

# PLANNING AND ENVIRONMENT LIST

## NOTICE OF AN AMENDMENT OF AN APPLICATION – PNPE9 FORM A

<b>Subject Land</b>	315 Dutton Way, Bolwarra	VCAT Ref: P797/2019
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<b>DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT</b>	<b>24 DECEMBER 2019</b>
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- A proceeding has been lodged with VCAT about this land and allocated the above VCAT reference number. Please quote this number when communicating with VCAT about this matter.
- The applicant has applied to amend its application, which is the subject of this proceeding, in the manner set out below.
- You may wish to respond to this application for amendment. If so, please read the important information accompanying this notice.
- If the proceeding is an application for review concerning a permit application, the permit application, the proposed amendment, relevant plans and supporting material can be inspected at the office of the responsible authority.
- If the proceeding is an application for review concerning a works approval or licence, the application for works approval or licence, the proposed amendment and supporting material can be inspected at the office of the EPA or other primary decision maker.
- If you have any queries about the amendment, you should contact the Applicant. The Tribunal cannot assist you with this information.
- The proposed dates for the hearing of the proceeding and any compulsory conference are set out below.

<b>NAME OF APPLICANT</b>	Yumbah Aquaculture Ltd
<b>CONTACT DETAILS FOR APPLICANT</b> Name of contact person and Telephone or mobile number	Greg Tobin, Harwood Andrews Lawyers Ph. 03 5225 5252
<b>NAME OF RESPONSIBLE AUTHORITY OR PRIMARY DECISION-MAKER</b>	GLENELG SHIRE COUNCIL
<b>PERMIT APPLICATION NUMBER</b>	P18147
<b>BRIEF DESCRIPTION OF PROPOSAL WHICH IS THE SUBJECT OF THIS PROCEEDING</b>	Use and development of land for an Aquaculture Facility, associated buildings and works, car parking, alteration of access to a road in a Road Zone Category 1 and removal of vegetation.

<b>TYPE OF PROCEEDING</b>	
<i>Place X in relevant box. Note that a permit application cannot be amended in a proceeding for review of conditions under section 80 Planning and Environment Act 1987 where a permit has been granted</i>	
	<input type="checkbox"/> <b>Review refusal to grant a permit under section 77 Planning and Environment Act 1987</b>
	<input type="checkbox"/> <b>Review failure to grant a permit under section 79 Planning and Environment Act 1987</b>
X	<input checked="" type="checkbox"/> <b>Review notice of decision to grant permit under section 82 Planning and Environment Act 1987</b>
	<input type="checkbox"/> <b>Amend permit under section 87A Planning and Environment Act 1987</b>
	<input type="checkbox"/> <b>Review refusal to grant a works approval or licence under Environment Protection Act 1970</b>
	<input type="checkbox"/> <b>Review failure to grant a works approval or licence under Environment Protection Act 1970</b>

**NATURE OF PROPOSED AMENDMENT TO THE APPLICATION**

Full details of the proposed amendment are provided in the accompanying material

*Place X in relevant box.* **Amendment to plans** **Amendment to the development proposal** **Amendment of the proposed use or other reason for which a permit is required** **Other –***Please specify briefly***PROPOSED DATE/S OF HEARING & COMPULSORY CONFERENCE**

All hearings and compulsory conferences will be held at 55 King Street, Melbourne unless otherwise notified

**Date/s of hearing**

17-20 and 24-27 February 2020 and 2-5, 10-13 and 16-19 March 2020

**Date of compulsory conference (where relevant)****Date of practice day hearing (where relevant)****PLANNING AND ENVIRONMENT LIST****INFORMATION ABOUT NOTICE OF AN AMENDMENT OF AN APPLICATION****HOW TO RESPOND IF YOU ARE A PARTY TO THE PROCEEDING**

If you are already a party to the proceeding, you may amend your statement of grounds at any time prior to the hearing or you may choose to continue to rely on the statement of grounds you have already lodged with VCAT and do nothing. If you have already paid a fee in respect of your statement of grounds, you do not need to pay a further fee.

If you wish to amend your statement of grounds, you must file a copy of your amended statement of grounds with VCAT and serve a copy on the applicant and the responsible authority or other primary decision-maker.

**HOW TO RESPOND IF YOU ARE NOT A PARTY TO THE PROCEEDING****Person wishes to be heard and become party to proceeding**

If you are not already a party to the proceeding and you wish to be heard in relation to this application, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.
- Pay the relevant fee.

If you comply with these requirements, you will become a party to the proceeding.

**Person who does not wish to be heard**

If you are not already a party to the proceeding and you wish to contest the proceeding but in your statement of grounds state that you do not intend to participate in the hearing of the proceeding, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.

If you comply with these requirements, the Tribunal will consider your statement of grounds at any contested hearing of the proceeding, but you will not be sent any further correspondence by the Tribunal. You will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave.

### **Failure to comply with requirements**

If there is a fee payable and you do not pay the fee, or if you do not return a statement of grounds by the due date, even if you pay the relevant fee, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be

heard at the hearing unless the Tribunal gives you leave. You will not be sent further correspondence by the Tribunal.

If you are not a party and you subsequently wish to be heard, you must file and serve a statement of grounds which states you intend to appear and present a submission at the hearing, and must pay the relevant fee not less than 48 hours before the hearing. You must attend the hearing and seek leave from the Tribunal to be heard. Generally, the Tribunal will consider the views of the applicant and the responsible authority or primary decision-maker before deciding whether to grant leave. However, this does not mean that you will necessarily become a party to the proceeding unless the Tribunal makes an order to join you as a party.

### **STATEMENT OF GROUNDS:**

You should use the attached statement of grounds form. When completing the Statement, you should provide sufficient information so that the issues you intend to raise can be identified clearly. A statement of grounds form is available on the VCAT website.

### **WITHDRAWING YOUR OBJECTION**

If you wish to withdraw your statement of grounds at any time, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be removed from VCAT's record and receive no further correspondence.

### **COMMUNICATING WITH VCAT**

A person who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication should state a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

### **INSPECTING VCAT'S FILE**

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File and Document Access Request Form', on the website or by contacting VCAT.

### **ENQUIRIES**

Should you have any further enquiries, please contact VCAT on the numbers below. Please quote VCAT's reference number. Guidelines and information on VCAT's procedures are on VCAT's website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) or available from VCAT on request.