



15 March 2021

As addressed

Dear Parties,

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment C152bass: Wonthaggi North East Precinct Structure Plan

The Panel held a Directions Hearing for the above matter on 11 March 2021 by videoconference. Please find attached:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Action	Direction
12.00pm	Monday, 22 March 2021	VPA to set up a document share platform	1
12.00pm	Monday, 22 March 2021	VPA to provide particular documents	2
12.00pm	Friday, 26 March 2021	VPA to provide Day 1 Amendment documents, Action Plan regarding pipeline issues and Submitter Map	2
4.00pm	Wednesday, 17 March 2021	Parties to confirm witness details	4
12.00pm	Tuesday, 6 April 2021	VPA must circulate its Part A submission	5
12.00pm	Tuesday, 6 April 2021	Parties must circulate Expert witness reports (note: other dates apply for evidence the subject of conclaves)	7
12.00pm	Friday, 19 March 2021	VPA to confirm conclave arrangements	9
10.00am	Monday, 12 April 2021	The Hearing starts	

Declarations

The Chair declared he had no conflicts of interest in the matter but declared that had professional interactions with Mr Bursill of Wonthaggi Lifestyle in the course of his previous role as Manager Planning Strategy and Urban Growth some 2 and a half years ago. No concerns were raised regarding this declaration.

Procedural matters

The VPA advised the Direction Hearing that it had become aware of the proximity of a high pressure gas pipeline and high pressure desalination water pipeline to the Wonthaggi North East PSP area. It proposed that further work would need to be undertaken including preparation of a Safety

Privacy Statement

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Management Strategy in consultation with the asset owners (Multinet Gas and South Gippsland Water) potentially resulting in a three to six month delay in addressing potential Amendment impacts. Accordingly, hearing of this matter will take place in two parts. The first will be in accordance with the attached timetable and tranche 1 issues identified below. Given the range and complexity of issues and number of witnesses proposed the matter will be conducted as a Hearing rather than roundtable. Further directions will be issued by the Committee for the conduct of the Hearing relating to tranche 2 issues relating to the pipelines following the receipt of a report from the VPA. This Hearing may take place in a roundtable format.

The Committee may issue interim findings following the completion of stage 1 of the Hearing.

Attendance of DELWP

In response to preliminary issues raised by Parklea Pty Ltd, DELWP will be invited to attend the Hearing to provide a presentation on the Bass Coast DAL project, its status and its relationship to the Amendment including additional landscape or cultural heritage analysis or provide a written summary to the Committee if it is unable to attend.

Issues

The Committee has structured the issues raised in submissions according to the following issue themes and sub-issues. Submissions should be structured around these themes

Tranche 1

- Issue 1: Growth and land use directions:
 - Strategic basis for amendment
 - Inclusion of land already zoned and within approved DPO and with permits
 - Inclusion of additional sites
 - Land use:
 - Housing
 - Industry
 - Commercial
- Issue 2: Environment
 - Native vegetation
 - Fauna and flora impacts
 - Bushfire
 - Cultural heritage
- Issue 3: Infrastructure:
 - General:
 - Coordination and delivery of 'downstream' infrastructure
 - Land owner assistance
 - Roads and intersections:
 - Road reserve widths
 - Intersections
 - Access
 - By-pass road
 - Street network changes
 - Active transport
 - Sewerage and water infrastructure
 - Drainage
 - Open space location

- Provision of schools and kindergartens
- Development Contributions Plan
 - Application
 - Existing permits/s173 agreement arrangements
 - Project inclusions and exclusions
 - Land valuations
 - Scope, costings and priorities
 - Public Land Equalisation Methodology
- Issue 4: Implementation:
 - Timing (By Pass and DAL projects)
 - Land acquisition and application of Public Acquisition Overlay
 - Application of the Environmental Audit Overlay
- Issue 5: Other:
 - Third party appeal rights
 - Fast track amendment process.

Tranche 2

- High pressure gas and desalination pipelines
 - PSP and DCP impacts

Hearing invitations

The Hearing will be conducted by videoconference using the Zoom platform. The VPA will issue invitations and instructions for using the Zoom videoconference platform based on the details included in the distribution list. Invitations cannot be forwarded to other parties. If parties wish additional invitations to be issued, they should contact Planning Panels Victoria in the first instance.

