



Planning Panels Victoria

Department of Transport and Planning

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4 February 2025

Dear Party

Victorian Planning Authority Projects Standing Advisory Committee Referral 11: Croskell (Employment) Precinct Structure Plan

The VPA Standing Advisory Committee (Committee) held a Directions Hearing for the above matter on 3 February 2025 at Planning Panels Victoria and online. This letter includes key dates and the Committee's response to procedural matters raised at the Directions Hearing.

Please find attached:

- Committee Directions
- Distribution List.

The Committee aims to issue a first version timetable next week once parties have confirmed representatives, experts, clarified submission times, and outlined unresolved submissions. The Hearing will be conducted in person at Planning Panel's 1 Spring Street and other venues to be confirmed. Parties will have the opportunity to observe the hearing on-line however evidence and written submissions are to be presented in person wherever possible.

After considering submissions from parties, the Committee will construct a timetable that adopts the following approach:

- Opening submission from the VPA
- EPA submission
- Melbourne Water submission
- Drainage evidence
- Casey City Council (Council) submission
- Infrastructure costing evidence
- Buffer (odour) evidence
- Bushfire evidence
- VPA Part B submission
- Other party submissions (including specific issue evidence not addressed earlier)
- Melbourne Water closing submission in response to drainage evidence
- VPA closing submission
- Confirmation of time frames for drafting comments as required.

Privacy Statement

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The following dates apply:

Time	Date	Actions for filing and other matters	Direction
12 noon	Friday, 7 February 2025	VPA must provide documents specified	9
12 noon	Monday, 10 February 2025	VPA must provide a summary of proposed Amendment changes to the PSP, ICP, NVPP, Zone and Overlays	10
12 noon	Tuesday, 11 February 2025	Expert witness details to be provided	15.a)
12 noon	Tuesday, 11 February 2025	Parties must advise the Committee: <ul style="list-style-type: none"> - who requires access to the online document sharing platform - a summary of resolved issues and remaining unresolved issues by referral Table 1 - advocate details and any distribution list updates - of any sites or precinct features to be included in the Committee’s site inspection 	15.b), 15.c), 15.d), 15.e)
12 noon	Tuesday, 11 February 2025	VPA must email all parties to provide advice on how to access the document sharing platform	3
12 noon	Friday, 14 February 2025	Site inspection map and itinerary	12
12 noon	Wednesday, 19 February 2025	VPA must provide an updated submission table identifying unresolved or pending submissions that are resolved	11
12 noon	Wednesday, 19 February 2025	VPA Part A (background and context submission)	16
12 noon	Monday, 24 February 2025	VPA ‘Day 1’ version of the Amendment documents and PSP	13
12 noon	Monday, 24 February 2025	VPA in conjunction with Melbourne Water must provide a summary of resolved and unresolved issues in relation to Drainage	14
12 noon	Wednesday, 26 February 2025	Expert witness report(s)	17
12 noon	Friday, 28 February 2025	Documents or material to be presented on Day 1 of the Hearing	20
10 am	Monday, 3 March 2025	Hearing commences	

Declarations

Member Conway declared that she and Ms Tarasenko of Polis Legal, representing Spring Lodge Farms P/L, are both members of the VPELA Small Business Collective. Ms Conway declared she will not have any contact with Ms Tarasenko for the duration of this matter. No parties raised concerns with the declaration.

Procedural matters

Issues before the Committee

The VPA advised that it requests the Committee to limit its advice to the key matters identified in Table 1 of the referral letter dated 23 December 2024 circulated with the Directions Hearing letter. This is despite the referral letter also identifying that the Committee’s advice is sought on unresolved submissions relating to the Croskell (Employment) PSP and ICP matters. While parties confirmed that for most matters the issues

in Table 1 captured unresolved issues there remained a limited number of issues that were not captured, for instance in relation to vegetation, drafting, and specific transport matters.

The Committee will conduct the Hearing and provide its advice to VPA in a manner which:

- has a focus on the Table 1 issue themes and their sub-components
- enable parties to make submissions on other unresolved issues and for the Committee to report on these matters in more limited way, noting the referral letter is ambiguous about the unresolved issues for which the Committee's advice is being sought.

