



26 August 2021

Dear Hearing Participant,

**Greater Geelong Planning Scheme Amendment C422ggee:
Permanent Heritage Controls for 12-16 Kinsmead Street, Waurin Ponds**

The Panel held a Directions Hearing for the above matter on 24 August 2021 via Microsoft Teams video link. Please find attached:

- Panel Directions
- Distribution List

The following dates apply:

| Time | Date | Action | Direction |
|----------------|---------------------------------|---|-----------|
| 12 noon | Tuesday, 31 August 2021 | <p>Kings Lawyers to supply an electronic copy of outline of submission by Ms Nicole Lock to the Panel and the other Hearing participants on the distribution list; and advise whether submissions 34, 35 and 36 remain or are withdrawn</p> <p>The National Trust of Australia (Victoria), Geelong and Region Branch (National Trust) to advise the Panel and the other Hearing participants on the distribution list whether it is calling evidence</p> <p>The Greater Geelong City Council (Council) to supply an electronic copy of all submissions received in response to advertising, with telephone numbers and email addresses redacted, to National Trust and Kings Lawyers</p> <p>Council to supply to the Panel, National Trust and Kings Lawyers professional information concerning the author of the Structural Condition Assessment Report for Council dated 3 May 2021; and the instructions from the Council to prepare the report</p> <p>Council to advise the Panel and the other Hearing participants on the distribution list about Hearing room availability and what access can be had to the subject property as part of an accompanied site inspection</p> | 1 |
| | Friday, 3 September 2021 | The Panel will issue further Directions, including confirming the dates set out in the present Directions or advising that those dates will be moved on by two weeks; and will supply a copy of the Hearing timetable | |

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



| | | | |
|----------------|---------------------------------|---|---|
| 12 noon | Monday, 4 October 2021 | Council to supply an electronic copy of its Part A submission to the Panel, National Trust and Kings Lawyers All witness reports to be electronically circulated | 2 |
| 12 noon | Thursday, 7 October 2021 | Panel to conduct accompanied site inspection | 6 |
| 12 noon | Friday, 8 October 2021 | Council to circulate its Part B submission and other Hearing participants must circulate their Hearing submissions electronically | 3 |
| 10 am | Monday, 11 October 2021 | Hearing commences – either as face to face or as video conference unless moved back on Friday 3 September 2021 | |

Declaration

The Panel Chair advised that she has no conflict of interest which would prevent an impartial assessment of the Amendment and the submissions.

Procedural matters

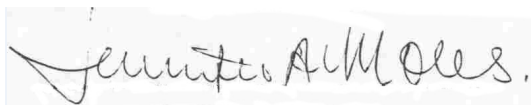
The timing of steps in this Panel process, in particular the conduct of an accompanied Panel site inspection and access to the site by consultants, is impacted by the uncertainty of how long the present Coronavirus public lockdown will continue and the possibility of new lockdowns. These also affect how the Hearing will be conducted.

The Directions incorporate the giving of further Directions immediately after the currently anticipated end date of the present lockdown.

Leave is given for any Hearing participant to seek clarification of the present and anticipated Directions and to request further Directions concerning procedural matters as lockdown events unfold.

Participants are reminded that they must advise other Hearing participants of any contact with the Planning Panels Office in this respect or in relation to other procedural matters.

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



Jenny Moles
Panel Chair

Before the Hearing

Circulation and sharing of documents

Documents must be circulated electronically. The Panel is to be provided with an unlocked Word version.

