



Planning Panels Victoria

Department of Environment, Land, Water and Planning

6 October 2017

As addressed

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8392 5115
Facsimile (03) 8392 5110

Dear Submitter,

Mornington Peninsula Planning Scheme Amendment C209: Sorrento Ferry Terminal and Sorrento Ferry Terminal Traffic Advisory Committee

A Directions Hearing was held on 3 October 2017 at Rosebud in relation to the above Amendment and Advisory Committee. A copy of the Panel and Advisory Committee's (PAC) Directions and Hearing Timetable are attached.

The following key dates are relevant to this matter:

- Expert witness reports and Council's Part A submission must be circulated by **12 noon on Tuesday 24 October 2017**
- The Hearing will commence at **10.00am on Tuesday 31 October 2017** at Mornington Peninsula Shire Offices, Rosebud

The following information is enclosed for your information:

- PAC Directions
- Distribution List
- Hearing Timetable.

The PAC's Terms of Reference require consideration of the broader traffic network linking to the Sorrento town centre. Council noted in its Council meeting minutes of 26 April 2017 that VicRoads had considered the proposed Sorrento Ferry Terminal redevelopment and has no objection to the proposal and there is further commentary in relation to VicRoads in the 4 September 2017 minutes. At the Directions Hearing, Council undertook to contact VicRoads prior to the commencement of the Hearing to confirm their current position.

Council noted at the Directions Hearing that it understands that consent is not required for the proposed Sorrento Ferry Terminal redevelopment under the *Coastal Management Act 1995*. Council agreed to seek written confirmation of this from the Department of Environment, Land, Water and Planning prior to the commencement of the Hearing.

If you have any queries please contact Andrea Harwood at Planning Panels Victoria on (03) 8392 5123 or planning.panels@delwp.vic.gov.au.

Yours sincerely,

Nick Wimbush
PAC Chair

Privacy Statement

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PAC Directions

Mornington Peninsula Planning Scheme Amendment C209: Sorrento Ferry Terminal and Sorrento Ferry Terminal Traffic Advisory Committee

Written Submissions at the Hearing

1. All parties should bring to the Hearing at least seven (7) hard copies of additional written submissions and accompanying documents (i.e. photographs, plans). Copies of original submissions are not needed.
2. Written material presented at the Hearing should be two-hole punched and stapled (not bound).
3. Submissions (preferably in MS Word) should be emailed to the PAC after the Hearing at planning.panels@delwp.vic.gov.au.
4. Submissions and material presented at the Hearing including PowerPoint presentations are public documents and may be made available to other parties.

Exchange of Expert Witness Reports

5. Expert witnesses reports must comply with the Planning Panels Victoria Guide to Expert Evidence (<http://www.planning.vic.gov.au/panels-and-committees/planning-panel-faqs>).
6. Expert witness reports should not refer to any individual submitter by name. If necessary, submitters may be referred to by submission number.
7. Expert witness reports and Council's Part A submission must be circulated **by 12.00 noon on Tuesday 24 October 2017 (both Hard and Electronic copies)** in accordance with the attached Distribution List.
8. A copy of any expert witness report received must be made available on Council's website and at its office.

Expert witness conclave

9. The expert witnesses in traffic are directed to meet and seek to agree on key issues in dispute and key assumptions, prior to the Hearing.
10. The expert meeting should occur after the circulation of expert reports and before the first expert in the field is being called to give evidence.
11. The format and conduct of the meeting is at the discretion of the experts. The expert for the Planning Authority (the Council) should coordinate arrangements and take notes.
12. The meeting can only be attended by the experts being called to give evidence, and a non-participating note taker if necessary. Advocates for parties or those instructing the experts must not attend the meeting.
13. The expert meeting should canvass at least the following issues:
 - a. Understanding of methodology and assumptions in the assessments undertaken to date.
 - b. Appropriateness of methodology for the task.
 - c. The results obtained.
 - d. Interpretation of results.
14. A brief statement from the meeting should be prepared which highlights points of agreement and disagreement between the experts.

