

Summary of Submissions – P18147

The purpose of this table is to provide a consolidated response to submissions made to P18147. For consistency it follows the themes set out in the EPA Section 20 Conference Report and responds to specific recommendations it made. There is some variation in this submission summary to the EPA report as under the Planning and Environment Act 1987 only written submissions can be considered.

Submission Theme	Submission summary	Planning Unit comments
<p>Site Selection and Land Use Zoning</p>	<p>Site Selection</p> <ul style="list-style-type: none"> a) The proposal is not appropriate for this site – takes up the size of 10 MCG’s ovals b) Inappropriate location c) Compatibility with location to Port of Portland – hardwood/woodchip exporting port (which creates sediment that is lethal to abalone) d) The social value of the entrance to Portland e) Consideration of alternative location f) Why not expand beside existing site? g) The site was the location of Henty’s first outstation and historic farm and buildings remain h) This location is not an isolated area i) It is unacceptable to construct a facility of this size and industry in an area surrounded by existing residences 	<p>Site Selection</p> <p>Ultimately once an applicant chooses a site and submits a permit application Council must consider it for that site. In the VCAT case <i>Melbourne Sae Soon Church v Whitehorse CC [2009] VCAT 1698</i> the Tribunal overturned refusal of the responsible authority for a church in an Industrial Zone. In this case one of the issues behind Council refusing the application is because they believed the use would be more suitable in an ‘activity centre’ and cited State and Local policy to support such an outcome.</p> <p>VCAT however rejected such arguments, over-turning the refusal and approved the permit after VCAT directed its assessment of issues concerning the site itself.</p> <p>Similarly Council must assess issues related to this site and surrounds – not whether another site may be a better alternative. These are considered in detail below.</p> <p>In terms of size, simply because an application is large is not necessarily a reason to refuse it. Many submissions also misquoted the comparison to the MCG <u>oval</u> leaving out the ‘oval’ part. However irrespective of the size, consideration of a permit application is directed to</p>

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	<p>Land Use Zoning and Planning</p> <ul style="list-style-type: none"> a) Permanent loss of very productive agricultural land b) Intensive farming in rural living zone c) Contradicts the Glenelg Shire Council's draft guidelines to its Rural Land Strategy d) Legislated right to have residential safety and amenity e) Residents on the seaside of Dutton Way are restricted regarding what they can build – Why isn't Yumbah? f) Zoning forbids 'intensive animal husbandry' – not in keeping with rural living. Referenced VCAT case Knol v EPA & Greater Geelong CC [2018] VCAT 33 (10 January 2018) g) Zoning allows for agriculture which 'does not 	<p>whether the function requires it to be this size and if the land in question can accommodate it under the zoning.</p> <p>Land Use Zoning and Planning</p> <ul style="list-style-type: none"> a) The proposed development would result in the current loss of farming with cattle. However it would replace it with another agriculture use of aquaculture. b) The objection concerning intensive farming relates to feed being imported onto the site to feed the abalone. Intensive Animal Production proposals are prohibited in the Rural Living Zone (RLZ). However the intent of this definition applies to livestock, whilst aquatic animals such as abalone are defined separately as aquaculture in Clause 73.03 of the Planning Scheme. The impacts of marine animals kept in water are very different to that of livestock. c) Council's draft Rural Land Strategy is yet to be adopted by Council and if it were adopted, the draft Strategy does not propose any change to the RLZ of this site. d) Dwellings do have safety and amenity considerations that must be addressed. These are detailed further on this report under themes around amenity relating to odour, noise, visual impact, safety and dust. e) Dutton Way consists of two zones. Special Use Zone 3 (SUZ3) and the Rural Living Zone (RLZ). The SUZ3 prohibits new development on vacant lots and is restrictive on redeveloping existing house. The RLZ requires permission for new development as section 2 uses with various requirements. The approach of assessing these in RLZ has evolved over the years

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	<p>adversely affect the amenity of surrounding land uses'</p> <ul style="list-style-type: none"> h) Pipes (will) transverse Public Park and Recreation Zone i) Environmental Significance Overlay has been ignored in the proposal j) Rural Living Zone (RLZ) means PEOPLE living, not millions of abalone living k) RLZ key purposes are not supported – 'provide for residential use' / 'agricultural land uses which do not adversely affect the amenity of surrounding land uses' / 'to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area' l) The proposal does not represent the objectives of the Local Planning Provision Framework 	<p>with the lifting of Development Plan Overlay 7 (DPO7) back in 2011 which had restricted all development in this area. The Minister for Planning approved dwellings that were relocatable began to be approved in areas of coastal hazard risk. More recently in the last few years Council has approved applications built on concrete slab where they are located behind the rock wall. The proposed Yumbah facility itself is located on the northern side of Dutton Way away from direct coastal hazard. Any part of the facility being built within the areas of coastal hazard are governed by Marine and Coastal Act consent.</p> <ul style="list-style-type: none"> f) Refer to comments on item b above. The VCAT case listed referred to a Dairy farm for goats which was considered intensive animal husbandry. g) Amenity impacts from the proposal are a key consideration of this development. These are detailed further in this report under Themes relating to odour, visual, noise and dust, and specifically what would constitute an adverse impact. h) Pipes will traverse the Public Park and Recreation Zone. This is assessed in the Delegate Report and has received appropriate public land manager consent. i) The Environmental Significance Overlay applies on the ocean side of Dutton Way. The pipes of the proposed development traverse under this overlay. This is assessed in the Delegate Report. j) The RLZ allows consideration of development of people, eg Dwellings, and agricultural enterprises. In terms of land supply Glenelg Shire Council has an oversupply of RLZ. Accordingly it is considered that

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	<p>Property Devaluation/Rates Increase</p> <p>a) Future market value of properties; land and properties will devalue; property unsaleable during uncertainty; what authority takes lead on land devaluation?</p>	<p>its removal from being able to accommodate dwellings on this site, will not pose an adverse impact or supply shortage of RLZ land available for dwellings.</p> <p>k) Refer to comments under item g concerning amenity. In addition matters relating to biodiversity, natural resources, landscaping and heritage are addressed in the themes below.</p> <p>l) The Delegate's report of this application contains assessment against the Local Policy Planning Framework.</p> <p>Property Devaluation/Rates Increase Objections concerning devaluation or rates are not matters that can be considered in assessing permit applications</p>
Noise and Odour	Construction noise impacts	Construction noise impacts

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	<p>a) Number of trucks during construction will damage roads</p> <p>b) Four years of construction will cause a lot of disturbance (noise & air pollution) and affect amenity – sources including heavy machinery, traffic, people</p> <p>Operational noise effects</p> <p>a) Impact to area by traffic 24/7 of 100-150 employees once in production</p> <p>b) Noise will travel further through the water, impacting wildlife</p> <p>c) Noise from pump houses – will have a big impact on amenity and adverse impact on sleep patterns.</p> <p>d) Commitment to noise mitigation measures and actual impacts</p>	<p>These concerns relate to noise coming from construction of the facility if developed. Both traffic management plan and construction management plans are standard requirements used for any major development. These conditions would be applied for any approval.</p> <p>The construction phase and associated impacts in themselves are not considered so significant in this case to warrant a refusal.</p> <p>The EPA Works Approval (if granted) would also contain measures to manage impact of construction.</p> <p>Operational noise effects</p> <p>There is overall concern raised that the development will pose adverse amenity from ongoing noise. A noise assessment by a professionally qualified expert has been commissioned by the applicant. Where an assessment meets the relevant compliance guidelines it is considered not to have an adverse amenity impact.</p> <p>In addition with the Works Approval, the EPA will require the facility to demonstrate actual compliance once it is built. The EPA will test and review noise emissions to ensure that these are compliant.</p> <p>a) Noise from increased traffic generation of standard vehicles on public roads is not in itself assessed. Roads can be used 24/7 for traffic. Sometimes for a particular use hours of operation are restricted</p>