1. The following documents must be provided to Hearing participants on the distribution list and the Panel by **12 noon on Tuesday 31 August 2021**:

Kings Lawyers for Ms Nicole Lock, as prospective owner of the land from 24 October 2021:

- an outline of her submission concerning the Amendment
- advice whether the current owners of the land and their family (Submitters 34, 35 and 36) request that their written submissions are to remain before the Panel or are to be withdrawn

National Trust:

- advice whether evidence is being called by it, the identity of any witness and the subject matter of their evidence

Council:

- an electronic copy of all submissions received in response to exhibition of the Amendment, with telephone numbers and email addresses redacted
- a copy of the qualifications and experience of Mr Willis, author of the Structural Condition Assessment Report for Council dated 3 May 2021; and his instructions from Council to prepare the report
- advice as to whether a room has been able to be provisionally booked for the all day Hearing, assuming if it was held face to face, on 11 (or 25) October 2021; and, after discussion with the Council Building Inspector, what access can be had to the subject property on 7 October 2021 as part of the accompanied site inspection.

2. The following documents must be provided to Hearing participants on the distribution list and the Panel by **12 noon on Monday 4 October 2021**:

Council

- a Part A submission that includes:
 - background to the Amendment including chronology of events
 - strategic context and assessment
 - issues identified in submissions
 - any suggested changes to the Amendment in response to submissions

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.

Kings Lawyers (and National Trust if evidence is being called)

- Statements of evidence by witnesses.

3. The following documents must be provided to Hearing participants on the distribution list and the Panel by **12 noon on Friday 8 October 2021**:

Directions:

Greater Geelong Planning Scheme Amendment C422ggee - Permanent Heritage Controls for 12-16 Kinsmead Street, Waurn Ponds

Council

- a Part B submission that includes:
 - its response to submissions and evidence
 - its final position on the Amendment

Other Hearing participants

- Their written submissions to the Panel.

Other material

5. Any other material that a Hearing participant wishes to present at the Hearing in support of their submission must be circulated to the Hearing participants on the distribution list and the Panel by **12 noon on Monday 4 October 2021**.

Witness reports

4. 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*)
5. Council must publish all witness reports on its website and make them publicly available at its office.

Site Inspection

The Panel will conduct an accompanied site inspection commencing at **12 noon on Thursday 7 October 2021**.

6. Hearing participants who wish to join the inspection must meet the Panel at the site promptly at noon.

At the Hearing

Submissions and information

7. All information presented to the Panel for the purpose of the Hearing is public information unless the Panel directs otherwise.

Evidence and cross examination

8. An expert witness may refer to a presentation which summarises their evidence, but it must:
 - a) not include new evidence
 - b) have been provided to Hearing participants on the distribution list and the Panel by **12 noon on Friday 8 October 2021**.
9. An expert witness may provide their response to other like evidence but it must have been provided to Hearing participants and the Panel by **12 noon on Friday 8 October 2021**.
10. If cross-examining a witness, a Hearing participant 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
 - c) allow a witness time to explain their answer.

Directions:

d)

11. 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.

Closing submissions

12. Council will be provided time to present a closing submission.

13. The closing submission must not raise new matters but should respond to matters raised in other Hearing participants' submissions or evidence.

Recording Hearings and use of personal information

14. No part of an electronic hearing may be recorded by any means without permission from the Panel.

15. Hearing participants must not record, keep, distribute or publish contact details of any other Hearing participant obtained in the course of an electronic Hearing session, or use those contact details for any purpose other than for the Hearing.

Compliance with Panel directions

16. 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*]

17. 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.

18. 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 C422ggee: Permanent Heritage Controls for 12-16 Kinsmead Street, Waurn Ponds

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

| Hearing participant/Panel | email address |
|--|--|
| Planning Panels Victoria | planning.panels@delwp.vic.gov.au |
| Ms Susan Williamson, Senior Strategic Planner, Greater Geelong City Council | swilliamson@geelongcity.vic.gov.au Amendments@geelongcity.vic.gov.au |
| Mrs Jennifer Bantow, National Trust of Australia (Victoria), Geelong and Region Branch | jennifer.bantow@ncable.net.au |
| Mr David King, Kings Lawyers for Ms Nicole Lock | david@kingslawyers.com.au |

Timetable

Greater Geelong Planning Scheme Amendment C422ggee: Permanent Heritage Controls for 12-16 Kinsmead Street, Waurn Ponds

This will be issued on or after Friday 3 September 2021.