



## Department of Economic Development, Jobs, Transport & Resources

GPO Box 2392  
Melbourne, Victoria 3001  
Telephone: 03 8392 6061  
[www.energyandresources.vic.gov.au](http://www.energyandresources.vic.gov.au)

Jennifer A Moles  
Panel Chair -Planning Panels Victoria  
1 Spring St  
Melbourne VIC 3000

Via email [planning.pannels@delwp.vic.gov.au](mailto:planning.pannels@delwp.vic.gov.au)

Dear Ms Moles,

### **MONASH PLANNING SCHEME AMENDMENT C129: REZONING OF SITE FOR QUARRY WA389 (FORMER TALBOT RD SAND MINE, SOUTH OAKLEIGH)**

Thank you for your letter dated 20 December 2017 to Mr David Wilson, Senior Advisor – Planning at Earth Resources Regulation (ERR) within the Department of Economic Development, Jobs, Transport and Resources (the Department).

Your letter requested a response from ERR by 8 January 2018 to Monash City Council's and Valente Design's assertion that that ERR's response to Direction 9 was inconclusive and does not constitute legal advice.

ERR has organised a meeting with Monash City Council (Council) for today to clarify the status of the three planning permits in relation to the site, which we hope will bring clarity to the status of Work Authority 389 and the rehabilitation obligations thereunder. It is expected that following the meeting, further information or action will be required to be taken by the Council or the Department.

Therefore, ERR will not be in a position to provide a further response by 8 January 2018, and I respectfully request that the date for a further response is extended until 31 January 2018.

In respect of Valente Design's assertion that the legal assessment in ERR's response is not legal advice as it was 'an internal legal assessment made within the office of Earth Resources by an Acting Director, who may not be a qualified Lawyer', I advise that the legal assessment was prepared by Annette Wiltshire, Director, Public and Administrative Law branch of the Department. Ms Wiltshire is a qualified lawyer holding a current practising certificate and it was her legal assessment of the status of Work Authority 389 which was provided in ERR's response.

I look forward to hearing from you.

If you have any questions regarding this matter you may contact me directly on 03 8392 6040 or [erica.paddle@ecodev.vic.gov.au](mailto:erica.paddle@ecodev.vic.gov.au)

Regards



Erica Paddle  
A/Director Statutory Authorisations  
Earth Resources Regulation

BA / 01 / 2018

cc:

[sherry.hopkins@monash.vic.gov.au](mailto:sherry.hopkins@monash.vic.gov.au)  
[Sean.McNamee@monash.vic.gov.au](mailto:Sean.McNamee@monash.vic.gov.au)  
[rory.oconnor@nortonrosefulbright.com](mailto:rory.oconnor@nortonrosefulbright.com)  
[Andrew.Scott@epa.vic.gov.au](mailto:Andrew.Scott@epa.vic.gov.au)  
[Marleen.Mathias@epa.vic.gov.au](mailto:Marleen.Mathias@epa.vic.gov.au)  
[southmetro.planning@epa.vic.gov.au](mailto:southmetro.planning@epa.vic.gov.au)  
[silvana@valente.net.au](mailto:silvana@valente.net.au)  
[Bruce.hunter@vpa.vic.gov.au](mailto:Bruce.hunter@vpa.vic.gov.au)