



MEETING OF SPECIAL COUNCIL

AGENDA

WEDNESDAY 7 FEBRUARY 2018

AT 4PM

COPACC



COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

7 FEBRUARY 2018

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COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

NOTICE is hereby given that the next **SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 7 February 2018 at 4pm.

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

Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken (Mayor)
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Tony McGann, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer

3. APOLOGIES

4. WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

I ask that we all show respect to each other and respect for the office of an elected representative.

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.

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

The sole purpose of the Special Meeting is for Council to consider nominees and appoint two to the Mooleric Road Quarry Consultative Committee and to provide advice on the adequacy of information submitted with the planning application for a tourist resort at 275 Barham River Road, Apollo Bay.

5. QUESTION TIME

At every Special Meeting, a public question time not exceeding 30 minutes will be held to enable any member of the public to question Council but only on items included in the Agenda of that Special Meeting.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

6. DECLARATIONS OF INTEREST

SPECIAL COUNCIL MEETING
**MOOLERIC ROAD QUARRY
CONSULTATIVE COMMITTEE**
SC180702-1

LOCATION / ADDRESS	320 Mooleric Road, Ombersley	GENERAL MANAGER	Gareth Smith
OFFICER	Blaithin Butler	DEPARTMENT	Development & Community Services
TRIM FILE	F14/8449	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Attachment 1 - Issued planning permit 2. Attachment 2 - questionnaire for Consultative Committee nominees (condition 74) - Copy 3. Attachment 3 - Draft Terms of Reference for Consultative Committee November 2017 (condition 74) 4. Attachment 4 - Location map surrounding people to 320 Mooleric Road Quarry 		
PURPOSE	For Council to consider nominees and appoint two to the Mooleric Road Quarry Consultative Committee		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

Planning permit PP169/2014-1 (Attachment 1), which allowed the use and development of a quarry at 320 Mooleric Road, is subject to compliance with 87 conditions. Condition 74 requires a Consultative Committee to be established *“to consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations”*.

The Consultative Committee is required to include, inter alia, *“two representatives of local residents/landowners”*, which must be *“to the satisfaction of the Responsible Authority”*. The permit condition also allows the appointment of *“other relevant representatives if deemed appropriate by the Responsible Authority”*.

Nominations to be one of the two representatives of local residents/landowners have been invited on two separate processes by the permit holder, MCG Quarries Pty Ltd (MCG) – the initial process undertaken was by two advertisements in the Birregurra Mail and the second process by letters sent to landowners within 2km of the quarry site. Seven (7) written nominations have been received.

The primary role of the successful nominees will be to represent local residents/landowners on the Consultative Committee, and to communicate with local residents/landowners following meetings of the Committee. As noted above, the role of the Committee is *“to consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations”*. As the role requires an understanding of the impact of the quarry operations, it is considered that one of the key criteria to take into account when deciding which nominee may best represent local residents/landowners on the Consultative Committee is land ownership and/or residency in the vicinity of the quarry site.

It is noted that the permit condition was based on one drafted by Council, with the specific use of the wording *“local residents/landowners”* (rather than, for example, ‘community’) being designed to include those persons who may be most directly affected by the proposed quarry.

To assist the decision-making process, legal advice was sought about the process for selecting the successful nominees, and a questionnaire was sent to all of those who have applied (Attachment 2 – copy of questionnaire). Copies of the legal advice, completed questionnaires and original applications have been provided to Councillors. These have not been attached to this report due to the privileged nature of legal advice and the fact that the information from nominees contains some personal information.

All nominations received can be considered, including those lodged by objectors to the planning application. In addition, whilst nominations were requested within a specified time in the letters sent to landowners within 2km of the quarry, nominations received outside that non-statutory timeframe can be considered.

Officers recommend that the chosen representatives be residents and/or landowners in the vicinity of the quarry, on the north side of the Princes Highway. These local residents/landowners would be more likely to want to share information about the quarry activities and would have direct knowledge of local conditions, e.g. groundwater levels, traffic movements etc. It is also considered imperative that at least one of the representatives be from the group of local residents/landowners that objected to the permit application.

3. RECOMMENDATION

That Council resolves to appoint _____ and _____ as the two representatives of “local residents/landowners” to the Mooleric Road Quarry Consultative Committee.

4. BACKGROUND / KEY INFORMATION

BACKGROUND

Planning permit PP169/2014-1, which was issued at the direction of the Governor in Council, allowed the use and development of two lots at 320 Mooleric Road, Ombersley as a quarry. The planning permit is subject to compliance with 87 conditions, one of which requires a Consultative Committee to be established *“to consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations”*.

The Consultative Committee is required to include representatives of Council, the permit holder and a number of authorities, i.e. the Department of Environment Land Water and Planning (DELWP), Southern Rural Water (SRW), and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR). In addition, the Committee is to include *“two representatives of local residents/landowners”* and *“other relevant representatives if deemed appropriate by the Responsible Authority”*.

The permit condition requiring a Consultative Committee to be set up is based on one drafted by Council officers, which was considered by the Planning Committee in December 2014. The inclusion of this condition in the Planning Committee report had regard to a similar arrangement for Ondit quarry. The use of the words *“local residents/landowners”* in the permit condition remains as drafted by Council, whilst the wording allowing *“other relevant representatives if deemed appropriate by the Responsible Authority”* was altered from Council’s draft wording of *“representatives of other agencies if deemed appropriate”*.

The Planning Committee report explained the reason for including a condition requiring the establishment of a Consultative Committee as follows:

“.....given the nature of the proposed use, and the concerns raised by local residents and landowners, it is considered appropriate to require that a Consultative Committee be set up to consider and discuss the ongoing operations at the quarry, including reviewing the monitoring reports submitted. It is recommended that the Consultative Committee consist of representatives from the Responsible Authority, other interested authorities/agencies, the permit holder/quarry operator and representatives from the local community. It is recommended that a permit condition require such a Committee to be set up...In the event a permit is issued, Council officers would instigate a process for establishing the Committee. This would include contacting relevant authorities and agencies, liaising with the permit holder and taking responsibility for arranging the election of local residents to the Committee (with elections held at specified intervals, e.g. every three years). Terms of reference would be drawn up in the event a permit is issued, which would establish rules for the Committee, determine frequency of meetings, clarify how meetings would be arranged and publicised, and deal with other such procedural matters.”

Advertising Process for Nominees

MCG advertised in the Birregurra Mail on 21 June 2017 for two positions on the Consultative Committee. This was done without Council's prior knowledge. No date was included for submissions to be made. The purpose of the Committee was stated to be to *"bring forward and discuss any matters by the community regarding the Quarry"*.

This advertisement was repeated in the Birregurra Mail on 19 July 2017. The advertisement included the wording *"encouraged to nominate by Sunday, 30th of July"*.

On 14 August 2017, MCG advised that it recommended that Mr. P Drewry and Mr. T Farquharson be appointed to the Consultative Committee. Others who nominated at that time were Mr. S. Lidgerwood, Mr. S. Stewart, and Ms. M. Crabtree. Further information on the nominees was sought by Council at the time.

MCG also indicated that it did not consider Mr. S. Stewart and Ms. M. Crabtree to be suitable candidates due to conflicts of interest.

In September 2017, Council officers met with MCG to discuss nominees and also to discuss drafting Terms of Reference for the Consultative Committee. Subsequently MCG provided further details of Mr. P Drewry and Mr. T Farquharson, also advising expressing concerns about Ms. M Crabtree's nomination but stating, inter alia, that *"if the Council still wishes to include Maryjane on the Committee then ultimately that is the decision of the Council as the Responsible Authority"* (e-mail dated 28/9/17 from MCG). Subsequently, by e-mail dated 25 October 2017, MCG again challenged Ms. M Crabtree's nomination.

The draft Terms of Reference referred to above, which have since been further developed in consultation with MCG, are attached (Attachment 3). It is intended that these be considered by all representatives on the Consultative Committee at its first meeting.

On 26 October 2017, Council confirmed that *"the appointment of the following nominees to the Consultative Committee would meet the requirements of permit condition 74:*

1. Ms M Crabtree
2. Mr P Drewry"

It should be noted that the advice that these nominees would satisfy condition 74 was based on the nominations received at that time and that it pre-dated letters being sent to local residents/landowners within 2km of the quarry site. These nominations were never formally agreed, with MCG challenging the nomination of Ms M Crabtree. Further nominations were subsequently received following the mail out by MCG, with all nominations already received also remaining under consideration. Having reviewed all nominations, Council advised MCG on 22 December 2017 that *"it would be satisfied to accept the following nominations:*

1. *Tanya Burnett. Notwithstanding the fact that she objected to the permit application, it is noted that Mrs Burnett lives close to the quarry and also is in a good position to relay information back to other landowners in the vicinity of the site. It is not considered that the fact that the nomination was received after the deadline specified in your letter would prohibit appointing her as a representative.*

2. *Duncan Barber. Whilst Council previously indicated that this nomination would not be accepted, as MCG had approached Mr Barber (outside of any EOI process), it is noted that he is one of the landowners close to the quarry. His property is also located north of the quarry, whilst Mrs Burnett's is to the south. On this basis, Council will rescind its previous rejection of this nominee and accept Mr Barber as a representative."*

MCG has since, by e-mail dated 29 January 2018, challenged the nomination of Mrs T Burnett. The challenge to Mrs Burnett's nomination is discussed further later in this report.

It should be noted that, whilst Council has indicated nominees it would be prepared to accept, no agreement has been reached with MCG to date. Notwithstanding the lack of agreement, ultimately the composition of the Consultative Committee has to be *"to the satisfaction of the Responsible Authority"*. All candidates can be considered by Councillors when making this decision.

Details of the nominations received in response to the requests for expressions of interest by MCG are set out in the 'Key Information' section of this report below. Full copies of all nominations have been provided to Councillors.

KEY INFORMATION

Permit condition 74 requires the establishment of a Consultative Committee *"to the satisfaction of the Responsible Authority"*. There is no statutory process for setting up such a Committee.

Officers consider that it is critical the representation of local residents/landowners on the Consultative Committee is balanced, as the representatives will need to be in a position to communicate with other local residents/landowners in the area. The history behind the issue of the planning permit is, as Councillors are aware, long and complex but a core group of residents/local landowners have been involved in the full process. Officers consider that it is imperative that this group is appropriately represented on the Consultative Committee. It is imperative that the representatives chosen are in a position *"to consider all matters....which reasonably pertain to the impact of the quarry operations"*.

The following are the nominations received (in date order) for the two roles of representative of *"local residents/landowners"*.

