



Planning Panels Victoria

Department of Transport and Planning

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

21 December 2023

Dear Party

Priority Projects Standing Advisory Committee Referral 38 130-154 Sinclair Street South, Colac

The Committee held a Directions Hearing for the above matter on 20 December 2023. Please find attached:

- Committee Directions
- Distribution List
- Proposed Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Monday, 15 January 2024	Expert witness and advocate details	6
12 noon	Monday, 29 January 2024	Expert witness report(s)	7
12 noon	Friday, 2 February 2024	Council Part B (main) submission	10
12 noon	Friday, 2 February 2024	All other submissions	11
12 noon	Friday, 2 February 2024	Documents or material to be presented on Day 1 of the Hearing	14
10 am	Monday, 5 February 2024	Hearing commences	

Declarations

Member Terrill declared he worked at Tract Consultants until February 2021. Tract Consultants provided planning services to assist Mondous Property on a range of projects. Member Terrill has advised that he had no personal involvement in this matter.

Procedural matters

The Committee has decided to hold a one-day Hearing on **Monday, 5 February 2024**. The Hearing will be held at the Colac Otway Performing Arts & Cultural Centre, 95-97 Gellibrand St, Colac and will start at 9am.

The Committee will undertake an unaccompanied site inspection but has issued a Direction allowing any party or submitter who would like the Committee to review a particular place or area to provide that information to Planning Panels Victoria by 12 noon on Monday, 22 January 2024.

Committee Issues

The Committee would be assisted by more information on the following issues either through submission or expert evidence:

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



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- Why the Deans Creek and Barongarook Creek Flood Study (BMT WBM, 2017) formed a different conclusion with respect to the Flood Overlay over the subject site than the flood modelling in the exhibited Eugeny Stormwater Management Plan (Document 3q)
- The appropriateness, with reference to precedents and standards, of the modified hydraulic roughness of 0.045 for the subject site in the updated CCMA flood modelling
- Why it is proposed to remove the Flood Overlay completely from the subject site when the CCMA's updated modelling with modified roughness (Figure 4 CCMA letter dated 3 November 2022 as attached to Council's Part A submission) still shows small areas of Flood Overlay on the site
- Why the exhibited LSIO map differs from the CCMA's updated modelling with modified roughness (Figure 4 CCMA letter dated 3 November 2022 as attached to Council's Part A submission)
- The 'stormwater initiatives' that may 'have a positive effect on resolving the issues quicker' as discussed with Council and as referred to in Mr Graham Garner's email to Planning Panels Victoria dated 14 December 2023 (Document 6).

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

Yours sincerely



Sarah Raso
Committee Chair

Directions

Priority Projects Standing Advisory Committee Referral 38
130-154 Sinclair Street South, Colac

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 Committee for the purposes of the Committee process is a public document solely for that purpose unless the Committee 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 Committee 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 Committee 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.

Site inspection

4. The Committee will undertake an unaccompanied site inspection. Any party or submitter who seeks the Committee to review a particular place or area must provide that information to Planning Panels Victoria by **12 noon on Monday, 22 January 2024**.

Before the Hearing

Notice of the Hearing

5. Council must publish notice of the Hearing on its website, with information on how members of the public can observe it in person/online.

Note

Council's Part A (background and context) submission will be taken as read. Council should allow time for questions on Day 1 of the Hearing.

Expert witness details and reports

6. If not already provided, full details of all expert witnesses and advocates/legal representation must be filed by **12 noon on Monday, 15 January 2024**.
7. Any expert witness reports must be filed by **12 noon on Monday, 29 January 2024**.
8. An expert witness report must:

- a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://www.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.

Council Part B (main) submission

9. Council must address the following issues in its Part B (main) submission or through evidence:
 - a) its response to the Committee’s Issues (as relevant)
 - b) its response to submissions and evidence
 - c) its final position on the Amendment.
10. Council must file its Part B (main) submission by **12 noon on Friday, 2 February 2024**.

