

PLANNING COMMITTEE MEETING

AGENDA

19 SEPTEMBER 2016

at 3.15PM

COPACC, Colac



Our Vision

A sustainable community with a vibrant future.

Our Mission

Council will work with our community and partners to provide:

- Innovative leadership, good governance and financial accountability
- Value for money, accessible and appropriately targeted services
- A strong advocacy and engagement approach to achieve a truly liveable community

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Our Strategic Direction

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

Our Councillors

Cr Frank Buchanan (Mayor), Cr Brian Crook, Cr Michael Delahunty, Cr Stephen Hart, Cr Lyn Russell, Cr Chris Smith, Cr Terry Woodcroft (Deputy Mayor).



Planning Committee Meeting

Welcome

Welcome to this Meeting of the Colac Otway Shire Council Planning Committee.

Planning Committee meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way.

The Planning Committee makes decisions on planning permit applications where the proposals are outside of the delegation for decisions by planning officers.

About this meeting

There are a few things to know about today's meeting.

The agenda itemises all the matters to be discussed by the Committee.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it. All decisions of the Committee are adopted if they receive a majority vote from the Councillors present at the meeting.

A copy of the decision on any planning permit applications determined by the Committee, together with information relating to opportunities for review of these decisions by the Victorian Civil and Administrative Tribunal (VCAT) are circulated to all applicants and objectors after the meeting.

Recording of Meetings

All Council and Committee meetings are audio recorded. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party.

Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

Hearing of Submissions

The proponent and/or submitter may, at the approval of the Chairperson, be given an opportunity to have their views heard by the Planning Committee regarding an item listed on the agenda.

A written request should be received by Council two (2) days prior to the Planning Committee Meeting. The deadline for requests to be heard will close at 5.00pm on the Monday prior to each Meeting (except when Monday is a public holiday the close off will be Tuesday at 5.00pm).

One speaker on behalf of each party/group will be given the opportunity to be heard within a time restriction of 5 minutes. The applicant will be heard last, after any objectors.

All speakers are to be present at the beginning of the Planning Committee Meeting being held at 3.15pm.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Committee.

COLAC OTWAY SHIRE PLANNING COMMITTEE MEETING

19 SEPTEMBER 2016

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NOTICE is hereby given that the next ***PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL*** will be held in COPACC, Colac on 12 October 2016 at 10.30am.

AGENDA

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

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5. DECLARATION OF INTEREST

6. CONFIRMATION OF MINUTES

- Planning Committee held on 10 August 2016.

Recommendation

That Council confirm the above minutes.

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

Sue Wilkinson
Chief Executive Officer

**PC161909-1 POSTPONEMENT OF PLANNING COMMITTEE MEETING
WEDNESDAY 14 SEPTEMBER 2016**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	F16/6678

S.24 (1) of Local Law 4 provides that:

The Chief Executive Officer may, in the case of an administrative matter or an emergency necessitating the cancellation or postponement of a Meeting, cancel or postpone any Meeting by giving such notice to Councillors and the public as practicable.

The Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to postpone the Planning Committee Meeting due to be held on Wednesday 14 September 2016 at 10.30am.

The meeting was postponed due to flooding, subsequent road closures and safety issues in the area. All Councillors were contacted by telephone or in person and the public were notified immediately by way of notifications on local radio and Council's Website and Facebook. Notices were also displayed at the meeting venue (COPACC) and the local Newspaper was contacted by telephone. In addition all interested parties and submitters that had indicated their intention to attend the meeting were contacted by telephone.

In accordance with S.24 (2) where the Chief Executive Officer exercises such power a written report must be presented to Council.

Attachments

Nil

Recommendation

That Council:

Notes the report advising that the Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to postpone the Planning Committee Meeting that was to be held on Wednesday 14 September 2016 at 10.30am.

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**PC161909-2 BUILDING AND WORKS COMPRISING CONSTRUCTION OF  
TELECOMMUNICATIONS FACILITY (30M MONOPOLE) AND  
ASSOCIATED ANTENNAE, EQUIPMENT CABINET AND  
INFRASTRUCTURE AT 235 PHILLIPS TRACK (PP89/2016-1)**

|             |                                     |           |                 |
|-------------|-------------------------------------|-----------|-----------------|
| AUTHOR:     | Ian Williams                        | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development &<br>Community Services | FILE REF: | F16/3993        |

**Location:** 235 Phillips Track FERGUSON

**Zoning:** Farming Zone

**Overlay controls:** Bushfire Management Overlay (BMO)  
Erosion Management Overlay (EMO1)

**Proposed Amendments:** Nil

**Purpose**

A planning permit is sought for the construction of a 30m high monopole at 235 Phillips Track, Ferguson.

This application is before the Planning Committee as the monopole would be over twenty metres in height.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Summary**

- A planning permit is sought by Telstra for the construction of a 30m high monopole at 235 Phillips Track, Ferguson. The proposed monopole would replace an existing 10m high passive telecommunications repeater.
- Key issues in the consideration of this application relate to the visual impact of the development, the need for such a facility in this area and whether the proposal adequately addresses the provisions of Clause 52.19 (Telecommunications Facility) of the Planning Scheme.
- It is considered that the provisions of Clause 52.19 have been adequately addressed. It is also considered that the proposed siting of the monopole, together with its narrow appearance, would ensure an acceptable balance is achieved between visual impact and community benefit. Allowing the proposal would improve telecommunications coverage in this part of the Shire.
- Public notification was carried out, and the application was also referred internally to other Council departments. One objection was received from the owner of the dwelling on the adjacent lot (Lot 1 TP828311) on which the monopole would be sited. The letter raised questions about access, power availability and electromagnetic radio wave levels.
- It is considered that a Notice of Decision to Grant a Permit could reasonably be issued for the proposed telecommunications facility.

### **Background**

Council has been advocating strongly in recent years for improved telecommunications coverage throughout the Shire. There are many areas of the Shire, such as Lavers Hill, Beech Forest, Swan Marsh, Cororooke, Warrion, Warncoort, Gellibrand and Birregurra, which do not have reliable mobile coverage. This limits the capacity for these communities to communicate effectively in emergency situations, such as on high fire risk days. The lack of mobile coverage in these areas also limits the potential benefits of high speed broadband for the community, by reducing the ability of people living and working within the Otways to use that technology.

The land currently contains a Telstra telecommunications passive receiver, located 340m from the northern boundary and 285m from the eastern boundary. The passive receiver is square in its appearance, being elevated off the ground to a height of 10m. Including the supporting metal frame, the existing passive receiver is 8m wide and 5m deep. The purpose of the passive receiver is to reflect the transmission signal from Mt Cowley and Mt Tanybryn to the Beech Forest Exchange. This application seeks a permit to replace the passive receiver with the proposed monopole, in the same location.

### **Issues / Options**

Council has the options of:

- a) Issuing a Notice of Decision to Grant a Permit subject to conditions;
- b) Issuing a Notice of Decision to Grant a Permit subject to conditions with changes;
- c) Refusing to grant a permit for the reasons specified in the Council resolution.

Key issues in the consideration of this application relate to the visual impact of the development and the need for such a facility in this area. As noted above, there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the local community from a net community benefit point of view. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

### **Proposal**

A planning permit is sought for the construction of a telecommunications facility, comprising a 30m high Rocla steel-reinforced concrete pole with associated antennae, outdoor cabinet and infrastructure. The purpose of the monopole is to reflect the transmission from Mt Cowley to Beech Forest, Marengo and Mt Tanybryn Statenet Mobile Radio Sites (SMR). SMR manages communications for Victoria Ambulance, Rural Ambulance Victoria (RAV), Country Fire Authority (CFA) and Department of Environment, Land, Water and Planning (DELWP).

A Telecommunications Facility is defined as:

*“Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.”*

The proposed concrete pole has been designed to support a wide range of antenna configurations, in all weather conditions. The pole would be embedded into the ground 5m deep and 1.5m wide, with a 30m section of the pole above the ground. The pole would be sited in a location almost identical to the existing passive receiver, being 340m from the

northern boundary and 281m from the eastern boundary. This concrete pole would allow for future co-sharing opportunities if the need arises.

The applicant has advised that the proposed concrete pole would provide a number of advantages over a similar steel monopole alternative, as a result of its simple installation, improved durability and less movement. The proposed 30m high concrete pole would be finished in grey and would accommodate two antennae; one with a 1.2m diameter at 29.5m and one with a 0.6m diameter at 20m.

The proposal also includes an outdoor cabinet 3.2m wide by 1.2m deep and 2.2m high, enclosed by a 4m (w) x 4m (d) x 2.4m (h) security fence. The cabinet would contain transmission software, batteries and alarm distribution panel.

The proposal also includes an underground power cable along the route of the existing carriageway easement for a length of 700m, for connection of single phase 240VAC power from the nearest power pole to the equipment cabinet.

The applicant has advised that the existing passive repeater structure would be removed in its entirety from the land if this proposal is allowed.

### **Site and Surrounds**

The application land (Lot 1 TP511898H) is located on the southern side of Phillips Track and originally formed part of the now neighbouring Lot 1 TP828311 Parish of Weeaprounah. Denherts Track is located approximately 290m to the south east. The surrounding land contains vegetated gullies, access tracks and an existing dwelling to the north-west, with associated agricultural shedding to the east. This dwelling, on Lot 1 TP828311, is owned by the objector to the application, the land title of which is burdened by a carriageway easement (E-1) to provide access to the land owned by Telstra (Lot 1 TP511898H).

The site, and surrounding land to the west and south, is located within the Farming Zone (FZ). The closest dwelling to the site of the proposed monopole is the objector's residence 460m to the northwest; this is the dwelling on Lot 1 TP828311. The owner of this dwelling submitted an objection to the application, requesting clarification on a number of matters. The next closest dwelling is 680m north, at 185 Phillips Track. The site of the proposed works is not within an area of cultural heritage sensitivity. The site is located towards the top of the ridgeline, at 502.5m AHD. The township of Beech Forrest is approximately 4.1km to the north east of the application site.

The land currently contains an existing Telstra telecommunications passive receiver, located 340m from the northern boundary and 285m from the eastern boundary. The passive receiver is approximately 10m high, 8m wide and 5m deep (including supporting structures). The purpose of the passive receiver is to reflect the transmission signal from Mt Cowley and Mt Tanybryn to the Beech Forest Exchange.

The applicant has advised that the site is considered to be appropriate for the following reasons:

- a. The site presents as an appropriate high ground location.
- b. The line of sight (LOS) is required to and from Mt Cowley and Mt Tanybryn to Beech Forest.
- c. Telstra owns this land and the existing passive receiver would be removed with access to the site maintained.
- d. Co-location is not possible elsewhere, as line of sight is required.
- e. Setbacks from dwellings in the immediate area would remain.
- f. Existing stands of vegetation within the site and surrounds would assist in reducing any potential visual impact.

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to property owners and occupiers of land surrounding the site. A sign was placed at the entrance to Phillips Track and a sign was also placed on a notice board of the 'Otway Nourished' at 3810 Colac-Lavers Hill Road, Ferguson for a period of 14 days. One objection to the application was received. The objection is summarised as follows:

- a) *Details were requested on how power was proposed to be provided to the site.*

#### Response

The existing passive receiver does not require a power supply. The applicant has confirmed that a single phase 240AC power cable would be buried underground and would follow the line of the existing 'right of carriageway' easement. This would not require a formal powerline easement to be created on title.

- b) *Details were requested on whether there would be any infrastructure on the land of the objector at 245 Phillips Track, Ferguson.*

#### Response

The applicant has confirmed that the 30 metre concrete pole, its foundations, associated equipment and infrastructure would be constructed only within the established Telstra land parcel.

- c) *Details were requested on how access would be provided to the site for maintenance purposes.*

#### Response

The applicant has confirmed that site access would be via the 'right of carriageway', as shown on the title. It is anticipated that the site would require minimal attention once operational. The applicant has also advised that the objector would receive courtesy notification when work is planned for the site.

- d) *Details were requested on the level of radio waves/ radiation as a result of this facility.*

#### Response

The applicant has advised that the telecommunication facility has been designed and certified by qualified professionals in accordance with all relevant Australian Standards. It is considered that this would ensure that the telecommunications facility would not result in any increase in the level of risk to the public.

The proposal has been designed and would be installed to satisfy the requirements contained within Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 (Standard) and would comply with the Electromagnetic Energy (EME) Standard.

It is also noted that the applicant provided clarification on all of the issues raised by the objector and a copy of this response was provided to the objector. No response has been received from the objector.

### **Referrals**

This application was not required to be referred externally to any other authorities. The application was referred internally to Council's Infrastructure and Building Units.

Council's Infrastructure and Building Units have not raised any objection to the proposal, and have not requested that any conditions be imposed in the event a planning permit is issued.

### **Planning Controls**

The land is located within the Farming Zone (FZ) and is subject to the Bushfire Management Overlay (BMO) and the Erosion Management Overlay (EMO1). A planning permit is required under the following provisions:

- *Clause 35.07-4 – buildings and works associated with Section 2 Use (Farming Zone)*
- *Clause 44.01-1 – buildings and works (EMO1)*
- *Clause 52.19-2 - building and works for a Telecommunications Facility.*

A planning permit is not required to use the land for a telecommunications facility, as there is an existing telecommunications facility (which would be removed).

#### **a. State and Local Planning Policy**

The State and Local Planning Policy Frameworks seek to ensure the objectives of planning in Victoria are fostered through appropriate planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- *Clause 12 – Environmental and Landscape Values*
- *Clause 15 – Built Environment and Heritage*
- *Clause 19.03-4 – Telecommunications*
- *Clause 21.02 – Vision*

Clause 19.03-4 (Telecommunications) has the following objective:

*“To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.”*

Clause 19.03-4 lists a number of strategies on how this objective can be achieved, including to *“ensure that modern telecommunications are widely accessible to business, industry and the community”* and to seek *“a balance between the provision of important*



*telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure”.*

The clause states that a Planning Scheme should not prohibit the use of land for a telecommunications facility in any zone.

To improve the viability of the small townships within the Shire, it is acknowledged that planning needs to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure. The objectives include facilitating the ongoing economic future of small communities. The need for improved infrastructure is recognised and the provision of appropriate communication facilities will contribute to the economic development of small towns and communities within the shire.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. It is considered that the applicant has provided an appropriate and reasonable justification for the selection of the subject site, and that the proposal would not result in unreasonable negative visual impacts on the environment.

b. Clause 62 - Uses, Buildings, Works, Subdivisions And Demolition Not Requiring A Permit

Clause 62 provides exemptions to permit requirements for Telecommunications Facilities when the requirements of Clause 52.19 are met. In this instance, Clause 52.19 requirements have not been satisfied and therefore a planning permit is required for the development of a Telecommunications Facility.

c. Zoning

The land is zoned Farming Zone (FZ). The purpose to the zone is:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is required under the provisions of Clause 35.07-4 for buildings and works associated with a Section 2 Use. A planning permit is not required for the use of the land for a telecommunications facility, as there is an existing facility on this site which would be removed to facilitate the application proposal

d. Overlays

i. Bushfire Management Overlay (BMO)

This site is covered by the Bushfire Management Overlay (BMO). The purpose of this overlay is:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Under the provisions of the BMO, a planning permit is not required for buildings and works associated with a Telecommunications Facility.

ii. Erosion Management Overlay (EMO1)

This site is covered by the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Under the provisions of the EMO1, a planning permit is required for buildings and works as the proposal would result in ground works exceeding 1m in depth and the exemptions listed within the schedule to the overlay cannot be applied.

e. Particular Provisions

i. Clause 52.19 - Telecommunications Facility is relevant to the consideration of this application. The purpose of this provision is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To ensure the application of consistent provisions for telecommunications facilities.*
- *To encourage an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

The decision guidelines of Clause 52.19 state that before deciding on an application, consideration should be given to:

- *The principles for the design, siting, construction and operation of a Telecommunications Facility set out in A Code of Practice for Telecommunications Facilities in Victoria;*
- *The effect of the proposal on the adjacent land;*

- *If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.*

*'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004) is an incorporated document in the Colac Otway Planning Scheme pursuant to Clause 81. The purpose of the Code is to:*

- *Set out circumstances and requirements under which land may be developed for a telecommunications facility without the need for a planning permit.*
- *Set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for a planning permit.*

The principles in 'A Code of Practice for Telecommunications Facilities in Victoria' are:

- *A telecommunications facility should be sited to minimise visual impact.*
- *Telecommunications facilities should be co-located wherever practical.*
- *Health Standards for exposure to radio emissions will be met.*
- *Disturbance and risk relating to siting and construction should be minimized.*
- *Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.*

Under the provisions of Clause 52.19-2 (Telecommunications Facility), a permit is required to construct a building or construct or carry out works for a Telecommunications Facility which is not a *Low Impact Facility*. It is considered that the proposed monopole and associated cabinets require a planning permit under the provisions of Clause 52.19, as the proposed facility is not identified as a Low Impact Facility or other exempt facility listed under Clause 52.19-2.

### **Consideration of the Proposal**

The key issues for consideration are whether the proposal adequately addresses the provisions of Clause 52.19 (Telecommunications Facility), the potential visual impact of the monopole and the need for such a facility in this area.

In terms of the need for the monopole, it is considered that there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the community. This is particularly true given the limited coverage in the Otways and surrounding Townships and the need for reliable communication in emergency situations such as bushfire. The proposed facility is expected to present enhanced telecommunications coverage and would have significant benefit for the residents of the surrounding districts. The broader benefits of telecommunications connectivity are as follows:

- Educational benefits including curriculum and data sharing, accessibility of research materials and virtual classroom environments.
- Business use including improved time efficiency, home working and advertising.

The public benefits of access to fast reliable internet have been widely acknowledged for many years. Reliable internet access is now, more than ever, an integral component of daily life, so much so that its absence is considered to be a social disadvantage.

A planning permit is sought for the construction of a telecommunications facility, comprising a 30m high Rocla steel-reinforced concrete pole with associated antennas, outdoor cabinet and infrastructure within a 16sqm fenced area. A permit is required as the exemptions listed in Clause 52.19 do not apply. It is considered that the proposed grey concrete colouring and materials to be used would assist in blending the structure in with the surrounding natural landscape setting.

It is considered that the proposed concrete pole would be consistent with the purpose of the zone, providing for improved telecommunications which would be beneficial to the Ferguson area and surrounds. The proposal would provide for improved telecommunications to Beech Forrest and the surrounding area, being a critical connection point between Mt Cowley, Mt Tanybryn and Beech Forest. The telecommunications pole would provide the level of service coverage required, whilst being appropriately sited so as to provide the least impact on the surrounding natural landscaped area. The pole would replace the existing passive receiver in a similar location and would improve the level of service coverage, with minimal impact on the surrounding area. The proposed pole would remain consistent with the provisions of the Farming Zone, occupying a small area of land owned by Telstra, allowing for the retention of productive agricultural land on the surrounding land. The proposed location would ensure that the non-agricultural use would not adversely affect the viability and use of the remainder of the surrounding land for agriculture. Overall it is considered that the proposal is consistent with the decision guidelines of the Farming Zone.

Telstra already owns the land containing the 'passive repeater' and access to this facility is via a carriageway easement. In view of this, it is logical that this land should continue to be used for telecommunications and, as such, other candidate sites were not examined for co-location opportunities within the search area. The applicant has advised that replacing the existing telecommunications facility would be the most appropriate outcome. The proposed telecommunications equipment would be located at a point on the ridgeline that would allow for suitable signal dispersal to the surrounding area and would be viewed in isolation in this location.

The proposed siting would avoid the need for clearance of native vegetation that provides wildlife habitat and forms an important part of the visual landscape. The surrounding vegetated gullies to the south of Phillips Track and west of Denherts Track would assist in providing a level of screening of the proposed pole from key vantage points along main roads and from within the township of Beech Forrest, which is 4.1km to the north east. In view of this, it is not considered necessary to require additional landscaping.

In accordance with the requirements of Schedule 1 to the Erosion Management Overlay, the applicant has submitted a Geotechnical Report by Statewide Geotechnical Engineers and required Form A which concludes that the site can meet the acceptable risk criteria specified within the Schedule to Clause 44.01.

Council's Infrastructure Unit has considered this application and has advised that access to the site would appear to be adequate for the purposes of movement of construction vehicles and materials. On this basis, Council's Infrastructure Unit raised no objection to the proposal.

## **Principles in the Code of Practice for Telecommunications Facilities in Victoria**

### **a. A telecommunications facility should be sited to minimise visual impact**

It is considered that the proposed 30m high pole would be suitably located to avoid any significant potential visual impact, having regard to the distance of the proposed monopole outside of the Beech Forrest Township and to the surrounding vegetation cover. It is accepted that the proposed telecommunications pole, due to its height, proximity and location, would inevitably be seen from the adjacent and surrounding roads, such as Phillips Track and Denherts Track. This is unavoidable. Colac-Lavers Hill Road is approximately 1.8km to the north east and therefore views would be likely to be distant. Given the significant vegetation cover to the north-east, west and north-west, it is considered that the proposed pole would not be significantly visible or detrimental to the natural landscape character of the immediate and surrounding area. Whilst glimpses of the pole may be evident from Phillips Track and Denherts Track, it is considered that these would not be significantly detrimental to the natural landscape setting but would strike an acceptable balance between visual impact and net community benefit.

The proposed location is also considered to be suitably separated from any nearby dwellings, with the closest located on the owner's land 460m to the north-west.

On balance, it is considered that the proposed telecommunications facility would be acceptably sited to minimise visual impact on the landscape setting and to avoid compromising existing views from Beech Forrest. The proposal is considered to meet the requirements of Principle A.

### **b. Telecommunications facilities should be co-located wherever practical**

It is accepted that, where possible, any existing infrastructure and co-location opportunities should be considered when siting telecommunications equipment. As the applicant, Telstra, already owns this site and has access to the existing 'passive repeater' on the land, other candidate sites were not examined within the search area for co-location opportunities. The applicant has advised that replacing the existing telecommunications facility is considered to be most appropriate outcome. The applicant has also advised that it is not possible to co-locate to facilities within Carlisle River or Beech Forrest as line of sight is required to and from Mt Cowley and Mt Tanybryn to Beech Forest. In view of this, it is considered that the applicant has considered the option of co-location and Principle B has been addressed.

### **c. Health standards for exposure to radio emissions will be met**

The applicant has advised that the telecommunication facility has been designed and certified by qualified professionals in accordance with all relevant Australian Standards. This is considered to ensure that the telecommunications facility would not result in any increase in the level of risk to the public.

The applicant has advised that the proposal has been designed and would be installed to satisfy the requirements contained within Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 (Standard).

As part of the application submission, the applicant has included an Electromagnetic Energy (EME) Report. The report demonstrates that the proposed facility would comply with the Standard, with the maximum predicted EME equating to 0.000074% of the maximum public exposure limit. This would be substantially less than the 1% of the minimum allowable exposure limit (where 100% of the limit is still considered to be safe). In view of this, it is considered that Principle C has been addressed.

d. Disturbance and risk relating to siting and construction should be minimised

The site already contains a passive repeater and, as such, it is considered that the immediate area already comprises a modified environment. The existing passive receiver would be removed from this site to facilitate the location of the proposed telecommunications facility. It is considered that any further disturbance to the site would be minimal and limited to the area of the proposed concrete pole, equipment cabinet and power line. The applicant has advised that the installation of the proposed facility could be undertaken at any time and it is not anticipated it would affect the use of the site or the surrounding area. In view of this, it is considered that Principle D has been addressed.

e. Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines

The construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. In view of this, it is considered that Principle E has been addressed.

The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the purpose of the Code of Practice would be satisfied by the proposal, which has addressed the principles for design, siting, construction and operation of the Code of Practice for a Telecommunications Facility.

### **Council Plan / Other Strategies / Policy Leadership and Governance**

Relevant pillars in the Council Plan are:

#### ***A Planned Future***

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

#### ***Our Goal:***

*Facilitate the growth, live ability and development of the shire and encourage innovation and efficiency in the local economy.*

#### ***A Healthy Community and Environment***

*Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.*

Within this pillar, there is a goal to “respect cultural differences, support a range of healthy and creative activities, foster community safety and promote environmental sustainability”.

Amongst the relevant services/activities listed is emergency management coordination. A relevant strategy is to:

*“Support community safety initiatives, local law enforcement and emergency management”.*

As noted in this report, the proposal would result in improved communications, which in turn would help provide the community with the services and facilities it needs now and in the future, and would also help to support a prosperous economy where trade, manufacturing and business activity flourishes. In addition, improved coverage would assist in improving emergency management, which also would be beneficial to the community.

#### **Financial & Other Resource Implications**

The proposal raises no financial or resourcing implications for Council.

#### **Risk Management & Compliance Issues**

If the proposal was to proceed, it would contribute improve communications in this area which, amongst other things, would enhance the capacity of the local community and fire agencies to communicate in emergency situations, which is particularly important for the Shire given its high wildfire risk.

#### **Environmental Consideration / Climate Change**

Any relevant environmental considerations have been addressed within this report.

#### **Communication Strategy / Consultation Period**

Public notice of the proposed facility has previously been undertaken in accordance with Section 52 of the *Planning and Environment Act*, as discussed earlier in this report.

#### **Conclusion**

A planning permit is required for the construction of a telecommunications facility and associated works on the subject land.

Allowing this proposal would improve telecommunications service coverage in this part of the Shire. The proposal is considered generally consistent with the State and Local Planning Policy Frameworks, zoning requirements, and current local policies.

Having given due regard to the matters discussed above, it is considered that the application could reasonably be supported, subject to conditions.

#### **Attachments**

1. PP89/2016-1 - 235 Phillips Track FERGUSON - Attachments for Planning Committee

#### **Recommendation**

***That Council's Planning Committee resolves to Issue a Notice of Decision to Grant a Permit for Building and Works Comprising Construction of Telecommunications Facility (30m Monopole) and Associated Antennae, Equipment Cabinet and Infrastructure at 235 Phillips Track, Ferguson (Lot 1: TP511898H) subject to the following conditions:***

#### ***Endorsed plans***

1. ***The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

**Amenity**

2. *The nature and colour of building materials employed in the construction of the structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility and associated equipment hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

**Compliance with Geotechnical Assessment**

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Statewide Geotechnical, Geotechnical Engineers (reference 20595-1, dated 12 May 2016) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

**Removal of Facility**

5. *The existing passive telecommunications repeater facility on the land must be decommissioned and removed from the site in its entirety within 3 months of the commencement of the development hereby permitted, to the satisfaction of the Responsible Authority.*
6. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be returned to grass or such other condition as is agreed in writing, to the satisfaction of the Responsible Authority.*

**Expiry**

7. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two years of the date of this permit.*
  - b) *The development is not completed within four years of the date of this permit.*

