



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

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Melbourne, Victoria 3001  
Telephone (03) 8392 5115

23 April 2020

As addressed

Dear Party,

## **Greater Geelong Planning Scheme Amendment C401: Mt Duneed Community Care Accommodation Facility**

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The Panel conducted a Directions Hearing for the above matter on 21 April 2020 via video conference. A recording was made of the Directions Hearing. Please contact Nicola Clark, Senior Project Officer of Planning Panels Victoria via [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) if you would like a copy of the recording.

Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

### **Declarations**

Mr Forrest made the following declaration at the Directions Hearing:

*I note that the proponent Foundation 61 is a 'Learn Local' provider. This marketing label is used by approximately 400 local community organisations funded under the State Adult Community and Further Education (ACFE) Program. The Program is overseen by the State ACFE Board, of which I was a member from 2002 – 2012. The Board has strategic statewide oversight of the program. It does not have a relationship with individual providers. I had no dealings with Foundation 61 during my time on the Board, nor at any other time.*

No parties raised any concerns in relation to the declaration.

### **Additional witnesses**

As noted in its email to all parties dated 22 April 2020, the Panel has accepted a late request from the Proponent to call two additional witnesses:

- John Thomson of Thomson Goodall Associated Pty Ltd, in relation to the management practices of a rehabilitation centre
- Rob Lytzki, the facilities manager at the Foundation 61 men's rehabilitation centre in Williams Road.

They have been added to the attached Timetable.

### **Site visit to the men's facility**

There was some discussion of whether the Panel should undertake an accompanied site visit of the existing men's facility operated by the Proponent in Williams Road. The Panel considers that this inspection, which would need to be open to all parties to attend, should not take place while the current COVID-19 social distancing restrictions remain in place.

#### **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 3002



However the Panel invites the Proponent to record a ‘virtual’ video visit to the men’s facility that could be played at the Hearing as part of the Proponent’s submission. The Panel would be particularly interested in seeing:

- access arrangements
- reception facilities where residents are welcomed and checked in
- communal internal spaces
- outdoor open spaces.

The Panel invites the Proponent to provide some audio on the recording that explains how the spaces shown on the video are used, by whom and under what conditions (for example, are residents supervised when using outdoor open space?). The Proponent should feel free to address any of the matters referred to in Direction 10(a) in the recording.

### Summary of key dates

The key dates for each step in the process are:

4.00pm	Monday, 4 May 2020	The Proponent must circulate the information listed in Direction 2
4.00pm	Monday, 4 May 2020	Council must circulate the information listed in Direction 3
4.00pm	Monday, 4 May 2020	All parties who have not already done so must confirm whether they wish to present their submission orally via video conference or in writing (Direction 4) <ul style="list-style-type: none"> <li>- Ms Bullen</li> <li>- Ms Rossack</li> <li>- Geelong Field Naturalists Club Inc</li> </ul>
4.00pm	Monday, 11 May 2020	The Proponent must circulate its evidence (Direction 6)
4.00pm	Monday, 11 May 2020	Council must circulate its Part A submission (Direction 8)
12.00pm	Friday, 15 May 2020	Parties must advise the Panel whether they intend to participate in the witness video conference sessions (Direction 12)
12.00pm	Friday, 15 May 2020	Parties must submit any written questions for witnesses to the Panel to consolidate into a Witness Question Document (Direction 13)
4.00pm	Friday, 15 May 2020	Council must circulate its Part B submission (Direction 9)
9.00am	Monday, 18 May 2020	The Proponent must circulate its submission (Direction 10)
10.00am	Monday, 18 May 2020	Video conference session for Council’s Part B submission (Direction 9)
2.00pm	Monday, 18 May 2020	Video conference session for Proponent’s submission (Direction 10) and evidence of Rob Lytzki (Direction 11)
4.00pm	Monday, 18 May 2020	Expert witnesses must respond to the Witness Question Document in writing (Direction 14)
10.00am	Tuesday, 19 May 2020	Witness video conference session for Rob Milner (Direction 11)
12.30pm	Tuesday, 19 May 2020	Witness video conference session for Mark Stockdale (Direction 11)