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,



Tim Hellsten

Co Chair VPA Projects Standing Advisory Committee

Panel Directions

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment C152bass: Wonthaggi North East Precinct Structure Plan

Before the Hearing

Creation of shared document platform

1. The VPA (through HWL Ebsworth) is to create a shared document platform for all Amendment documents and for materials provided by parties leading up to and during the Hearing. The VPA will issue instructions for all parties on the distribution list for its access and uploading of submissions by **12 noon on Monday, 22 March 2021**.

Circulation of documents

2. Documents should be circulated electronically and uploaded to the shared document platform. Copies of all documents must be sent to the Committee (PPV).
3. The **VPA** must provide the following documents to parties on the distribution list by the identified date:
 - a) Copies of all s173 Agreements (redacted as appropriate) relating to sites within DPO21 and summary of contributions to date, yet to be collected and the infrastructure items included **by 12 noon on Monday, 22 March 2021**.
 - b) A copy of the development permit for 35 Carney Road, Wonthaggi once issued (if issued before the Hearing)
 - c) Details of access to the latest drainage modelling information by **12 noon on Monday, 22 March 2021**.
 - d) Any formal response to VPA from Engeny in response to drainage submission issues referred to Engeny or alternatively a summary of advice by **12 noon on Monday, 22 March 2021**.
 - e) An action plan relating to the high pressure gas and desalination pieplines which sets out the issue, discussions with asset owners to date, actions to be undertaken by the VPA including discussions with asset owners, development of a Safety Management Strategy and engagement with other authorities as appropriate such as the EPA and Energy Safe and date for distribution of a report, summary of any Amendment changes (including DCP and PSP) and proposed date for the recommencement of the Hearing on tranche 2 issues by **12 noon on Friday, 26 March 2021**.
 - f) A map that can be used by the Committee for its site inspection identifying submissions by number **by 12 noon on Friday, 26 March 2021**. Note: Parties may provide a map with items or locations marked that it wishes the Committee to view where possible from the public realm for inclusion on the VPA's map, however this material must be provided to the VPA by **12 noon Tuesday, 23 March 2021**
 - g) A 'Day 1' set of tracked change amendment documents that reflect the VPAs identified changes in response to submissions by **12.00 noon on Friday, 26 March 2021**

Confirmation of experts

4. All parties must provide the details of their experts and subject by Error! No text of specified style in document. **on Wednesday, 17 March 2021**.

VPA Part A submission

5. The must circulate a Part A submission to parties on the distribution list by **12 noon on Tuesday, 6 April 2021** that includes:

Directions:

- a) background to the Amendment including preparation of the PSP and DCP
- b) summary of technical report findings
- c) strategic context
- d) status of development application for 35 Carney Road, Wonthaggi
- e) any further drainage advice provided to VPA by Engeny specific to submissions
- f) status of high pressure pipeline discussions and report
- g) confirmation of submissions withdrawn following resolution
- h) issues identified in submissions
- i) a summary of changes included in its Day 1 version of documents referencing page or clause numbers and related submission numbers.

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

Witness reports

6. 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 Panel as an unlocked document.
7. Parties must circulate their witness reports to parties on the distribution list by **12.00pm on Tuesday, 6 April 2021**. Note that this does not apply to alternate dates provided for experts involved in conclaves (refer Direction 9).
8. Evidence in Chief will be limited to 10 minutes unless that witness is presenting evidence for more than one submitter, in which instance, evidence in chief can be provided for 10 minutes for each submitter represented.

