



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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

5 November 2021

Dear Party,

Victorian Planning Authority Project Standing Advisory Committee – Referral 3 Wonthaggi North East Precinct Structure Plan – Tranche 2 Hearing Directions

Following the distribution of VPA/Council's draft Timetable for Tranche 2 of the Hearing the Standing Advisory Committee (SAC) makes the attached Directions. The SAC in preparing its Directions (attached) has taken into account the draft timetable proposed by the VPA/Council and the written responses of:

- Mr and Mrs Paterno regarding availability of Mr McIlrath
- Parklea identifying issues of timing between uploading Day 1 documentation and witness statement distribution, VPA providing a summary of changes
- LandGipps identifying similar issues to Parkea relating to uploading of Day 1 documentation and VPA providing comparison material before parties provide opening submissions.

The SAC's Directions clarify the role of the Changes Report identified by the VPA in its draft timetable (Direction 1) and its proposed Day 1 Amendment document (Direction 8). The SAC will endeavour to accommodate the availability of Mr McIlrath towards the end of the anticipated Hearing dates.

An updated Distribution List (the current version was distributed on the 1 October 2021) and Timetable will be circulated following the Directions Hearing along with any further Directions.

The following dates apply:

| Time | Date | Action | Direction |
|----------|--------------------------|---|-----------|
| 12 noon | Monday, 22 November 2021 | VPA commences exhibition of amended Amendment (with Changes Report) | 1 |
| 12 noon | Monday, 20 December 2021 | Submission period closes | 2 |
| 12 noon | Thursday, 14 April 2022 | Requests to be Heard lodged | 5 |
| 10.00 am | Monday, 2 May 2022 | Directions Hearing | |
| 12 noon | Friday, 6 May 2022 | VPA to circulate any Day 1 Amendment material | 8 |
| 12 noon | Thursday, 12 May 2022 | Parties must circulate Expert witness reports | 9 |
| 12 noon | Thursday, 19 May 2022 | Conclave statement(s) circulated | 11 |
| 12 noon | Friday, 27 May 2022 | VPA/Council circulates Part B submission | 20 |
| 10.00 am | Monday, 30 May 2022 | Video conference Hearing commences | |

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If you have questions, please contact Senior Project Officer, Kimberly Martin of Planning Panels Victoria on (03) 8624 3266 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Hellsten', with a stylized flourish at the end.

Tim Hellsten

Co Chair Victorian Planning Authority Projects Standing Advisory Committee

Directions

Victorian Planning Authority Project Standing Advisory Committee – Referral 3 Wonthaggi North East Precinct Structure Plan – Tranche 2
Hearing Directions

Before the Directions Hearing

Circulation of amended Amendment materials

1. The VPA is to place the amended Amendment material on exhibition by **12 noon on 22 November 2021** with a link to be provided to parties. The Amendment materials must include:
 - any new and/or amended documentation including amended background reports, if applicable
 - a Changes Report which sets out the key differences between the Tranche 1 Amendment materials and Tranche 2 materials in a written summary and table form for all Amendment documents and any new or amended background reports.

All material related to the Tranche 1 Hearing must be available as part of the exhibition process, including the VPA's Tranche 1 Part A submission.

New or further submissions

2. Submissions from new submitters and/or existing submitters/parties must be submitted electronically to the VPA by **12 noon on 20 December 2021**.
3. Submissions from existing submitters/parties must identify which issues have been resolved; remain in dispute; or are new issues.

The following directions assumes that any new or further submissions will be referred to the SAC in accordance with section 151 of the *Planning and Environment Act 1987*.

Directions Hearing

4. Planning Panels Victoria will advise new submitters or parties wishing to make further submissions of the Directions Hearing including details for lodging requests to be heard by **4 April 2022**.
5. Parties must submit their request to be heard by **12 noon on 14 April 2022**. All parties that wish to be heard at the Tranche 2 Hearing must confirm the time required for their submission (including evidence in chief and cross examination of any experts to be called if proposed or known) and provide the details of any experts to be called.
6. A Directions Hearing will be held at **10:00 am on 2 May 2022**. The Directions Hearing is to be conducted by videoconference unless otherwise advised. Planning Panels Victoria will liaise with the VPA who will provide invitations for the Directions Hearing.

Before the Tranche 2 Hearing

Document exchange platform

7. Parties must advise the SAC of any user that requires an invitation to use the electronic document exchange platform by **12 noon on 6 May 2022**.