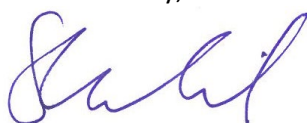
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3.00pm	Tuesday, 19 May 2020	Witness video conference session for John Thomson (Direction 11)
4.00pm	Tuesday, 19 May 2020	All parties intending to make a written submission must circulate their written submissions (Direction 15)
10.00am	Wednesday, 20 May 2020	Video conference sessions for other parties who wish to present orally (see timetable)
3.00pm	Wednesday, 20 May 2020	Video conference session for Council closing submission and Proponent closing submission (Direction 19)

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If you have questions, please contact Nicola Clark via [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,



**Sarah Carlisle**  
Panel Chair

# Panel Directions

Greater Geelong Planning Scheme Amendment C401: Mt Duneed Community Care  
Accommodation Facility

## Before the Hearing

### Circulation of documents

1. Documents must be circulated electronically.
2. The **Proponent** must provide the following documents to parties on the distribution list by **4.00pm on Monday 4 May 2020**:
  - a) the revised site plan
  - b) the revised landscaping plan
  - c) the revised native vegetation removal report, including:
    - (i) confirmation that the revised report has been provided to DELWP
    - (ii) any response from DELWP in relation to the revised native vegetation report
  - d) the revised Traffic Impact Assessment
  - e) the draft Facilities Management Plan
  - f) the draft Emergency Management Plan
  - g) revised versions of any other supporting reports that were exhibited with the Amendment that have been updated since exhibition.
3. **Council** must provide the following documents to parties on the distribution list by **4.00pm on Monday 4 May 2020**:
  - a) a map showing the location of the gun club, relative to the site.

### Confirmation of whether submissions are to be presented orally or in writing

4. All parties who have not already done so must confirm with the Panel by **4.00pm on Monday 4 May 2020** whether they wish to present their submission orally via video conference or in writing.

### Proponent's evidence

5. 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.
6. The **Proponent** must circulate its witness reports to parties on the distribution list **by 4.00pm on Monday 11 May 2020**.
7. **Council** must publish all witness reports on its website.

### Council's Part A submission

8. **Council** must circulate a Part A submission to parties on the distribution list by **4.00pm on Monday 11 May 2020** that includes:
  - a) A summary of the strategic context, including:
    - (i) relevant planning policies and controls
    - (ii) other amendments that may be under preparation or recently approved that may impact on the Amendment

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- (iii) other current permit applications that may impact on the Amendment or the use and development of the land as a drug and alcohol rehabilitation facility
- b) A summary of the conditions of authorisation, and how those conditions have been met
- c) Information about the Mt Duneed Recreation Reserve, including:
  - (i) a map showing the full extent of the Recreation Reserve in relation to the site
  - (ii) an explanation of the management arrangements for the Reserve
  - (iii) an explanation of the existing and proposed uses of the Reserve
  - (iv) an explanation of the conservation values of the Reserve
  - (v) an explanation of any analysis undertaken by Council in relation to future demands on the Reserve generated by residential development in Armstrong Creek and Mt Duneed
- d) A map showing the location of submitters by submitter number. This map must not show submitter names and must not be placed on the internet or replicated in any report
- e) A summary of the main issues raised in submissions
- f) Any changes Council proposes to make to the Amendment in response to submissions, including a marked up version of the Incorporated Document and the Amendment documents
- g) Any other strategic material that Council intends to rely upon in support of the Amendment that has not yet been provided, or that might assist the Panel in its consideration of the Amendment.

