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**Glenelg Shire Council**  
**Minutes of the Special Council Meeting held on**  
**Tuesday 9 April 2019 at 6.00pm at the Civic Hall,**  
**Bentinck Street Portland**

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Index

	<u>Page No.</u>
Present:	3
Opening Prayer:	3
Aboriginal Acknowledgement:	3
Receipt of Apologies:	3
Conflict of Interest:	3
Suspension of Standing Orders to allow representatives to address Council:	4
Resumption of Standing Orders:	4
<u>D. Management Reports:</u>	5
D1. Planning Permit Application - P18147 – 315 Dutton Way, Bolwarra	5-8
<u>Index – Separate Circulations to Reports:</u>	9
<u>Closure of Meeting:</u>	10

TIME:

6.00pm

PRESENT:

Cr Anita Rank (Mayor), Cr Robert Halliday, Cr Chrissy Hawker, Cr Alistair McDonald, Cr Karen Stephens, Cr Geoff White and Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Community Services (Ms Edith Farrell), Director Assets (Mr Robert Alexander), Director Corporate Services (Mr David Hol), Media and Communications Officer (Courtney Hoggan) and Council Support Coordinator (Kylie Walford).

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Nil.

DECLARATIONS OF CONFLICT OF INTEREST:

Cr McDonald declared an Indirect Conflict of Interest in item D1. Planning Permit Application P18147 – 315 Dutton Way, Bolwarra.

Cr McDonald has advised the Chief Executive Officer in writing prior to the meeting and classified the type of interest that has given rise to the conflict.

*Cr McDonald left the meeting at 6.03pm and did not return.*

*Declaration of Interest*

In accordance with Section 77A of the Local Government Act 1989, there is an obligation for Councillors and Officers to declare a conflict of interest in a matter that could come before Council.

*Disclosure of Interest*

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

**SUSPENSION OF STANDING ORDERS****MOTION****MOVED Cr Wilson****That Council suspend Standing Orders at 6.04pm.****SECONDED Cr Stephens****CARRIED**

The following representatives spoke in opposition of the proposal.

1. Ms Amy Saunders, Gunditjmara Representative
2. Mr Tony Wright, on behalf of residents opposed
3. Mr Harry Peeters, Executive Officer, Western Abalone Divers Association
4. Mr Stephen Davis, Port of Portland

The following representatives spoke in support of the proposal:

1. Mr Ben Menzel, Yumbah Aquaculture employee
2. Mr Tim Rudge, Yumbah Aquaculture

**RESUMPTION OF STANDING ORDERS****MOTION****MOVED Cr Wilson****That Council resume Standing Orders at 6.36pm****SECONDED Cr Stephens****CARRIED**

D. MANAGEMENT REPORTS:**D1. PLANNING PERMIT APPLICATION - P18147 – 315 DUTTON WAY, BOLWARRA**

Director: David Hol, Director Corporate Services

Executive Summary

This paper is to brief the Councillors on an application for use and development of land for an aquaculture facility, associated buildings and works, car parking, alteration of access to a Road Zone Category 1 and removal of vegetation. After detailed assessment of the merits of the proposal against the Glenelg Planning Scheme it is recommended that the application be approved subject to conditions.

Recommendation

That Council approve use and development of land for an aquaculture facility, associated buildings and works, car parking, alteration of access to a Road Zone Category 1 and removal of vegetation in accordance with conditions contained in Attachment 5.

**MOTION****MOVED Cr Hawker**

**That Council approve use and development of land for an aquaculture facility, associated buildings and works, car parking, alteration of access to a Road Zone Category 1 and removal of vegetation in accordance with conditions contained in Attachment 5.**

**SECONDED Cr White****CARRIED**DIVISION:

Cr Rank, Cr Halliday, Cr Hawker, Cr Stephens and Cr White voted FOR the MOTION.

Cr Wilson voted AGAINST the MOTION.

Background/Key Information:

A planning permit is required to allow use and development of the subject site for an abalone farm under the zone and overlays affecting the land.

Notice of the application was required to be given under Section 52 of the Planning and Environment Act 1987. The advertising of the application was combined with the EPA works approval notice.

A decision cannot be determined under delegation as the development will exceed \$5 million and because there are more than 5 submissions.

