



# 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

9 February 2022

Dear Submitter,

## **Distinctive Areas and Landscapes Standing Advisory Committee: Bellarine Peninsula Statement of Planning Policy**

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We are writing to you because you made a submission to the draft Bellarine Peninsula Statement of Planning Policy (Bellarine Peninsula SPP).

The Minister for Planning has determined to refer submissions related to protected settlement boundaries designated in the Bellarine Peninsula SPP to the Distinctive Areas and Landscapes (DAL) Standing Advisory Committee (the Committee) for its consideration. The letter of referral is attached for your convenience. It is understood by the Committee that 131 out of 620 submissions have been referred.

The Committee has been referred only those issues in your submission specifically associated with the settlement boundaries. In this regard, many of the submissions referred have had other matters redacted. The Committee has not been referred and cannot consider any other matters beyond this scope.

### **Background**

The Minister for Planning appointed the Committee pursuant to section 151 of the *Planning and Environment Act 1987* to advise him 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 <https://www.planning.vic.gov.au/policy-and-strategy/distinctive-areas-and-landscapes#panel-committee>

### **The Committee**

Committee members Con Tsotsoros (Chair), Shannon Davies, Ian Hamm, and Natasha Reifschneider will consider this referral. For noting, Mr Hamm and Ms Davies were members of the Committee that considered the Surf Coast DAL in 2021.

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



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 **10am, Friday, 11 March 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: 485 415 29 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 Hearing submission on behalf of the Minister for Planning and any expert witness statement 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 referred written submission. The Hearing will start from **Tuesday 26 April 2022** and should run for approximately two weeks. The Hearing is open for anyone to attend.

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 dates

The following dates are proposed:

Time	Date	Action
12 noon	Monday, 7 March 2022	Department of Environment, Land, Water and Planning on behalf of the Minister for Planning (Proponent) must provide submitters with a copy of their submission in the form which it was referred to the Committee
12 noon	Thursday, 7 April 2022	The Proponent must circulate its Part A submission
12 noon	Tuesday, 12 April 2022	Parties must circulate expert witness reports
12 noon	Thursday, 14 April 2022	The Proponent must circulate its Part B submission
10 am	Tuesday, 26 April 2022	Hearing commences by video conference

## If you wish to be involved in the Hearing

Please complete the [online request to be heard form](#) by **12 noon on Tuesday 8 March 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 questions about the Committee process, please contact Hayley Becker, Manager Major Projects, Planning Panels Victoria on (03) 8508 2775 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

For all other queries, please contact Sam Sweetman, Senior Project Officer at the Department of Environment, Land, Water and Planning at [planning.implementation@delwp.vic.gov.au](mailto:planning.implementation@delwp.vic.gov.au).

Yours sincerely,



**CON TSOTSOROS**

Chair, Distinctive Areas and Landscapes Standing Advisory Committee

# Completing the Request to be Heard Form

Distinctive Areas and Landscapes Standing Advisory Committee:  
Bellarine Peninsula 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 19/04/2022 and 28/04/2022.

## 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 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](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.

## 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 Richard Wynne MP

Minister for Planning  
Minister for Housing

8 Nicholson Street  
East Melbourne, Victoria 3002

Ms Kathy Mitchell AM  
Chair  
Distinctive Areas and Landscapes Standing Advisory Committee  
Planning Panels Victoria  
[planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)

Ref: MBR046244



Dear Ms Mitchell

**REFERRAL OF MATTERS TO THE DISTINCTIVE AREAS AND LANDSCAPES STANDING ADVISORY COMMITTEE**

In accordance with the terms of reference for the Distinctive Areas and Landscapes Standing Advisory Committee (amended November 2021), I am writing to refer certain matters relating to the Draft Bellarine Peninsula Statement of Planning Policy (SPP). I enclose the terms of reference for your information.

**Matters referred**

- Whether all protected settlement boundaries designated in the Draft Bellarine Peninsula Statement of Planning Policy are appropriate, having regard to the purpose of a SPP under section 46AU of the *Planning and Environment Act 1987*; and whether any amendments to those protected settlement boundaries should be made; and
- All relevant public submissions made in relation to the protected settlement boundaries.


Without limiting its powers under the *Planning and Environment Act 1987*, including the power to regulate its own proceedings, in order to facilitate appropriate public participation in its proceedings and its purpose in providing timely advice on the matters referred, the Committee should consider whether to adopt any of the following hearing procedures:

- 1) Limiting verbal submissions from submitters who wish to avail themselves of the opportunity to expand verbally on the received written submission to a specified time limit which the Committee considers appropriate.
- 2) Regulation of evidence in chief and cross examination to balance efficiency and fairness; and limitation of evidence and cross examination to matters which are of interest or importance to the Committee, and to avoid repetition.
- 3) Cross examination of all witnesses to be regulated as determined necessary by the Committee.
- 4) Directing that submitters focus only on the matter of the designation and location of a protected settlement boundary as per their referred submission.

I have written to Cr Stephanie Asher, Mayor of the City of Greater Geelong, and Cr Ross Ebbels, Mayor of the Borough of Queenscliffe to inform them of this referral.

If you require further information please contact Andrew Gear, Executive Director, Planning Implementation and Heritage, Department of Environment, Land, Water and Planning on 0437 745 563 or via email [andrew.gear@delwp.vic.gov.au](mailto:andrew.gear@delwp.vic.gov.au)

Yours sincerely

  
HON RICHARD WYNNE MP  
Minister for Planning

7 / 12 / 21

Encl.