



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

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

12 February 2021

As addressed

Dear Submitter,

## **VPA Projects Standing Advisory Committee – Referral No. 3 Bass Coast draft Planning Scheme Amendment C152: Wonthaggi North East Growth Area**

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We are writing to you because you made a submission to the Wonthaggi North East Precinct Structure Plan and draft Planning Scheme Amendment C152 to the Bass Coast Planning Scheme. The Minister for Planning has referred all unresolved submissions to the VPA Projects Standing Advisory Committee (Committee).

The Minister for Planning appointed the Committee pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and associated draft Planning Scheme Amendments. Information about the Committee including the Terms of Reference and Letter of Referral are attached.

Committee Members Tim Hellsten (Chair) and John Hartigan (Member) will consider this referral.

This matter is Referral No. 3.

### **Referral No. 3 – draft Amendment C152**

The draft Amendment proposes to:

- amend Clause 21.07 High growth regional centre
- rezone land within the Wonthaggi North East Precinct Structure Plan area:
  - to Urban Growth Zone (UGZ1) - generally north of Inverloch Road (Bass Highway) and south of Heslop Road
  - to Industrial 3 Zone (IN3) south of Inverloch Road (Bass Highway)
  - to General Residential Zone (GRZ1) to land adjoining Regency Drive and Westworth Road
- amend the Schedule to Clause 34.01 Commercial 1 Zone to identify Maximum Leasable Floor Area for shop
- introduce Schedule 1 – Wonthaggi North East Precinct Structure Plan to Clause 37.07 Urban Growth Zone (UGZ1)
- apply, delete or amend the following Overlays;
  - apply the Development Contributions Overlay (DCPO1) to all land except declared roads
  - apply the Environmental Audit Overlay to four sites adjoining the Korumburra Wonthaggi Road
  - apply the Public Acquisition Overlay (PAO5) to eight properties adjoining Inverloch Road (Bass Highway) and Korumburra Wonthaggi Road

#### **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



- apply the Incorporated Plan Overlay (IPO1) to land south of Inverloch Road (Bass Highway)
- delete the Development Plan Overlay (DPO21) from identified sites adjoining Inverloch Road (Bass Highway)
- amend Schedule 21 to Clause 43.04 Development Plan Overlay (DPO21)
- amend the Schedule to Clause 52.16 Native Vegetation Precinct Plan to refer to the *Wonthaggi North East Native Vegetation Precinct Plan*
- amend Clause 53.01 Public open space contribution and subdivision to introduce contributions for residential and employment land at subdivision
- amend Clause 72.03 What does this Planning Scheme comprise of? To insert references to new zone and overlay map references
- amend the Schedule to Clause 72.04 Incorporated documents to include:
  - *Wonthaggi North East Precinct Structure Plan*
  - *Wonthaggi North East Development Contributions Plan*
  - *Wonthaggi North East Native Vegetation Precinct Plan*
- amend Clause 72.08 Background documents to refer to three technical reports.

The Committee has been provided with the following information from the Victorian Planning Authority (VPA):

- draft Amendment documents
- background reports including technical reports
- all written submissions made
- a public consultation report.

While the letter of referral refers ‘unresolved submissions’ to the Committee for consideration, the Committee understands that all submissions received by the VPA have been referred.

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

The Committee process includes a Directions Hearing and a roundtable or Hearing to consider submissions.

### **Directions Hearing**

Given the physical distancing restrictions in response to Novel Coronavirus Disease 2019 (COVID-19), the Committee is not conducting face-to-face hearings at this time.

The Committee will conduct the Directions Hearing by video conference at **10:00am on Thursday, 11 March 2021**.

You should attend the Directions Hearing if you:

- you wish to participate in the roundtable or Hearing (details of online requests to be heard are set out below under ‘If you want to be involved in a Hearing’ which must be completed if you wish to be heard by the Committee)
- have questions about the Committee process or wish to raise procedural issues.

The Directions Hearing will among other things consider:

- arrangements for the roundtable or Hearing including dates, draft timetable and whether it will be conducted ‘on the papers’, by video conference roundtable discussion or video conference Hearing
- arrangements for the VPA to provide a shared web accessible document hub for parties to view amendment documents and upload submissions; and to provide for roundtable/ Hearing videoconference invitations and instructions

- arrangements for a Part A submission from VPA which includes a current position in response to each submission, tracked change amendment documents and summary of Growth Plan changes in response to them
- arrangement for parties to make written submissions to the Committee (including where they may be unable to attend the roundtable or Hearing). Submissions should distinguish between comments on the draft Bannockburn Growth Plan and proposed changes to the Golden Plains Planning Scheme and any changes to those documents proposed by the VPA in response to submissions.

The Committee will issue written directions following the Directions Hearing.

You can access the Directions Hearing using the following hyperlink to MS Teams:

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

Or should you wish to call-in, please follow the following prompts:

- If you are within Melbourne, Australia: call +61 3 7019 2540 and enter Phone Conference ID: 211 489 630#
- Within Australia (Toll-free): Call 1800 571 208 and enter Phone Conference ID: 211 489 630#
- Phone Conference ID: 211 489 630# [Find a local number](#) | [Reset PIN](#)

In the meantime, please familiarise yourself with using Microsoft Teams through the guide available at <https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

### **Format of roundtable or Hearing proceedings**

Clause 15 of the Terms of Reference state that the Committee can conduct its proceedings through roundtable discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person' due to COVID-19 restrictions.

The Committee considers it may be appropriate to conduct Referral No. 3 by way of roundtable discussion however this will depend on the number of parties that wish to be heard.

The roundtable or Hearing will allow for people to speak to their written submission and to hear from the Planning Authority (VPA) and Council. The Committee will consider all referred written submissions when preparing its report, including those from submitters who do not attend the Hearing or roundtable.