15. The statement should be signed by all participants and tabled on the opening day of the Hearing.
16. If any expert witness directed by the PAC to meet with any other expert is instructed not to reach agreement in respect of points of difference, these instructions must be reported in writing to the PAC by the expert witness.

Information to be supplied

17. Prior to the Hearing, Peninsula Searoad Holdings Pty Ltd (the Proponent) must provide the Committee with an electronic copy of the approved Cultural Heritage Management Plan.
18. Council must circulate to all parties on the distribution list, as soon as possible but no later than **12 noon on Tuesday 24 October 2017**, its updated tracked changes version of Amendment documentation and further changes to the exhibited version of the draft Incorporated Document.
19. At the Hearing, Council and the Proponent should arrange for appropriate aerial photographs and plans at a suitable scale for display.
20. Council must supply for the PAC only a map showing the location of individual submitters by submitter number by 12 noon on Tuesday 24 October.
21. Council must circulate to all parties on the distribution list its 'Part A Submission' **by 12 noon on Tuesday 24 October 2017**. This should include:
 - a. Background to the Amendment
 - b. Chronology of events
 - c. Strategic context and assessment
 - d. Identification of the issues raised in submissions and its response
 - e. A copy of the letter of Authorisation from DELWP.

Note: At the Hearing, Council's 'Part A Submission' will be taken as read by all parties. Council should allow time on Day 1 for questions of clarification from the PAC.

22. At the Hearing, Council must address the following issues through its 'Part B Submission':
 - a. Its response to issues raised in submissions and evidence including the outcome of any further discussion it has had with submitters
 - b. Its final position on the Amendment.

Issues to be addressed

23. The PAC raises the following issues on a 'without prejudice' basis. They should be addressed at the Hearing by Council and/or the Proponent as relevant:

Planning Approach

- a. Why the particular planning controls have been pursued, rather for example applying the Special Use Zone as at Queenscliff.
- b. Can other examples be provided where a similar approach using an Incorporated Document with permit-like conditions has been used successfully.
- c. An explanation of how the matters sought to be considered within the Heritage Overlay and Environmental Significance Overlay have been considered.

Planning Policy

- d. An explanation of how the project responds to the *Victorian Coastal Strategy 2014*, and if relevant the *Siting and design guideline for structures on the Victorian Coast, 1998*.

- e. An explanation of how the project responds to state policy around environmental risk; particularly sea level rise.

Response to the Terms of Reference

- f. A response to the Sorrento Ferry Terminal Traffic Advisory Committee Terms of Reference dated 29 June 2017, in particular a response clause 25, dot point 1 and 2 of the Terms of Reference.

Ferry Terminal Retail

- g. Explanation of the relationship between ferry operations and the proposed retail space, including:
 - i. Any consideration of retail demand at the terminal relative to the town centre;
 - ii. The purpose of the retail space in relation to ferry derived traffic (pedestrian and vehicle) as opposed to a broader catchment; and whether the retail component is likely to generate usage in its own right;
 - iii. whether the retail space will have parking and traffic impacts in its own right and how these have been considered in the traffic assessment.

Ferry Terminal Traffic

- h. Further information should be provided about the demand and capacity generated by the ferry itself for cars and public transport/walkup pedestrians for each trip including the percentage of utilisation of the ferry at those times. This should also include a growth factor for peak demand, or 85th percentile demand, noting the intent to encourage this tourism service.
- i. There appear to be different plans for carpark layouts in different reports such as the plan in the Cardno report and F2 plans compared to the Water Technology plans. This should be clarified.
- j. Staging of traffic and pedestrian works should be clearly explained, including who is responsible and the triggers for works.
- k. Information should be provided on the calibration and validation on the traffic modelling within the Cardno report. For example compare section 2.6.2, page 25, with table 2-4 and see explanation in paragraph at bottom of page 30. This warrants more explanation on the calibration and validation of the traffic modelling.

Distribution List

Mornington Peninsula Planning Scheme Amendment C209: Sorrento Ferry Terminal and Sorrento Ferry Terminal Traffic Advisory Committee

This list is to be used for the circulation of Expert witness statements and any other information as directed by the PAC.