## At the Hearing

### Council's Part B submission

9. **Council's Part B submission must be circulated to all parties on the distribution list by 4.00pm on Friday 15 May 2020. Council must present its Part B submission via video conference at 10.00am on Monday 18 May 2020. The Part B submission must include:**
- a) Council's response to the issues raised in submissions, including a detailed response to the issues relating to potential conflicts between the proposed use and development on the site and current and future uses of the Mt Duneed Recreation Reserve
  - b) Council's response to expert evidence
  - c) An assessment of the proposal against the requirements of Clause 52.17, the Environmental Significance Overlay and the Vegetation Protection Overlay
  - d) Council's response to the revised native vegetation report and any response from DELWP in relation to the revised report
  - e) An explanation of what, if any, role Council considers the Mt Duneed Recreation Reserve may play in accommodating vegetation offsets that may be required in response to the removal of native vegetation on the site
  - f) An explanation of the traffic engineering justification for the proposed reduction in onsite car parking shown on the revised site plan (from 24 spaces on the exhibited plan to 12 spaces on the revised plan)
  - g) Any further changes Council proposes to make to the Amendment in response to expert evidence or submissions
  - h) Council's final position on the Amendment.

### Proponent's submission

10. The **Proponent's submission must be circulated to all parties on the distribution list by 9.00am on Monday 18 May 2020. The Proponent must present its submission via video conference at 2.00pm on Monday 18 May 2020. The submission must include:**
- a) an explanation of its existing facility in Williams Road Mt Duneed, including:

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- (i) how many patients are housed at the facility
  - (ii) how the facility is staffed
  - (iii) arrangements and areas for indoor and outdoor recreation and group work
  - (iv) surrounding land uses including the number of dwellings and how far they are from the facility
  - (v) any key management and operating restrictions that apply to the facility, in particular friends and family visitations and management of drug affected residents
  - (vi) how staff and resident safety is addressed in terms of design elements of the facility
- b) advice as to whether there have been any concerns or complaints from the surrounding community in relation to the Williams Road facility
  - c) advice as to how learnings from managing the Williams Road facility influence programming and management for the proposed women's facility
  - d) a response to the issues raised in evidence and submissions
  - e) a response to Council's proposed changes to the Incorporated Document.

*Note: The Proponent may choose to address some of these matters through the evidence of Mr Lytzki rather than through submissions.*

**Evidence and cross examination**

11. The Panel directs that evidence be presented and cross examination take place via video conference on the following dates:
  - Rob Lytzki during the session for the Proponent's submissions commencing at **2.00pm on Monday 18 May 2020**
  - Rob Milner at **10.00am on Tuesday 19 May 2020**
  - Mark Stockdale at **12.30pm on Tuesday 19 May 2020**
  - John Thomson at **3.00pm on Tuesday 19 May 2020.**

Details of the video conferencing platform and log-in details will be provided in due course.

12. Parties must advise the Panel by **12.00pm on Friday 15 May 2020** whether they intend to participate in the witness video conference sessions, including whether they intend to cross examine or ask questions of the witness, and how long they anticipate they may require for questions and/or cross examination.
13. Parties who do not wish to participate in the witness video conference sessions but wish to put questions to the witness in writing instead must provide their questions to the Panel by **12.00pm on Friday 15 May 2020**, for the Panel to consolidate into a Witness Question Document for each Witness. The Document will be forwarded to the relevant witness by 4.00pm Friday 15 May 2020.
14. Any witness who receives a Witness Question Document from the Panel must provide a written response to the Panel by **4.00pm on Monday 18 May 2020.**

**Other submissions and information**

15. All parties who intend to make their submissions in writing must circulate their written submissions to the Panel and all other parties **by 4.00pm on Tuesday 19 May 2020.**
16. Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list by 4.00pm on the day before the party presenting the material is due to present.
17. After presenting to the Panel, submissions and other material (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.
18. All information presented at the Hearing is a public document unless the Panel directs otherwise.

**Directions:**

Greater Geelong Planning Scheme Amendment C401: Mt Duneed Community Care Accommodation Facility

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**Closing submissions**

19. Council and the Proponent may present a closing submission via video conference at **3.00pm on Wednesday 20 May 2020**. The closing submission may respond to matters raised in other parties' submissions, the witness video conference sessions and the Witness Question Documents and responses (if any). The closing submission must not raise new matters.