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	<p>Adequacy of the Noise Assessment</p> <ul style="list-style-type: none"> a) Flaws with noise modelling in consideration of noise sources, vibrations and background levels b) Incorrectly considers the whole site and surrounding area as “Major Urban Area” and 	<p>depending on the type of proposal. This development requires 24 hour access. Employees are to enter off the highway. Given this is a Vicroads arterial road, 24 hour access to and from this is not unreasonable. Attenuation measures to reduce impact onsite are to be considered to minimise impacts of the accommodation unit abutting to the west. The applicant has advised the internal access can be moved to provide greater separation.</p> <ul style="list-style-type: none"> b) The Marine and Coastal Act consent assessed impacts of this development in the water and has issued the appropriate consent. c) In terms of noise compliance as there is a Works Approval involved the EPA will require actual compliance of the operation prior to providing a licence. Based on this noise from pump house will be measured to ensure compliance with noise guideline and that there will be no adverse impact on sleep of surrounding residents. d) This concern relates to ongoing commitment by the operator to achieve noise mitigation and address impacts. If approved the applicant has obligation to meet noise guideline requirements and the EPA is able to monitor and enforce if they are not being met. <p>Adequacy of noise assessment</p> <p>A whole range of concerns have been raised about the noise assessment provided.</p> <ul style="list-style-type: none"> a) While concerns are raised about flaws in the noise assessment it has been provided by a

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	<p>assessed against SEPP-N1 as opposed to NIRV which is the appropriate policy for the area south of the proposal (including the Henty Bay Beachfront Holiday Park)</p> <ul style="list-style-type: none"> c) Does not consider all sensitive receptors such as residents and visitors at the Henty Bay Beachfront Holiday Park (noting that many of the users of the park will be in tents without any noise attenuation normally received by houses) d) Based on double glassed windows 200 metres away – caravan park is 8 metres away e) Effects of environmental noise on human health/welfare and wildlife f) Some of the predicted noise levels frequently exceed the recommended night time and event criteria 	<p>suitably qualified acoustician. No additional information was provided on different background noise levels to be inserted into the modelling. This has been reviewed by the EPA as part of assessment and demonstrated to meet compliance required under the SEPP N-1 and NIRV. In addition due to the Works Approval application the EPA also test actual noise emissions prior to giving a licence.</p> <ul style="list-style-type: none"> b) Advice from the EPA has confirmed that accurate use of SEPP N-1 and NIRV guidelines have been used. Due to the location of the site near Portland the two different guidelines apply around it. c) There was one receptor used at the Henty Bay Caravan Park, however this was near the entrance and not in the area of tents closest to the facility. In extrapolation of noise data from surrounding receptors it is noted that if emergency generator is in use, the noise would exceed limit. Advice from the applicant indicates their emergency generators at the existing facility have been used four times a year. Ultimately this noise could be a problem during peak season of the caravan park. It is recommended that a condition be applied to mitigate the noise from this generator by relocating it further away from the Caravan Park. d) The reference to ‘8 metres away’ is response to pipes being built within this distance of the Caravan Park. Construction of pipes would pose a disruption, however the campsites this close are located on crown land without consent. Camp

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	<p>Incomparable scaling</p> <ul style="list-style-type: none"> a) Noise and vibration cannot be estimated when there is no comparable facility/ where is data from a comparable operation? b) Reports are just assumptions and not based on similar scale operations c) This proposal is ten times larger than Narrawong <p>Potential vibration effects</p>	<p>sites on the Caravan Park land are of greater distance exceeding 30 metres. With implementation of construction management plan it is considered this issue is appropriately managed.</p> <ul style="list-style-type: none"> e) Where the noise emissions meet guidelines as discussed above, these are considered not to have an adverse impact on human health nor wildlife. f) Refer to point a. <p>Incomparable scaling</p> <p>These grounds of objections identify that there is no other Abalone farm of this size and scale to compare to. This is correct in that there are no other Abalone farms of this size in Australia.</p> <p>However that does not mean noise impacts cannot be modelled for the proposed development. All the noise emitters from the development such as pumps, generators, and running water have known emissions levels. In addition the cumulative impact of these can be modelled on the basis of how noise waves travel, combine and dissipate. These can all be measured by arithmetic for an accurate indication of noise emissions.</p> <p>Also as noted above the EPA also conduct post construction noise testing to ensure compliance prior to giving licence under any Works Approval.</p>

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	<p>a) Constant humming from pumps/motors during operation</p> <p>b) Adverse impacts of vibration not considered</p> <p>Potential odour generation and effects</p> <p>a) Foul smelling, abhorrent smell, terrible stench</p> <p>b) Existing abalone farm at Narrawong smells</p> <p>c) Odour assessment undertaking only one site visit to identify odour sources and levels is inadequate</p> <p>d) Comparison with Narrawong and the assertion that no odour complaints implies that everything is okay - this is flawed as there are no residents as close to Narrawong as there</p>	<p>Potential vibration effects</p> <p>Vibrations in themselves are usually considered problematic on two grounds. Firstly if they damage equipment/surrounds and secondly if they generate noise.</p> <p>It is fundamental to the success of the business that all vibrations be managed to not damage equipment at the business (which they are part of). Otherwise it would jeopardise ability to grow Abalone. Given that any issue to arise about this would need be addressed immediately by the applicant for the sake their business, it is unlikely that this would pose adverse impact on any dwellings surrounding the site.</p> <p>In terms of noise the EPA conducts post construction noise assessment to prove that actual noise emissions meets required guidelines.</p> <p>Potential odour generation and effects</p> <p>A range of objections have been lodged concerning potential odour from this site.</p> <p>a) Key concern is about stench and fousls smells emitting from the site. The assessment provided details that this will not pose an adverse impact, although it did not include 'cloud' modelling. In terms of officer assessment of odour it is recognised this aspect can be subjective. Inspection of the site on a warm day by officers</p>

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	<p>are at Nyamat - has not considered many adjoining residential properties including Henty Bay Beachfront Holiday Park</p> <ul style="list-style-type: none"> e) Odour sources include: dead abalone, fish feed, settlement/effluent ponds – not compatible with residential zone. f) Abalone mortalities and associated odours are highest in the summer when there is a larger number of residents and visitors to the area g) South-easterly winds will exacerbate issues h) Drying of sludge/sediment odours from settlement pond i) Waste/Management/removal – how is odorous material to be moved. 	<p>did not experience any adverse smell inside the facility. The best way to describe the smell would be akin to an aquarium or fish tank, or similar to smells of streams and rock pools. In the officer's opinion a comparison of odours emitted from a dairy, grazing cattle or free range chickens are worse than smells experienced in the Abalone farm. Once outside the facility one could no longer smell activities occurring inside. The other key matter of note is that the abalone are all under water. Water prevents any odour arising from the abalone. In summary it is considered that proposed development will not pose an adverse odour impact. In fact it is likely to improve from the existing situation of cattle grazing.</p> <ul style="list-style-type: none"> b) Claims are made that the existing facility at Narrawong smells. When outside at the Narrawong facility the officer experienced what could be considered an offensive smell. However this smell is not from the facility itself but all the seaweed on the beach. The proposed facility at Yumbah will not be bringing in seaweed and will not bring that smell with it. c) Refer to point a. d) Locations of dwellings and the Caravan Park are located much closer to the proposed Yumbah development than they are to the Narrawong facility. Whilst this is true as per assessment under point A the odour is not considered to have an adverse impact. In the VCAT case <i>Rudewych & ors v City Greater Geelong – 28 February 2001</i> an aquaculture facility at Indented Heads nearby

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		<p>dwelling was approved in spite of objections over odour and close proximity. A key objection in this was also proximity to residential use. The case did not identify that odour would pose adverse amenity impact on nearby residents and VCAT approved the proposal.</p> <ul style="list-style-type: none"> e) The specific odour sources with concern include dead abalone, feed and settlement ponds. In terms of dead abalone these are to be freezer stored until disposed of off-site. A freezer containing dead abalone is considered an appropriate way to manage odour. With feed this is dry feed which is stored in bags until in use. Officers inspecting the site did not experience any odour from feed even when in use. Lastly the site does not use settlement ponds with all waste discharged back into the sea – which is the key consideration of the Works Approval. Ponds that are proposed outside the facility are recirculation ponds. They are not utilised for waste from the abalone. Accordingly it is considered they will not pose adverse odour impact. f) Refer to point e) about concerning dead abalone in freezers. g) South easterly breezes are the most common wind direction. The concern is any odours would travel further with the wind. Assuming this is the case very few residences would be impacted – mainly a couple up on near Frank Lodge lookout. However as per assessment above it unlikely this proposal would emit adverse odours. h) Concerns about sludge in settlement ponds are

