



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8392 5115

17 December 2019

As addressed

Dear Submitter,

Cape Otway Road Australia Development Advisory Committee

The Committee held a Directions Hearing for the above matter on 13 December 2019 at Planning Panels Victoria. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
4.00pm	20 December 2019	Council is to provide details of any relevant strategic planning work	10
4.00pm	23 December 2019	The Proponent is to circulate a draft site inspection itinerary	1
4.00pm	20 January 2020	Parties must confirm their attendance on the accompanied site inspection. Parties must nominate any additional sites for inspection	2,3
4.00pm	22 January 2020	The Proponent must circulate its Part A submission and Expert witness reports	5, 7
4.00pm	24 January 2020	Parties calling evidence must circulate Expert witness reports	8
		DELWP must circulate a Notification Report	11
4.00pm	28 January 2020	The Proponent must circulate a Day 1 set of controls	9
4.00pm	29 January 2020	The Proponent must circulate a finalised site inspection itinerary	4
10.00am	3 February 2020	The Hearing commences	-

The Minister for Planning reconstituted the Committee on 8 December 2019 to appoint Member Natasha Reifschneider and to remove Member Adrian Vlok for availability reasons.

Declarations:

At the Directions Hearing, the Chair made the following declaration on behalf of Ms Reifschneider.

Ms Reifschneider has been an Associate Director at AECOM for 16 years, and currently works there in a part time capacity. Since being appointed to the Committee she has reviewed the list of

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 3002



witnesses proposed by the Proponent and advises that Mr Czarny is undertaking some consulting work at AECOM. Ms Reifschneider advised that Mr Czarny is not involved in any project that she is involved in and that she has no reason to communicate with Mr Czarny in any regard through AECOM.

All parties in attendance were specifically invited to raise any issues about this declaration and no party or individual raised any issues in response.

Statement of clarification from the Proponent:

The Proponent (COESR Pty Ltd) advised of its intention to circulate a statement of clarification by close of business on **Friday 20 December 2019** to clarify its position on a number of matters that relate to:

- an amendment to the documentation to remove Connies Lane as a secondary access, noting that it will be used for emergency purposes only
- clarification on what part of the site is intended for private and public access purposes
- inclusion of the Comprehensive Development Plan as part of the Comprehensive Development Zone and Amendment
- clarification on the height of the tower lighting to be 32 metres within the site.

If you have questions, please contact Ms Andrea Harwood, Senior Project Manager of Planning Panels Victoria on (03) 8392 5123 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Kathy Mitchell

Chair, Cape Otway Road Australia Development Advisory Committee

Committee Directions

Cape Otway Road Australia Development Advisory Committee

Before the Hearing

Accompanied Site inspection

1. The Committee will undertake an accompanied site inspection on the morning of **Wednesday 5 February 2020** as part of the hearing process. The proponent is to circulate a draft site inspection route to all parties by **4.00pm on Monday 23 December 2019**.
2. Parties are to advise the Committee of any additional sites it considers necessary for the Committee to inspect by **4.00pm on Monday 20 January 2020**. The Committee notes that it is not able to enter private property without the owner's consent and presence. The nomination of sites for inspection must be provided in writing to the Committee through Ms Harwood at planning.panels@delwp.vic.gov.au
3. Parties wishing to attend the accompanied site inspection must confirm their attendance to Ms Harwood at planning.panels@delwp.vic.gov.au no later than **4.00pm on Monday 20 January 2020**. The Committee encourages parties where possible to group together and send one representative.
4. The proponent is to make the necessary arrangements for the accompanied site inspection. It must circulate a finalised site inspection itinerary to all parties on the distribution list by **4.00pm on Wednesday 29 January 2020**.

