



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8624 5712

17 December 2021

Dear Party,

Greater Geelong Planning Scheme Amendment C408 and permit application: Rezoning and subdivision of the land at 31-49 Melaluka Road Leopold

The Panel held a Directions Hearing for the above matter on 31 January 2022 via videoconference. Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12 noon	Monday, 10 January 2022	Council must supply the documents specified	6
12 noon	Monday, 24 January 2022	Council must circulate its Part A submission	7
12 noon	Thursday, 27 January 2022	Council must circulate its Part B submission	12
12 noon	Thursday, 27 January 2022	The Proponent must circulate its submission	13
12 noon	Thursday, 27 January 2022	Any supplementary submission from a party not appearing at the Hearing must be circulated	15
10 am	Monday, 31 January 2022	Video conference Hearing commences	

Declarations

Gabby McMillan declared that she is the current President of the Victorian Division of the Planning Institute of Australia. Gabby McMillan also declared that she recently provided regulatory advice to an environmental consulting firm, Biosis Pty Ltd who is currently engaged to provide advice to the City of Greater Geelong on a strategic planning project involving processes under the EPBC Act.

Geoffrey Carruthers declared that he is currently writing a Panel report for amendment C391ggee.

No concerns were raised at the Directions Hearing.

Procedural matters

The Panel was provided with a subdivision plan prepared by Cardno TGM dated 22 November 2021 (Version C plan) prior to the Directions Hearing. At the Directions Hearing Council indicated that an updated version of the subdivision plan (Version E) was uploaded on Council's website part way through the exhibition process. Council advised that the Version E plan was prepared in response to a submission from Barwon Water.

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



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It is not clear to the Panel whether parties were given notice of the Revision E plan. The subdivision plan available on Council's website on 14 December 2021 was Revision C.

The Panel will consider Revision C of the subdivision plan at the hearing. As indicated at the Directions Hearing, the Panel will direct Council to document the chronology of events and documents submitted during the process, including all plan revisions.

If you have questions, please contact Planning Panels Victoria on (03) 8624 5712 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

Gabby McMillan
Panel Chair

Panel Directions

Greater Geelong Planning Scheme Amendment C408 and permit application:
Rezoning and subdivision of the land at 31-49 Melaluka Road Leopold

Before the Hearing

Hearing administration

1. Council must host and manage the video conference.

Circulation and sharing of documents

2. Documents must be circulated electronically to all parties on the Distribution list.
3. Files should not exceed 20MB in size. Documents larger than 20MB should be broken down into smaller files less than 20MB.
4. File names should be as short as possible.
5. Paper documents will only be permitted in exceptional circumstances. If any party has issues supplying documents electronically, they should contact Planning Panels Victoria.
6. Council must provide the following documents to parties on the distribution list by **12 noon on 10 January 2022**:
 - a) A chronology that documents the Amendment and planning permit process, including reference to documents and plans submitted at each stage of the process, material considered by Council
 - b) Copies of any documents (clearly labelled) referred to in that chronology of events.

Council Part A submission

7. Council must circulate a Part A submission to parties on the distribution list by 12 noon **on 24 January 2022** 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) confirm whether it intends to request any further contamination assessment of the site in response to EPA's submission.
 - f) Confirm whether it considers the Amendment and planning permit application meet Ministerial Direction 1, Ministerial Direction 19 and Planning Practice Note 30

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.

At the Hearing

Submissions and information

8. Parties must present material at the Hearing electronically.
9. 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.
10. If the Panel has allowed you to present a paper document at the Hearing:
 - a) at least three (3) copies must be provided, two-hole punched and stapled (not bound)
 - b) after presenting to the Panel, submissions (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.
11. All information presented at the Hearing is a public document for the purposes of the Panel process unless the Panel directs otherwise.

Council Part B submission

12. At the Hearing, Council must provide a Part B submission that includes:
- a) confirm its position in relation to agency referral responses
 - b) its response to submissions
 - c) its final position on the Amendment and draft planning permit conditions.

Proponent submission

13. At the Hearing, the Proponent must address the following issues:
- a) confirm how the Amendment and planning permit application meet Ministerial Direction 1, Ministerial Direction 19 and Planning Practice Note 30
 - b) confirm whether General Environmental Duty under the new Environment Protection Act 2017 affects any of the previous work completed in support of the Amendment and planning permit application.
 - c) a response to Council's proposed permit conditions.

Written submissions

14. A party who intends to supplement their original submission (without orally presenting that submission) must circulate their written submission to parties on the distribution list by **12 noon on**

Other information

15. Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list by **12 noon on the business day before** the party presenting the material is due to present.
16. 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.
17. All information presented at the Hearing is a public document unless the Panel directs otherwise.

Closing submissions

18. Council and the Proponent (if relevant) will be provided time to present a closing submission.
19. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Recording Hearings and use of personal information

20. Parties must not record any part of an electronic hearing by any means without permission from the Panel.
21. In exceptional cases, the Chair may direct that the Hearing be recorded. A party who wishes proceedings to be recorded must make a request to the Panel at least five business days before the commencement of the Directions Hearing, outlining its reasons.
22. If Planning Panels Victoria records an electronic hearing, any party provided with a copy of the recording on request must not publish or distribute that recording, or use it for any purpose other than for the Hearing.
23. Parties must not record, keep, distribute or publish contact details of any other party obtained in the course of an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

'Without prejudice' drafting

24. Council must provide parties by **Monday, 24 January 2022** with an MS Word version of the draft planning permit conditions.
25. Any party seeking to provide without prejudice tracked changes, must provide them to all parties by **12 noon on Thursday, 27 January 2022**.
26. After submissions close on **Monday, 31 January 2022**, parties will have an opportunity to comment on any tracked draft changes.
27. This process is not an opportunity to revisit any matter of merit.

Compliance with Panel directions

28. All directions must be complied with. It is an offence to not comply with a direction without lawful excuse. [section 169 of the *Planning and Environment Act 1987*]
29. 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.
30. The Panel may:
 - a) refuse to hear from anyone who fails to comply with a direction. [section 159(b)]
 - 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 C408 and permit application:
Rezoning and subdivision of the land at 31-49 Melaluka Road Leopold

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

Electronic documents

Party	email address
Planning Panels Victoria	planning.panels@delwp.vic.gov.au
Greater Geelong City Council	BGough@geelongcity.vic.gov.au
Cardno TGM	chris.marshall@cardno.com.au

Timetable

Greater Geelong Planning Scheme Amendment C408 and permit application:
Rezoning and subdivision of the land at 31-49 Melaluka Road Leopold

Timetable Version 1

Day 1: Monday 31 January 2022

Venue: [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	City of Greater Geelong represented by Barry Gough.		1 hour
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	R & A Clifton (Proponent) represented by Chris Marshall		1 hour
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 2.15pm	Without prejudice drafting session		45 mins
2.30pm	Day close		

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 contact the Panel Coordinator on (03) 8624 5712.