To assist in this task the Committee's Directions set out:

- Information required from parties before the commencement of the Hearing including information required to confirm a timetable.
- The approach parties are to adopt for the:
 - structuring of written submissions
 - presentation of oral submissions
 - the structure of evidence, evidence-in-chief and cross examination.

Request for Abattoir operation documents/deferral of odour issue considerations

Spring Lodge Farms P/L (Spring Lodge) on 29 January 2025 requested the Committee direct Wagstaff Cranbourne P/L (Wagstaff) to provide information and a range of documents that it said were necessary for it to undertake odour and buffer assessments and for the Committee to fully consider buffer issues. It also requested the deferral of the consideration of odour buffer issues for two months from the receipt of this material. The request for deferral was not supported by the VPA or Wagstaff. The request for documents was broadly opposed by Wagstaff.

The Committee does not direct Wagstaff to provide the documents requested by Spring Lodge. It notes that some of these documents are in the process of being obtained from either Council or the EPA. The Committee accepts that some of the information sought from Wagstaff may contain information that is commercial in confidence or otherwise of a sensitive nature. It further notes that Wagstaff were not opposed to providing some operational information through direct discussions with Spring Lodge. The Committee is not satisfied that the material sought is documentation that will assist it in its task or will restrict the ability for Spring Lodge to make submissions or provide evidence in relation to buffer and sensitive use issues to the Committee. The Committee does not support deferral of odour issues to a later date.

Involvement of Bunurong Land Council Aboriginal Corporation (BLCAC) and request for heritage impact/cultural values documents

No submission to the Amendment was made by BLCAC. It is understood that the VPA has advised BLCAC of the Committee Hearing process and endeavoured to engage with it about the Amendment.

Fouz Superannuation P/L and Others requested:

- an unredacted version of the Aboriginal Cultural Heritage Impact Assessment, May 2024
- the report informing the Cultural Values Interpretation Strategy, BLCAC, February 2024.

The VPA advised the Committee that BLCAC did not support the release of these documents on a restricted, confidential basis. The Committee considers that to the degree these documents inform the PSP approach to dealing with land parcel 20, being unable to view the full version of the Cultural Values Interpretation Strategy makes it difficult to attach significant weight to the Strategy and for the landowner to reasonably respond to the issue. The Committee will write to the BLCAC:

- Providing it with an opportunity to participate in the Hearing.
- Requesting:
 - an unredacted version of the Aboriginal Cultural Heritage Impact Assessment, May 2024 to be provided to the Committee and landowner advocate and their cultural heritage expert only on a confidential basis.

- the report informing the Cultural Values Interpretation Strategy, BLCAC, February 2024 to be provided to the Committee and landowner advocate and their cultural heritage expert only on a confidential basis.

If you have questions, please contact Planning Panels Victoria at planning.panels@transport.vic.gov.au.

Yours sincerely



Tim Hellsten
Committee Chair

Hosting the Hearing and document sharing

1. The VPA must provide administrative support to manage the Hearing.

Note

The Hearing will be held as an in person Hearing with video conferencing (online) access. Planning Panels Victoria will host online Hearing access invitations using Microsoft Teams and will liaise with the VPA to finalise Hearing arrangements.

Administrative support from the VPA will include finding a suitable Hearing venue for the first week of hearing and any dates extending beyond March that has in person and video conferencing capability, providing technical support, issuing public notice of the Hearing, establishing and managing a document sharing platform.

2. The VPA must host and manage an online document sharing platform. The platform must:
 - a) Be set up by **12 noon on Friday 7 February 2025**.
 - b) Include folders for documents from each party.
 - c) Allow a party to upload documents directly.
3. The VPA must email all parties to provide advice on how to access and use the system by **12 noon on Tuesday 11 February 2025**.
4. Parties must circulate documents to the Committee and parties by:
 - a) Uploading them to the document sharing platform.
 - b) Emailing the Committee and all other parties on the distribution list to inform them of the document(s) that have been uploaded.
5. Documents must be available to access and download from the document sharing platform until the date the report is submitted by the Committee. Each party is responsible to retain any documents before that date.
6. 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, they must be accompanied by an indexed list.
 - d) A Microsoft Word version or unlocked pdf version of the document must be emailed directly to planning.panels@transport.vic.gov.au after being uploaded.
7. 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

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@transport.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.

