



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001

28 October 2022

Dear Submitter

Priority Projects Standing Advisory Committee:

Referral 26 Draft Glenelg Planning Scheme Amendment C109 – 315 Dutton Way, Bolwarra and Surrounds

We are writing to you because you made a submission to the above Amendment. The Minister for Planning has referred all submissions to the Priority Projects Standing Advisory Committee. We are writing to you because you were a submitter to the draft Amendment. The Minister has instructed the Committee to consult with all submitters.

The Proposal

The Amendment seeks approval for the use and development of a 500-tonne land-based aquaculture facility (abalone farm) at 315 Dutton Way, Bolwarra by inserting an incorporated document into the planning scheme and applying a Specific Controls Overlay (SCO) to the subject land.

The Minister for Planning (the Minister) is the Planning Authority for the Amendment. The Proponent is Yumbah Aquaculture Limited.

The Minister has referred all submissions (183 in total) to the Committee for advice and recommendations on the matters raised in the submissions and the proposed draft incorporated document. You can view all submissions and other documentation received by the Committee so far in the link in the 'Key Information' attachment to this letter.

The Committee

The Minister appointed the Committee under section 151 of the *Planning and Environment Act 1987* (the Act). The Minister provided the Committee with Terms of Reference dated 14 June 2020. Committee Members Lester Townsend (Chair), Many Elliot (Deputy Chair) and Ian Hamm are appointed as the Committee. We will consider this referral, which will be known as Referral 26.

In accordance with the Terms of Reference and the Letter of Referral for Referral 24, the purpose of the Committee is to:

- provide timely and independent advice to the Minister for Planning on projects referred by the Development Facilitation Program, and projects affected by COVID-19
- provide advice to the Minister about whether they should approve the draft Amendment, the matters raised in submissions and the proposed draft incorporated document.

Given the number of objectors and the level of consultation the Minister requires the Committee to undertake, the Committee will hold a Public Hearing in relation to Referral 24. This letter:

- tells you about the hearing process
- tells you what you need to do if you want to participate in the Public Hearing
- explains how we will use information the Committee collects
- sets out draft directions for the Public Hearing.

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

Objections, 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.

Directions Hearing

This process includes a Directions Hearing and a Hearing.

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.

The Directions Hearing will be held:

10.00am, Monday, 28 November 2022

by video conference using MS Teams

Video link: [Click here to join the Directions Hearing](#)

Meeting ID: 453 527 870 921

Passcode: yuQx6q

Or call in by phone (audio only)

Dial: 1800 571 208 and enter phone conference ID: 896 673 458#

You should attend the Directions Hearing if you:

- are new to the Committee 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 or in writing before the Directions Hearing.

Hearing

The purpose of the Hearing is for people to speak to their written submission and to hear from the Planning Authority. At the Hearing, the Committee will:

- consider submitters in an independent forum
- be informal and not like a court
- give fair, unbiased advice to the Minister for Planning about the Amendment

The Hearing will commence in February-March 2023 and will run for approximately 2-3 weeks. Specific Hearing dates will be discussed at the Directions Hearing. The Hearing is open for anyone to attend.

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

Previous Victorian Civil and Administrative Tribunal proceeding

Proceeding P797/2019 was heard in early 2020 over 27 days. After hearing extensive evidence and submissions the Tribunal found that the potential impacts on the environment and the Port had been appropriately assessed and any potential impacts could be appropriately managed through the works approval conditions. They also found that noise, odour emissions, and increases in traffic would not warrant the refusal of a permit. However, the Tribunal ordered no permit be granted because they found the proposal created conflict with the purposes of the Rural Living Zone (RLZ), and that the facility would change the character of the RLZ, creating unacceptable visual amenity impacts.

Given the breadth of the previous VCAT proceeding, the Committee will seek parties' views at the Directions Hearing on how much of the previous VCAT proceeding should be revisited during the Committee Hearings.

Key dates

The 'Key Information' attachment to this letter includes a list of key dates for the circulation of information in the leadup to the Hearing. If you wish to comment on the key dates but are unable to attend the Directions Hearing, you can provide comments in writing to planning.panels@delwp.vic.gov.au by **Wednesday, 23 November 2022**.

If you wish to be involved in the Hearing

Please complete the [online request to be heard form](#) by **12 noon on Wednesday 23 November 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.

Notes on completing the online request to be heard form are attached.