*In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.*

~~~~~\ ~~~~~




Planning Enquiries
Phone: (03) 5232 9412
Web: www.colacotway.vic.gov.au

| | | |
|-------------------------|-----|--------------|
| Office Use Only: | | Fee: \$ |
| Application No.: | | Receipt No.: |
| Date Lodged: | / / | Ward: |
| Date Allocated: | / / | Zone(s): |
| Allocated to: | | Overlay(s): |

Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application. ☒ Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

Privacy notice:

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

☐ Yes ☒ No

If yes, with whom?:

Date: / /

The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address:

| | |
|---------------------------|-----------------------------|
| Street No.: 235 | Street Name: Phillips Track |
| Suburb/Locality: Ferguson | |
| Postcode: 3 2 3 7 | |

Formal Land Description

▲ This information can be found on the certificate of title.

| | | |
|--------------------------|--|--------------------------|
| Lot No.: 1 | on Lodged Plan, Title Plan or Subdivision Plan No.: Title Plan 511898H | |
| OR | | |
| Crown Allotment No.: 21A | Section No.: | Parish Name: Weeaprainah |

- ③ Title information.

☒ ☒ Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.
eg. single dwelling, three dwellings, shop, factory, medical centre, with two practitioners, licensed restaurant with 80 seats.

| |
|---|
| The land contains a Passive Telecommunications Repeater. This structure will be recovered and a new repeater facility is planned to replace it. |
|---|

- ⑤ Plan of the land.

☒ ☒ Attach a plan of the existing conditions. Photos are also helpful.

The proposal

▲ You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- ⑥ For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Recover: 1 x existing passive repeater structure;
Install: 1 x Rodia SR2-H30-540 (30metre) with a 5 metre Bored Pier Footing (1.5m OD);
Connect: 1 x single phase 240VAC power from the nearest power pole to the equipment cabinet.

Once the pole is installed, the associated and ancillary works are exempt from notice and review as they are Low Impact under the Telecommunications (Low Impact Facilities) Determination 1997.

- ⑦ Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

☒ Attach additional information providing details of the proposal, including:

- ☒ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- ☒ Plans showing the layout and details of the proposal.
- ☐ If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- ⑧ Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- ☐ No, go to 9.
- ☒ Yes, ☒ Attach a copy of the document (instrument) specifying the details of the encumbrance.
- ☐ Does the proposal breach, in any way, the encumbrance on title?
- ☒ No, go to 9.
- ☐ Yes, contact council for advice on how to proceed before continuing with this application.

▲ Note:

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- ⑨ Estimated cost of development for which the permit is required.

Cost \$ 120,000.00

▲ You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- ⑩ Do you require a receipt for the permit fee?

☒ Yes ☐ No

Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

Contact

The person you want Council
to communicate with about the
application.

| | |
|--|---|
| Name: Charles Oates | |
| Organisation (if applicable): Telstra Operations | |
| Postal address: LMB 3577 | |
| Brisbane, QLD | Postcode: 4 0 0 1 |
| Contact phone: (07) 3455 0499 | <input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/> |
| Mobile phone: | |
| Email: charles.oates@team.telstra.com | |
| Fax: (07) 3211 1161 | |

Indicate preferred contact method

Applicant

The person or organisation who wants
the permit.

| |
|--|
| <input checked="" type="checkbox"/> Same as contact. If not, complete details below. |
| Name: |
| Organisation (if applicable): |
| Postal address: |
| Postcode: |

Owner

The person or organisation who owns
the land.

| | |
|---|---|
| <input type="checkbox"/> Same as contact: | <input type="checkbox"/> Same as applicant: |
| Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land. | |
| Name (if applicable): Anthony Payne | |
| Organisation (if applicable): Telstra Corporation Pty Ltd | |
| Postal address: Level 18 / 275 George Street | |
| Brisbane | Postcode: 4 0 0 0 |

Checklist

12 Have you?

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Filled in the form completely? |
| <input type="checkbox"/> | Paid or included the application fee? <i>To be arranged.</i> |
| <input checked="" type="checkbox"/> | Attached all necessary supporting information and documents? |
| <input checked="" type="checkbox"/> | Completed the relevant council planning permit checklist? |
| <input checked="" type="checkbox"/> | Signed the declaration on the next page? |

Declaration

13 This form must be signed.
Complete one of A, B or C.

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

A. Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date: 22/04/2016

B. Owner:

I declare that I am the owner of the land and I have seen this application.

Signature

Date: 03/04/2016

Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: 22/04/2016

C. Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

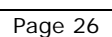
Date: 03/04/2016

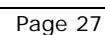
Lodgement

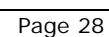
Lodge the completed and signed form and all documents with:

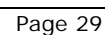
Colac-Otway Shire ☐☐
PO Box 283, COLAC VIC 3250 ☐
2-6 Rae Street, COLAC VIC 3250 ☐☐
Telephone: (03) 5232 9412 ☐☐
Fax: (03) 5232 1046 ☐☐
Email: info@colacotway.vic.gov.au ☐☐
TTY: (03) 5231 6787 ☐☐

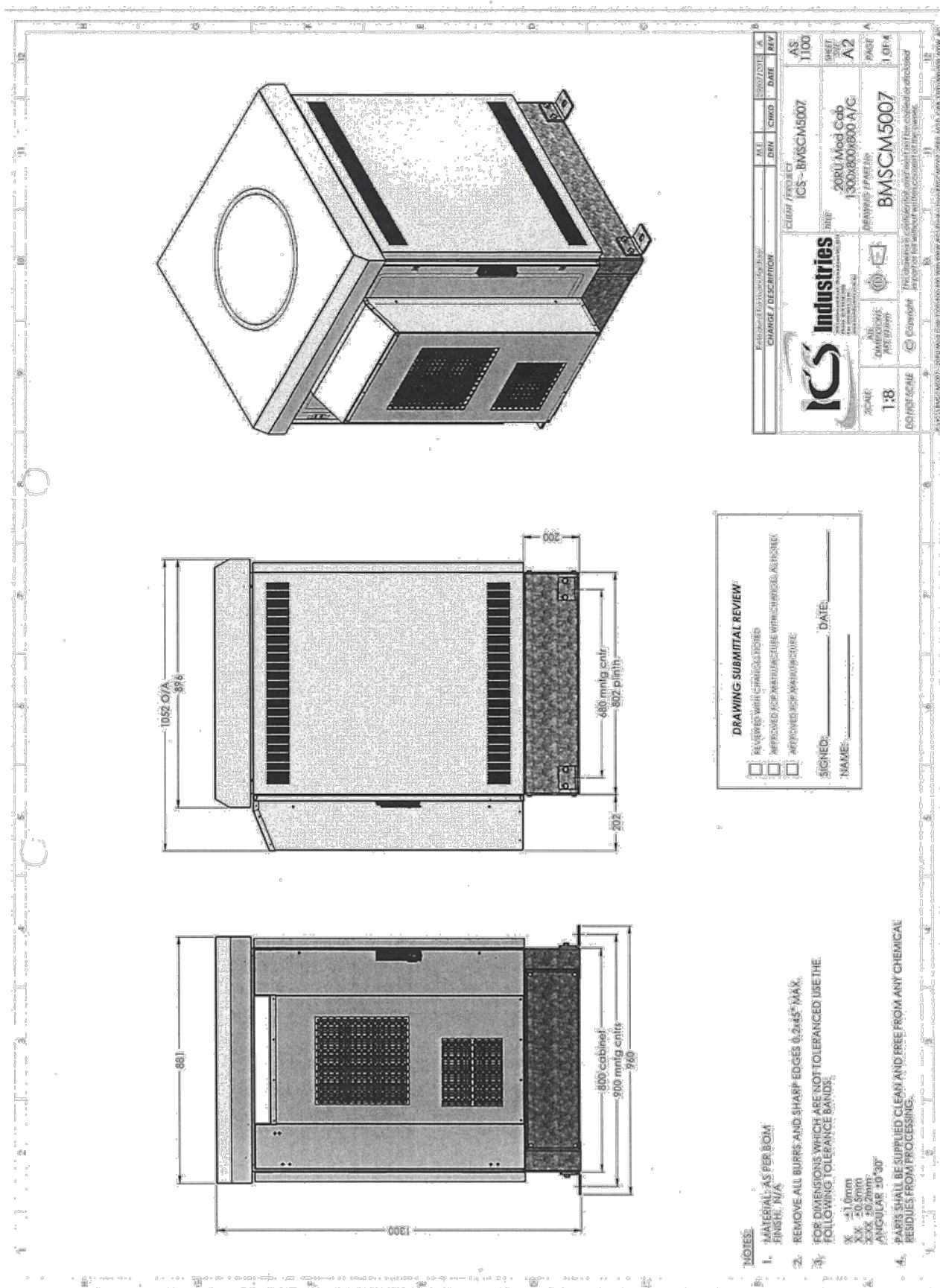
For help or more information

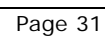


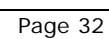




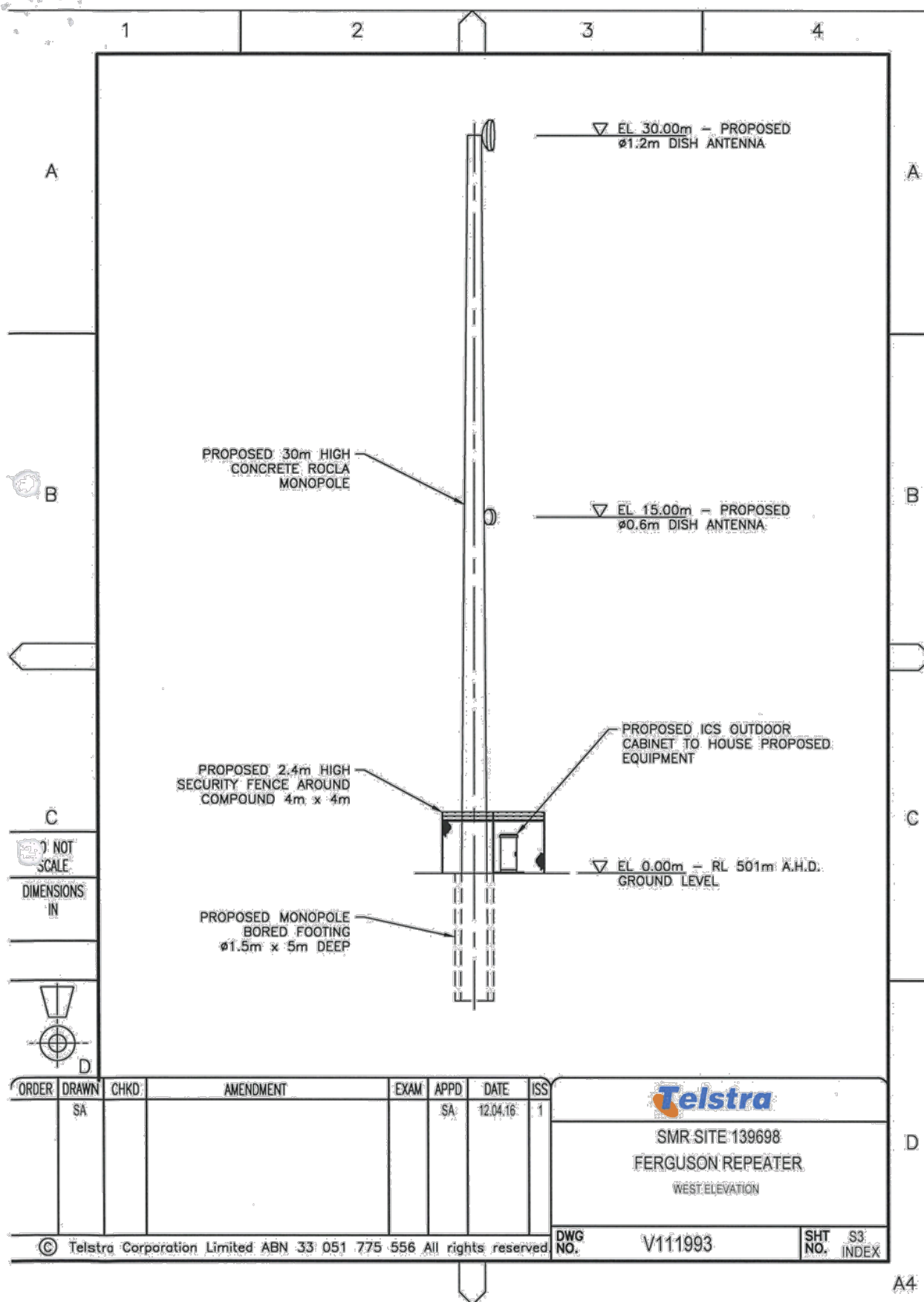


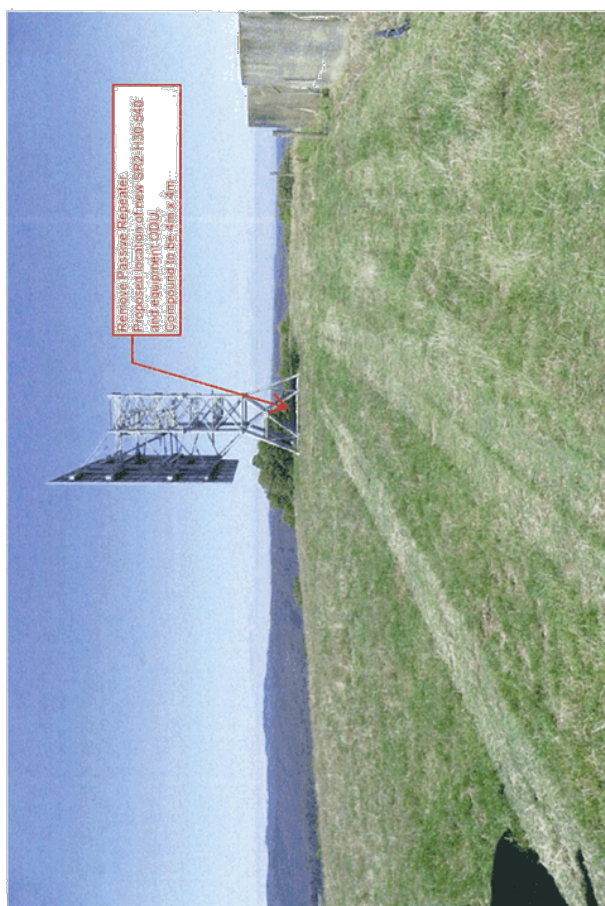












**PC161909-3 APPROVAL OF DEVELOPMENT PLAN (DPO4) - 30 AND 40 MARRINERS
LOOKOUT ROAD, APOLLO BAY**

| | | | |
|-------------|----------------------------------|-----------|-----------------|
| AUTHOR: | Geoffrey Alexander | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/11335 |

Purpose

To consider whether a Development Plan prepared for 30 and 40 Marriners Lookout Road, Apollo Bay, under Schedule 4 to the Development Plan Overlay in the Colac Otway Planning Scheme, should be granted in principle support and to authorise Council officers to approve the Development Plan under delegated authority, with minor changes if necessary, subject to the resolution of outstanding geotechnical issues.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

In 2004 Council prepared Planning Scheme Amendment C17 for 30 and 40 Marriners Lookout Road, Apollo Bay (the subject land) at the request of the Marriners Vue Joint Venture. The amendment included a proposal to rezone part of the land from the Rural Conservation Zone (RCZ) to the Residential 1 Zone (R1Z) and to apply the Development Plan Overlay Schedule 2 (DPO2) to the same land. The main purpose of the amendment was to zone the land so it was appropriate for future residential development.

The DPO schedule prepared for Amendment C17 (originally named DPO2, but later renamed DPO4) was developed within Council and seeks to ensure that a range of matters are addressed prior to the approval of the subdivision of the land. These include matters such as the road network, open space, cultural heritage, landslip risk, flora and fauna, and stormwater management.

Amendment C17 was approved in 2009. The R1Z component of the land was later rezoned to the Neighbourhood Residential Zone 1 (NRZ1), following the introduction of new residential zones across the whole of Victoria in 2013.

Following the approval of Amendment C17, intermittent discussions took place over a number of years between representatives of the site owner and Council officers regarding the future development of the land. In October 2015, the Development Plan that forms the subject of this report was submitted to Council for approval. The Development Plan proposes the future subdivision of the land into one hundred and thirty four residential lots, in seven stages.

A planning permit application for the proposed subdivision has also been submitted, but this cannot be determined until a Development Plan has been approved for the land. The permit application proposes a 134 lot subdivision and the associated removal of vegetation (ref. PP84/2016).

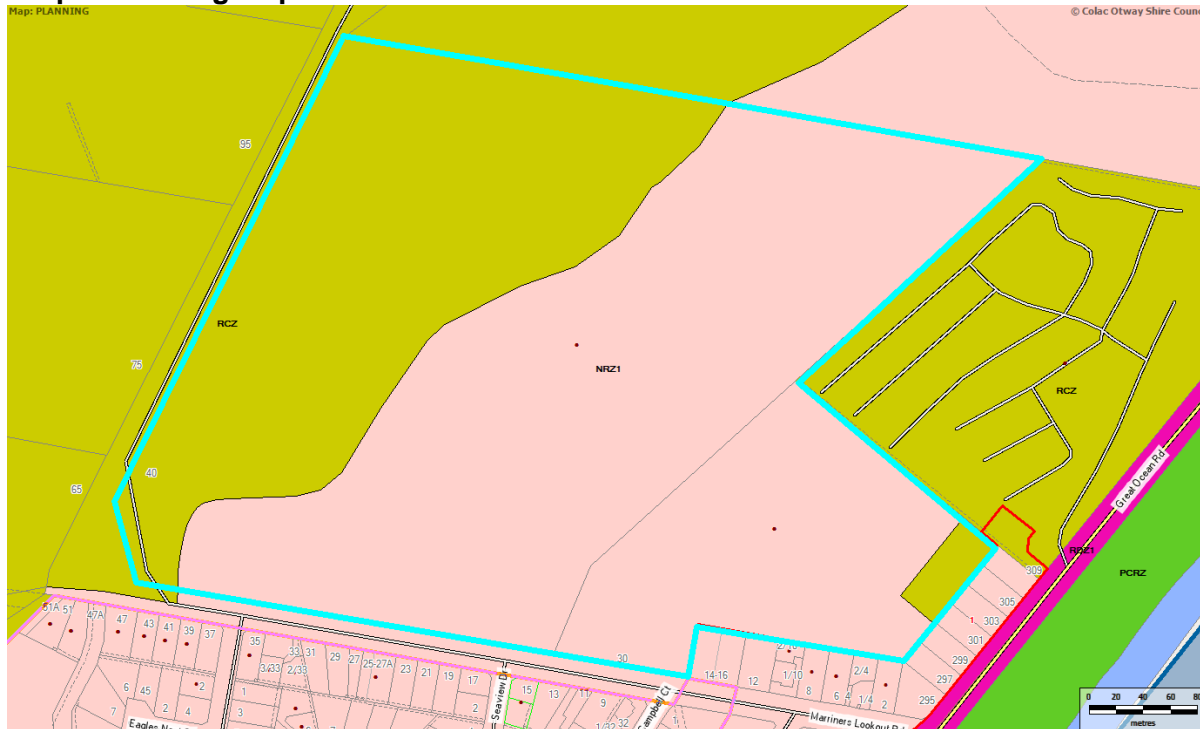
The Development Plan Overlay states that a planning permit granted must be “*generally in accordance with the development plan*”. Once a Development Plan is approved, the subdivision application must closely align with that Development Plan and Council will not be in a position to request any major changes unless the approved Development Plan is also amended. Furthermore, it should be noted that any planning permit application that is in general accordance with an approved development plan is exempt from public notification requirements and appeal rights under Clause 43.04-2 of the Planning Scheme, which states that:

“An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.”

The Subject Land

The subject land (30 and 40 Marriners Lookout Road) is outlined in blue on the zoning map below.

Map 1 – Zoning Map for 30 and 40 Marriners Lookout Road



The combined area of the two lots that form the subject land is 21.6 hectares. This includes a 7.5 hectare area on the western side of 40 Marriners Lookout Road in the Rural Conservation Zone (shown as green in the above image) within which future residential development is not proposed. There is one existing dwelling within this area. Another part of the land, of approximately half a hectare on the eastern side (also shown as green in the image), is in the Rural Conservation Zone too and not proposed for residential development. The area in which future residential development would occur is in the NRZ1 (depicted as pink on the image above).

Map 2 - Aerial Image for 30 and 40 Marriners Lookout Road



The land is largely vacant, with the exception of one dwelling in the south-west corner within the RCZ.

The 7.5 hectare area in the RCZ on the western side of the land is characterised by steeply sloping topography, whereas the balance of the land slopes gently in a southeasterly direction.

There are five small waterways traversing the subject land, with the water travelling from west to east. These gullies only carry water during a rain event of a particular magnitude.

There is a significant amount of native vegetation on the land, mainly in the steep area on the western half of the site. The NRZ1 area contains two linear vegetation corridors which generally follow two of the three southernmost waterways. Most of the vegetation on site has been planted in recent times as part of a Land Care project.

Surrounding area

- South of and abutting the land is Marriners Lookout Road. On the other side of this road is residential land, with some vacant lots and larger undeveloped areas. There is also a row of existing dwellings fronting the northern side of Marriners Lookout Road, which wraps around the south east corner of the subject land.
- East of the site is Pisces Caravan Park. Further east of the site is the Great Ocean Road and Apollo Bay beach.
- North of the site is 6280 Great Ocean Road, which is used in parts for sheep farming but is largely vacant. This land was recently rezoned to the Neighbourhood Residential Zone and a Development Plan prepared under DPO5 has been submitted to Council for approval. This is currently under consideration.
- West of the subject land, on the opposite side of Marriners Lookout Road, are three dwellings on very large lots.

Council Plan / Other Strategies / Policy

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

The proposed Development Plan, which would facilitate planned growth, would provide for a quality environment in which to live and open spaces to enjoy. The Development Plan would also significantly increase the population capacity of Apollo Bay, which would allow for expansion of the local economy.

Issues/Options

Whilst detailed work has been undertaken on the Department Plan, some relatively minor issues have not been finalised. This is discussed under the heading 'Outstanding Geotechnical Issues' below. As such, whilst the Development Plan is considered to be acceptable in principle and the outstanding matters can be addressed, the Development Plan cannot yet be formally approved.

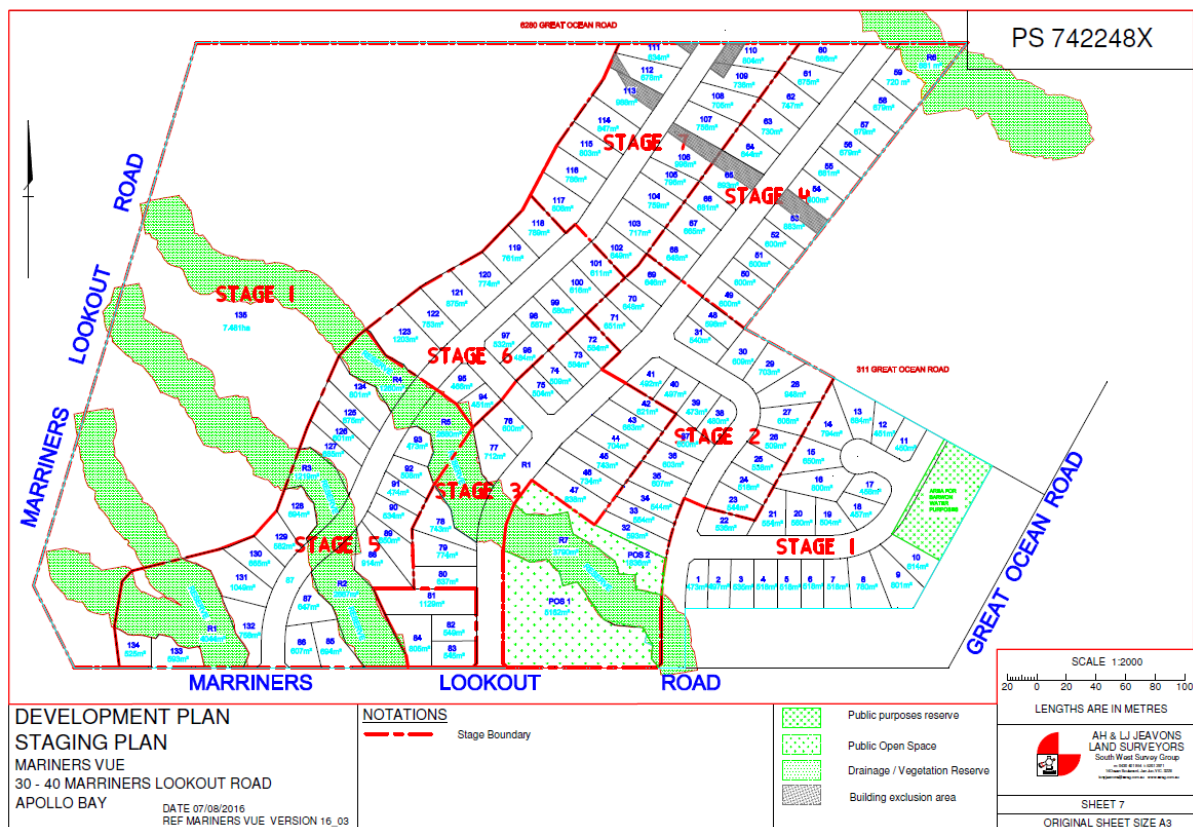
Council therefore has the option of granting the Development Plan in principle support, with subsequent approval delegated to officers, or of refusing the Development Plan.

Proposal

The following have been taken into account when assessing the Development Plan:

- The submitted application.
- Planning controls.
- Compliance with the DPO4 Schedule.
- Design guidelines.
- Submissions received as part of an informal exhibition process.
- Responses received from referral authorities.
- The proposed use of notes on the Development Plan.
- Outstanding Geotechnical Issues.

The submitted Development Plan proposes the future subdivision of the land into 134 conventional density residential lots averaging 656 square metres per lot, and varying between 450 and 1129 square metres per lot. The Development Plan is depicted below:



The subdivision of the land is proposed to occur in seven stages.

The Development Plan does not include an expiry date or timeline for the stages of development. These matters would be considered as part of the related permit application (ref. PP84/2016).

Roads

The proposed Development Plan includes an internal road network with a high level of permeability throughout the site. Two connections to a future subdivision at 6280 Great Ocean Road (which forms the subject of a separate draft Development Plan prepared under DPO5) are proposed, as well as three connections to Marriners Lookout Road. The road design, which is based on Metropolitan Planning Authority guidelines, would ensure the provision of appropriate pedestrian footpaths and bike paths.

Waterways and Reserves

There are a total of five small waterways on the developable part of the land within the NRZ1, including three in the southern section of the land. The three southern waterways have been identified as areas of potential landslide risk in a Geotechnical Assessment report submitted with the Development Plan. These areas are therefore not proposed for residential subdivision, but are proposed to become part of Council reserves and would be transferred to Council at the subdivision stage. Ten metre buffers have been proposed on either side of four of the waterways, in accordance with the advice of a flood report commissioned by the proponent at the request of the Corangamite Catchment Management Authority (CCMA). The buffers would also become part of the Council reserves. The buffers would help to protect against flooding and provide a habitat for vegetation. Another small waterway in the north is proposed to become a building exclusion zone – an area that cannot be built on, but which can form part of lots. Four waterways would have buffer areas, as depicted in the image below.

Map 3 – Waterways and Buffers in Proposed Council Reserves



Landscaping and Open Space

The proposed Development Plan includes a 1.08 hectare neighbourhood park, which would account for approximately 6% of the requisite 10% open space. This would be transferred to Council at the subdivision stage as a part of stage 2. The neighbourhood park is proposed to include play equipment, gravel paths, bench seats and timber boardwalks at intersections with the waterway that runs across the proposed open space area.

In addition, 7 linear reserves would be transferred to Council at subdivision. Whilst it is considered that some of this land can be credited as public open space, most of these reserves are not being credited as part of the public open space contribution because they are encumbered and would have limited public benefit. The proponent has proposed to include landscaping, walkways and boardwalks in five of the reserves.

Roads internal to the subdivision are proposed to be lined with native trees on both sides.

The balance of the open space required would be paid as a cash contribution on a per stage basis. This is discussed in further detail later in this report.

Vegetation

Under the current proposal, parts of the vegetation corridors in the NRZ1 are proposed to be thinned. This includes areas proposed to become part of Council reserves and the thinning of vegetation is in part to provide walkways in these areas. Native vegetation offsets may be required at the planning permit stage pursuant to Clause 52.17 (Native Vegetation) of the Colac Otway Planning Scheme.

Of note is the fact that the proponent has planted a large amount of native vegetation on the hill in the steep area on the western part of the land, which would not be developed.

A planning permit for vegetation removal (ref. PP277/2011-1) was issued in 2011 and allowed the removal of vegetation on site. However, it is considered that permit would not cover all of the losses as a result of the proposed subdivision of the land. The current permit application (ref. PP84/2016-1) therefore incorporates vegetation removal, to include all vegetation that would be lost.

The purpose of the zone includes the following:

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

Permit Requirement - 32.09-2 Subdivision

A permit is required to subdivide land.

Decision Guidelines – Subdivision

The pattern of subdivision and its effect on the spacing of buildings.

For subdivision of land for residential development, the objectives and standards of Clause 56.

Assessment

The layout of the subdivision is largely controlled by the provisions of DPO4, which specifies a minimum lot size and a minimum average lot size for any proposed subdivision of the land. An assessment against the requirements of Clause 56 (Residential Subdivision) of the Planning Scheme has been completed. The proposed subdivision is considered to be generally compliant with Clause 56. It is noted that the subdivision would not provide optimal solar access, but this is largely considered to be a result of topographical constraints and the angle of the developable area relative to the hills in the RCZ area and, as such, is acceptable.

Rural Conservation Zone

(applies to areas not proposed for development)

It is proposed to excise the two Rural Conservation Zoned areas from the rest of the subject land, to create two balance lots. This area is not proposed for any residential development and so the provisions of this zone are not considered to be of significant relevance to the assessment of the Development Plan. Barwon Water requires a water tank and pumping station in the smaller RCZ area to the east of the site, which is also covered by a Public Acquisition Overlay.

It is worth noting that the schedule to the Rural Conservation Zone has a default minimum subdivision size of 40 hectares but it also includes a specific exemption for the subject land to allow for the “*minimum area necessary to create balance lots in the Rural Conservation Zone and to allow that part of the land in the Residential 1 Zone be subdivided for residential purposes.*” There is also an exemption in Clause 64.03 of the Planning Scheme (Subdivision of Land in More Than One Zone), which could be applied.

Public Acquisition Overlay (PAO2 - Barwon Region Water Authority – Water Supply)

The Public Acquisition Overlay applies to a part of the subject land, comprising approximately 0.5 hectares in area. This area is in the Rural Conservation zoned area on the eastern side of the land within which the aforementioned water tank and pumping station would be located, and is not proposed for residential subdivision.

Design and Development Overlay Schedule 10

Schedule 10 to the Design and Development Overlay, whilst not exempting subdivision from the requirement for a permit, has decision guidelines that relate solely to development. As such, this overlay is not considered to be of direct relevance to consideration of the Development Plan. Future dwellings on those lots of 600sqm. or less created by the proposed subdivision would have to comply with the requirements of this overlay.

Erosion Management Overlay Schedule 1

This overlay applies primarily to the Rural Conservation zoned area to the west, but also to a small strip of land in the Neighbourhood Residential Zone abutting the RCZ land. Landslip issues have

been considered in detail as a part of the Development Plan, as DPO4 requires the geomorphic processes affecting the land to be ascertained. Any future lots covered in whole (2 of the proposed lots) or part by the EMO would require a Geotechnical Assessment for any development located within the affected area.

Significant Landscape Overlay Schedule 3

The overlay applies on the part of the land which would not be subdivided and is not considered relevant to consideration of the Development Plan.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay applies the two largest waterways which traverse the site. These areas may be subject to potential flooding. The areas are proposed to become part of Council reserves.

Particular Provisions

Clause 52.01 - Public Open Space Contributions and Subdivision

The Schedule to Clause 52.01 of the Colac Otway Planning Scheme requires a 10% public open space contribution in Apollo Bay for subdivisions of 11 lots or more. In accordance with Section 18 of the Subdivision Act, the levy can be paid in the form of cash, a physical contribution or both.

The 10% requirement is based on the developable area of the land. This is double the State standard requirement of 5% and is included because of an identified shortage of public open space in Apollo Bay.

The developable area of the subject land is 12.7 hectares. This excludes land in the Rural Conservation zoned areas (not proposed for development) and undevelopable encumbered land. This means the developer must provide 1.27 hectares of public open space.

The proposed subdivision would provide a total of 11,567 square metres of open space, which is over 9% of the required 10%. The balance would be payable as a cash contribution. In addition, there are reserves which would be transferred to Council that are not being counted as open space. These are not included because they are encumbered by factors which make them undevelopable such as vegetation and waterways, and because of their relatively low utility as open space.

For the detailed open space crediting methodology, refer to Attachment 1.

Development Plan Overlay Schedule 4

The Development Plan Overlay Schedule 4 applies to the entire subject land and is the key document with which any future development would need to comply.

Compliance with the DPO4

A key part of the assessment process is to ensure the submitted Development Plan complies with the requirements of the DPO4 Schedule.

It is considered that the submitted Development Plan responds appropriately to the provisions of the DPO4 schedule. The DPO4 includes requirements such as:

A minimum average lot size of 600 square metres (which would be met).

Access to Marriners Lookout Road (which would be met).

A staging plan (which has been provided).

Identification of land used for different purposes (which is shown).

The provision of open space around stormwater infrastructure (which would be met).

DPO4 also requires a number of supporting documents, all of which have been provided, including:

- Town Planning Report.
- Cultural Heritage Management Plan.
- Stormwater Management Strategy.
- Traffic Impact Assessment.
- Landslip Risk Assessment.
- Flora and Fauna Assessment.
- Open Space and Landscape Master Plan.
- Bushfire Assessment
- Design Guidelines.

A detailed table assessing the proposal against the requirements of the DPO4 is attached to this report (Attachment 2)

Design Guidelines

The Development Plan Overlay Schedule 4 states that:

Prior to the approval of a subdivision a Section 173 Agreement must be prepared and signed to the satisfaction of the Responsible Authority that implements design guidelines for the residential development of the land approved as part of the Development Plan. The decision guidelines must address external materials and colours, building style and massing, garages and carports, other structures and appurtenances, landscaping and fences.

The design guidelines are intended to promote a contextually appropriate neighbourhood character and would apply to the future development of dwellings. The proposed design guidelines, which form part of the Development Plan, are attached to this report (Attachment 3). An agreement under Section 173 of the Planning and Environment Act has already been prepared and executed, and would ensure that any design guidelines approved would subsequently be implemented.

Submissions received as part of the exhibition process.

Whilst there is no statutory public notification process for development plans, it was decided that an informal process of notification would be undertaken to help inform Council's decision.

The Development Plan was therefore exhibited between 17 March and 4 April 2016, to adjoining and surrounding landowners and occupiers. As some submitters indicated that the notice had been slow to arrive, it was agreed that submissions would be accepted until 11 April. The entire Development Plan was on display at Council's Apollo Bay Customer Service Centre.

The Development Plan was later exhibited again, between 4 August and 15 August 2016, in the Apollo Bay News, on Council's website and on Council's Facebook page.

Nine submissions were received as a result of both exhibition processes.

Key concerns raised in the submissions are outlined below. A more detailed list of concerns raised, with an officer response to each, is included as Attachment 4 to this report.

Concern 1: The development is out of character with the area.

Officer response:

It should be noted that the rezoning of this land for residential purposes has already occurred and the framework for its future subdivision is outlined in detail in Schedule 4 to the Development Plan Overlay.

The proposed subdivision shown in the Development Plan would meet the density required by the DPO4 schedule (lots that average 600 square metres and are a minimum of 450 square metres) and would provide an excellent open space outcome. It is considered that the proposed subdivision would not be out of character with the surrounding area of Apollo Bay and that it accords with the requirements set out in DPO4.

Concern 2: The development will impact on views from various vantage points.

Officer response:

It is acknowledged that there would be impacts on some views, which is always the case when land is subdivided and developed. It is noted that Council has already deemed that the land is suitable for residential development by rezoning it and applying the DPO4, which assumes some changes to the environment normal to a residential subdivision.

Concern 3: There seems to be an oversupply of land in Apollo Bay.

Officer response:

This land was rezoned for residential purposes some years ago, following public exhibition of the relevant Planning Scheme Amendment. It is also noted that land supply in Apollo Bay was considered when the land to the north of the DPO4 land was more recently rezoned for residential purposes (i.e. the land zoned Neighbourhood Residential and covered by Schedule 5 to Development Plan Overlay at 6280 and 6230 Great Ocean Road). The sale of lots and development of the land would occur at a rate dictated by market forces.

Concern 4: Development will result in untenable road conditions along Marriners Lookout Road, particularly at peak times.

Officer response:

The application and associated Traffic Impact Assessment has been considered by both Council's Infrastructure Department and VicRoads.

Some upgrades to Marriners Lookout Road are proposed by the developer, i.e. the provision of kerb and channel, and a footpath alongside Marriners Lookout Road as far as the Great Ocean Road. Any damage caused to the road during construction would have to be fixed by the developer.

Concern 5: There is a lack of services in the area to accommodate the development.

Officer response:

Utility authorities were notified of the proposed development and have recommended conditions in some cases. These would be included on any subsequent permit issued for the subdivision. Utilities would be extended to the development. It is of note that no utility provider has objected to the Development Plan. Other services may be supplied in additional quantity by government or private parties if the demand is recognised.

Submissions received from referral authorities to the Development Plan and the subdivision application for the same land

The Development Plan was referred to the CFA, CCMA, VicRoads, Barwon Water, DELWP, Powercor, SP AusNet (Gas), Public Transport Victoria, the Western Coastal Board and the Otway Coast Committee, with no objections received. Some authorities specified requirements or made comments. The CCMA requested further information, which was provided by the proponent. A detailed list of referral authority responses is attached to this report (Attachment 5).

Notes on Development Plan:

The Development Plan includes notes added in by the applicant at the request of Council. These notes seek to ensure certain matters are addressed at the subdivision stage, including to:

- Ensure a footpath is provided along the Marriners Lookout Road frontage of the land, running all the way to the Great Ocean Road.
- Ensure that a condition is included on the subdivision permit that the developer restores Marriners Lookout Road to its original state after each stage of the subdivision (or as otherwise agreed).

Outstanding Geotechnical Issues

Areas of 30 and 40 Marriners Lookout Road are subject to potential geotechnical hazard. The proponent originally supplied a Geotechnical Assessment with a map showing areas that could not be developed. This report was accepted by Council's geotechnical consultant. No residential lots were to be situated in the areas the map showed as inappropriate for residential subdivision.

On 18 August 2016, the proponent submitted a new Geotechnical Assessment with a slightly different layout for the areas identified as unsuitable for development. The proponent has indicated that this is due to inaccuracies in the original report. Council's geotechnical consultant has requested more detailed justification for the changes. At the time of writing this report, the expanded justification had not been supplied.

Until this is resolved, it is considered that the Development Plan cannot be formally approved. However, given the fact that the outstanding issues are limited in nature and would be signed off by Council's independent expert on geotechnical matters, it is considered that in principle support could be given for the submitted Development Plan, with subsequent formal approval delegated to officers on this basis.

Financial and Other Resource Implications

There are no immediate financial or resource implications for Council associated with the Development Plan.

In the long run, the increased number of residents would have some impact on local roads, infrastructure and services. Council would also receive additional rates payments from new residents.

Risk Management & Compliance Issues

There are no obvious risks or compliance issues associated with the approval of the Development Plan.

Environmental and Climate Change Considerations

The site contains a significant quantity of native vegetation as a consequence of a Land Care project. Some of this vegetation is proposed to be retained within reserves to be transferred to Council at the time of subdivision, whilst some would be removed to enable development. It is considered that the principle of the extent of vegetation removal can be accepted as part of the Development Plan, with the related planning permit application addressing the detail of the vegetation removal.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

There is no statutory provision for public notification of development plans. The Development Plan Overlay Schedule 4 went through a public exhibition process, which is the legally required exhibition for the purposes of the *Planning and Environment Act 1987*.

Despite this, the submitted Development Plan was exhibited on an informal basis to the public, by sending letters to adjoining and surrounding landowners and occupiers. This was done to help inform Council's assessment and enable a better informed decision to be made in appreciation of the benefits of local knowledge. The Development Plan was later again advertised on the website,

Council's Facebook page and in the Apollo Bay News. The level of engagement was to consult, as submissions were invited from the public on the Development Plan.

Implementation

If the Development Plan is approved, the proponent would still need to obtain a planning permit for the subdivision of the land. A planning application has already been submitted (ref. PP84/2016-1). The Development Overlay, under Clause 43.04-1, requires that any subdivision permitted must be in general accordance with an approved Development Plan. It should be noted that a planning application in general accordance with an approved Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Conclusion

The approval of the Development Plan does not allow the land to be subdivided, but effectively directs the form and conditions of the future use and development of the land. The related subdivision application (ref. PP84/2016-1), which has already been submitted, is required to be "generally in accordance" with the approved Development Plan. The subdivision process will be simplified by the approval of the Development Plan, because most issues have already been considered at the Development Plan stage of the process.

The Development Plan was informally exhibited to the public and nine submissions have been received. Most submissions referred to aspects of the proposal already accepted at the time of the Planning Scheme Amendment for rezoning the land and applying the Development Plan Overlay Schedule 4, as approved by Council and the Minister for Planning. The principle of subdividing this land and allowing residential development has been established and arguments against this cannot be revisited. As a consequence, limited weight can be given to many of the submissions.

Were it not for a late, relatively minor change to the proposed layout based on a new Geotechnical Assessment, the Development Plan would be considered ready to approve. Until the resolution of this issue, which may result in minor changes to the layout, it is not considered appropriate to approve the Development Plan.

It is considered that the submitted Development Plan responds appropriately to the requirements of the DPO4 and it is therefore recommended that Council gives in principle support to the Development Plan and authorises Council officers to approve the Development Plan, with any necessary minor changes required to resolve geotechnical issues, under delegated authority.

Attachments

1. Attachment 1 - DPO4 Development Plan Open Space Crediting
2. Attachment 2 - DPO4 Development Plan Compliance with DPO4
3. Attachment 3 – DPO4 Development Plan Design Guidelines
4. Attachment 4 – DPO4 Development Plan Submitters Concerns and Response
5. Attachment 5 – DPO4 Development Plan Referral Authority Comments
6. Attachment 6 - DPO4 Development Plan

Recommendation

That Council:

1. ***Gives in principle support to the Development Plan (including the design guidelines) for 30 and 40 Marriners Lookout Road, Apollo Bay, prepared under Schedule 4 to the Development Plan Overlay and depicted at Attachment 6 to this report.***

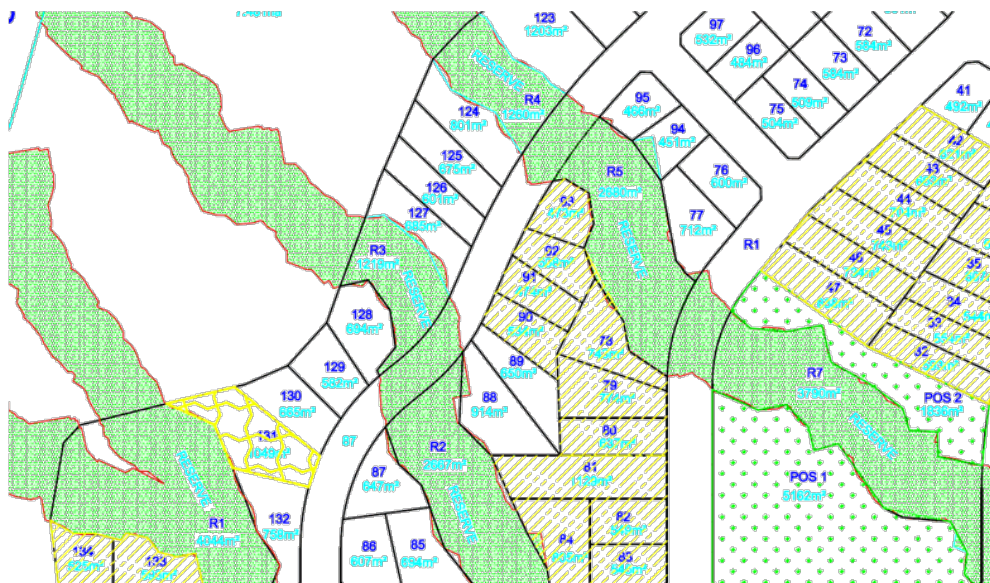
- 2. Authorises Council officers to formally approve the Development Plan for 30 and 40 Marriners Lookout Road under delegated powers, with any minor changes necessary to resolve outstanding geotechnical issues.**
- 3. Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.**

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### Attachment 1 - Open Space Crediting for the DPO4 Development Plan

The developable area of the subject land is 12.7 hectares, which excludes land in the Rural Conservation Zoned Area (not proposed for development) and undevelopable land encumbered for various reasons. This means the developer must provide 1.27 hectares of Public Open Space which can be provided in the form of a physical contribution or a cash contribution equal to the value of the land. The vast majority of the open space will be provided as a physical contribution, with the balance in cash.

Map showing reserves and open space in development plan area.



The areas labelled as POS1 and POS2 (total 6998 square meters) are unencumbered areas of open space and will therefore be fully credited as Public Open Space. Play equipment and seating is proposed in these areas.

The area R7 includes a waterway and a buffer required by the CCMA to be 10 meters either side of the waterway, there is a small amount of native vegetation in this area (on the western side). For the purposes of Council, the buffer does not affect the usability of the open space though the waterway and vegetation do. It is proposed to credit R7 with a 50% open space credit. Altogether, POS1, POS2 and R7 will form a neighborhood park that is approximately 1.08 hectares in size.

The areas R2 and R5 are partially encumbered by vegetation and waterways. A CCMA buffer 10m either side of the waterway has also been applied to these reserves. Walking tracks are proposed in these areas which will enhance the walkability of the subdivision. Though the entire area is will become a Council reserve, some of it is encumbered and is of limited use. It is proposed to credit this open space as a 50% open space credit.

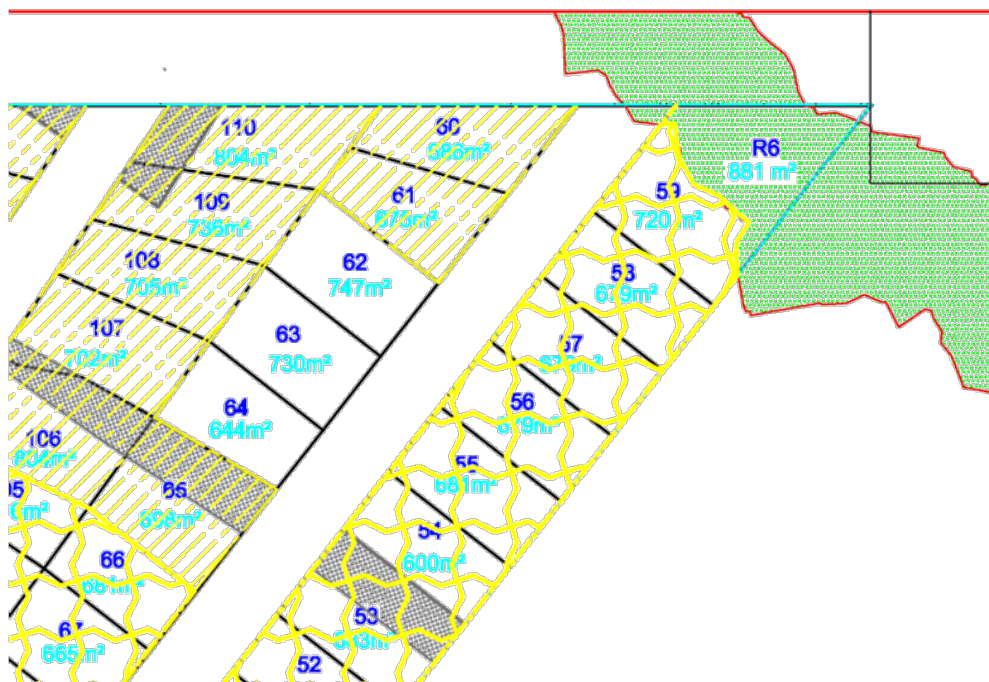
The areas R3 and R4 are also proposed to contain waterways and large amounts of native vegetation. These areas are proposed to include walking tracks, however the tracks do not significantly enhance the walkability of the subdivision because they lead to a dead end. It is proposed not to credit any of these areas as a Public Open Space contribution.

R1 is also proposed to become a Council reserve. This area is significantly encumbered by vegetation, waterways and buffers and no walking tracks are proposed.



An additional area in the northern part of the subdivision shown as R6 below is proposed to become a Council reserve. This area also contains a waterway and a 10 metre buffer either side.

Map showing northern area of land with one proposed reserve.



It is believed that R6 would have a limited public benefit and it is not proposed to be credited as Public Open Space. The CCMA have insisted that the waterway and buffer areas become Council reserves, rather than be used as part of lots.

Open space provision and crediting is summarized below

| Open Space     | Area (square metres) | Crediting Rate | Area Credited (square metres) |
|----------------|----------------------|----------------|-------------------------------|
| POS1 + POS2    | 6998                 | 100%           | 6998                          |
| R7             | 3790                 | 50%            | 1895                          |
| R2             | 2667                 | 50%            | 1334                          |
| R5             | 2680                 | 50%            | 1340                          |