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	<p>Separation Distances</p> <ul style="list-style-type: none"> a) Inadequate separation distances with no buffers. b) No or very limited buffer zones – distances from settling ponds (is) less than 50m 	<p>unfounded as this proposal does not utilise any settlement ponds.</p> <ul style="list-style-type: none"> i) In terms of waste this is to be managed in accordance with waste management plan and standard disposal. The EPA have reviewed the plan such disposal of dead abalone from freezers as appropriate. <p>Separation distances</p> <p>Objections lodge concerns that the separation distances, in some instances less than 50 metres is insufficient to manage noise and odour impacts. The Rural Living Zone (RLZ) does not prescribe any setback distances for an aquaculture facility. Neither does the planning scheme provide guidance on what is or is not an appropriate separation.</p> <p>As such noise modelling and odour impact assessment are used to determine if setbacks are appropriate in the absence of prescriptive measures. Based on the assessment detailed above, with the exception of the location of one of the emergency generators, the setbacks are considered appropriate.</p> <p>As a side note if the land was in the Farming Zone, the proposal would not trigger a permit if it was located more than 100 metres from a dwelling. From this it can be inferred that if a setback of 100 metres was achieved for an aquaculture facility, that amenity implications would automatically be addressed. In consideration of the proposal it is understood that with a slightly smaller</p>

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	<p>Other</p> <ul style="list-style-type: none"> a) Abalone farm is an industry b) Site and local area is currently serene, quiet and peaceful c) Landscape provides natural amphitheatre – acoustics of low-level valley and steep ridge d) Noise, vibration and odour will affect our amenity, lifestyle e) Noise from seagulls f) Solar will not be sufficient and diesel generators will be required and will be noisy 	<p>facility 100 metres setback could be achieved.</p> <p>However this is RLZ not FZ where there are no prescribed setbacks to avoid permit triggers for this type of proposal. In addition no objections have indicated that a greater setback to 100 metres would satisfy their concerns.</p> <p>Other</p> <ul style="list-style-type: none"> a) Objections contest that the Abalone farm is an industry. However under Clause 74 of the Glenelg Planning Scheme it is considered to be an aquaculture proposal which is nested under agriculture. b) Submissions have identified this area as serene, peaceful and quiet. The concern is that the proposed development will change this. Whilst residents have expectations of their surrounding environment, the RLZ of the planning schemes sets out what can be considered and approved. The proposed development will certainly change the environment and add much activity to the area. However as per assessment above noise and odour is considered to be within reasonable limits. c) There is concern over the landscape that would funnel noise up the slope amplifying to dwellings on the ridge. The noise assessment takes in consideration travel of noise. Again the EPA have reviewed the assessment and provided advice that it is appropriate.

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		<p>d) Objections summarise that noise, vibration and odour will affect their amenity and lifestyle. The technical aspect of these have been assessed above. The landscaping would certainly transform both visually and with increased activity. However In consideration of these issues, the proposed development will not make homes unliveable. They can still be reasonably used for their purpose to accommodate people to work, rest and play.</p> <p>e) Noise from seagulls is not considered to pose an adverse amenity impact. Measure are to be put in place to avoid them roosting nearby circulation ponds. Waste management measures will also ensure that they do not congregate at the site seeking a feed.</p> <p>f) The proposed solar facility is not designed to replace emergency generators. This is to reduce the amount of mains power required to operate the facility. As discussed above the noise assessment from emergency generators has been considered.</p>
Marine Ecology and Whales	<p>Potential effects on marine ecology</p> <p>a) Destruction and change to marine environment (existing reefs, seagrass beds and beach) through the laying of pipes, intake of water and discharge effluent</p> <p>b) Freshwater (stormwater) will be discharged onto a sensitive ecosystem (Minerva Reef)</p>	<p>Potential effects on marine ecology</p> <p>The impacts on marine ecology are key ground objections made against this proposal. This is primarily due to the impact intake and outlet pipes going into the sea that draw seawater in and out.</p> <p>The works of laying/installation of the pipes into the ocean through public land is assessed through <i>Marine</i></p>

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	<p>c) Minerva Reef has a wild abalone population</p> <p>d) Effluent outlet pipes might attract sharks</p> <p>e) Warmer water will be discharged back into the Bay. What effect will that have on the marine ecosystem?</p> <p>f) Impacts to marine life from the inlet pipes, vacuum effect and direct contact</p> <p>g) Independent study needed to examine the effects of the pumps and pipes on habitat loss/disruption to marine life</p> <p>h) Pipes will suck in microorganisms and other small things</p> <p>Potential Effects on Cetaceans</p> <p>a) Pumping of water from the bay and effluent back in will affect the marine environment, especially whales, leafy sea dragons, seals, burrowing crayfish, corals, crustaceans</p> <p>b) No real data on the effect that the pumps, inlet and outlet points and associated noise/vibration will have on whales. Noise under water carries – could drive off whales.</p> <p>c) The proposal doesn't adequately identify exclusion zones around pipes/ impacts of exclusion zones on pipes on whale watching</p> <p>d) Site is recognised Southern Right Whale Nursery. Conservation Management Plan for Southern Right Whale states 7 known and</p>	<p><i>and Coastal Act 2018</i> consent for the works. These consents consider impacts on marine ecology such as issues raised in submissions about them.</p> <p>The Department of Land, Water and Environment (DELWP) have issued consent for this proposal. Council would rely on this consent as evidence that the application satisfactorily address impacts on the marine environment.</p> <p>In regards to discharge of effluent from the pipes, this aspect is considered through the EPA Works Approval. Again Council would rely upon that consideration that impact on marine environment has been satisfactorily addressed.</p> <p>Potential Effects on Cetaceans</p> <p>Similar to above, Council would rely upon the expertise of DELWP and the EPA that these matters have been satisfactorily addressed.</p>

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	<p>potential threats. The proposed site will cause 3 of them (as indicated in bold):</p> <ul style="list-style-type: none"> o Entanglement o Vessel disturbance o Whaling o Climate variability and change o Noise interference o Habitat modification o Overharvesting of prey <p>Research/Knowledge Gaps</p> <ul style="list-style-type: none"> a) Independent study needed to examine the effects of the pumps and pipes on the whales b) Not proven to not have an impact on the environment – no comparative studies c) Species that not enough is known about – crayfish, delicate creatures d) No one is prepared to guarantee that it won't scare marine life (whales) away - due to change in environment – both water quality, noise and vibration <p>Other</p> <ul style="list-style-type: none"> a) Not enough info from Yumbah/government b) Hydrodynamic Modelling Assessment c) No consideration of potential risks associated 	<p>Research/Knowledge Gaps</p> <p>A number of submissions have lodged concern there is not sufficient information provided about the impact on marine environment.</p> <p>Throughout assessment of the project a range of studies and technical information has been provided to DELWP and EPA about this. As per above, where they are satisfied Council would rely upon this.</p> <p>Other</p> <ul style="list-style-type: none"> a) Criticism has been made that insufficient information has been provided by Yumbah and Government concerning impact on the marine environment. In terms of Council any information

