



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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

6 October 2022

Dear Party

Greater Geelong Planning Scheme Amendment C441ggee: 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold

The Panel held a Directions Hearing for the above matter on 4 October 2022 by video conference. Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following key dates apply:

Time	Date	Action	Direction
12 noon	Thursday, 13 October 2022	Council must circulate a full set of Amendment documents	14
12 noon	Monday, 24 October 2022	Parties may suggest sites or locations for the Panel to view during its site inspection	13
12 noon	Wednesday, 26 October 2022	Council must circulate its Part A submission	15
12 noon	Thursday, 27 October 2022	Parties must advise their intent to attend the Hearing in person or by video conference	5
12 noon	Wednesday, 2 November 2022	Council must circulate a Part B submission	16
12 noon	Wednesday, 2 November 2022	The Proponent must circulate its submission	20
10 am	Thursday, 3 November 2022	Hearing commences	

The Panel made no declarations.

Procedural matters

Hearing venue

Council has offered to host a hybrid Hearing in a venue in Geelong. Parties will be able to attend in-person or participate online. Details of the Hearing venue are included in the timetable, and the Panel has included a direction for parties to advise their intent to either participate in-person or online by **12 noon on Thursday 27 October 2022**.

Document sharing platform

The Panel has directed that Council establish an online document sharing platform for the Panel and parties to access documents to be tabled throughout the Hearing process. Council must provide information to all parties on how to access and use the system, and a direction has been issued accordingly.

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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Site visit

The Panel intends to undertake its unaccompanied site visit prior to the Hearing on the morning of Monday 31 October 2022. A direction has been issued for parties wishing to submit details of suggested sites or locations for the Panel to view during its site inspection. As discussed at the Directions Hearing, parties may provide information about suitable access to properties if required. Parties are asked not to communicate with the Panel if it is encountered during the site inspection.

'Without prejudice' drafting session

The timetable includes a 'without prejudice' drafting session on the final day of the Hearing. The purpose of this session is for the Panel to understand the Council's preferred version of Amendment documents, including any changes from exhibited documents, and the views of other parties.

This is not an opportunity to debate the merits of each other's suggestions. Attendance at this session by parties is optional.

The 'without prejudice' drafting session will involve:

- Council explaining its preferred Amendment documents
- interested parties providing a response, comment or asking questions.

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

Yours sincerely



Lisa Kendal
Panel Chair

Panel Directions

Greater Geelong Planning Scheme Amendment C441ggee:
672-690 Portarlington Road and 692-700 Portarlington Road, Leopold

Hearing administration

1. Council must host and manage the hybrid Hearing with an in person venue and video conference facility.
2. Council must publish notice of the Hearing on its website, with information on how members of the public can observe the Hearing via a live streaming function.
3. Council must host and manage online document sharing.
4. Council must provide information to all parties on how to access and use the online document sharing system by **12 noon on Thursday 13 October 2022**.
5. Parties must advise the Panel of their intent to participate in the main Hearing in person or by video conference by **12 noon on Thursday 27 October 2022**.

Circulation and sharing of documents

6. Documents must be circulated by email to all parties on the Distribution list.
7. Council must upload circulated documents to the document sharing platform as soon as practicable or provide a mechanism for parties to upload directly.
8. Files should not exceed 20MB in size. Documents larger than 20MB should be broken down into smaller files less than 20MB.
9. File names should be as short as possible.

Submissions and information

10. Parties must present material at the Hearing electronically.
11. Unless otherwise directed, submissions and information must be circulated to parties on the distribution list by **12 noon on the business day before** the information is to be presented at the Hearing (preferably in an unlocked PDF document or in MS word).
12. All information presented at the Hearing is a public document for the purposes of the Panel process unless the Panel directs otherwise.

Site visit

13. Parties may submit in writing to the Panel and circulate to parties on the distribution list by **12 noon on Monday 24 October 2022** details of suggested sites or locations for the Panel to view during its site inspection.

Council

Amendment documents

14. Council must provide the following documents to parties on the distribution list by **12 noon on Thursday 13 October 2022**:
 - a) Full set of Amendment documents, including a word version of proposed Design and Development Overlay Schedule 47.

