



Department of Planning and Community Development

Enquiries: 03 9637 9690
Contact: Nicole Maloney

5 October 2007

As Addressed

Dear Sir/Madam

**RE: OCEAN ACCESS BOAT RAMP, BASTION POINT, MALLACOOTA
ENVIRONMENT EFFECTS STATEMENT
EAST GIPPSLAND PLANNING SCHEME, PERMIT APPLICATION 162/2007/P
GRANTING OF REQUEST FOR ADJOURNMENT**

Further to the Inquiry directions of 1 October 2007, the Inquiry has agreed to the adjournment request of the East Gippsland Shire Council (as Proponent for the above project).

Consequently the procedural hearing scheduled for Thursday 11th October 2007 at 9.00am is cancelled.

The main hearing, scheduled to commence on Thursday 15th November is postponed until further notice and new arrangements and a new timetable will be developed at a later stage. The main hearing will now not occur until dates to be fixed in 2008.

The Inquiry has received additional correspondence from Maddocks Lawyers (copy attached) on behalf of Council outlining substantive issues that the Council needs to consider and discuss with DSE in relation to the project's future.

The Inquiry considers that these issues as put by Council; particularly those relating to Council's and DSE's respective roles in the process; and the site and form of possible development are of such significance that there is little to be gained by proceeding with the procedural hearing or the main hearing at this stage.

The Inquiry notes Council's position (Page 5 of correspondence) that:

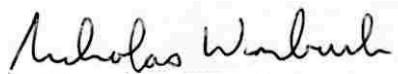
- *'Council does not intend to assume the responsibility of 'the proponent' or pursue the project at all if, following further discussions, the DSE maintains its objections to the proposal in principle as Council considers that such a course would likely amount to a futile waste of its resources.*
- *It is impossible at this stage to know the result of discussions between Council and DSE, but it is possible that as a result of discussions, there may be a need for further exhibition of material. Again, it is impossible to know the extent of any such material at this stage'.*

The Inquiry is aware that the postponement of the main hearing may be inconvenient to other parties. However, it will be more inconvenient to all involved and could undermine the Inquiry itself if it attempts to continue the main hearing with some considerable uncertainty regarding the proponent and the project definition itself.

The Inquiry notes that the Council considers a further directions hearing may be needed in mid-November to consider further action on the Inquiry process. The Inquiry does not propose to set a date at this time but will maintain contact with parties and set a date at the appropriate time.

Please contact Nicole Maloney in this office on 03 9637 9690 with any queries.

Yours faithfully



Nick Wimbush
INQUIRY CHAIR