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	with sand pumping from the Port	<p>submitted on the application publicly available to view. The application has also been formally put on notice twice to the community. Throughout the course of assessing this application additional information has been sought on a range of matters from Yumbah. The information provided is now of satisfactory state that DELWP and EPA provide technical advice that Council can rely upon in making a decision.</p> <p>b) Many submissions request a Hydrodynamic Modelling Assessment. This has been provided by the applicant and has been reviewed by the EPA as part of the works approval. Council would rely upon the expertise of EPA that the modelling provided is accurate and won't have an adverse impact on the marine environment.</p> <p>c) Further information has been provided by the applicant concerning sand pumping. This now includes exact details of cubic metres of sand and where it gets placed. Approval of this is governed by Coastal Management Act consents provided by DELWP. The applicant has advised that the sand pumping is desirable for replenishment of sand in Dutton Way and will have no adverse impact on its operations. The existing facility at Narrawong already experiences the on shore drift of sand coming past with no risks to its operations.</p>
Dust Generation and Health Effects	<p>Dust Generation</p> <p>a) Contamination of rainwater tanks – one or only the main water sources for residents</p>	<p>Dust Generation</p> <p>a) Concern is raised that dust from the facility will enter and contaminate rain water tanks which are</p>

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	<p>b) Strong northeast winds will mean that dust generated during construction will be exacerbated</p> <p>c) Length of construction period and volume of earthworks</p> <p>Health Effects</p> <p>a) The site is mainly sand which is known to contain silica – inhaling fine divided crystalline silica is toxic. Study should be commissioned</p>	<p>primary source of water for resident in this area. Wannan Water does not have water connection to this area. Once operational internal roads are to be constructed and sealed. Then normal day to day operations are conducted inside buildings so are unlikely to present dust hazard. The main source of dust would be during construction. These are addressed by a construction management plan which is a standard requirement of any major development.</p> <p>b) As per above, a construction management plan would be conditioned on any permit to address this issue. In any case the common direction of wind is likely to blow any dust away from most residences in this area. (ie most dwellings are located south and west of the proposal, with less to the north and east).</p> <p>c) The length of construction and volume of works in itself is typically not a planning consideration. A major project of any type would typically involve a long construction period and extensive volume of earthworks. These are managed via construction management plans. In this proposal the EPA as part of the Works Approval have also assessed this impact and provided direction on an appropriate construction management plan.</p> <p>Health Effects</p> <p>a) The applicant has provided further information concerning silica to EPA as part of the Works Approval. Council would rely on the expertise of</p>

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	<p>into the potential for toxic silica particles to be released in to the air during construction. Known to cause lupus and rheumatoid arthritis.</p> <ul style="list-style-type: none"> b) Use of 2 phenoxyethanol – known to cause adverse side effects including eye and skin irritation, hypotension, damage to the central nervous system – with repeated long-term exposure causing organ damage c) Contamination of rainwater tanks from increased bird activity associated with settling ponds – including dust generation d) Dust storm asthma due to the removal and levelling of tonnes of earth e) Concern re swimming with my children in seawater containing chemicals from dust silica from 3 - 4 years of construction 	<p>the EPA that this matter is satisfactorily addressed. It should also be noted that the same sand mentioned surrounds dwellings in this area and the beach. Whenever there is strong wind the sand from the beach also become airborne.</p> <ul style="list-style-type: none"> b) The use of chemicals in the business is a matter that they have their own procedures to handle these correctly. In terms of the discharge into the ocean this is considered under the EPA works approval. Council would rely on the expertise of the EPA that this matter is satisfactorily addressed. c) Objections raise concerns that increased bird activity will increase contamination of rain water tanks. As noted previously this operation does not include settling ponds – they are recirculation ponds of fresh sea water. To avoid increased bird activity the application has proposed netting to avoid congregation of birds around this area. It is considered this is an appropriate means and will be conditioned on any permit to address this matter. d) Dust storms are phenomena known to pose increased instances of respiratory illness including asthma. The concern is the large construction would cause/contribute to this. Again construction management plan are standard conditions applied to address dust issues from construction sites. e) The point elaborates on concerns highlighted in point a. Please refer to above.

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	<p>Other</p> <p>a) Acid sulphate soils - exposure to oxygen as a result of activities e.g. erosion, drainage or excavation can result in the production of sulphuric acid</p>	<p>Other</p> <p>The site is a known area that has coastal acid sulphate soils. These can impact on building structures with sulphuric acid damaging them. A part of the building permit detailed soil tests are required to determine exactly what is in the soil and appropriate measures be put in place to address any acidic soils. It is considered this can be adequately addressed .</p>
<p>Socio-Economics (Job Creation, Tourism and Recreation)</p>	<p>Job Creation</p> <p>a) Job creation and options for unskilled workers with short and long term opportunities</p> <p>b) Employment opportunities in abalone facilities often go to overseas visa holders</p> <p>c) Job number not specific enough – need to refer to Full Time Equivalents</p> <p>d) Local jobs should be prioritised</p> <p>e) 100 FTE staff created, not 160</p> <p>f) Job and economic projections are not realistic or consistent</p> <p>Impact on Tourism</p> <p>a) Loss of income for tourist accommodation businesses including Caravan Parks and</p>	<p>Job Creation</p> <p>The proposal will generate a large number of jobs in the context of Portland. This part of the proposal receives strong support under the State Policy for a diversified economy providing local employment opportunities.</p> <p>Planning consideration does not take into account where employees come from nor an exact numbers. These are variable items determined by the market.</p> <p>What Planning consideration does do is provide support to commercial development (whether it be industrial, agricultural, shops or other) which strengthens the economy and delivers new employment opportunities.</p> <p>Impact on Tourism</p> <p>There is strong concern lodged that this proposed development will adversely impact on tourism in particular in Dutton Way.</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>holiday rentals</p> <ul style="list-style-type: none"> b) Will affect the tourism 'boom' which has occurred following the return of whales to the area c) Alteration to Frank Lodge Lookout – confusion for tourists and high risk of accidents d) Dutton Way Caravan park is within 100m of the eastern boundary, with Henty Bay Tourist Park directly opposite the southeast boundary e) Devaluation of the Great South West Walk – one of the most amazing experiences the Glenelg Shire offers both locals and tourists f) Increase in tourism since cruise ships commenced – this will risk everything g) Other users of Dutton Way beach affected, not just local residents h) This will not be a tourist attraction i) The perception that Portland is an industrial town – this stymies future tourism and Portland will be bypassed 	<ul style="list-style-type: none"> a) There are two caravan parks and 46 dwellings within 400 metres of the proposal. The argument is that the development will cause a drop in bookings due to loss of desirability of the location. The Rural Living Zone (RLZ) allows for consideration of aquaculture pursuits. So whilst tourism operators would desire a more natural, less built up area, it is the provision of the RLZ that must be relied upon knowing that it guides future development. In terms of amenity impacts that have been discussed above, it is not considered that development will prevent people from being able to utilise dwellings or caravan parks for their intended purpose. The one exception previously noted was about mitigating noise impact of one of the emergency generators to tent sites of the caravan park opposite. Ultimately if the proposal proceeds there may or may not be impact to tourism in this localised area of Dutton area due to perceptions. However a decision cannot be made on 'perceptions'. A decision must be on account of whether reasonable amenity to be used for that purpose afforded under the RLZ. b) These submissions refer to the attraction whales have on local tourism and concerns the whales would leave due to the development. As previously noted DELWP have provided consent after considering marine impacts of the development. Accordingly the presence of whales is not considered to be adversely impacted by this

Submission Theme	Submission summary	Planning Unit comments
		<p>proposal.</p> <ul style="list-style-type: none"> c) The alterations to Frank Lodge have been approved by Vicroads to ensure any alterations to this is safely managed. d) The Dutton Way Caravan park is about 250 metres west of where the solar array of the development is proposed. It is unlikely it would be able to view the facility or have any impact. The caravan park opposite has already been addressed in this assessment. e) The Great South West Walk goes up along Beach Road which is the service entry to this proposal. The development itself will not impede and would provide an alternative view to the paddocks currently grazed. Based on noise and odour impacts modelled it is unlikely to pose adverse impact on walkers. Depending on perception it may turn off users, however planning decisions are not made on 'perception'. f) The risk to increase tourism since cruise ships is raised with concern it will be adversely affected. Based on the numbers of 46 dwellings and two caravan parks within 400 metres of the site, Dutton Way as a destination in its own right is a relatively small component in terms of tourism numbers for Portland. In context of overall tourism numbers and visitors to Portland its presence would not be prominent or reasonably pose an influence. Further the location of where cruise ships is berthed is more than 4 kilometres from the site and will barely be visible from them in an already industrial port. Accordingly the