Name	Date of written nomination	Information received (at time report was drafted)
Maryjane Crabtree	30/7/17	<ul style="list-style-type: none"> Both a local resident, and through her company, a landowner Legally qualified, and holds a number of directorships and appointments in the Government and not for profit sectors <p>The nomination was challenged by MCG, which wrote direct to Ms Crabtree. In response to the issues raised, Ms. Crabtree provided the following information:</p> <ul style="list-style-type: none"> Nomination identified legal qualification partly as disclosure Considers "landowners" must be in the context comprise the group of landowner objectors Considers that purpose of Consultative Committees in the planning context is to reflect a diversity of positions, responsibilities and interests, and that it is not a prerequisite for

		<p>involvement that each member be a supporter of the permit-holder's enterprise</p> <ul style="list-style-type: none"> • As a landowner objector, does not think that she is any more biased against the enterprise than any other landowner objector • As a qualified lawyer, considers she is trained and expected to identify and manage conflicts of interest • Legal background may assist in an understanding of the regulatory framework within which MCG Quarries must operate • Does not envisage any circumstance in which she would be providing legal advice <p>Note: This nomination has also received written support from other local residents/landowners.</p>
Scott Stewart	31/7/17	<ul style="list-style-type: none"> • Landholder on two boundaries of the quarry site. <p>The nomination was not supported by MCG due his conflict as the landowner of the proposed quarry site.</p>
Paul Drewry (questionnaire returned when report drafted)	4/8/17	<ul style="list-style-type: none"> • Runs a small beef farming enterprise at a property owned by family for 45 years • Has been involved in the quarrying industry, with 25 years employment • Currently operates mobile plant (PD Earthmoving Pty Ltd); noted that this may be seen as a bias towards the Mooleric Road quarry • The following information was provided to MCG, in response to request for further information: <ul style="list-style-type: none"> - believes it will be beneficial as it will bring growth and create employment - involved in development of the Birregurra Netball Courts • Advised in questionnaire that: <ul style="list-style-type: none"> - he wants to ensure landholders and quarry operators maintain guidelines set out in work authority documents - has been President of the Birregurra Recreation Reserve Committee of Management for the last 13 years - he has no conflict of interest - <i>Stated that "if this Committee is to debate issues between the Proponent and Official Objectors of the proposed quarry I will withdraw my nomination. I personally know both the applicants and some of the objectors and have no desire to take a side either way".</i>
Tim Farquharson	7/8/17	<ul style="list-style-type: none"> • Advised he does not think he would be biased or have conflicting interests towards or against the quarry. • The following information was provided by MCG, in response to the Council request for further information: <ul style="list-style-type: none"> - Will use materials from the Quarry on his farm, as opposed from sourcing them outside the area - Considers himself a 'progressive farmer' and believes a local quarry will bring economic benefit and growth to the community - Birregurra Golf Club Committee Member for 10 years - Involved in the Birregurra Festival for the last 10 years.

Craig Collins (questionnaire returned when report drafted)	6/12/17	<ul style="list-style-type: none"> • Have no direct involvement in project, but property is in close proximity to the site • Has an interest in the protection of the environment and sustainability of the future of farming • Would like the opportunity to contribute to the meetings and help ensure procedures are followed correctly • Considers being a representative of the community important to ensure people of area are correctly and adequately informed • Believes this project will be of benefit to the local community by way of economy and employment • He re-iterated previous statements made in his questionnaire responses and advised that: <ul style="list-style-type: none"> - he participates in <i>Birregurra Football Club</i> and <i>Upper Barwon Landcare</i> - he has no conflict of interest.
Duncan Barber	10/12/17	<ul style="list-style-type: none"> • Believes he is a suitable candidate for this position as a local farmer and land owner • Noted that whilst the quarry development will bring jobs and much needed resources to the area, the land in which it is proposed is surrounded by that of agricultural uses and it is important that this development will not be detrimental to any of these practices • His land is directly adjacent to the development; being so close he feels as though not only is it important that he is able to have his say but if there are any adverse effects to the environment caused by quarry operations, he would be the first to know. Being a farmer he also feels as though he may be able to identify potential issues before they occur • Having already spoken with MCG regarding monitoring bores on his property, he is confident that they would be able to work together towards a common challenge.
Tanya Burnett	19/12/17	<ul style="list-style-type: none"> • The nomination, which was submitted by Nigel, Tanya and Jorda Burnett, advised that <i>"in relation to the quarry consultative committee we would like to nominate Maryjane Crabtree as being the most suitable candidate to represent the interests of surrounding landholders. Her legal background would provide her with an impartial standpoint."</i> • The e-mail also stated that If Maryjane Crabtree is not considered a suitable candidate, Tanya Burnett is the person nominated.
Steve Lidgerwood	No written nomination provided	No information provided. When questioned, MCG advised that Mr Lidgerwood had withdrawn from the process.

Of those listed above, Mr. S. Stewart, Ms. M. Crabtree, Mr. D. Barber, Mr. C. Collins and Mrs. T Burnett reside at and/or own land north of Princes Highway, in the vicinity of the quarry site (Attachment 4 – map showing locations of residence/landholdings of nominees). Officers consider that these five best represent the requirement to be *"local residents/landowners"* who would have most interest in and knowledge about the quarry activities, including any potential impacts.

Of these five nominees, both MCG and Council officers agree that Mr. Stewart has a conflict of interest, having a pecuniary interest in the land on which the quarry is proposed, and therefore should not be one of the representatives chosen.

MCG has also challenged the applications of two of the other nominees, i.e. Ms Crabtree and Mrs Burnett, both of whom objected to the planning application and were party to the Advisory Committee Hearing.

MCG is currently taking court action against Ms Crabtree and has challenged the nomination on this basis. However, Council officers do not consider that at this time there is a demonstrated conflict of interest, given that there has been no determination in that case. It is noted that Ms. Crabtree's nomination has received written endorsement from four other local residents/landowners, i.e. Mrs. T. Burnett, Mr. N. Burnett, Ms. J. Burnett and Mr. R. Young. It is considered that Ms. Crabtree's nomination, which was received in response to one of the newspaper advertisements placed by MCG, should be given due consideration and not automatically rejected because of the challenge to it by MCG. If Ms Crabtree is chosen as one of the representatives, this could be reviewed in the event MCG's court action was successful. In the event Ms. Crabtree is not chosen at this time, it is recommended that scope be provided to reconsider her nomination again in the future if MCG's current court action against her is unsuccessful. Aside from the challenge by MCG, it is considered that Ms Crabtree could be an appropriate representative, being a local resident/landowner (residing both at a property in Mooleric Road, being the sole director of the company that owns the land, and an apartment in Melbourne) who has detailed knowledge of the permit and who also has written support from other local residents/landowners.

MCG has also recently challenged the nomination of Mrs T. Burnett on the grounds her application was late, she is incapable of understanding the quarries activities objectively and "she did not nominate" as the e-mail was from a Mr. N. Burnett. It is acknowledged that Mrs. T. Burnett's nomination was received after the date specified in MCG's letter of 27 November 2017. That letter stated that *"should you wish to nominate yourself to be considered for the Quarry Consultative Committee, please forward your name, address, phone number and email address to jack.mcdonald@mcg-group.com.au within fourteen (14) days of the date of this letter, i.e. 11 December 2017.* However, whilst the nomination was later than the date specified in MCG's letter, the date is not a statutory one and there is nothing to prevent Councillors considering this nomination on the basis of the date it was received.

It is not considered that Mrs. Burnett's previous opposition to the permit application should result in an automatic rejection of her nomination on the basis that she therefore would not participate appropriately as a representative on the Consultative Committee. The objection to the nomination on the basis it was sent from Mr. Burnett's e-mail carries no weight, and would equally result in the exclusion of Mr. Collins and Mr. Barber's nominations. The fact that the family (including Mrs. Burnett) put forward her nomination similarly is not a ground to reject the nomination. The challenge to the level of detail in the e-mail would also be difficult to use as grounds to reject the nomination, given Council officer's knowledge of Mrs. Burnett's involvement with the objector group and the fact that the questionnaire has also been sent to Mrs. Burnett

It should also be noted that Council officers previously advised MCG that it did not consider Mr. D. Barber to be an appropriate candidate, as he had been approached by MCG outside the EOI process, but that this rejection was subsequently rescinded. Mr. Barber owns land north of the quarry site and, whilst it is understood that he does not reside at the property, officers consider that Mr. Barber could be an appropriate representative provided he is in a position to attend meetings.

The other candidate with land in the vicinity of the quarry is Mr. C. Collins, who owns land to the south-west of the quarry site and resides at that site. He has stated that he has no potential conflict of interest.

The other nominees live further from the site of the quarry and would not have direct knowledge of any impacts that may arise. Whilst the nomination of Mr. P. Drewry was initially accepted in principle, officers consider that the subsequent advertising of the positions has resulted in more preferred candidates, given the closer proximity of the new candidates' properties from the quarry site and his potential vested interest due to his involvement with quarries.

Similarly, Mr. T. Farquharson is likely to have less direct knowledge of any impacts from the quarry due to his property location compared to other applicants, and therefore it is considered that his application has less weight than others.

As noted earlier, it is considered that at least one of the representatives of local residents/landowners should be from the group of objectors to the planning permit that took part in the Advisory Committee Hearing. This group has significant land in the vicinity of the quarry, some concerns about its potential impacts and a detailed knowledge of the permit. The Committee will be an important avenue of communication with the local community and it is important that it provide for a diversity of representation. It appears logical that persons that own surrounding land and have concerns about the potential impacts of the quarry be included on the Committee, as well as people that support the quarry.

It is acknowledged that the recruitment process for representatives of local residents/landowners has been less than ideal with advertisements placed in a newspaper (with no fixed time frame to apply initially), and letters to landowners providing a very short time period to reply, which arguably did not allow adequate time for local mail issues. Whilst MCG has been advised of preferred candidates, no formal decision has been made on the two representatives of local residents/landowners.

The Consultative Committee will have no statutory or decision-making powers, but will function as a forum for open communication. It is considered that, as the Committee will act as an important avenue of communication with the community, it is appropriate that people concerned about the potential impacts of the quarry be represented, as well as those that support the quarry.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

As part of the process of getting representatives of local resident/landowners onto the Consultative Committee, MCG sought nominations through advertisements in the Birregurra Mail and letter to landowners within 2km of the quarry site.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The following strategic themes, outlining what Council wants to see by 2021, are considered of relevance:

Our Prosperity

Goal - Plan infrastructure, assets and land use with a long-term vision for economic growth.