| R1, R3, R4, R6 | 7384                 | 0%             | 0                             |

**Total POS Provided** = 11567 square metres

**Total POS Required** = 12700 square metres

**Balance Owing** = 1133 square metres.

The balance owing can be paid to Council as a cash contribution equal to the undeveloped site value of 1133 square meters of land.

Payment of open space is proposed to occur on a per stage basis. As most of the open space is to be provided in stage 2 and none proposed in stage 1, it is proposed that a cash deposit equal to 10% of the

undeveloped site value of stage 1 will be provided to Council and refunded after the open space in stage 2 is transferred to Council ownership. Open Space transfers and payments will be managed by the associated planning permit for the site (PP84/2016-1).

**Attachment 2 – Development Plan Compliance with DPO4 Schedule**

| <i>The <b>Development Plan</b> must include:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Compliance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| The location of all land uses including areas set aside for residential development, public open space, areas of revegetation/landscaping, no development areas (i.e. land above the 40 metre contour that is not zoned for residential development), drainage, reserves, other known or proposed servicing easements and landslip buffers.                                                                                                                                                                                       | All of this information is included in the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>An internal road network that:</b></p> <p>provides a high level of permeability through and within the site for pedestrians, cyclists and vehicles, providing direct and safe access to public transport connections, the Apollo Bay foreshore and walking trails, direct connecting access to the internal road network of the residential development at 6280 Great Ocean Road, Apollo Bay and consideration of linkages with potential future residential development at 311 Great Ocean Road (Pisces Caravan Park).</p> | <p>Complies. The Development Plan:</p> <ul style="list-style-type: none"> <li>• Provides a high level of permeability throughout the site. Footpaths will be required as per the MPA standards, cycling will be shared with roads. No safety issues have been identified.</li> <li>• Provides the potential for future public transport connections.</li> <li>• Includes a proposed footpath along Marriners Lookout Road, to provide improved access to the foreshore.</li> <li>• Provides two future connections to 6280 Great Ocean Road and one future connection to Pisces Caravan Park.</li> </ul> |
| <p><b>An internal road network that:</b></p> <p>Provides access to the site from Marriners Lookout Road</p>                                                                                                                                                                                                                                                                                                                                                                                                                       | Complies, three connections to Marriners Lookout Road would be provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p>The general subdivision layout including location and distribution of lots showing a variety of lot sizes with a minimum average lot size of 600sqm and a minimum lot size of 450sqm, a graduation to larger lots at the western periphery of the site and densities to encourage a range of housing types. The layout is to maximise solar efficiency to as many lots as possible. Higher residential densities should be focused around public open space.</p> | <p>Generally complies:</p> <p>The Development Plan shows lots with a minimum size of 450 square metres and an average size of over 650 square metres.</p> <p>Lots would be generally larger on the western boundary and slightly higher density around the Public Open Space.</p> <p>The Development Plan would result in relatively poor solar access to many lots, but this is mainly because of the topographical constraints and other requirements imposed on the plan by the DPO4 and the CCMA.</p> |
| <p>Maximising surveillance of public areas through provision of street frontages to areas of public open space.</p>                                                                                                                                                                                                                                                                                                                                                 | <p>Generally complies; the main area of public open space would abut the street and be overlooked by a number of residential lots.</p>                                                                                                                                                                                                                                                                                                                                                                    |
| <p>A staging plan, if proposed, for the residential development of the land.</p>                                                                                                                                                                                                                                                                                                                                                                                    | <p>Complies. 7 stages are proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>The <b>Development Plan</b> must be supported by the following:</p>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>A Town Planning Report that includes:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>A residential and urban design assessment of how the development of the land responds to the provisions of the Colac Otway Planning Scheme, including the State and Local Planning Policy Frameworks and Clause 56 and any other relevant planning policy.</p>                                                                                                                                                                                                   | <p>Complies:</p> <p>The developer did not provide an urban design assessment on the basis of limited relevance, given that the proposal relates to subdivision. The developer has provided urban design guidelines, which would be applied to the land via a Section 173 agreement as part of the associated planning permit.</p> <p>The proponent has provided assessment against the Planning Scheme and Clause 56.</p>                                                                                 |
| <p>An assessment of the capacity of existing water and sewer infrastructure.</p> <p>Opportunity for connection to a third pipe scheme is also to be explored with Barwon Water.</p>                                                                                                                                                                                                                                                                                 | <p>Complies. The Development Plan and related planning permit application have been referred to Barwon Water, which has made various requirements in relation to the proposal and which would ensure that water and sewer infrastructure is appropriately provided.</p> <p>In relation to Third Pipe, a Stormwater Management Strategy is provided in support of the Development Plan which states that while Barwon Water provides recycled water to some areas it is unavailable in Apollo Bay.</p>     |
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| The logical sequencing of development given the need to provide full reticulation of services.                                                     | The Development Plan, including the staging plan has been provided to utilities authorities for comment. No issues were raised regarding the logic of the staging plan.                                                                                                                                                                                                                                                    |
| How the revegetation of the land above the 40 metre contour is to be managed and by what mechanism.                                                | Complies. This is provided in a Land Management Plan that was applied for in a prior permit application for vegetation removal from 2011. This would also be considered as part of the permit application associated with the proposed Development Plan.                                                                                                                                                                   |
| <b>A Cultural Heritage Management Plan</b>                                                                                                         | An approved plan has been provided which recognises the impact of the development and includes recommendations and contingencies that should be included on the subdivision permit to follow.                                                                                                                                                                                                                              |
| <b>A Stormwater Management Strategy that includes:</b>                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Consistency with Council's Infrastructure Design Manual.                                                                                           | The proponent has provided a Stormwater Management Plan which, after several changes at the request of Council, has been deemed satisfactory.                                                                                                                                                                                                                                                                              |
| The onsite storage and treatment of stormwater using Water Sensitive Urban Design (WSUD) elements prior to controlled discharge to Council assets. | <p>The Stormwater Management Plan indicates that on site detention is not possible – as the only area for it would be on the land sought for Public Open Space, and claims that water needs to be directed to the ocean.</p> <p>The Stormwater Management Plan indicates that most water could be treated before it enters the ocean, in order to reduce pollutants but that water from Lots 2 – 20 cannot be treated.</p> |
| The provision of landscaping and public open space around the stormwater infrastructure.                                                           | Complies. The proposal includes open space, as well as landscaping – such as vegetation planting, gravel paths and boardwalks around the stormwater infrastructure where practicable.                                                                                                                                                                                                                                      |
| <b>A Traffic Impact Assessment that includes</b>                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Consistency with Council's Infrastructure Design Manual.                                                                                           | <p>The road design is taken from Metropolitan Planning Authority (MPA) guidelines, which are very similar to the specifications contained in the Infrastructure Design Manual.</p> <p>Road widths are provided, i.e.<br/>"road reservations generally between 16m and 18m wide".</p> <p>"road reserves 16m minimum, road pavement of 7.3m and 4.2m/4.5m verge widths accommodating 1.5m footpaths on both sides"</p>       |

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| An assessment of the traffic generated by the residential development of the land                                                                         | 938 vehicle trip ends per day estimated for the entire development based on an estimated 7 vehicle trip ends per dwelling (a vehicle leaving or entering a dwelling 7 times a day).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Classification of streets according to standards contained in Clause 56 of the Colac Otway Planning Scheme.                                               | <p>The Development Plan Overlay Schedule 4 is inconsistent in that it requires consistency with "Council's Infrastructure Design Manual" whilst simultaneously requiring "classification of streets according to standards contained in Clause 56 of the Colac Otway Planning Scheme" The standards for streets under each of these documents differs slightly from each other.</p> <p>The proponent has proposed streets according with Metropolitan Planning Authority guidelines, which again are slightly different. However, all three of these sets of standards are very similar, so this point is not considered to be of concern.</p> <p>The Traffic Impact Assessment provides cross sections for a 16m wide access street provided from MPA specifications and notes that "all internal roads within the subdivision have been designed as an access street level 1".</p> <p>This is slightly different to the Clause 56 access street specifications and it does not include a bicycle lane. Clause 56 provides for the carriageway to be a shared zone, appropriately signed.</p> |
| Pedestrian and cycling links to the Apollo Bay foreshore and walking trail.                                                                               | <p>The subdivision would be well connected and provide mandatory footpaths on both sides of the road.</p> <p>Bicycles would have shared access with the road.</p> <p>The Development Plan includes a notation that footpaths are to be provided to Great Ocean Road at the time of subdivision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| An internal road connection to land at 6280 Great Ocean Road, Apollo Bay and potentially to 311 Great Ocean Road (Pisces Caravan Park).                   | Two future connections to 6280 Great Ocean road and one future connection to 311 Great Ocean road (Pisces Caravan park) are shown.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Identification of any off-site traffic infrastructure requirements associated with the site such as deceleration/turning lanes on Marriners Lookout Road. | A note is included on the Development Plan that kerb and channel and a footpath will be conditioned to be extended as far as the current extent of kerb on the east side of Marriners Lookout Road as part of stage 1 of the subdivision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



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|                                                                                                                                                                                                                                                                                                                                                                                               | Off-site deceleration and turning lanes have not been identified as necessary.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Definition of the cross-sections including, where relevant, verge widths, naturestrips, kerb and channel, drainage, pavement widths and pathways for all identified roads within and abutting the development.                                                                                                                                                                                | A cross section is provided for an Access Street 1 from MPA specifications.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>A Landslip Risk Assessment that includes:</b>                                                                                                                                                                                                                                                                                                                                              | The proponent has provided four Landslip Assessments, which relate to either the whole site or a part of it. The assessments have been reviewed by an independent geotechnical consultant acting for Council.                                                                                                                                                                                                                                                                                       |
| Ascertaining geomorphic processes that affect the land.                                                                                                                                                                                                                                                                                                                                       | Provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| An assessment of opportunities to reduce the potential for landslips and the distance of the landslip runout.                                                                                                                                                                                                                                                                                 | The main Landslide Risk Assessment (by Yttrups) notes that the hills upslope of the subdivision could include tree planting to stabilise the land. Since the time of that report thousands of trees have been planted on these hills.                                                                                                                                                                                                                                                               |
| Identification of 'no build' areas and landslip runout buffers.                                                                                                                                                                                                                                                                                                                               | <p>This is provided and it is noted that the area deemed "unsuitable for development" has been extended 50 metres beyond the break of the slope to allow for run out distance.</p> <p>If a landside occurs it has been deemed by the analysis in the supporting geotechnical reports that the debris would run along the areas that have been deemed in the plans to be reserves. These reserves also contain land that would carry water during a storm event and large amounts of vegetation.</p> |
| <b>A Flora and Fauna Assessment that includes:</b>                                                                                                                                                                                                                                                                                                                                            | A flora and fauna assessment was provided by Beacon Ecological.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Identification of the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies. | <p>The report analyses the significance of flora and fauna at the site under the various national, state and local legislation.</p> <p>The only significant species recorded are noted as being large amounts of native vegetation planted under a Land Care project</p> <p>In terms of having a conservation status of significance to legislation, the only significant</p>                                                                                                                       |

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|                                                                                                                                                                                                                                                                                                                                                                                             | legislation to note is the Clause 52.17 (Native Vegetation) requirements of the Planning Scheme, which deem native vegetation to be lost in a residential subdivision of 0.4 hectares in size or more.                                                                                                                                                                   |
| Recommendations about where vegetation should be retained and by what mechanism (e.g. reserves).                                                                                                                                                                                                                                                                                            | The report did not identify any vegetation that was of a significance to warrant specific preservation. Nonetheless, much of the vegetation on site is proposed to be preserved in reserves that would be transferred to Council ownership at the time of subdivision.                                                                                                   |
| A no net loss assessment that addresses the removal of any native vegetation to allow for the residential development of the land. This assessment will implement, as appropriate, the recommendations of the Open Space and Landscape Master Plan.                                                                                                                                         | The report identified the level of offsets required for the removal of vegetation to ensure that there would be no net loss of vegetation. This is being managed through the separate planning permit process (ref. PP84/2016-1). Of note is the fact that there is an extant planning permit for the removal of some of the vegetation on the site (ref. PP277/2011-1). |
| <b>An Open Space and Landscape Master Plan</b> for public land (including roads) that includes:                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                          |
| Open space adjacent to linear drainage reserves that contains walking and cycling paths and a children's playground. The playground design shall comply with Council's Open Space Strategy.                                                                                                                                                                                                 | Provided.                                                                                                                                                                                                                                                                                                                                                                |
| The revegetation of the steep slopes above the 40 metre contour.                                                                                                                                                                                                                                                                                                                            | Extensive revegetation of these slopes has already occurred.                                                                                                                                                                                                                                                                                                             |
| The extensive use, where appropriate, of local indigenous plant species throughout the development site. Exotic trees can be considered for street tree plantings. Species should be resistant to fire.                                                                                                                                                                                     | There is already extensive native vegetation in some parts of the site as a result of a recent Land Care Project. Beyond street tree planting, no additional planting is proposed.                                                                                                                                                                                       |
| Proposed street planting in accordance with Council's street planting guide.                                                                                                                                                                                                                                                                                                                | The Landscape Plan has been considered by Council's Arts and Leisure Unit, and is deemed acceptable.                                                                                                                                                                                                                                                                     |
| The Open Space and Landscape Master Plan is to ensure that areas set aside for unencumbered public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality. Passive surveillance to such areas must accord with Crime Prevention Through Environmental Design (CPTED) principles. | Provided, and there would be good surveillance of open space.                                                                                                                                                                                                                                                                                                            |
| Encumbered land shall not be credited as Public Open Space. Encumbered land                                                                                                                                                                                                                                                                                                                 | Three of eight reserves, which are partially encumbered, are proposed to be 50% credited                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>includes:</p> <ul style="list-style-type: none"> <li>• Land set aside to protect significant vegetation.</li> <li>• Drainage basins, associated stormwater treatment sites and land that is subject to flooding.</li> <li>• Non-urban land above the 40 metre contour.</li> </ul> | <p>as open space.</p> <p>Some of the land proposed to be credited in the reserves would be considered encumbered. The crediting of this land is in recognition of the effort the proponent has gone to in order to plan encumbered spaces that have a public benefit. This includes tree removal to make spaces useable, landscaping, boardwalks, walkways and the connectivity benefit in the three reserves proposed for partial crediting.</p> <p>Notably the use of the word "shall" rather than "must" means the non-crediting of encumbered land is a non-mandatory requirement that can be varied at the discretion of Council. The open space crediting methodology is discussed under <b>Clause 52.01 Public Open Space Contributions and Subdivision</b>.</p> |
| <p>A <b>Bushfire Assessment</b> that includes an assessment of the site risk and how subdivision will respond to this risk, particularly in respect of the revegetation of land above the 40 metre contour.</p>                                                                      | <p>Provided</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Design Guidelines</b> that address external materials and colours, building style and massing, garages and carports, other structures and appurtenances, landscaping and fences.</p>                                                                                           | <p>Provided</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**Attachment 3 – DPO4 Development Plan Design Guidelines**

- External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades
- Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings
- Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.
- Rooves shall have a simple form with extended eaves for passive solar design.
- Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.
- Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.
- Garages and carports are to be located behind the front building line and must not dominate the building frontage
  - Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.
  - Only one vehicle crossover per lot shall be allowed.
  - Building designs are to avoid excessive cut and fill
  - Outbuildings and other structures shall not have a height greater than 5 metres and be shall be located and designed to complement the principal dwelling form.
- Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail)

Attachment 4 – List of Submitters Concerns and Response to the DPO4 Development Plan

| Submitter Concern                                                                                                   | Response                                                                                                                                                                                                                                                                        | Change Recommended? |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Submitter 1</b>                                                                                                  |                                                                                                                                                                                                                                                                                 |                     |
| The development is out of character with Apollo Bay and is too dense.                                               | The subdivision meets the density required by the DPO4 schedule (lots that average 600 square metres and are a minimum of 450). It is unclear how the subdivision is out of character with Apollo Bay.                                                                          | No                  |
| The development contains insufficient open space and landscaping.                                                   | The development will make an excellent open space contribution to Apollo Bay as discussed within this report. The landscape plan includes street trees throughout, a playground, seating areas, walkways in reserves and boardwalks over waterways.                             | No                  |
| The development will impact on views in terms of traffic, light pollution, noise pollution and loss of amenity.     | Council has already deemed that the land can be developed by rezoning it and applying the DPO4, which assumes some changes to the environment normal to a residential subdivision.                                                                                              | No                  |
| The development will impact on views from the Marriners Lookout road vantage point.                                 | Council has already deemed that the land can be developed by rezoning it and applying the DPO4 schedule. On this basis there will be an impact on views however the context of that was made via the rezoning process.                                                          | No                  |
| An independent expert should be engaged to look at the intersection of Marriners Lookout road and Great Ocean road. | There is a Traffic Impact Assessment which has been considered internally by Councils infrastructure department. The proposal was also referred to VicRoads for comment and there have been no issues identified.                                                               | No                  |
| Plan to introduce diversity of housing design appropriate for a coastal village.                                    | Design guidelines which promote housing design appropriate for a coastal village to be implemented as part of the associated Subdivision.                                                                                                                                       | No                  |
| Mandate an approved building timeframe.                                                                             | The planning permit associated with the development plan will allocate a permit expiry date for subdivision to occur under that permit. Development of dwelling where planning permits are needed will have time frames set under those individual permits also.                | No                  |
| Plant more trees, create more landscaping; ensure sufficient off street parking and protect Wildlife.               | The landscaping proposal is considered to be of a high standard already.<br><br>Off street parking to be provided in accordance with statewide standards.<br><br>The applicant provided an environmental assessment which, together with the development has been considered by | No                  |



|                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |
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|                                                                                                                                            | Council's environment planners.                                                                                                                                                                                                                                                                                                                                                                                                                          |    |
| The development should be screened the lineal distance of Marriners Lookout road.                                                          | This is not considered necessary as the development isn't likely to pose significant amenity problems.                                                                                                                                                                                                                                                                                                                                                   | No |
| Has the developer contributed to an infrastructure fund to contribute to potable water supply and reticulated sewerage?                    | Barwon Water deals with water supply and sewerage. The application was referred to Barwon water, usually the developer pays for the extension of these utilities to the development.                                                                                                                                                                                                                                                                     | No |
| Has the developer provided an independent storm water report? The waterways already impacts on properties outside of the development area. | The developer has provided one, which has involved input from Council's infrastructure department. The development proposes to direct storm water to the sea.                                                                                                                                                                                                                                                                                            | No |
| Has the Colac Otway Shire presented a submission or lobbied VicRoads to upgrade Skenes Creek Rd?                                           | The development was referred to VicRoads but Skenes Creek road is not near the subdivision and there has been no discussion of this in relation to the Development Plan.                                                                                                                                                                                                                                                                                 | No |
| There seems an oversupply of small, unsold lots associated with subdivisions in Apollo Bay.                                                | The rezoning of the land has ensured that the land will provide for additional lot supply in Apollo Bay. The Development Plan process allows for permits for subdivision to be processed in the future however the demand for creation of such lots will be driven by the market demand.                                                                                                                                                                 | No |
| There needs to be a sincere effort by The Colac Otway Shire Council to engage with the local Community in a realistic timeframe.           | The main point of consultation occurred years back with the amendment to rezone the land and establish parameters for a future development through the Development Plan Overlay Schedule, approved in 2009. Advertising at this stage of the process is not legally required, nonetheless the timeframe given was similar to a planning permit application (14 days) and additional notification using the web and local media has also been undertaken. | No |
| <b>Submitter 2</b>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |
| Requested a 4 metre setback relative to their property, to be consistent with their own planning permit.                                   | A planning permit for the submitters site from 2004 was investigated and no such requirement was identified. Irrespective the submitters site contains caravans, whilst the proposed development site will contain dwellings that will have a rear setback requirement to accord with the state standard.                                                                                                                                                | No |
| Expressed concern that storm water would be diverted to the submitters property.                                                           | The storm water management plan does not propose to divert storm water to the submitters property, beyond an open waterway in the north that the CCMA has requested to become a Council reserve. The development will contribute no increase in the storm water that already runs through this waterway.                                                                                                                                                 | No |



|                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |
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| One area of the development would be reliant on a pumping station, the submitter seeks confirmation that lots 45-58 do not rely on the pumping station.                            | Lots 2-20 only will be reliant on the pumping station.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No  |