The expected roundtable or Hearing dates are between **Monday, 12 April 2021** and **Thursday, 14 April 2021**.

If the matter is to be conducted as a roundtable discussion, parties will have an opportunity to succinctly present (as relevant) on the issues in dispute which will be considered in turn in a focused way and shorter timeframe and with limited use of evidence or cross-examination. The issues identified in submissions appear to be accommodated within the following issue themes:

- **Issue 1: Growth and land use directions:**
  - Strategic basis for amendment
  - Inclusion of land already zoned and within approved DPO and with permits
  - Inclusion of additional sites
  - Land use:
    - Housing:
      - Greater diversity of dwellings/lots
    - Industrial land use:
      - Broader range of uses or commercial zones
      - Existing industrial area planning
      - Industrial interface – buffers and amenity impacts

- Location of commercial centres
- **Issue 2: Native vegetation**
  - NVPP allowing for road linkages
  - Compensation arrangements
  - Provision of vegetation removal exemptions
  - Vegetation removal at 35 Carneys Road
  - Provision of further fauna studies (DELWP)
- **Issue 3: Infrastructure:**
  - General:
    - coordination and delivery of 'downstream' infrastructure
    - assistance for small land holders in accessing infrastructure provision
  - Roads and intersections:
    - inadequate road reserve width for John Street
    - design of John Street /Bass Coast Highway intersection
    - treatment of Korumburra-Wonthaggi Road/St Clair Boulevard intersection (IN-04)
    - access arrangements on Korumburra-Wonthaggi Road including removal of Oakes Road northern connection
    - designation of by-pass road
    - street network changes:
      - include access road or connector street north and south from Carneys Road/Bass Highway intersection
      - change cross section of Carneys Road/Davidsons Place
      - moving the north-south road through 37 Carneys Road
      - include pedestrian crossing across Carneys Road
      - allow access to Heslops Road
      - cross section of Fuller Road
      - move St Clair Boulevard and St Clair Boulevard/Bass Highway/Industrial Boulevard intersection further east
      - move Industrial Boulevard and culvert CU-01
      - include Carneys Road in the PSP road network with cross section
  - Active transport:
    - rail trail link
    - provision and location of shared paths
    - suitability of proposed waterway reserve for cycling and walking
  - Open space:
    - location of open space in PSP compared with approved development plan
  - Sewerage and water infrastructure:
    - cost of sewer connections
    - additional pump station and sewer main to serve current industrial blocks
    - no sewer master plan for land south of Bass Highway
    - include sewer and water master plans in PSP
  - Drainage:
    - impacts of stormwater and 1% AEP event on adjoining land owners
    - alignment of and designation of drainage reserves
    - land required for drainage assets
    - width of western drainage channel
    - location of drainage assets (for example culvert CU-11)
    - retarding basin early provision
  - Provision of schools and kindergartens:
    - kindergarten provision adjacent to the primary school

- planning requirements for government school sites from the Village Hub and Local Convenience Centre Design Guidelines
- potential contamination of government school site land
- identify and include site for non-government school
- DCP:
  - exclusion of specific sites
  - managing existing permit/s173 agreement contributions
  - project inclusions or exclusions:
    - rail trail extension
    - remove existing McGibbony's Road/Korumburra Road intersection and amend DCP
  - currency of land valuations
  - scope, costings and priorities
  - PLEM methodology
- **Issue 4: Implementation:**
  - timing – defer until By Pass and DAL projects progressed
  - land acquisition for drainage, applying PAO
  - application of EAO
- **Issue 5: Other:**
  - need for a Cultural Heritage Management Plan
  - third party appeal rights to existing rural residents
  - appropriateness of the fast track amendment process.

**If you wish to be involved in the Hearing or roundtable discussion**

Please complete the [online request to be heard form](#) by **5.00pm on Monday 8 March 2021** if:

- you wish to be involved in the Hearing or roundtable discussion
- 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 have any questions, please contact Kimberly Martin, Senior Project Officer of Planning Panels Victoria on (03) 8624 3266 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,



Tim Hellsten  
**VPA Projects Standing Advisory Committee Chair**

**Attachment 1:** VPA Project Standing Advisory Committee Terms of Reference, dated 17 July 2020

**Attachment 2a:** Letter of Referral, dated 31 February 2021

**Attachment 2b:** Bass Coast Amendment C152 submissions summary table, prepared by the VPA

**Attachment 2c:** Wonthaggi North East Public Consultation Report, December 2020

# Privacy Collection Notice

## Bass Coast draft Planning Scheme Amendment C152: Wonthaggi North East Growth Area

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 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
- submitter addresses, if required.

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 or roundtable discussion 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](mailto: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.

During the Committee process, all participants, including the general public, must respect the privacy of others and not make defamatory comments.

### 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.

**Privacy Collection Notice:**

Bass Coast draft Planning Scheme Amendment C152: Wonthaggi North East Growth Area

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If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8392 5114.

# Completing an online request to be heard

Bass Coast draft Planning Scheme Amendment C152: Wonthaggi North East Growth Area

When completing the online *request to be heard form*, please note:

- The expected Hearing or roundtable discussion dates are between **Monday, 12 April 2021 and Thursday, 15 April 2021**.
- You can tell us when you are not available. The Committee will accommodate your availability where possible.
- Expert witness details must be provided on the request to be heard form.
- You can identify any procedural issues you may have on this form.

If you complete this form, a timetable for the Hearing will be emailed to you after the Directions Hearing.

## **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.

## **Expert witnesses**

An expert witness gives evidence in a field of expertise and must prepare a report. People calling expert witnesses are required to circulate expert witness reports at a specified time before the Hearing. Participants in a roundtable or Hearing can generally cross examine expert witnesses.