Actions include - Strengthen partnerships with employers in the Shire.

Our Places

Goal - Our places are managed for long-term sustainability.

Actions include -Ensure best practice guides planning and management of the natural environment and associated assets.

Our Leadership and Management

Goal - Openness and accountability in decision making.

Actions include - Ensure wherever possible decisions are debated and made in open Council meetings.

It is considered that the quarry can be of economic benefit to the municipality and that the Consultative Committee can play an important role in strengthening the relationship between the quarry operators, Council and the community. In playing this role, it will be important that potential impacts on the natural environment and associated assets are appropriately managed, in consultation with Council, the relevant authorities and the community.

The importance of ensuring appropriate representation of local residents/landowners is recognised, with Councillors determining it was appropriate to consider this important matter at a Council meeting.

ENVIRONMENTAL IMPLICATIONS

The environmental implications of the proposed quarry were assessed as part of the planning permit process, with a number of conditions requiring ongoing monitoring of potential impacts (e.g. on groundwater).

A key matter to be discussed at the proposed Consultative Committee will be potential impacts on the environment, in particular groundwater. A proven benefit of the Ondit Quarry Consultative Committee membership, including local landowners that have groundwater bores, is their advice regarding variation between quarry bore monitors and their own bores, which has been invaluable to identify quickly issues with monitoring equipment. Having landowners with bores on their property would be of high value on the Mooleric Road Consultative Committee.

SOCIAL & CULTURAL IMPLICATIONS

It is officers' and legal opinion that the inclusion of a resident/landowner involved in the quarry permit history and engaged with the majority of neighbouring properties is critical to the success of the Consultative Committee. Although all nominees have strong community connections, it is critical these connections include the quarry's neighbouring properties, particularly those involved in the long history of the permit.

ECONOMIC IMPLICATIONS

The quarry will be beneficial to the economy of the municipality, providing employment as well as a required resource for construction works in close proximity.

LEGAL AND RISK IMPLICATIONS

Council has received legal advice regarding the Consultative Committee community representatives process. The advice confirms Council is within its rights to consider all nominees. This advice has been provided to Councillors to assist in their considerations.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Condition 74 of planning permit PP169/2014-1 states that *"the reasonable costs of the Consultative Committee must be borne by the permit holder, to the satisfaction of the Responsible Authority"*. Other than staff time taken to convene and attend meetings of the Committee, there should be no material resource implications for Council in the operations of the committee.

7. IMPLEMENTATION STRATEGY

DETAILS

Terms of Reference have been drafted for the Consultative Committee. Following the appointment of the representatives of "local residents/landowners", the first meeting of the Consultative Committee will need to be convened by Council. The draft Terms of Reference need to be circulated for discussion at the first meeting, when the frequency of meetings will be confirmed and key ongoing agenda items agreed. The terms of reference will be finalised at this time with the Committee's input.

COMMUNICATION

Council will be responsible for convening meetings. The final Terms of Reference will set out ongoing communication responsibilities.

TIMELINE

Condition 74 of planning permit PP169/2014-1 requires the Consultative Committee to be set up "*prior to commencement of the use and/or development*" of 320 Mooleric Road, Ombersley.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING PERMIT



Assessment No – 12110
Permit No – PP169/2014-1
Planning Scheme – Colac Otway Scheme
Responsible Authority - COLAC OTWAY SHIRE

ADDRESS OF THE LAND:

320 Mooleric Road OMBERSLEY
Lot: 1 TP: 372519 V/F: 10991/356 and Lot: 2 TP: 372519 V/F: 10991/355

THE PERMIT ALLOWS:

Use and Development of the Land for Stone Extraction in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

1. Prior to commencement of the use and/or development hereby permitted, amended plans and reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans and reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies of all documents must be provided. The plans and reports must be generally in accordance with the plans submitted with the application, but modified to show/include:
 - a) Locations, elevations and a colours/materials/finishes schedule of all proposed buildings, fences, and fixed plant and equipment.
 - b) Details of any signage proposed.
 - c) A 50m buffer to Victorian Aboriginal Heritage Registered Site VAHR 7621-0373 as generally shown on the Development Plan Drawing NS 1428 dated 16 September 2015.
 - d) The relocation of the southern boundary of the work authority area to the south by approximately 15m so as to include all buffer vegetation and the quarry access arrangements.

Date Issued 16 June 2017

**Signature for the
Responsible Authority**

A handwritten signature in black ink, appearing to read 'B. Butler', written over a horizontal line.

Planning and Environment Regulations 2015 – Form 4 – Sections 63, 64, 64A & 86

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CONDITIONS CONTINUED FOR PERMIT NO. PP169/2014-1

- e) The inclusion of swale drains along the eastern and southern boundaries to reflect the requirements of the Storm Water Management Plan prepared by Cardno Consultants Pty Ltd referred to at Condition 13.

Endorsed Plans

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The use and development must at all times be in accordance with the endorsed plans, and the Work Authority, including the approved Work Plan, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990.

Staging

- 4. The use must proceed in the order of the stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

Title Consolidation

- 5. Prior to the commencement of the use and/or development hereby permitted, Lot 1 on TP372519Q (Vol. 10991 Fol. 356) and Lot 2 on TP372519Q (Vol. 10991 Fol. 355) must either be consolidated into one parcel or the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to ensure that either lot cannot be disposed of separately during the life of the quarry operations and/or permit.

Any Section 173 agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

The agreement must contain covenants to be registered on the relevant titles of the property so as to run with the land. The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Hours of operation

- 6. The use hereby permitted must operate only between the hours of:
 - a) 7am to 6pm, from Monday to Friday (however no truck is to enter the site prior to 7.15am)
 - b) 7am to 1pm on Saturdays (however no truck is to enter the site prior to 7.15am)

No operation is permitted on Sundays or Public Holidays.

Construction Hours

- 7. Unless with the prior written consent of the Responsible Authority, construction works (including the construction of access ways and other preparatory works that do not form part of the extractive process) on the site must only occur between the following times:

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a) 7am to 6pm, from Monday to Friday

b) 7am to 1pm on Saturdays

No construction is permitted on Sundays or Public Holidays.

Output

8. The total output from the quarry must not exceed 200,000 tonnes per annum.

Groundwater Management Strategy

9. Prior to commencement of the use and/or development hereby permitted, a revised Groundwater Management Strategy to the satisfaction of the Responsible Authority on the advice of Southern Rural Water, must be submitted to and approved by the Responsible Authority. When approved, the Groundwater Management Strategy will be endorsed and will form part of the permit. The Groundwater Management Strategy must be generally in accordance with the 'Groundwater Management Strategy' contained within the Statement of Evidence on Groundwater Matters prepared by Nolan Consulting and dated 10 August 2015 but modified to include the following requirements:

Groundwater model

a) Within three years of commencement of dewatering the development of a calibrated and validated groundwater model to be used as a predictive tool for the implementation of monitoring and response in the groundwater management strategy.

Additional bore monitoring

b) Establishment and quarterly level and water quality monitoring of a total of 5 (five) new groundwater monitoring bores in approximate locations:

- I. Bore A - south of site and in northern segment of Mooleric swamp (on roadside reserve or on private property).
- II. Bore B - 150m north of the northwest corner of the Work Authority boundary
- III. Bore C - 150m north of the northeast corner of the Work Authority boundary
- IV. Bore D - 200m south of the southeast corner of the Work Authority boundary
- V. Bore E - 200m south of the southwest corner of the Work Authority boundary.

Bore census

c) The census of private bores (Table 7-4) within 2km be modified to include:

- I. Surface elevation to AHD at bore measurement datum
- II. Bore location to Australian Map Grid
- III. ore registration number
- IV. Bore depth in metres
- V. Bore age in years
- VI. Casing depth extension below ground level in metres

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- VII. Groundwater inlet depth interval and type in metres of slotted or screened casing or open hole
- VIII. Water level and date
- IX. Pump inlet setting in metres below ground level
- X. Pump discharge capacity in L/m
- XI. Water level decline over 1 day of normal operational pumping.

Groundwater triggers

- d) If the water level in any monitoring bore or bore identified in the census declines by 2m or more than the natural trend (based on a review of SOBN trends) or if the pump yield capacity declines by 15% then mitigation measures be offered within 24 hours of the detection of the trigger breach to protect stock and domestic water supply including as necessary:
 - I. Trucking in water
 - II. Increasing the water bore depth or replacing the bore
 - III. Extending the pump to greater depth in the bore
 - IV. Providing a pumped supply from the quarry groundwater storages to the affected property by pipe
 - V. Other agreed actions with the landowner to satisfy justifiable water demand.

Pollution control

- e) Pollution control measures to ensure there is no polluted seepage from the work site into the groundwater.
- 10. The triggers set out in the endorsed Groundwater Management Strategy must be adhered to at all times to the satisfaction of the Responsible Authority.
 - 11. All mitigation measures must be undertaken in accordance with the details in the endorsed 'Groundwater Management Strategy' to the satisfaction of the Responsible Authority.
 - 12. Groundwater monitoring, reporting and review must be forwarded to Southern Rural Water annually.

Stormwater Management

- 13. Prior to commencement of the use and/or development hereby permitted, a 'Stormwater Management Plan' to the satisfaction of the Responsible Authority on the advice of Southern Rural Water, must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The Stormwater Management Plan must be generally in accordance with the 'Stormwater Management Plan, MCG Quarry – 320 Mooleric Road, CG140148 prepared by Cardno dated 10 August 2015 but modified to include:

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- a) Any changes required to the Development Plan and Rehabilitation Plan required under Condition 1 to this permit.
 - b) Pollution control measures to ensure there is no polluted seepage from the work site into surface waters.
 - c) Channel sizes/depths and levee heights must respond to controls imposed by existing inlet and outlet drainage inverts and flood levels, or otherwise with the written consent of the Responsible Authority.
 - d) The recommendations by Australian Runoff and Rainfall (ARR) current at the date of this permit must be used for estimation of peak drainage flows in final channel and levee design.
 - e) The proposed water dam shown within WA 1546 in the southeast corner must be adequately quarantined against interception of external catchment runoff at all times.
14. Sediment runoff from the site must be retained on site during and after operations. Controls, particularly on steep slopes, must be in accordance with the Environment Protection Authority (EPA) recommendations detailed in the 'Construction Techniques for Sediment Pollution Control' No. 275, May 1991. Sediment control structures such as sediment basin, sediment fences and sediments traps must be installed prior to the commencement of operations and maintained post development to the satisfaction of the Responsible Authority.