Directions:

If you have with difficulties providing documents electronically you should contact Planning Panels Victoria.

Before the Hearing

Notice of the Hearing

8. The VPA must publish notice of the Hearing on its website, with information on how members of the public can observe it in person and online.

Information to be provided by VPA

9. The VPA must provide the following information by **12 noon on 7 February 2025**:
 - a) Proposed Drainage Strategy Optimised Concept Design Changes Report, 9 December 2024 (The Committee notes this version will be superseded by a Revision C of the Drainage Services Scheme to be provided by Melbourne Water)
 - b) Spring Lodge Farm P/L's second submission dated 6 December 2024.
10. A summary of proposed Amendment changes to the PSP, ICP, NVPP, Zone and Overlay schedules and mapping in table form identifying the relevant document clause or section and a summary of changes by **12 noon on 10 February 2025**.
11. An updated submissions table identifying unresolved or pending submissions that are resolved by **12 noon on 19 February 2025**
12. A site inspection map and itinerary for the Committee to conduct its unaccompanied site inspection by **12 noon on 14 February 2025**. The Plan must:
 - a) identify precinct submitters by submitter number
 - b) identify key precinct features relevant to submission issue focus
 - c) include any sites identified by parties
 - d) be provided only to the Committee.
13. A Day 1 version of Amendment documents by **12 noon on 24 February 2025** which:
 - a) shows any suggested changes in response to submissions
 - b) is marked up against the exhibited version
 - c) is labelled 'VPA Day 1 version – Clause/Document X'
 - d) be in an editable format such as MS Word
 - e) is supported by a summary table of changes by clause, document section or planning scheme map
 - f) includes any changes in response to a review of the documents, including against the initial drafting issues identified by the Committee at the Directions Hearing and consideration against the *Practitioner's Guide to Victorian Planning Schemes* and the *Ministerial Direction on Form and Content of Planning Schemes*.

Information to be provided by VPA and Melbourne Water

14. The VPA in conjunction with Melbourne Water must provide a summary of resolved and unresolved drainage issues by **12 noon on 24 February 2025** and any additional Drainage Strategy Optimised Concept Design Changes.

Information to be provided by parties

15. All parties must advise the Committee of the following by **12 noon on 11 February 2025**:
 - a) Experts to be called including specific elements of expert focus and how they relate to the Table 1 issues.

Directions:

- b) if they require access to the online document sharing platform and confirm emails for each person and consultant to be provided with access
- c) A summary of resolved issues and remaining unresolved issues by Table 1 issue theme and/or 'other issues'. Sufficient detail is to be included about the nature of unresolved issues for each issue theme.
- d) Confirm advocate details, distribution list changes, any advocate/expert availability changes and estimated timeframes for primary submissions noting the Committee directions regarding submissions and evidence.
- e) Advise the VPA of any sites or precinct features to be included in the Committees site inspection map and itinerary.

VPA Part A (background and context) submission

16. VPA must file its Part A (Background and context) submission by **12 noon on Wednesday, 19 February 2025** that includes:
- a) a summary of the physical context of the subject land and surrounds
 - b) background to the Amendment including chronology of events
 - c) a summary of the strategic context, including:
 - (i) relevant planning policies and provisions, Ministerial Directions, Practice Notes and Guidelines
 - (ii) any other recently approved or upcoming amendments that might impact on the Amendment including VC237
 - d) a summary of any major permit applications or recently granted permits that might impact on the Amendment
 - e) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how.

Expert witness reports

17. Any expert witness reports must be filed by **12 noon on 26 February 2025**.
18. Expert witness reports are to be constructed to specifically respond to the relevant Table 1 issue theme elements followed by any broader theme issues or 'Other issues'.
19. 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.