| The submitter is concerned about the location and lack of specifications for a large water tank needed for the storm water management plan that is shown bordering their property. | <p>Barwon Water have required the developer includes a large water tank necessary for storm water management as part of Stage 1 of the development. Barwon Water have required that the water tank be located in a Public Acquisition Overlay Area that Barwon Water intends to acquire down the track.</p> <p>Notwithstanding that a water tank will be needed, the specifications haven't been provided and the location proposed isn't the only location possible – as there are other possible locations in the Public Acquisition Overlay area. The developer has been asked to remove the water tank from the development plan, it is possible that screening could be provided or a low profile tank could be provided – which could be determined at the subdivision stage.</p> | Yes |
| <b>Submitter 3</b>                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |
| Development will result in untenable road conditions along Marriners Lookout road.                                                                                                 | The application and associated Traffic Impact Assessment has been considered by Council's infrastructure department.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | No  |
| There seemed to be little consideration given to the movement of the already high volume of traffic along Marriners Lookout road at peak times of the year.                        | <p>According to the Planning Scheme, Marriners Lookout Road would be classified as an Access Street – Level 2 with a capacity of 2,000-3,000 daily vehicle movements.</p> <p>The traffic report states that “the 134 residential lots are estimated to generate 938 vehicle trip-ends per day and 94 vehicle trip ends in the peak periods.” It did not specifically address the summer months.</p>                                                                                                                                                                                                                                                                                                                                                                                     | No  |
| No consideration was given to the large volume of pedestrian traffic that uses                                                                                                     | A note will be included on the development plan to ensure that the development provides a footpath to the Great Ocean road.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No  |
| Some residents tend to park on one side of the Marriners Lookout road, which reduces the road to one lane. This will be exacerbated with the development.                          | This is a road management issue and if the issue becomes a significant problem, Council will have options to deal with it such as no parking signs and stronger enforcement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No  |
| It is our view that parking will “spill” out of allocated parking areas on the GOR and into                                                                                        | This issue can be monitored and signage an other means can be sued to help manage that matter. The Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No  |

|                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
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| unsafe roadside verges, not zoned for parking.                                                                                                                                                                                                                                                                                                                             | Plan proposed will allow for residential lot subdivision with appropriate access and parking for individual lots..                                                                                                                                                                                                                                                                                                                                                                                                              |    |
| <b>Submitter 4</b>                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| <p>Objects to the potential development of a drainage easement of their property.</p> <p>Barwon water have stated in their referral response that they "may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. "</p> | <p>The proponent has indicated that it is not their preference to run the easement through the property of the objector and that their preference is to utilise a currently vacant block. The proponents preference is subject to negotiation with the land owner of the vacant block, but has not offered a guarantee that an easement wouldn't be located through the objectors property.</p> <p>The Shire does not have authority over Barwon Water. The submission has been referred to Barwon Water for consideration.</p> | No |
| <b>Submitter 5</b>                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| The upgrade of Marriners Lookout Road that will be necessary to accommodate the huge increase in traffic flow we trust, will be to the Developers cost.                                                                                                                                                                                                                    | Some upgrades to Marriners Lookout road are proposed by the developer, being the addition of kerb and channel. The duplication of the road has not been identified as necessary.                                                                                                                                                                                                                                                                                                                                                | No |
| The small creek systems that run through this area of land will need to be retained in a way that their flows do not impact on current properties.                                                                                                                                                                                                                         | The existing waterways are proposed to be retained in their natural state with water being diverted to the sea.                                                                                                                                                                                                                                                                                                                                                                                                                 | No |
| Will the Colac Otway Shire ensure that the Developer is fully responsible for any additional infrastructure costs including water supply and reticulated sewerage services associated with the Development                                                                                                                                                                 | Council is not involved in the provision of utilities. Core services will need be provided at the developers costs as part of any future subdivision associated with the development Plan at direction of the relevant servicing agencies.                                                                                                                                                                                                                                                                                      | No |
| <b>Submitter 6</b>                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| Concerned about the lack of advertising for the project.                                                                                                                                                                                                                                                                                                                   | The development plan was initially advertised to adjoining and adjacent land owners and occupiers by sending letters and this was expanded to include notification via the web site and local media. Whilst there is no mandatory advertising for development plans such notification was undertaken to ensure input from the community could occur. .                                                                                                                                                                          | No |
| Concerned that it may look like the Otway Vista and that rubbish trucks may not fit down the street.                                                                                                                                                                                                                                                                       | The development meets the requirements of the DPO4 which largely controls the layout, and the infrastructure department has reviewed the plans for vehicle movements.                                                                                                                                                                                                                                                                                                                                                           | No |
| Concerned about the lack of                                                                                                                                                                                                                                                                                                                                                | Utilities will be extended to the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |
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| services in the area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | development. Other services may be supplied in additional quantity by government or private parties if the demand is recognized.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| <b>Submitter 7</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |
| Will turn Apollo Bay into Suburbia by the sea.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The rezoning of the land has established the site for future residential development. The DPO4 attempts to provide parameters to ensure the proposal responds to the coastal setting in terms of density and layout.                                                                                                                                                                                                                                                                                                                                                                             | No |
| The green hills behind Apollo Bay are one of its most significant features and if this development goes ahead these view lines will be compromised and destroyed.                                                                                                                                                                                                                                                                                                                                                                                                                           | As detailed above the rezoning of the land has ensured its future residential development and the DPO4 has created parameters to encourage that future development to respect the coastal setting and context.                                                                                                                                                                                                                                                                                                                                                                                   | No |
| Council and its planners should act at all times to protect Apollo Bay from mean-sized blocks. Subdivisions should be large – up to a hectare – to maintain the feeling of a countryside/coastal village.                                                                                                                                                                                                                                                                                                                                                                                   | Given the current DPO4 the opportunity to deliver 1ha lots is not available. The DPO4 schedule requires that the blocks for this site are a minimum of 450 square metres and a minimum average of 600 square meters as a means of ensuring an appropriate density and layout are created balancing the coastal setting and delivering a growth opportunity for Apollo Bay.                                                                                                                                                                                                                       | No |
| <b>Submitter 8</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |
| <p>Note: This submission was made in relation to both the DPO4 and DPO5 development plans. Some of the content is not applicable to the DPO4 development plan.</p> <p>Contents that there is development above the 40 metre contour line.</p> <p>Considers that the road design would make it difficult at some points for service trucks.</p> <p>Considers the narrow entrance onto the Great Ocean Road will be difficult for service vehicles and emergencies.</p> <p>Considers that it is an overdevelopment of the site which is vulnerable to slippage and has a spring, and that</p> | <p>A small number of allotments would be above the 40 metre contour line but all of them would be in the Neighbourhood Residential Zone. Council has adopted the amendment that included this area as residential land, and the Minister for Planning has approved it.</p> <p>Road design is standard in accordance with the Infrastructure Design Manual. Council's Infrastructure Department and VicRoads have assessed the proposal.</p> <p>Proposal meets DPO4 requirements on density. Geotechnical assessments have been submitted with the development and reviewed by an independent</p> | No |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                            |           |
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| <p>some of the blocks are too small.</p> <p>Is of the view that there are already many empty blocks around Apollo Bay.</p> <p>Considers that such large developments need to have open space areas.</p> <p>Considers that it is an insensitive proposal at the entry point into Apollo Bay.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>consultant acting for Council.</p> <p>Land supply considerations were considered at the rezoning stage.</p> <p>The DPO4 Development Plan includes an extensive open space contribution including a neighbourhood park over 1ha in size.</p> <p>See reposnses above.</p> |           |
| <p><b>Submitter 9</b></p> <p>Note: This submission was made in relation to both the DPO4 and DPO5 development plans. Some of the content is not applicable to the DPO4 development plan.</p> <p>At the Planning Scheme Amendment stage to rezone the land, raised the issue of the impact on views and the planning team indicated that houses would be set back so that they were not visible from the Great Ocean Road (due to its heritage listing).</p> <p>Notes that there is demand for housing in Apollo Bay but there is also a desire to keep the town area limited so that it does not need to extend along all the coastline. Indicates that it can be logical to provide small lot sizes, because small lots use less land and thus more land is available.</p> <p>Notes that it would be beneficial for residents if there was a path to the rear of the subdivision.</p> | <p>The area for subdivision was determined as part of the earlier rezoning phase for the land. The minimum lot sizes have been determined by the DPO4 i and the task for Council at the current time is to ensure that they comply.</p>                                    | <p>No</p> |

Attachment 5 – DPO4 Development Plan List of Referral Authority Comments

| Authority             | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CFA                   | Did not object, made conditions for the subdivision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| CCMA                  | Did not object, requested further information in the form of a flood report and changes to the plans in the form of 10 metre buffers either side of identified waterways and for these buffers to form part of Council reserves. This has been implemented in the development plan proposed for approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| VicRoads              | Did not object, made no conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Barwon Water          | Did not object, made conditions for the subdivision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DELWP                 | Did not object, noted that the proponent would need permission to upgrade the storm water outfall to Bass Strait.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Western Coastal Board | <p>Did not object, but made several comments and expressed a belief that the development was not sufficiently justified.</p> <ol style="list-style-type: none"> <li>1. Mentioned that there was a lack of discussion of the Victorian Coastal Strategy or the Western Regional Coastal Plan.</li> </ol> <p><b>Officer Response:</b> Authority hasn't indicated how the development is non-compliant with the Victorian Coastal Strategy or Western Regional Coastal Plan and these documents are not part of the Planning Scheme.</p> <ol style="list-style-type: none"> <li>2. Noted that Clause 13.01-1 deals with coastal inundation and erosion and expressed concern that the development may be subject to Coastal Inundation.</li> </ol> <p><b>Officer Response:</b> The proponent was not required to provide a coastal hazard inundation assessment as part of the DPO4 schedule. Based on the wave heights indicated for the coastal hazard inundation assessment supplied for the neighboring development plan at 6280 Great Ocean road, the development would not be subject to coastal inundation.</p> <ol style="list-style-type: none"> <li>3. Felt that the justification against the planning scheme requirements was generally too short and unspecific.</li> </ol> <p><b>Officer Response:</b> Justification is considered acceptable in the context of the constraints imposed on a development by the DPO4 schedule and the work involved in the development of that schedule, which considered state and local policies.</p> <ol style="list-style-type: none"> <li>4. Expressed concern about the impact of the development on views to the site.</li> </ol> <p><b>Officer Response:</b> Council has already rezoned the land and applied density requirements to the subdivision via the DPO4, which accepts that the view to this area will change. Council is also applying design guidelines to the land to ensure future dwellings are appropriate for the coastal context.</p> |

|                       |                                                                               |
|-----------------------|-------------------------------------------------------------------------------|
| Otway Coastal Board   | Indicated they did not wish to comment.                                       |
| Otway Coast Committee | The Committee verbally advised on 25/01/16 that they did not wish to respond. |
| Powercor              | Did not object, provided conditions for the subdivision.                      |
| Tenix                 | Did not object or provide conditions.                                         |
| PTV                   | Did not object or provide conditions.                                         |



# Mariners Vue Development Plan



**30-40 Marriners Lookout Road,  
Apollo Bay**

**a.h. & l.j. jeavons**  
**LAND SURVEYORS**  
**SOUTH WEST SURVEY GROUP**

**August, 2016**

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## **Introduction**

**The Development Plan comprises this document. Background supporting documents are listed in the appendix to this document.**

The Development Plan establishes parameters for the staged subdivision of land at 30 and 40 Marriners Lookout Road, Apollo Bay.

### **Planning controls**

30 and 40 Marriners Lookout Road (known as Mariners Vue) are two abutting lots, with a total area of 21.56ha, located in the Neighbourhood Residential Zone (NRZ) and Rural Conservation (RCZ) of Apollo Bay. The following planning controls apply to various parts of the 21.56ha parcel of land:

- Design and Development Overlay (DDO10 - 6230, 6240, 6250 and 6280 Great Ocean Road and Lots 1 & 2 LP137842 Marriners Lookout Road, Apollo Bay)
- Clause 52.17 (Native Vegetation)
- Development Plan Overlay (Schedule 4)
- Erosion Management Overlay (Schedule 1)
- Land Subject to Inundation Overlay
- Significant Landscape Overlay (Schedule 3)
- Public Acquisition Overlay (Schedule 2)
- Area of Aboriginal Cultural Heritage Sensitivity

### **Site Context**

The subject land consists of approximately 21.5 hectares of farmland, currently zoned part Neighbourhood Residential (NRZ) and part Rural Conservation (RCZ). The land is bounded by Marriners Lookout Road to the west and south, farmland to the north and a caravan park to the east. Existing residential development bounds the site to the south along Marriners Lookout Road. The farmland to the north, although currently used for grazing, is in Neighbourhood Residential Zone and likely to be subdivided for residential purposes in the future, with a Development Plan already prepared for this land under Schedule 5 to the Development Plan Overlay.

The subject land contains an existing dwelling and associated infrastructure on the RCZ land at 40 Marriners Lookout Road, located in the south-west corner of the property. The area of the site to be developed is predominantly cleared, consisting of open paddocks currently used for the grazing of sheep. The north-west of the property will retain a large area of 20,000 trees which were planted on the site in the early 2000s in order to reduce the possibility of landslip and enhance the view lines into the proposed development from the Apollo Bay township, the harbour and surrounding roads.

### **Development History**

The Mariners Vue development concept was commenced in 2000 when the independent owners of 30 and 40 Marriners Lookout Road formed a joint venture to pursue the residential development of the land.

Council was first made aware of the proposal to apply for the rezoning of part of the joint venture's property from RCZ to RZ1 in 2003.

The rezoning of the land was considered as part of Planning Scheme Amendment C17, with a Planning Panels hearing held in 2005. The Panel hearing concluded and clearly stated that when all strategic building blocks were in place the rezone and subdivision had merit and should proceed.

Amendment C55 to the Colac Otway Planning Scheme was adopted by Council in 2008, resulting in the Apollo Bay Structure Plan required by the C17 panel hearing being adopted into the Colac Otway Shire Planning Scheme and clearing the way for the rezoning of the Mariners Vue land.

The Mariners Vue land was rezoned and included in to the Colac Otway Planning Scheme as RZ1 land in June 2009.

The joint venture subsequently participated in Planning Scheme Amendment C74, which aligned the development guidelines for the Mariners Vue land with those being prepared for land to the north at 6280 and 6230 Great Ocean Road. Amendment C74 was incorporated into the Planning Scheme in 2015.

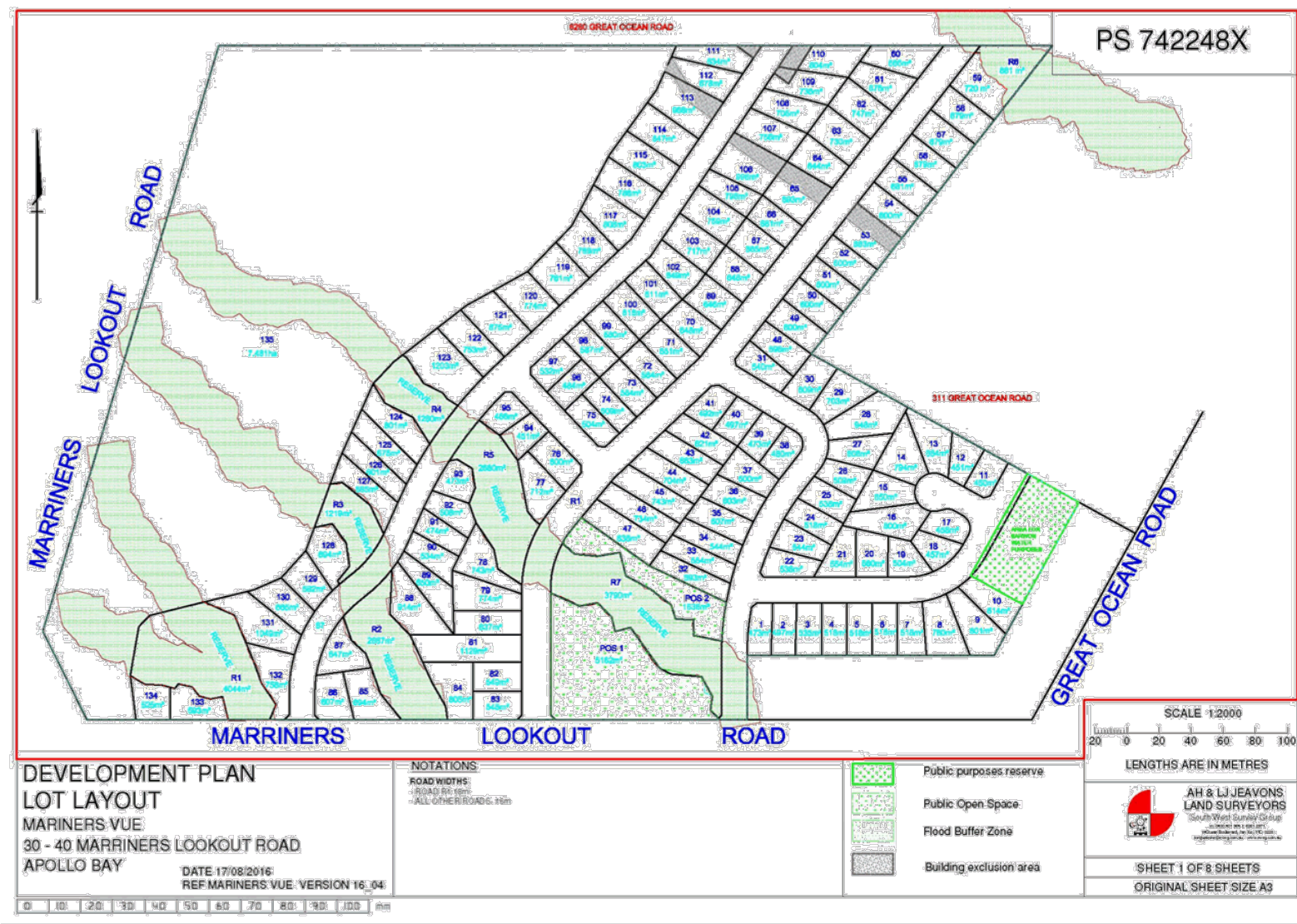
#### Summary

The development of the Mariners Vue concept over the last 12 years has enabled the landholders to create a visually pleasing landscape for the project with the planting and successful growth of over 20,000 indigenous trees, together with the preservation and proposed enhancement of natural watercourses providing an ideal visual backdrop and recreational opportunity to future residents of the development.

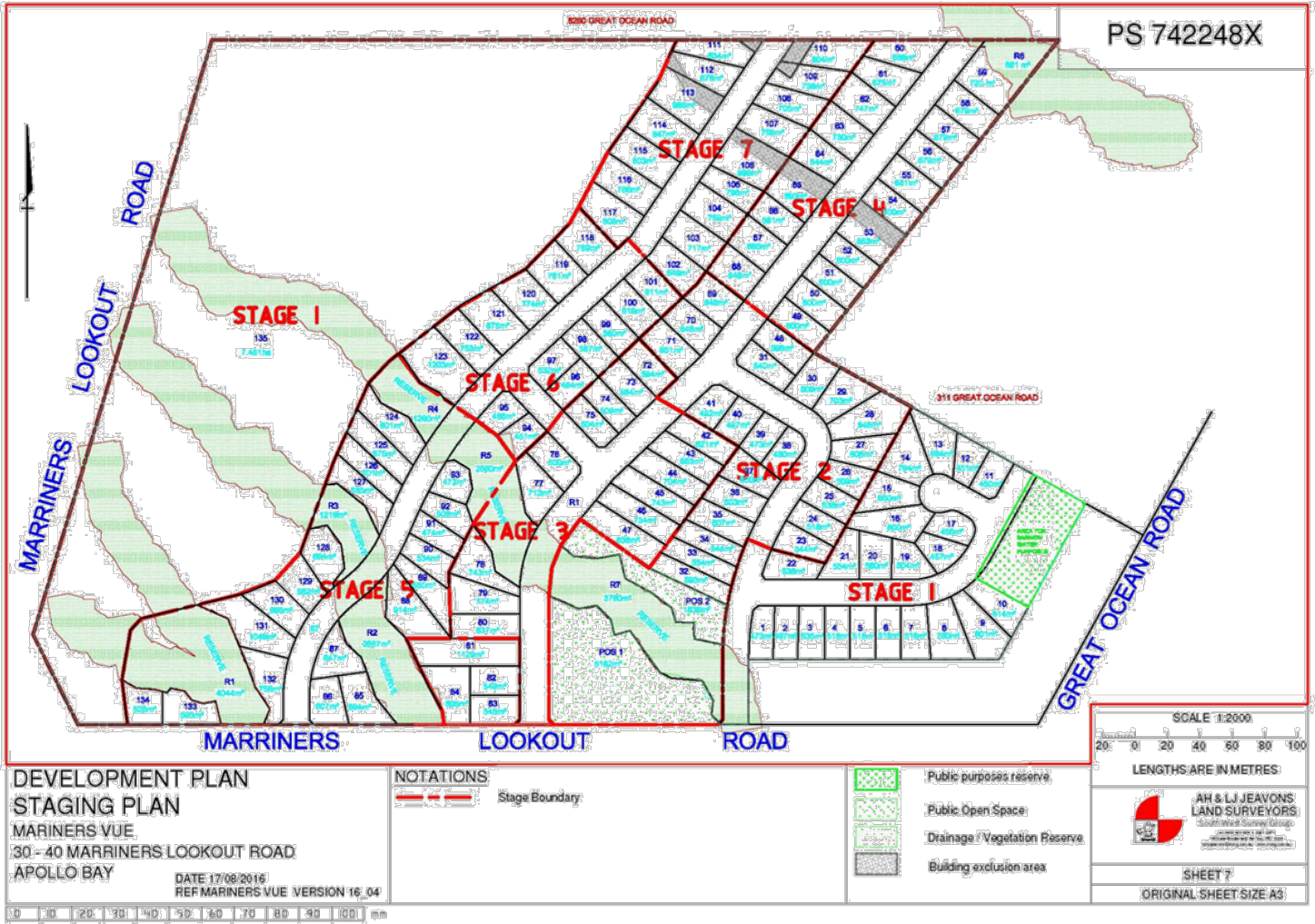
A summary of the various reports prepared during the Development Plan process follows:

#### Plans

The subdivision plan, staging plan, open space crediting plan and an enlargement of a part of the open space crediting plan are depicted on the following pages.

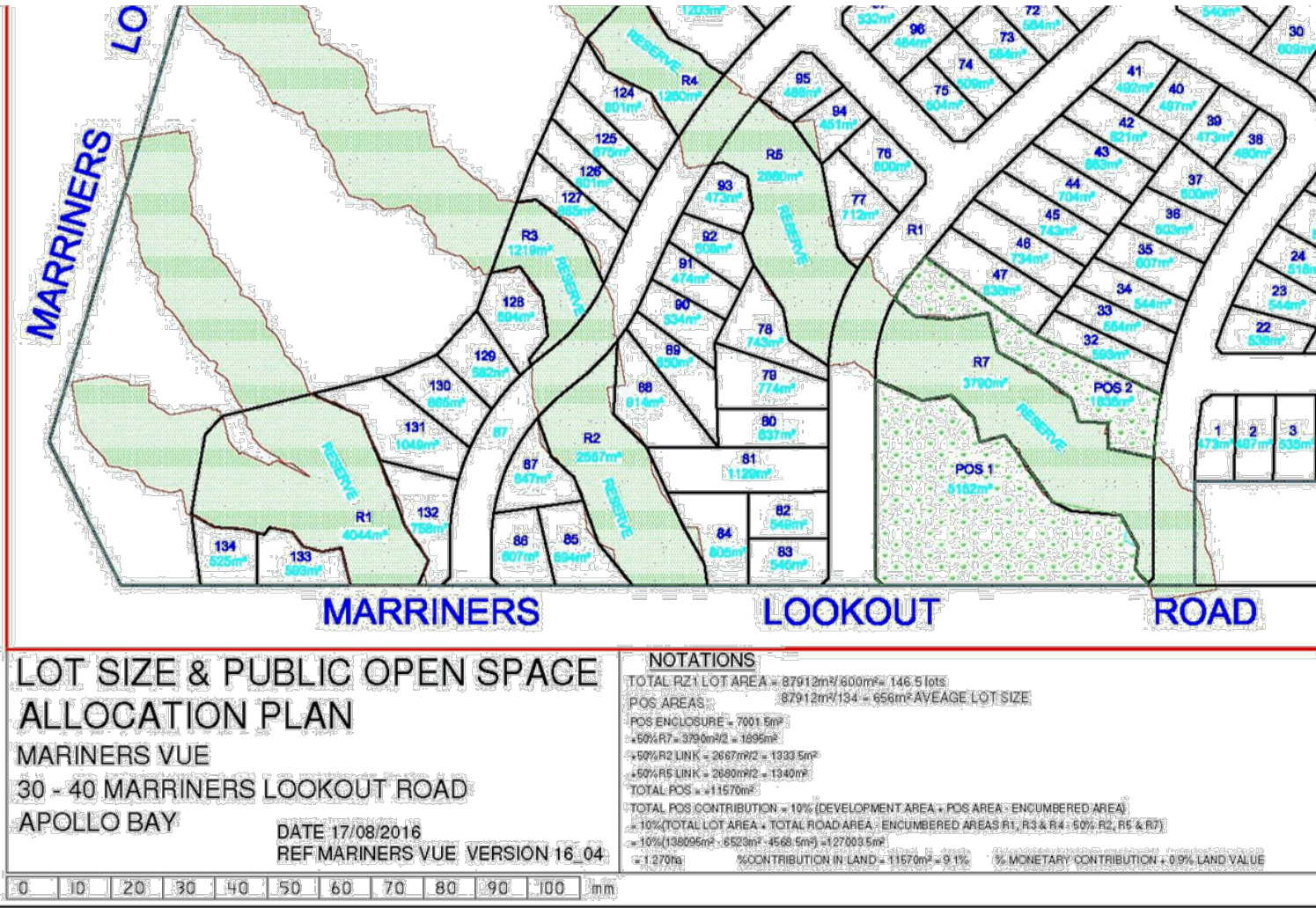












## **Design Guidelines for Residential Development -**

Schedule 10 to the Design & Development Overlay

Item 1 of Schedule 4 to the Development Plan Overlay of the Colac Otway Shire Planning Scheme

- External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades
- Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings
- Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.
- Roofs shall have a simple form with extended eaves for passive solar design.
- Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.
- Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.
- Garages and carports are to be located behind the front building line and must not dominate the building frontage
- Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.
- Only one vehicle crossover per lot shall be allowed
- Building designs are to avoid excessive cut and fill
- Outbuildings and other structures shall not have a height greater than 5 metres and shall be located and designed to complement the principal dwelling form.
- Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail)



## **Bushfire Management Plan**

Toby Jeavons Environmental Consultancy completed a Bushfire Management Statement in September 2016 as required in accordance with the requirements of Schedule 5 to the Development Plan Overlay.

The methodology of AS3959-2009 determined the following BAL levels:

- Existing dwelling achieves a BAL 19
- Lots >47m and <59m from Forest in the north west corner of property achieve a BAL19
- Lots >59m from Forest in the north west corner of property achieve BAL12.5
- Lots >17m and <25m from the Grassland adjoining the north eastern achieve a BAL 19
- Lots >25m from the Grassland adjoining the north eastern boundary achieve a BAL12.5

The highest BAL 19 can be achieved. This meets mandatory standard BF2 which requires a subdivision of more than 10 lots to achieve a BAL 19 or less.

The proposed lots will be capable of providing static water supply with CFA couplings and meet the CFA preferred requirements for access and egress.

A section 173 agreement with the responsible authority and application to the Registrar of Titles to have the agreement registered on the title of land will be required. The agreement must set out the following matters:

- That it has been prepared for the purpose of an exemption from a planning permit under clause 44.06-1
- The building envelopes and defensible space to achieve the BAL approved under the permit
- Vegetation management requirements and arrangements suitable to implement and maintain the defensible space approved under the permit
- The access and water supply requirements approved under the permit

## **Cultural Heritage Management Plan**

Wandri Archaeology completed a Cultural Heritage Plan (complex site assessment) in August 2013 as required by Schedule 4 to the Development Plan Overlay.

Environmental conditions of the landscape include high rainfall and steep declines from the northwest resulting in movements of surface and subsurface soil deposits within the activity area. Additional impacts to the surface and subsurface result from disturbance from grazing animals within the activity area. Owing to these conditions it is considered the area is unlikely to contain *in situ* archaeological deposits.

During the assessment a single quartzite artefact was identified on the ground surface on the eastern boundary. Subsurface testing was undertaken surrounding this location; however no further cultural heritage was identified. The site has been recorded with the VAHR and assigned the number 7620-0218. No further Aboriginal cultural heritage was identified within the activity area.

All excavation pits revealed substantial charcoal inclusions that are the likely result of land clearing and bushfire activity, rather than identifiable cultural activities.

**On the basis of the assessment, it is concluded that the proposed works are unlikely to impact on any archaeological deposits of past Aboriginal activities, although it is acknowledged that the requirement exists to comply with relevant legislation in the event any items of cultural significance are discovered.**

## **Flora and Fauna Assessment**

In November, 2013 Beacon Ecological undertook a Flora and Fauna Assessment for the proposed subdivision to determine ecological values within the proposed subdivision, potential impacts to ecological values and recommendations regarding further requirements and mitigation.

No significant flora or fauna species were recorded within the study area during the field assessment. Given the highly modified nature of the study area and lack of potential habitat for significant species, it is considered highly unlikely that any flora or fauna species of national or state significance will be impacted by the proposed subdivision.

The following actions were recommended by Beacon Ecological to avoid and minimise impacts to ecological values during the construction phase of the proposed subdivision:

- Implement control of species listed as regionally controlled within the Corangamite region under the Catchment and Land Protection Act 1994
- Ensure correct machinery hygiene practices are implemented during any earthworks as part of the subdivision to prevent the importation and distribution of weed and soil pathogens
- Ensure best practice sedimentation and pollution control measures, to the satisfaction of the Environment Protection Authority and the Responsible Authority, are undertaken at all times during the subdivision process to prevent off-site impacts

The recommendations for offsets from the 2013 Flora and Fauna Assessment were deemed invalid in relation to Clause 52.17 and, on this basis, a new report and offset plan was developed by Beacon Ecological in August 2016. This report will inform the associated subdivision and vegetation removal application (ref. PP84-2016-1).



## **Traffic Engineering Assessment**

TraffixGroup completed a Traffic Engineering Assessment in June 2015, as required under Schedule 4 to the Development Plan Overlay (DPO4). The report provided a detailed traffic engineering assessment of parking and traffic issues associated with the proposed development.

### **Key Recommendations:**

- Marriners Lookout Road to be formalised with a barrier kerb on the northern side (adjacent to the site) with a 7.3-metre-wide sealed carriageway (i.e. through traffic lane in each direction)
- Road Standards:
  - Access Street – Local Roads  
Minimum 16 metre road reserve with a 7.3 metre carriageway (with parking both sides). A 4.5metre verge on one side of the road and a 4.2metre verge on the other side of the road.
  - Turning Treatments  
Turning treatments to be provided at 'No Through Roads' in excess of 60 metres long in order to accommodate three-point turning opportunities for service vehicles.
  - The single dead -end road to include a cul-de-sac with a 10 metre radius.
  - If the Mariners Vue development is constructed prior to the development to the north, then interim turning treatments will be required at the two access streets that cease at the northern boundary.
  - Roundabout treatments can be provided at local road intersection with Marriners Lookout Road to manage traffic movements and to act as speed treatments along Marriners Lookout Road.
  - Footpaths are proposed on both sides of access streets.
  - Footpath connections to be provided to public open spaces.
- No mitigating works for the Marriners Lookout Road/Great Ocean Road intersection are warranted.
- Double crossovers be provided to adjoining lots wherever possible

### **Offsite Requirements:**

The following requirements relate to that part of Marriners Lookout Road adjoining the proposed residential area of 30 and 40 Marriners Lookout Road, and the length of the road between this area and the Great Ocean Road.

- A footpath meeting the specifications of Council's Infrastructure Design Manual will be provided along the side of the road adjoining the subject land at subdivision stage, in accordance with the requirements of Council.

- The road will be reinstated to the condition it was in before any onsite works took place after each stage of the subdivision, or in accordance with such other timing as may be agreed in writing with the Responsible Authority.
- Kerb and channel will be provided on the side of the road closest to 30 and 40 Marriners Lookout road in accordance with Infrastructure Design Manual Specifications at subdivision stage.
- The appropriate stage(s) of the subdivision for the completion of the above requirements is at the discretion of the Responsible Authority.

## **Geotechnical Assessments**

P.J YTTTRUP and Associates Pty Ltd completed a Geotechnical Assessment (Report ref. 13513) in November 2000 as a requirement under Schedule 1 of the Erosion Management Overlay.

The Geotechnical Assessment mapped the site according to its suitability for the proposed subdivision for residential development.

Since this time, the significant growth of trees (approx. 20,000) on the site above the 50 metre contour is considered an improvement upon the geotechnical stability of the land.

Since the original Yttrup's assessment:

- A Geotechnical Assessment was completed by Lanasco Pty Ltd in June 2016 with an updated interpretation of geotechnical risks based on additional information. A modified version of the Yttrup's zonal map, which refers to areas appropriate for residential subdivision (and under what circumstances, e.g. including a building exclusion zone), was subsequently submitted.
- A further Geotechnical Assessment specific to lots 133 and 134 was completed by Lanasco Pty Ltd in June 2016. This report found that damage or injury due to conceivable landslide events associated with constructing a residence on each of these lots is low.
- The Geotechnical Assessment relating to the whole of the land completed by Lanasco in June 2016 was further amended in August 2016 to include the subdivision layout updated following the recommendations of the flood report by Tomkinson Group completed in August 2016. This subdivision layout is currently under geotechnical review and this section of the Development Plan will be updated prior to approval.

## **Stormwater Management Plan**

Peter Berry and Associates Pty. Ltd prepared a Stormwater Management Strategy, dated 12 August 2016. The Stormwater Management Strategy addresses the specific requirements set out in Schedule 4 to the Development Plan Overlay (DPO4) and clause 56 where applicable, and confirmed that apart from gas, all other services can be provided. The strategy also makes comment concerning a third pipe system and a logical development sequence as required under the Town Planning Report heading.

### **Methods of Stormwater Management and Treatment**

The recommendations of the Stormwater Management Strategy include:

- Pipe system designed to cater for the developed run off to the 1 in 100 year event.
- Roadway and reserve overflow paths to avoid lots and grade to naturally occurring low points
- Acquisition of an easement over a lot on the corner of Marriners Lookout Road and the Great Ocean Road for stormwater outfall and sewerage purposes.
- Water quality treatment to be implemented through the use of vegetated swales within the gully reserve/public open space areas together with gross pollutant traps.
- The use of Envisi Sentinel stormwater pits to reduce outfall nitrogen levels is to be investigated at the point of development.

## **Landscape Plan**

Mexted Rimmer Landscape Architects prepared a Landscape Masterplan, dated 17 August 2016. Mexted Rimmer Landscape Architects were engaged to prepare a Landscape design for the Public Open Space Area, the reserves within the subdivision and streetscape for the roads within the subdivision.

The Landscape Masterplan provides for:

- Pathways, seating, play areas and tree planting within the Public Open Space Area
- Linking pathways within Reserves 2, 3, 4 and 5
- Tree planting of various native species along roads within the development

## **Appendix:**

### **Background Documents:**

- Bushfire Management Statement by Toby Jeavons Environmental Consultancy, September 2015
- Cultural Heritage Management Plan No. 12681 by Wandri Archaeology, 6 August 2013
- Vegetation Assessment by Beacon Ecological, 6 November, 2013
- Moderate Risk Based Pathway Biodiversity Assessment for a Proposed Subdivision by Beacon Ecological, August 2016
- First Party Offset Management Plan by Beacon Ecological, August 2016
- Traffic Engineering Assessment by Traffix Group, June 2015
- Traffic Engineering Assessment (combined impacts) by Traffix Group, 21 July 2016
- Slope Stability and Geotechnical Assessment – Proposed Subdivision  
By P.J. Yttrup & Associates Pty Ltd, November 2000
- Geotechnical Assessment Report of Drainage Lines in Proposed Subdivision at Mariners Vue Development by Lanasco Pty Ltd,  
18 August 2016
- Geotechnical Report for Proposed Residences at lots 133 & 134 Marriners Lookout Road, Apollo Bay, 26 July 2016
- Addendum to Geotechnical Assessment Report for Proposed Residences at lots 133 & 134 Marriners Lookout Road, Apollo  
Bay,  
1 August, 2016
- Stormwater Management Strategy by Peter Berry & Associates Pty. Ltd., Civil Engineers, 12 August, 2016
- Report on Flood Modelling, Proposed Mariners Vue Development by Tomkinson Group, 15 August, 2016
- Landscape Masterplan, Public Open Space Masterplan, Reserve Landscape Masterplan by Mexted Rimmer Associates Pty.  
Ltd.,  
17 August, 2016



DRAFT

**PC161909-4 APPROVAL OF DEVELOPMENT PLAN (DPO5) - 6280 AND 6230 GREAT OCEAN ROAD, APOLLO BAY**

|             |                                  |           |                 |
|-------------|----------------------------------|-----------|-----------------|
| AUTHOR:     | Geoffrey Alexander               | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/11336       |

**Purpose**

To consider whether a staged Development Plan prepared for 6280 and 6230 Great Ocean Road, Apollo Bay, under Schedule 5 to the Development Plan Overlay in the Colac Otway Planning Scheme, should be approved.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council adopted Amendment C74 (Apollo Bay Settlement Boundary and Urban Design Review) to the Colac Otway Planning Scheme in November 2014. This Amendment included changes to the planning controls affecting two lots on the northern side of Apollo Bay - 6230 Great Ocean Road, which has an area of 4.1ha, and 6280 Great Ocean Road, which has an area of 36.6ha. The Amendment included the rezoning of parts of 6230 and 6280 Great Ocean Road from the Rural Conservation Zone (RCZ) to the Neighbourhood Residential Zone 1 (NRZ1). As part of the same Amendment, the Development Plan Overlay Schedule 5 (DPO5) was also applied to those parts of 6230 and 6280 Great Ocean Road that were subject to the rezoning.