Environmental Management Plan

15. Prior to the commencement of each stage of the extraction, an Environmental Management Plan for each stage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Environmental Management Plan(s) will be endorsed and will then form part of the permit. The Environmental Management Plan(s) must include:
- a) Overall environmental objectives for the operation of the use and techniques for their achievement.
 - b) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use.
 - c) Identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:
 - I. Erosion Control
 - II. Flora and Fauna Protection, including management of weeds
 - III. Air Quality
 - IV. Noise and Vibration
 - V. Land and Groundwater Contamination Management

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- VI. Waste Management and Minimisation
- VII. Storage and Handling of Fuels and Chemicals
- VIII. Neighbourhood Management and Communication, including detail of how any complaints will be assessed and addressed, having regard to issues such as the impact/severity, frequency and duration of any alleged incident

- d) Day to day management requirements for the use.
- e) An annual review or audit to the satisfaction of the Responsible Authority, with any consequential changes to the Environmental Management Plan submitted to the Responsible Authority for endorsement.

Traffic Assessment and Design

16. Prior to commencement of the use and/or development, a Traffic Assessment and Pavement Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Traffic Assessment and Pavement Reports must include:

- a) An analysis of the existing road conditions and pavement analysis.
- b) Quantified detail of the site establishment and ongoing operational traffic requirements.
- c) An investigation and identification of pavement composites to reduce noise emissions.

17. The pavement investigation carried out to inform the pavement analysis must be carried out in the presence of a suitably qualified Council officer, to the satisfaction of the Responsible Authority.

18. Prior to commencement of the use and/or development, a Road Improvement Design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Road Improvement Design must refer to the findings of the Traffic Assessment and Pavement Report, and when approved will be endorsed and will then form part of the permit. The Road Improvement Design must include the following specifications:

- a) The road from the intersection with the Princes Highway to a point 5m beyond the northern most site access must be designed to a 100km/h standard and a 6.5-7.0m sealed width plus 0.9m shoulders.
- b) The use of noise reducing pavement composites to the satisfaction of the Responsible Authority.
- c) The design must include any necessary drainage improvements.

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19. Prior to commencement of the use and/or development, and with the agreement of the owner of the dwelling at 30 Mooleric Road, a pre-conditions survey (dilapidation report) of the dwelling at 30 Mooleric Road must be undertaken to the satisfaction of the Responsible Authority. Any further surveys must be undertaken with the approval of, and to the satisfaction of, the Responsible Authority:
- a) At intervals not exceeding five years
 - b) At the request of the owner of 30 Mooleric Road.
20. Any restitution works identified in the survey in Condition 19 must be carried out at the cost of the Applicant to the satisfaction of the Responsible Authority.
21. Prior to the commencement of commercial quarry sales, the upgrades to Mooleric Road (as specified within the endorsed Road Improvement Design) must be constructed and completed to the satisfaction of the Responsible Authority (the upgrades to Mooleric Road may be constructed and completed with rock from the quarry).
22. Prior to the commencement of commercial quarry sales, the areas set aside for the parking of vehicles within the subject site as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather surface; and
 - d) Drained to the satisfaction of the Responsible Authority.

The areas set aside for the parking of vehicles may be constructed with rock from the quarry.

Traffic Management Plan

23. Prior to commencement of the use and/or development, a Traffic Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority, which includes the following:
- a) The objectives for traffic management; particularly relating to speed control, such as travelling at a speed not exceeding 40 km/hour on Mooleric Road, truck movements on Mooleric Road and operating hours.
 - b) Identify measures to ensure the traffic specifications set out in Conditions 26-33 below are complied with.
 - c) Signage including for speed control and safety.
 - d) A program for ensuring that all trucks attending the site are maintained according to the manufacturer's specifications / recommendations.

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- e) An induction and training program for all truck drivers attending site to ensure traffic management objectives are understood and achieved.
 - f) Measures to ensure quarry trucks do not deposit unreasonable mud or soil on the road surface.
 - g) Measures to ensure truck loads are covered to minimise dust escape.
 - h) Measures to monitor dust levels from the Mooleric Road verges and trigger levels that require water sprays be used to suppress dust on those verges.
24. The operator must provide to all truck drivers attending the site a copy of the Traffic Management Plan referred to at Condition 23.
25. The operator must provide to any party who purchases or transports rock from the quarry a copy of the Traffic Management Plan referred to at Condition 23.

Traffic Specifications

26. The operator must ensure that trucks attending the site do not travel at a speed exceeding 40km per hour on Mooleric Road.
27. No more than 5 trucks may enter and leave the site per hour.
28. Trucks are not permitted to enter or leave the site before 7:15am.
29. All heavy vehicles associated with construction and extraction works must access the quarry site via that section of Mooleric Road between the site access and Princes Highway unless otherwise approved in writing by the Responsible Authority.
30. The loading and unloading of vehicles and delivery of goods to and from the site associated with the permitted use and development must at all times occur within the work authority boundary.
31. Trucks exiting the site must have the load covered to limit dust or stone coming off the load whilst travelling on public roads, to the satisfaction of the Responsible Authority.
32. The operator must include as a term of any contract for the purchase or transport of rock from the quarry a requirement that trucks must not travel at a speed exceeding 40km per hour on Mooleric Road.
33. The operator must keep a register of truck drivers accessing the site and each truck driver must sign the register to certify that they have read the Traffic Management Plan, with a particular reference to the requirement to travel at 40km/hour, and agree to comply with it.

Traffic Monitoring

34. The operator shall conduct quarterly tube testing of truck speeds and quantities outside the dwelling at 30 Mooleric Road for a period of one year from commencement of commercial quarry sales, to the satisfaction of the Responsible Authority.

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35. At the conclusion of the annual tube testing period the operator must provide to the Responsible Authority a copy of the testing results, together with a report from a suitably qualified traffic engineer which confirms the results of the testing, to the satisfaction of the Responsible Authority.
36. The Responsible Authority may, at any time after the cessation of the test period (1 year) request the operator to provide further tube testing over the course of one week, to confirm that trucks are traveling at a speed no greater than 40km/h.

Noise

37. Prior to the commencement of the use and/or development, an Acoustic Report/Noise Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Acoustic Report/Noise Assessment Report will form part of the permit. The Acoustic Report/Noise Impact Assessment must be generally in accordance with the 'Noise Impact Assessment' submitted as part of the application (completed by Marshall Day and dated 15 August 2015).
38. The noise mitigation measures set out in the approved Noise Impact Assessment must be implemented/constructed prior to the commencement of the permitted use, at no cost to the affected landowner at 30 Mooleric Road or the Responsible Authority, unless the consent of the affected landowner to such works is withheld, or if an alternative measure is agreed in writing with the affected landowner and Responsible Authority.
39. All vehicles and mobile equipment operation on-site must be fitted with broadband smart beepers that adjust beeper levels in accordance with the ambient noise environment, to the satisfaction of the Responsible Authority.
40. All hydraulic rock drilling must utilise localised acoustic shielding where necessary, to the satisfaction of the Responsible Authority.
41. Any rock breaker/rock hammer used on the land must utilise best available noise reducing technology, to the satisfaction of the Responsible Authority.
42. No broadcast or loudspeaker system, telephone ringer or other external alarm may operate on the site except for a warning alarm for blasting, or as mandated by WorkSafe or any other regulation, to the satisfaction of the Responsible Authority.

Blasting

43. Prior to the commencement of the use and/or development, an 'Effects of Blasting' report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the 'Effects of Blasting' report will be endorsed and will form part of the permit. The 'Effects of Blasting' report must be generally in accordance with the 'Effects of Blasting, Revision 2' report prepared by Terrock dated 10 August 2015 and modified to show:

a) Monitoring of the initial blast testing at 4570 Princes Highway.

44. Blasting must occur no more than twelve (12) times per annum and must only be undertaken between the following times:

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- a) 10.00am – 3.00pm Monday to Friday (not including public holidays)

An exception will be allowed when, for unforeseen circumstances, explosives must be detonated prior to blasting finishing on the nominated day.

45. Blasting must not occur at the quarry for a period of 48 hours after foundations have been poured for the construction/erection of wind turbines at the Mt Gellibrand Wind Farm, subject to written notice of the pouring of the foundations being provided by the wind farm operators.
46. Rock drills and rock hammers/rock breakers must only be used between the hours of 8am and 5pm Monday to Friday, with the exception of Public Holidays when no blasting is permitted.
47. Blasting must only occur within the boundaries of the proposed extraction area. No exclusion zones are permitted to overlap onto adjoining private land.
48. Blasts within 160m of Mooleric Road must face towards the east (away from the road).
49. If a blast is within 100m of Mooleric Road, traffic along Mooleric Road must be stopped during the period of pit clearance until the 'all clear' is given.
50. The minimum stemming height must be increased to a maximum of 5m where blasting is within 30m of Mooleric Road.
51. All blasting impacts at the nearest dwellings as measured in accordance with Condition 54 must comply with the following standards:
- a) Ground Vibration
- I. <5mm/s for 95% of blasts in a 12 month period,
- II. 10mm/s for all blasts
- b) Air Vibration
- I. <115dBL for 95% of blasts in a 12 month period
- II. 120 dBL for all blasts
52. All blasting impacts at any wind turbines within 1km of the boundary of the Works Authority area as measured in accordance with Condition 54 must comply with Australian Standard AS2187.2-2006.
53. Flyrock must not leave the boundary of the site at any time.
54. Air and ground vibration monitoring must be undertaken at the intersection of Darcy's Lane and Mooleric Road to determine by extrapolation the vibration levels at the nearest dwellings and at all wind turbines within 1km of the boundary of the Works Authority Area. The measured vibration levels must be reported to the Responsible Authority every six (6) months and must be available for viewing by the Responsible Authority when requested.

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55. Should it be found that the air and/or ground vibration levels exceed the standard allowed under Conditions 51 or 52 of this permit, the Responsible Authority must be notified as soon as possible and all blasting must cease until a further 'Effects of Blasting' report, which identifies why the standards were breached and how future blasting will prevent further breaches, is submitted to and approved by the Responsible Authority. Any subsequent blasting must accord with the amended report.

Notice of Blasting

56. The quarry operator must give written notification of any proposed explosives blast to the satisfaction of the Responsible Authority to:

- a) All landowners and occupiers of directly adjoining land, and any other occupiers within 2km, at least three business days before each scheduled blast.
- b) The owner/operator of the Mt Gellibrand wind farm (allowed by planning permit PL-SP/05/0257) at least seven days before each scheduled blast until the construction of all wind turbines within 2km of the Work Plan Area has been completed, and thereafter at least three business days before each scheduled blast.
- c) Powercor at least three business days before each scheduled blast.