Further Information

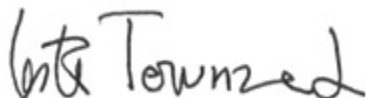
The attached *Privacy Collection Notice* explains how your submission will be used by the Committee.

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 any other questions, please contact Georgia Thomas, Planning Panels Victoria on [REDACTED] or planning.panels@delwp.vic.gov.au.

Yours sincerely



Lester Townsend
Committee Chair

Completing the Request to be Heard Form

Priority Projects Standing Advisory Committee:

Referral 26 Draft Glenelg Planning Scheme Amendment C109 – 315 Dutton Way, Bolwarra and Surrounds

When completing the online [request to be heard form](#), please note the following details.

When will the Hearing be held?

The Hearing will commence on 20 February 2023. The length of the hearing will be discussed at the Directions Hearing.

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 generally 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 [REDACTED] 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 PPV with any access requirements. Some Hearings are at PPV, some are at other locations, and some are held online. PPV Hearing Rooms 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.

Key information

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Preliminary list of issues

The Minister has identified the following issues in submissions:

- Intervention process
- Requests to maintain the previous VCAT refusal
- Coastal erosion
- Impacts on marine species
- Odour
- Visual impacts
- Compatibility with the use of rural living.

Documentation

Key documentation received to date includes:

- the Committee's Terms of Reference date 14 June 2020
- Letter of Referral dated 17 October 2022
- Matuschka v Glenelg SC [2020] VCAT 1452
- Draft Amendment and supporting documents, referral authority responses and submissions
- Letter from the Proponent regarding potential hearing dates, dated 21 October 2022

To view the documentation, please click [\[redacted\]](#)

Summary of dates

The following dates are proposed:

Time	Date	Action
12noon	Wednesday, 23 November 2022	Parties must submit their request to be heard
12 noon	Monday, 12 December 2022	The Proponent must supply any additional documents if required
12 noon	Monday, 6 February 2023	Parties must circulate Expert witness reports
12 noon	Monday, 13 February 2023	The Proponent must circulate its submission
10 am	Monday, 20 February 2023	Hearing commences this week

Planning Panels Victoria Privacy Notice

Your personal information will be collected during this Committee process for the purpose of documenting your views about the Amendment, advising the planning authority and the Minister for Planning about the Amendment, and communicating with you throughout the Committee process.

While the Committee process is underway

Natural justice for all participants and transparency are important parts of the Committee process. The *Planning and Environment Act 1987* requires the Committee to conduct any Hearing it holds in public, and to keep a public record of the material provided to the Committee. Planning Panels Victoria (PPV) may:

- provide a copy of your material with all contact details to the Proponent, government agencies and other parties to the Hearing
- provide a copy of your material to any other person who requests it (your personal information will be removed first)
- provide a copy of your material to the Department of Environment, Land, Water and Planning (DELWP) if needed for preparing Ministerial briefings
- publicly display a copy of your material in the PPV Office or Hearing room
- direct that a copy of your material be publicly displayed in the relevant Local Council Office or DELWP Regional Office.

Hearings

The Committee may conduct a Hearing, either in person or using video conferencing. Hearings by video conference have special privacy requirements. If you choose to participate in the Hearing, you should be aware:

- a link to the Hearing will be published on the internet, and third parties will be able to join the Hearing and observe
- the Committee may broadcast the Hearing live on the internet.

The Committee may make a recording of the Hearing, and may provide a copy of any recording to any person who request it. Where Hearings are recorded, generally audio only is recorded (not video).

The Committee can hear submissions or accept material on a confidential basis, provided this would be fair to the other parties to the Hearing. If you want to make your submissions or provide material to the Committee confidentially, you will need to ask permission from the Committee Chair and provide reasons why the Committee should treat your submissions or material confidentially.

The Committee report

Under the *Planning and Environment Act 1987*, a Committee report is a public document. The Committee's report will include a list of the names of submitters and a list of the names of the parties to the Hearing. It may also include direct quotes from submitters. The report will be published on the internet.

After the Committee has reported

When the Committee has reported to the Planning Authority, your material will be removed from public display.

Requesting copies

If you would like a copy of any submissions or material collected by the Committee, or a copy of any recording the Committee makes of the Hearing, make a request to PPV by email at planning.panels@delwp.vic.gov.au before the Committee submits its report. If the Committee has reported, you should submit your request to the DELWP Freedom of Information and Privacy Unit at foi.unit@delwp.vic.gov.au

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If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 5719.