



Planning Panels Victoria

Department of Transport and Planning

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

21 May 2024

Dear Party

Priority Projects Standing Advisory Committee Referral 40 – Business Park, Warragul

The Committee held a Directions Hearing for the above matter on 20 May 2024 at Planning Panels Victoria with online video access. Please find attached:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Friday, 24 May 2024	Expert details	6
12 noon	Tuesday, 11 June 2024	Proponent background and context submission	5
12 noon	Tuesday, 11 June 2024	Expert reports	7
12 noon	Monday, 17 June 2024	Documents or information to be presented on Day 1 of the Hearing	9
12 noon	Monday, 17 June 2024	Proponent main submission and 'Version 1' of Amendment and permit	11
10 am	Tuesday, 18 June 2024	Hearing starts	
12 noon	Wednesday, 19 June 2024	Party comments on Version 1 of Amendment and permit for drafting discussion	20
12 noon	Thursday, 20 June 2024	Hearing ends	
12 noon	Tuesday, 25 June 2024	Proponent final preferred version of Amendment and permit	21

Declarations

The Committee made no declarations.

Hearing details

The Hearing will be held in person at Hearing room 2, Ground Floor, 1 Spring Street, Melbourne

You can also appear by video through: [Join the meeting now](#)

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 Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL

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

Yours sincerely

A handwritten signature in black ink that reads "Con Tsotsoros". The signature is written in a cursive, flowing style.

Con Tsotsoros
Committee Chair

Filing documents

1. Documents must be emailed 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) Be unlocked to enable word searching and content copy and pasting.
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.
4. Each party is responsible to retain any documents.

Notes

Any request to access a document after that date will be subject to the Freedom of Information process.

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.

Before the Hearing

Proponent background and context submission

5. The Proponent must file a background and context submission by **12 noon on Tuesday, 11 June 2024** that:
 - a) explains the proposal
 - b) summarises the physical context of the subject land and surrounds
 - c) identifies recommending and determining section 55 referral authorities relevant to the proposal
 - d) summarises the flooding impacts and land use conflicts issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how
 - e) suggests any changes to the Amendment/permit in response to submissions.

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.

Expert details and reports

6. Details of the Proponent's planning expert must be filed by **12 noon on Friday, 24 May 2024**.

7. Expert reports must be filed by 12 noon on Tuesday, 11 June 2024.
8. An expert 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.

At the Hearing

Presenting material

9. Submissions, presentations and other information presented at the Hearing:
 - a) must be presented electronically
 - b) must be filed by 12 noon on the business day before the information is to be presented
 - c) should relate only to flooding impacts and land use conflicts
 - d) must include a summary of fewer than 5 pages if the information 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 Amendment.
11. The Proponent must file a 'Version 1' of the Project documentation by 12 noon on Monday, 17 June 2024. The Day 1 version must:
 - a) show any suggested changes in response to submissions
 - b) be marked up against the exhibited version
 - c) be labelled 'Proponent Day 1 version – [Document title eg Environmental Delivery Standards]'
 - d) be in an editable format such as MS Word.

Issues to be explored

12. The Committee would be particularly interested in, through submission and/or evidence:
 - a) the implications associated with the loss of floodplain storage
 - b) whether vegetation along the creek corridor was considered when assessing the capacity of the realigned creek.

Other party submissions

13. A party who intends to file a Version 1 of the draft Amendment or Permit must file this with its main submission. Version 1 must:
 - a) show any suggested changes in response to submissions
 - b) be marked up against the exhibited version
 - c) be labelled 'Council Day 1 version – draft Permit'
 - d) be in an editable format such as MS Word.

Note

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

Expert reports and cross examination

14. Unless agreed by the Chair, evidence-in-chief should be no longer than 30 minutes.

Directions:

15. An expert may present a summary of their report at the Hearing, but it must:
 - a) not include new information
 - b) be filed by 12 noon the business day before that expert is scheduled to appear.
16. If giving evidence online, an expert 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 report and relevant supporting documents.
17. A party, advocate and the Committee may question an expert.
18. If cross examining an expert, a party must:
 - a) be present for the whole of the expert 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 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 expert, 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 expert
- 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](#).

Proponent closing submission

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

Drafting changes

20. A party seeking to provide drafting comments on the Proponent Version 1 of the Amendment documentation must file them by 12 noon on Wednesday, 19 June 2024. Drafting comments must only relate to drafting issues, not broader issues.

Directions:

21. The Proponent must file by 12 noon on Tuesday, 25 June 2024 its final preferred version of the Amendment clauses and permit conditions with its closing submission. The final preferred version must be marked up against Version 1 and labelled Version 2.

Note

Comments on the final version of Amendment documentation must be limited to drafting (form and content). Drafting comments can be provided even though your primary position may be that the proposal should not be supported.

Privacy and use of personal information

22. 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.
23. A party must not record any part of a Hearing by any means.
24. 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.
25. 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. For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's letter dated 30 April 2024.

Timetable

Priority Projects Standing Advisory Committee Referral 40 – Business Park, Warragul

Timetable Version 1

Day 1: Tuesday 18 June 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Join the meeting now](#)

Time	Party	Sub No	Allocated
10am	Preliminary matters		20 mins
10.20am	Advantage All Pty Ltd (Proponent) represented by Andrew Iser of Best Hooper Lawyers, calling expert evidence on: <ul style="list-style-type: none">- urban planning from [see Direction 6]- hydrology from Nina Barich of Incitias Pty Ltd- engineering from Kyle Taylor of Taylor Miller Pty Ltd		1 day
12.45pm	Lunch break		1 hour
1.45pm	Proponent continued		
4.30pm	Day close		

Day 2: Thursday 20 June 2024

Venue: Planning Panels Victoria, Hearing Room 2 (Ground Floor, 1 Spring Street, Melbourne)

By video (Microsoft Teams): [Join the meeting now](#)

Time	Party	Sub No	Allocated
10 am	Preliminary matters		10 mins
10.10am	Baw Baw Shire Council represented by Keith Black	7	30 mins
10.40am	West Gippsland Catchment Management Authority represented by Adam Dunn	2	10 mins
10.50am	Break		15 mins
11.05am	Proponent closing submission		30 mins
11.35am	Without prejudice drafting discussion		40 mins
12.15pm	Hearing close		

Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on (03) 8508 0888 as soon as possible.
2. Please be present or online 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.

5. 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.
6. If you have any questions about the timetable, please contact Planning Panels Victoria on (03) 8508 0888