Note: Both Hard and Electronic copies of Expert witness reports and Council's Part A submission must be circulated **by 12 noon on Tuesday 24 October 2017.**

Party	Hard Copies	Electronic Copy
Planning Panels Victoria Attn: The Panel Coordinator GPO Box 2392 Melbourne, Victoria 3001 (By courier to Level 5, 1 Spring Street, Melbourne 3000 and mark as 'Urgent')	One for the archives.	planning.panels@delwp.vic.gov.au (The PAC is to be provided with an 'unlocked' copy of any document circulated, i.e. not in PDF)
Mornington Peninsula Shire Council	None	Rosa.zouzoulas@mornpen.vic.gov.au
Peninsula Searoad Holdings Pty Ltd	None	Planning@ha.legal
Catherine O'Byrne	None	Catherine10098@hotmail.com
Maurice Schinkel	None	Pjhmcs25@gmail.com
Mornington Peninsula Regional Tourism Board	None	Tracey.cooper@mprtb.com
Nepean Conservation Group	None	ursula.dejong@deakin.edu.au
Nepean Historical Society	None	heritageandplanning@nhs.asn.au
Parks Victoria	None	Graeme.davis@parks.vic.gov.au
Susan Leeming	None	susan@leemingservices.com
VicRoads	None	Michael.Freeman@roads.vic.gov.au

Timetable

Mornington Peninsula Planning Scheme Amendment C209: Sorrento Ferry Terminal and Sorrento Ferry Terminal
Traffic Advisory Committee

Day 1: Tuesday 31 October 2017

Venue: Room 2, Mornington Peninsula Shire Council Offices, 90 Besgrove Street, Rosebud

Time	Party	Sub No	Allocated
9.30am	Preliminary matters		15 mins
9.45pm	Mornington Peninsula Shire Council , represented by Rosa Zouzoulas and calling the following expert witness: <ul style="list-style-type: none">Stuart Valentine of One Mile Grid on traffic and transport		3 hours
12.45pm	Lunch Break		
1.30pm	Mornington Peninsula Regional Tourism Board , represented by Tracey Cooper	28	30 mins
2.00pm	Catherine O'Byrne	36	20 mins
2.20pm	Susan Leeming	20	10 mins
2.30pm	Nepean Conservation Group represented by Dr Ursula de Jong	29	30 mins
3.00pm	Nepean Historical Society , represented by Andrea Hackwell, Frank Hindley and Ian Grey	31	2 hours
5.00pm	Close		

Day 2: Wednesday 1 November 2017

Venue: Room 2, Mornington Peninsula Shire Council Offices, 90 Besgrove Street, Rosebud

Time	Party	Sub No	Allocated
9.30am	Preliminary matters		15 mins
9.45am	Peninsula Searoad Holdings Pty Ltd , represented by Jeremy Gobbo QC, instructed by Greg Tobin of Harwood Andrews Lawyers and calling the following expert witnesses: <ul style="list-style-type: none">• Dr Andrew McCowan of Water Technology on hydraulic engineering• Steve Schutt of Hansen on Visual evidence• Craig Czarny of Hansen on urban design• Stuart McGurn of Urbis on town planning• Jason Walsh of Traffix Group on traffic engineering		1 day
12.30pm	Lunch Break		
1.30pm	Peninsula Searoad Holdings Pty Ltd (continued)		
4.00pm	Mornington Peninsula Shire Council – Right of reply and closing comments		30 mins
4.30pm	Peninsula Searoad Holdings Pty Ltd – Right of reply and closing comments		30 mins
5.00pm	Close		

Day 3: Thursday 2 November 2017

Venue: Room 2, Mornington Peninsula Shire Council Offices, 90 Besgrove Street, Rosebud

RESERVE DAY IF REQUIRED

Hearing Timetable Notes:

1. This timetable may be amended without notice.
2. Please arrive at least 15 minutes before your scheduled time of commencement. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as practicable.
3. Any queries regarding this timetable should be made to Andrea Harwood, Planning Panels Victoria on 8392 5123