



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

30 March 2021

As addressed

Dear Submitter,

VPA Projects Standing Advisory Committee – Referral 5 Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

We are writing to you because you made a submission to the above Amendment. The Minister for Planning has referred all unresolved submissions to the VPA Projects Standing Advisory Committee (Committee).

The Minister for Planning appointed the Committee pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and associated draft Planning Scheme Amendments. Information about the Committee is attached, including the Terms of Reference and Letter of Referral.

Committee Members Con Tsotsoros (Chair), Sarah Carlisle (Chair), Kate Partenio and John Hartigan will consider this referral. Due to availability, Ms Carlisle will chair the Directions Hearing and Mr Tsotsoros will chair the main hearing.

The Committee will hold a Public Hearing by video conference. This letter:

- tells you about the hearing process
- tells you what you need to do if you want to participate in the Public Hearing
- explains how we will use information the Committee collects
- sets out draft directions for the Public Hearing.

Referral No 5 – Lilydale Quarry Comprehensive Development Plan (CDP)

This matter involves draft Amendment C193 to the Yarra Ranges Planning Scheme (the Amendment) and is known as Referral No 5. The draft Amendment proposes to:

- rezones land the former quarry land to the Comprehensive Development Zone Schedule 1 to facilitate the development of land for predominately residential use
- incorporate a new document titled '*Former Lilydale Quarry Comprehensive Development Plan, October 2020*' into the Planning Scheme
- make associated changes to the planning policy framework to reflect the directions and to support the implementation of the CDP.

The Victorian Planning Authority (VPA) is the Planning Authority for the Amendment. The referral letter refers 57 'unresolved' submissions to the Committee for consideration. The Committee understands that this is all submissions received by the VPA.

The Committee process includes a Directions Hearing and the Hearing.

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
East Melbourne, Victoria 8002



Directions Hearing

At the Directions Hearing, the Committee will:

- give directions about exchanging information before the Hearing and the conduct of the Hearing
- consider Hearing times and venue and site inspections
- answer questions people have about the Committee process including the Hearing.

The Directions Hearing will be held:

10 am, Thursday, 22 April 2021 by video conference using MS Teams

Video link: [Click here to join the Directions Hearing](#)

Phone: 03 7019 2540, phone ID: 769883864#

You should attend the Directions Hearing if you:

- are new to the Hearing process or wish to participate in the Hearing
- have questions about the Committee process or wish to raise procedural issues.

The Committee proposes to issue the attached directions after considering all requests to be heard and any additional matters raised at the Directions Hearing or in writing before the Directions Hearing. Each party will have an opportunity to comment about the proposed directions at the Directions Hearing or by **12 noon on Tuesday, 20 April 2021**. Final directions will then be issued.

Format for the consultation process

Clauses 8 and 15 of the Terms of Reference state that the Committee is to undertake consultation that is 'fit for purpose', which may involve roundtable discussions, on the papers or a public hearing.

The Committee's preliminary view is that a written process (otherwise referred to as 'on the papers') may not be appropriate for Referral No 5, as there are considerable issues to be resolved. The consultation process is therefore likely to include a roundtable or hearing where parties will be given the opportunity to speak to those issues. Whether it is appropriate to conduct Referral No 5 by way of roundtable discussion will depend on the number of parties that wish to be heard. This will be considered at the Directions Hearing.

Whatever format the consultation process takes, parties will have an opportunity to succinctly present on the issues in dispute. The issues will be considered in a focused way, with an aim to complete the consultation process within a shorter timeframe to a traditional Hearing. The Committee may limit the use of evidence or cross-examination during the consultation process if it considers it appropriate to do so.

Dates

The consultation process (whether it proceeds as a roundtable discussion or a hearing) will commence on **Monday, 31 May 2021**.

Information

The Committee has been provided with the following information from the Victorian Planning Authority (VPA) to date:

- draft Amendment documents
- background reports including technical reports
- all written submissions made
- a public consultation report.

While the letter of referral refers unresolved submissions to the Committee for consideration, the Committee understands that all submissions received by the VPA have been referred.