The written notice must contain direct contact details for the responsible site manager and information regarding any road closure. An exception will be made when, for unforeseen circumstances, explosives must be detonated prior to blasting finishing on the nominated day.

57. Prior to the first explosives blast taking place each year, the bores within 2km of the Works Authority Area must be inspected and the condition recorded, if a written request from the relevant property owner(s) is submitted to the permit holder at least 24 hours before the blast event. The recorded bores must be re-inspected within a week of the blast taking place and, in the event the bore has been damaged by the blast, the bore must be repaired or replaced to the satisfaction of the Responsible Authority. An inspection is not required if access to a property is not allowed by the landowner.

Dust Management Plan

58. Prior to the commencement of the use and/or development, a Dust Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:

- a) Details as to how dust will be managed on site.
- b) Measures to demonstrate how activities that generate dust will be sited away from the Brolga breeding wetland 750 metres to the north-east of the quarry.
- c) Establishment of bunding/overburden and maintenance of a buffer zone between active quarrying activities and the site boundary.

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- d) Details about when quarrying activities will cease on site due to weather conditions that could result in visible dust being discharged beyond the boundaries of the site.
 - e) Details about how dust will be monitored, including compliance with the State Environmental Protection Policy (Air Quality Management) 2001.
 - f) Contingency measures to deal with any elevated dust conditions.
59. Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must immediately be brought to the attention of the Environment Protection Authority and actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the Responsible Authority.
60. No chemical dust suppressant may be used on the site without the prior written permission of the Responsible Authority.

Landscape Plan

61. Prior to the commencement of the use and/or development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to an appropriate scale with dimensions and three copies must be provided. The plan must show:
- a) Creation of a vegetative screen along the frontage to Mooleric Road.
 - b) Landscaping to the full extent of the boundary of the Work Authority Area buffer (with the exception of gaps for vehicle access, drainage, etc.), including a combination of lower and upper canopy higher planting.
 - c) A section drawing of the indicative buffer treatment, similar to that provided in the plans submitted with the application but modified as appropriate to indicate how the plantings will obscure views into the Works Authority Area from outside the site.
 - d) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant, including the early planting of the vegetative screen along the frontage to Mooleric Road. Plant species should be EVC appropriate indigenous species.
 - e) A management plan or working plan for the ongoing viability of the vegetation planted as part of this landscape plan.
62. The existing row of planting within the site generally located between the property frontage and the buildings must be retained until the later stages of the quarry are commenced.
63. Prior to commencement of the use, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

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64. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced, until such time that the subject site operates under the Rehabilitation Plan.

Cultural Heritage Management

65. Prior to the commencement of use and/or development, a suitably qualified and experienced Cultural Heritage Advisor must be engaged to be present during the removal of the three (3) Stony Rises, as identified on Map 3A *Inspection Results - Landforms and Sensitivity* within the submitted 'Cultural Heritage Due Diligence Assessment Report' by Ecology and Heritage Partners dated 27 May 2014. The Advisor is to ensure that any Aboriginal cultural heritage material within these three areas can be identified and, should any Aboriginal cultural heritage material be found, the actions identified under Condition 66 of this permit must be followed.
66. Should any Aboriginal cultural heritage be discovered during any works undertaken as part of the planning permit, the following must occur:
- a) The person in charge or the site manager of the activity within the Works Authority area must be notified immediately.
 - b) The person in charge or the site manager of the activity must suspend all activity and works at the location of the discovery and within 20m of the extent of the Aboriginal cultural heritage.
 - c) Within a period of two business days, the person in charge or site manager must engage an appropriately qualified and experienced Cultural Heritage Advisor and inform them of the discovery.
 - d) The Cultural Heritage Advisor must be engaged to assess the discovered Aboriginal cultural heritage, record, catalogue and analyse the cultural heritage material and complete new site cards for the discovered Aboriginal cultural heritage.
 - e) The Cultural Heritage Advisor must notify the Office of Aboriginal Affairs Victoria (OAAV) of the discovery by lodging either a new or updated Victorian Aboriginal Heritage Register (VAHR) site record card within a timely manner.
 - f) If ongoing impacts to the Aboriginal cultural heritage site cannot be avoided, the proponent must apply for a Cultural Heritage Permit (CHP) under the Aboriginal Heritage Act 2006.
 - g) Work in the excluded area must not recommence until any conditions stipulated in the CHP have been complied with and any ongoing works must comply with the CHP.

Notwithstanding the above, every effort must be made to avoid or minimise harm to Aboriginal cultural heritage.

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Services

67. Any buildings that are constructed on the site and have toilet facilities must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.

Rehabilitation Plan

68. Prior to commencement of the use and/or development, a Rehabilitation Plan (including section detail and staging) and accompanying Rehabilitation Report for the entire quarry site, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Rehabilitation Plan and Report will be endorsed and will form part of the permit. The Rehabilitation Plan and accompanying Rehabilitation Report must be generally in accordance with the Rehabilitation Plan submitted as part of the endorsed Work Plan (Tenement No. WA1546), to the satisfaction of the Responsible Authority, but modified to detail:

- a) The objectives of the rehabilitation approach and the desired end land use(s) including how these uses will be achieved.
 - b) How the site will be made safe.
 - c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. Plant species must be native to the local area.
 - d) Information about how the Rehabilitation Plan has been designed to encourage the formation of wetland habitat for native fauna.
69. Prior to the commencement of each stage of the rehabilitation of the site, a detailed Rehabilitation Plan for that stage, in general accordance with the overall Rehabilitation Plan endorsed under Condition 68 of this permit but having regard to operational experience and any changes in standards and techniques that may have occurred, must be submitted to and approved by the Responsible Authority. The rehabilitation works and plantings must be implemented in accordance with the approved rehabilitation plan for that stage of rehabilitation.

General

70. All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the Responsible Authority.
71. Areas of the site occupied by the use and development hereby permitted must be maintained in a clean and tidy manner to the satisfaction of the Responsible Authority.
72. The use and development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

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- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke,
- d) Vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
- e) Presence of vermin and use of chemicals to eradicate pest animals and plants.

73. No materials, other than materials required to facilitate the quarrying activities approved by this permit or agricultural activities, are to be brought to or stored at that part of the site used or developed for extractive industry without the prior written consent of the Responsible Authority.

Consultative Committee

74. Prior to commencement of the use and/or development, a Quarry Consultative Committee must be established to consider all matters raised by representatives which reasonably pertain to the impact of the quarry operations. The Quarry Consultative Committee shall comprise, to the satisfaction of the Responsible Authority:

- a) A convenor and one other person nominated by and representing the Responsible Authority.
- b) Two representatives of the permit holder.
- c) A representative of the Department of the Environment, Land, Water and Planning.
- d) A representative of Southern Rural Water.
- e) A representative of the Department of Economic Development, Jobs, Transport and Resources.
- f) Two representatives of local residents/landowners
- g) Other relevant representatives if deemed appropriate by the Responsible Authority.

Meetings of the Consultative Committee will be convened at least twice a year by the Responsible Authority. The permit holder must have regard to the recommendations of the Consultative Committee, to the satisfaction of the Responsible Authority.

The reasonable costs of the Consultative Committee must be borne by the permit holder, to the satisfaction of the Responsible Authority.

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EPA conditions

75. Any fill material brought onto the proposed stone extraction site must meet the specifications contained in EPA publication IWRG621, *Soil Hazard Categorisation and Management 2009* or as amended.
76. Noise emitted from the premises must not exceed the recommended levels as set out in *Noise from Industry in Regional Victoria* (NIRV; EPA Publication 1411, 2011) or as amended.
77. No part of the quarry site may be used for landfill.

Ecology

78. Lights should be kept as close to the ground as practicable.
79. All artificial lighting should be designed and sited so that light spill to ecologically sensitive areas does not occur and all stationary light sources should be shielded so that they are not visible from any important habitats off-site.
80. Quarry activities that might involve vehicle or machinery lights should not be undertaken during the hours of darkness where there is potential for light spill to the north-east of the proposed quarry boundary.
81. The quarry operator must undertake a Brolga monitoring program on all quarry blasting days in two Brolga nesting seasons (July-October) when the identified Brolga breeding site located approximately 750m north-east of the quarry site boundary is in use by Brolga, to the satisfaction of the Responsible Authority on the advice of the Department of Environment, Land, Water and Planning. If, after two or more consecutive years of monitoring, it is found that the Brolga are unaffected by the blast vibration, the quarry operator may cease the Brolga monitoring program.

A report of this monitoring program must be provided to the Responsible Authority and the Department of Environment, Land, Water and Planning within 3 months of the end of each breeding season.

82. In the event the report documents that nesting appears to be significantly disturbed, or the nesting fails as a result of quarry blasting activity, the quarry operator must undertake a program of habitat restoration work, in an agreed timeframe, at a Brolga breeding site to be determined to the satisfaction of the Responsible Authority on the advice of the Department of Environment, Land, Water and Planning.
83. If the Mt Gellibrand Wind Farm is constructed all Brolga monitoring required by the Department of Environment, Land, Water and Planning and conducted in accordance with this permit should be, to the extent reasonably practicable to the satisfaction of the Responsible Authority, coordinated with any Brolga monitoring required to be undertaken by the Mt Gellibrand Wind Farm operator, particularly as it relates to the occupation of the known breeding site 750m to the north-east of the site within the Mt Gellibrand Wind Farm site.

Date Issued 16 June 2017

Signature for the
Responsible Authority



Planning and Environment Regulations 2015 – Form 4 – Sections 63, 64, 64A & 86

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CONDITIONS CONTINUED FOR PERMIT NO. PP169/2014-1

Any surveys for Brolga should be undertaken in consultation with DELWP as to their design and method of implementation.

84. Before the commencement of construction, a targeted species survey of identified habitat for the Golden Sun Moth must be undertaken in accordance with the survey guidelines published by the Commonwealth Department of Energy and Environment.

VicRoads

85. Before the use and/or development approved by this permit commences, except to the extent required to provide rock for the purposes of the road works the subject of this condition, the following road works at the Princes Highway/Mooleric Rd intersection must be completed, to the satisfaction of, and at no cost to, VicRoads:

- a) Right Turn Lane.
- b) Left Turn Lane/Deceleration Lane.

86. Prior to the commencement of use and/or development, the applicant must enter into a works agreement with VicRoads confirming the following processes:

- a) Construction design plans approval processes.
- b) Construction works specification and tender approval processes.
- c) Fees and associated services obligations.
- d) Field surveillance methods and cost recovery processes.