Submission Theme	Submission summary	Planning Unit comments
	<p>Recreation</p> <ul style="list-style-type: none"> a) Recreational activities (including swimming, fishing, jogging, horse riding, road cyclists, hikers on the Great South-West Walk) prevented/impacted during construction and operation b) Loss of public access to the beach due to pipe shore crossings – one of the few beaches with access for disabled people c) Exclusion zones around pipes due to public safety issue d) Exclusion zones for swimming or accessing 	<p>development is not considered an adverse risk to cruise ship related tourism in Portland or the shire.</p> <ul style="list-style-type: none"> g) Concern is raised about the ability of the beach to be utilised due to pipes being placed through area. In response Council would rely on Coastal and Marine Act consent provided by DELWP for this on public land. h) The abalone farm is not a tourism attraction. This submission is correct – under the planning scheme it nests under the agriculture definition as an aquaculture facility. i) Many submissions raise concern that the proposal would increase the perception and profile as Portland as an industrial town. As previously noted planning considerations are made on merit, not perception. <p>Recreation</p> <p>Concern is raised that a number of recreation activities would be restricted by the proposed development due to the intake and outlet pipes.</p> <p>DELWP have issued consent for this proposal as previously noted. Council would rely on this consent as the relevant public land manager for this area impacted. A number restrictions, particularly during construction, may arise but they have been correctly applied for via DELWP with necessary consents.</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>beach</p> <p>Other</p> <p>a) Yumbah incorrectly states Dutton Way has no tourism. It has a beach, holiday rentals, whale spotting and GSWW</p>	<p>Other</p> <p>Objections raise concerns that tourism of the local area has been understated by the applicant. As previously indicate there are two caravan parks and 46 dwellings within 400 metres of the site – with a percentage of these being used for holiday rentals.</p> <p>Council’s Tourism and Events Strategy 2015 provides key details on tourism products in the shire. These detail a number of significant tourism sites and promotion opportunities to increase tourism. So whilst Dutton Way does have localised tourism as identified above it does not feature in this strategy. Whereas by comparison most other coastal settlements do such as Nelson, Cape Bridgewater and Narrawong.</p> <p>In context in the absence of specific direction it is difficult to apply planning controls guiding development in Dutton Way as an area that must be preserved solely for tourism enterprises.</p>
Effluent Discharge and Biosecurity	<p>Effluent Discharge</p> <p>a) 1,100 kg of abalone faeces discharge per day</p>	<p>Effluent Discharge</p> <p>These objections are principally concerned about the</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>will cause algal growth on pipes that will be in sea spray</p> <ul style="list-style-type: none"> b) The effect that recycled water will have on marine life c) Waste and chemicals generated will go straight into the ocean. How will waste be disposed (including sludge from settlement ponds)? d) Vast amounts of water will be pumped in and out – 8886 litres of seawater sucked per second e) Best practice required to treat effluent water and not rely on settlement ponds f) Large volume of stormwater (freshwater) being disposed of upon a sensitive reef ecosystem (Minerva Reef) g) Public safety in relation to swimming – contaminants from outlet pipes h) Outlet water will be contaminated with mollusc effluent, manufactured feed, cleaning chemicals and ‘chemical medicines’; nutrient overload in bay i) Any pollution puts swimming in the bay around Dutton Way and Nuns Beach at risk j) Impact to tides/movement k) The temperature of water at outlets increased <p>Biosecurity</p> <ul style="list-style-type: none"> a) Susceptible to devastating marine sourced disease b) The threat to wild abalone stocks and fishing 	<p>amount of effluent discharged and what impact it will have both to the marine environment and the public.</p> <p>In regards to discharge of effluent from the pipes, this aspect is considered through the EPA Works Approval. Council would rely upon that consideration that effluent impact on marine environment has been satisfactorily addressed.</p> <p>Biosecurity</p> <p>These concerns relate to viruses that can have an impact both on abalone and other marine life/organisms. This matter is already considered the through the EPA</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>through viruses</p> <ul style="list-style-type: none"> c) No guarantee that a virus like the previous one will not occur again. Once wild abalone fishery is gone how will we know if there is a virus if we can't see fatalities? No trust in company records d) The time between outbreak and isolating gives time for the virus to leave the farm e) Strict EPA compliance – measures to hold facility immediately to account if non-compliant f) An annual assessment for the disease is not frequent enough – needs to be done by an independent consultant, not Yumbah employees <p>Incomparable Scaling</p> <ul style="list-style-type: none"> a) No point comparing to Narrawong - it is much smaller <p>Other</p> <ul style="list-style-type: none"> a) Separation grate on pipes – suction still an issue: fish eggs, coral spores, crayfish larvae, etc could be destroyed/killed 	<p>Works Approval. Council would rely upon that consideration that biosecurity impact on marine environment has been satisfactorily addressed.</p> <p>Incomparable Scaling</p> <p>In context of viruses and biosecurity the objection raises concern that biosecurity measures in place at Narrawong cannot be scaled up to this site.</p> <p>As per notes above this matter is already considered through the EPA Works Approval. Council would rely upon that consideration that biosecurity impact on marine environment has been satisfactorily addressed for a site of this scale.</p> <p>Other</p> <p>The matter relating to marine life being sucked up pipes is addressed in the theme relating to marine environment above.</p>

Submission Theme	Submission summary	Planning Unit comments
Hydrogeology and Water Table	<p>Hydrogeology</p> <ul style="list-style-type: none"> a) Independent hydrogeological (also listed as hydrological) assessments – not by Yumbah b) Impact of drainage c) Impact of floodwater on subsurface irrigation <p>Water Table</p> <ul style="list-style-type: none"> a) In some areas the water table is no more than 90cm below the surface and lies under a white stone layer of approximately 8-10 metres. Some properties do not have stone layer 	<p>Hydrogeology</p> <ul style="list-style-type: none"> a) A large number of submissions called for a hydrogeological assessment for the proposal and that it be done independently. The applicant has since provided an assessment. There is no need for Council to commission its own assessment as the EPA are independently reviewing the one submitted by the applicant. Council is able to rely on their technical expertise as part of the Works Approval application to determine that it has been satisfactorily done. Note no submitters provided an independent hydrogeological for consideration. b) Impact of drainage from the site and to surrounding properties has been raised as a concern. Preliminary stormwater drainage plans have been provided by the applicant that have been reviewed both by the EPA and Council's engineer. Based on the information provided, the advice is that the proposal can be appropriately drained. Drainage conditions will be applied to any permit issued. c) With drainage plans and conditions in place this will also manage impact of floodwater. <p>Water Table</p> <p>A number of concerns have been raised about the impact on water table – in context that this one is very close to the surface. For this reason the hydrogeological assessment has been done to consider these matters.</p>

Submission Theme	Submission summary	Planning Unit comments
	<ul style="list-style-type: none"> b) Major ground disturbance of a large area that has a documented very high-water table c) Erosion and damage to nearby properties from drainage of water table d) Concern re lowering of the water table will allow inundation of groundwater containing salt water (ie ground water infiltrations) e) Potential loss of water supply and water quality <p>Other</p> <ul style="list-style-type: none"> a) Monitoring 	<p>This hydrogeological assessment is being reviewed by the EPA. Council is able to rely on their technical expertise as part of the Works Approval application to determine that it has been satisfactorily done and that the matters raised are addressed.</p> <p>Other</p> <p>Submission raised issue on whether the quality of water table will be monitored and protected throughout the operation of facility. Emergency management procedures including electronic monitors can be used for ongoing real time monitoring of the facility to ensure it never contaminates the water table.</p>
Climate Change, Sea Level Rise, Coastal Erosion and Planning Restrictions	<p>Rock/sea wall removal/protection of the coast</p> <ul style="list-style-type: none"> a) Ongoing cost to ratepayers to rectify damage to the rock wall, erosion of the beach and coastal land b) No plan for protection due to inundation/storm surges whilst the wall is removed c) Coastal seawall – east of that there will be erosion d) Changes to the beach – will sand stop coming from the east? Will sand by-passing continue at the current rate? e) Dr Black suggests that groynes (a barrier built 	<p>Rock/sea wall removal/protection of the coast</p> <ul style="list-style-type: none"> a) The construction of walls as a result of the pipes is to be burdened fully by the applicant. The necessary Coastal and Marine Act consent has been received for this works. Accordingly it is considered these works will not pose any further burden on ratepayers. In addition whilst Council contributes to maintenance of the wall it is managed by DELWP. b) The works to the wall are managed by consent provided by DELWP. Council can rely on this assessment by DELWP that this matter is