# Distribution list

Greater Geelong Planning Scheme Amendment C401: Mt Duneed Community Care  
Accommodation Facility

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

Party	email address
<b>Planning Panels Victoria</b>	<a href="mailto:planning.panels@delwp.vic.gov.au">planning.panels@delwp.vic.gov.au</a>
<b>Greater Geelong City Council</b>	<a href="mailto:sthiele@geelongcity.vic.gov.au">sthiele@geelongcity.vic.gov.au</a> <a href="mailto:amendments@geelongcity.vic.gov.au">amendments@geelongcity.vic.gov.au</a> <a href="mailto:psmith@geelongcity.vic.gov.au">psmith@geelongcity.vic.gov.au</a>
<b>Proponent</b>	<a href="mailto:brendon@stqc.com.au">brendon@stqc.com.au</a>
<b>Jennie Macaulay</b>	<a href="mailto:j.macaul@bigpond.net.au">j.macaul@bigpond.net.au</a>
<b>Jan and Ray Calaby</b>	<a href="mailto:calabyfamily@gmail.com">calabyfamily@gmail.com</a>
<b>Geelong Field Naturalists Club Inc</b>	<a href="mailto:philhunter295@hotmail.com">philhunter295@hotmail.com</a>
<b>Ann Bullen</b>	<a href="mailto:rob.bullen@bigpond.com">rob.bullen@bigpond.com</a>
<b>Marilyn Rossack</b>	<a href="mailto:marilynandkev@bigpond.com">marilynandkev@bigpond.com</a>

# Timetable

Greater Geelong Planning Scheme Amendment C401: Mt Duneed Community Care  
Accommodation Facility

## Day 1: Monday 18 May 2020

### Videoconference sessions – details to be provided

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters Confirmation that all material has been properly circulated	15 mins
10.15am – 12.15pm	<b>Part B submission from Council</b> to be presented by Stuart Thiele	2 hours
2.00pm – 4.00pm	<b>Submissions from the Proponent</b> represented by Chris Wren QC instructed by Brendon O’Loan of St Quentin Consulting, and calling evidence from: <ul style="list-style-type: none"><li>- Rob Lytzki of Foundation 61 (Manager of the Men’s Facility in Williams Road).</li></ul> On Day 2, the Proponent will call expert evidence from: <ul style="list-style-type: none"><li>- Rob Milner of Kinetica on planning</li><li>- Mark Stockdale of Okologie Consulting on ecology</li><li>- John Thomson of Thomson Goodall Associates Pty Ltd on management practices of rehab facilities</li></ul>	2 hours

## Day 2: Tuesday 19 May 2020

### Videoconference sessions – details to be provided

Time	Party	Allocated
10.00am – 12.00pm	Evidence and cross examination of <b>Rob Milner</b>	2 hours
12.30pm – 2.30pm	Evidence and cross examination of <b>Mark Stockdale</b>	2 hours
3.00pm – 4.00pm	Evidence and cross examination of <b>John Thomson</b>	1 hour

## Day 3: Wednesday 20 May 2020

### Videoconference sessions – details to be provided

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 12.15pm	Oral submissions from <ul style="list-style-type: none"><li>- <b>Jan and Ray Calaby</b> (submission 7)</li><li>- <b>Jennie Macaulay</b> (submission 26)</li><li>- <b>Ann Bullen</b> (if required) (submission 6)</li></ul>	1 hour 10 mins 40 mins
1.30pm – 2.30pm	Oral submissions from the following submitters (if required) <ul style="list-style-type: none"><li>- <b>Geelong Field Naturalists Club</b> (submission 20)</li><li>- <b>Ms Rossack</b></li></ul>	45 mins 15 mins

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3.00pm – 4.00pm	Closing submissions from	
	- <b>the Proponent</b>	30 mins
	- <b>Council</b>	30 mins

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### Hearing Timetable Notes:

1. The Panel may amend the timetable if COVID-19 restrictions are altered.
2. Please log on to the video conference sessions at least 15 minutes before the scheduled commencement time.
3. If you are unable to be present at your scheduled time, or if you have any questions about the timetable, please contact Nicola Clark via [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).