Meeting of experts

9. The Committee supports the conduct of a conclave of drainage experts and potentially development contribution experts (in relation to drainage matters). If able to arrange a conclave(s), the VPA is to advise the Committee of arrangements and key dates for the provision of related evidence, meeting of experts and the issue of a statement of agreed opinions and facts following discussions with parties calling drainage evidence including Parklea Pty, Beveridge Williams (for various submitters) and LandGipps **by 12 noon Friday, 19 March 2021**. The nominated expert should act as a chair for the meeting and coordinate arrangements and note taking.
10. The meeting(s) can only be attended by:
 - a) the experts being called to give evidence
 - b) a non-participating note taker if necessary.
11. Advocates for parties instructing the experts must not attend the meeting(s).
12. 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

Directions:

- c) record the facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement.
13. 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
 - e) must be circulated to parties on the distribution list by the dates set out in the VPA’s advice to the Committee (Direction 9)
14. The Committee will accept supplementary evidence including a supplementary Part A from VPA prepared in response to the conclave(s) statement of agreed facts where that is clearly communicated to the parties and provided prior to the commencement of the Hearing.

At the Hearing

Submissions and information

15. Parties should present material at the Hearing electronically and upload it to the shared document platform. Written submissions and any other electronic information to be presented at the Hearing must be provided by **12 noon the business day before** the scheduled presentation of that submission. Submissions must be structured around the identified issue themes.
16. All information presented at the Hearing is a public document unless the Panel directs otherwise.

VPA Part B submission

17. At the Hearing, VPA must provide a Part B submission that includes:
- a) its response to submissions and evidence
 - b) its final position on the Amendment including any additional changes proposed to the Day 1 Amendment documents.

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Timetable Version 1

Day 1: Monday 12 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Victorian Planning Authority and Bass Coast Shire Council represented by James Lofting of HWL Ebsworth Lawyers, calling the following expert evidence: <ul style="list-style-type: none">– hydrology from Glenn Ottrey of Engeny– hydrology from Warwick Bishop of Water Technology– traffic from Hilary Marshall of Ratio– development contributions from Chris De’ Silva of Mesh		2 days
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
<i>4.30pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 2: Tuesday 13 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Victorian Planning Authority and Bass Coast Shire Council (continued)		2 days
11.15am – 11.30am	Break		15 mins
11.30am – 12.30pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Victorian Planning Authority and Bass Coast Shire Council (continued)		
<i>4.30pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 3: Wednesday 14 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.30am	Department of Environment, Land, Water and Planning (DELWP) represented by <i>TBA</i>		15 mins
10.30am – 10.50am	Country Fire Authority (CFA) represented by Anne Coxon	29	20 mins
10.50 – 11.05am	South Gippsland Water represented by Lucy Allsop	4	15 mins
11.05am – 11.20am	Break		15 mins
11.20am – 12.00pm	Department of Education and Training (DET) represented by <i>TBA</i>	5	40 mins
12.00pm – 1.00pm	Sam Brotheridge	1	3 hours
1.00pm – 1.50pm	Lunch Break		50 mins
1.50pm – 3.00pm	Sam Brotheridge		
3.00pm – 3.10pm	Break		10 mins
3.10pm – 4.00pm	Sam Brotheridge (continued)		
4.00pm – 4.45pm	Wonthaggi Lifestyle Precinct represented by Greg Bursill of Bursill Consulting	16	45 mins
4.45pm – 5.00pm	Ms J Milne represented by John McCaffrey	13	15 mins
<i>5.00pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 4: Thursday 15 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Mr T Walsh represented by Trevor Ludeman of Project Planning & Development Pty Ltd, calling the following expert evidence: - <i>Macroplan TBA</i>	10	1.5 hours
11.15am – 11.30am	Break		15 mins
11.30am – 12.00pm	Mr T Walsh (continued)		
12.00pm – 1.00pm	Mr G & Ms C Paterno and Ms G & Mr L Clifford represented by Barnaby McIlrath of PE Law	19	2 hours
1.00pm – 2.00pm	Lunch Break		15 mins
2.00pm – 3.00pm	Mr G & Ms C Paterno and Ms G & Mr L Clifford (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.15pm	Wallis Watson Industrial Pty Ltd represented by Fiona Wiffrie of Beveridge Williams	23	1 hour
<i>4.15pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 5: Friday 16 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	BEW Family Investments Pty Ltd represented by Fiona Wiffrie of Beveridge Williams	20	1.5 hours
11.15am – 11.30am	Break		15 mins
11.30am – 12.00pm	BEW Family Investments Pty Ltd (continued)		
12.00pm – 1.00pm	Wentworth Pty Ltd represented by Fiona Wiffrie of Beveridge Williams, calling the following expert evidence: - planning from Patrick Doyle from TP Legal	15	3 hours
1.00pm – 2.00pm	Lunch Break		1 hour
2.00pm – 3.00pm	Wentworth Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.15pm	Wentworth Pty Ltd (continued)		
<i>4.15pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 6: Tuesday 20 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.15am	Carbora Nominees Pty Ltd and Robert John Edden represented by Fiona Wiffrie of Beveridge Williams, calling the following expert evidence: - <i>drainage from TBA</i>	24 & 25	3 hours
11.15am – 11.30am	Break		15 mins
11.30am – 1.00pm	Carbora Nominees Pty Ltd and Robert John Edden (continued)		
1.00pm – 2.00pm	Lunch Break		1 hour
2.00pm – 2.30pm	Carbora Nominees Pty Ltd and Robert John Edden (continued)		
2.30pm – 3.00pm	Landgipps Vic Pty Ltd represented by Jessica O'Donnell of Middle Hill, calling the following expert evidence: - <i>TBA</i>	27	1.5 days
3.00pm – 3.15pm	Break		15 mins
3.15pm – 5.00pm	Landgipps Vic Pty Ltd (continued)		
<i>5.00pm</i>	<i>Day close</i>		

