



Planning Panels Victoria

Department of Transport and Planning

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

23 January 2024

Dear Party

Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP-573-2021

The Panel held a Directions Hearing for the above matter on 22 January 2024. Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Friday, 2 February 2024	Site inspection location details	5
12 noon	Monday, 5 February 2024	Council must provide a submitter location map to the Panel only	7
12 noon	Monday, 5 February 2024	Council Part A (background and context) submission	8
12 noon	Wednesday, 7 February 2024	Council and Proponent expert witness report(s)	9.a)
12 noon	Friday, 9 February 2024	Other parties expert witness report(s)	9.b)
12 noon	Thursday, 15 February 2024	Statement(s) of agreed opinions and facts	15.g)
12 noon	Thursday, 15 February 2024	Council Part B (main submission)	16
12 noon	Thursday, 15 February 2024	Council 'Day 1' version of the Amendment documentation	18
12 noon	Thursday, 15 February 2024	Proponent submission	19
12 noon	Thursday, 15 February 2024	Proponent 'Day 1' version of the Project documentation	21
12 noon	Friday, 16 February 2024	Documents or material to be presented on Day 1 of the Hearing	23
12 noon	Friday, 16 February 2024	Any supplementary submission from a party not appearing at the Hearing	25
10 am	Monday, 19 February 2024	Hearing commences	

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 Transport and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL

The Panel made no declarations.

If you have questions, please contact Georgia Brodrick, Project Officer at Planning Panels Victoria on (03) 8508 0888 or planning.panels@delwp.vic.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Raso". The signature is written in a cursive, flowing style.

Sarah Raso
Panel Chair

Filing documents

1. Council must host and manage online document sharing. The document sharing platform must allow a party to upload documents directly. The link to the document sharing platform must be set up with a link distributed to PPV and all parties by **12 noon on Monday, 29 January 2024**.
2. Documents must be filed electronically by uploading them to the document sharing platform. When uploading documents, a party must email all other parties on the distribution list to inform them of the document(s) that have been uploaded.
3. Documents must meet the following requirements:
 - a) Files must not exceed 20MB in size.
 - b) File names must be as short as possible and begin with the name of the party as it appears on the distribution list:

[Party name] - [Document Title].
 - c) If tabling more than 10 documents at once, all documents must be provided through a fileshare link (for example, DropBox or OneDrive) and be accompanied by an index list.
 - d) A Microsoft Word version or unlocked pdf version of the document must be emailed directly to planning.panels@delwp.vic.gov.au after being filed/uploaded.
4. All information presented to the Panel for the purposes of the Panel process is a public document solely for that purpose unless the Panel directs otherwise. It cannot be used for any other purpose.

Notes

For more information on how your submission will be used, refer to the [PPV Website](#).

If your document is larger than 20MB, break it down into parts that are less than 20MB each.

If you do not file documents by the specified time, the Panel may not accept the evidence or material. If you think you will not meet the specified deadline you must provide reasons in writing to planning.panels@delwp.vic.gov.au before the deadline.

The Panel will not publish or accept material that contains offensive or defamatory material, or personal information about other people (such as emails and phone numbers or photographs of people, particularly children).

Paper documents will only be permitted in exceptional circumstances.

If you have with difficulties providing documents electronically you should contact Planning Panels Victoria.

Site inspection

5. The Committee will undertake an unaccompanied site inspection. Any party or submitter who seeks the Committee to review a particular place or area must provide that information to Planning Panels Victoria by **12 noon on Friday, 2 February 2024**.

Before the Hearing

Notice of the Hearing

6. Council must publish notice of the Hearing on its website, with information on how members of the public can observe it in person/online.

Information to be provided

7. Council must provide a map showing the location of submitters (including any late accepted submitters) to the Panel by **12 noon on Monday, 5 February 2024**. The Plan must:
 - a) identify submitters by submitter number, and not by name
 - b) be provided only to the Panel.