Submissions and other information presented throughout the process will be treated as public documents. Please note the attached *Privacy Collection Notice*.

If you wish to be involved in the consultation process

Please complete the [online request to be heard form](#) by **12 noon on Monday 19 April 2021** if:

- you wish to be involved in the Hearing
- you do not wish to speak but would like a copy of the timetable and directions.

Notes on completing the online request to be heard form are attached

Further Information

The attached *Privacy Collection Notice* explains how your submission will be used by the Committee.

Further information including the *What is a Panel?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at:

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

If you need a paper copy of these documents or if you have any other questions, please contact Tom Milverton, Project Support Officer of Planning Panels Victoria on (03) 8508 2691 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Con Tsotsoros

Chair, VPA Projects Standing Advisory Committee

Attachment 1: VPA Project Standing Advisory Committee Terms of Reference, dated 17 July 2020

Attachment 2: Letter of Referral, dated 23 March 2021

Preliminary list of issues

VPA Projects Standing Advisory Committee – Referral 5

Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

VPA has identified the following issues in submissions:

- Built form
- Land use and buffers
- Education and community facilities
- Transport and movement
- Open space
- Vegetation
- Density
- Precinct Infrastructure
- Heritage
- Urban design.

Some of the submissions make detailed reference to parts of the Amendment documentation. The Committee may schedule discussion to deal with drafting issues.

The Amendment is supported by the following background documents:

- Lilydale Quarry Community Needs Assessment (Ethos Urban, October 2020)
- Lilydale Quarry Development Contributions (Urban Enterprise, October 2020)
- Lilydale Quarry - Economic Benefit Snapshot (Urbis, June 2020)
- Lilydale Quarry - Retail & Commercial Analysis (Urbis, October 2020)
- Lilydale Quarry - Engineering Servicing Report (Reeds Consulting, October 2020)
- Lilydale Quarry - Geotechnical Framework (Tonkin & Taylor, April 2020)
- Lilydale Quarry - Geotechnical Overview (Urbis, October 2020)
- Lilydale Quarry - Integrated Water Management (Incitus, October 2020)
- Lilydale Quarry - Stormwater Strategy (Incitus, October 2020)
- Lilydale Quarry - Bushfire Assessment (Biosis, April 2020)
- Lilydale Quarry - Conservation Management (Lovell Chen, September 2015)
- Lilydale Quarry - Environmental Site Assessment (Taylor & Tonkin, April 2020)
- Lilydale Quarry - Flora and Fauna Assessment (Nature Advisory, April 2020)
- Lilydale Quarry - Heritage Interpretation (Lovell Chen, April 2020)
- Lilydale Quarry - Sustainability Framework (WSP, October 2020)
- Lilydale Quarry - Housing Supply and Demand Analysis (SGS, December 2016)
- Lilydale Quarry - Affordable Housing Needs Assessment (Urbis, April 2020)
- Lilydale Quarry - Kinley Affordable Housing (Urbis, April 2020)
- Lilydale Quarry - Cave Hill Station Concept Report (Raylink, September 2017)
- Lilydale Quarry - Integrated Transport Plan (Cardno, Oct 2020)
- Lilydale Quarry - Kinley Station Value Analysis (Intrapac, February 2020)
- Lilydale Quarry – Supporting Traffic Impact Assessment (Cardno, October 2020)
- Lilydale Quarry - Train Station Cost Benefit Analysis (SGS, September 2017)
- Lilydale Quarry - Urban Design Report (Roberts Day, April 2020)
- Lilydale Quarry – Open Space Strategy (TCL, April 2020)
- Former Lilydale Quarry: Planning Scheme Amendment Planning Report (Urbis, October 2020).

Completing the online request to be heard form

VPA Projects Standing Advisory Committee – Referral 5

Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

When completing the online *request to be heard form*, please note the following details.

When will the Hearing be held?

The expected hearing dates are between 31/05/2021 and 11/06/2021.

What if I have availability issues during the expected hearing dates?

You can tell us when you are not available.

The Committee will accommodate your availability where possible.