VPA Day 1 Amendment document

8. The VPA may provide a Day 1 Amendment version before the commencement of the Hearing. This shall be limited to proposed changes (in tracked change and summary table form) that represent the VPA/Councils proposed changes made to the exhibited Amendment documents set out in Direction 1 in response to new submissions (resulting from Direction 2). A Day 1 Amendment version (if provided) must be circulated to parties and uploaded to the electronic document exchange platform by **12 noon on 6 May 2022**.

Expert evidence and Conclaves

9. Expert witness statements must be circulated and uploaded to the electronic document exchange platform by **12 noon on 12 May 2022**.

10. 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 (*Note: it can refer to community groups, organisations, corporations and government agencies*)
 - c) be provided to the SAC as an unlocked document.
11. Expert conclaves, if occurring, must occur between **12 and 16 May 2022** with an agreed statement circulated and uploaded to the electronic document exchange platform by **4:00pm on 19 May 2022**.
12. The conclave meeting(s) should be held:
 - a) at the discretion of the experts within the dates identified in Direction 11
 - b) by video or in person, as far as practicable, at a mutually convenient location.
13. The conclave meeting(s) can only be attended by:
 - a) the experts being called to give evidence
 - b) a non-participating note taker if necessary
 - c) relevant staff from government agencies.

Advocates for parties instructing the experts must not attend the meeting(s).
14. The statement(s) of agreed opinions and facts should:
 - a) list the relevant experts in attendance, noting the experts present for any significant discussion point if some attendees are only there for part of the meeting
 - b) identify the key issues, including in relation to methodology, assumptions, results and interpretation of results
 - c) record the facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement.
15. The statement(s) of agreed opinions and facts:
 - a) should not restate the evidence – where appropriate, that evidence should be cross-referenced in the agreed statement
 - b) should, if possible, be fewer than five pages
 - c) should have numbered paragraphs
 - d) must be signed by all participants

Tranche 2 Hearing arrangements

16. The Tranche 2 Hearing will commence at **10:00 am on 30 May 2022** for a period of approximately 2 weeks. The Hearing is to be conducted by video conference unless otherwise advised.
17. Parties must advise the SAC of any user that requires an invitation to use the video conference by **12 noon on 23 May 2022**.
18. Planning Panels Victoria will liaise with the VPA who will provide invitations for the Hearing to all parties by **12 noon on 25 May 2022**.
19. Parties (other than the VPA) must circulate and upload an outline of opening submissions to the electronic document exchange platform by **12 noon on 23 May 2022**.

VPA Part B submission

20. The VPA must file and upload, to the electronic document exchange platform, the Part B submission by **12 noon on 27 May 2022**. This submission should include:
- a summary of Amendment changes based on its Changes Report (Direction 1)
 - a summary of submission issues including new submissions
 - an overview of any changes to the Planning Policy Framework since its Tranche 1 Part A submission
 - its response to submissions, evidence and conclaves including any Day 1 Amendment changes (Direction 8)

At the Tranche 2 Hearing

Order of submissions

21. The order of submissions at the hearing will be:
- VPA/Council submission
 - Party submissions (order of parties to be confirmed by SAC following the Directions Hearing)
 - VPA/Council closing submission (refer Direction 23). Anticipated to be presented following a break of one business day after the final submitter party submission.

Submissions of other parties

22. The primary submission of parties (other than the VPA) must be circulated and uploaded to the electronic document exchange platform **by 12 noon** on the day before that party is listed to present its submission.

VPA/Council closing submission

23. The VPA/Council must circulate and upload, to the electronic document exchange platform, its closing submission by 5pm on the day before it is listed to present its closing submission. The closing submission must not raise new matters but should respond to matters raised in other parties' submissions or evidence.
24. The VPA/Council closing submission must include its final position on the Amendment including any proposed changes (Final Tranche 2 Hearing changes version). This document will be produced in a table format outlining proposed changes to the draft amendment (if any) and include columns for parties to confirm whether changes are agreed or to propose alternate wording.

Final drafting comment submissions

25. Parties will be provided with an opportunity to make 'Without prejudice' drafting comments in writing to the SAC following the close of the Hearing based on the VPA/Council's Final Tranche 2 Hearing changes version. A deadline for submissions will be confirmed at the Hearing by the SAC before the close of the Hearing. This process is not an opportunity to revisit any matter of merit.