



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

11 November 2022

Dear Submitter

Distinctive Areas and Landscapes Standing Advisory Committee: Bass Coast Statement of Planning Policy

We are writing to you because you made a submission to Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning (the Proponent) to the draft Bass Coast Statement of Planning Policy (Bass Coast SPP).

The Minister for Planning has determined to refer the draft Bass Coast SPP and all written submissions (747 submissions) to the Distinctive Areas and Landscapes (DAL) Standing Advisory Committee (the Committee) for its consideration. The letter of referral is attached for your convenience.

Background

The Minister for Planning appointed the Committee pursuant to section 151 of the *Planning and Environment Act 1987* to provide advice on referred projects and associated draft Planning Scheme Amendments.

Information about the Committee including its Terms of Reference can be found on the Committee's website at [Distinctive Areas and Landscapes referral: Bass Coast \(planningpanels.vic.gov.au\)](https://planningpanels.vic.gov.au)

The Committee

Committee members Kathy Mitchell AM (Chair), Peter Edwards and Jess Tulloch will be present at the Directions Hearing. For noting, Ms Mitchell was the Chair, and Mr Edwards was a member of the Committee that considered the Surf Coast DAL in 2021. The final allocation of members will be provided before the Hearing commences.

This letter:

- informs you about the Committee's consultation and hearing process
- informs you what do if wish to participate in the Committee process
- explains how the Committee will use information provided throughout this process
- sets out some key dates for the exchange of information before the hearing.

The Hearing process

The Committee will:

- hear submitters in an independent forum by video conference, or in person if permitted
- be informal and not like a court
- give fair, unbiased advice to the Minister for Planning.

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

Submissions and other information presented throughout the process, including the Hearing, will be **treated as public documents**. Please carefully read the attached *Privacy Collection Notice*.

The Committee process includes a Directions Hearing and the Hearing.

Directions Hearing

The Committee will convene a Directions Hearing to be held by video conference using MS Teams at **10.00am, Tuesday, 13 December 2022**.

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.

[Click here to join the meeting](#)

If you do not have access to a computer or you cannot connect to a network for video and computer audio, you can join and participate in the Directions Hearing by telephone using the following prompts:

1. Dial +61 7019 2540
2. Input the phone conference ID: 809 978 943 followed by the '#' key.

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 directions after considering all requests to be heard and any additional matters raised at the Directions Hearing.

Expert witness statements and submissions

The Committee intends to direct that the Minister for Planning's initial submission and any expert witness statement(s) be provided to other parties at least five business days before the Hearing.

Hearing

The purpose of the public Hearing is for people to speak to their written submission. The Hearing is proposed to start from **6 March 2023** and should run for approximately four to six weeks. The Hearing is open for anyone to attend.

The Hearing may be held by video conference or in person or a combination of both, including a hybrid approach. If the Hearing is in person, parts of it may be held locally in Bass Coast Shire, or Melbourne, or a mix of both depending on circumstances. The final form of the Hearing and its location will be considered by the Committee at the Directions Hearing.

The Committee will consider all the referred written submissions when preparing its report, including those from submitters who do not attend the Hearing.

Summary of key dates

The following key dates are proposed:

Time	Date	Action
12 noon	Monday, 19 December 2022	Department of Environment, Land, Water and Planning on behalf of the Minister for Planning (Proponent) must provide a summary of submissions, including a place based and/or theme based
12 noon	Monday, 13 February 2023	The Proponent must circulate its Part A submission and expert witness report(s) (if any)
12 noon	Friday, 17 February 2023	Parties must circulate their expert witness reports
12 noon	Monday, 27 February 2023	The Proponent must circulate its Part B submission
10 am	Monday, 6 March 2023	Hearing commences by hybrid/video conference

If you wish to be involved in the Hearing

Please complete the [online request to be heard form](#) by **12 noon on Wednesday 7 December 2022** 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.

Please be mindful that this could be a long Hearing and the Committee would like all parties and submitters to provide succinct submissions. The Committee will make a number of directions in this regard at the Directions Hearing and beyond.

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 questions about the Committee process, please contact Hayley Becker, Manager Major Projects, Planning Panels Victoria on [REDACTED] or planning.panels@delwp.vic.gov.au.

Yours sincerely,



KATHY MITCHELL AM

Chair, Distinctive Areas and Landscapes Standing Advisory Committee

Completing the Request to be Heard Form

Distinctive Areas and Landscapes Standing Advisory Committee:
Bass Coast Statement of Planning Policy

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 6 March 2023 and 14 April 2023.

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.

Time required to present your submission

You will be allocated 10 minutes for your submission if this field is left blank.

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 cross-examine expert witnesses.

What happens after I complete the form?

If you complete this form, a letter with directions and a timetable for the Hearing will be emailed to you after the Directions Hearing. Your name and email address will also be added to the Distribution List for the circulation of information like reports and submissions for the Hearing unless you tell us otherwise.

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.

Access requirements

Please contact Planning Panels Victoria (PPV) with any access requirements. Some Hearings are at PPV, some are at other locations, and some are held online. PPV Hearing Rooms are accessible for mobility impaired persons and are equipped with a hearing loop, and a laptop and projector if required. If the Hearing is held at another location, we may need to ensure access requirements can be met.

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. It will not directly identify a submitter with their residential address. 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.

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.



Hon Lizzie Blandthorn MP

Minister for Planning

8 Nicholson Street
East Melbourne, Victoria 3002
DX210098

Ms Kathy Mitchell AM
Chair
Distinctive Areas and Landscapes Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR048526



Dear Ms Mitchell

BASS COAST STATEMENT OF PLANNING POLICY: REFERRAL OF MATTERS TO THE DISTINCTIVE AREAS AND LANDSCAPES STANDING ADVISORY COMMITTEE

I am writing to refer the draft Bass Coast Statement of Planning Policy (draft SPP) and proposed landscape planning controls for the Bass Coast declared area to the committee for advice, in accordance with your terms of reference (version 3: amended April 2022).

Along with the draft SPP and proposed landscape planning controls, I am referring all written public submissions made during the public consultation period of 3 March to 29 April 2022, for consideration.

I direct the committee to provide advice on, and recommendations in relation to:

- a. whether the draft SPP:
 - i. appropriately supports the objects of Part 3AAB – Distinctive Areas and Landscapes of the *Planning and Environment Act 1987* (P&E Act) as set out in section 46AN of that Act;
 - ii. creates an appropriate framework for the future use and development of land in the Bass Coast declared area to ensure the protection and conservation of the distinctive attributes of that declared area, for the purposes of section 46AU of the P&E Act;
 - iii. complies with the required contents of an SPP as specified in section 46AV of the P&E Act; and
 - iv. is otherwise robust and appropriate.
- b. whether the proposed landscape controls support the objects of Part 3AAB of the P&E Act and would, if translated into a planning scheme amendment, assist giving effect to the draft SPP; and
- c. any amendments that should be made to the structure or content of the draft SPP or the proposed landscape planning controls in light of your advice on points (a)-(b) above.

I have written to Cr Michael Whelan, Mayor of Bass Coast Shire to inform Council of this referral.

If you require further information, please contact Mr Andrew Gear, Executive Director, Planning Implementation and Heritage, Department of Environment, Land, Water and Planning on [REDACTED] or at [REDACTED]

Yours sincerely

Hon Lizzie Blandthorn MP
Minister for Planning

26 / 10 / 22