Submission Theme	Submission summary	Planning Unit comments
	<p>out at sea) or offshore reefs are required to protect coastline at Dutton Way (Yumbah won't want to do this because they need the deep water)</p> <p>Impact on the Port</p> <p>a) Impact on future expansion of Port of Portland and its activities – particularly sand bypassing and any future dredging works or works within Portland Harbour</p>	<p>satisfactorily addressed.</p> <p>c) Refer to point b above. The works are unlikely to alter erosion occurring at the end of Beach Road where the rock wall finishes.</p> <p>d) Consent provided by DELWP considered impacts of pipes in the sea. Council can rely on this assessment by DELWP that this matter is satisfactorily addressed.</p> <p>e) Dr Black presented to Council on potential options on what could be done to the Dutton Way beach to improve it and reduce erosion. This however was simply a presentation and no actions have been committed by Council to advance any of the options/ideas proposed. In any case these options/ideas are not for planning consideration.</p> <p>Impact on Port</p> <p>Submission has been lodged raising concerns about the operation of the Port of Portland. In particular these are:</p> <ul style="list-style-type: none"> • Sand bypassing operations • Dredging works for maintenance • Dredging work for future capital projects <p>The ongoing and future expansion of the Port has strong support in both the State and Local Policy section of the Glenelg Planning Scheme. They support its operation as one of three deep-water ports in Victoria and that it be unfettered by surrounding uses.</p> <p>The concern raised is that the presence of the abalone farm at Dutton Way might impact on the Port's ability to</p>

Submission Theme	Submission summary	Planning Unit comments
		<p>undertake these operations, which are vital for the ongoing operations of Port.</p> <p>The applicant has provided detailed response to these matters raised.</p> <p>In terms of the sand-bypassing this is a legal requirement of the Port to undertake. The process is also managed by Marine and Coastal Act consent via DELWP. This process already occurs with sand coming past the existing Narrawong facility further down the coast. The applicant has provide detailed advice this does not adversely impact abalone and is in fact wanted for the benefits it provides to the beaches along Dutton way.</p> <p>Regarding dredging the Port has an approved environmental management plan that governs this process. Again this is subject to DELWP consent and testing of material prior to being dredged which is reviewed by the EPA. If there are any contaminants the dredge material would be taken off to an appropriate landfill rather than dumped in the dredge spoil area. Only clean fill would be able to put into that area. DELWP would not consent to dumping of contaminated dredge if it was known that it would kill marine wildlife (including wild abalone), irrespective of whether there was an abalone farm down the coast.</p> <p>In terms of future potential capital projects at the Port, these are governed by the Ports Land Use Strategy which are approved by the Port's Minister. Council has</p>

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	<p>Coastal Erosion</p> <ul style="list-style-type: none"> a) Erosion history should be looked at and further impacts researched b) There is no plan on the road going from Frank Lodge lookout for construction - how they will stop destabilisation of the cliff face? 	<p>been advised there is currently a draft strategy before the Port's Minister for consideration. Only if that strategy contains capital projects does the Port have ministerial approval to proceed with them. Council has not been provided any publicly available advice either from the Port or State Government that the strategy contains any significant capital works that would involve further dredging. Accordingly in the absence of such information Council is unable to consider this aspect of their submission.</p> <p>Coastal Erosion</p> <ul style="list-style-type: none"> a) There is a long history of coastal erosion at Dutton Way. The development of the Port drastically changed the coast in this area. In terms of the proposed development an appropriate coastal hazard assessment has been undertaken. The rock wall works are also to be appropriately managed by consent provided by DELWP. The proposal itself is on the northern side of Dutton Way with a rock wall and 50-150 metres of land between it and the ocean. Council's own coastal hazard assessment by AECOM indicates that without a rock wall coastal hazard would not be anticipated until the year 2070 at the earliest. In summary it is considered that the development's risk to coast hazard has been appropriately addressed with the presence of the rock wall. b) In regards to road access from Frank Lodge lookout down to the proposed facility, this would be designed by engineers to ensure that it is

Submission Theme	Submission summary	Planning Unit comments
	<p>Restrictions of planning for housing in Dutton Way</p> <ul style="list-style-type: none"> a) Residents in the area have previously been advised that the land must not be disturbed or have structures – residents not allowed to build so why is Yumbah allowed? b) Residents on the seaside of Dutton Way are restricted on what they can build – why isn't this? 	<p>structurally sound and not subject to landslip/erosions. Appropriate conditions will be applied on permit.</p> <p>Restrictions of planning for housing in Dutton Way</p> <p>Submissions raise the issue of fairness concerning restrictions on development for housing in Dutton Way and questioning why this development can be considered.</p> <p>In 1988 the Minister for Planning intervened in planning controls along Dutton Way. This was in response to aggressive coastal erosion where whole streets and houses were lost into the sea. The Minister applied what is now known as Special Use Zone 3 along Dutton Way in what was the Henty Estate. This zone prohibited any further new development.</p> <p>However surrounding it and north of Dutton Way remained a rural zone which was translated into the Rural Living Zone (RLZ) in 1999. For a time up until 2005 permit for dwellings and subdivisions were routinely issued by Council in the RLZ area.</p> <p>However after the Auditor General's report of 2005 into Glenelg Planning Service, a freeze was put on development in this area with a Development Plan Overlay 7 (DPO7). The DPO7 applied from Dutton Way up to the Princes Highway running all the way along to</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>Other</p> <ul style="list-style-type: none"> a) Site plans show deep blue water – but during low tide in summer the area is shallow and sand-disturbed b) 2.5 million cubic metres of sand owed to Dutton Way c) Yumbah need for deep water and Dr Black recommendation for beach rehabilitation not compatible d) Glenelg Coastal Erosion study – the site will be in areas subject to erosion 	<p>Narrawong. From the time it was applied in 2005 until 2011 no permits were issued for new housing in this area. In addition the State Government also introduced regulation dictating that any houses along the coast must consider the impacts of climate change – specifically sea level rise.</p> <p>Late in 2011 the Minister for Planning lifted the DPO7 which enabled consideration of dwellings again in RLZ areas. Initially these were granted requiring removable homes, however these have further evolved with areas behind rock wall now also allowing consideration for homes on slabs. The SUZ3 areas still remain prohibited.</p> <p>In light of this history it is acknowledged that there have been restrictions on housing development. However this has now been lifted for RLZ areas. The proposed development is in an RLZ area and can be considered for an aquaculture proposal.</p> <p>Other</p> <ul style="list-style-type: none"> a) The colouring on the water of the site plans has been questioned with concerns that the ‘deep’ blue gives impression that it is deeper than actual depth. The colour of water on plans is just artistic impression of the depth. The applicant has obtained actual depths including having divers explore the area to ensure it is suitable for the proposed development. b) The matter concerning loss of sand to Dutton Way due to the development of the Port many years

