

FURTHER DIRECTION – 7 November 2019

Submissions

The Panel issued Directions to Council on 1 November 2019 (Document 75) seeking a response to a number of matters arising from submissions, evidence and the Panel's review of the Amendment.

On Day 5 of the Hearing, Council submitted Document 78 and 79 which, in part responded to some of the matters raised in the further Direction.

In Document 78, Council noted at paragraph 12:

The key criticisms and issues raised by submitters and the Panel are all significant issues. Council humbly requests it be given additional time to reflect and provide further advice on the evidence and submissions put at the Panel hearing and to propose further changes to the Amendment to address the key issues in contention and also improve the drafting of the proposed Amendment documents.

In this regard, Council proposed that it be given four weeks to seek advice from its expert (Mr Szafraniec) and provide its response.

The parties present (Lascorp, Kaufland and Shell Road Developments) did not object to that course of action.

Lascorp provided a marked-up version of Clauses 21.14 and 21.19 (Document 80), and Kaufland noted it preferred to provide its mark ups once Council had finalised its Amendment documentation (Document 76).

Mr Townshend for Lascorp noted his concern about the parallel process of this Amendment with that of Greater Geelong Amendment C395 (Settlement Strategy) where he has consistently maintained the importance to his client of having an outcome through this Amendment process before he provides his evidence and then submissions to that Panel in early February 2020. He was concerned about delays in reporting on this Amendment and while not objecting to Council's preferred process going forward, he asked the Panel to consider providing an interim report.

Panel response and directions

The Panel considered these requests.

It acknowledged that Council has fairly responded that there are significant issues with the Retail Strategy and the associated policy that are unable to be reconciled on this last day of the Hearing. The Panel recognised that Council has sought additional time to fully respond to the further Directions of 1 November 2019 and the submissions and evidence of other parties. The Panel noted Council proposed a timetable that effectively means possible hearing dates in late January 2020 if further notice (ie broader than the parties to the Hearing) is deemed necessary.

The Panel directs that Council provide its further information in response to the evidence and submissions made at the Hearing, and to the further Directions of the Panel (Document 75) by 12.00 noon on Friday 6 December 2019 and copied to all parties on the Distribution List.

Greater Geelong C393: Greater Geelong Retail Strategy

The Panel has set aside four hours on Tuesday 10 December 2019 for either a second Directions Hearing or a final Hearing from 9.00am to 1.00pm in Hearing Room 2. If further notice is required, parties will have until 17 January 2020 to provide any additional submissions and evidence. If further hearings are required, the days of 21, 22, and 23 January 2020 have been set aside for this purpose.

The Panel advises that under these circumstances, and because outstanding contentious issues would not be addressed in an interim report, it is not inclined to issue an interim report. However, the Panel advised that if the hearings extend into late January 2020, it has committed to provide its final report 10 business days from its final hearing date.

Mr Townshend asked the Panel to record his submission that he sought the Planning Authority to release the Panel report as soon as it was received to enable him to prepare for his case at the Amendment C395 hearings. Ms Morris noted she was not acting for Council in that Hearing and the Planning Authority did not affirm its position.

Kathy Mitchell, Panel Chair