The bulk of the rezoned residential land is at 6280 Great Ocean Road. The steepest parts of the land were not rezoned, due to landslip concerns.

Schedule 5 to the Development Plan Overlay was developed within Council and seeks to ensure a range of matters are addressed prior to the approval of any subdivision at the land. These include matters such as the road network, open space, cultural heritage, landslip risk, flora and fauna, and stormwater management.

Following the approval of Amendment C74 by the Minister for Planning on 19 February 2015, a partial Development Plan was lodged with Council in October 2015. The remainder of the documentation required by the Development Plan Overlay Schedule 5 was lodged with Council by 15 April 2016. A copy of the submitted Development Plan synopsis for formal approval is attached to this report (Attachment 1). The submitted Development Plan shows detail for the future subdivision of 6280 Great Ocean Road into 139 lots, but only a road network within 6230 Great Ocean Road (as this land, whilst part of the Development Plan area, is under separate ownership).

A planning permit application for stage 1 of the proposed subdivision (ref. PP253/2015) has also been submitted, but this cannot be determined until a Development Plan has been approved for the land.

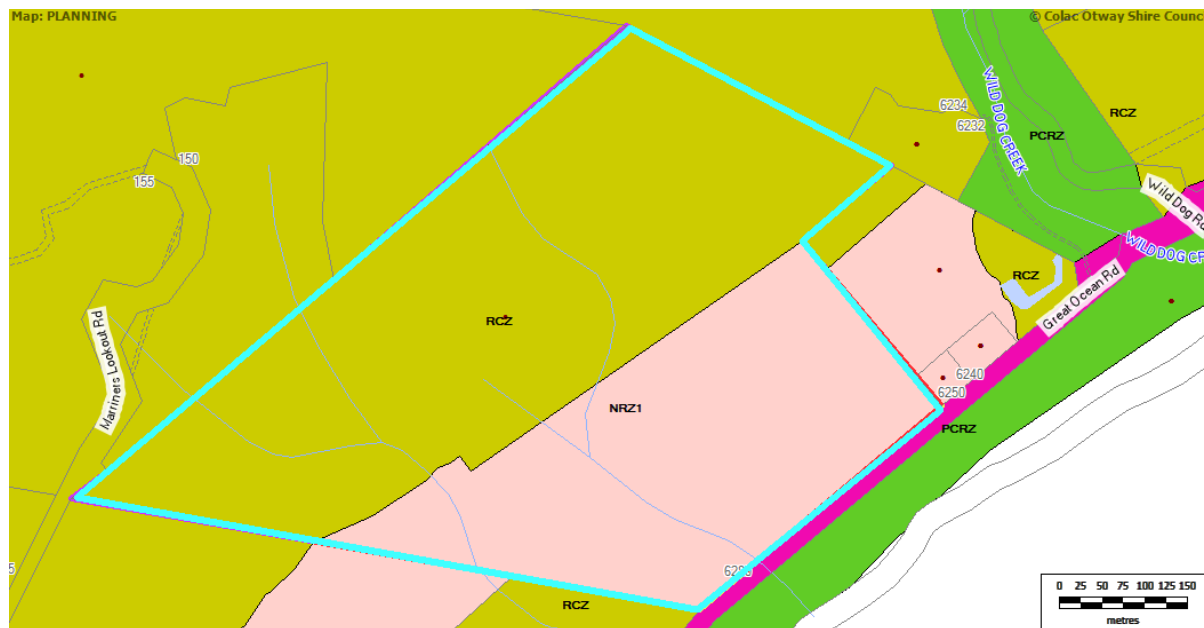
The Development Plan Overlay states that a planning permit granted must be “*generally in accordance with the development plan*”. Once a Development Plan is approved, the subdivision application must closely align with that Development Plan and Council will not be in a position to request any major changes unless the approved Development Plan is also amended. Furthermore, it should be noted that any planning permit application that is in general accordance with an approved development plan is exempt from public notification requirements and appeal rights under Clause 43.04-2 of the Planning Scheme, which states that:

*“An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.”*

### The Subject Land

The land at 6280 Great Ocean Road is depicted in the image below as the area outlined in blue. The land at 6230 Great Ocean Road is the largest parcel abutting the Great Ocean Road to the north-west of 6280 Great Ocean Road on the image, as identified in Map 3 below.

### **Map 1 - 6280 Great Ocean Road**



### **Map 2 – Aerial Image of 6280 Great Ocean Road**



The land at 6280 Great Ocean Road, which has an area of 36.6 hectares, is largely vacant with the exception of some sheep farming, one dwelling and some sporadic vegetation. Only the land in the Neighbourhood Residential Zone (NRZ1) is proposed for subdivision into residential lots. This part of the land has an area of 17.4 hectares.

The area in the Rural Conservation Zone on the western side of the land is characterised by steep hills, whereas the balance of the land slopes gently in a south easterly direction.

There are three small waterways traversing the subject land, with the water running from west to east. These gullies carry water during heavy rain events.

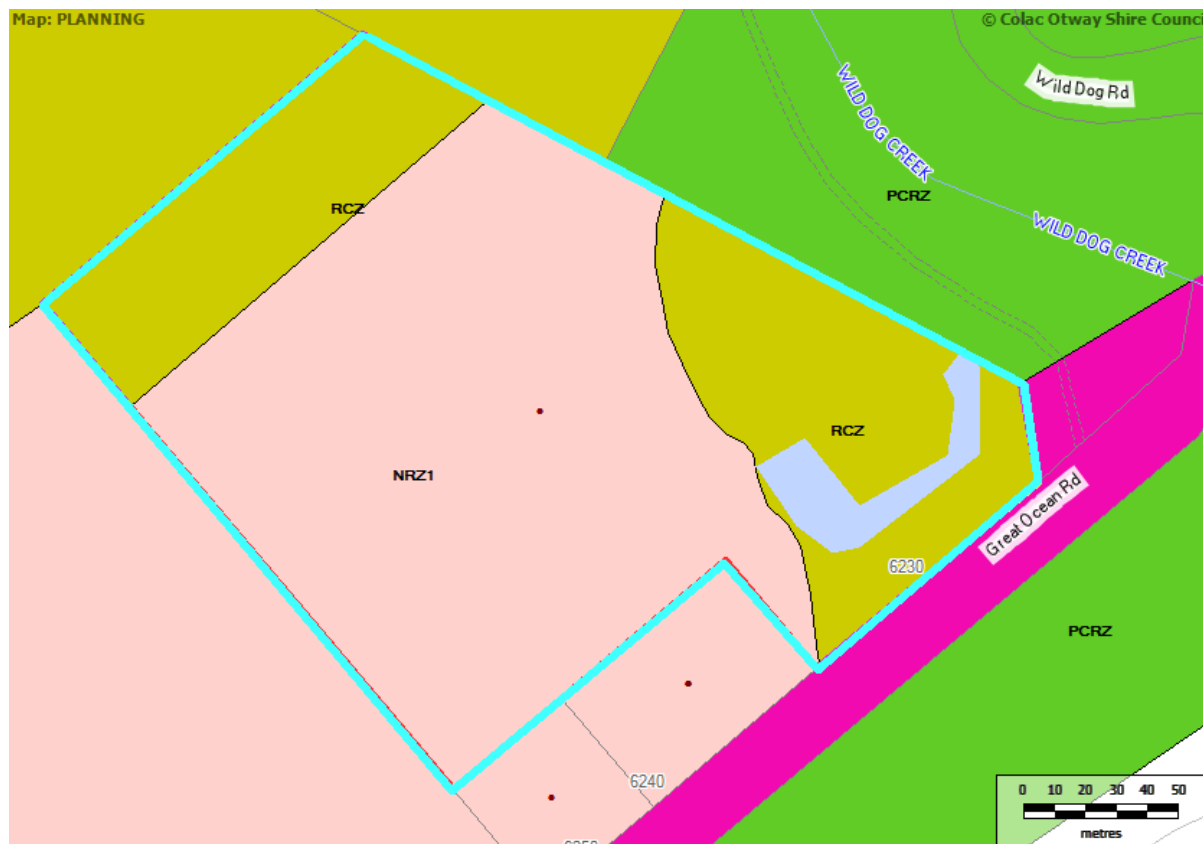
There are scattered patches of trees on the land.

#### Surrounding area

- Abutting 6280 Great Ocean Road to the south is 40 Marriners Lookout Road, which is expected to be subdivided into residential lots in the future. A Development Plan has been prepared for that land under Schedule 4 to the Development Plan Overlay (DPO4). This is currently under consideration by Council. The site also abuts the Pisces Caravan Park to the south.
- To the east of the site is the Great Ocean Road and Apollo Bay beach.
- To the north east of the site are 6230 Great Ocean Road (also covered by DPO5), 6250 Great Ocean Road (Apollo Bay Museum) and 6240 Great Ocean Road. In addition there two dwellings on large blocks (6232 and 6234 Great Ocean Road) to the north.
- To the north west of the land at 6280 Great Ocean Road are large rural land holdings and a lookout at the peak of Marriners Lookout Road. The nearest dwelling to the site on this boundary is at least 150 metres away.

In addition, the submitted Development Plan includes a proposed road network going through 6230 Great Ocean Road. This parcel of land is shown outlined in blue below:

**Map 3 – 6230 Great Ocean Road (road network within this land shown on Development Plan)**



### **Council Plan / Other Strategies / Policy**

#### **A Planned Future**

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

#### **Our Goal:**

*Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.*

The proposed Development Plan, which would facilitate planned growth, would provide the capacity for a quality environment in which to live and open spaces to enjoy. The Development Plan would also significantly increase the population capacity of Apollo Bay, which would allow for expansion of the local economy.

### **Issues / Options**

Council has the options of:

- a) approving the Development Plan as submitted.
- b) approving the Development Plan with changes.
- c) refusing to approve the Development Plan for the reasons specified in the Council resolution.

### **Proposal**

The following have been taken into account when assessing the Development Plan:

- The submitted application.
- Planning controls.



- Compliance with the DPO5 Schedule.
- Design guidelines.
- Submissions received as part of an informal exhibition process.
- Responses received from referral authorities.
- The proposed use of notes on Development Plan.

### **The Application**

The submitted Development Plan shows a proposed future subdivision of the land at 6280 Great Ocean Road into 139 conventional density residential lots, with lots having a minimum area of 450 square metres and an average of 603 square metres. The Development Plan also shows a proposed road network within 6230 Great Ocean Road (which is also covered by DPO5), linking to the land at 6280 Great Ocean Road.

The subdivision of the land at 6280 Great Ocean Road is proposed to occur in five stages as shown in the map below. Stage one is proposed to contain 37 lots.

### **Map 4 – DPO5 Development Plan**

The Development Plan does not include an expiry date or timeline for the stages of development. These matters would be considered as part of the related permit application (ref. PP253/2015).

#### *Roads*

The Development Plan includes an internal road network, which would provide a high level of permeability throughout the site. Two connections to a future subdivision at 40 Marriners Lookout Road to the south are proposed, as well as one connection to the Great Ocean Road. Roads would be provided in accordance with Council's Infrastructure Design Manual, which would ensure the provision of internal footpaths throughout the subdivision.

#### *Drainage reserves*

There are three drainage reserves proposed for the land. These reserves, which would contain open space walkways, would together comprise 0.84 hectares in area. These reserves would temporarily hold water during storm events. The reserves would be transferred to Council at the time of subdivision. The reserves are considered to be encumbered land that should not be credited as public open space.

#### *Landscaping and Open Space*

The proposed Development Plan includes a one hectare area of public open space, which would be transferred to Council across stages 1 and 2 of the subdivision, with the vast majority to be transferred in stage 2.

The landscape plan includes a proposal for a one hectare neighbourhood park, which would include a playground with picnic area. Further details of what would be included in the open space would be provided as part of the subdivision permit application.

#### *Vegetation*

There are a few trees and shrubs located adjacent to a waterway near to the boundary with 40 Marriners Lookout Road. The site is otherwise clear of vegetation.

#### *Landslide Prevention Measures*

The Geotechnical Assessment report submitted with the Development Plan identifies that the hills behind the proposed subdivision area could be a landslide hazard risk for some of the allotments.



On this basis of the Geotechnical Assessment report, the following measures have been proposed to mitigate the landslide risk:

- A landslide debris retention fence has been proposed for the length of the rear of the subdivision, to catch potential debris that could come from the hills in the RCZ in the event of a landslide.
- Vegetation planting is proposed on these hills to stabilise the land.

It has been proposed that these measures would be managed by an Owners' Corporation, with membership based on lots benefiting from the measures.

#### *Fire buffer*

A 25 metre deep fire buffer is proposed to the rear of the developable area of 6280 Great Ocean Road, along the border with the hills located in the Rural Conservation Zone. This area would be clear of vegetation to minimise fire risk.

It has been proposed that the fire buffer area would be managed by an Owners' Corporation with membership based on lots benefiting from the measures.

### **Planning Controls**

The following Zones and Overlays apply to the land.

#### **Neighborhood Residential Zone 1**

**(applies to the land which it is proposed to subdivide into 139 residential lots)**

**The purpose of the zone includes the following:**

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

#### **Permit Requirement - 32.09-2 Subdivision**

*A permit is required to subdivide land.*

#### **Decision Guidelines – Subdivision**

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

### **Assessment**

The layout of the proposed subdivision is controlled by Schedule 5 to the Development Plan Overlay (DPO5), which specifies a minimum lot size and a minimum average lot size. The Development Plan is considered to be generally compliant with Clause 56 and, notably, solar access is considered reasonable though not optimal for most lots. This is partly due to the angle of the hills in the background and, given this topographical constraint, is considered acceptable.

### **Rural Conservation Zone**

**(applies to areas not proposed for development)**

It is proposed to excise the Rural Conservation zoned area from the area to be subdivided into residential lots within the NRZ, to create a balance lot. With the exception of the landslide mitigation measures, it is not proposed to develop this land.

### **Design and Development Overlay Schedule 10**

Schedule 10 to the Design and Development Overlay, whilst not exempting subdivision from the requirement for a permit, has decision guidelines that relate solely to development. As such, this overlay is not considered to be of direct relevance to consideration of the Development Plan. Future dwellings on those lots with an area of 600sqm. or less created by the proposed subdivision would have to comply with the requirements of this overlay.

### **Erosion Management Overlay Schedule 1**

The Erosion Management Overlay only applies to the Rural Conservation Zoned area. Landslip issues have been considered in detail as a part of the Development Plan, to limit risk to the proposed residential lots within the NRZ.

### **Significant Landscape Overlay Schedule 3**

The overlay applies on the part of the land which would not be subdivided and is therefore not considered of significant relevance to consideration of the Development Plan. It is noted, however, that the proposed landslide debris retention fence would be located within this area.

### **Particular Provisions**

#### **Clause 52.01 Public Open Space Contributions and Subdivision**

The Schedule to Clause 52.01 of the Colac Otway Planning Scheme requires a 10% public open space contribution in Apollo Bay for subdivisions of 11 lots or more. In accordance with Section 18 of the Subdivision Act, the levy can be paid in the form of cash, a physical contribution or both.

The 10% requirement is based on the developable area of the land. This is double the State standard requirement of 5% and is included because of an identified shortage of public open space in Apollo Bay.

The developable area of the land at 6280 Great Ocean Road is 13.967ha, which excludes land in the Rural Conservation zoned area (not proposed for development).

This means approximately 1.4 hectares of open space would need to be provided to meet the 10% requirement. The proponent proposes a 1 hectare public open space reserve central to the property. This means there would be a shortfall of approximately 4000 square metres. This would be paid in the cash equivalent to the value of the land, to be used by Council for the purchase or improvement of open space.

### **Development Plan Overlay Schedule 5**

The Development Plan Overlay Schedule 5 applies to the entire subject land and is the key document to which the Development Plan needs to respond.

### ***Compliance with the DPO5***

A key part of the assessment process is to ensure the submitted Development Plan complies with the requirements of the DPO5 Schedule.

It is considered that the submitted Development Plan responds appropriately to the provisions of Schedule 5 to the Development Plan Overlay, which includes requirements such as:

An internal road network, with a high level of permeability (which has been shown on the plan).

A minimum average lot size of 600sqm and a minimum lot size of 450sqm (which would be met).

Access from Great Ocean Road to the satisfaction of VicRoads (which has been shown).

A staging plan (which has been provided).

Identification of land used for different purposes (which is shown).

Surveillance of open space (which would be met).

DPO5 also requires a number of supporting documents, all of which have been provided, including:

- Town Planning Report.
- Cultural Heritage Management Plan.
- Coastal Hazard Vulnerability Assessment and a Stormwater Management Strategy.
- Traffic Impact Assessment.
- Visual Impact Assessment
- Landslip Risk Assessment
- Flora and Fauna Assessment
- Open Space and Landscape Master Plan.
- Bushfire Assessment
- Design Guidelines.

A detailed table assessing the proposal against the requirements of the DPO5 is attached to this report (Attachment 2).

### **Design Guidelines**

Schedule 5 to the Development Plan Overlay requires that:

*Prior to the approval of a subdivision a Section 173 Agreement must be prepared and signed to the satisfaction of the Responsible Authority that establishes design guidelines for the residential development of the land. The design guidelines must address external materials and colours, building style and massing, garages and carports, other structures and appurtenances, landscaping and fences.*

Design guidelines have been prepared and are proposed for approval as a part of the Development Plan. These guidelines are intended to promote a contextually appropriate neighbourhood character and would apply to the future development of dwellings. The design guidelines are attached to this report (Attachment 3). A draft Agreement under section 173 of the Planning and Environment Act 1987 was under consideration at the time of drafting this report.

### **Submissions Received as Part of the Exhibition Process.**

Whilst there is no statutory public notification process for development plans, it was decided that an informal process of notification would be undertaken to help inform Council's decision.

The Development Plan was therefore exhibited between 29 June and 29 July 2016, by sending letters to adjoining and surrounding landowners and occupiers. The Development Plan was later advertised on the website, Council's Facebook page and in the Apollo Bay News from August 4, with submissions accepted until August 15.

A total of 24 submissions were received, which comprised four (4) in support of the Development Plan and twenty (20) either raising concerns or objecting. Two of the letters of support were from the landowner and from the landowner's the company, whilst another of the letters of support was from the Real Estate Agency

responsible for selling the proposed lots. In addition, it should be noted that three of the seventeen letters objecting to the Development Plan were from the same person.

Key concerns from submissions and an officer response is outlined below. A detailed list of concerns raised and an officer response is attached to this report (Attachment 4).

**Concern 1:** The development will have an adverse visual impact, particularly considering this is the entry point to the town. Reference was made to the rise in the ground and the nominated setback, as well as the potential width and height of buildings.

**Officer response:**

The submitted Development Plan includes a visual impact assessment. This report examines the possible future visual impact of development at the site below the 40 metre contour line from a large number of locations in Apollo Bay and Marengo. The report concludes that:

*“The visual impact of possible future development of the lower areas of the properties at 6230 and 6280 Great Ocean Road (below the 40 metre contour) would be low and that, in fact, it is entirely appropriate for future residential development to be located on this land.”*

The subdivision and future development would clearly result in some change to views from various points including the beach, but this was effectively accepted with the rezoning of the land and the application of the Development Plan Overlay Schedule 5 all the way to the title boundary with the Great Ocean Road. Nonetheless it is notable that:

- The first 10 metres of the development adjacent to the Great Ocean Road would be a ‘no build’ area. This is also an area in which fences would be limited to 1.2m in height.
- Design guidelines would be applied to future dwellings at the site to help promote a contextually appropriate neighborhood character.
- DDO10 requires the submission and approval of a landscape plan for any lot on which a permit is required for a dwelling.

It is also noted that an assessment of the Development Plan may be required under the EPBC Act 1999 because of the National Heritage Significance of the Great Ocean Road. This would be a Federal Government Assessment. The applicant has been made aware of this potential requirement.

**Concern 2:** The layout in the Development Plan will result in a development that is out of keeping with the character of Apollo Bay.

**Officer response:**

The proposed subdivision shown in the submitted Development Plan would meet the lot size requirements imposed by the DPO5 schedule, and future dwellings would have to comply with both the provisions of Design and Development Overlay 10 (DDO10) and the approved design guidelines (which would have to be implemented as a result of a s173 registered on titles). These controls aim to ensure the future development of lots would be appropriate in terms of the character of the area.

**Concern 3:** A single point of access would not be good enough to service the entire development.

**Officer response:**

Council's infrastructure Unit has assessed the Development Plan with an awareness of the possibility that there would only ever be one point of access. Whilst connections to 40 Marriners Lookout Road (DPO4 land) and 6230 Great Ocean Road are shown on the submitted Development Plan, the land at 6280 Great Ocean Road could end up being served by only one access point if future subdivision of the subject land, stages of

the Mariners Vue subdivision (land covered by DPO4) or a planned alternative access through 6230 Great Ocean Road do not eventuate.

Whilst a single point of access may not be ideal, it is considered likely that there would be additional access points in future. VicRoads has confirmed that the access proposed from the Great Ocean Road would be acceptable.

**Concern 4:** Concerns were raised that the development and the Great Ocean Road would be subject to Coastal Hazard Inundation.

**Officer response:**

The Development Plan is supported by a Coastal Hazard Inundation Assessment. This assessment assumed a 0.8m sea level increase by 2100, which is the level required to be recognised in all Victorian Planning Schemes under Clause 13.01-1. It is noted that a section of land at 6230 Great Ocean Road adjacent to Wild Dog Creek was specifically excluded from the land rezoned to NRZ as part of Amendment C74 because it was identified as land vulnerable to inundation by 2100.

In 2100 parts of the Great Ocean Road adjacent to the proposed subdivision are likely to be subject to occasional inundation in the event of a major storm tide but it is expected that the road would still be useable.

It is anticipated that the subdivision would have future access through Mariners Vue (DPO4 land) to the south if, in the distant future (beyond the 2100 Coastal Hazard assessment), the Great Ocean Road is subject to very significant levels of inundation that make the road impassable. Otherwise, options such as barriers to prevent waves inundating the land may also be available.

**Concern 5:** The development will be above the 40 metre contour line on steep land.

**Officer response:**

A small number of lots would be above the 40 metre contour line on relatively steep land. Nonetheless the subdivision would be confined to the residentially zoned area – with the amendment to rezone this land to the NRZ1 previously adopted by Council and approved by the Minister for Planning.

The development is supported by a Geotechnical Assessment report and would incorporate landslide debris mitigation measures including a landslide debris retention fence and planting on the hillside behind the subdivision to stabilise the land.

**Concern 6:** The lots are too narrow, which will intensify the built form, compromise tree growth between buildings,

**Officer response:**

Block widths would be fairly narrow at just over 12 metres in some cases, but such frontages are not uncommon in residential areas. There is no requirement for a minimum lot width in the DPO5, which establishes the main parameters for future development. It is considered that requiring an increased lot width at this stage of the process would be unreasonable, when such a requirement was not included in DPO5 and the widths would comply with the State standards.

**Concern 7:** The development plan will result in a situation where over 100 future dwellings will require approval under the Design and Development Overlay Schedule 10 (DDO10), creating a burden for the Shire, and furthermore because of the narrowness of the lots they will be non-compliant with the objectives of this overlay.

**Officer response:**

A large number of future dwellings, expected to be built as a result of a subdivision that follows the development plan, would trigger a requirement for a permit application under the DDO10. These dwellings

would create some workload for the Shire; however their assessment is likely to occur over a long period of time considering the slow growth rate of Apollo Bay.

Future dwellings may comply with the objectives of the DDO10 to a large extent depending on the design of the dwellings. These requirements include, but are not limited to:

- To allow for the reasonable sharing of views.
- To ensure buildings and structures respond positively to the significant coastal landscape setting.

The objectives of the DDO10 will influence the future building design. At the current development plan stage, this control is not directly relevant.

**Concern 8:** The developer may need to seek permission from the Minister for Environment for approval because of the National Heritage protection of the Great Ocean Road, protected under the Environmental Protection and Biodiversity Conversation Act 1999.

**Officer response:**

The EPBC Act protects aesthetic features associated with the Great Ocean Road, and it is not entirely clear at this stage if an application under the EPBC Act 1999 will be required. The proponent will be required to determine if an application is needed through a referral of proposed action to the Federal Department of Environment. This assessment alone costs \$7,352. A note has been included on the Development Plan to ensure that the proposal would comply with the EPBC Act 1999 prior to the subdivision stage (if required).

**Submissions Received from Referral Authorities**

The Development Plan was referred to the CFA, CCMA, VicRoads, Barwon Water, DELWP, Powercor, SP AusNet (Gas), Public Transport Victoria, the Western Coastal Board and the Otway Coast Committee.

Responses were received from Barwon Water, DELWP, Downer Utilities on behalf of SP AusNet (Gas), Public Transport Victoria, VicRoads and the CCMA. Whilst the CCMA and VicRoads requested further information, no objections were received nor were any conditions required for the Development Plan. A response was also received from the Otway Coast Committee, which expressed concerns about drainage, access, pedestrian safety, visual impact and lot widths.

The Development Plan was also referred to the CFA, Powercor and the Western Coastal Board, but these authorities did not comment. It is noted that both the CFA and Powercor will be under a statutory obligation to respond at the subdivision stage, but are not obligated to respond to the Development Plan.

A detailed list of referral authority responses is attached to this report (Attachment 5).

**Notes on Development Plan**

The Development Plan includes notes added in by the applicant at the request of Council. These notes seek to ensure certain matters are addressed at the subdivision stage, including that:

- A landslide debris retention fence is provided at the appropriate time to ensure protection of dwellings from possible landslides. The requirement for the fence must be considered for each stage of the subdivision, to ensure no lots can be developed with any requisite safety measures in place.
- A flood study is completed prior to the subdivision, based on a CCMA requirement. If any alterations to the layout are required as a result of the flood study, the Development Plan would have to be amended accordingly.
- Any requirements under the Environment Protection and Biodiversity Act 1999, due to the fact that the Great Ocean Road is nationally heritage listed, are addressed by the applicant prior to subdivision. This includes, if necessary, protection of aesthetic values from surrounding areas.



### **Financial and Other Resource Implications**

There are no immediate financial or resource implications for Council associated with the Development Plan.

In the long run the increased number of residents would have an impact on local roads, infrastructure and services. Council would also receive additional rates payments from new residents.

### **Risk Management & Compliance Issues**

The safety of future development of the land hinges on the construction of a landslide debris retention fence to the rear of the proposed developable area. This fence would be managed by an Owners' Corporation, with membership based on lots within the land benefiting from the fence. Council would not be responsible for maintenance, or any liability issues.

### **Environmental and Climate Change Considerations**

A Coastal Hazard Vulnerability Assessment (CHVA) has been submitted. This indicates that the area of the land to be subdivided would not be inundated to 2100, on the assumption of a 0.8m sea level rise. This level accords with the sea rise level recognised throughout Planning Schemes in Victoria.

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

There is no statutory provision for public notification of development plans. The Development Plan Overlay Schedule 5 went through a public exhibition process, which is the legally required exhibition for the purposes of the *Planning and Environment Act 1987*.

Despite this, the submitted Development Plan was exhibited on an informal basis to the public, by sending letters to adjoining and surrounding landowners and occupiers. This was done to help inform Council's assessment and enable a better informed decision to be made in appreciation of the benefits of local knowledge.

The Development Plan was later advertised on the website, Council's Facebook page and in the Apollo Bay News from August. The level of engagement was to consult, as submissions were invited from the public on the Development Plan.

A total of 24 submissions were received, 4 supporting and 20 objecting. The objectors generally sought a different form of development for the site, whilst some objected to the subdivision as a whole.

### **Implementation**

If the Development Plan is approved, the proponent would still need to obtain a planning permit for the subdivision of the land. A planning application has already been submitted (ref. PP253/2015). The Development Overlay, under Clause 43.04-1, requires that the subdivision must be generally in accordance with an approved Development Plan. It should be noted that a planning application in general accordance with an approved Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### **Conclusion**

The approval of the Development Plan does not allow the land to be subdivided, but effectively directs the form and conditions of the future use and development of the land. A related subdivision application for stage 1 (ref. PP253/2015), which has already been submitted, is required to be "generally in accordance" with the approved Development Plan. The subdivision process will be simplified by the approval of the Development Plan, because most issues have already been considered at the Development Plan stage of the process.

The Development Plan was informally exhibited to the public and twenty-four submissions have been received. Most submissions referred to aspects of the proposal already accepted at the time of the Planning

Scheme Amendment for rezoning the land and applying the Development Plan Overlay Schedule 4, as approved by Council and the Minister for Planning. The principle of subdividing this land and allowing residential development has been established and arguments against this cannot be revisited. As a consequence, limited weight can be given to many of the submissions.

It is considered that, subject to the inclusion of notes specifying requirements for the landslide debris retention fence, a flood study and any need for compliance under the Environment Protection and Biodiversity Act 1999, the submitted Development Plan responds to the requirements of the DPO5 and it is therefore recommended that the Development Plan be approved.

#### **Attachments**

1. Attachment 1 - DPO5 Development Plan Synopsis
2. Attachment 2 – DPO5 Development Plan Compliance with DPO5 Schedule
3. Attachment 3 – DPO5 Development Plan Design Guidelines
4. Attachment 4 – DPO5 Development Plan - Submitters Concerns and Response
5. Attachment 5 – DPO5 Development Plan Referral Authority Comments

#### **Recommendation**

##### ***That Council:***

1. ***Gives in principle support to the Development Plan (including the design guidelines) for 6230 and 6280 Great Ocean Road, Apollo Bay required under the Development Plan Overlay Schedule 5 and depicted at Attachment 1 to this report.***
2. ***Authorises Council officers to formally approve the Development Plan for 6230 and 6280 Great Ocean Road, Apollo Bay under delegated powers, with any minor changes necessary to address outstanding issues.***
3. ***Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.***

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Development Plan

6280 Great Ocean Road, Apollo Bay & 6230 Great Ocean Road, Apollo Bay (roads only)

August 2016

This Development Plan has been prepared for:

Australian Tourism Investment No. 5 Pty Ltd

Prepared by:

Contour Consultants Australia Pty Ltd

CONTOUR CONSULTANTS AUSTRALIA PTY LTD
Development Plan
6280 Great Ocean Road, Apollo Bay & 6230 Great Ocean Road, Apollo Bay (roads only)

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Development Plan
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01
INTRODUCTION

01

01.1 Introduction

Apollo Bay is a key growth area and is the only town on the Great Ocean Road between Torquay and Warmambool that has been designated for growth by State Planning Policy. It is one of two major growth areas within the Colac Otway Shire and can play a key role in generating growth and employment in the Shire.

The land at 6280 Great Ocean Road provides an opportunity to contribute to residential land supply within the urban settlement boundary of Apollo Bay.

This Development Plan has been prepared on behalf of Australian Tourism Investments No. 5 Pty Ltd in accordance with the requirements of Clause 43.04 (Development Plan Overlay – Schedule 5) of the Colac Otway Planning Scheme.

The purpose of this Development Plan is to guide the subdivision and future development of the land at 6280 Great Ocean Road, Apollo Bay and 6230 Great Ocean Road, Apollo Bay (roads only). It has been prepared cognisant of the site context and the existing and approved land uses proximate to the site. In this regard it provides for integration with the adjoining and nearby residential precincts.

The land subject to this Development Plan is described in Figure 01 – Cadastral Plan.

The Development Plan consists of the plans prepared by Beveridge Williams and this report. It has been informed by various supporting documents which have been prepared in respect of the site.

These documents include:

- A Coastal Hazard Vulnerability Assessment (Revision B, 13 January 2016), Stormwater Management Strategy (Revision 4, 25 July 2016) and Open Space and Landscape Masterplan (Version 6, 22 August 2016) prepared by Beveridge Williams.
- A Traffic Engineering Assessment (Issue No 3, February 2016) and letter dated 31 May 2016 addressed to VicRoads (G12385L-02B) prepared by Traffix Group.
- A Cultural Heritage Management Plan (14 April 2016) and Flora and Fauna Assessment (Final Report, December 2010 and letter dated 18 February 2016) prepared by Biosis.
- A Landslide Risk Assessment (Revision 3, 10 August 2016) and letter dated 15 August 2016 discussing landslide risk prepared by Golder Associates.
- A Bushfire Assessment (Version 2, 14 April 2016) prepared by Foresite Planning & Bushfire Consultants.
- A Visual Impact Assessment Report (29 April 2011) prepared by ERM.

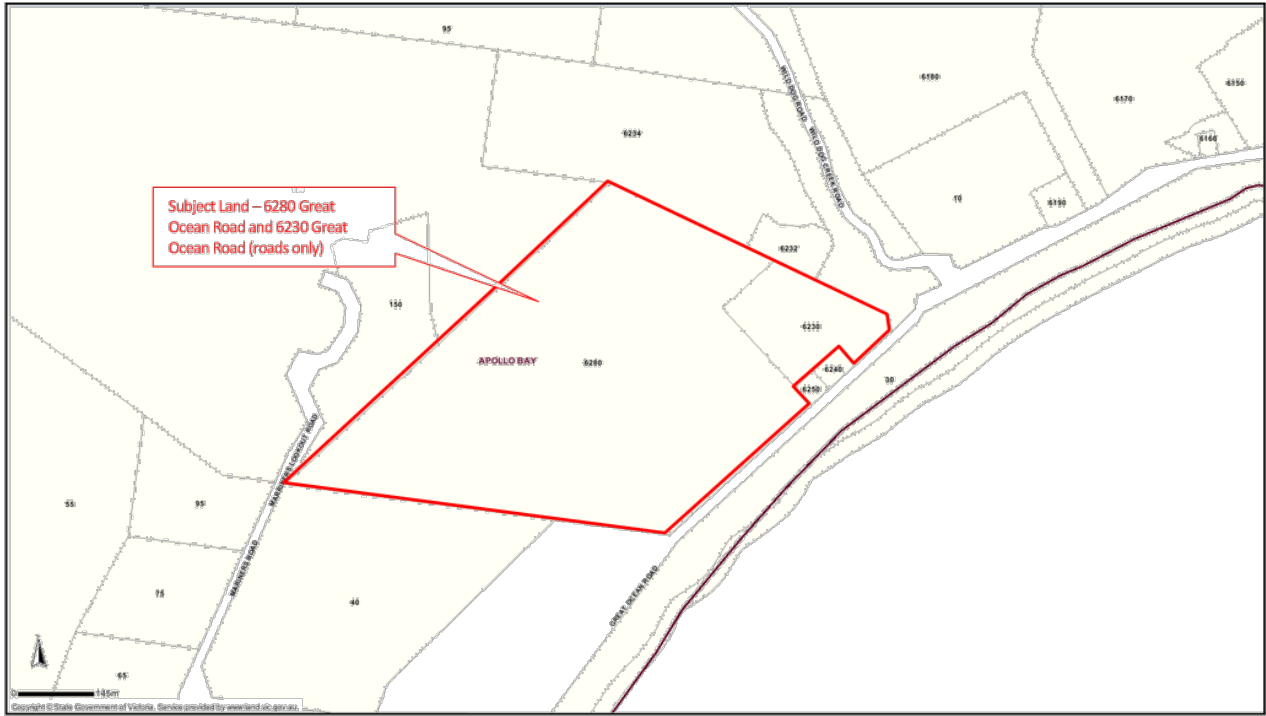
The Development Plan is a direct response to the key planning principles as set out within the relevant State and local planning policy frameworks and is intended to advance the strategic direction for this part of Apollo Bay.

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Figure 01 – Cadastral Plan



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Development Plan
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02
THE DEVELOPMENT PLAN

03

02.1 The Development Plan

This Development Plan relates to the land located at 6280 Great Ocean Road, Apollo Bay. The land has an area of approximately 36.722 hectares, including land within the Neighbourhood Residential Zone (NRZ1) with an area of approximately 13.967 hectares and land within the Rural Conservation Zone (RCZ) with an area of approximately 22.755 hectares. The Development Plan also relates to the land at 6230 Great Ocean Road, Apollo Bay (roads only).

The development plan comprises:

- Figure 02 – Overall Development Concept (Version No. 12)
- Figure 03 – Overall Development Concept – showing indicative stages and lots (Version No. 12).

These figures are accompanied by explanatory text prepared in accordance with Schedule 5 to the Development Plan Overlay which is outlined in Section 04 of this plan.

The Development Plan addresses specific matters outlined in Schedule 5 to the Development Plan Overlay as follows:

Subdivision Layout and Staging

The Overall Development Concept for the land at 6280 Great Ocean Road comprises a total of 139 lots and includes a minimum lot size of 450 square metres and an average lot size of 603 square metres. The indicative staging provides for the logical and sequential subdivision of the land having regard to servicing and the provision of public open space.

Internal Road Network

The Development Plan includes an internal road network for the land at 6280 and 6230 Great Ocean Road which incorporates access from the Great Ocean Road, a network of local roads providing vehicle access to the proposed lots and accommodates road connections to the land to the north-east and south-west.

The internal road network also provides pedestrian connections throughout the proposed subdivision including convenient access to the public open space.

Clay Mound Adjacent to the Great Ocean Road

The clay mound located adjacent to the Great Ocean Road has been incorporated within the individual lots fronting the Great Ocean Road. There will be no buildings permitted within this area and no direct vehicle access available to the Great Ocean Road from individual lots. Fencing will be limited to a maximum height of 1.2 metres. These requirements will be applied by a Section 173 Agreement and a building exclusion area on the Development Plan.

Design Guidelines

Design guidelines for residential development of the land will be implemented as a requirement of a Section 173 Agreement and will guide the future use and development of the individual lots. The design guidelines are described below:

- *External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades.*
- *Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings.*

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04

THE DEVELOPMENT PLAN

- *Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.*
- *Roofs shall have a simple form with extended eaves for passive solar design.*
- *Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.*
- *Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.*
- *Garages and carports are to be located behind the front building line and must not dominate the building frontage.*
- *Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.*
- *Only one vehicle crossover per lot shall be allowed.*
- *Building designs are to avoid excessive cut and fill.*
- *Outbuildings and other structures shall not have a height greater than 5 metres and shall be located and designed to complement the principal dwelling form.*
- *Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail).*

Figure 02 – Overall Development Concept (Version 12) prepared by Beveridge Williams

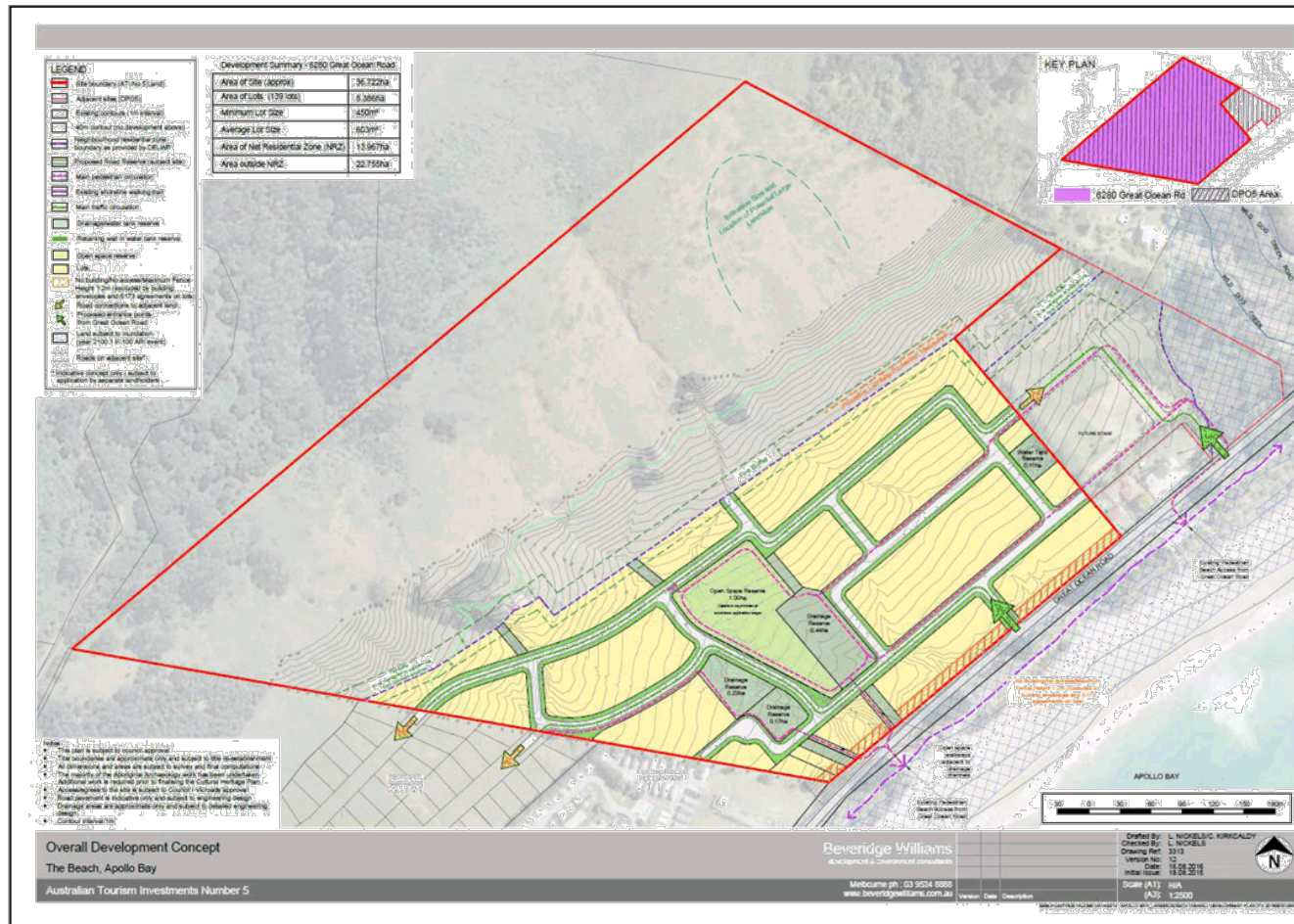
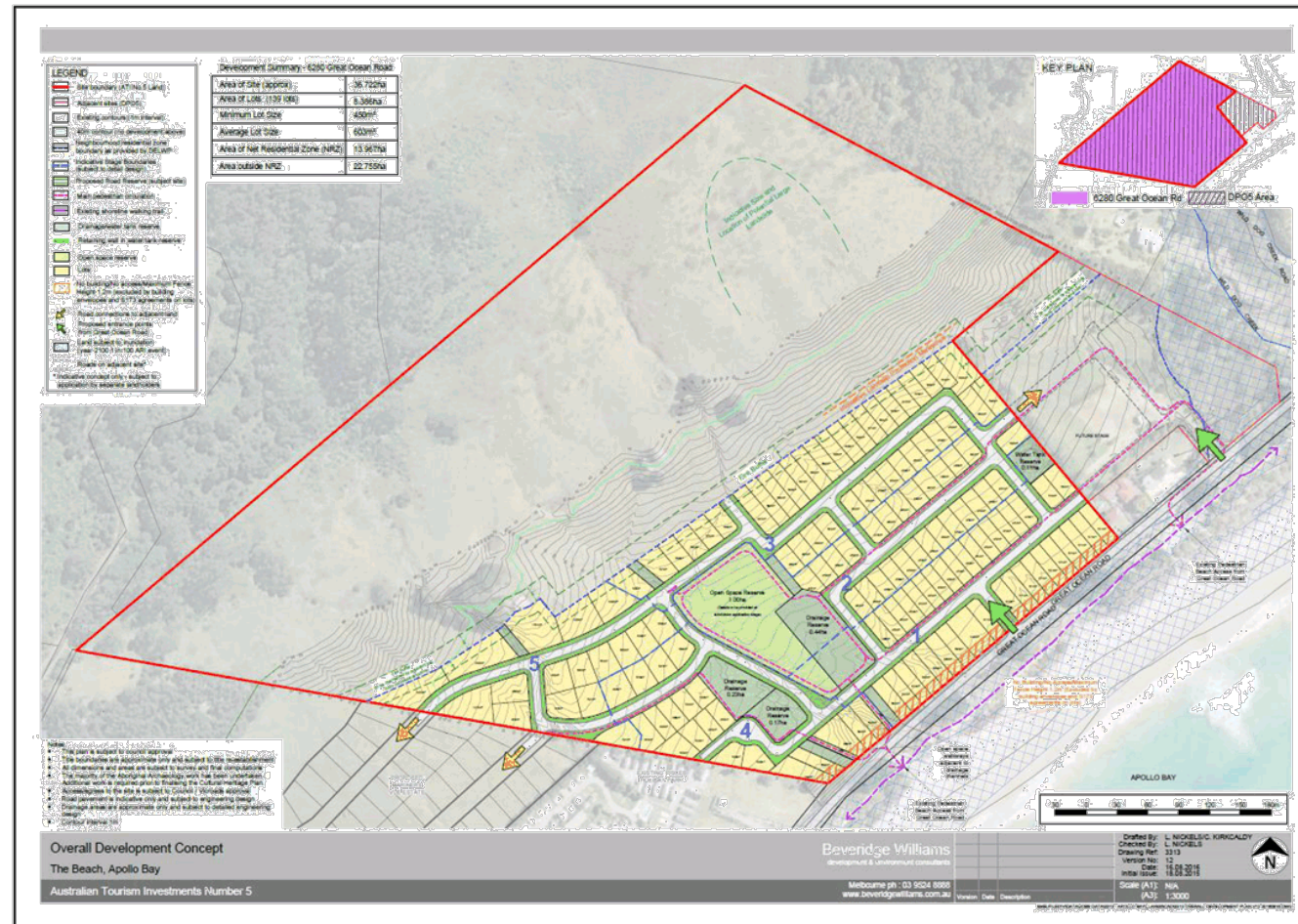


Figure 03 – Overall Development Concept (Version 12 - showing indicative staging and lots) prepared by Beveridge Williams



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Development Plan
6280 Great Ocean Road, Apollo Bay & 6230 Great Ocean Road, Apollo Bay (roads only)

03 SUPPORTING ASSESSMENT

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03.1 Aboriginal Cultural Heritage Considerations

A Cultural Heritage Management Plan for the land at 6230 & 6280 Great Ocean Road, Apollo Bay was prepared by Biosis dated 14 April 2016. The Cultural Heritage Management Plan (CHMP No. 11491) was approved under the Aboriginal Heritage Act 2006 on 9 June 2016.

03.2 Drainage Considerations

The servicing implications of the development plan area are discussed in the Stormwater Management Strategy prepared by Beveridge Williams dated 25 July 2016.

In summary, the report concludes:

This report has identified an overall drainage management strategy and an interim drainage management strategy for the proposed residential development located at 6280 Great Ocean Road, Apollo Bay.

The strategy provides a methodology for the management of stormwater on the subject site which would result in:

- *Conveyance of external catchment flows through the site in accordance with Council standards;*