Submission Theme	Submission summary	Planning Unit comments
		<p>ago is not a consideration of this application.</p> <p>c) This matter has already been considered above.</p> <p>d) Matters concerning coastal hazard are considered above and in the assessment of the Delegate Report.</p>
<p>Visual and Landscape Amenity</p>	<p>Visual pollution/impact</p> <ul style="list-style-type: none"> a) Visual pollution of 28 pipes b) Currently serene landscape c) Views will now be of a shade cloth d) The view from Frank Lodge lookout will be significantly affected e) Access road from Frank Lodge lookout will require substantial scar on ridgeline and potential landslide f) Sheer size impacts on non-industrial landscape, coastal plain and ocean views g) Anxiety/mental health associated with visual impact h) Negative sensory impacts on residents within the immediate area 	<p>Visual pollution/impact</p> <p>Another key concern about the amenity is the visual impact of the proposal. A number of different aspects are raised such as pipes, shade cloth, the road, the size and complete transformation of the current coastal grazing landscape.</p> <p>Loss of views and visual impact are matters regularly contested in merits at VCAT for development despite it being generally held there is no right to a view. The issue of view sharing is sometimes considered, however in this case views for dwellings of the coast (which is how dwellings in this area are generally orientated) are not being lost. The development would certainly be seen by dwellings abutting but would not impact on coastal views. Of note only the driveway entrance will be visible from the Frank Lodge lookout.</p> <p>Planning Panel report C94, 96 and 97 considered a large factory in Warrnambool for the processing of milk products. The size and associated visual aspect were strongly contested by objectors at this Panel. The Panel found that whilst visually prominent and significant it agreed that the structures are 'utilitarian' in design and built form requiring to be that size. In addition the Panel</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>Beach pollution</p> <p>a) Seaweed/kelp/algae build up at Narrawong</p>	<p>advised it was inappropriate to require that buildings be significantly trimmed because they would be unable to perform the function they are required to do. Similarly in this application in order to produce the abalone the buildings need to be functionally the size they are.</p> <p>During consultation none of the objectors requested greater setbacks or a reduction in size of the facility to address their concerns.</p> <p>Another consideration is that under Amendment C52 Council applied Significant Landscape Overlay to a number of rural landscapes across the shire. These overlays provided guidance and direction on built form on landscapes that were considered visually significant. The land in Dutton Way was not considered visually significant to warrant this type of planning control and was not included in the Amendment.</p> <p>Accordingly it is considered that the visual impact of this development, whilst transforming the landscape, does not contradict the objectives of the Glenelg Planning Scheme.</p> <p>The two issues relating to sensory and anxiety/mental health impact (g and h) from seeing the development are not a matter for consideration under the planning scheme.</p> <p>Beach pollution</p> <p>Objection raises concern with comparison of seaweed,</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>site</p> <p>b) Rubbish on the beach at Narrawong site</p> <p>Solar panels and lighting</p> <p>a) The potential for glare from 5800 large solar panels facing directly into some properties</p> <p>b) Light pollution</p> <p>c) Peaceful dark at the moment – floodlights will disturb</p>	<p>kelp, algae and rubbish at the Narrawong facility being duplicated at this site.</p> <p>The context of this proposed facility is quite different as only pipes go through to the beach. It does not manage any seaweed or kelp. In addition it does not utilise any settling ponds that may grow algae outside the site.</p> <p>In regards to rubbish, waste management measures are to be put in place to be managed ongoing.</p> <p>Solar panels and lighting</p> <p>a) Concern is raised specifically about the glare posed from the solar panels located on the west end of the site. It is noted that solar energy facilities at present are being strongly contested across the state. In considering this issue Council has relied upon recommendations made in the Panel Report for four solar energy permit applications in Greater Shepparton dated 18 July 2018. This report considered a large range of issues with input from many experts including the matter of glare from solar panels. The expert evidence agreed upon found they reflect less than 2 percent of sunlight. They are purposefully designed to absorb light to generate power. It is noted that dwellings can place solar panel house roof tops without planning permission. In summary it is considered they won't have an adverse glare impact.</p> <p>b) Objections are raised about light impact posed in</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>Screening</p> <ul style="list-style-type: none"> a) Existing shared farm style fences replaced with security fences of much greater height and fitted with an electric wire b) Inability to screen from main farm structures and feed silos – planned tree planting will take years to grow to height c) Landscape screening will take years or decades to grow and Yumbah didn't adhere to planting condition at Kangaroo Island. d) How will privacy be protected from employees looking in to neighbouring residences? 	<p>particular by night lighting of the facility. The facility will require this as certain points for security and OHS measures. This in itself is not matter to refuse an application. Conditions would be applied to ensure these are appropriately designed and baffled to avoid direct light into people's homes.</p> <ul style="list-style-type: none"> c) Refer to point b above. <p>Screening</p> <ul style="list-style-type: none"> a) There is objection that existing shared farm style fences are replaced with security fences of much greater height and fitted with an electric wire. The proposed facility does require upgraded security fencing than the current farm. The applicant has offered to retain current fencing and have security fencing set back further to alleviate concerns. With regard to fencing, this can be done without planning permissions in this zone. So conditions on a permit can require fencing, but the reality they is can be built on this site without planning permission. b) Concerns were raised about the inability to screen from main farm structures and feed silos and planned tree planting will take years to grow to height. Overall while landscaping can be conditioned it would not be able to hide the site from surrounding residents. In particularly those on the top of the hill. However if it can be used to soften the visual impact and is standard requirement of major development.

Submission Theme	Submission summary	Planning Unit comments
	<p>Irreversible impact on Dutton Way</p>	<p>c) Submissions assert that any landscape screening will take years or decades to grow and Yumbah didn't adhere to planting condition at Kangaroo Island. It is acknowledged that landscaping conditions can take many years to be fulfilled and especially in a harsh growing environment. Furthermore they can be difficult for Council's to enforce and there are many examples where they are not implemented. Yet they are a standard requirement of major developments in Victoria. Fundamentally it is not considered that an approval is decided solely on the ability to landscape the site. But any approval though would strongly benefit from a well landscaped facility and thus be conditioned accordingly.</p> <p>d) The issue of overlooking is normally considered under building residential codes in urban areas. These require 9 metres to achieve compliance. In rural living areas the amount of room and landscaping usually negates this being an issue. In terms of this development the office and entrance of the facility are located on the north eastern side. The majority of the work is done inside the facility where overlooking would simply not occur. The only work where overlooking could occur would be that of maintenance outside, which would be of a sporadic nature during business hours. In context it is considered that the proposal will not create overlooking issues.</p> <p>Irreversible impact on Dutton Way</p>

Submission Theme	Submission summary	Planning Unit comments
	<p>a) Dutton Way has remained relatively unchanged for over half a century unlike other parts of Portland. It is the last remnants of a seaside coastal village, and one of the few left in the whole of Australia. It will get destroyed if this proposal goes ahead</p> <p>b) No buffer or separation along Dutton Way</p> <p>Impact on tourism</p> <p>a) Removal of heritage cypress trees adversely affecting popular whale watching area</p> <p>b) The detrimental effect on tourism from visual impacts – Portland will be an industrial town</p> <p>Other</p>	<p>a) It is argued that the character of Dutton Way will be destroyed by this proposal. Assertions are made about the unchanging nature of one of the last seaside settlements in Australia. This assertion has not been supported with evidence and has actually experienced some of the most dramatic impact along the coastline of any seaside settlement. With the development of the Port, whole streets and homes were lost to the sea prior to rock walls being put in place. So it can be argued that this landscape has seen much change with this proposal now adding another layer to this history. In terms of planning consideration there are no Heritage Overlays or Neighbourhood Character Overlays that warrant an assessment of impact on the existing settlement.</p> <p>b) The objections note there is no buffer or separation. This is true however the planning scheme does not prescribe any separation distance for aquaculture facilities to dwellings. So where the zone can consider them there is no mandated buffer requirement.</p> <p>Impact on tourism</p> <p>The objections raise concern how the visual impact would deter tourism to this area. The impacts on tourism are discussed in the theme of Socio Economics above.</p> <p>Other</p>