Expert witness details

An expert witness gives evidence in a field of expertise and must prepare a report.

If you propose to call expert witnesses, you must:

- provide details of all expert witnesses on the request to be heard form – this includes their name, organisation, and field of expertise
- circulate expert witness reports at a specified time before the Hearing.

Participants in the Hearing can generally cross-examine expert witnesses.

What happens after I complete the form?

If you complete this form, a timetable for the Hearing will be emailed to you after the Directions Hearing.

What if I do not have an email address?

Please contact Planning Panels Victoria on (03) 8624 5712 as soon as possible if you need a form mailed to you. A paper copy of documents such as the timetable will be mailed to submitters who provide a postal address.

How will my contact information be used?

We will use your contact address to contact you. We will provide your email or postal address to participants in the Hearing so that they can share reports and submissions unless you tell us otherwise.

Proposed Committee directions

VPA Projects Standing Advisory Committee – Referral 5

Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

Section 159 of the *Planning and Environment Act 1987* allows the Committee to give directions about the time, place and conduct of hearings and preliminary matters.

The Committee is providing each party an opportunity to comment about the proposed directions at the Direction Hearing or by **12 noon on Tuesday, 20 April 2021**, following which final directions will be issued.

Summary of dates

The following dates are proposed:

Time	Date	Action	Direction
12 noon	Tuesday, 18 May 2021	VPA must circulate its Part A submission	3
12 noon	Friday, 21 May 2021	Parties must circulate Expert witness reports	5
12 noon	Friday, 28 May 2021	VPA must circulate its Part B submission	11
12 noon	Friday, 4 June 2021	Parties who do not intend to make an oral presentation must circulate their submissions	20
12 noon	Tuesday, 18 May 2021	VPA must provide the Committee with a plan showing the location of submitters including late submitters	21
10 am	Monday, 31 May 2021	Video conference Hearing commences	

Before the Hearing

Circulation and sharing of documents

1. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.
2. VPA must host and manage online document sharing which enables parties to upload and download documents.

VPA Part A submission

3. VPA must circulate a Part A submission to parties on the distribution list by **12 noon on Tuesday, 18 May 2021** that includes:
 - a) background to the Amendment including chronology of events
 - b) strategic context and assessment
 - c) issues identified in submissions

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

Witness reports

4. 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.
5. Parties must circulate their witness reports to parties on the distribution list by **12 noon on Friday, 21 May 2021**.
6. Council must publish all witness reports on its website.

Proposed Directions:

VPA Projects Standing Advisory Committee – Referral 5

Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

At the Hearing

Submissions and information

7. Parties must present material at the Hearing electronically.
8. Electronic information must be circulated to parties on the distribution list by 12 noon on the day before the information is to be presented at the Hearing.
9. If the Committee has allowed you to present a paper document at the Hearing:
 - a) at least six (6) copies must be provided, two-hole punched and stapled (not bound)
 - b) after presenting to the Committee, submissions (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au as an unlocked document.
10. All information presented at the Hearing is a public document unless the Committee directs otherwise.

VPA Part B submission

11. The VPA must circulate its Part B submission to all parties on the distribution list by **12 noon on Friday, 28 May 2021**. The Part B submission must include:
 - a) its response to submissions and evidence
 - b) its final position on the Amendment.

Evidence and cross examination

12. Evidence-in-chief must be no longer than 30 minutes – all expert witness reports will be read before the Hearing.
13. An expert witness may refer to a presentation which summarises their evidence, but it must not include new evidence.
14. An expert witness can provide their response to other evidence by 12 noon the day before that witness is scheduled to appear.
15. Parties, advocates and the Committee may question a witness.
16. 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.
17. If cross-examining a witness, a party must:
 - a) ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the issues
 - b) allow a witness time to explain their answer.
18. A 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 the express leave of the Committee
 - b) inform the Committee immediately should another person enter the room from which they are giving evidence
 - c) during breaks in evidence, when under cross-examination, not discuss their evidence with any other person, except with the leave of the Committee
 - d) not have before them any document, other than their expert witness statement and documents referred to therein, or any other document which the Committee expressly permits them to view.
19. The Committee may regulate cross-examination.

