



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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30 July 2021

Dear Party,

Central Geelong Framework Plan

The Central Geelong Framework Plan Advisory Committee held a Directions Hearing for the above matter on 28 July 2021 by video conference. Please find attached:

- Directions
- Distribution List v1
- Preliminary List of Site Inspection Locations
- Preliminary List of Key Issues.

A Hearing timetable will follow shortly.

The following dates apply:

Time	Date	Action	Direction
12 noon	Friday, 6 August 2021	Parties must provide witness details	6
12 noon	Friday, 6 August 2021	Parties must provide suggested site inspection locations	8
12 noon	Friday, 6 August 2021	DELWP must provide a plan showing the location of submitters' land	9
12 noon	Friday, 20 August 2021	Modelling requests to DELWP to inform Witness Reports are due	17
12 noon	Wednesday, 25 August 2021	DELWP must circulate its: - Part A submission - Witness Reports	10, 12
12 noon	Wednesday, 25 August 2021	Parties who are allocated one hour or more on the timetable (to follow) must circulate a key issues list	11
12 noon	Monday, 30 August 2021	Other parties must circulate their Witness Reports	13
12 noon	Friday, 3 September 2021	Parties must circulate Witness Response Documents	15
12 noon	Tuesday, 7 September 2021	DELWP must circulate its: - Opening Statement - Part B submission - Day 1 version of the Framework Plan and draft Amendment	19, 20, 21
12 noon	Tuesday, 7 September 2021	Council must circulate its Opening Statement	21
12 noon	Tuesday, 7 September 2021	Any supplementary submission from a party not appearing at the Hearing must be circulated	24
10 am	Wednesday, 8 September 2021	Hearing commences	

Privacy Statement

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Declarations

The Committee made no declarations.

Procedural matters

Ongoing discussions between the parties

At the Directions Hearing Scentre Property Group indicated that it had been in discussions with DELWP in the leadup to the Committee's appointment which had proven fruitful in narrowing matters in dispute. Council had also been in discussions with DELWP with a view to narrowing issues in dispute.

Scentre Property Group indicated that DELWP had been reticent to continue discussions after the Committee's appointment, given there was now a separate and formal process in place for considering and resolving submissions.

While the Committee understands DELWP's position, it encourages DELWP to continue discussions with the parties in the lead-up to the Hearing. Discussions between the parties are consistent with the Committee's Terms of Reference (specifically clause 21(c)), and the Committee would be assisted by the issues in dispute being narrowed and/or better defined by the time the Hearing commences. This may result in a more efficient Hearing process.

The Committee has included a direction to the effect that DELWP provide an update on any discussions with submitters in its Part B submission, to ensure fairness and transparency and to maintain the integrity of the process (see Direction 19(c)).

Face to face sessions

Ms Bantow (on behalf of the National Trust) requested that face to face hearing sessions be convened in Geelong for community groups and individual submitters.

The Committee indicated that some face to face sessions are being considered, subject to certain limitations:

- no participant will be directed to appear in person if they do not feel comfortable doing so
- finding a suitable venue where social distancing requirements can be met and interactive web casting technology is available.

The Committee will continue to explore options for some face to face sessions, but will apply Government health advice at all times. Parties should be aware that the Hearing may need to be conducted online in its entirety.

Distribution List

The attached Version 1 Distribution List is largely based on the contact information collected with written submissions through Engage Victoria during the exhibition period. The Committee expects that changes will be required prior to the Hearing commencing. Parties should request any necessary changes to the Distribution List by email to planning.panels@delwp.vic.gov.au as soon as possible, but by no later than Friday 6 August 2021.

If you have questions, please contact Chris Brennan of Planning Panels Victoria on (03) 8392 5137 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Sarah Carlisle
Committee Chair

Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.
2. All parties must ensure that all correspondence and documentation is sent to all email addresses (correctly spelled) on the attached Distribution List.
3. All documentation presented prior to and at the Hearing is a public document unless the Committee directs otherwise.
4. Planning Panels Victoria will maintain a document list and will (subject to Direction 5) upload all tabled documents to the Engage Victoria website at engage.vic.gov.au/CGFPAC in accordance with the Committee's Terms of Reference.
5. Any party who wishes to provide material to the Committee on a confidential basis must formally request that the material be treated as confidential, and outline the reasons for the request, prior to submitting the material to the Committee. The Committee will consider and rule on requests for confidentiality on a case by case basis. It may request to review the information and/or seek submissions from other parties on the request before making a ruling.