Expiry

87. This permit will expire if one of the following circumstances applies:

- a) The development and/or use has not commenced within two years of the date of this permit, or
- b) The use is discontinued for a period of two years, or
- c) The Work Authority for the use issued under the provisions of the Mineral Resources (Sustainable Development) Act 1990 is cancelled in accordance with Section 77O of that Act.

The Responsible Authority may extend the periods referred to in a) and b) if a request is made in writing before the permit expires or within six (6) months afterwards.

Date Issued 16 June 2017

**Signature for the
Responsible Authority**



Planning and Environment Regulations 2015 – Form 4 – Sections 63, 64, 64A & 86

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THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
27 November 2017	• Clerical error – reference to Work Plan in condition 3 corrected

Notes

1. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for proposed works.
2. In the event that any changes to the design of the dams or the onsite groundwater management are required, a reassessment of the overall groundwater management strategy at the quarry and the submission of a revised Groundwater Management Strategy to the Responsible Authority will be required.
3. Any approval given by Southern Rural Water does not preclude the need to obtain other relevant Authority approval.
4. The use or extraction of groundwater or surface water for quarry operation including groundwater dewatering or irrigation must be licensed in accordance with Section 51 of the Water Act 1989.
5. All waste water must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
6. All environmental weeds as outlined in 'Environmental Weeds of the Colac Otway Shire' brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.
7. If the Golden Sun Moth is detected, a referral must be submitted under the Environment Protection and Biodiversity Conservation Act 1999 and any required offsets must be secured before construction commences in areas of the site which comprise identified Golden Sun Moth habitat.
8. No advertising signs may be erected, painted, or displayed on the subject land without a permit first being obtained from the Responsible Authority, unless the signage is exempt from the requirement for a permit under the provisions of the Colac Otway Planning Scheme.

Date Issued 16 June 2017

**Signature for the
Responsible Authority**



Planning and Environment Regulations 2015 – Form 4 – Sections 63, 64, 64A & 86

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Mooleric Road Quarry Consultative Committee

Questionnaire for Nominees

You have recently put forward a nomination to be one of the representatives of local residents/landowners on the Consultative Committee for the proposed quarry at 320 Mooleric Road. A key role of these representatives is to ensure communication occurs to and from the Consultative Committee.

All nominations will be considered at a Special Council meeting on 7 February 2018. To assist the decision-making, Council would be grateful if you could complete the following short questionnaire and return it:

- By e-mail to ing@colacotway.vic.gov.au, copied to blaithin.butler@colacotway.vic.gov.au
- In person at 2-6 Rae Street

This short questionnaire should only take 5 or 10 minutes to complete. Your response is requested by **midday on 31 January 2018**. The information you provide below will assist consideration of your nomination.

Question	Nominee's response
1. Why did you apply (brief summary of key reasons):	
2. Please list any local community groups/associations in which you participate.	
3. What is your principal place of residence? (provide full address)	
4. Do you own land in the vicinity of the quarry? (provide address and size of landholding/s)	
5. If you do not live on the landholding referred to in question 4 above, please advise of the arrangements for its management (including the role, if any, you play).	
6. Does your landholding rely on water from bores? (If so, insert any relevant	

details if possible, e.g. number and location/s)	
<p>7. Please provide details of any potential conflicts of interest which may exist.</p> <p>Declaration of a potential conflict of interest does not mean an automatic rejection of your nomination</p>	
<p>8. Please provide any further details that may assist Council consider your application.</p>	

Name:

Signature:

Date:



MOOLERIC ROAD, OMBERSLEY QUARRY CONSULTATIVE COMMITTEE

TERMS OF REFERENCE

OCTOBER 2017

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Date of Adoption: **Date Month Year**

1 BACKGROUND

The Mooleric Road, Ombersley Quarry Consultative Committee (the Committee) was established by the Colac Otway Shire and MCG Quarries Pty Ltd to fulfil the requirements of a condition of the planning permit (PP169/2014) authorising the operation of the Mooleric Road, Ombersley Quarry. Its primary function is to review the operator's environmental performance and enhance communication between the quarry operator, Council, government agencies and the community.

2 FUNCTIONS OF THE COMMITTEE

The role of the Committee is one of consultation and not one of a decision making forum. The Committee cannot approve a Work Plan, amend a planning permit or discharge any other legislated authority. Recommendations from the Committee can assist the regulating agencies including the Council in the enforcement of work authority and planning permit conditions, assessment of proposed changes to the operation, and can influence the operator in its management of the quarry's operation. However, the Committee and its members are not legally liable for any actions of the company or a Government agency.

The Committee should confine its review to those areas and activities under the control or direct responsibility of the company and within the work authority area. This aside, it is normal practice for the Committee to deal with monitoring stations or local community inquiries that may be some distance from the site provided they relate to the operation.

The key roles of the Committee are to:

- Review the performance of the operator against the requirements of legislation, the work authority, planning permit and any associated Management Plan (e.g. the Environmental Management Plan, the Dust Management Plan and the Traffic Management Plan).
- Provide feedback on any environmental problems associated with the quarry operation.
- Enable consultation on Work Plans, Work Plan Variations and changes to the planning permit and planning permit condition; and
- Improve community understanding about quarrying and mechanisms of government.

3 GENERAL

3.1 Membership

The Committee is chaired by a Colac Otway Shire Councillor and Executive support is provided by a Council officer.

The membership of the Committee is:

- Colac Otway Shire Councillor (Chair);
- Colac Otway Shire Manager of Planning, Building and Health, or his/her delegate;
- Two representatives of the Quarry operator;
- One representative of the Department of the Environment, Land Water and Planning (DELWP, or any successor government body);
- One representative of Southern Rural Water (or any successor authority);
- One representative of the Department of Economic Development, Jobs, Transport & Resources (DEDJTR, or any successor government body);
- Two representatives of local residents/landowners;
- Other relevant representatives if deemed appropriate by the Responsible Authority;
- Executive Officer – Colac Otway Shire administrative officer

The two community representatives were elected to this role following nomination to MCG Quarries Pty Ltd and approval of the Responsible Authority prior to the establishment of the Committee, and will represent the interests of the local community.

Should one of these representatives choose to leave the Committee, a new representative will be selected by vote at a publicly advertised meeting. Nominations will be sought by Council for the position by public advertisement in local newspapers and through letters to owners of land in the vicinity of the quarry (i.e. within 5km of the site).

The community representatives need not have a technical background, but should ideally have strong links with the local community, and should be neighbours or amongst those living close to the quarry. As a group, the community representatives should geographically represent all areas local to the quarry, not just a single location.

A community representative should have the following qualities:

- An interest in the activities at the quarry site;
- A willingness to contribute positively to meetings;
- An ability and willingness to represent community interests and to provide feedback to members of the community;
- An ability to look beyond personal interests;
- A willingness to work together on a common challenge

Other bodies may be invited by agreement of the committee on a short or long term basis for specific issues or where the local situation warrants. For example groups

such as the Victorian Farmer's Federation, local environmental groups, or Aboriginal associations may be useful contributors for some projects.

3.2 Meeting Frequency

The Committee shall meet at least two times per year, at approximately 6 monthly intervals, but may meet more regularly if required. Any member of the Committee, through the Chair of the Committee, can call for an extraordinary meeting to discuss a particular issue. Committee will aim to meet within 1 month of the commencement of quarry operations at 320 Mooleric Road, Ombersley and thereafter every six (6) months or so.

Members of the Committee will be advised of scheduled meetings at least two weeks in advance.

The Committee will agree on a preferred venue and time for meetings to occur, and shall be mindful of the circumstances of all Committee members, particularly community representatives, ensuring that the timing and location of meetings enables full participation where possible.

3.3 Chair

The Chairperson will convene all meetings and provide feedback to the Committee in accordance with the agreed principles or direction of the group.

If the designated Chair is not available, then the Manager of Planning, Building and Health will assume the role of Acting Chair and will be responsible for convening and/or conducting that meeting. The Acting Chair is responsible for informing the Chair as to the salient points/decisions raised or agreed to at that meeting.

Meetings of the group shall at all times be under the control of the Chair and shall be conducted in accordance with good meeting procedures.

3.4 Executive Officer

The Executive Officer will be responsible for minutes, agendas, meeting papers, etc.

In the event that Executive Officer is unavailable, he/she will designate these responsibilities to another member of Colac Otway Shire staff and notify the Chair of such arrangements.

3.5 Decision Making

Voting will be used to accept minutes and other resolutions where necessary. The group should aim to achieve consensus on any decisions (where required). Where this cannot be attained, the Chair has the casting vote. This vote may be undertaken at the following meeting, if further advice is required.

3.6 Conflict of Interest

Members of the group shall notify the Chair where potential conflicts of interest may arise at the earliest possible convenience, in accordance with good meeting practice. Such conflicts shall be recorded in meeting minutes.

3.7 Agenda Items

All Committee members are welcome to contribute items to the meeting agenda. All agenda items should be forwarded to the Executive Officer by close of business five working days prior to the next scheduled meeting.

The agenda with attached meeting papers including monitoring data provided by the Quarry operator will be distributed at least three working days prior to the next scheduled meeting by the Executive Officer. For documents requiring review, appropriate time will be allowed between document distribution and the meeting.

The meeting agenda will include outstanding action items from the previous meeting and any relevant new issues for consideration as submitted by the members. It will include items relating to reporting of the quarry operator on environment related activities such as results of monitoring noise, dust, blasting impacts and ground water. Members may raise an item under 'Other Business' as time permits and at the discretion of the Chair.

3.8 Minutes & Meeting Papers

The minutes of each meeting will be prepared by the Executive Officer. Full copies of the minutes, including attachments, will be provided to all members no later than ten working days following each meeting. Minutes including attendance, apologies, issues discussed, resolutions made and action items will all be recorded for each meeting by the Executive Officer.

Copies of meeting minutes will be made available for inspection by members of the public if requested.

3.9 Participation in Meetings

Committee members should make their best effort to attend all meetings to maintain continuity and understanding of issues. If three consecutive meetings are missed without an apology, the community representative will be approached and asked to step down or send another representative.

