



Planning Panels Victoria

Department of Transport and Planning

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

12 February 2024

Dear Party

Application to Amend Planning Permit PA2001065-1 Delburn Wind Farm Terminal Station

The Panel held a Directions Hearing for the above matter on 9 February 2024 at Planning Panels Victoria and by video conference. 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, 16 February 2024	Proponent background submission	4
12 noon	Monday, 26 February 2024	Objectors to provide details of grounds of objection	5
12 noon	Wednesday, 28 February 2024	Expert witness details	6
12 noon	Wednesday, 6 March 2024	Proponent expert witness report(s)	7
12 noon	Wednesday, 13 March 2024	Documents or material to be presented on Day 1 of the Hearing	9
12 noon	Wednesday, 13 March 2024	Any supplementary submission from a party not appearing at the Hearing	12
10 am	Thursday, 14 March 2024	Hearing commences	

Declarations

The Panel made no declarations.

Procedural matters

Recording

The Panel received a request from Submitters 251 and 253 for a recording of the Directions Hearing. The Panel asked the parties in attendance if they objected to the recording to the Directions Hearing. No objections were received. The Panel agreed to the request and directed that the recording must be used solely for the purpose of the Panel process and no person should publish or distribute the recording.

The hearing recording is available in the Document Hub (link provided in attached Hearing Timetable).

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 is proposing to record the Main Hearing. Any party opposing the recording of the Main Hearing must advise the Panel by 12 noon on Friday, 8 March 2024.

Site inspection

The Panel directed the Proponent to make arrangements for an accompanied site inspection to be undertaken on a day between 6 and 12 March 2024. The Panel will circulate information on the site inspection once details are confirmed by the Proponent.

Submission from LaTrobe City Council

The Department of Transport and Planning confirmed Submission S297 from LaTrobe City Council was withdrawn and is not referred to the Panel.

If you have questions, please contact [REDACTED] Planning Panels Victoria on planning.panels@delwp.vic.gov.au.

Yours sincerely



ALISON MCFARLANE
Panel Chair

Directions

Application to Amend Planning Permit PA2001065-1
Delburn Wind Farm Terminal Station

Filing documents

1. Documents must be filed electronically to all parties on the distribution list.
2. 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.
3. 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.

Before the Hearing

Proponent background and context submission

4. The Proponent must file a background and context submission by 12 noon on Friday, 16 February 2024 that includes:
 - a) a copy of Planning Permit PA2001065 and plans endorsed under the conditions of the permit (if any)
 - b) locality plan showing the boundary of all lots that make up the land
 - c) background to the Application including chronology of events
 - d) an explanation of the Application, including but not limited to:
 - (i) why the amendment is required
 - (ii) clarification of the meaning of the following terms
 - 'critical infrastructure components'
 - Asset Protection Zone
 - (iii) who was consulted on the Application and what advice was provided?
 - e) a summary of the strategic context, including relevant planning policies and provisions.

Note

The Proponent's background and context submission will be taken as read. The Proponent should allow time for questions on Day 1 of the Hearing.

Refining the issues

5. Objecting parties must file the details of their grounds of objection by 12 noon on Monday, 26 February 2024.

Note

Objecting parties should provide brief details of their grounds for objecting to the application that is the subject of the Hearing (PA2001065-1 – Delburn Terminal Station). Application documents are available in the Document Hub.

Planning Permit Applications PA2001063-1, PA2001064-1 and PA2001066-1 relating to the Delburn Wind Farm have not been referred to the Panel.

Expert witness details and reports

6. If not already provided, full details of all expert witnesses must be filed by 12 noon on Wednesday, 28 February 2024.
7. The Proponent must file its expert witness reports by 12 noon on Wednesday, 6 March 2024.
8. An expert witness report must:
 - a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](http://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.

At the Hearing

Presenting material

9. Submissions, presentations and other material presented to the Panel by all parties:
 - a) must be presented electronically
 - 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.

Proponent main submission

10. 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 application.

Other party submissions

11. A party who objects to the proposal must say how the proposal impacts them or how the proposal is inconsistent with the relevant Planning Scheme, or both.
12. 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 Wednesday, 13 March 2024**.

Note

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

Evidence and cross examination

13. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
14. 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.
15. 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.
16. A party, advocate and the Panel may question an expert witness.
17. 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.

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](#).

Closing submission

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

Recording Hearing, privacy and use of personal information

19. The Hearing will be audio recorded by Planning Panels Victoria. The hearing recording:
- a) will be available for parties to access in the Document Hub (link provided in the attached Hearing Timetable)

- b) must be used solely for the purpose of this Hearing
 - c) must not be republished or further distributed without written permission from the Chair.
20. A party must not record any part of a Hearing by any means without permission from the Chair.
21. 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.

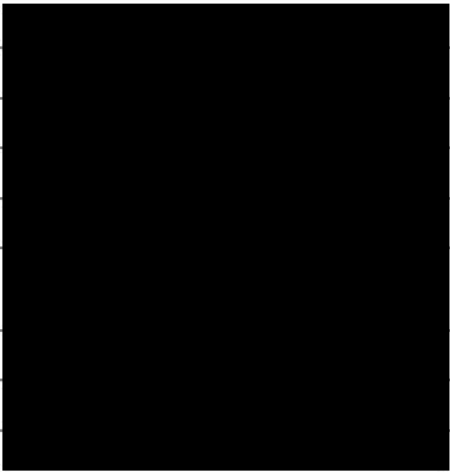
Note

After the Panel has reported to the Minister for Planning, public access to the Document Hub will be disabled.
For more information on how your personal information will be used, refer to the Privacy Collection Notice.