Council Part A (background and context) submission

8. Council must file its Part A (Background and context) submission by **12 noon on Monday, 5 February 2024** that includes:
- a) an explanation of the Amendment and Permit Application
 - b) a summary of the physical context of the subject land and surrounds
 - c) background to the Amendment including chronology of events
 - d) a summary of the strategic context, including:
 - (i) relevant planning policies and controls
 - (ii) any other recently approved or upcoming amendments that might impact on the Amendment
 - e) a summary of all permit applications and/or permits issued for the entire Balmoral Quay land parcel (including copies of all Permits)
 - f) an explanation of the history of the Barwon Water Pump Station and why it came to be located on the subject land
 - g) a summary of the issues raised in submissions.

Note

Council's Part A (background and context) submission will be taken as read. Council should allow time for questions on Day 1 of the Hearing.

Expert witness details and reports

9. Any expert witness reports must be filed as follows:
- a) Council and the Proponent must file their expert witness reports by **12 noon on Wednesday, 7 February 2024**
 - b) other parties must file their expert witness reports by **12 noon on Friday, 9 February 2024**.
10. An expert witness report must:
- a) comply with the PPV Practice Note 1 - 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, individual submitters should be referred to by submission number. Community groups, organisations, corporations and government agencies can be referred to by name.

Expert meetings

11. Expert witnesses in the field of traffic and car parking must meet to prepare a statement of agreed opinions and facts, in particular addressing traffic, parking and traffic/pedestrian safety issues raised in submissions.
12. The meeting should be held after the expert reports are filed but before the Hearing commences.
13. The meeting can only be attended by:
- a) the experts being called to give evidence
 - b) a non-participating note taker if necessary.
- Advocates or parties instructing the experts must not attend the meeting(s).
14. If any expert witness is instructed not to reach agreement in respect of points of difference, the expert must report those instructions in writing to the Panel and all parties.
15. The statement of agreed opinions and facts:
- a) must list the relevant participants in attendance

Directions:

- b) must note if any participant is not present for any significant discussion point
- c) must record the facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement
- d) should be fewer than five pages with numbered paragraphs
- e) should not restate the evidence – evidence should be cross-referenced in the agreed statement if required
- f) must be signed by all participants.
- g) The statement(s) of agreed opinions and facts must be filed by by **12 noon on Thursday, 15 February 2024.**

Council Part B (main) submission

- 16. Council must file its Part B (main) submission by **12 noon on Thursday, 15 February 2024.**
- 17. Council must address the following issues in its Part B (main) submission or through evidence:
 - a) its response to submissions and evidence
 - b) its final position on the Amendment and Permit Application.
- 18. Council must file a 'Day 1' version of the Amendment and/or Planning Permit (if required) by **12 noon on Thursday, 15 February 2024.** The Day 1 version must:
 - a) show any suggested changes in response to submissions
 - b) be marked up against the exhibited version
 - c) be labelled 'Council Day 1 version – Clause X'
 - d) be in an editable format such as MS Word.

Proponent main submission

- 19. The Proponent must file its main submission by **12 noon on Thursday, 15 February 2024.**
- 20. The Proponent must address the following issues in its main submission or through evidence:
 - a) its response to submissions and evidence
 - b) its final position on the Amendment and Permit Application.
- 21. The Proponent must file a 'Day 1' version of the Amendment and/or Planning Permit (if required) by **12 noon on Thursday, 15 February 2024.** The Day 1 version must:
 - a) show any suggested changes in response to submissions
 - b) be marked up against the exhibited version
 - c) be labelled 'Proponent Day 1 version – [Document title eg Environmental Delivery Standards]'
 - d) be in an editable format such as MS Word.

At the Hearing

- 22. Council must provide administrative support to manage the Hearing.

Note

This may include finding a suitable venue for an in person Hearing, or if the Hearing is online or hybrid, configuring a video conference meeting, publishing links to the Hearing online, issuing direct invitations to participants (including the Panel, parties and experts) and providing technical support. It may also include managing the document sharing platform and making audio recordings of sessions if directed by the Panel.

Presenting material

- 23. Submissions, presentations and other material presented to the Panel:
 - a) must be presented electronically

Directions:

- b) must be filed by 12 noon on the business day before the material is to be presented
- c) should relate to the matters before the Panel
- d) must include a summary of fewer than 5 pages if the material is more than 40 pages.