Day 7: Wednesday 21 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Landgipps Vic Pty Ltd (continued)		
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	Landgipps Vic Pty Ltd (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Landgipps Vic Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Landgipps Vic Pty Ltd (continued)		
<i>5.00pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 8: Thursday 22 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Parklea Developments Pty Ltd represented by Juliet Forsyth SC and Jennifer Trehwella of Counsel instructed by Ellen Tarasenko of Herbert Smith Freehills, calling the following expert evidence: <ul style="list-style-type: none"> - <i>drainage from TBA</i> - <i>servicing and utilities from TBA</i> - <i>strategic planning from TBA</i> - <i>development contributions from TBA</i> - <i>economic / housing supply from TBA</i> 	18	4 days
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	Parklea Developments Pty Ltd (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Parklea Developments Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Parklea Developments Pty Ltd (continued)		
4.30pm	Day close		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 9: Friday 23 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Parklea Developments Pty Ltd (continued)		
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	Parklea Developments Pty Ltd (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Parklea Developments Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Parklea Developments Pty Ltd (continued)		
<i>4.30pm</i>	<i>Day close</i>		

Day 10: Monday 26 April 2021**Venue: By video conference**

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Parklea Developments Pty Ltd (continued)		
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	Parklea Developments Pty Ltd (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Parklea Developments Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Parklea Developments Pty Ltd (continued)		
<i>4.30pm</i>	<i>Day close</i>		

Timetable Version 1:

VPA Projects Standing Advisory Committee Referral No. 3 draft Bass Coast Planning Scheme Amendment
C152bass: Wonthaggi North East Precinct Structure Plan

Day 11: Wednesday 28 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Parklea Developments Pty Ltd (continued)		
11.00am – 11.15am	Break		15 mins
11.15am – 12.30pm	Parklea Developments Pty Ltd (continued)		
12.30pm – 1.30pm	Lunch Break		1 hour
1.30pm – 3.00pm	Parklea Developments Pty Ltd (continued)		
3.00pm – 3.15pm	Break		15 mins
3.15pm – 4.30pm	Parklea Developments Pty Ltd (continued)		
<i>4.30pm</i>	<i>Day close – Closing submission of Victorian Planning Authority and Bass Coast Shire Council may be brought forward if Parklea Development Pty Ltd finish ahead of schedule</i>		

Day 12: Friday 30 April 2021

Venue: By video conference

Time	Party	Sub No	Allocated
10.00am – 11.00am	Victorian Planning Authority and Bass Coast Shire Council – Closing submission		1 hour
<i>11.00am</i>	<i>Tranche 1 Hearing close</i>		

Hearing Timetable Notes:

1. The Panel may amend the timetable without notice.
2. Please arrive at least 15 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
5. If you have any questions about the timetable, please contact Kimberly Martin of Planning Panels Victoria by email at planning.panels@delwp.vic.gov.au.