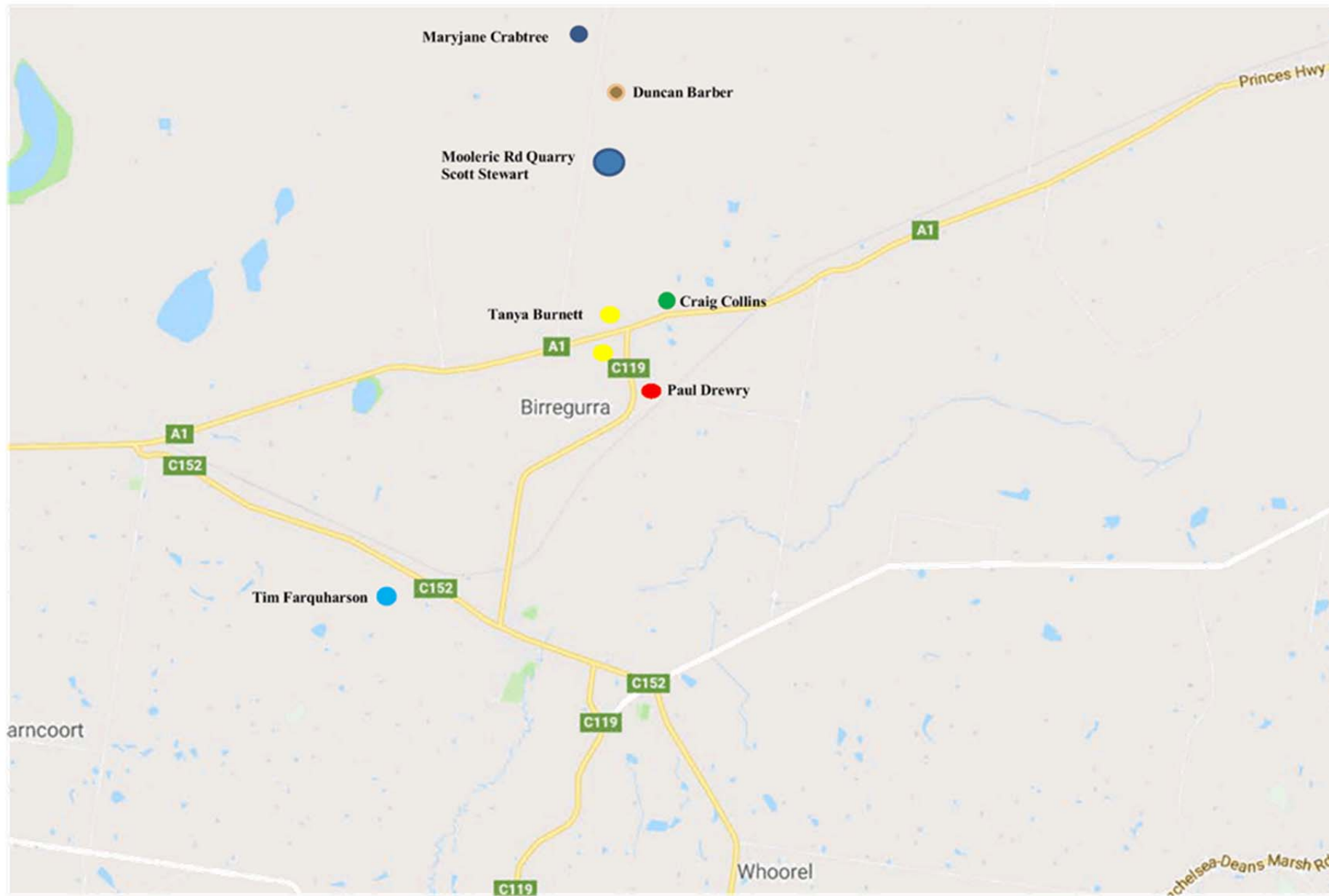
3.10 Guests and Observers

The group may invite guests to appear at the meeting with the approval of the Chair and a majority of members. Guests may include any persons who provide technical or other insight as appropriate from time to time. The group is encouraged to make use of guests where particular skills/experience can be provided; however guests do not have voting rights.

Meetings will be open to the public and observers may attend to listen to proceedings but may not participate in the meeting, unless authorised by the Chair, and must not vote.

3.11 Quorum Requirements

A minimum of four members is required for the meeting to be recognised as an authorised meeting for the recommendations or resolutions to be valid.



SPECIAL COUNCIL MEETING

PROPOSED RESORT DEVELOPMENT AT 275 BARHAM RIVER ROAD, APOLLO BAY (PP169/2017-1)

SC180702-2

LOCATION / ADDRESS	275 Barham River Road, Apollo Bay	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F17/7572	CONFIDENTIAL	No
ATTACHMENTS	1. Architectural-Designs		
PURPOSE	To provide advice on the adequacy of information submitted with the planning application for a tourist resort at 275 Barham River Road, Apollo Bay.		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

A planning application has been lodged for the development of a tourist resort at 275 Barham River Road, approximately 3.6 km south west of Apollo Bay. Council approved rezoning of the site to Rural Activity Zone in October 2008 with the aim of facilitating tourism development in the hinterland of Apollo Bay.

The proposal seeks to provide 4.5 star accommodation to service the growing visitation to the Great Ocean Road and allow visitors to stay longer in the area.

The proposal includes details for the initial stages of development and creates a master plan for the site to inform further stages of development subject to future planning processes. The Stage 1 proposal involves the following key elements:

- Residential tourist accommodation including:
 - 180 hotel style rooms
 - 82 villas used in conjunction with the hotel located to the north, west and south of the main hotel
- The hotel facilities will include a bar, an all-day dining restaurant, a main restaurant, retail tenancies and an observatory
- A wellness centre and a 25-metre swimming pool
- Staff accommodation for 30 staff

The application was placed on public notification and generated 164 objections and 10 submissions of support.

Council at its meeting of 22 November 2017 resolved to request the Minister for Planning to call in consideration of the application, pursuant to Division 6 of Part 4 of the *Planning and Environment Act 1987*, on the basis that the proposal raises significant issues in relation to State policy related to regional development and tourism development.

The Minister has written to Council accepting this request and is now the responsible authority for determining the application. The Minister is in the process of establishing an expert Advisory Panel to hear submissions from the Council, applicant and objectors. Council will be expected to present its position on the application to the Panel.

The purpose of this report, as requested by Council, is to consider the adequacy of information supporting the application.

The original application lodged included plans for the site including Stage 1 and Stage 2, a planning report, technical reports related to landslip and erosion, bushfire management, infrastructure servicing, flora and fauna assessment and traffic.

Additional information was requested by Council officers in August 2017 and confirmation was made that only Stage 1 can be considered under the current application and Stage 2 will need to be pursued via a separate planning permission.

Whilst other information has been raised through the public notice period such as lighting of the proposal, general land management, construction management and the like many of these matters are issues that can be reasonably be subject to condition in the event a permit issued and are not considered barriers to forming a position on the merits of the proposal as presented.

The following is a summary response to concerns about the adequacy of information on specific issues:

- An updated geo technical report (including a full Landslide Risk Assessment) identifies key risk elements on the site and mitigation measures, recommending that 18 of the 22 villas north and west of the hotel be relocated due to high landslip risk on the site, and that part of the area to the south where the 60 villas are proposed is also to be avoided for building. An updated technical memorandum from Golders dated 23 January 2018 notes further investigations may result in different mitigation measures which may avoid the need to relocate the buildings, however this information is currently not available. In the absence of other identified solutions for risk mitigation, it is considered that only the main hotel, 4 villas to the west of the main hotel and the access roads can be considered from a geotechnical view under the Erosion Management Overlay 1 at this point in time. This issue could be addressed by Council when it considers the merits of the proposal.

- In relation to the flooding levels along the Barham River Road, the Corangamite Catchment Management Authority has suggested a catchment based flood study be undertaken. Such work is involved and requires extensive research well beyond the issue of access for the site. Given the Barham River Road already services a number of properties and other tourist uses it seems an excessive requirement and there are other means to manage flooding impacts through emergency management plans for the site, which is elevated above the floodplain. In this regard it is considered the issue of access along the Barham River Road can be reasonably dealt with via potential conditions in the event a permit was to issue.
- It is noted that no approved Cultural Heritage Management Plan (CHMP) exist for the site as yet and such will need to be provided before any decision by the Minister for Planning can be made. The applicant has lodged the CHMP with Aboriginal Affairs Victoria (AAV) for approval but no decision from AAV has been made to date. This should not prejudice Council forming a view on the proposal, as the hotel buildings are located outside of the area of high cultural sensitivity on the site.
- It is noted that information supplied on traffic analysis was considered to be limited in some aspects and Council engaged independent professional assistance to analyse traffic issues this matter. Overall analysis of traffic impacts to date has suggested that with improvements to Barham River Road the traffic increases can be managed for this application. It is also recommended that video analysis of intersections be undertaken to clarify the need for specific treatments to occur as a result of the development, but this work is not critical to Council forming a view on the application. Officers can advise the Panel of the need for this work to occur, regardless of Council's position on the application.
- Concerns have been raised about the lack of information on economic and social impacts associated with the proposal, however officers believe there is satisfactory information before Council on the proposal in these respects for it to form view on the application. GORRT has specifically made submissions in relation to the potential economic benefit of the application.
- A number of objections have highlighted the lack of detail concerning the design and siting of the 60 villas proposed as part of Stage 1.

Whilst such information exists for the other 22 villas in Stage 1, the plans only show the 60 villas as a general location on the plan, and many of the technical reports such as the visual analysis have not addressed them. It is considered that this limits the capacity of Council to form a view on that part of the proposal relating to the 60 villas in Stage 1. Council can still consider the merits of the balance of the proposal.

Whilst there are some gaps in the information provided to date, information exists to a level for Council to reasonably form a view on the proposed Stage 1, with the exception of the 60 villas to the southern side of the site and other villas recommended to be relocated by the geotechnical report.

This report is provided for Council to understand the level of information provided and form a view on its adequacy to make a decision on the merits of the proposal at a future meeting of Council.

It is important that Council is timely in forming a decision on its position on the proposal so that officers can appropriately inform the Panel appointed to consider the matter.