- *Construction of drainage to meet the likely requirements of the CCMA and Council, including 1 in 100 year ARI capacity retarding basins and underground drainage for the 1 in 5 year ARI storm event as needed;*
- *Construction of treatment assets to meet the water quality treatment requirements prior discharging into Apollo Bay.*

By constructing the ultimate basins on the development along with the staging of lots, water quality and water quantity requirements for the development are able to be achieved during the development of the property.

The above strategy can be implemented and all of the CCMA and Council's development requirements can be achieved, in accordance with the IDM with no net effect on the adjacent properties.

The Stormwater Management Strategy included as part of the Development Plan refers to an old layout. The methods and principles will be carried over and adapted to fit the revised layout depicted on page 06 of this Development Plan.

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03
SUPPORTING ASSESSMENT

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03.3 Traffic Engineering Considerations

This Plan is informed by a Traffic Engineering Assessment prepared by Traffix Group dated February 2016.

The conclusion of the Traffic Engineering Assessment states:

Having inspected the subject site and surrounding area, collected traffic data and undertaken various traffic engineering assessments, we are of the opinion that:

- a) Apollo Bay has a very seasonal population due to its popularity as a tourist destination, and accordingly the traffic generation and distribution characteristics for the proposed development are likely to be different to a standard residential subdivision in a metropolitan area,*
- b) the development of 168 dwellings may generate in the order of up to 1,344 vehicle trip-ends per day during the peak season and substantially less at other times,*
- c) the development can be adequately serviced via a single new access intersection to Great Ocean Road,*
- d) there will not be any adverse impacts on Great Ocean Road as a result of the proposed development,*
- e) all roads within the proposed development should be designed in accordance with the "access place" and "access street" requirements set out in Council's IDM,*
- f) no lots should take direct access to Great Ocean Road,*
- g) any dead-end roads that are longer than 60 metres should be designed to accommodate the manoeuvring requirements of service and emergency vehicles as set out in the IDM,*
- h) the recommendations in e) and g) above must meet the CFA's requirements for access within subdivisions,*
- i) VicRoads is likely to require deceleration lanes into the development from Great Ocean Road and we recommend that be provided in accordance with the Austroads Guidelines,*
- j) subject to the above recommendations, there are no traffic engineering reasons why the development plan for 6280 Great Ocean Road, Apollo Bay should not be approved.*

03.4 Landslide Risk Assessment

This Plan is informed by a Landslide Risk Assessment prepared by Golder Associates dated 10 August 2016.

The objectives of the Landslide Risk Assessment are noted as:

- *Estimate the risk to life and property for the proposed development.*
- *Compare the assessed risks with risk acceptance criteria.*
- *Recommend landslide risk reduction measures, where applied.*

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03 SUPPORTING ASSESSMENT

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The report concludes:

The study indicates that landslides upslope of the proposed development could give rise to debris flows which could travel to and impact the proposed development. This hazard presents a risk to life and a risk to property for which we recommend mitigation measures are put in place. A protective barrier fence or earth bund could be used. If an earth bund is used, consideration must be given to the impact the bund will have on natural surface drainage and a drainage system designed and maintained to prevent surface water concentration or uncontrolled surface water runoff. The establishment of vegetation upslope of the proposed development may further reduce risk by reducing soil moisture content and absorbing some energy in the event of a debris flow.

03.5 Ecological Assessment

Biosis was engaged to carry out an ecological assessment of the subject site. Written advice from Biosis dated 18 February 2016 states, inter alia:

Biosis Research Pty Ltd undertook a full flora and fauna assessment of the proposed development site in December 2010 (Biosis Research 2010).

The assessment found that, provided development was confined to the area below the 40m contour, there would be no impact to any patches of native vegetation (ecological vegetation classes (EVC)) but there was some potential to impact on several scattered native trees. The Biosis Research (2010) report also found that there was not likely to be any impact on significant fauna or its habitat provided the patches of EVC and the larger wetland in the north-east corner of the development site were avoided.

Since the development of the Biosis Research (2010) report the western boundary of the proposed development has been relocated to lower in the landscape, to approximately the 30m contour (see Beveridge Williams & Co Drawing No. 3313, Version 07 dated 03 February 2016).

The reduction in the development footprint means that now there are not likely to be any impacts on any scattered native trees or areas of EVC. The whole of the proposed development site is cleared land which is dominated by introduced pasture grasses and herbs.

The assessment concludes, inter alia:

The proposed residential development, as shown Beveridge Williams & Co Drawing No. 3313, Version 07 dated 03 February 2016, is unlikely to impact on any EVC or any scattered native trees.

It is noted that the western boundary of the proposed development shown on the current Outline Development Plan (Version 12) prepared by Beveridge Williams is consistent with the western boundary referred to in the written advice prepared by Biosis.

If there are any areas of native vegetation identified during the subdivision stage, any relevant legislative provisions relating to offsetting and protection of that vegetation will be required to be adhered to at the subdivision stage.

03.6 Landscape Concept

The landscape concept for the subject land is detailed in the Landscape Masterplan prepared by Beveridge Williams which is included at Figure 04.

The Landscape Masterplan identifies the public open space reserve and demonstrates opportunities for landscaping throughout the site including within the public open space and road reserves. The masterplan also identifies requirements for the land within the Rural Conservation Zone including maintenance of the bushfire buffer area (no additional planting); proposed revegetation area for landslide protection; and natural regeneration on the balance of the land.

The landscape plan will include the following within the 1.0 hectare neighbourhood park, where practicable to the satisfaction of the Responsible Authority:

- Street tree and shrub planting
- 1.5 metre wide gravel path timber boardwalk structure across the swale to connect to drainage reserve
- Bench seats along the path
- Paved area with picnic tables, shelter and seating
- Children's playground
- Curved gabion walls to address level change and match drainage reserve
- Planted swale between the park and drainage reserve
- Adjacent drainage reserve with gabion walls
- Stormwater treatments, assets and wetland planting
- Open grassed area and kick-about space

The landscape plan may include other features / works / landscaping to the satisfaction of the Responsible Authority, as per the Colac Otway Shire Open Space Strategy.

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6280 Great Ocean Road, Apollo Bay & 6230 Great Ocean Road, Apollo Bay (roads only)

03
SUPPORTING ASSESSMENT

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Figure 04 – Landscape Masterplan prepared by Beveridge Williams



03.7 Bushfire Assessment

A Bushfire Assessment has been carried out by Foresite Planning and Bushfire Consultants dated 14 April 2016.

This report describes and takes into account the characteristics of the bushfire hazard in the broader landscape and at the site level, the existing and likely future conditions on the land which influence the bushfire risk, and identifies measures necessary to reduce the bushfire risk to the future dwellings in the subdivision to an acceptable level.

This assessment concludes:

The Land has recently been rezoned to facilitate the development of the Land for residential purposes.

The Land is located in a Designated Bushfire Prone Area where there is a risk to life and property from bushfire. These risks will be increased as a result of the proposed revegetation of the Land which is proposed to reduce the risk of landslip impacting on the residential subdivision of the Land.

This report outlines that subject to refinement of elements of the Development Plan and supporting Landscape Masterplan, and the incorporation of some additional bushfire mitigation measures, the bushfire risk to the future dwellings in the subdivision can be reduced to an acceptable level.

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04.1 Requirement of a Pre and Post Development Flood Study

Prior to the approval of any subdivision as shown on this Development Plan, a pre- and post-development flood study as per the requirements of the Corangamite Catchment Management Authority (CCMA) must be undertaken and submitted to the Colac Otway Shire Council. The flood study will have to be approved by both CCMA and Colac Otway Shire Council and will form part of this Development Plan.

Upon assessing the flood study, CCMA may require amendments to the approved Development Plan. Such amendments must be made with no cost to Colac Otway Shire Council. Significant amendments to the approved Development Plan may require readvertising and referral.

04.2 Requirements under the Environment Protection and Biodiversity Conservation Act 1999 – Great Ocean Road National Heritage Significance

The applicant and/or the landowner must procure and provide sufficient information and documents to determine whether the matter will require a referral under the EPBC Act 1999.

If the matter does require a referral under the EPBC Act, the applicant and/or the landowner must procure and provide all necessary information and documents required for the lodgement of the referral and pay the necessary fees and charges associated with the referral.

After the referral, if the Federal Minister for the Environment determines that the matter is a controlled action and requires approval, the applicant and/or the landowner must prepare all information and documents to comply with the Minister's decision on the approach for the assessment of the relevant impacts of the matter, at no cost to Council, including payment of necessary fees and charges associated with the preparation of the required information and documentation.

Upon completion of the assessment, should the Federal Minister for the Environment require changes to the approved Development Plan, such changes must be made at no cost to Council.

Significant amendments to the approved Development Plan may require a further referral to the Federal Minister.

04.3 Construction of the Landslide Debris Retention Fence, Establishment of the Fire Buffer and Vegetation and Details of the Owners Corporation for the ongoing maintenance and management of these requirements

Prior to the approval of any staged subdivision as shown on the Development Plan, the following must be submitted to and approved by the Colac Otway Shire Council:

- Details of construction and ongoing maintenance and management of the proposed retention fence and the fire buffer along the northern boundary as shown on the Development Plan.
- Details of access to, and ongoing maintenance and management of, the tree planting area as shown on the submitted Development Plan at the north east corner within the Rural Conservation Zone part of the land.
- The proposed retention fence and the fire buffer along the northern boundary and the tree planting as shown on the Development Plan must be constructed and established to the satisfaction of the Colac Otway Shire Council, and then be maintained as per the approved maintenance and management arrangements with no liability for Council.

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These requirements may be varied in relation to subdivisions relating to Stage 1 subject to further clarification of risk of landslip to Stage 1 and/or alternative arrangements to manage landslip risk to the satisfaction of Colac Otway Shire Council.

04.4 Maintenance and Management of the Fire Buffer, Vegetation and Landslide Debris Retention Fence

Introduction

The development plan includes a landslide debris retention fence, fire buffer and vegetation planting in the hills at the rear of the development. These three features are referred to as "protective measures" for the purposes of this section of the development plan.

Responsibility for Maintenance and Management of Protective Measures

The protective measures will be maintained and managed by an Owners' Corporation(s) comprised of lots benefiting from the protective measures (or other entity to the satisfaction of the Responsible Authority). A temporary alternative for maintenance and management may be considered prior to the establishment of the protective measures subject to the satisfaction of the Responsible Authority. The Responsible Authority must be satisfied that a temporary alternative will protect lots benefiting from the measures in the event of corporate insolvency.

Colac Otway Shire will not be responsible for the management and maintenance of the protective measures. Any liability will rest with the Owners' Corporation.

Establishment of Standards

Prior to the development of protective measures, maintenance and management standards will be established so that the responsibilities of the Owners' Corporation(s) are clear and to ensure the effective maintenance and management of the protective measures.

Land Ownership for Owners' Corporation(s)

The Owners' Corporation(s) must either own all of the land that it manages and maintains or have suitable legal rights of access to the land that is the subject of the protective measures to the satisfaction of the Responsible Authority.

An alternative land ownership arrangement may be accepted by the Responsible Authority if:

- The distribution of liability associated with the management and maintenance of the land is assessed.
- The Owners' Corporation can satisfactorily carry out its obligations to manage and maintain the protective measures.
- There are no significant risks identified.

Colac Otway Shire may request legal advice to satisfy itself of the above points. Legal costs must be carried by the proponent and will not be carried by Colac Otway Shire.

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Timing of the Development of Protection Measures

The protective measures must be developed prior to the issue of a Statement of Compliance for any stage that depends on the protective measures. A geotechnical assessment may be required to be submitted with the permit application for each stage, to determine whether or not that stage is reliant on any protective measures being in place.

Staged Development of Protective Measures

The protective measures may be developed in stages as long as the responsible authority is satisfied that the staged development of the protective measures will not compromise the safety of any stage.

Planning Permit Condition

A planning permit condition will require a Section 173 agreement to be entered into which requires the following:

1. That the area of the Buffer Land must be kept available for the fire buffer, the fencing must be constructed and re-vegetation of the landslip area must occur within specified timeframes.
2. Establishes the standards to be achieved in respect of the fire buffer, fencing and vegetation issues.
3. Makes the Owners' Corporation responsible for the achievement of the standards and for any ongoing liability.
4. Must be registered on the titles to the Common Property Land, the Buffer Land and the lots subject to the Owners' Corporation.

04.5 Public Open Space

The Responsible Authority may require additional landscaping and works both in the encumbered and unencumbered open space at the subdivision stage if supported by the Colac Otway Open Space Strategy.

The Development Plan includes a 1 hectare area of public open space, which amounts to approximately a 7.5% contribution for 6280 Great Ocean Road. The Schedule to Clause 52.01 requires a 10% open space contribution for 11+ lot subdivisions in Apollo Bay. The balance will be payable as a cash contribution.

04.6 Land Management Plan

A Land Management Plan will be required prior to Stage 2 in respect of the land in the Rural Conservation Zone. The Land Management Plan will assess the need for weed control methods.

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04.7 6230 Great Ocean Road, Apollo Bay

The Development Plan as submitted only shows the road layout for the land at 6230 Great Ocean Road and does not include other information such as the number, size and layout of lots. Furthermore, few of the requisite reports listed in Schedule 5 to the Development Plan Overlay have been provided for this land. As such, this Development Plan does not provide the requisite detail for the land at 6230 Great Ocean Road.

Any sections of the Development Plan relating to the land at 6230 Great Ocean Road will need to be amended / expanded in the future to enable any permit application for subdivision to be considered. The amendment will need to include a full justification against the requirements of the DPO5, including the provision of any technical reports that the DPO5 requires.

The public open space contribution for 6230 Great Ocean Road will be considered separately to the public open space contribution for 6280 Great Ocean Road.

Attachment 2 – DPO5 Development Plan Compliance with DPO5 Schedule

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| <p>The Development Plan must include:</p> | |
| <p>The location of all land uses including areas set aside for residential development, anticipated lot yield with a range and average lot yield projections, public open space, areas of revegetation/landscaping, no development areas (i.e. clay mound adjacent to the Great Ocean Road and the land above the 40 metre contour), drainage reserves, other known or proposed servicing easements and landslip buffers.</p> | <p>Complies.</p> <ul style="list-style-type: none"> • Lots are shown on plans, average and minimum lots are shown, open space is shown on plans. • An indicative no development area is shown. • Lot yield provided. • Public open space provided. • Plan shows good permeability. • Have not shown easements but these easements will be required by relevant authorities/Council. Landslide protection measures are included in plans, so development does not require buffers. |
| <p>An internal road network that: provides a high level of permeability through and within the site for pedestrians, cyclists and vehicles, providing direct and safe access to public transport connections, the Apollo Bay foreshore and walking trails, Wild Dog Creek environs and direct connecting access to the internal road network of the Mariners Vue residential development.</p> <p>Provides access to the site from the Great Ocean Road to the satisfaction of VicRoads.</p> | <p>Complies.</p> <ul style="list-style-type: none"> • Plan shows good permeability. • Provides access to the site from Great Ocean Road. • Site provides access to a path along the beach, which can be used to access bus stops. • Lot sizes meet requirements. Street frontages generally front open space (not in all cases). • Provides access to Mariners Vue future development. • Access to site provided to Great Ocean Road. VicRoads has been consulted and the proponent has met VicRoads' further information requirements. |
| <p>The general subdivision layout including location and distribution of lots showing a variety of lot sizes with a minimum average lot size of 600sqm and a minimum lot size of 450sqm a graduation to larger lots at the western and northern periphery of the site and densities to encourage a range of housing types. The layout is to maximise solar efficiency to as many lots as possible. Higher residential</p> | <p>Generally Complies.</p> <ul style="list-style-type: none"> • Lot sizes meet requirements. Larger lots are included on the western and northern periphery. Lot sizes vary substantially from 450 square metres to 603 square metres. Street frontages generally front open space (not in all cases). • The angle of lots is influenced by the angle of the hills above the 40 metre contour line which the development abuts, but provides reasonable solar access. • Higher density lots tend to be focussed around public |

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| densities should be focussed around public open space. | open space. |
| Maximising surveillance of public areas through provision of street frontages to areas of public open space | Generally Complies <ul style="list-style-type: none"> Two street frontages front open space. Other lots would provide some surveillance to open space from the side of the lot because of permeable fencing restrictions in the DPO5 design guidelines. |
| A staging plan, if proposed, for the residential development of the land. | Complies <ul style="list-style-type: none"> Staging plan is included. |
| The Development Plan must be supported by the following: | |
| <input type="checkbox"/> A Town Planning Report that includes:
A residential and urban design assessment of how the development of the land responds to the provisions of the Colac Otway Planning Scheme, including the State and Local Planning Policy Frameworks and Clause 56 and any other relevant planning policy. | Complies <ul style="list-style-type: none"> This assessment has been provided. The proponent was requested to provide a more detailed Clause 56 assessment, which has been deemed satisfactory. |
| An assessment of the capacity of existing water and sewer infrastructure Opportunity for connection to a third pipe scheme is also to be explored with Barwon Water. | Complies

The development plan has been referred to Barwon Water, which has provided advice that is relevant to the subdivision stage. Third pipe is not available in Apollo Bay. |
| The logical sequencing of development given the need to provide full reticulation of services. | Complies

The development plan has been referred to utilities authorities, which have not raised issue with the sequencing. |
| How the revegetation of the land above the 40 metre contour is to be managed and by what mechanism. | Complies

The revegetation of the land would be managed by a Owners' Corporation comprised of lots that benefit from the revegetation. |
| A Cultural Heritage Management Plan that includes a Complex Assessment of the impacts and actions arising from the residential development of the land. | Complies

A Cultural Heritage Management Plan has been submitted, which was approved under the Aboriginal Heritage Act 2006 on 9 June, 2016. |

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| A Coastal Hazard Vulnerability Assessment and a Stormwater Management Strategy that includes: | Complies

A Coastal Hazard Vulnerability Assessment has been provided which shows that the area proposed for development would not be subject to inundation from waves now or up to the year 2100, taking into account a potential 0.8 metre sea level rise (which is the level recognised in the Planning Scheme). |
| Consistency with Council's Infrastructure Design Manual. | Complies, design is based on this manual |
| Stormwater flows generated within the development from events up to 1 in 3 month ARI event to be treated using Water Sensitive Urban Design elements. | Complies |
| Internal stormwater flows from events up to 1 in 5 year ARI event to be conveyed via conventional stormwater drainage infrastructure. | Complies |
| External stormwater flows from events up to 1 in 5 year ARI events to be intercepted by catch swales and conveyed through the site or conveyed via a conventional stormwater system. | Complies |
| Detention of post-developed internal flows generated by the 1 in 100 year ARI event back to pre-developed 1 in 100 year ARI event via designed overland flow paths that are kept free of development. | Complies |
| Conveyance of internal and external stormwater flows between 1 in 5 year ARI event and 1 in 100 year ARI event via designed overland flow paths that are kept free of development. | Complies |
| Input from the Corangamite Catchment Management Authority for works in, on or over Wild Dog Creek, which is a designated waterway under the Water Act. | No works are proposed in or over Wild Dog Creek. |
| A Traffic Impact Assessment | Provided |

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| that includes: | |
| Consistency with Council's Infrastructure Design Manual. | Complies |
| An assessment of the traffic generated by the residential development of the land. | Provided, development was anticipated to yield up to 1,344 trip ends per day during peak season on an assumption of 168 lots. As the number of lots has since been reduced to 139 this would be less. |
| Classification of streets according to standards contained in Council's Infrastructure Design Manual. | Provided |
| A SIDRA analysis of any new or upgraded intersections with the Great Ocean Road. | Provided, with impact on Great Ocean Road deemed negligible. Proposal has been referred to VicRoads, which requested further information and did not object to the Development Plan. |
| Pedestrian and cycling links to the Apollo Bay foreshore and walking trail. | These links are provided to the Great Ocean Road (as far as possible within the site). |
| Identification of any off-site traffic infrastructure requirements associated with the site such as deceleration/turning lanes. | <p>Provided</p> <p>Report notes that:</p> <p><i>"the development can be adequately serviced via a single new access intersection to Great Ocean Road,</i></p> <p><i>there will not be any adverse impacts on Great Ocean Road as a result of the proposed development,</i></p> <p><i>VicRoads is likely to require deceleration lanes into the development from Great Ocean Road and we recommend that be provided in accordance with the Austroads Guidelines."</i></p> <p>VicRoads is satisfied with the level of information provided. A slip lane has been provided in response to VicRoads' further information request.</p> |
| Definition of the cross-sections, including where relevant, verge widths, naturestrips, kerb & channel, drainage, pavement widths and pathways for all identified roads within and abutting the development. | <p>Provided</p> <p>The DPO5 has required roads to comply with the Infrastructure Design Manual, which contains standardised cross sections.</p> |
| A Visual Impact Assessment that includes an assessment of the development of the land from a variety of views from within Apollo Bay that includes the foreshore, shopping centre, the Great Ocean Road and Harbour, northern and southern | Provided from all locations required (and more) except the shopping centre. Development is not visible from the shopping centre. |

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| town entry points and within Marengo. | |
| A Landslip Risk Assessment that is prepared by a suitably qualified and experienced Geotechnical Practitioner in accordance with the methodology detailed in Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007 (the AGS Guidelines). The Landslip Risk must: | Provided; complies |
| Ascertain geomorphic processes that affect the land and provide a conclusion as to whether the area being assessed is suitable for development or can be made suitable so as to meet the tolerable risk criteria as defined in the AGS Guidelines. | Provided with recommendations made to ensure the site is suitable for development and assessed by a qualified Geotechnical consultant acting for Council. |
| Assess opportunities to reduce the potential for landslips and the distance of the landslip runout. | Provided; recommendations include a landslide debris retention fence or earth bunds along the rear of the subdivision bordering the RCZ area, for the length of the development. |
| Identify any 'no build' areas and landslip runout buffers. | 'No build' areas are not relevant; the landslide mitigation measures would allow the entire NRZ1 area to be developed. Landslip runout buffers not relevant because landslide mitigation measures (catch fence and vegetation) would protect the development. |
| Provide detailed consideration of landslip risk issues that address how dwellings can be constructed in areas identified in the assessment as suitable for buildings. | Provided, landslide reduction measures (catch fence or earth bunds and vegetation on the hillside) enable the development to be considered. |
| The Responsible Authority may require any Landslip Risk Assessment that has been submitted to be reviewed by an independent Geotechnical Practitioner. | This has occurred. |
| A Flora and Fauna Assessment that includes: | |
| Identification of the vegetation communities, the quality of habitat, the actual indigenous | A full flora and fauna assessment has been provided, identifying that there was not likely to be any impact on significant fauna or its habitats. The assessment has |

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| flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies. | indicated that the development would have no impact on native trees. |
| Recommendations where vegetation should be retained and by what mechanism (i.e. reserves). | No vegetation has been recommended for retention; the site is largely clear. |
| A no net loss assessment that addresses the removal of any native vegetation to allow for the residential development of the land. This assessment will implement, as appropriate, the recommendations of the Open Space and Landscape Masterplan. | Given a lack of significant native trees, this is not relevant. |
| An Open Space and Landscape Masterplan that includes: | |
| Open space adjacent to linear drainage reserves that contains walking and cycling paths and a children's playground. The playground design shall comply with Council's Playground Strategy. | Provided; detailed design of the playground to be provided at subdivision and can comply with Playground Strategy. |
| A landscaped open space reserve adjacent to Wild Dog Creek. | This is not relevant as the residential and open space component of the development is restricted to 6280 Great Ocean Road. Wild Dog Creek is adjacent to 6230 Great Ocean Road and the detail of any future subdivision of that land still has to be submitted. |
| A linear open space reserve located along the clay mounds adjacent to the Great Ocean Road. | <p>This is considered contrary to another requirement that:</p> <p><i>"The Open Space and Landscape Masterplan is to ensure that areas set aside as unencumbered public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality."</i></p> <p>Council's Arts and Leisure Unit has confirmed that using this land as an open space reserve would not be beneficial for the following reasons:</p> <ul style="list-style-type: none"> • <i>The proposed linear open space is in conflict with the guidance of providing accessible, safe and</i> |

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| | <p>convenient land for open space purposes.</p> <ul style="list-style-type: none"> • There is an existing walking/cycling trail on the ocean side of the road which links Marengo, Apollo Bay through to Wild Dog Creek (with a possible future extension eventually through to Skenes Creek). • The proposed linear open space is of a short length with limited possibility of extension at either end (impacted by the existing caravan park and houses along the Great Ocean Road). |
| Any areas of proposed revegetation including the steep slopes above the 40 metre contour. | An area is proposed for revegetation on the hillside above the 40 metre contour line for the purposes of stabilising the land and minimising the chance of a landslide. |
| The extensive use, where appropriate, of local indigenous plant species throughout the development site. Exotic trees can be considered for street tree plantings. | The landscape plan includes a planting schedule with extensive use of local indigenous plant species. Exotic trees would be provided for street tree planting. |
| Proposed street planting in accordance with Council's street planting guide. | The street tree planting proposed has been deemed adequate. |
| <p>The Open Space and Landscape Masterplan is to ensure that areas set aside as unencumbered public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality. Passive surveillance to such areas must accord with Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>Encumbered land shall not be credited as Public Open Space. Encumbered land includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land set aside to protect significant vegetation; <input type="checkbox"/> Drainage basins, associated stormwater treatment sites and land that is subject to flooding; and <input type="checkbox"/> Land above the 40 metre contour. | <p>The one hectare neighborhood park would be clearly visible and accessible and there would be good surveillance from two streets which front the park.</p> <p>Encumbered land is not proposed to be credited as open space.</p> |

Attachment 3 – DPO5 Development Plan Design Guidelines

- External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades
- Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings
- Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.
- Rooves shall have a simple form with extended eaves for passive solar design.
- Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.
- Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.
- Garages and carports are to be located behind the front building line and must not dominate the building frontage
- Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.
- Only one vehicle crossover per lot shall be allowed
- Building designs are to avoid excessive cut and fill
- Outbuildings and other structures shall not have a height greater than 5 metres and be shall be located and designed to complement the principal dwelling form.
- Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail)

Attachment 4 – DPO5 Development Plan Submitters Concerns and Response

| Submitter Concerns/Comments | Response | Change Made? |
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| Submission 1 | | |
| <p>1. Concerned about the proposed road entry / intersection into the development. Concerns relate to: its narrow width; slope cut; poor visibility and safety / risk of accident. Considers it should be twice as wide.</p> <p>2. Concerned about the balance lot in the Rural Conservation Zone (RCZ) and its visual prominence. Concerned about the lack of clarity around maintenance of the land area in the long term in relation to: landslide potential; bushfire risk; weed control and replanting. Considers these matters should be addressed prior to development of the front block commencing.</p> <p>3. Concerned about the adequacy of the proposed drainage system for the development and the potential to contribute to the Great Ocean Road flooding.</p> | <p>1. VicRoads is the responsible authority for the Great Ocean Road. VicRoads supports the intersection treatment of the entrance of the development off the Great Ocean Road. The internal road layout has also been assessed by Council's Infrastructure Department and would comply with relevant engineering standards.</p> <p>2. The Development Plan considers bushfire risk and requires a 25 metre fire buffer to the rear, which would be maintained by a body corporate. It considers landslide risk and proposes a landslide debris retention be constructed at the rear of the subdivision. The responsibility for maintenance would rest with an Owners' Corporation. The Development Plan also considers weed control on the balance RCZ lot and requires the preparation of a land management plan prior to stage 2.</p> <p>3. A flood study and stormwater management plan form part of the Development Plan. All drainage infrastructure would be constructed to ensure pre-development flows off the site and minimise off-site flooding.</p> | Yes, a note requiring a land management plan prior to stage 2 was added as a result of this submission. |
| Submission 2 | | |
| <p>Note: This is by the same submitter who wrote submissions 20 and 21.</p> <p>1. Considers Development Plan does not respond positively to the significant coastal landscape and would result in visually dominate buildings from the Great Ocean Road and is a poor design outcome.</p> <p>2. Considers that the Development Plan and shown subdivision does not comply with the requirements</p> | <p>1. A visual impact assessment forms part of the Development Plan. A building setback has been incorporated into the lots which front the Great Ocean Road to minimise the visual impact from the Road and foreshore.</p> <p>2. DPO5 does not require view sharing to be considered, and there is no legal right to a view. However, any dwelling which requires planning permission as a consequence of DDO10 would need to consider view sharing principles in accordance with that schedule.</p> | No |

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| <p>of Schedule 10 to the Design and Development Overlay to be executed properly because views would not be able to shared.</p> <p>3. Contends that there is no evidence that the visual dominance of the hills would not be blocked by the rows of dwellings, particularly those adjacent to the Great Ocean Road; the very narrow frontage of the lots would not allow the subdivision to be landscaped with appropriate coastal vegetation between the building.</p> | <p>3. Further to point 1, the building setback area would allow the potential for areas to be planted to enhance screening and coastal character.</p> | |
| Submission 3 | | |
| <p>1. Considers that the development is not in keeping with Apollo Bay's neighbourhood character.</p> <p>2. Lot sizes and setbacks are too small and would result in visually dominant housing and detract from view of hills.</p> <p>3. Considers road too narrow with inadequate infrastructure e.g. footpaths.</p> <p>4. Considers one entrance onto Great Ocean Road inadequate and unsafe.</p> <p>5. Questions whether Colac-Otway Shire has budgeted for ongoing maintenance of infrastructure.</p> | <p>1. The Development Plan contains a neighbourhood character assessment. A S173 agreement, which would go on every title created, would require future dwellings to comply with design guidelines which are consistent with coastal character.</p> <p>2. The lot sizes comply with the requirements of DPO5. The DPO5 does not have any explicit setback requirements; however the lots which front the Great Ocean Road would contain a building exclusion zone to ensure that dwellings would be well set back from the road and minimise visual impact.</p> <p>3. Roads and footpaths would accord with Council's Infrastructure Design Manual (IDM).</p> <p>4. Council's Infrastructure Department and VicRoads have both reviewed the Development Plan, and confirmed that the version under consideration is acceptable.</p> <p>5. This land has been rezoned for residential purposes. Ongoing infrastructure requirements will be met.</p> | No |