Part A submission

15. Council must circulate a Part A submission to parties on the distribution list by **12 noon on Wednesday 26 October 2022** that includes:
 - a) background to the Amendment, including:
 - (i) chronology of events
 - (ii) details of consultation with affected landowners and authorities

- b) strategic context and assessment, including:
 - (i) an assessment against relevant planning policy and strategies
 - (ii) a summary of any Amendments in progress or recently approved that may impact on the proposal
- c) and explanation of:
 - (i) planning controls considered to implement the proposal and rationale for applying the Design and Development Overlay in preference to the Development Plan Overlay or other controls
 - (ii) the history of potentially contaminated land at 692-700 Portarlington Road, Leopold, and Council's approach to managing this with consideration of Planning Practice Note 30 and Ministerial Direction No. 1
 - (iii) how development contributions will be managed including application of the proposed section 173 agreements
 - (iv) how the Amendment responds to the objective and strategies in Clause 13.05-1S (Noise management), and Clause 13.06-1S (Air quality management)
- d) issues identified in submissions
- e) any suggested changes to the Amendment in response to submissions
- f) a copy of any background or technical reports prepared by the Proponent or Council in relation to the Amendment, including but not limited to:
 - (i) *Town Planning Report, Context Planning P/L*
 - (ii) *Cardno Flood Assessment, November 2011*
 - (iii) *Preliminary Site Investigation (PSI), Provincial Geotechnical Pty Ltd and Site History Review information for 672-690 Portarlington Road*
 - (iv) *Native Vegetation Assessment, Mark Trengove Ecological Services, 2021*
 - (v) any tree or other vegetation assessment.

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.

Council Part B submission

16. Council must circulate a written Part B submission to parties on the distribution list by **12 noon on Wednesday 2 November 2022**, including the following:
- a) an explanation of the implications:
 - (i) of the land owner at 692-700 Portarlington Road, Leopold not supporting the Amendment or choosing not to be a party to the proposed section 173 agreement
 - (ii) of the Amendment for continuation of existing use and development of land at 692-700 Portarlington Road
 - b) regarding potentially contaminated land at 692-700 Portarlington Road, Leopold,
 - (i) provide an update on any assessment of potentially contaminated land
 - (ii) seek and provide updated advice from the EPA regarding the proposal
 - c) a detailed response to suggested changes by the Environment Protection Authority
 - d) its response to submissions
 - e) its final position on the Amendment
 - f) a word version copy of the proposed post-exhibition changes to the Design and Development Overlay, including notations explaining the reason for each change.
17. At the Hearing Council must present its Part B submission.

Closing submissions

18. Council 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.

Proponent's submission

20. The Proponent must circulate its written submission to all parties on the distribution list by **12 noon on Wednesday 2 November** that addresses:
- a) background to the Amendment, including any relevant additional material not addressed in Council's Part A submission
 - b) a copy of any additional relevant background or technical reports not provided by Council, including the ecology report referred to in the proponent's email submission to Council on 26 August 2022
 - c) summary of strategic justification and rationale for the proposal
 - d) its response to issues raised in submissions
 - e) any proposed changes to the Amendment documents.

Closing submissions

21. The Proponent will be provided time to present a closing submission.
22. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions.

Recording Hearings and use of personal information

23. Parties must not record any part of an electronic hearing by any means without permission from the Panel.
24. 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.
25. 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.
26. 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

27. 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*]
28. 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.
29. 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 C441ggee:
672-690 Portarlington Road and 692-700 Portarlington 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
City of Greater Geelong	pschembri@geelongcity.vic.gov.au
Context Planning P/L (representing the Proponent)	msullivan@context-planning.com
Department of Transport	jozef.vass@transport.vic.gov.au adam.lorensene@transport.vic.gov.au
Mark and Karen White	kirsten@novoplanning.com.au

Timetable

Greater Geelong Planning Scheme Amendment C441ggee:
672-690 Portarlington Road and 692-700 Portarlington Road, Leopold

Timetable Version 1

Day 1: Thursday 3 November 2022

Hybrid Hearing	In person venue:	Video conference hearing link:
	Meeting Room 2, ground floor Wurriki Nyal 137-149 Mercer Street, Geelong	Click here to join the meeting Meeting ID: 464 584 649 968 Passcode: ALBj4Q

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	City of Greater Geelong , represented by Peter Schembri		1 hour
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	The Proponent (the land owner of 672-690 Portarlington Road and 627 Port Road Pty Ltd), represented by Marshall Sullivan of Context Planning	4	1 hour
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 2.00pm	Department of Transport represented by Josef Vass	2	30 mins
2.00pm – 2.45pm	Mark and Karen White represented by Kirsten Kilpatrick of Novo Planning	1	45 mins
2.45pm – 3.15pm	Break		30 mins
3:15pm – 3:45pm	Without prejudice drafting session		30 mins
3.45pm – 4.00pm	Break		15 mins
4.00pm – 4.10pm	The Proponent , closing submissions		10 mins
4.10pm – 4.25pm	City of Greater Geelong , closing submissions		15 mins
4.25pm	Hearing 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.