Distribution List

Application to Amend Planning Permit PA2001065-1
Delburn Wind Farm Terminal Station

Electronic documents

Party	email address
Planning Panels Victoria	planning.panels@delwp.vic.gov.au
Minister for Planning/Department of Transport and Planning	
Delburn Wind Farm Pty Ltd	
Strzelecki Community Alliance Inc.	
Rosemary and Stephen Parker	
Gabrielle Armstrong	
Mark Hyett & Jacqueline Hyett	
Simon Pickett	
Caroline Parker	
Mary Orr & Stuart Orr	

Timetable

Application to Amend Planning Permit PA2001065-1
Delburn Wind Farm Terminal Station

Timetable Version 1

Document hub link

Documents are available online here: [Delburn Terminal Station](#)

Day 1: Thursday 14 March 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne) and online at [Click here to join the meeting](#)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.30am	Department of Transport and Planning – opening submission		15 mins
10.30am – 1.00pm	Delburn Wind Farm Pty Ltd represented by Michelle Keen and Courtney White of White & Case Lawyers, calling the following expert evidence: - bushfire management from Mark Potter or Graeme Taylor of Fire Risk Consultants (subject to further confirmation)		2.25 hours
<i>11.30am – 11.45am</i>	<i>Break</i>		<i>15 mins</i>
<i>1.00pm – 2.00pm</i>	<i>Lunch break</i>		<i>1 hour</i>
2.00pm – 2.30pm	Strzelecki Community Alliance Inc.	238	30 mins
2.30pm – 2.40pm	Rosemary and Stephen Parker	151	10 mins
2.40pm – 2.55pm	Gabrielle Armstrong	207	10 mins
2.55pm – 3.05pm	Mark Hyett & Jacqueline Hyett	251 & 253	10 mins
3.05pm – 3.15pm	Simon Pickett	179	10 mins
<i>3.15pm – 3.30pm</i>	<i>Break</i>		<i>15 mins</i>
3.30pm – 3.45pm	Caroline Parker	199	15 mins
3.45pm – 3.55pm	Marry Orr & Stuart Orr	141	10 mins
<i>3.55pm – 4.10pm</i>	<i>Break</i>		<i>15 mins</i>
4.10pm – 4.30pm	Delburn Wind Farm Pty Ltd closing		20 mins
4.30pm	Day close		

Hearing Timetable Notes:

1. Please be present or online at least 15 minutes before your scheduled start time.
2. 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.
3. 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.
4. Getting to the Hearing venue – Planning Panels Victoria (corner Spring and Flinders Streets) is on the 75 and City Circle tram lines and a short walk from the Collins Street trams 109, 11, 12 and 48. It is also a short walk from Parliament Train Station.
5. If you have any questions about the timetable or are unable to present at your scheduled time, please contact Georgia Brodrick on 03 8508 0888 or Planning Panels Victoria on planning.panels@delwp.vic.gov.au.

Planning Panels Victoria Privacy Notice

Your personal information will be collected during this Panel process for the purpose of documenting your views about the Amendment, advising the planning authority and the Minister for Planning about the Amendment, and communicating with you throughout the Panel process.

While the Panel process is underway

Natural justice for all participants and transparency are important parts of the Panel process. The *Planning and Environment Act 1987* requires the Panel to conduct any Hearing it holds in public, and to keep a public record of the material provided to the Panel. Planning Panels Victoria (PPV) may:

- provide a copy of your material with all contact details to the Proponent, government agencies and other parties to the Hearing
- provide a copy of your material to any other person who requests it (your personal information will be removed first)
- provide a copy of your material to the Department of Transport and Planning (DTP) if needed for preparing Ministerial briefings
- publicly display a copy of your material in the PPV Office or Hearing room
- direct that a copy of your material be publicly displayed in the relevant local council office or DTP regional office.

Hearings

The Panel may conduct a Hearing, either in person or using video conferencing. Hearings by video conference have special privacy requirements. If you choose to participate in the Hearing, you should be aware:

- a link to the Hearing will be published on the internet, and third parties will be able to join the Hearing and observe
- the Panel may broadcast the Hearing live on the internet.

The Panel may make a recording of the Hearing and may provide a copy of any recording to any person who requests it. Where Hearings are recorded, generally audio only is recorded (not video).

The Panel can hear submissions or accept material on a confidential basis, provided this would be fair to the other parties to the Hearing. If you want to make your submissions or provide material to the Panel confidentially, you will need to ask permission from the Panel Chair and provide reasons why the Panel should treat your submissions or material confidentially.

Recording of Hearings

The Panel will direct that parties:

- Use any recording provided by Planning Panels Victoria solely for the purpose of the panel process
- Not record online hearings.

After the Panel has reported to the Minister for Planning, the recording will be removed from public display.

The Panel cannot:

- Guarantee that a third party will not produce an unauthorised recording
- Regulate how recordings are used outside the hearing context

The Panel report

Under the *Planning and Environment Act 1987*, a Panel report is a public document. The Panel's report will include a list of the names of submitters and a list of the names of the parties to the Hearing. It may include direct quotes from submitters. The report will be published on the internet up to 10 business days after it has been provided to the Planning Authority.

After the Panel has reported

When the Panel has reported to the Planning Authority, your material will be removed from public display.

Requesting copies

If you would like a copy of any submissions or material collected by the Panel, or a copy of any recording the Panel makes of the Hearing, make a request to PPV by email at planning.panels@delwp.vic.gov.au before the Panel submits its report. If the Panel has reported, you should submit your request to the DTP Freedom of Information and Privacy Unit at foi.unit@transport.vic.gov.au

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 5719.