| Submission 4 | | |
| <p>1. Considers block widths are too narrow and would create visually</p> | <p>1. All block widths would be over 12 metres. This complies with the minimum</p> | No |

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| <p>prominent housing .</p> <p>2. No reference to the services.</p> <p>3. Considers development would detract from Apollo Bay's appearance and country appeal.</p> | <p>widths provided for in ResCode. There is no specified minimum lot width in the DPO5 and to require it at this stage of the process is a considered unreasonable. DPO5 is the tool to establish the significant parameters to which the developer is required to respond.</p> <p>2. The development would be fully serviced and would need to meet referral authority requirements at the subdivision stage.</p> <p>3. The development plan is generally compliant with the DPO5, and future dwellings would be required to be in accordance with design guidelines.</p> | |
| Submission 5 | | |
| <p>1. Concerned that some allotments are above the 40 metre contour.</p> <p>2. Concerned that there is only one entrance.</p> <p>3. Considers the width of the lots and the density could be improved.</p> <p>4. Considers that development should fit with a planned and coordinated residential development that responds positively to the coastal landscape.</p> | <p>1. A small number of allotments would be above the 40 metre contour line but all of them would be in the Neighbourhood Residential Zone. Council has adopted the amendment that included this area as residential land, and the Minister for Planning has approved it.</p> <p>2. Council's infrastructure Department has assessed the proposed subdivision, keeping in mind the possibility that there may only ever be one access (possible in the event that future development, which provides additional access, will not eventuate).</p> <p>3. The development plan complies with the DPO5 in these respects.</p> <p>4. The Development Plan is considered to respond appropriately to the DPO5, which has been designed with the character of the area in mind.</p> | No |
| Submission 6 | | |
| <p>1. Concerned about impact of rising sea levels on the subdivision</p> <ul style="list-style-type: none"> Notes the plan has adopted the lower estimate of 0.8m by 2100 predicted by the 4th IPCC Assessment. Questions the expected life span of the Great Ocean Road to provide access to | <p>1. The Development Plan includes a Coastal Hazard Inundation Assessment (CHVA). This assessment assumes a 0.8m sea level increase by 2100, which is the level required to be recognised in all Victorian Planning Schemes under Clause 13.01-1.</p> <p>In 2100 parts of the Great Ocean road adjacent to the development are likely</p> | No |

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| <p>developments on the proposed sub division.</p> <ul style="list-style-type: none"> • Questions whether VicRoads and Council require a road easement through the subdivision to provide for the realignment of the Great Ocean Road when the coastal strip is eroded away in the future. <p>2. Concerned about access. In particular, that</p> <ul style="list-style-type: none"> • Internal roads are not wide enough. • Width of the roads shown in the plan on allotment 6230 are narrower than those on 6280 and would be inadequate to handle traffic generated by the 20 blocks on this section of the development. • The only accesses to the site controlled by the developer are the two roads connecting to the Great Ocean Road and is dependent on completion of the development of the Mariners Vue subdivision. • There should be a slip lane to provide access from Great Ocean Road access within the 80kph traffic zone provided by the developer. <p>3. Concerned about development on steep slopes in particular:</p> <ul style="list-style-type: none"> • development above the 40 meter contour line limit. • a number of the blocks on the upper slopes within the landslip area and in areas which are too steep to build on. <p>4. Concerned about unused areas and drainage areas in particular:</p> <ul style="list-style-type: none"> • Who will be responsible for the fire protection, upkeep and maintenance of the unused areas on the upper slopes of allotment 6280 and | <p>to be subject to occasional inundation in the event of a major storm tide. It is expected that the road would still be useable.</p> <p>2. Internal roads are in accordance with the standard in the Infrastructure Design Manual.</p> <p>Comments on the single point of access have been provided earlier.</p> <p>A slip lane has been included as a late addition to the plans; this is in response to VicRoads concerns.</p> <p>3. A comment on development above the 40 metre contour line has been provided earlier.</p> <p>4. A body corporate would manage a 25m deep fire buffer to the rear of the development.</p> <p>A road would be provided to the unused land.</p> <p>5. The pumping station is included as a response to Barwon Water requirements.</p> <p>6. The DPO5 requires a minimum lot size of 450m² so lots can be smaller than 600m². The DPO5 requires that a minimum average lot size of 600m², with which the Development Plan also complies.</p> <p>The development would result in some character change to the northern entrance of Apollo Bay.</p> <p>A comment on lot widths has been provided earlier.</p> <p>There would be a 10m deep building exclusion zone adjacent to the Great Ocean Road.</p> <p>7. There are natural waterways traversing the site and Wild Dog Creek is not the nearest natural waterway. The proposal would retain most stormwater on the site via drainage basins, and discharge some water through a culvert under the</p> | |
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| <p>6230 and the drainage reserves?</p> <ul style="list-style-type: none"> • That there are no suitable points of access to the unused land above the lots on the subdivision for fire access or maintenance. <p>5. Concerned about sewerage, in particular:</p> <ul style="list-style-type: none"> • Requirement and location of pumping station. • Clarity as to whether the properties adjacent to the subdivision be required to connect to this sewerage system. <p>6. Concerns about townscape; in particular:</p> <ul style="list-style-type: none"> • Compliance with 'Apollo Bay Settlement Boundary and Urban Design Review Final Report 2012' which includes the current development plan area (See Area 1 recommendations p10-11 and Appendix 'Design Guidelines Area 1'). • That the development does not comply with a number of the minimum guidelines made in the Area 1 design recommendations. For example, the average lot size of 603m² means there are a number of lots smaller than the recommendation of 600m². • That the development will dominate the northern entrance to the township of Apollo Bay • That the widths of the allotments facing the Great Ocean Road are too narrow and will result in two storey houses and create a wall of buildings similar to a row of terrace houses in the city, which will block out the views of the houses behind and create an unattractive | <p>Great Ocean Road into the sea.</p> | |
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| <p>entrance to the township.</p> <ul style="list-style-type: none"> That the setbacks are insufficient and the buildings on the Great Ocean Road frontage should be required to line up with the existing buildings at Pisces Caravan Park and 6250 (Museum) and 6230 Great Ocean Road which are approximately 20 metres from the road. <p>7. Concerns with stormwater in particular that:
The developer be required to install proper facilities to collect and transport stormwater from the site to the nearest natural water way, which is the Wild Dog Creek.</p> | | |
| Submission 7 | | |
| <p>1. Concerned that development will turn the eastern entrance of Apollo Bay into a suburban streetscape and will not provide a positive response to the local landscape.</p> <p>2. Concerned that the proposed sizes of the blocks and lot frontages are too small and cramped and suburban in appearance impacting on the appearance from Great Ocean Road.</p> | <p>1. Comments on neighbourhood character have been provided above.</p> <p>2. Comments on lot size and widths have been provided above.</p> | No |
| Submission 8 | | |
| <p>Supportive of development to facilitate growth of Apollo Bay in line with State Government policy directing coastal growth to Apollo Bay.</p> | Noted. | No |
| Submission 9 | | |
| <p>1. Notes that the Great Ocean Road is listed under the Federal Environmental Protection and Biodiversity Conservation Act 1999 as a National Heritage Place and is concerned about the relationship between the proposed development and the EPBC listing of the Great Ocean</p> | <p>1. It is recognised that this assessment under the EPBC Act 1999 may be required to be undertaken prior to the subdivision.</p> <p>2. A note has been included on the Development Plan to ensure that the development would comply with the EPBC Act 1999.</p> | Note included in Development Plan – applicant to ensure any requirements met. |

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| <p>Road. Requests that Council consider the listed values for the Great Ocean Road specifically including aesthetic values associated with hinterland and coastal views and scenery. Believes that the development of a suburban-style subdivision, particularly the proposed narrow frontages along the Great Ocean Road, would contravene the values for which the road is listed.</p> <p>2. Considers that EPBC permission would be required for the subdivision</p> | | |
| <p>Submission 10</p> | | |
| <p>1. Primary concern relates to the potential for adverse visual impact to the significant landscape character at the Great Ocean Road "gateway" to Apollo Bay, and similarly from the adjacent coastal walking trail and the public beach. Requests that the Visual Impact Assessment is updated to reflect the current Concept of Subdivision Plan, particularly with a consideration of the visual impact of allowable building forms and siting superimposed on the photographs from viewpoints 3,4 and 14 along the Great Ocean Road, and from the public viewpoints along the coastal walking trail and beach. Requests to see the building exclusion zone or setback along the Great Ocean Road substantially widened to that required of the SLO5 decision guidelines (i.e. approximately midway between the frontage and the break of slope at the 40-50 metre contour). Alternatively, a single storey height restriction for buildings abutting the Great Ocean Road may also mitigate the adverse impact.</p> <p>2. Considers the <u>Town Planning Report</u> should be updated to include semi-transparent superimpositions of allowable</p> | <p>1. Comments on visual impact have been made above. Whilst the Visual impact Assessment provided does not relate to a particular plan of subdivision, it assumes a residential development below the 40m contour line.</p> <p>Request to see building exclusion zone or setback widened is noted; however Council has already rezoned the land and applied the DPO5 to the boundary as part of amendment C74.</p> <p>The SLO5 includes a decision guideline that state:</p> <p><i>"Is set back substantially from the property frontage (approximately mid-way between the frontage and the 'break of slope' between the 40-50 metre contour line, as defined on the Landscape and Environment Map contained within the Apollo Bay Structure Plan, 2007) and from side property boundaries."</i></p> <p>Nonetheless the SLO5 was removed from the NRZ1 part of the land during the same amendment to rezone the land and thus does not directly relate to this land.</p> <p>2. Noted; however the town planning report complies with the DPO5.</p> <p>3. Noted; refer to previous comment on setbacks from the Great Ocean Road.</p> | <p>No</p> |

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| <p>building forms and sitings on Figures 2.5 to 2.12.</p> <p>3. Requests that in response to Cultural Heritage requirements to protect the significance of the historic cable station and residence adjacent to the proposed development so that they are not hidden or overwhelmed by adjacent new dwellings, the building exclusion zone abutting the Great Ocean Road be widened to ensure the setback of any new buildings from the Great Ocean Road is the same or greater than the setback of these historic buildings.</p> <p>4. Is of the view that the proposed the Great Ocean Road open drains and culverts appear inadequate to accommodate the increased runoff from the subdivision.</p> <p>5. Requests that an assessment of the coastal hazard risks resulting from increased runoff be undertaken that proposes mitigations as may be necessary.</p> <p>6. Requests that a litter trap be incorporated into the drainage design to mitigate this risk.</p> <p>7. Requests, subject to VicRoads comments, to see dedicated turning lanes into the subdivision with splitter islands along the Great Ocean Road to protect turning vehicles and provide refuge for pedestrians crossing the Great Ocean Road to and from the beach.</p> <p>8. Contends that the public open space provision seems superfluous in a relatively narrow subdivision adjacent to a public beach and foreshore, and would like to see the open space requirement used to create a wide landscaped buffer zone of public open space along the Great Ocean Road.</p> | <p>4. Stormwater management plan has been assessed by Council's Infrastructure Department.</p> <p>5. Note point 4. Also, stormwater management plan is not considered to increase coastal hazards, most stormwater would be dealt with on site flowing into drainage reserves.</p> <p>6. Increasing runoff onto Crown Land would require consent from the DELWP. Litter trap could be considered by the DELWP at the subdivision stage if one does not already exist.</p> <p>7. Applicant has responded satisfactorily to VicRoads requests, including a slip lane on the Great Ocean Road leading into the subdivision.</p> <p>The 1 hectare neighbourhood park would be significant for Apollo Bay and would help to diversify the open space offering. Council's Arts and Leisure Department has assessed the desirability of using the frontage as open space and has assessed that this narrow strip would have limited connectivity and limited public benefit.</p> | |
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| Submission 11a (associated with 11b) | | |
| 1. Contend that development plan is consistent with the zoning of the land and Amendment C74 , and responds appropriately to the site in relation to: indicative lot layout; vehicle access; measures in relation to landslide and bushfire risk; proposed road layout and internal connectivity; minimum lot sizes and development guidelines. | Noted | No |
| 2. Contend that the development will have a positive effect on the local economy as supported by a report prepared by Essential Economics. | | |
| Submission 11b (associated with 11a) | | |
| 1. Contend that development plan is consistent with the zoning of the land and Amendment C74, and responds appropriately to the site in relation to: indicative lot layout; vehicle access; measures in relation to landslide and bushfire risk; proposed road layout and internal connectivity; minimum lot sizes and development guidelines. | Noted | No |
| 2. Contend that the development will have a positive effect on the local economy as supported by a report prepared by Essential Economics. | | |
| Submission 12 | | |
| 1. Endorses comments of submission 10. | Noted, see response to submission 10. | No |
| 2. Requests that the buildings on the blocks facing the Great Ocean Road be spaced back from the Great Ocean Road boundary so that they do not dominate the landscape, with a 'No Building/No Access (Excluded by building envelopes and 173 agreements on lots)' that is sufficiently deep so that 2 storey houses facing the Great Ocean Road do not block the views of the hills behind from | | |

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| the Great Ocean Road. | | |
| Submission 13 | | |
| <ol style="list-style-type: none"> 1. Contends that there is development the 40 metre contour line. 2. Considers that the road design would make it difficult at some points for service trucks. 3. Considers the narrow entrance onto the Great Ocean Road will be difficult for service vehicles and emergencies. 4. Considers that it is an overdevelopment of the site which is vulnerable to slippage and has a spring, and that some of the blocks are too small. 5. Is of the view that there are already many empty blocks around Apollo Bay. 6. Considers that such large developments need to have open space areas. Considers that it is an insensitive proposal at the entry point into Apollo Bay. | <ol style="list-style-type: none"> 1. Refer to previous comment on development above 40 metre contour line. 2. Road design is standard would be in accordance with the Infrastructure Design Manual. Council's Infrastructure Department has required the developer to provide an indication of how service vehicles would circulate around the site in a forwards direction for every stage. 3. Entrance has been considered by VicRoads. 4. Proposal meets DPO5 requirements on density; measures have been proposed in the development to deal with landslide risk. 5. Land supply considerations are relevant at the rezoning stage, but not relevant at the current stage. 6. The development includes a 1ha open space area. <p>The proposal meets the density requirements of the DPO5.</p> | No |
| Submission 14 | | |
| <ol style="list-style-type: none"> 1. Consider that the lots are too narrow for this part of Apollo Bay. 2. Considers that access would be difficult for vehicles in cases of emergencies. 3. Considers that the lot layout will entail expensive efforts to destroy weeds and mow down grass, or become inundated with ground water. 4. Considers that drainage and footpaths infrastructure in the centre of Apollo Bay and the CBD should be attended to prior to approving development. Will contribute to Apollo Bay's summer congestion, lack of parking in the CBD, and add to the | <ol style="list-style-type: none"> 1. Refer to previous comment on road width. 2. Refer to previous comment on access for service vehicles. 3. Any such expenses would be accommodated by the developer. 4. Noted; however this is considered a separate issue to the development. 5. The development may add to Apollo Bay's summer congestion; however additional residents would also provide a boost to the local economy. | No |

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| traffic dangers of more 4WDs or buses seeking to park in town and the muddy foreshore. | | |
| Submission 15 | | |
| <p>1. Considers that the development compromises entrance to Apollo Bay.</p> <p>2. Considers the development provides an inadequate open space network.</p> <p>3. Considers the WSUD inadequate and does not utilise storm water as an ecological resource.</p> <p>4. Considers the circulation favours vehicles rather than pedestrians and vehicles.</p> <p>5. Considers that the entry to the development should be questioned on traffic movement grounds.</p> <p>6. Considers that the town character will decline as a consequence of the proposal.</p> <p>7. Considers that the design does not appropriately respond to natural land features.</p> <p>8. Considers there should be biolinks provided between the foothills and the foreshore.</p> <p>9. Considers that view sharing has not been considered.</p> <p>10. Considers that the lots are too narrow which will intensify the built form impact and compromise tree growth between buildings and boundaries. Considers that the uniform allotment sizes do not respond to the DPO5.</p> | <p>1. Noted, refer to previous comments related to visual impact.</p> <p>2. The development is required to provide 10% open space. It is proposed to provide a 1ha neighbourhood park, which is less than the 10% requirement. The balance would be paid as a cash contribution for Council to use for future open space purchases or improvements.</p> <p>3. Stormwater management plan has been deemed adequate by Council's Infrastructure Department.</p> <p>4. Development will need to provide footpaths. Although these are not explicitly depicted on the Development Plan, footpaths are a standard part of roads in the infrastructure design manual.</p> <p>5. The entry to the subdivision has been considered by VicRoads.</p> <p>6. Note previous comments on neighbourhood character.</p> <p>7. Noted; however the proposed subdivision is considered acceptable in terms of the natural land features.</p> <p>8. Opinion noted.</p> <p>9. View sharing is not a requirement of the DPO5 or any planning controls applying to subdivision. View sharing can be considered to a degree if there is a permit trigger for a dwelling under DDO10.</p> <p>10. Refer to previous comments on lot width.</p> <p>11. Disagree that the lot sizes are uniform. Some lots would be well over 1500 square metres and lot sizes would vary throughout the site.</p> | No |
| Submission 16 | | |

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| <p>1. Considers that the development layout does not adequately respond to the significant coastal setting of the land.</p> <p>2. Contends that the size of a number of the lots are below the minimum of 600 sqm specified for this area.</p> <p>3. Considers that the width of some lots will not allow for vegetation and permeability and will create a massing of built form, particularly fronting the Great Ocean Road.</p> <p>4. Considers that the development does not meet the requirements for neighbourhood character.</p> <p>5. Considers that the development does not adequately respond to climate change and further attention to road access, stormwater run-off, site drainage and management of sewerage is required, and this should not be directed towards the ocean or infrastructure created on the foreshore.</p> <p>6. Considers that the development does not adequately respond to bushfire risk.</p> <p>7. Considers that the staging of development of land at 6230 is unclear.</p> <p>8. Notes the land vulnerability to the north - wet lands and the Wild Dog Creek.
Notes that the endangered hooded plover, which nests at the mouth of the Creek could well be impacted adversely by this development.</p> | <p>1. Noted; however a development in accordance with the DPO5 would be appropriate for the area, and the DPO5 has been adopted by Council and approved by the Minister for Planning.</p> <p>2. Lots are allowed to be as small as 450 square metres.</p> <p>3. Noted; refer to previous comments on lot width.</p> <p>4. See previous comments on visual impact and neighbourhood character.</p> <p>5. The Development Plan documentation submitted includes a coastal hazard inundation assessment with an assessment of inundation up to 2100 and a stormwater management plan.</p> <p>6. The Development Plan documentation submitted includes a bushfire assessment and 25 metre fire buffer to the rear of the development.</p> <p>7. 6230 Great Ocean Road is under different ownership and a subdivision layout has not yet been put forward for this land. Only a road plan has been included in the current Development plan.</p> <p>8. Noted; area around Wild Dog Creek not proposed for development.</p> <p>6230 Great Ocean Road, which includes land adjacent to Wild Dog Creek, is not proposed for development at this stage. If it was, a separate assessment of flora and fauna would be required.</p> | No |
| Submission 17 | | |
| <p>1. Considers there should be more access points onto the Great Ocean Road.</p> | <p>1. Noted, refer to previous comments on single point of access.</p> <p>2. Noted, refer to previous comment on</p> | No |

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| <p>2. Considers that the setbacks from the Great Ocean Road should be increased.</p> <p>3. Considers that the land above the 40m contour could be given to the neighbour to assist with weed management or be used as a landcare project.</p> | <p>setbacks to Great Ocean Road.</p> <p>3. This is private land; Council cannot compel the owner to transfer the land.</p> | |
| Submission 18 | | |
| <p>1. Notes that there are lots below the 600sqm minimum lot size.</p> <p>2. Considers that the number of lots within the development needs to be reduced to meet requirements in relation to maintain the visual dominance of valley.</p> | <p>1. Lots as small as 450sqm are permitted by the DPO5.</p> <p>2. There is a lack of justification to request that the proponent reduces the lot numbers, considering that the proposed subdivision meets the density requirements of the DPO5.</p> | No |
| Submission 19 | | |
| <p>1. Considers that actions of both the developer and Apollo Bay Real Estate prior to the consideration of the lodged Development Concept Plan by Council were presumptuous, which has created the appearance to the local ratepayers, visitors and tourists that both the Development Concept Plan and Stage1 Subdivisional Plan have already been approved by Council.</p> <p>2. Considers that the developer could be seen as encouraging the Council to maximize both his and the Council's financial positions by the early sales of a stage 1 along the Great Ocean Road frontage.</p> <p>3. Considers that the construction of required widened feeder roads, Great Ocean Road pavement widening at the entry point to the estate, piped outfall drainage and the development of the recommended drainage retarding basins and any required sewerage works should all be carried by the developer before land sales occur.</p> <p>4. Raises the importance of a good</p> | <p>1. Noted; however this is beyond the scope of Council control and not a material planning consideration.</p> <p>2. Noted; however not a material planning consideration.</p> <p>3. Noted; however Council cannot stop developers from making sales that are subject to planning permission.</p> <p>4. Refer to previous comments on visual impact.</p> | No |

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| visual approach into the town, to be viewed by tourists and visitors. | | |
| Submission 20 | | |
| <p>Note: This is by the same submitter who wrote submissions 2 and 21.</p> <ol style="list-style-type: none"> 1. Considers that the lots are too narrow. 2. The average area of lots are 580m², which is below the 600m² minimum average required by the DPO5. 3. Considers that all stages of the development should average 600m² in case future stages are not developed. 4. Under the Design and Development Overlay Schedule 10, 103 lots will require a planning permit which will put a burden on the shire. 5. The setback for the development is too minimal. 6. The development will not allow for a variety of building forms, view sharing, access to northern sunlight or the planting of trees between buildings and boundaries. Developer should be required to demonstrate how any proposed development plan and associated subdivision meets these requirements by modelling various scenarios and a number of building forms and cross sections through the development. 7. Considers that pedestrian access to the town centre is unachievable due to the continued washing out of the foreshore track. No deceleration or pedestrian crossings over Great Ocean Road are shown. | <ol style="list-style-type: none"> 1. Refer to previous comments on width of lots. 2. The proponent was required to redesign the plans to meet the requirement, which resulted in a reduction in lot numbers from 144 to 139. 3. Whilst it is possible that some stages would not be developed, the DPO5 simply requires that lots in the DPO5 area as a whole meet a 600square metre average – not a 600 square metre per stage average. 4. This will place a burden on the Shire, though it is anticipated that the development would occur over a long period. 5. Note previous comment on setback for development. 6. View sharing and a variety of building forms are not required as part of the DPO5 – notwithstanding that future lot owners may still choose to build a variety of different dwelling types. It is considered that solar access would be reasonable. There is no requirement for modelling scenarios in the DPO5. 7. The pedestrian access to town may be occasionally inundated; most people would be able to use the beach as an alternative. There is no reasonable scope for another footpath with the public land available. 8. A slip lane has been included in response to VicRoads assessment. A controlled pedestrian crossing across the Great Ocean Road has not been proposed at the development plan stage. | <p>Yes, proponent was requested to comply with average minimum lot sizes of the DPO5.</p> |
| Submission 21 | 1. It is difficult to say exactly what future | No |

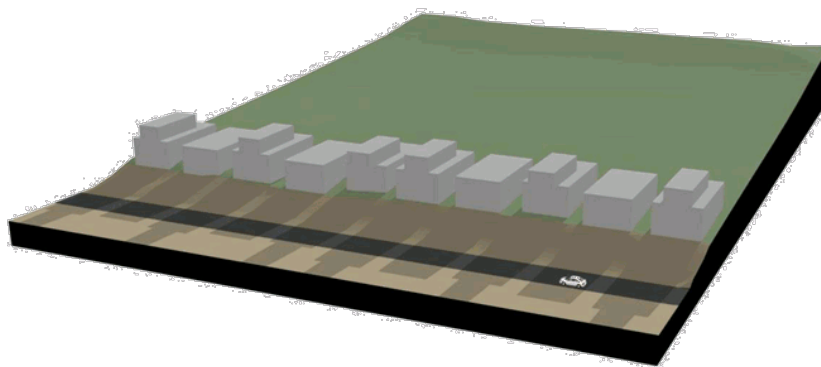
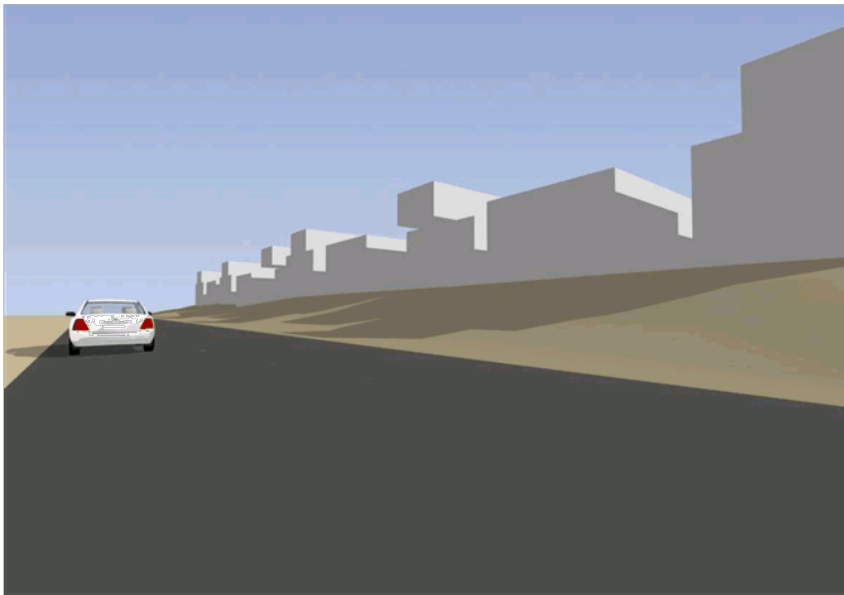
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| <p>Note: This is by the same submitter who wrote submissions 2 and 20. Only new issues have been included.</p> <p>Note: This submitter has also included images as an addendum, attached at the end of this table.</p> <ol style="list-style-type: none"> 1. The rise in the ground and the nominated setback from the Great Ocean Road will create a nearly continuous row of 9 metre wide buildings 3.6 metres apart with roof lines approximately 12 metres above and 16 metres north of the road. (See enclosed sectional drawing prepared from the drawings on the Shire website). 2. Is not in accordance with the objectives of the Development Plan which requires that the ‘...development responds positively to the significant coastal landscape...’. 3. Proposal will result in future dwellings that do not comply with the objectives of the Design and Development Overlay Schedule 10 because of narrow lots. Lots will: <ul style="list-style-type: none"> • not allow reasonable sharing of views • conceal the visual dominance of the hills • enforce uniform rectangular building forms that do not to respond positively to the coastal landscape • not allow suitable access to northern sunlight • not allow for planting of substantial vegetation between buildings and boundaries. 4. Understands that the subdivision application will automatically proceed if the development plan | <p>dwellings would be built. It is plausible that many on the front row would be double story and have minimal gaps between the buildings. Nonetheless the DPO5 (which relates to the lots not the dwellings) allows for the lots provided.</p> <ol style="list-style-type: none"> 2. The DPO5 control was developed to consider the context and features of the area. 3. The DDO10 is a control that will apply to future dwellings and is not immediately relevant for the purposes of the Development Plan. It is considered that the DDO10 will influence the design of future dwellings and future dwellings have the potential to be largely compliant with the objectives depending on the design of the dwellings. The approved Design Guidelines would also help control future development. 4. The subdivision application will not automatically proceed if the development plan is approved; however it is acknowledged that most of the elements relevant to the subdivision will have been considered at the Development Plan stage and that a subdivision “in general accordance” with any Development Plan approved (and addressing outstanding issues) will be granted a permit. <p>The Planning and Environment Act 1987, associated Regulations and the Planning Scheme do not require the exhibition of either the development plan or the subdivision and do not recognise appeal rights for either. The legally required exhibition was at the stage of developing the DPO5 (Amendment C74) – which sets the parameters for the future development. The DPO5 received submissions and was considered by a Planning Panel (public hearing for planning scheme amendments), which listened to submitters’ concerns at that time.</p> <ol style="list-style-type: none"> 5. Noted. 6. The amendment to rezone the land and | |
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| <p>is approved. In neither instance are there appeal rights which leaves the approval to the subjective judgement of the planning officers, who in this instance have passed the responsibility onto the Shire Planning Committee.</p> <p>5. This development and subdivision proposal is the result of a poorly written Development Plan Overlay. The situation is exacerbated by a planning system that unilaterally and inappropriately applies subdivision regulations designed for a city suburban subdivision to a remote coastal township.</p> <p>6. While the application may meet the regulations I believe it does not meet the objectives of the Colac Otway Planning Scheme or comply with the <i>Apollo Bay Settlement Boundary and Urban Design Review 2012</i> which states 'The Great Ocean Road and its scenic environs were recently included on Australia's National Heritage List.</p> <p>7. Places included in the National Heritage List are considered to be of national environmental significance and are protected under the Environment Protection and Biodiversity Conservation (EPBC) Act, 1999. Implications of the heritage listing will mean that certain proposals will require closer scrutiny and assessment in order to avoid or minimise any significant impacts on the national heritage values of the Great Ocean Road.'</p> <p>8. Because of the difficulty of interpreting the impact of future development from two dimensional drawings and roadside photographs the applicant should be asked to present a three-dimensional</p> | <p>apply the DPO5 followed on from the <i>Apollo Bay Settlement Boundary and Urban Design Review 2012</i> and the DPO5 has been designed taking the requirements and objectives of the Planning Scheme into account.</p> <p>7. Refer to previous comment on EPBC Act 1999.</p> <p>8. Three dimensional models were not required by the DPO5; furthermore the proponent is proposing to subdivide the land – not develop dwellings. The DPO5 does not compel the developer to demonstrate future designs for dwellings.</p> <p>9. Noted.</p> | |
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| <p>model showing the landform, access, vegetation and realistically scaled buildings so that the proposal can be realistically assessed.</p> <p>9. Is not against a development at the site, but wants a better quality development.</p> | | |
| <p>Submission 22</p> <p>1. Supports the development.</p> <p>2. Considers the project important to their future business.</p> <p>3. Disappointed the development plan was advertised, after the rezoning was advertised earlier.</p> <p>4. Considers the project will bring economic benefits.</p> | <p>Noted</p> | <p>No</p> |
| <p>Submission 23</p> <p>1. At the Planning Scheme Amendment stage to rezone the land, raised the issue of the impact on views and the planning team indicated that houses would be set back so that they were not visible from the Great Ocean Road (due to its heritage listing).</p> <p>2. Notes that there is demand for housing in Apollo Bay but there is also a desire to keep the town area limited so that it does not need to extend along all the coastline. Indicates that it can be logical to provide small lot sizes, because small lots use less land and thus more land is available.</p> <p>3. Notes that it would be beneficial for residents if there was a path to the rear of the subdivision.</p> | <p>The subdivision will need:</p> <ul style="list-style-type: none"> • A determination by the Federal Minister for the Environment about whether the subdivision requires a formal application under the EPBC Act 1999. • If it does require a formal assessment, the assessment must be carried out. The Federal Minister may request changes to the subdivision, but it would be speculative to anticipate the nature of the changes (if any). <p>1. The area for subdivision is something that has been determined as part of the earlier rezoning phase for the land. The minimum lot sizes have been determined by the DPO5 and the task for Council at the current time is to ensure that they comply.</p> <p>2. The land at the rear of the subdivision is in the Rural Conservation Zone, which has a minimum subdivision size of 40 hectares. In order to create this path, a part of the balance lot to the rear would</p> | <p>No</p> |

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| | need to be subdivided off and transferred to Council for the path, or access would be through another person's private property. | |
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Addendum images to submission 21



Attachment 5 – DPO5 Development Plan Referral Authority Comments

| Authority | Comments |
|-------------------------|--|
| Otway Coastal Committee | <p>Did not object or provide conditions, but expressed concerns about the proposal.</p> <p>Drainage: Expressed concern about the ability of Great Ocean Road culverts and the foreshore reserve to handle storm water runoff.</p> <p>Expressed concern about the elevation of drainage reserves and the impact of this on stormwater management.</p> <p>Questions whether the proponent has gained approval for using existing culverts under the Great Ocean road to discharge stormwater following detention and treatment on site.</p> <p>Notes the lack of reference to gross litter traps.</p> <p>Officer Response: Council's infrastructure department has considered the stormwater management plan and, after requests for several changes, has deemed that it is acceptable.</p> <p>Vehicle Access: Notes future access points in future stages may not occur.</p> <p>Notes a lack of slip lanes.</p> <p>Indicates it is not appropriate to use the foreshore reserve for access.</p> <p>Questions whether there are adequate sightlines and distances from the bridge abutments to create a safe entry point for both pedestrians and vehicles.</p> <p>The subdivision hasn't provided enough detail to ensure there will be more than one entry point and states that perhaps the single entry should be adequately designed to service the entire proposal.</p> <p>Officer response: The traffic plan has been considered by Council's engineering department, with knowledge of the possibility that future stages may not occur and there may only ever be one point of access.</p> <p>Asks whether there will be pressure to extend 60km zone to Wild Dog Bridge.</p> <p>Questions how the road link through Mariners Vue will be legislated for.</p> <p>Questions whether an easement should be created for wild dog bridge should there be any future need if the Wild Dog Creek Bridge becomes unusable.</p> |

| | |
|-----------------------|--|
| | <p>Proposes a path on the inland side of the Great Ocean road because the road along the beach is susceptible to inundation.</p> <p>Questions the level of detail to ensure safe and adequate vehicle and pedestrian crossing.</p> <p>Indicates that the visual impact assessment provided poorly represents the site from the beach and coastal path. States that indicative building heights, setbacks and screening need to be provided along with adequate plans.</p> <p>Notes there appears little consideration to natural drainage lines on the site and the opportunity for screen planting along these lines to both absorb water and runoff.</p> <p>Many lots have a very narrow street frontage of only 12.5 or 13 metres. Claims that lots this narrow would not meet planning scheme provisions or "preferred neighbourhood character". Indicates good passive solar design and adequate landscaping may not be possible on such narrow allotments.</p> <p>Claims that there are no examples of how the proposal satisfies the particular and general provisions including clause 56, using clause 56.04 as an example.</p> <p>Claims the plan does not demonstrate how it meets the requirements of the DPO5, or the objectives of the DPO5.</p> |