Witness details

6. Parties who are intending to call evidence and have not yet provided witnesses details must provide the names and fields of expertise of their witnesses by **12 noon on Friday 6 August 2021**.

Site inspections

7. The Committee will conduct site inspections on an unaccompanied basis.
8. The Committee intends to inspect the locations on the attached Preliminary List of Site Inspection Locations prior to the Hearing commencing. Any party who wishes to suggest additional locations must provide those locations to the Committee in writing by **12 noon on Friday 6 August 2021**. The Committee may undertake additional site inspections during and after the Hearing as required.
9. To assist with the Committee's site inspections, DELWP must provide the Committee with a plan showing the location of submitters' land (where relevant) by **12 noon on Friday 6 August 2021**. The plan should identify individual submitters by submitter number, and not by name.

DELWP Part A submission

10. DELWP must circulate a Part A submission by **12 noon on Wednesday, 25 August 2021** that includes:
 - a) background to the Amendment including chronology of events
 - b) strategic context and assessment.

Note: DELWP's Part A submission will be taken as read by the Committee at the Hearing. DELWP should allow time for questions about its Part A submission on Day 1.

Party key issues lists

11. Parties who are allocated one hour or more on the timetable (to follow) must circulate a brief list (no more than 2 pages) outlining their key issues by **12 noon on Wednesday, 25 August 2021**.

Evidence

12. DELWP must circulate its Witness Reports by **12 noon on Wednesday, 25 August 2021**.
13. Other parties must circulate their Witness Reports by **12 noon on Monday, 30 August 2021**.

14. 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
- c) be provided to the Committee as an unlocked document.

Note: evidence can refer to community groups, organisations, corporations and government agencies by name.

15. Any witness who wishes to respond to the Witness Report of another witness in the same field must provide a Witness Response Document that outlines agreed and disputed opinions and facts. Witness Response Documents:

- a) should not restate the evidence – where appropriate, evidence should be cross-referenced
- b) should, if possible, be fewer than five pages
- c) should have numbered paragraphs
- d) must be circulated by **12 noon on Friday, 3 September 2021.**

16. The Committee will publish all Witness Reports and Witness Response Documents on the Engage Victoria website at engage.vic.gov.au/CGFPAC. DELWP must make them publicly available at its Barwon South West Region office.

Modelling requests

17. Any party who wants modelling of a specific built form scenario on a specific site or sites must provide a written request to DELWP (copied to the Committee) at least 5 business days before the modelling is required, outlining details of the request. Requests made to inform expert evidence must be made by **12 noon on Friday 20 August 2021.**

18. DELWP must liaise with the modellers (Urban Circus) and endeavour to provide the static model outputs requested within 5 business days. DELWP must circulate all static model outputs to all parties and the Committee at the time the output is provided to the requesting party, together with a copy of the request.

DELWP Part B submission

19. DELWP must circulate a Part B submission by **12 noon on Tuesday 7 September 2021** that includes:

- a) its response to the attached Preliminary List of Key Issues
- b) its response to submissions and evidence
- c) an update on the nature and outcome of any discussions undertaken with any party in an attempt to narrow or better define the issues in dispute.

Note: There will be some overlap between the Preliminary List of Key Issues and submissions and evidence. Issues only need to be addressed once.

'Day 1' Framework Plan and controls

20. DELWP must circulate 'Day 1' versions of the Framework Plan and draft Amendment by **12 noon on Tuesday 7 September 2021** that:

- a) are in MS Word
- b) are tracked against the exhibited versions
- c) show any changes proposed in response to:
 - (i) submissions and evidence
 - (ii) the attached Preliminary List of Key Issues.

Opening statements

21. DELWP and Council must circulate Opening Statements by **12 noon on Tuesday 7 September 2021**, to be presented on Day 1 of the Hearing (in no more than 45 minutes each).

At the Hearing

Submissions and information

22. The Committee would be assisted if Council's submission responds to the attached Preliminary List of Key Issues.
23. Parties must present material at the Hearing electronically.
24. Electronic information must be circulated by 12 noon on the day before the information is to be presented at the Hearing.
25. A party who intends to supplement their original submission (without orally presenting that submission) must circulate their written submission by **12 noon on Tuesday, 7 September 2021**.
26. After presenting to the Committee, submissions and other material (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.

