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Dear Sirs

██████████ Objection to Planning Permit Application #P18147 and Works Approval Application #1003316 for the Proposed Yumbah Aquaculture Farm, Portland Review of Further Information provided by Applicant

We refer to Planning Permit Application #P18147 and Works Approval Application #1003316 lodged with EPA and Council by Yumbah Aquaculture Limited ('Yumbah').

██████████ we lodged an objection to the planning permit and works approval applications on 30 November 2018. Recently additional information was provided to address the various objections received ('**additional information**').

We have reviewed that additional information and sought input from our marine biologist and town planner as to whether it addresses their concerns. The further submissions on that additional information are set out below.

1. Does the Additional Information address ██████████ Planning Concerns?

We object and submit that the commentary provided in the 'Response to Community – Stakeholder Submissions on Town Planning matters' report prepared by GHD:

- does not directly relate to ██████████ issues in our 30 November objection; and
- in fact, does not address ██████████ submissions directly nor even mention the submissions as a key stakeholder.

That is surprising! A strategy of just avoiding ██████████'s submissions will not mean they just go away!

In reference to the response provided by Yumbah in relation to the maintenance of amenity within the Rural Living Zone ('RLZ'), we have sought input from ██████████.

Her expert view is that we agree that the RLZ is within the rural group of zones. However, there is a distinction between it and the core rural zones for agriculture. For example, the Farming Zone and Rural Activity Zone, where agriculture is classified as a Section 1 type of use. It is an ‘as-of-right’ type of use where a permit is not required.

The use of land for agriculture is a Section 2 type of use, where a permit is required for use in the RLZ. In light of Section 2, expectations of acceptable outcomes are different and therefore much more consideration will need to be given to the amenity of surrounding land uses in the RLZ.

As the planning scheme notes, simply because a permit is required does not mean a permit will be used. Significant consideration must be given to the decision guidelines and other relevant guidelines with the Glenelg Planning Scheme including but not limited to sustainable development and net community benefit.

Fundamentally, from a planning perspective it is without a doubt that the scale of the proposal is well beyond the expectations and purpose of the RLZ and is one that is more appropriately located in a Farming Zone or Rural Activity Zone.

As it is a matter for the Glenelg Shire Council to decide the appropriateness of the proposed development in the RLZ. We request that the application be thoroughly considered in the context of the Glenelg Planning Scheme.

We maintain our position that our concerns raised with respect to Planning Permit Application #P18147 have not been directly addressed by Yumbah in the additional information, nor has the response been relevant to the matters raised [REDACTED] as per our original formal submission.

Our concerns are summarised below reflecting the view of our town planner [REDACTED]. The below chart outlines how Yumbah has not adequately addressed our concerns from a planning perspective.

No.	[REDACTED]	Summary of Concern	Has Yumbah Additional Information addressed concern?
1	Incompatibility for the purpose of the Rural Living Zone.	We raised concerns that the proposed use and development is not compatible with the purpose of the Rural Living Zone where farming and agriculture activities are subordinate to residential use.	✗
2	Not subordinate to residential use	We raised concerns that the proposed scale of development when compared to adjoining and nearby residential lots cannot be considered subordinate to residential use in the area.	✗

No.	[REDACTED]	Summary of Concern	Has Yumbah Additional Information addressed concern?
3	Appearance and Character on rural residential area.	We raised concerns that the proposed scale of the development would impact the appearance and character of the primarily rural residential area	✗
4	Inconsistent with the Decision Guidelines.	We raised concerns that the proposed development is inconsistent with the design and siting issues raised in the Decision Guidelines.	✗
5	Future impact on the Rural Living Zone.	We raised concerns that the proposed development will affect the future of the Rural Living Zone and remove a large portion of supply of lots within the zone.	✗
6	Strategic planning directions and policies and the Draft Rural Land Use Strategy.	We raised concerns that the proposed development will undermine the strategic planning directions and policies for protecting agricultural land the Draft Rural Land Use Strategy.	✗
7	Environmental sensitivity of Public Park and Recreation Zone and non-accordance with the Environmental Significance Overlay 1.	We raised concerns that the proposed works within the Public Park and Recreation Zone (PPRZ) do not adequately address the environmental sensitivity of the coastal environment and thus does not accord with the purpose of the zone nor the environmental objectives of ESO1 (Coastal Areas);	✗
8	[REDACTED] obligations & activities and Dutton Way foreshore.	We raised concerns that the impact of the [REDACTED] activities, particularly in relation to its sand bypassing activities, on the operation of the proposed use has not been adequately considered, particularly in relation to the potential detrimental impact on the quality of the Dutton Way foreshore and beach should sand bypassing activities be ceased or altered;	✗

No.	[REDACTED]	Summary of Concern	Has Yumbah Additional Information addressed concern?
9	Adverse effect of amenity.	We raised concerns that the proposed use and development will adversely affect the amenity of the area, including the potential impact on the quality of the Dutton Way foreshore.	✗

2. Does the Additional Information address [REDACTED] Concerns with the EPA Works Approval Application?

[REDACTED] original concerns with Yumbah’s application for a Works Approval (Application #1003316) were set out in the submission from our marine biologist. J [REDACTED]

We had hoped that the additional information provided by Yumbah would address those concerns. However, the attached report prepared [REDACTED] describes that is not the case. The chart below summarises [REDACTED] original technical concerns and whether the additional information addresses those concerns.

No.	[REDACTED]	Summary of Concern	Has Yumbah Additional Information addressed Concern?
1	[REDACTED] Sand Bypassing Obligations	We raised concerns about that there is no consideration of the sand pumping conducted in the area by the [REDACTED] as being potential risks that have been assessed and considered by Yumbah.	✗ Please refer to [REDACTED] report attached.
2	[REDACTED] Channel Works and Berth Dredging Operations	We raised concerns about the impact that [REDACTED] channel works and berth dredging operations, as required by the State under the Channel Operations Agreement, and the potential impact these operations may have on the Abalone proposed and requested that further consideration and that the assessment addresses these concerns.	✗ Please refer to [REDACTED] report attached.

Not only does the additional information not address [REDACTED] offer to meet with the applicant to explain those concerns was also not accepted.



3. Conclusion

Unfortunately, the additional information provided by Yumbah has failed to address the concerns expressed by [REDACTED] in its objections on 30 November.

Furthermore, there appears to be no acknowledgement or discussion of those concerns almost as if they can be ignored and [REDACTED] will go away. Making that assumption would be an error of judgement. [REDACTED] has genuine concerns and seeks a genuine and open dialogue with the Applicant, the Council and EPA on those issues. However, if they are not addressed, we reserve our client's legal rights to pursue other options to push those concerns.

We trust that EPA and the Council will take our concerns on board in finalizing its review of the applications for planning and works approvals for the Yumbah Project.

[REDACTED] offer to meet to discuss our concerns is once again extended.

