



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8392 5115
Facsimile (03) 8392 5110

20 December 2017

David Wilson
Senior Advisor – Planning
Earth Resources Regulation
Department of Economic Development, Jobs, Transport and Resources

Via email: david.wilson@ecodev.vic.gov.au

Dear Mr Wilson,

Monash Planning Scheme Amendment C129: Rezoning of Former Talbot Road Sand Mine, South Oakleigh

On 22 November 2017, the Panel received the ERR response to Direction 9 of its written Directions issued on 8 November 2017, which confirmed directions given orally at the Panel Hearing on 30 October 2017 concerning the provision of legal advice to ERR. The response was under signature of Erica Paddle.

The Panel is aware that, as foreshadowed at the Panel Hearing, legal advice was sought on this matter of the Work Authority status by your Department from the Legal and Legislation Section of Department of Economic Development, Jobs, Transport and Resources. The Panel was alerted to this by a direct request by Annette Wiltshire, Director Legal and Legislation, to defer the date of supply of the advice.

The Panel has now received the attached two responses to the information provided by you in response to the Panel Direction. Both assert that your response is inadequate.

Please would you respond further to this matter by 8 January 2018 and copy your response to parties below.

I also enclose a copy of legal advice with redaction from Norton Rose Fulbright for the Proponent which relates to issues relevant to you.

Please also note:


- the comments made in Mrs Valente's letter concerning the sites in Western Australia to which you referred
- the Panel is intending to conduct a further day of Hearing to provide the opportunity presentations by persons making late submissions. Please see attached letter.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



If you have any queries please contact Planning Panels Victoria on (03) 8392 5115 or planning.panels@delwp.vic.gov.au.

A handwritten signature in black ink that reads "Jennifer A Moles." The signature is written in a cursive style and is placed on a light-colored, slightly textured background.

Jennifer A Moles

Panel Chair

CC:

sherry.hopkins@monash.vic.gov.au

Sean.McNamee@monash.vic.gov.au

roro.oconnor@nortonrosefulbright.com

Andrew.Scott@epa.vic.gov.au

Marleen.Mathias@epa.vic.gov.au

southmetro.planning@epa.vic.gov.au

silvana@valente.net.au

Bruce.hunter@vpa.vic.gov.au