Other party submissions

- 24. A party who objects to the proposal must say how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both.
- 25. A party who intends to supplement their original written submission but not present at the Hearing must file their supplementary written submission by **12 noon on Friday, 16 February 2024**.

Note

For information on how to prepare and present material at a Hearing, refer to the [PPV Website](#).

Evidence and cross examination

- 26. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
- 27. An expert witness may present a summary of their evidence at the Hearing, but it must:
 - a) not include new evidence
 - b) be filed by 12 noon the business day before that witness is scheduled to appear.
- 28. If giving evidence online, an expert 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 permission from 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 report and relevant supporting documents.
- 29. A party, advocate and the Panel may question an expert witness.
- 30. If cross examining an expert witness, a party must:
 - a) be present for the whole of the expert witness giving their 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 the expert witness time to explain their answer.

Notes

The Chair will regulate cross examination. During the Hearing, the Chair may ask you how much time you will need for cross examining each witness, and will ask you to keep to your estimate. You should aim to complete your cross examination as concisely as possible.

Cross examination time may be limited.

You may be asked to move on to another topic if the line of questioning is not useful to the Panel.

Things to avoid when cross examining include:

- making a submission or providing your opinion
- giving extensive comment or context as an introduction to your question
- asking questions that are unrelated to the evidence
- arguing with the witness
- commenting on the expert or the evidence
- asking questions that have already been asked by another party.

Directions:

If you do not support the evidence or basis on which it was prepared, or consider the evidence should not be given weight, detail your reasons in your submission rather than raising these issues in cross examination.

If you are not experienced in cross examination, you are encouraged to write your questions down to ensure they are succinct, structured into themes and able to be asked without long explanations of the context.

For information on how to cross examine, refer to the [PPV Website](#).

Part C (closing) submissions

31. Council and the Proponent will be provided time to present a Part C (closing) submission. The Part C (closing) submissions:
- must not raise new matters
 - may respond to matters raised in other parties' submissions or evidence.

Drafting changes

32. Council/the Proponent must file its final preferred version of the Amendment and/or Planning Permit with its Part C (closing) submission. The final preferred version must:
- show changes proposed in response to evidence or submissions presented at the Hearing
 - be marked up against the Council Day 1 version (refer to Direction 18) OR be marked up against the Proponent Day 1 version (refer to Direction 21)
 - be labelled 'Council/Proponent Part C (closing) version – Clause X' OR be labelled 'Council/the Proponent Part C (closing) version – [Document title eg Environmental Delivery Standards].

Privacy and use of personal information

33. A party must not record, keep, distribute or publish contact details of any other party obtained during the Panel process, or use those contact details for any other purpose.
34. A party must not record any part of a Hearing by any means without permission from the Chair.
35. A party who wishes proceedings to be recorded must make a request to the Chair at least five business days before the Hearing commences, outlining its reasons.
36. If Planning Panels Victoria records a Hearing, any person provided with a copy of the recording must not publish or distribute that recording or use it for any purpose other than for the Panel process.

Note

Panel hearings are only recorded in exceptional circumstances. EES Hearings are generally recorded (audio only), but you should check with Planning Panels Victoria before the Hearing starts.

For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Panel's letter dated 18 December 2023.

Distribution List

Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP-573-2021

Use this list to file expert witness reports and other information in accordance with the Panel's directions. It must not be used for any other purpose. If you are unsure about whether any material or content is appropriate for filing, please seek guidance from Planning Panels Victoria before filing the material.