**D1. PLANNING PERMIT APPLICATION - P18147 – 315 DUTTON WAY, BOLWARRA**

(continued)

The \$60 million application for a 1000 tonne abalone farm includes the following key components:

- Abalone grow tanks with shade coverings;
- Abalone nursery and hatchery buildings;
- 60 cell solar energy facility;
- Four feed storage silos;
- Four buildings ancillary to the development of a harvest depot, storage, workshop and administration building;
- Diesel fuel tank and dispenser; and
- Car park of 116 spaces – primary access is to come via Princes Highway from Frank Lodge lookout.

It is anticipated that the development if approved will be built over four years in four stages.

The site is located within the Rural Living Zone and Public Park and Recreation Zone, with parts affected by the Environmental Significance Overlay – Schedule 1 and the Bushfire Management Overlay.

The proposed abalone farm requires four key decisions if it is to be approved:

- An approved Cultural Heritage Management Plan from Aboriginal Victoria;
- Coastal and Marine Act Consent from the Department of Environment, Land, Water and Planning (DELWP);
- Works Approval from the Environment Protection Authority (EPA); and
- Planning permit approval.

Council is responsible for only the planning permit application decision. The decision is contingent on the first two which have already been approved.

Council does not require a Works Approval from the EPA prior to a decision, but has been reliant on the EPA for key technical advice. In addition the application has been referred to a range of State Government authorities for advice. All of these have been provided with conditional consent for the proposal.

The proposal responds positively to the objectives of the Rural Living Zone, which is to provide for agricultural land use which do not adversely affect the amenity of surrounding land uses.

**D1. PLANNING PERMIT APPLICATION - P18147 - 315 DUTTON WAY, BOLWARRA**

(continued)

A significant number of submissions (over 350) have been received with many contesting that the application will adversely affect amenity of surrounding homes. In addition a large range of issues have been identified. The objections are summarised and addressed in circulation 3 attached to this report.

An assessment of the application against the standards and objectives of the Planning Scheme has been undertaken, and it is considered that the proposal is generally able to comply with the relevant standards. This assessment is contained in circulation 2 attached to this report.

It is recommended that a Notice of Decision to issue a planning permit be granted.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Permit conditions are worded to require compliance prior to the use commencing on the subject land. As such the use cannot operate without complying with the permit conditions and the requirements contained therein.

An application to review the decision can be made to the Victorian Administrative Tribunal. This right to review is available to submitter within 28 days of the notice of decision and the applicant 60 days.

c. Consultation and/or communication processes implemented or proposed

Notice of the application was required to be given under the *Planning and Environment Act 1987*. This was done on 31 October 2018 until 21 November 2018 and extended to 30 November 2018.

A community consultation session was held on 19 December 2018 to hear key concerns from the community. Further notice to submitters of updated information was done on 9 January 2019 until 29 January 2019 for comment.

A total of 363 written submissions have been received by Council including three petitions.

d. Financial and Resource Implications and Opportunities

The application fee provided with the proposal assists in Council resourcing to assess the application.

**D1. PLANNING PERMIT APPLICATION - P18147 - 315 DUTTON WAY,  
BOLWARRA**

(continued)

**Separate Circulations – Non-Confidential**

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Planning Permit Application – Base information	2542632
2.	Delegate Report	2533190
3.	Summary of submissions	2541461
4.	Redacted submissions	2541504
5.	Notice of Decision	2541491



**INDEX – SEPARATE CIRCULATIONS TO REPORTS****Separate Circulation to Councillors, Directors and Public**

- D1. (1) Planning Permit Application – Base information
- D1. (2) Delegate Report
- D1. (3) Summary of submissions
- D1. (4) Redacted submissions
- D1. (5) Notice of Decision

**Recommendation**

That the documents separately circulated to Councillors, Directors and Media, as listed above, be received.

**MOTION**

**MOVED Cr Stephens**

**That the documents separately circulated to Councillors, Directors and Media, as listed above, be received.**

**SECONDED Cr Wilson**

**CARRIED**

**CLOSURE OF SPECIAL COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 6.55pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 10 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

**CR ANITA RANK**

MAYOR

**TUESDAY 23 APRIL 2019**

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