Written submissions

20. All parties who intend to make their submissions in writing (without orally presenting that submission) must circulate their written submissions to parties on the distribution list **by 12 noon on Friday, 4 June 2021**.

Proposed Directions:

VPA Projects Standing Advisory Committee – Referral 5

Yarra Ranges Planning Scheme Draft Amendment C193: Lilydale Quarry Comprehensive Development Plan

Other information

21. The VPA must provide the Committee with a plan showing the location of submitters including the late submitters by **12 noon on Tuesday, 18 May 2021**. The plan should identify submitters by submitter number, and not by name.
22. Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list by **12 noon on the day before** the party presenting the material is due to present.
23. 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.
24. All information presented at the Hearing is a public document unless the Committee directs otherwise.

VPA closing submission

25. VPA will be provided time to present a closing submission.
26. The closing submission may respond to matters raised in other parties' submissions but must not raise new matters.

Recording Hearings and use of personal information

27. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
28. In exceptional cases the Chair may direct that the Hearing be recorded. Parties who wish proceedings to be recorded must make a written request to the Committee five business days before the commencement of the Hearing, outlining its reasons.
29. If Planning Panels Victoria records an electronic hearing, parties who are provided with a copy of the recording on request must not to publish or distribute that recording, or to use it for any purpose other than for the Hearing.
30. Parties must not to record, keep, distribute or publish contact details of any other party obtained in the course of an electronic hearing session, or to use those contact details or personal information for any purpose other than for the Hearing.

'Without prejudice' drafting

31. The VPA must provide parties by 12 noon, two days before the without prejudice discussion with an MS Word version of:
 - a) clause (include version and document numbers where relevant)
 - b) clause, etc
32. Any party seeking to provide without prejudice tracked changes, must provide them to all parties by 12 noon, the day before without prejudice discussion.
33. After submissions close, parties will have an opportunity to query and comment on any tracked draft changes
34. This process is not an opportunity to revisit any matter of merit.

Compliance with directions

35. 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*]
36. 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 advanced 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.
37. 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.

Planning Panels Victoria Privacy Notice

Your submission has been collected for the primary purpose of this Committee process.

Natural justice for all participants and transparency are important parts of the Committee process. In meeting its legislative requirements, the Committee may:

- provide a copy of your submission with all contact details to the Proponent, Local Council, government agencies and other parties to the Hearing
- provide a copy of your submission to the Department of Environment, Land, Water and Planning if needed for preparing Ministerial briefings
- display a copy of your submission in the Planning Panels Victoria Office or Hearing room.
- display a copy of your submission in the relevant Local Council Office or Regional Government Office as appropriate.

Displaying submissions online

The Committee does not propose to display your full submission on a website unless this is necessary, and you have given your consent. However, your name and other personal information may be published on the internet as detailed below.

Publication of your personal information on the internet

A Committee Report will be published on the internet and may include each submitter's name, direct quotes from submissions and submitter addresses, if required.

Please note that even when your personal information is removed from the internet, it may remain on external servers indefinitely.

Hearing of submissions

A Hearing may be held in person at a venue, by telephone conference, by video link, or a combination of these. You should be aware the Committee may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available to submitters and parties to the Hearing and third parties who request it from Planning Panels Victoria at planning.panels@delwp.vic.gov.au
- use your phone contact details to contact you during a telephone/video hearing, if necessary.

The Committee will direct that parties:

- use any recording provided by Planning Panels Victoria solely for the purpose of the Committee process
- not record online hearings.

The Committee cannot:

- guarantee that a third party will not produce an unauthorised recording
- regulate how recordings are used outside the hearing context.

During the Committee process, all participants, including the general public, must respect the privacy of others and not make defamatory comments.

After the Committee has reported

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

Your original submission and any additional material provided will be held at Planning Panels Victoria for two years and then sent to the Public Record Office Victoria. All additional copies of the submission and other material held by Planning Panels Victoria will be securely destroyed.

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 3127.