Evidence and cross examination

27. Unless agreed by the Chair, evidence-in-chief must be no longer than 30 minutes.

Notes: All expert witness reports will be read before the Hearing.

The Committee recognises that some witnesses may require longer than 30 minutes where their evidence is particularly complex.

28. An expert witness may refer to a presentation which summarises their evidence. Presentations:
 - a) may include a response to the Witness Response Documents where relevant
 - b) must not otherwise include new evidence
 - c) must be circulated by 12 noon the day before that witness is scheduled to appear.
29. Witnesses giving evidence online 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 Committee
 - b) inform the Committee 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.
30. Parties, advocates and the Committee may question a witness. During the Hearing, for scheduling purposes, the Committee may 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.
31. 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 Committee in understanding the issues
 - c) allow a witness time to explain their answer.

Closing submissions

32. DELWP and Council will be provided time to each present a closing submission. The closing submissions must not raise new matters but should respond to matters raised in other parties' submissions or evidence.

'Without prejudice' drafting

33. DELWP must circulate 'Part C' versions of the Framework Plan and draft Amendment by **12 noon on the final day of the Hearing** that:
- a) is in MS Word
 - b) includes a clean copy and a track changes copy that is tracked against the Day 1 versions (refer to Direction 20).
34. The timetable will include a without prejudice drafting discussion shortly (a day or two) after closing submissions. The purpose of the drafting discussion will be for parties to seek clarification of the Part C versions and/or to discuss drafting principles, not to agree on the specific wording of the documents.
35. Any party seeking to provide their preferred version of the Framework Plan or draft Amendment, or drafting comments, on a without prejudice basis must circulate their preferred version/drafting comments by **12 noon three business days after the drafting session**. Preferred versions/drafting comments must:
- a) clearly identify the party's name
 - b) be in MS Word
 - c) (for preferred versions) be tracked against DELWP's Part C clean versions.
36. DELWP may provide a response to any party preferred versions/drafting comments with the leave of the Committee.
37. The process outlined in Directions 33 to 36 is not an opportunity to revisit any matter of merit.

Procedural matters

Recording Hearings and use of personal information

38. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
39. 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 Committee at least five business days before the commencement of the Hearing, outlining its reasons.
40. If the Hearing or any part of it is recorded, any party provided with a copy of the recording on request to the Committee must not publish or distribute that recording, or use it for any purpose other than for the Hearing.
41. 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.

Compliance with Directions

42. 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*]
43. If you anticipate being unable to comply with a direction (for example, meeting a deadline for the circulation of evidence), you must provide the Committee with advance notice, and a written

statement explaining why you are unable to comply with the direction, and seek leave from the Committee to vary the direction.

44. The Committee 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.

Issues with the draft amendment

- Length and complexity of the controls (particularly the ACZ1)
- Duplication between the ACZ1 and DDO46
- Clarity of the mapping in the ACZ and DDO schedules
- Potential conflict / inconsistency between existing Heritage Overlay and proposed content of ACZ1 and DDO46
- Concerns over the mandatory nature of some of the controls (overshadowing, setbacks in heritage areas)
- Lack of policy guidance for the use of plot ratios
- Concern that social and affordable housing outcomes sought by the Framework Plan have not been adequately provided for by way of well-articulated controls
- Lack of specificity regarding discretionary Floor Area Uplift
- Concerns over the requirements for Strategic Development Sites, including:
 - clarity in relation to which (if any) of the ACZ1 requirements are intended to apply to Strategic Development Sites that are not in the Activity Centre Zone
 - the mechanism for engaging those requirements for those Strategic Development Sites
 - the requirement for a masterplan
 - the level of detail sought in a masterplan
- Lack of clarity regarding the planning permit application process, including Responsible Authority status
- Referral requirements, including
 - streamlining existing formal and informal referral practices
 - referral to the Wadawurrung Traditional Owners Aboriginal Corporation (Registered Aboriginal Party for the amendment land)
 - referral to the Geelong Authority
- Lack of transitional provisions

Other matters

- Concerns over the prospect of a future Development Contributions Plan