Part A submission

5. The Proponent must circulate a Part A submission to parties on the distribution list by **4.00pm on Wednesday 22 January 2020** that includes:
 - a) a summary of the strategic context, including:
 - (i) relevant planning policies and controls
 - (ii) other amendments that may be under preparation or recently approved that may impact on the Amendment.
 - (iii) other current permit applications that may impact on the Amendment / permit application
 - b) a summary of the main issues raised in submissions
 - c) any changes proposed to make to the Amendment in response to submissions
 - d) any other strategic material that is intended to be relied upon in support of the Amendment that has not yet been provided, or that might assist the Committee in its consideration of the draft Amendment.

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

Expert witness reports

6. An expert witness report must:
 - a) comply with the Guide to Expert Evidence, updated April 2019 (<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.

7. The Proponent must circulate its expert witness reports to all parties by on **Wednesday 22 January 2020**.
8. Parties calling expert witnesses must circulate their expert witness reports to all parties by **4.00pm on Friday 24 January 2020**.
9. The Proponent must circulate a Day 1 version of the controls to all parties by **4.00pm Tuesday 28 January 2020**.

Other information

10. Council is to provide details of any relevant strategic planning work that may have an impact on the proposal by **4.00 pm Friday 20 December 2019**.
11. DELWP must circulate a Notification Report, outlining the extent of notification given and methods of notification, to all parties by **4.00pm Friday 24 January 2020**.

At the Hearing

Submissions and information

12. If electronic information is presented at the Hearing, all files must be:
 - a) circulated to parties on the distribution list by 10.00am on the morning the information is to be presented
 - b) brought to the Hearing Room on a USB stick, half an hour before the start of the day's hearing, to allow it to be uploaded onto the Hearing Room laptop.
13. If a paper copy is presented at the Hearing, at least eight (8) copies must be provided, two-hole punched and stapled (not bound).
14. After presenting to the Committee, submissions (in MS Word) should be emailed to planning.panels@delwp.vic.gov.au.
15. All information presented at the Hearing is a public document unless the Committee directs otherwise.

The Proponent's Part B submission

16. At the Hearing, the Proponent must provide a Part B submission that includes:
 - a) its response to the issues raised in submissions, including a detailed response to those raised by Council, DELWP, CFA and EPA Victoria.
 - b) its response to any expert evidence filed by other parties
 - c) any further changes proposed to the Amendment and Comprehensive Development Plan in response to expert evidence and submissions. If any changes are proposed to the Comprehensive Development Plan, it should be tracked
 - d) its response to the following issues:
 - (i) sequencing and staging of the whole development as well as staging within the various sub-precincts
 - (ii) project approvals process for the whole development and sub-precinct elements including likely timing of approval applications and engagement with relevant agencies
 - (iii) the site selection process and benefits of siting the proposal at the selected location
 - (iv) clarification if the wetland is intended to maintain permanent flows or to continue to be subject to temporal influences
 - (v) how the groundwater monitoring system required for potential impacts on groundwater dependent ecosystems have been incorporated into the concept plan
 - (vi) modelling of potential worst-case scenario of 118.4 metres AHD to understand implications

- (vii) potential climate impacts on flood modelling outside of usual 'wet' and 'dry' spells
 - (viii) the rationale behind the scale of the Accommodation Sub-Precinct including justification for the number of proposed lodges and clarification regarding whether it is intended that any of the lodges will be subdivided or on-sold
 - (ix) a comparison of the proposed development as now envisaged by the September 2019 Comprehensive Development Plan with the proposed development as described in Section 5.5 of the Ernst & Young Business Case.
17. The Proponent must provide an updated Concept Master Plan showing:
- a) The potential location of infrastructure required for drinking water by Barwon Water
 - b) Any potential buffers required from the wastewater treatment plant infrastructure or recycled water spray irrigate areas from sensitive uses.
18. The Proponent must provide an updated Biodiversity Assessment addressing comments provided by DELWP's submission and providing more detailed information to address the application requirements for a permit to remove vegetation.

Aerials and maps

19. At the Hearing, the Proponent should arrange for size A1 posters of:
- a) the latest aerial photography of the site and surrounds
 - b) detailed zoning maps of the site and surrounds
 - c) the updated Concept Master Plan.