geelong Planning Scheme.
 - d) Copy of Planning Permit 1463-2016.
3. Council to provide the following information as part of its Part A submission and/or the Proponent as part of its opening submissions:
 - a) Clarification whether it is expected the Panel will be required to consider the proposed development contributions and/or the Section 173 agreement.
 - b) An understanding of recent residential subdivision and development in Leopold and the extent of any future residential subdivision and development. Additionally, provide information on which areas were subject to a Design and Development Overlay.
 - c) Explain reasons why the Design and Development Overlay is used, instead of a Development Plan Overlay.
 - d) Explain why planning permits for the whole area proposed to be rezoned are not being sought..
 - e) Explain how this Amendment and planning permit application intersects with the Distinctive Areas and Landscape process.
 - f) Provide information about the level of engagement with the Wadawurrung people.

Video conference Hearing

4. The Hearing will be held online via video conference commencing at **10.00am on Monday, 22 November 2021**.
5. The Council must establish the video conference arrangements by **Monday, 8 November 2021** and provide the video conference link to the Panel and circulate it to participants, as well as provide a link on Council's website for other interested people.

Council Part A submission

6. Council must file and circulate a Part A submission to parties on the distribution list by **12 noon on Monday, 15 November 2021** that includes:
 - a) background to the Amendment including chronology of events
 - b) strategic context and assessment
 - c) issues identified in submissions
 - d) any suggested changes to the Amendment in response to submissions
 - e) any matter it can address in 3 above.

Directions:

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

Witness reports

7. 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 (*Note: it can refer to community groups, organisations, corporations and government agencies*)
 - c) be provided to the Panel as an unlocked document.
8. The Proponent must file and circulate its witness reports to parties on the distribution list by **12 noon on Monday, 15 November 2021**.

At the Hearing

Submissions and information

9. Parties must present material at the Hearing electronically.
10. Electronic information must be circulated to parties on the distribution list by **12 noon on the day before** the information is to be presented at the Hearing.
11. All information presented at the Hearing is a public document (unless the Panel directs otherwise).

Council and the Proponent Opening submission

12. At the Hearing, Council and Eastern Ash Pty Ltd (**the Proponent**) must provide an opening submission by **12 noon on Friday, 19 November 2021** that includes:
 - a) its response to submissions and evidence
 - b) its final position on the Amendment.

All other submitters

13. Submissions and presentations to be made to the Panel must be circulated to all parties on the distribution list by **12 noon on the day before** the information is to be presented at the Hearing.

Evidence and cross examination

14. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 - 45 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 **10.00am the morning** that witness is scheduled to appear.
16. Parties, advocates and the Panel may question a witness.
17. During the Hearing 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

Directions:

- 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.

Other information

- 20. 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.
- 21. All information presented at the Hearing is a public document unless the Panel directs otherwise.

Closing submissions

- 22. Council and the Proponent will be provided time to present a closing submission.
- 23. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.
- 24. Parties must not record any part of an electronic hearing by any means without permission from the Panel.

Compliance with Panel directions

- 25. All directions must be complied with.
- 26. 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.
- 27. The Panel may:
 - a) refuse to hear from anyone who fails to comply with a direction.
 - b) not accept evidence if leave to vary a direction for the circulation of evidence is not sought or granted.

Distribution list

Greater Geelong Planning Scheme Amendment C391ggee and Planning Permit Application 39-2019

Use this list to circulate expert witness statements and other information requested by the Panel. It must not be used for any other purpose.

Version 1

Electronic documents

Party	email address
Planning Panels Victoria	planning_panels@delwp.vic.gov.au
City of Greater Geelong	swilliamson@geelongcity.vic.gov.au
Eastern Ash Pty Ltd (Proponent)	Briana.eastaugh@maddocks.com.au amelia.hunter@maddocks.com.au
Department of Transport	nikit.nain@transport.vic.gov.au
H.B Parker Pharmacy Superannuation Fund	Chris.Marshall@cardno.com.au
Moller Lane Developments	Chris.Marshall@cardno.com.au

Timetable

Greater Geelong Planning Scheme Amendment C391ggee and Planning Permit Application 39-2019

Timetable Version 1

Day 1: Monday 22 November 2021

Venue: Video conference (TBA)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	City of Greater Geelong represented by Susan Williamson		2.5 hours
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Eastern Ash Pty Ltd (Proponent) represented by Brianna Eastaugh of Maddocks and calling expert evidence on: <ul style="list-style-type: none">- Drainage from Warwick Bishop of Water Technology- Traffic from Brett Young of Ratio Consultants		1.5 days

Day 2: Tuesday 23 November 2021

Venue: Video conference (TBA)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 12.30pm	Proponent continued		
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 2.30pm	Proponent continued (if required)		
2.30pm – 2.45pm	Break		1 hour
2.45pm – 3.30pm	H.B Parker Pharmacy Superannuation Fund represented by Chris Marshall of CardnoTGM	10	45 mins
3.30pm – 4.00pm	Moller Lane Developments represented by Chris Marshall of CardnoTGM	17	30 mins

Timetable Version 1:

Greater Geelong Planning Scheme Amendment C391ggee and Planning Permit Application 39-2019

Day 3: Thursday 25 November 2021

Venue: Video conference (TBA)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Proponent continued and calling expert evidence on: - Stormwater and biodiversity from Lance Lloyd of Lloyd Environmental		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 2.30pm	Discussion about permit conditions		
2.30pm – 3.00pm	Council – closing submission		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 3.45pm	Proponent – closing submission		

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. If you have any questions about the timetable, please Kimberly Martin, Senior Project Officer of Planning Panels Victoria on (03) 8624 3266.