At the Hearing

VPA opening submission

20. The VPA to provide an opening submission on Day 1 which includes:
- a) an amendment overview
 - b) an update on any further discussions with the Bunurong Land Council Aboriginal Corporation particularly in relation to the outcomes proposed by the Amendment
 - c) set out its position with Melbourne Water in relation to outstanding drainage issues and any updated drainage documentation
 - d) updates its bushfire advice and discussions with the CFA
 - e) Identifies the status of any unresolved or pending submissions

Directions:

- f) summarises its Day 1 changes.

Presenting material to the Hearing

21. Submissions, presentations and other material presented to the Committee:
- must be presented electronically
 - must be filed by 12 noon on the business day before the material is to be presented
 - must relate to the matters before the Committee
 - must include a summary of fewer than 5 pages if the material is more than 40 pages
 - uploaded to the document share platform.

VPA Part B (main) submission

22. The VPA must address the following issues in its main submission or through evidence:
- Its position in relation to Table 1 issues
 - its response to submissions and evidence
 - its final position on the Amendment.

Other party submissions

23. Written submissions must be structured in a manner that:
- sets out the position in relation to the relevant Table 1 issue theme
 - sets out the position in response to 'Other' matters that relate to an issue theme but do not clearly fall within the focus elements of that theme
 - includes an 'Other issues' section dealing with submission issues outside the Table 1 issues
 - clearly sets out document changes sought.
24. Oral submission presentations are to focus on the referral Table 1 issues and briefly summarise positions in relation to 'Other issues'. The Committee will take the written submission content on these issues as read and will ask for clarification on matters that are unclear.

Evidence and cross examination

25. Evidence-in-chief should be no longer than 30 minutes for evidence related to the referral Theme issues. It should focus on opinions relating to the relevant themes and not on issues outside those themes. The Committee will ask for clarification where the evidence on other matters is unclear. For evidence not directly related to the referral Table 1 issue themes evidence-in-chief should be limited to 10 minutes.
26. An expert witness may present a summary of their evidence at the Hearing, but it must:
- not include new evidence
 - be filed by 12 noon the business day before that witness is scheduled to appear.
27. For referral Table 1 issues a party, advocate and the Committee may question an expert witness. Cross examination must focus on the Table 1 issues and be conducted in an efficient manner. For evidence on matters outside the referral Table 1 issue there will be no cross examination, and questions will be limited to clarification of opinions.
28. If cross examining an expert witness, a party must:
- be present for the whole of the expert witness giving their evidence
 - ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the issues
 - allow the expert witness time to explain their answer.

Directions:

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](#).

Part C (closing) submission

29. The VPA will be provided time to present a Part C (closing) submission. The Part C (closing) submission:
- a) must not raise new matters
 - b) may respond to matters raised in other parties' submissions or evidence
 - c) include file its final preferred version of the Amendment documentation. The final preferred version must:
 - (i) show changes proposed in response to evidence or submissions presented at the Hearing
 - (ii) be marked up against the VPA Day 1 version
 - (iii) be labelled 'VPA Part C (closing) version – Clause/Document X'.
30. The Committee will confirm a timeframe for parties seeking to provide drafting comments on the VPA Part C (closing) version of the Amendment documentation at the conclusion of the Closing Submission. Drafting comments must only relate to drafting issues, not broader issues.

Privacy and use of personal information

31. 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.
32. A party must not record any part of a Hearing by any means without permission from the Chair.
33. 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.
34. 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.

Distribution List

Victorian Planning Authority Projects Standing Advisory Committee Referral 11: Croskell (Employment) Precinct Plan

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@transport.vic.gov.au
Victoria Planning Authority	[REDACTED]
Casey City Council	[REDACTED]
AVA Faltaous-Kyrellos Pty Ltd	[REDACTED]
Cranbourne 1450 Holdings Pty Ltd	[REDACTED]
Environment Protection Authority	[REDACTED]
Fouz Superannuation Pty Ltd Yusuf Property Pty Ltd and Fouz Investments Pty Ltd	[REDACTED]
Galileo Group	[REDACTED]
Wagstaff Cranbourne Pty Ltd	[REDACTED]
MAB Property Developments Pty Ltd	[REDACTED]
Melbourne Water	[REDACTED]
Spring Lodge Farms Pty Ltd	[REDACTED]