



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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11 November 2022

Dear Party

Greater Geelong Planning Scheme Amendment C434ggee: Geelong Saleyards

At the request of Leaf Corporation Pty Ltd, and with the support of City of Greater Geelong, the Panel agrees to change the venue for Day 3, 4 and 5 (reserve) of the Hearing from 'in person' to 'video conference'. The Panel has amended the directions and timetable accordingly. Version 2 of these documents are attached.

Panel Directions Version 2 contains a new direction (2a) to account for the amended hearing arrangements.

Version 2 of the timetable:

- changes the hearing venue for Day 3, 4 and 5
- provides a hearing link for Day 3, 4 and 5
- vacates the time allocated for Submitter 5 as requested
- inserts details of witnesses to be called by Leaf Corporation Pty Ltd.

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

Yours sincerely

Alison McFarlane
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

OFFICIAL



Panel Directions Version 2

Greater Geelong Planning Scheme Amendment C434ggee:
Geelong Saleyards

Hearing administration

1. Council must host the Hearing.
2. Council must host and manage an online document sharing platform.
- 2a. Council must publish notice of the hearing on its website, with information on how members of the public can observe Day 3, 4 and 5 of the Hearing through video conference.

Circulation and sharing of documents

3. Documents must be circulated electronically to all parties on the distribution list.
4. Council (if relevant) must upload circulated documents to the document sharing platform as soon as practicable or provide a mechanism for parties to upload directly.
5. Files should not exceed 20MB in size. Documents larger than 20MB should be broken down into smaller files less than 20MB.
6. File names should be as short as possible.
7. Paper documents will only be permitted in exceptional circumstances. If any party has issues supplying documents electronically, they should contact Planning Panels Victoria.

Expert witness details

8. Any party who intends to call evidence must confirm its expert witness details and provide this information to all parties on the distribution list by **12 noon on Friday, 11 November 2022**.

Site visit

9. An accompanied site visit will commence at **1.30pm on Friday, 11 November 2022**.
10. Parties intending to attend the accompanied site visit must nominate attendees by **12 noon on Monday, 7 November 2022**.
11. Council must coordinate the accompanied site visit and provide an itinerary to parties by **12 noon on Wednesday, 9 November 2022**. The itinerary should identify the nominated meeting point, inspection locations, estimated finishing time and other details as required.

Submissions and information

12. Parties must present material at the Hearing electronically.
13. Unless other side directed, 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.
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 Thursday, 24 November 2022**.
15. All information presented at the Hearing is a public document for the purposes of the Panel process unless the Panel directs otherwise.

Council

16. Council must provide the following documents to parties on the distribution list by Error! No text of specified style in document. on Error! No text of specified style in document.:
 - a) Day 1 version of the Amendment to show changes in response to:
 - Council's resolution of 27 September 2022
 - Amendment C417ggee revisions to the Planning Policy Framework.

17. Council must provide the Panel with a plan showing the location of submitters (including any late accepted submitters) by Error! No text of specified style in document. **on** Error! No text of specified style in document. **2022**. The plan should identify submitters by submitter number, and not by name.
18. Council must circulate a Part A submission to parties on the distribution list by Error! No text of specified style in document. **on** Error! No text of specified style in document. that includes:
- a) background to the Amendment including chronology of events
 - b) strategic context and assessment
 - c) an explanation of the Amendment drafting having regard to relevant Planning Practice Notes, Ministerial Directions and A Practitioner's Guide to Victoria's Planning Schemes
 - d) other amendments that may be under preparation or recently approved that may impact on the Amendment
 - e) current permit applications that may impact on the Amendment
 - f) a summary of the main issues raised in submissions (but not a response to those issues – that will be dealt with in the Part B submission)
 - g) any changes Council proposes to make to the Amendment in response to submissions
 - h) 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.

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.

19. Council must circulate a written **Part B submission** to parties on the distribution list by **12 noon on Thursday, 24 November 2022**, including:
- a) its response to submissions and evidence
 - b) its final position on the Amendment.
20. Council will be provided time to present a closing submission.
21. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

Witness reports

22. A witness report must:
- a) comply with the Guide to Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://www.planningpanels.vic.gov.au))
 - 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.
23. All parties must circulate their witness reports to parties on the distribution list by Error! No text of specified style in document. **on** Error! No text of specified style in document..

Evidence and cross examination

24. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 minutes – *all expert witness reports will be read before the Hearing.*
25. 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 12 noon the day before that witness is scheduled to appear.

26. Unless a specific direction is made about 'like' evidence, an expert witness can provide their response to other like evidence by 12 noon the day before that witness is scheduled to appear.
27. Parties, advocates and the Panel may question a witness.
28. During the Hearing, for scheduling purposes, 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.
29. 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
 - c) allow a witness time to explain their answer.
30. 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.
31. The Panel will regulate cross-examination.

Recording Hearings and use of personal information

32. Parties must not record any part of an electronic hearing by any means without permission from the Panel.
33. 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.
34. 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.
35. Parties must not record, keep, distribute or publish contact details of any other party obtained during an electronic hearing session, or use those contact details for any purpose other than for the Hearing.

Compliance with Panel directions

36. 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*]
37. 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 and Parties with at least 24 hours' 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.
38. 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.

Timetable

Greater Geelong Planning Scheme Amendment C434ggee:
Geelong Saleyards

Timetable Version 2

Day 1: Monday 28 November 2022

Venue: City of Greater Geelong, Podium Room 2, Wurriki Nyal, 137-149 Mercer Street, Geelong

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 4.30pm	City of Greater Geelong represented by Terry Montebello of Maddocks, calling the following expert evidence: <ul style="list-style-type: none">- Affordable housing from Dr Marcus Spiller of SGS Economics and Planning- Urban design from Amanda Roberts of LatStudios	-	1 day
11.15am – 11.30am	Break		15 mins
12.30pm – 1.30pm	Lunch break		1 hour
3.15pm – 3.30pm	Break		1 hour
4.30pm	Day close		

Day 2: Tuesday 29 November 2022

Venue: City of Greater Geelong, Podium Room 2, Wurriki Nyal, 137-149 Mercer Street, Geelong

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 4.30pm	Leaf Corporation represented by Nick Tweedie SC and Jordan Wright of Counsel, instructed by Rigby Cooke Lawyers, calling the following expert evidence: <ul style="list-style-type: none">- Planning from William Bromhead of Ratio Consultants- Traffic and infrastructure from Jason Walsh of Traffix Group- Economics and affordable housing from Chris McNeill of Ethos Urban	7, 7a	2.9 days
11.15am – 11.30am	Break		15 mins
12.30pm – 1.30pm	Lunch break		1 hour
3.15pm – 3.30pm	Break		1 hour
4.30pm	Day close		

Day 3: Wednesday 30 November 2022

Venue: Video conference

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

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Leaf Corporation	7, 7a	2.9 days
11.15am – 11.30am	Break		15 mins
12.30pm – 1.30pm	Lunch break		1 hour
3.15pm – 3.30pm	Break		1 hour
4.30pm	Day close		

Day 4: Thursday 1 December 2022

Venue: Video conference

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

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Leaf Corporation	7, 7a	2.9 days
11.15am – 11.30am	Break		15 mins
12.30pm – 1.30pm	Lunch break		1 hour
3.15pm – 3.30pm	Break		1 hour
4.00pm – 4.30pm	Council closing		30 mins
4.30pm	Day close		

Day 5: Friday 2 December 2022

Venue: Video conference

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

Time	Party	Sub No	Allocated
10.00am – 1.00pm	Reserved		

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.