| Barwon Water | No objection no conditions, forwarded advice that had been sent to the applicant about connecting the future subdivision to water. |
| DELWP | No objection, recommended that the applicant consider the impacts of the development on adjacent Crown Land including on the culverts under the Great Ocean Road, and of the encroachment of deceleration lanes onto Crown Land (if needed). |
| Western Coastal Board | Did not comment |
| Downer Tenix | No objection, no conditions. |
| Powercor | Did not comment. |
| VicRoads | <p>Requested further information.</p> <ol style="list-style-type: none"> 1. A scaled (1:500) functional layout plan showing the proposed access points to the development on the Great Ocean Road including features such as pavement, kerb / shoulders, line marking, power poles, trees and other road furniture within 100 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with the Great Ocean Road. This must include any required turning movements into or out of the proposed access points and consider the need for Left and Right turning lanes at the proposed accesses. |

| | |
|------------------------|---|
| | <p>Note: The applicant provided the functional layout plan.</p> <p>2. The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.</p> <p>Note: Swept Path Diagrams were prepared.</p> <p>3. VicRoads requires further review of the submitted traffic report. The proposed submitted volumes along the Great Ocean Road are based on volumes from 2010 traffic data. Current counts need to be undertaken. The report will also identify any mitigation works required.</p> <p>Note: The proponent discussed this requirement with VicRoads.</p> <p>VicRoads also relayed advice that a hydrological assessment of the capacity of a culvert under the Great Ocean road must be assessed.</p> <p>VicRoads confirmed on Thursday 11 August the further information had all been provided and they were satisfied with the response.</p> |
| Country Fire Authority | Did not comment. |
| CCMA | <p>Requested further information.</p> <p>Requested a flood study to determine pre and post development flood levels due to waterways traversing the site.</p> <p>The CCMA gave advice that the flood study could be deferred to the subdivision stage.</p> |

PC161909-5 PLANNING AND BUILDING STATISTICAL REPORT

| | | | |
|-------------|----------------------------------|-----------|-----------------|
| AUTHOR: | Melanie Duve | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development & Community Services | FILE REF: | F11/2683 |

Planning Statistics

- 25 Planning Permit Applications were received for the period of 1 July 2016 to 31 July 2016.
- 23 Planning Permit Applications were considered for the period 1 July 2016 to 31 July 2016.
- 26 Planning Permit Applications were received for the period of 1 August 2016 to 31 August 2016.
- 26 Planning Permit Applications were considered for the period 1 August 2016 to 31 August 2016.

Building Statistics

The building statistics shown in the attachments to this report are updated to 31 August 2016

Attachments

1. Planning Statistical Report - July 2016 - (Determinations) - AGENDA Copy
2. Planning Statistical Report - August 2016 - (Determinations) - AGENDA Copy(2)

Recommendation

That Council notes the Planning and Building Statistical reports for the months of July and August 2016.

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## PLANNING STATISTICAL REPORT – JULY 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                            | PROPOSAL                                                                                                                                                                                                                                               | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 153/2015-1         | 24-JUN-15     | 3170 GREAT OCEAN ROAD<br>GLENAIRE   | RELOCATION OF BUILDING TO PROVIDE EXTENSION TO DWELLING AND ASSOCIATED BUILDINGS AND WORKS, AND REMOVAL OF VEGETATION                                                                                                                                  | 345            | 25-JUL-16       | PERMIT ISSUED BY DELEGATE   |
| 165/2015-1         | 3-JUL-15      | 1330 COLAC FORREST ROAD<br>YEODENE  | USE AND DEVELOPMENT OF THE LAND AS A RESTAURANT/CAFÉ (57 SEATS) AND PLACE OF ASSEMBLY (WEDDING FUNCTION CENTRE), USE OF THE LAND FOR THE SALE AND CONSUMPTION OF ALCOHOL (RESTAURANT AND CAFÉ LICENCE) AND DISPLAY OF ONE BUSINESS IDENTIFICATION SIGN | 72             | 29-JUL-16       | PERMIT ISSUED BY DELEGATE   |
| 297/2015-1         | 7-DEC-15      | 3345 GREAT OCEAN ROAD<br>GLENAIRE   | RE-SUBDIVISION OF LAND INTO TWO LOTS (BOUNDARY REALIGNMENT)                                                                                                                                                                                            | 136            | 4-JUL-16        | PERMIT REFUSED BY DELEGATE  |
| 29/2016-1          | 12-FEB-16     | 644 CORAGULAC BEEAC ROAD<br>WARRION | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SHED AND TWO WATER TANKS                                                                                                                                                                                | 41             | 11-JUL-16       | PERMIT ISSUED BY DELEGATE   |
| 31/2016-1          | 16-FEB-16     | 14 MCCARTHY'S ROAD WARRION          | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DWELLING AND THREE WATER TANKS                                                                                                                                                                          | 42             | 19-JUL-16       | PERMIT ISSUED BY DELEGATE   |

## PLANNING STATISTICAL REPORT – JULY 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                  | PROPOSAL                                                                                              | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY          |
|--------------------|---------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------|-----------------|--------------------------------------|
| 55/2016-1          | 16-MAR-16     | 37-39 HESSE STREET COLAC                  | USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF WORSHIP AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 59             | 15-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 68/2016-1          | 5-APR-16      | 195 CARLISLE GELLIBRAND ROAD, GELLIBRAND  | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                                  | 60             | 15-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 69/2016-1          | 6-APR-16      | 52 MAIN STREET BIRREGURRA                 | SUBDIVISION OF LAND INTO TWO (2) LOTS                                                                 | 39             | 29-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 76/2016-1          | 22-APR-16     | 23 HARRINGTON STREET SEPARATION CREEK     | CONSTRUCTION OF A NEW VERANDAH TO EXISTING DWELLING                                                   | 41             | 12JUL-16        | PERMIT ISSUED BY DELEGATE - BUSHFIRE |
| 78/2016-1          | 20-APR-16     | 1560 BIRREGURRA FORREST ROAD BARWON DOWNS | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                            | 48             | 18-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 90/2016-1          | 6-MAY-16      | 775 BARHAM RIVER ROAD APOLLO BAY          | REMOVAL OF NATIVE VEGETATION                                                                          | 83             | 29-JUL-16       | PERMIT ISSUED BY DELEGATE            |

## PLANNING STATISTICAL REPORT – JULY 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                                                                                                                                                                                                                                                                                                                                                    | PROPOSAL                                                                                                                                                                                                | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY                 |
|--------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------------------------|
| 92/2016-1          | 10-MAY-16     | NUMEROUS LOTS AND ROAD RESERVE, INCLUDING 340 DEWINGS BRIDGE ROAD, 380 DEWINGS BRIDGE ROAD, 420 DEWINGS BRIDGE ROAD, 1910 COLAC-FORREST ROAD, 1945 COLAC-FORREST ROAD, GOLD HOLE ROAD, AND WESTWOOD ROAD, ALL IN GERANGAMETE (OTWAY FOREST PARK); AND 20 WESTWOOD ROAD, BARONGAROOK; 300 WESTWOOD ROAD, BARONGAROOK; 140-150 CALLAHANS LANE, BARWON DOWNS; AND ROAD RESERVE | BUILDINGS AND WORKS ASSOCIATED WITH UTILITY INSTALLATION (PIPELINE AND WATER TREATMENT PLANT), NATIVE AND NON-NATIVE VEGETATION REMOVAL, AND CONSTRUCTION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 | 49             | 29-JUL-16       | PERMIT ISSUED BY DELEGATE                   |
| 98/2016-1          | 12-MAY-16     | 21 WALLACE STREET WYE RIVER                                                                                                                                                                                                                                                                                                                                                 | CONSTRUCTION OF ONE (1) NEW DWELLING                                                                                                                                                                    | 38             | 12-JUL-16       | PERMIT ISSUED BY DELEGATE - <b>BUSHFIRE</b> |
| 104/2016-1         | 19-MAY-16     | 1680 CORANGAMITE LAKE ROAD DREEITE                                                                                                                                                                                                                                                                                                                                          | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED                                                                                                                                        | 49             | 7-JUL-16        | PERMIT ISSUED BY DELEGATE                   |
| 119/2016-1         | 2-JUN-16      | 61-69 FOREST STREET COLAC                                                                                                                                                                                                                                                                                                                                                   | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SILO                                                                                                                                                     | 35             | 6-JUL-16        | PERMIT ISSUED BY DELEGATE                   |
| 123/2016-1         | 9-JUN-16      | 39 MURRAY STREET COLAC                                                                                                                                                                                                                                                                                                                                                      | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE                                                                                                                                                              | 48             | 27-JUL-16       | PERMIT ISSUED BY DELEGATE                   |

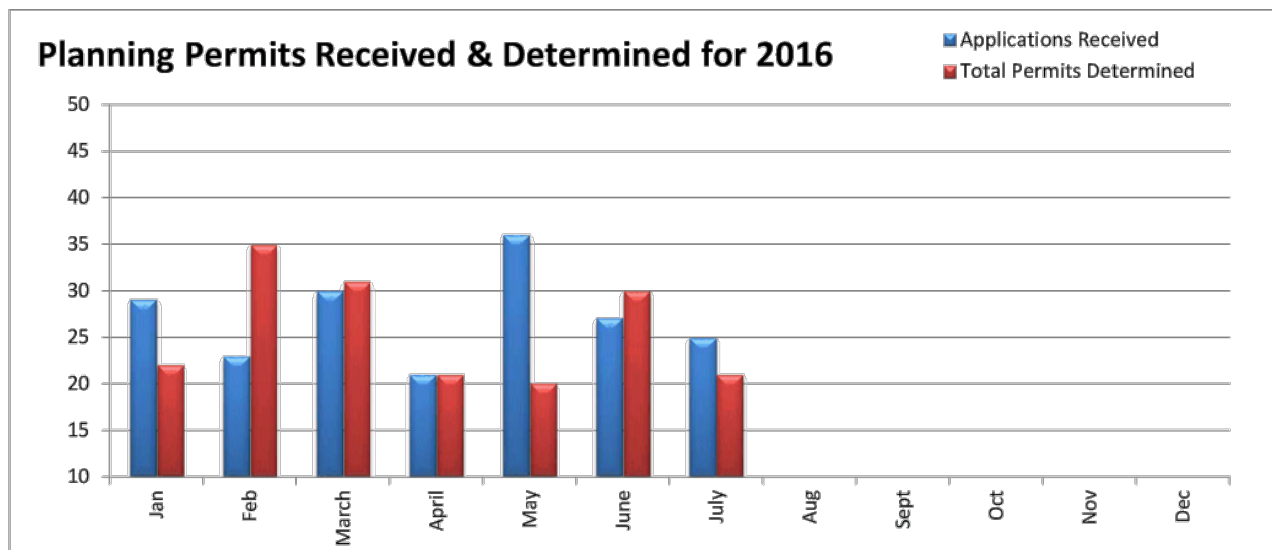
## PLANNING STATISTICAL REPORT – JULY 2016 - (DETERMINATIONS)

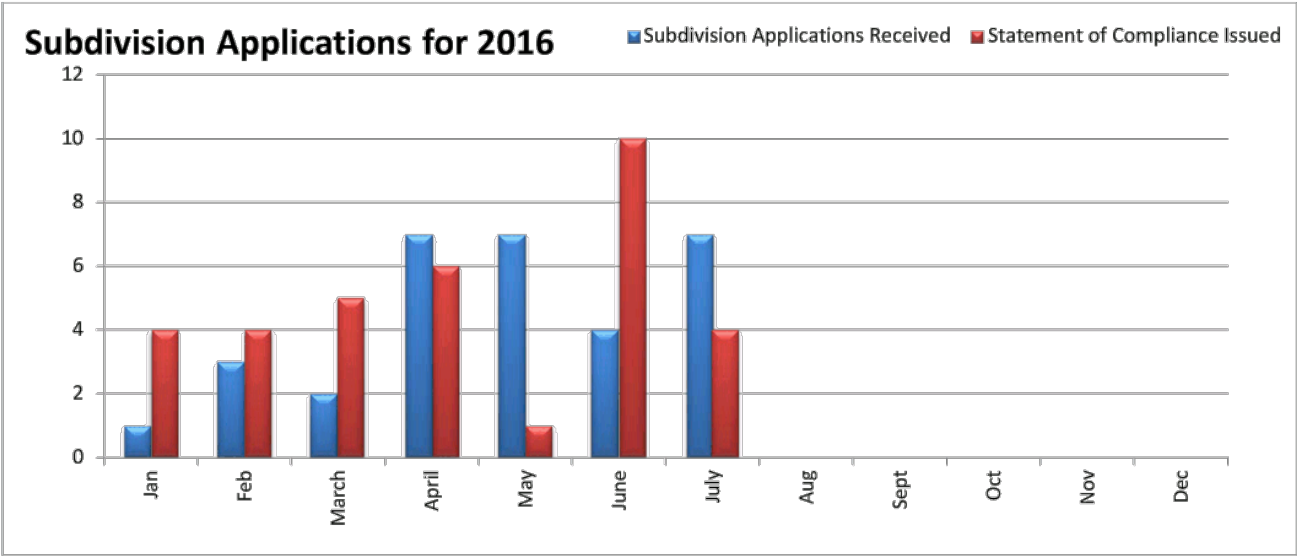
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                      | PROPOSAL                                                                                                                                                                              | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY          |
|--------------------|---------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|--------------------------------------|
| 125/2016-1         | 10-JUN-16     | 125 TRIGGS ROAD IRREWARRA                     | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SHED                                                                                                                                   | 15             | 21-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 128/2016-1         | 15-JUN-16     | 10 FLAXMILL ROAD COLAC EAST                   | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                                                                            | 42             | 27-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 129/2016-1         | 17-JUN-16     | 415 COLAC FORREST ROAD YEO                    | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                                                                            | 40             | 27-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 151/2016-1         | 4-JUL-16      | 496 MURRAY STREET COLAC                       | DISPLAY OF ONE BUSINESS IDENTIFICATION SIGN                                                                                                                                           | 24             | 28-JUL-16       | PERMIT ISSUED BY DELEGATE            |
| 139/2014-1         | 14-JUL-14     | 49 & 53-57 MAIN STREET MAIN STREET BIRREGURRA | USE AND DEVELOPMENT OF THE LAND FOR A MOTEL (12 UNITS), DEMOLITION OF THREE SHEDS, REMOVAL OF NATIVE AND NON-NATIVE VEGETATION AND DISPLAY OF ILLUMINATED AND NON-ILLUMINATED SIGNAGE | 399            | 13-JUL-16       | NOTICE OF DECISION ISSUED BY COUNCIL |
| 308/2015-1         | 19-DEC-15     | 143 GREAT OCEAN ROAD APOLLO BAY               | USE OF LAND TO SELL OR CONSUME LIQUOR (RESTAURANT AND CAFÉ LIQUOR LICENCE)                                                                                                            | 92             | 22-JUL-16       | NOTICE OF DECISION ISSUED BY COUNCIL |
| 82                 |               |                                               |                                                                                                                                                                                       |                |                 |                                      |

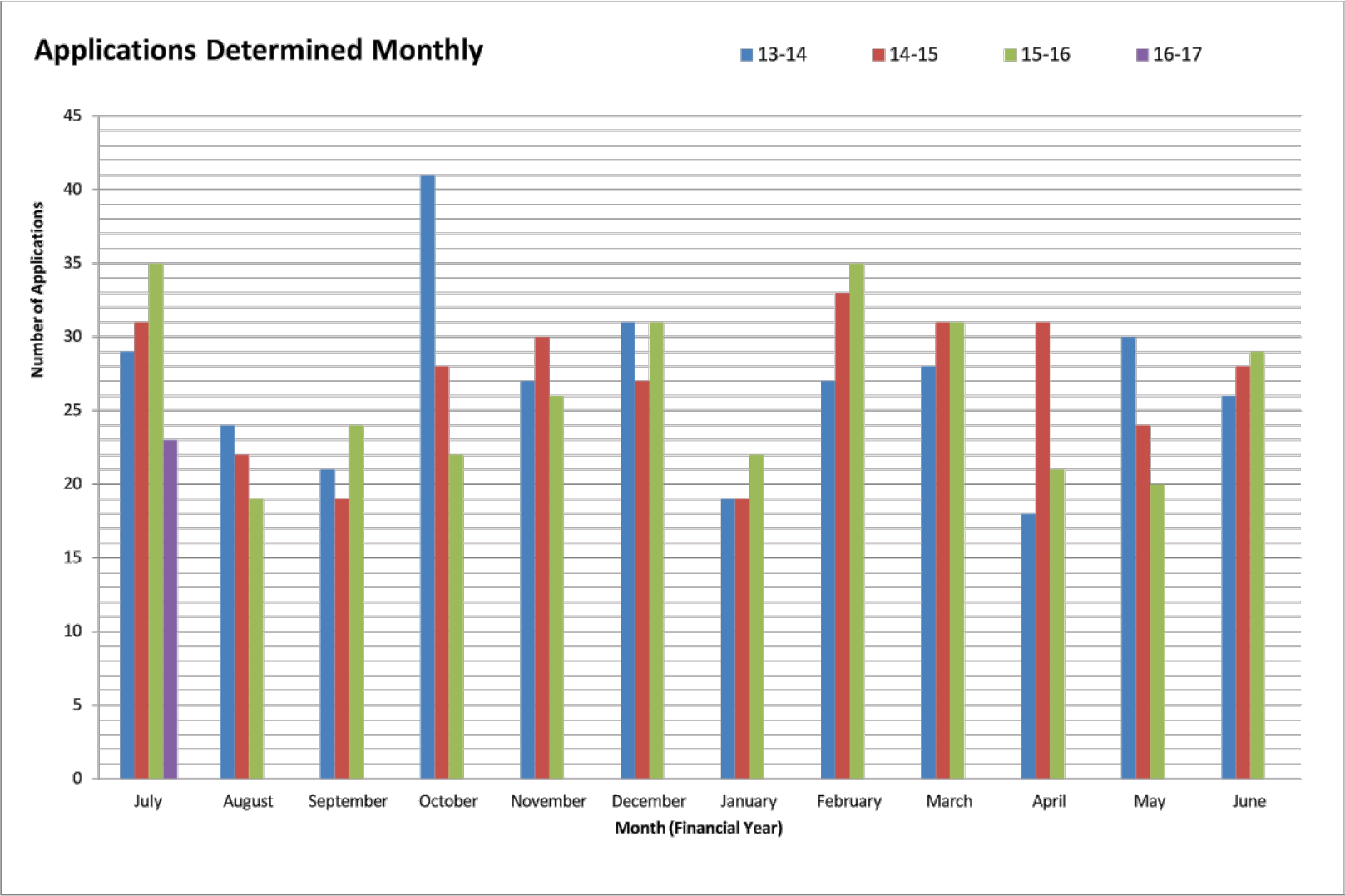


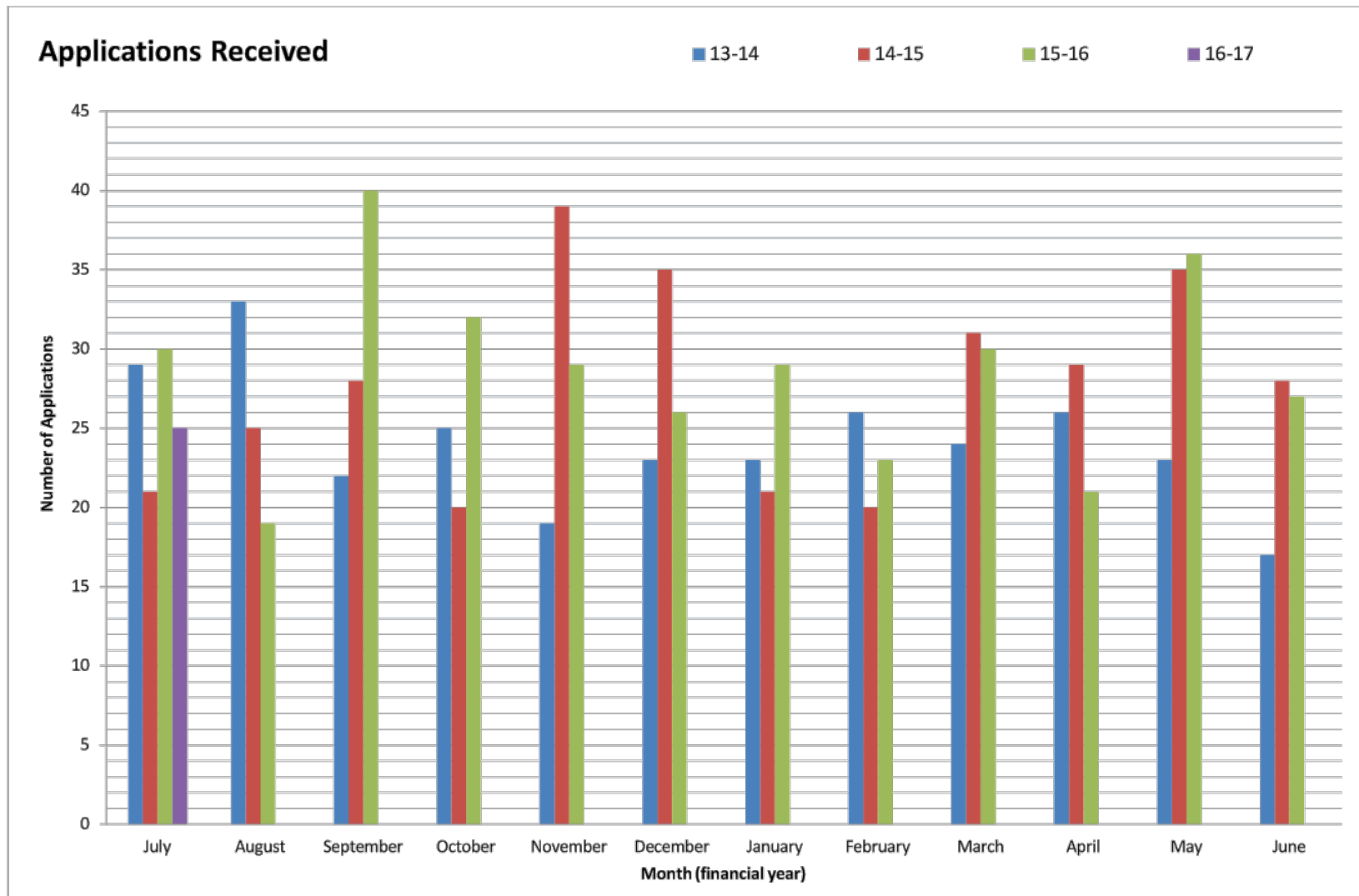
## PLANNING STATISTICAL REPORT – JULY 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                         | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--------------------------------------|--------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 119/2015-1         | 20-MAY-15     | 29-35 GREAT OCEAN ROAD<br>APOLLO BAY | VARIATION OF THE<br>LIQUOR LICENCE TO<br>INCREASE PATRON<br>NUMBERS AND TO VARY<br>TRADING HOURS | 47             | 19-JUL-16       |                             |
| 80                 |               |                                      |                                                                                                  |                |                 |                             |









## BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2016 (YEAR TO DATE)

|              | New Dwelling |                   | Domestic (Other) |                  | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|--------------|--------------|-------------------|------------------|------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|              | No.          | Value (\$)        | No.              | Value (\$)       | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| Jan          | 6            | 2,374,542         | 15               | 881,131          | 2              | 270,000          | 0                  | -                | 1                 | 50,000           | 0                     | -                | 24               | 3,575,673         |
| Feb          | 11           | 5,130,664         | 22               | 728,047          | 3              | 185,745          | 0                  | -                | 0                 | -                | 1                     | 2,779,280        | 37               | 8,823,736         |
| Mar          | 7            | 2,304,676         | 26               | 1,059,876        | 1              | 82,500           | 2                  | 7,500            | 0                 | -                | 0                     | -                | 36               | 3,454,552         |
| Apr          | 14           | 4,506,100         | 37               | 1,260,582        | 2              | 370,000          | 0                  | -                | 0                 | -                | 0                     | -                | 53               | 6,136,682         |
| May          | 9            | 2,690,556         | 20               | 468,276          | 0              | -                | 2                  | 348,180          | 0                 | -                | 1                     | 31,000           | 32               | 3,538,012         |
| Jun          | 7            | 2,881,532         | 26               | 1,176,278        | 1              | 900,000          | 4                  | 280,349          | 1                 | 2,676,357        | 0                     | -                | 39               | 7,914,516         |
| Jul          | 8            | 2,158,842         | 13               | 1,959,699        | 0              | -                | 2                  | 515,450          | 1                 | 18,595           | 0                     | -                | 24               | 4,652,586         |
| Aug          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Sep          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Oct          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Nov          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Dec          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| <b>Total</b> | <b>62</b>    | <b>22,046,912</b> | <b>159</b>       | <b>7,533,889</b> | <b>9</b>       | <b>1,808,245</b> | <b>10</b>          | <b>1,151,479</b> | <b>3</b>          | <b>2,744,952</b> | <b>2</b>              | <b>2,810,280</b> | <b>245</b>       | <b>38,095,757</b> |

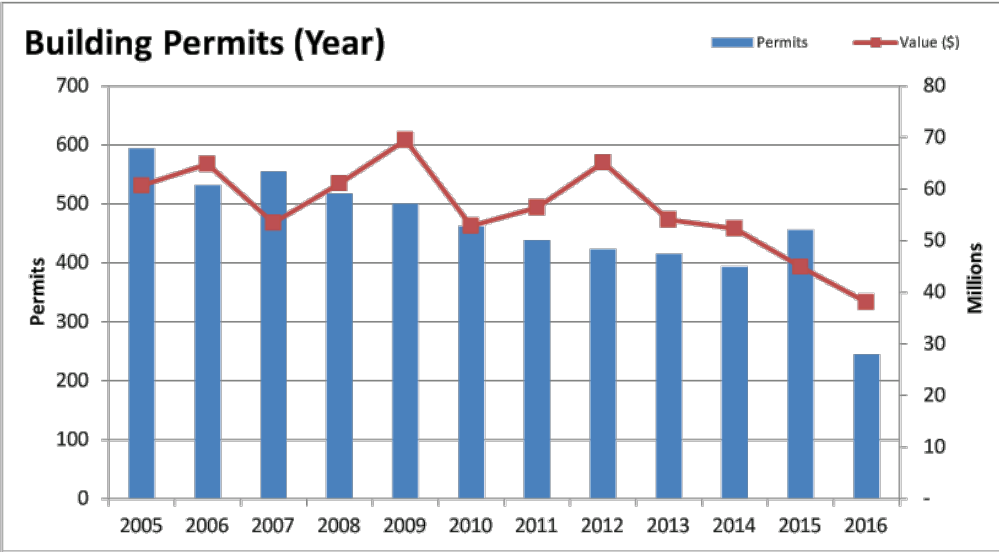
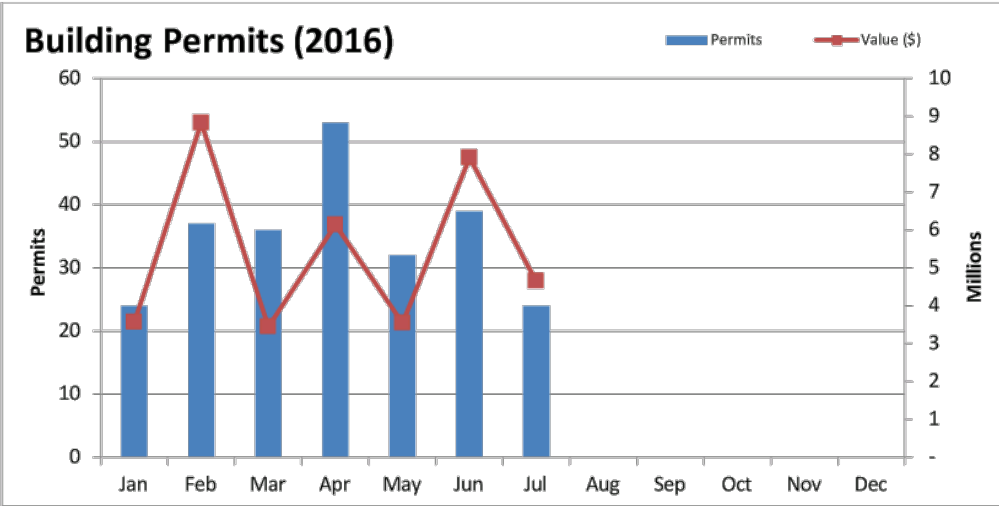
Note: Figures for previous month may change at next report due to private surveyors lodging permits after report completed

## BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)

|      | New Dwelling |            | Domestic (Other) |            | New Commercial |            | Commercial (Other) |            | New Public/Health |            | Public/Health (Other) |            | Municipal Totals |            |
|------|--------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|
|      | No.          | Value (\$) | No.              | Value (\$) | No.            | Value (\$) | No.                | Value (\$) | No.               | Value (\$) | No.                   | Value (\$) | No.              | Value (\$) |
| 2011 | 129          | 35,068,520 | 260              | 11,547,948 | 11             | 4,897,695  | 23                 | 2,368,619  | 1                 | 550,000    | 15                    | 2,041,271  | 439              | 56,474,053 |
| 2012 | 110          | 37,048,125 | 260              | 9,398,333  | 12             | 9,024,422  | 24                 | 2,733,674  | 2                 | 2,913,411  | 15                    | 4,057,333  | 423              | 65,175,298 |
| 2013 | 113          | 30,065,304 | 253              | 10,801,627 | 8              | 1,120,000  | 24                 | 1,526,120  | 7                 | 3,849,610  | 10                    | 6,707,886  | 415              | 54,070,547 |
| 2014 | 103          | 33,360,820 | 248              | 9,141,465  | 6              | 5,666,127  | 17                 | 1,696,037  | 7                 | 641,868    | 13                    | 1,881,619  | 394              | 52,387,936 |
| 2015 | 100          | 25,816,039 | 308              | 12,340,327 | 7              | 900,683    | 26                 | 3,479,364  | 3                 | 220,634    | 12                    | 2,135,742  | 456              | 44,892,789 |
| 2016 | 62           | 22,046,912 | 159              | 7,533,889  | 9              | 1,808,245  | 10                 | 1,151,479  | 3                 | 2,744,952  | 2                     | 2,810,280  | 245              | 38,095,757 |

Note: Current year figures are to date only.

| Definition<br>(Examples) | New Dwelling                                  | Domestic (Other)                                                      | New Commercial                                    | Commercial (Other)                            | New Public/Health                    |                             | Public/Health (Other)              |  |
|--------------------------|-----------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|--------------------------------------|-----------------------------|------------------------------------|--|
|                          | Dwellings<br>Multi Development<br>Re-Erection | Extension/Alteration<br>Verandah/Deck<br>Shed/Garage<br>Swimming Pool | Office<br>Shop<br>Restaurant<br>Factory/Warehouse | Extension/Alteration<br>Fit Out<br>Demolition | Hospital<br>Medical Clinic<br>School | Hall<br>Church<br>Utilities | Extension/Alteration<br>Demolition |  |





## PLANNING STATISTICAL REPORT – AUGUST 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                        | PROPOSAL                                                                                                               | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 11/2015-3          | 28-JUL-16     | 15 LUMEAH ROAD BIRREGURRA       | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING - AMENDMENT                                                             | 11             | 8-AUG-16        | PERMIT ISSUED BY DELEGATE   |
| 289/2015-1         | 26-NOV-15     | 294 BUSTY ROAD APOLLO BAY       | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                         | 27             | 10-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 301/2015-1         | 16-DEC-15     | 216 ARMSTRONG STREET ELLIMINYT  | THREE (3) LOT SUBDIVISION                                                                                              | 13             | 12-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 53/2016-1          | 16-MAR-16     | 10 FORANS ROAD BARONGAROOK WEST | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                         | 56             | 19-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 64/2016-1          | 30-MAR-16     | 41 GRAVESEND STREET COLAC       | USE OF BUILDING AS AN ART AND CRAFT CENTRE AND DISPLAY OF ONE (1) BUSINESS IDENTIFICATION SIGN                         | 69             | 1-AUG-16        | PERMIT ISSUED BY DELEGATE   |
| 94/2016-1          | 12-MAY-16     | 21 LIGAR STREET COLAC           | TWO (2) LOT SUBDIVISION                                                                                                | 37             | 19-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 103/2016-1         | 18-MAY-16     | 19 STRACHAN STREET BIRREGURRA   | USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (40M MONOPOLE) AND ASSOCIATED ANTENNAS, EQUIPMENT UNITS AND WORKS | 61             | 10-AUG-16       | PERMIT ISSUED BY COUNCIL    |

## PLANNING STATISTICAL REPORT – AUGUST 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                 | PROPOSAL                                                                                                                                         | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 109/2016-1         | 19-MAY-16     | 64 NOEL STREET APOLLO BAY                | SUBDIVISION OF LAND INTO TWO (2) LOTS                                                                                                            | 59             | 31-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 116/2016-1         | 24-MAY-16     | 1255 SKENES CREEK ROAD TANBRYN           | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AND REMOVAL OF ROADSIDE NATIVE VEGETATION | 26             | 23-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 121/2016-1         | 7-JUN-16      | 28 MILLER STREET COLAC                   | USE OF THE LAND AT 28 MILLER STREET FOR A MEDICAL CENTRE AND ASSOCIATED CAR PARKING                                                              | 32             | 3-AUG-16        | PERMIT ISSUED BY DELEGATE   |
| 122/2016-1         | 7-JUN-16      | 117 MAIN STREET ELLIMINYT                | USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF WORSHIP AND DISPLAY OF A BUSINESS IDENTIFICATION SIGN                                             | 21             | 31-AUG-16       | PERMIT ISSUED BY DELEGATE   |
| 130/2016-1         | 21-JUN-16     | 355 AND 357 BARHAM RIVER ROAD APOLLO BAY | VARIATION TO CARRIAGEWAY EASEMENT                                                                                                                | 49             | 9-AUG-16        | PERMIT ISSUED BY DELEGATE   |
| 137/2016-1         | 22-JUN-16     | 90 POTTERS ROAD ONDIT                    | BUILDINGS AND WORKS COMPRISING EXTENSION TO AGRICULTURAL SHED                                                                                    | 14             | 2-AUG-16        | PERMIT ISSUED BY DELEGATE   |

## PLANNING STATISTICAL REPORT – AUGUST 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                                                                     | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY           |
|--------------------|---------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------------------|
| 153/2016-1         | 6-JUL-16      | 121-123 GREAT OCEAN ROAD APOLLO BAY   | SUBDIVISION OF GROUND FLOOR OF EXISTING BUILDING INTO TWO (2) LOTS WITH ASSOCIATED COMMON PROPERTY                                                           | 26             | 1-AUG-16        | PERMIT ISSUED BY DELEGATE             |
| 159/2016-1         | 18-JUL-16     | 5760 GREAT OCEAN ROAD PETTICOAT CREEK | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                                                                                         | 10             | 29-AUG-16       | PERMIT ISSUED BY DELEGATE             |
| 166/2016-1         | 25-JUL-16     | 18 TELFORD STREET MARENGO             | BUILDINGS AND WORKS COMPRISING EXTENSIONS TO DWELLING                                                                                                        | 37             | 31-AUG-16       | PERMIT ISSUED BY DELEGATE             |
| 176/2016-1         | 8-AUG-16      | 160 COLLINS ROAD IRREWARRA            | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                                                                                         | 21             | 29-AUG-16       | PERMIT ISSUED BY DELEGATE             |
| 187/2016-1         | 22-AUG-16     | 60 ROSSMOYNE ROAD COLAC WEST          | DEMOLITION OF SHED                                                                                                                                           | 1              | 23-AUG-16       | PERMIT ISSUED BY DELEGATE             |
| 54/2016-1          | 16-MAR-16     | 416 PRINCES HIGHWAY COLAC WEST        | USE AND DEVELOPMENT OF THE LAND FOR SERVICE STATION, ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 20             | 17-AUG-16       | NOTICE OF DECISION ISSUED BY DELEGATE |

## PLANNING STATISTICAL REPORT – AUGUST 2016 - (DETERMINATIONS)

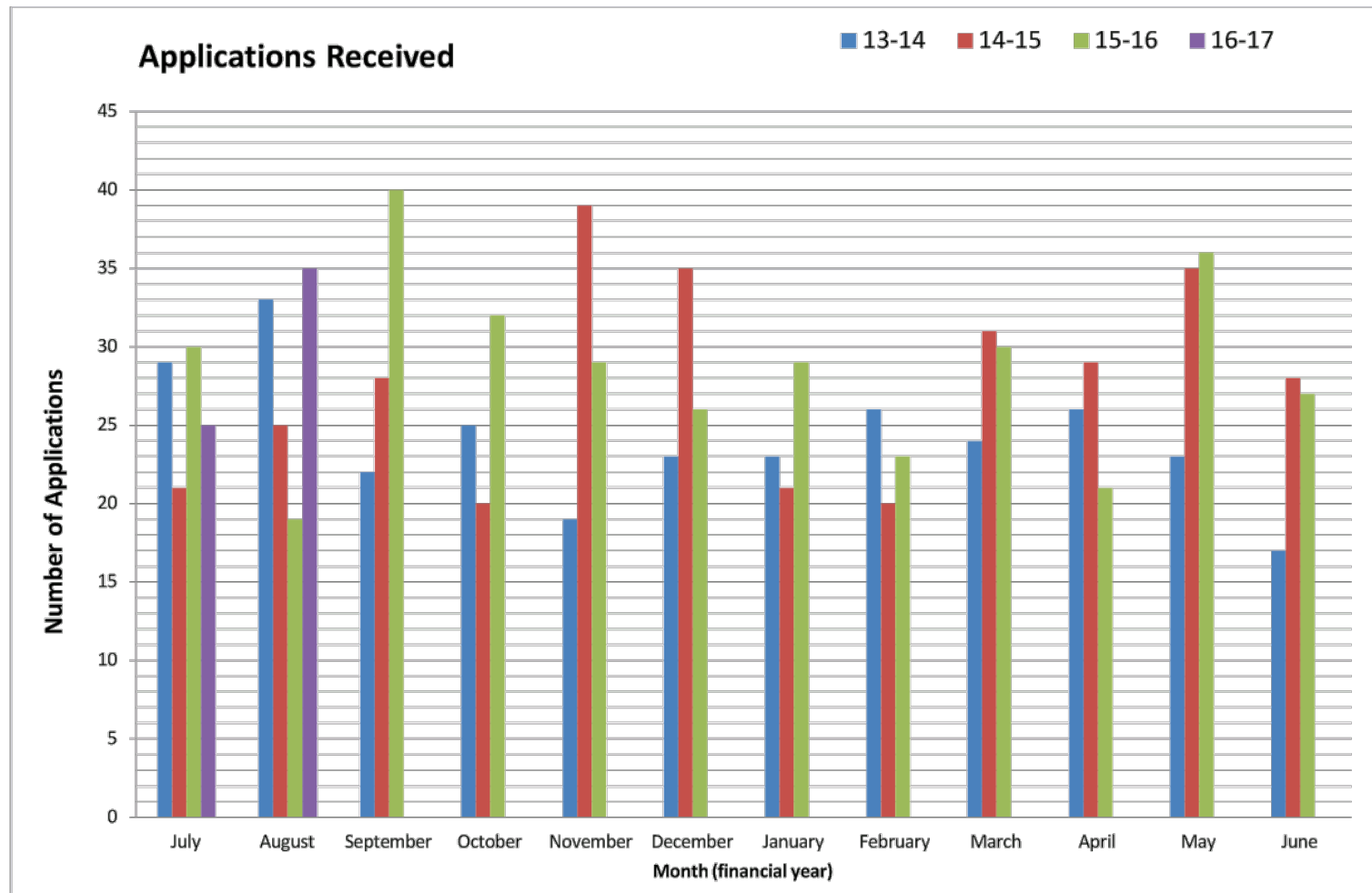
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                       | PROPOSAL                                                                   | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY           |
|--------------------|---------------|--------------------------------|----------------------------------------------------------------------------|----------------|-----------------|---------------------------------------|
| 65/2016-1          | 8-AUG-16      | 45 COLLINS ROAD IRREWARRA      | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                             | 90             | 4-AUG-16        | NOTICE OF DECISION ISSUED BY DELEGATE |
| 108/2016-1         | 25-MAY-16     | 25-27 CAWOOD STREET APOLLO BAY | DEMOLITION OF EXISTING AMENITY BLOCK AND CONSTRUCTION OF NEW AMENITY BLOCK | 38             | 25-AUG-16       | NOTICE OF DECISION ISSUED BY DELEGATE |
| 34                 |               |                                |                                                                            |                |                 |                                       |

## PLANNING STATISTICAL REPORT – August 2016 - (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

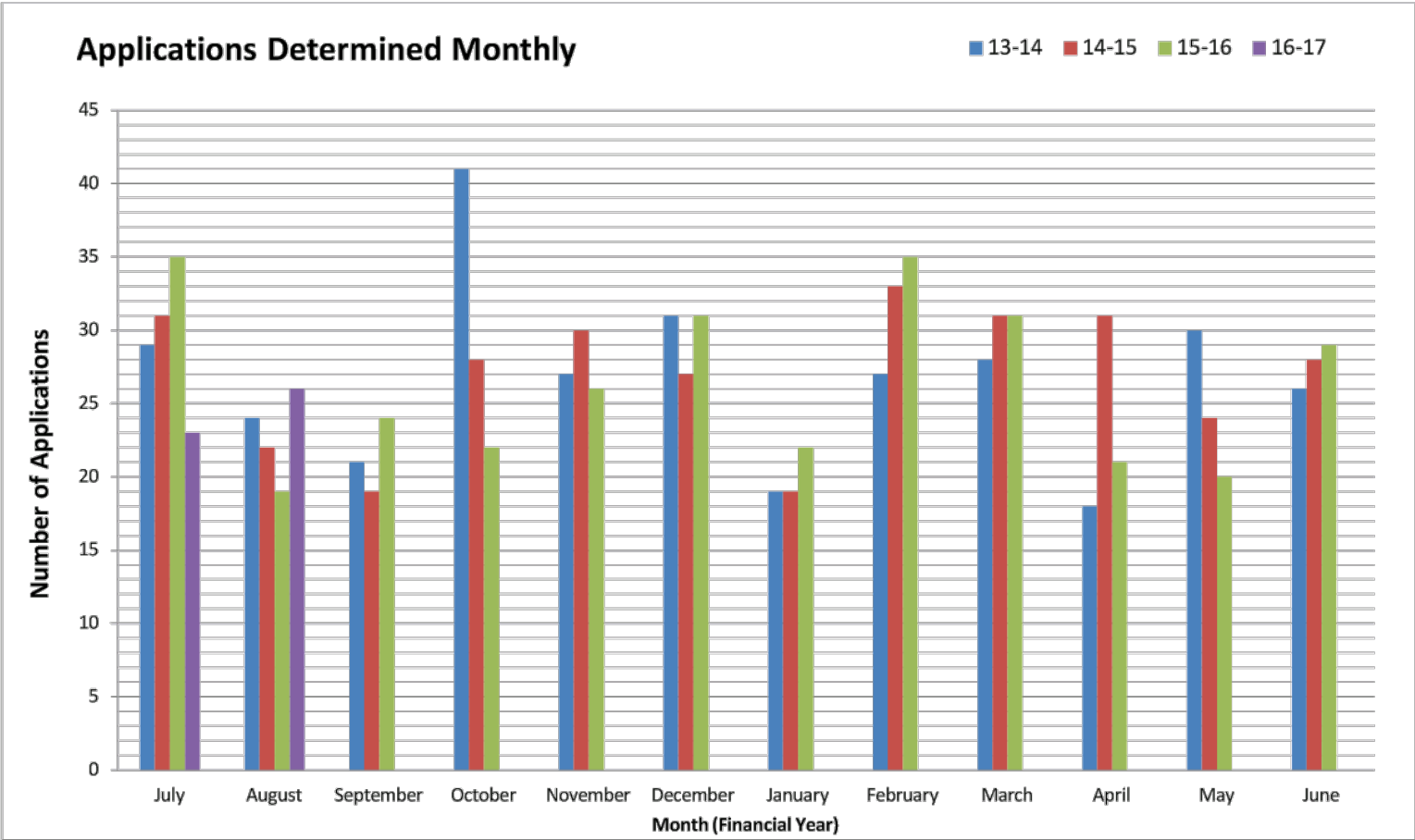
| APPLICANT                          | APPLICATION NUMBER | DATE RECEIVED | LOCATION                        | PROPOSAL                                                                                                    | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY | COMMENTS                                                                                                                  |
|------------------------------------|--------------------|---------------|---------------------------------|-------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------|
| MCGLYNN SCOTT BUILDING CONTRACTORS | 18/2015-2          | 6-MAY-16      | 150 LUCAS ROAD CARLISLE RIVER   | BUILDINGS AND WORKS FOR AN EXTENSION TO AN EXISTING DWELLING AND CONSTRUCTION OF AN OUTBUILDING - AMENDMENT | 1              | 2-AUG-16        | LAPSED                      | Required information, including amended geotechnical assessment and amended Bushfire Management Assessment, not provided. |
| ADAM HALL BUILDER PTY LTD          | 150/2016-1         | 6-JUL-16      | 370 QUEEN STREET ELLIMINYT      | CONSTRUCTION OF A SHED                                                                                      | 1              | 9-AUG-16        | WITHDRAWN                   | Prohibited in Rural Living Zone as not associated with a dwelling.                                                        |
| PENNYROYAL RASPBERRY FARM          | 161/2016-1         | 19-JUL-16     | 115 DIVISION ROAD MURROON       | EXTENSION TO LIQUOR LICENCE HOURS OF TRADING                                                                | 1              | 15-AUG-16       | WITHDRAWN                   | To be addressed as part of amendment to PP59/2011/1 instead.                                                              |
| T ARMSTRONG                        | 169/2016-1         | 28-JUL-16     | 172 SINCLAIR STREET SOUTH COLAC | CONSTRUCTION OF A GARDEN SHED                                                                               | 20             | 17-AUG-16       | PERMIT NOT REQUIRED         | Exemptions apply under zone and overlays.                                                                                 |

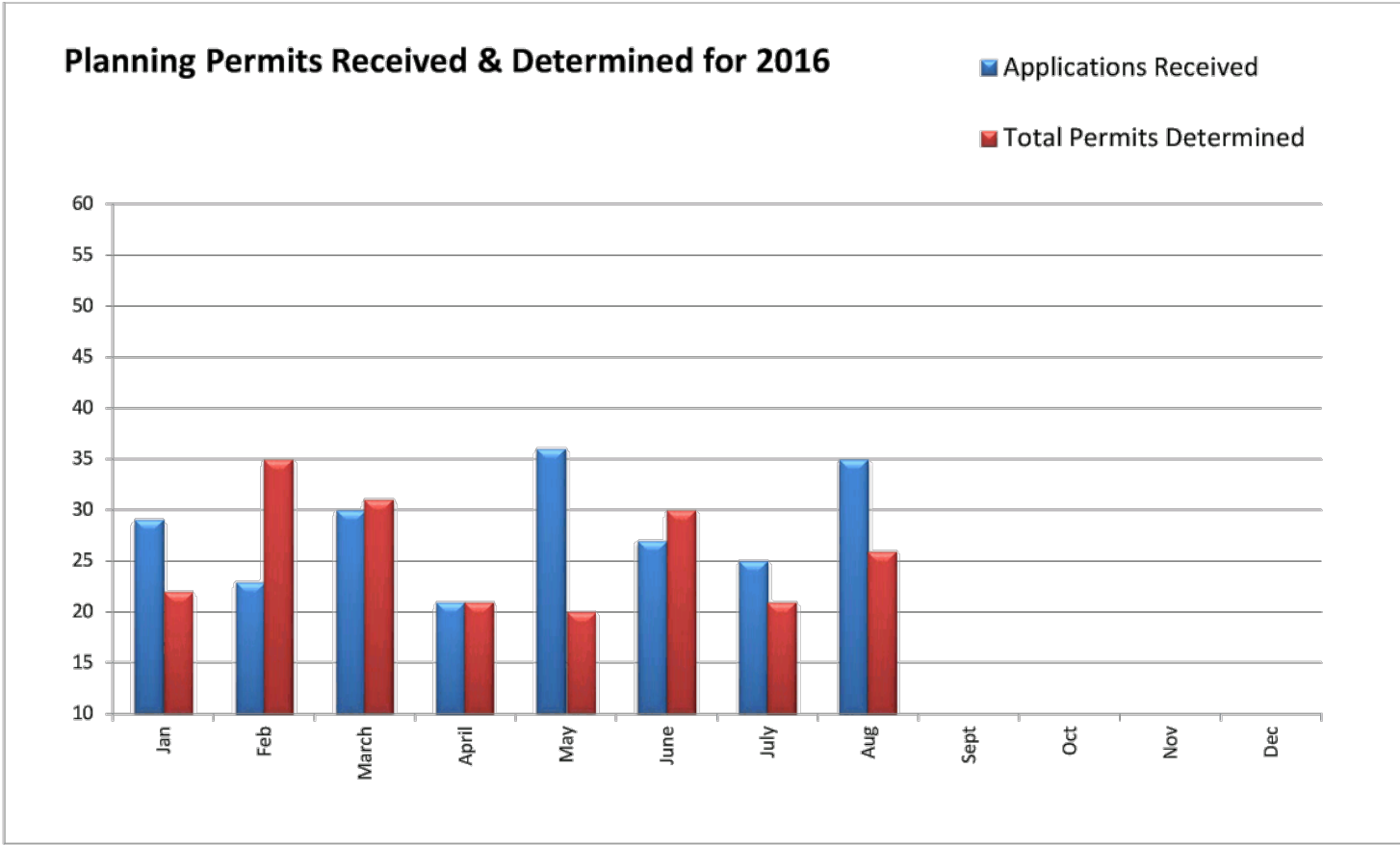
## PLANNING STATISTICAL REPORT – August 2016 - (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

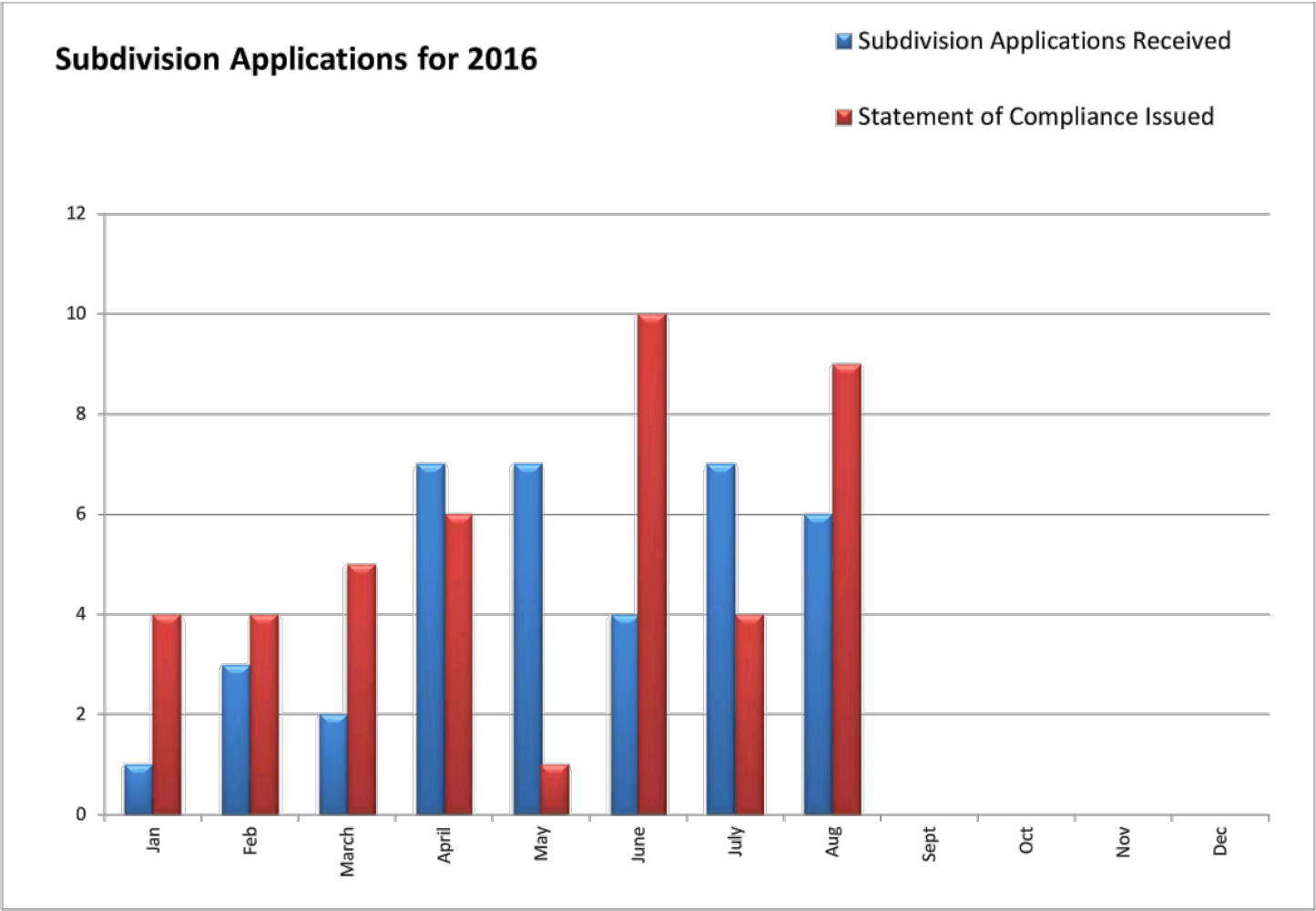
| APPLICANT                                 | APPLICATION NUMBER | DATE RECEIVED | LOCATION                               | PROPOSAL                                                | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY | COMMENTS                                                        |
|-------------------------------------------|--------------------|---------------|----------------------------------------|---------------------------------------------------------|----------------|-----------------|-----------------------------|-----------------------------------------------------------------|
| G J WILLIAMS                              | 170/2016-1         | 3-AUG-16      | 965 TOMAHAWK CREEK ROAD<br>IRREWILLIPE | BUILDINGS AND WORKS COMPRISING<br>EXTENSION TO DWELLING | 3              | 9-AUG-16        | PERMIT NOT REQUIRED         | Carport extension to existing dwelling. Exempt under FZ and BMO |
| AVERAGE STATUTORY DAYS (ALL APPLICATIONS) |                    |               |                                        |                                                         | 29             |                 |                             |                                                                 |











**BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2016 (YEAR TO DATE)**

|              | New Dwelling |                   | Domestic (Other) |                  | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|--------------|--------------|-------------------|------------------|------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|              | No.          | Value (\$)        | No.              | Value (\$)       | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| Jan          | 6            | 2,374,542         | 15               | 881,131          | 2              | 270,000          | 0                  | -                | 1                 | 50,000           | 0                     | -                | 24               | 3,575,673         |
| Feb          | 11           | 5,130,664         | 22               | 728,047          | 3              | 185,745          | 0                  | -                | 0                 | -                | 1                     | 2,779,280        | 37               | 8,823,736         |
| Mar          | 7            | 2,304,676         | 26               | 1,059,876        | 1              | 82,500           | 2                  | 7,500            | 0                 | -                | 0                     | -                | 36               | 3,454,552         |
| Apr          | 14           | 4,506,100         | 37               | 1,260,582        | 2              | 370,000          | 0                  | -                | 0                 | -                | 0                     | -                | 53               | 6,136,682         |
| May          | 9            | 2,690,556         | 20               | 468,276          | 0              | -                | 2                  | 348,180          | 0                 | -                | 1                     | 31,000           | 32               | 3,538,012         |
| Jun          | 7            | 2,881,532         | 26               | 1,176,278        | 1              | 900,000          | 4                  | 280,349          | 1                 | 2,676,357        | 0                     | -                | 39               | 7,914,516         |
| Jul          | 8            | 2,158,842         | 17               | 2,020,879        | 0              | -                | 2                  | 515,450          | 1                 | 18,595           | 0                     | -                | 28               | 4,713,766         |
| Aug          | 6            | 2,631,067         | 20               | 1,061,769        | 2              | 146,300          | 0                  | -                | 0                 | -                | 1                     | 4,888,135        | 29               | 8,727,271         |
| Sep          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Oct          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Nov          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Dec          |              |                   |                  |                  |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| <b>Total</b> | <b>68</b>    | <b>24,677,979</b> | <b>183</b>       | <b>8,656,838</b> | <b>11</b>      | <b>1,954,545</b> | <b>10</b>          | <b>1,151,479</b> | <b>3</b>          | <b>2,744,952</b> | <b>3</b>              | <b>7,698,415</b> | <b>278</b>       | <b>46,884,208</b> |

Note: Figures for previous month may change at next report due to private surveyors lodging permits after report completed

**BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)**

|             | New Dwelling |            | Domestic (Other) |            | New Commercial |            | Commercial (Other) |            | New Public/Health |            | Public/Health (Other) |            | Municipal Totals |            |
|-------------|--------------|------------|------------------|------------|----------------|------------|--------------------|------------|-------------------|------------|-----------------------|------------|------------------|------------|
|             | No.          | Value (\$) | No.              | Value (\$) | No.            | Value (\$) | No.                | Value (\$) | No.               | Value (\$) | No.                   | Value (\$) | No.              | Value (\$) |
| <b>2011</b> | 129          | 35,068,520 | 260              | 11,547,948 | 11             | 4,897,695  | 23                 | 2,368,619  | 1                 | 550,000    | 15                    | 2,041,271  | 439              | 56,474,053 |
| <b>2012</b> | 110          | 37,048,125 | 260              | 9,398,333  | 12             | 9,024,422  | 24                 | 2,733,674  | 2                 | 2,913,411  | 15                    | 4,057,333  | 423              | 65,175,298 |
| <b>2013</b> | 113          | 30,065,304 | 253              | 10,801,627 | 8              | 1,120,000  | 24                 | 1,526,120  | 7                 | 3,849,610  | 10                    | 6,707,886  | 415              | 54,070,547 |
| <b>2014</b> | 103          | 33,360,820 | 248              | 9,141,465  | 6              | 5,666,127  | 17                 | 1,696,037  | 7                 | 641,868    | 13                    | 1,881,619  | 394              | 52,387,936 |
| <b>2015</b> | 100          | 25,816,039 | 308              | 12,340,327 | 7              | 900,683    | 26                 | 3,479,364  | 3                 | 220,634    | 12                    | 2,135,742  | 456              | 44,892,789 |
| <b>2016</b> | 68           | 24,677,979 | 183              | 8,656,838  | 11             | 1,954,545  | 10                 | 1,151,479  | 3                 | 2,744,952  | 3                     | 7,698,415  | 278              | 46,884,208 |

Note: Current year figures are to date only.

| Definition<br>(Examples) | New Dwelling                                  | Domestic (Other)                                                      | New Commercial                                      | Commercial (Other)                            | New Public/Health                    |                             | Public/Health (Other)              |
|--------------------------|-----------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------|--------------------------------------|-----------------------------|------------------------------------|
|                          | Dwellings<br>Multi Development<br>Re-Erection | Extension/Alteration<br>Verandah/Deck<br>Shed/Garage<br>Swimming Pool | Office<br>Shop<br>Restaurant<br>Factory / Warehouse | Extension/Alteration<br>Fit Out<br>Demolition | Hospital<br>Medical Clinic<br>School | Hall<br>Church<br>Utilities | Extension/Alteration<br>Demolition |