Electronic documents

Party	email address
Planning Panels Victoria	planning_panels@delwp.vic.gov.au
Greater Geelong City Council	L.Krausas@geelongcity.vic.gov.au
Balmoral Quay Pty Ltd	rdavidov@besthooper.com.au
Adrian Gordon	adrianeng86@gmail.com
Geoff Heriot	gheriot@gmail.com
Hazel Speirs	13rose.10@gmail.com
Helen Lynth	hlyth@westnet.com.au
Jayne Collins	jaylou.c@gmail.com
Jeanette Ferguson	jeanetteferg88@gmail.com
Joy Phillips	phillips_joy70@outlook.com
Julie Hannah-Smith	juliehannans@bigpond.com
Keith Fagg OAM	khfagg@bigpond.com
Dr Peter Goss	peter@drgoss.com.au
Rosemary Kiss	r.kiss@bigpond.com
Sam Smith	jack.chiodo@ijgp.com.au
Sharyn Glen	ki.8.shar@gmail.com

Timetable

Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP-573-2021

Timetable Version 1

Day 1: Monday 19 February 2024

Venue: Wurriki Nyal Civic Precinct, Multi-Purpose Room 1, 137-149 Mercer Street, Geelong
and online at [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.20am	Preliminary matters		20 mins
10.20am – 1pm	Council represented by Lana Krausus calling the following expert evidence: <ul style="list-style-type: none">- Traffic and car parking from Jason Walsh of Traffix Group		3 hours
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 2.30pm	Council cont.		
2.30pm – 4.30pm	Proponent represented by John Cicero of Best Hooper Lawyers calling the following expert evidence: <ul style="list-style-type: none">- Urban Design from Craig Czarny of Hansen Partnership- Traffic and car parking from Hilary Marshall of Ratio- Planning from Kel Twite of UpCo	187	2 days
4.30pm	Day close		

Day 2: Tuesday 20 February 2024

Venue: Wurriki Nyal Civic Precinct, Multi-Purpose Room 1, 137-149 Mercer Street, Geelong
and online at [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Proponent cont		
1.00pm – 2.00pm	Lunch break		1 hour
2.00pm – 4.30pm	Proponent cont		
4.30pm	Day close		

Day 3: Wednesday 21 February 2024

Venue: Wurriki Nyal Civic Precinct, Multi-Purpose Room 1, 137-149 Mercer Street, Geelong
and online at [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Proponent cont		
1.00pm – 2.00pm	Lunch break		1 hour

2.00pm - 2.05pm	Jayne Collins	20	5 mins
2.05pm - 2.10pm	Sharyn Glen	49	5 mins
2.10pm - 2.30pm	Peter Goss	54	20 mins
2.30pm - 2.50pm	Hazel Speirs	146	20 mins
2.50pm - 3.05pm	Geoff Heriot	62	15 mins
3.05pm - 3.10pm	Jeanette Ferguson	41	5 mins
3.10pm - 3.20pm	Julie Hannan-Smith	35	10 mins
3.20pm - 3.35pm	Break		
3.35pm – 3.50pm	Rosemary Kiss	78	15 mins
3.50pm – 4.05pm	Helen Lyth	89	15 mins
4.05pm – 4.35pm	Joy Phillips	124	30 mins
4.35pm – 4.45pm	Keith Fagg OAM	59	10 mins
4.45pm – 5.10pm	Adrian Gordon	52	15 mins
5.10pm	Day close		

Day 4: Thursday 22 February 2024

Venue: Wurriki Nyal Civic Precinct, Multi-Purpose Room 1, 137-149 Mercer Street, Geelong
and online at [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.15pm	Sam Smith represented by Jack Choido of Jackson Lane Legal the following expert evidence: - Planning from Rob Milner of Milner Planning Advisory Town Planning	138	3 hours
1.15pm – 2.15pm	Lunch break		1 hour
2.15pm – 2.45pm	Without prejudice round table discussion of permit conditions (if required)		30 mins
2.45pm – 3.00pm	Council closing		15 mins
3.00pm – 3.15 pm	Proponent closing		15 mins
3.30pm	Hearing close		

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Georgia Brodrick of Planning Panels Victoria on (03) 8508 0888 as soon as possible.
2. Please be present or online at least 15 minutes before your scheduled start time.
3. The Panel may amend a Party's start time without notice. However you will be contacted in advance if you are to be rescheduled to a different day.

4. Time will be made for morning and afternoon breaks each day. Break times will be taken at appropriate points in the proceedings, and break times in the timetable are indicative only.
5. If you have any questions about the timetable, please contact Georgia Brodrick of Planning Panels Victoria on 8508 0888.