Other party submissions

11. All other parties must file a written submission by **12 noon on Friday, 2 February 2024**. Parties must provide a response to the Committee’s Issues (as relevant).
12. A party who objects to the Amendment must say how the proposal impacts them, how the proposal is inconsistent with Council or government policy or strategy, or both.

Note

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

At the Hearing

13. Council must provide administrative support to manage the Hearing.

Note

This may include finding a suitable venue for an in person Hearing, or if the Hearing is online or hybrid, configuring a video conference meeting, publishing links to the Hearing online, issuing direct invitations to participants (including the Committee, parties and experts) and providing technical support. It may also include managing the document sharing platform and making audio recordings of sessions if directed by the Committee.

Presenting material

14. Submissions, presentations and other material presented to the Committee:
 - 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 Committee
 - d) must include a summary of fewer than 5 pages if the material is more than 40 pages.

Evidence and cross examination

15. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.
16. 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.
17. 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 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 report and relevant supporting documents.
18. A party, advocate and the Committee may question an expert witness.
19. 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 Committee 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 Committee.

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](#).

Privacy and use of personal information

20. A party must not record, keep, distribute or publish contact details of any other party obtained during the Committee process, or use those contact details for any other purpose.
21. A party must not record any part of a Hearing by any means without permission from the Chair.
22. A party who wishes proceedings to be recorded must make a request to the Chair at least five business days before the Hearing commences, outlining its reasons.
23. If Planning Panels Victoria records a Hearing, any person provided with a copy of the recording must not publish or distribute that recording or use it for any purpose other than for the Committee process.

Note

Committee hearings are only recorded in exceptional circumstances. EES Hearings are generally recorded (audio only), but you should check with Planning Panels Victoria before the Hearing starts.

For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 4 December 2023.

Distribution List

Priority Projects Standing Advisory Committee Referral 38
130-154 Sinclair Street South, Colac

Use this list to file expert witness reports and other information in accordance with the Committee's directions. It must not be used for any other purpose. If you are unsure about whether any material or content is appropriate for filing, please seek guidance from Planning Panels Victoria before filing the material.

Electronic documents

Party	email address
Planning Panels Victoria	planning.panels@delwp.vic.gov.au
Department of Transport and Planning	[REDACTED]
Colac Otway Shire Council	[REDACTED]
Ablut Pty Ltd (landowner)	[REDACTED]
Corangamite Catchment Management Authority	[REDACTED]
Graham Garner	[REDACTED]

Timetable

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Timetable Version 1

Document hub link

Documents are available online here: <https://1drv.ms/f/s!Agj9N2J8-J0woF3OSr9er0uyoYrw?e=xaNyqC>

Day 1: Monday 5 February 2024

Venue: Colac Otway Performing Arts & Cultural Centre (COPACC), 95-97 Gellibrand St, Colac VIC 3250

Or join online via MS Teams: [Click here to join the meeting](#)

Meeting ID: 446 203 170 081

Passcode: VqZvCY

Time	Party	Sub No	Allocated
9.00am – 9.15am	Preliminary matters		10 mins
9.15am – 10.15am	Colac Otway Shire Council represented by TBC		1 hour
10.15am – 10.30am	Break		15 mins
10.30am – 12.00pm	Mr Graham Garner represented by TBC, calling the following expert evidence: - TBC		1.5 hours
12.00pm – 12.30pm	Corangamite Catchment Management Authority represented by Mr Geoff Taylor		30 mins
12.30pm – 1.30pm	Lunch break		1 hour
1.30pm – 3.00pm	Ablut Pty Ltd (landowner) represented by TBC, calling the following expert evidence: - TBC		1.5 hours
3.00pm	Hearing close		

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact [REDACTED] at Planning Panels Victoria on [REDACTED] planning.panels@delwp.vic.gov.au as soon as possible.
2. Please be present at least 15 minutes before your scheduled start time.
3. The Committee 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.
4. 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.