Submission Theme	Submission summary	Planning Unit comments
	<ul style="list-style-type: none"> a) History of Narrawong site maintenance has been poor - how will the new site be managed? b) Loss of vegetation c) Shade cloth and other materials unsuitable in high winds – fire risk 	<ul style="list-style-type: none"> a) Assertion has been made of poor site maintenance of the Narrawong site and questions how the new site be managed. While this assertion is made, Council has never received any complaints about the facility and even with periodic inspections on a variety of matters over the years have never been presented with an issue posing an amenity issue. The proposal will have a waste management regime in place and general amenity conditions to manage these types of issues. Given that residences are in closer proximity, timely maintenance response would be a priority. b) Loss of vegetation has been addressed above with DELWP providing relevant approval. c) These matters would be controlled via a building permit. They are regularly used at other facilities so there is no reason that these would pose concern.
Other	<p>Development Plans</p> <ul style="list-style-type: none"> a) Inaccurate site plans (Drawing number – YUM 003–02-02) b) Henty Caravan Park not included as neighbour 	<p>Development Plans</p> <ul style="list-style-type: none"> a) A submitter raised concerns about inaccurate site plans (Drawing number – YUM 003–02-02) where it did not correctly depict the location of their dwelling and accommodation unit. Officers in assessment of aerials and onsite inspection are aware of the correct location to know accurate setback for these from the proposed development. b) Similar to above the site plans provided did not

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	<p>Flora and Fauna Impacts</p> <ul style="list-style-type: none"> a) Concern over quality of assessment – not adequate b) Loss Koala habitat <p>Vermin and pests</p> <ul style="list-style-type: none"> a) Odour from settlement ponds will attract flies and mosquitos b) Feed storage and spillage will increase vermin and attract snakes c) Snakes and rodents attracted to waste – shell, mortalities and meat (vermin will move to the beach) 	<p>include the Henty Caravan Park a as neighbour. However as per assessment above officers are aware of its location to the proposed development and have considered impacts.</p> <p>Flora and Fauna Impacts</p> <p>In the assessment of these two matters Council relies on the DELWP referral that has considered these issues.</p> <p>Vermin and pests</p> <ul style="list-style-type: none"> a) The facility does not have settlement ponds. The ponds outside are recirculation ponds of fresh seawater and will not pose any odour different to that of the ocean. b) There is concern the feed storage and associated spillage will increase vermin and attract snakes. Such matters would be detrimental to the business itself so there is already onus on the operator to manage this issue. This can be formally managed through conditions on feed storage. c) Following on from this are concerns about snakes and rodents attracted to waste – shell, mortalities and meat (vermin will move to the beach). Again such vermin would impact on the productivity of the facilities so are in the interest of the operator to manage. This can be formally managed through a pest management plan.

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	<p>Financial assurance/guarantees</p> <ul style="list-style-type: none"> a) Remediation and repatriation of land if the project fails b) If this proceeds and then fails it can NEVER be back to what it is now c) No 'exit plan' – What guarantee do we have that the proposers would return the land to its current state if they withdraw from the project? d) What guarantee provided to repair infrastructure (road, reef, rock wall or sewerage system)? 	<p>Financial assurance/guarantees</p> <p>Points a-c raise concern about if the project fails or ends and what happens to the infrastructure put in place. The concern is that it could remain a ruin and that the land couldn't be reverted back to grazing. Submissions include requests for a Director's guarantee about this matter.</p> <p>This is a common objection raised about major development. The concern is addressed by applying a permit condition for a decommissioning plan. This is a legally enforceable condition that can be applied against landowner if required. Council is unable to apply other measures around commercial law with Director's guarantees as these lay outside Planning considerations.</p> <p>In terms of point d) about infrastructure the applicant will have obligations when the project is under construction to maintain and upgrade infrastructure to the appropriate standard as set out in conditions. Once completed the owner will have obligations like any other ratepayer to contribute necessary taxes and fees for ongoing maintenance.</p>
Section 20B Recommendation no 10 for Glenelg Shire Council	Refer the application to DELWP with a request to consider and verify the nature and extent of the proposal's possible impact on marine ecology, particularly whales. The assessment should consider the potential effects of vibration (including during	The application has been referred to DELWP whom have considered these matters and provided consent to Council. Council is able to rely upon this expertise.

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	construction), intake (suction) and outlet (discharge, temperature variation). Publish the results with a plain English summary.	
Section 20B Recommendation no 11 for Glenelg Shire Council	<p>Require a Transport Impact Assessment that includes:</p> <ul style="list-style-type: none"> • local access for emergency services, • assessment of traffic movements into, out of and within the site, including transport routes, number of traffic movements and hours, • analysis of likely traffic impacts (noise, odour and congestion) on the residential area, and • necessary road safety measures (such as signage, road marking/widening etc) 	<p>A traffic impact assessment has been provided and reviewed internally by Council's engineers. Conditions will be implemented on a planning permit to ensure there is appropriate and safe access to the site for both construction and ongoing operations.</p> <p>Vicroads have also provided consent for works to the entrance at Frank Lodge lookout to this site.</p>
Section 20B Recommendation for Glenelg Shire 12	Make the Cultural Heritage Management Plan publicly available.	Council has received this plan from Aboriginal Victoria. However they have made direction it remain confidential due to sensitive material contained within it. Accordingly Council cannot make this a public document.
Section 20B Recommendation no 13 for Glenelg Shire Council	Require a Heritage Assessment to ascertain significance of remaining buildings on the site.	<p>The comments around heritage assessment relate to the presence of an old Bluestone building on the site. Council requested an internal heritage assessment and found that it could be part of remains from a dwelling built by the Henty's from the 1850s. A map sourced from 1878 indicates a homestead roughly in location of where this outbuilding is located.</p> <p>A bluestone building associated with the Henty's would be of significance. This is whilst a bluestone building in its own right are quite common the Portland environs.</p> <p>However the structure is not covered by a Heritage Overlay and accordingly under the Glenelg Planning Scheme cannot be afforded any consideration as such.</p>

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		Of further note is that the Portland Heritage Gaps study in 2016 did not identify this structure for consideration despite being the study area.
Section 20B Recommendation no 20 for Glenelg Shire Council	Require (through a condition in the planning permit) screening of the site through environmentally sensitive onsite and boundary planting (and other screening measures) with requirements for maintenance and consideration given to residents at elevated locations, neighbouring residents and users of the Great South-West Walk.	Landscaping conditions will be applied to a planning permit to assist screen and soften the appearance of the proposed development.
Section 20B Recommendation no 21 for Glenelg Shire Council	Require (through a condition in the planning permit) specification of lighting and hours of construction/operation to minimise offsite impacts at night.	Conditions will be applied to a permit consistent with EPA regulations.
Section 20B Recommendation for no 22 Glenelg Shire Council	Consider the inclusion of a legally enforceable planning permit condition (or a 173 Agreement if the desired functional outcome cannot be secured by a planning permit condition) requiring: <ul style="list-style-type: none"> • Development of a Decommissioning and Rehabilitation Plan, • Return of the site to an agreed site or land use, and • Implementation of the Decommissioning and Rehabilitation Plan within agreed timeframes. 	A decommissioning plan condition will be applied to permit that can be implemented.
Section 20B Recommendation no 23 for Glenelg Shire Council	Explain to community members: <ul style="list-style-type: none"> • the purposes of the Rural Living Zone and the extent to which the proposal complies, • the extent to which the proposal complies with the Victorian Coastal Strategy, and • the rationale for limiting development in the 	The Delegate assessment report details assessment of these matters. The last point is addressed above in the theme about Climate Change, Sea Level Rise, Coastal Erosion and Planning Restrictions.

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	residential area while enabling the proposal to proceed.	
Section 20B Recommendation no 26 for Glenelg Shire Council	Explain the implications of the State Government's Amendment VC150 to planning scheme definitions concerning animal industries, including whether these had any impact on the likelihood of the application to be approved.	<p>This recommendation arose from a submission claiming that Council had recently changed definition of 'aquaculture' to be allowed for consideration in the Rural Living Zone.</p> <p>The changes however were not aquaculture and were not done by Council. The State Government implemented VC150 in September 2018 changing a range of definitions around agriculture and animal industries after and advisory committee process.</p> <p>The definition and nesting of Aquaculture remained unchanged through this process. Accordingly it is considered this change has no impact on deliberations of the current aquaculture facility that Council is considering.</p>
Section 20B Recommendation no 27 for Glenelg Shire Council	Make the Planning Permit Assessment Report publicly available following Council deliberation of this application.	This report, named as the Delegate Report throughout this assessment is publicly available.