3. RECOMMENDATION

That Council:

- 1. Notes that Stage 1 of the proposal is a Residential Hotel and Leisure and Recreation Facility (integrated tourism resort), which includes:*
 - a. Residential tourist accommodation including:*
 - i. 180 hotel style rooms*
 - ii. 82 villas used in conjunction with the hotel located to the north, west and south of the main hotel*
 - b. Hotel facilities including a bar, an all-day dining restaurant, a main restaurant, retail tenancies and an observatory*
 - c. A wellness centre and a 25-metre swimming pool*
 - d. Staff accommodation for 30 staff*
- 2. Notes that any further development of the site beyond the scope of Stage 1 will require separate planning permission at the relevant time.*
- 3. Notes that no flood study related to Barham River Road, or alternative means to manage the risk of flooding of access to the site has been provided, although the applicant has indicated a willingness to develop an Emergency Management Plan as a condition of approval.*
- 4. Notes that the updated geotechnical report for the site prepared by Golders Associates P/L recommends that 18 villas to the north, west and south of the hotel should be relocated to mitigate landslide risk, and that no detail has been provided on how that is to occur.*
- 5. Notes that no design detail or siting information has been provided for the 60 villas proposed to the south of the hotel, nor have the villas been fully considered in technical reports submitted with the proposal.*
- 6. Notes that no approved Cultural Heritage Management Plan has been submitted with the application.*
- 7. Notes that the traffic assessment submitted with the application does not fully analyse likely traffic generation from the proposal using different assumptions of the mode of travel to the site, or implications for potential upgrades/improvements required to the local road network, however notes that Council has received independent expert information on traffic management issues to assist it in understanding potential implications.*
- 8. Notes that a specific economic impact assessment report has not been submitted with the application, but that economic impact information has been provided in the planning submission, and information on economic benefits has been received from Great Ocean Road Regional Tourism.*
- 9. Having considered the officer assessment in this report, resolves a position on whether there is sufficient information to form a view on the merits of the proposal at a subsequent meeting of Council.*

4. BACKGROUND / KEY INFORMATION

BACKGROUND

The subject land was rezoned by the State Government in 2009 to the Rural Activity Zone from Rural Conservation Zone with the objective of facilitating tourism development in the hinterland of Apollo Bay. This occurred after Council adopted Amendment C55 in October 2008, which implemented the outcomes of the 2007 Rural Land Strategy that had recommended the rezoning.

The land also features many overlays including the Significant Landscape Overlay Schedule 3 (SLO3), Erosion Management Overlay Schedule 1 (EMO1), Environmental Significance Overlay Schedule 3 (ESO3), Bushfire Management Overlay (BMO) and Land Subject to Inundation Overlay (LSIO).

The current planning application has been lodged to take advantage of the zoning and deliver a tourism product to service the Great Ocean Road with the aim of having visitors stay longer in the region.

The proposal includes details for the initial stages of development and creates a master plan for the site to inform further stages of development subject to future planning processes. The stage 1 proposal involves a 180 room hotel and 82 villas used in conjunction with the hotel. Stage 2 would be subject to further planning processes and includes a conference and wedding centre and yoga retreat facilities, 200 additional hotel rooms and a further 140 villas.

The proponents suggest the first stage investment will be \$70 million, creating 250 jobs during construction and 175 jobs for its ongoing operations. Stage 1 and 2 combined has been estimated by the proponent at \$250 million.

The proposal is of a significant scale and has raised concerns from the local community relating to potential impacts ranging from infrastructure provision to amenity and character impacts.

The application will be determined by the Minister for Planning and Council has requested a report on the information submitted with the application to help inform Council's view on the matter to present to Planning Panel appointed by the Minister for Planning.

KEY INFORMATION

Proposal

As noted above the proposal includes details for the initial stages of development and creates a master plan for the site to inform further stages of development subject to future planning processes. The stage 1 proposal involves the following key elements:

- Residential tourist accommodation including:
 - 180 hotel style rooms
 - 82 villas used in conjunction with the hotel located to the north, west and south of the main hotel
- Hotel facilities including a bar, an all-day dining restaurant, a main restaurant, retail tenancies and an observatory
- A wellness centre and a 25-metre swimming pool
- Staff accommodation for 30 staff

Further details of Stage 1 include the following:

- The main hotel building would be located to the western side of the site (near the existing dam) and staggered down the contours of the site. The main hotel building ranges in height from 12 metres to 17 metres and other levels of the hotel building are 7 metres high.
- 22 villas are to be located to the north and west of the main hotel, setback 53 meters from the northern boundary and 35 meters from the western boundary. The villas are proposed to be single storey.

- Another 60 villas are proposed to the southern side of the main designated water way through the centre of the site however no specific details of these have been provided.
- Stage 1 would allow for a capacity of 883 people at peak occupancy and with staff present.
- Buffers of 30 metres on each side of the designated waterways are to be provided to allow for revegetation and natural management of these areas.
- Access to the site will be via upgrades to the existing internal access road and creation of further access to proposed hotel and villas. Access to the site from Apollo Bay and the Great Ocean Road would be via Barham River Road and Nelson Street.
- The proposal seeks to provide 207 on-site car parks to service the Stage 1 development.
- The site is proposed to be serviced via reticulated water, sewer and power. These services will need to be extended to the site and servicing authorities have provided support for that to occur.
- Existing vegetation both exotic and native is to be maintained as part of the project beyond the development areas and additional revegetation is proposed along gullies and along the western boundary. A small area of 0.048ha is proposed to be removed.

Subject land and Surroundings

The land is located approximately 3.6 km south west of the town of Apollo Bay and takes access from Barham River Road.

The subject land consists of two parcels and has a total area of 104.6 hectares. The land rises from the Barham River Road and the highest point to the south west corner of the site is approximately 106 metres higher than the frontage of the site to Barham River Road. The land features three gullies running through the site with the larger of these located centrally on the site nominated as a designated Waterway under the *Water Act 1989*.

Another gully to the south west corner is also designated as a waterway. A large dam is present towards the higher portion of the western side of the site. The land is substantially cleared although pockets of vegetation, both remnant and planted, exist on site. The land is currently developed with a dwelling to the south east corner of the site and a Reception Centre use and development operates from the site also.

North of the site is the Barham River Road and Barham River valley. Land at 303 Barham River Road projects into the subject land and contains an existing dwelling. North of the site to the western side also includes properties with access from the Old Horden Vale Access Road and a dwelling is present on 30 Old Horden Vale Access to the north. West of the subject land are properties with access to the Old Horden Vale Road. Land to the south of the site features properties with access from Alice Court and the Great Ocean Road. East of the site are properties with access to Conns Lane, Telfords Access and Barham River Road. East of Conns Lane is land associated with residential development along Ocean Park Drive and the Apollo Bay airstrip.

Private land to the north and south is zoned Rural Conservation Zone and land immediately abutting the site to the east and west is zoned Rural Activity Zone. The Barham River, and Barham River Road in places, is zoned Public Conservation and Resource Zone to the north.

Decision Options

In the normal processing of a planning application Council has the options of:

- a) Issuing a Notice of Decision to Grant a Permit subject to conditions; or
- b) Refusing to grant a permit on specified planning grounds.

Now that the Planning Minister has agreed to Council's request to call in the determination of the application under Division 6 of Part 4 of the *Planning and Environment Act 1987* and has become the Responsible Authority for making a decision, Council is unable to make this decision itself.

The Minister has indicated that the process will be as follows:

1. Council as the 'referring responsible authority' must comply with any directions of the Minister and provides all relevant documents relating to the permit application to Department of Environment Land Water and Planning (DELWP). This has occurred.
2. An independent Planning Panel is appointed to consider lodged submissions/objections, hear all the parties in the matter, and submit a report and recommendations to the Minister.
3. The Minister considers the Panel's report and determines the permit application. ie. the Minister grants the permit subject to conditions and issues the permit, or refuses to grant the permit on specified ground/s.
4. The Minister gives notice of the decision to all parties in the matter - noting that this decision is final and is not subject to the normal merits review process of the Victorian Civil and Administrative Appeals Tribunal. If a permit is issued Council would become the responsible authority again for the administration and enforcement of the permit, except that the Minister would remain the responsible authority in respect of any subsequent amendment and/or correction of the permit, request for extension of time for the permit, and any matters which the permit specifies to be done by/to, or approved by to the satisfaction of the Minister.

Whilst the Minister is now the Responsible Authority for the application, it is important that Council consider the merits of the current application and submissions which have been received in relation to it. Council will be responsible for advocating its position on the application at the Panel hearing that is being scheduled. It will be important that Council identifies its support or otherwise for the proposal, and what conditions it should be supported under, or grounds under which it should be refused.

This report outlines an officer assessment of the adequacy of information provided, as requested by Council. It does not provide an assessment of the planning merits of the proposal – this will be the subject of a separate report to Council at a later time.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

The following outlines consultation conducted on the application including referrals and public notice.

Internal Referrals

The application was referred to the following internal departments of Council and responses are noted below:

Capital and Major Projects Department

Council's engineering area provided a response to the likely impacts from traffic. Advice received was that the Barham River Road would be required to be widened from 4.8 - 5.3 metres to 6.8 metres from the bridge at Conns Lane to the bridge west of Old Horden Vale Road and that appropriate construction management plans would be required.

Environment Department

Council's environment officers reviewed documentation submitted with the application concerning vegetation removal and general environmental impacts. No objection was provided and a list of suggested conditions related to environmental management, stormwater and construction management have been provided.

Recreation and Open Space

Advice was received from Council's Recreation and Open Space officers concerning the possible development of a shared path in Barham River Road as part of the application in reference to previous pathway feasibility work undertaken by Council. Whilst such a pathway in Barham River Road appears conceptually possible the detail of such a design will need more investigation.

Discussions internally also involved waste management officers and economic development officers who have provided information to assist with the assessment of the proposal.

External Referrals

The application was referred under Section 55 of the *Planning and Environment Act 1987* to the following external agencies and their role and responses are noted below:

Barwon Water under the Environmental Significance Overlay Schedule 3 (determining referral authority)

Barwon Water has confirmed the proposal can be serviced by reticulated water and sewer and extension of these services to the site will be public assets and at the developer's costs. Conditions reflecting this outcome have been provided by Barwon Water.

Country Fire Authority under the Bushfire Management Overlay (determining referral authority)

The CFA has offered no objection to the proposal and has provided conditions relevant to the Bushfire Management Plan submitted with the application.

Corangamite Catchment Management Authority (CCMA)

A formal referral was triggered due to the small part of the site at the proposed main access being within the Land subject to Inundation Overlay. The CCMA, as a 'recommending referral authority', provided advice that a Flood Impact Investigation report should be undertaken to understand access issues during flood events along the Barham River Road and a Stormwater Management Plan. The delivery of a Flood Impact Investigation in relation to the Barham River Road is considered significant work in relation to the overall catchment. Given the existing tourist uses that rely on access along Barham River Road, anecdotal evidence concerning flooding in the area and considering the rezoning of the land to the Rural Activity Zone which anticipated forms of tourist development on the site, it is considered the proposal can respond to these issues via an emergency management plan in the event the proposal was supported.

In the event the development was approved any works to widen Barham River Road would potentially require a planning permit under the Land subject to Inundation Overlay and formally involve the CCMA as a recommending referral authority.

Vic Roads

Vic Roads was consulted concerning traffic access from the Great Ocean Road to the site. Vic Roads provided a written response offering no objection to the proposal.

Department of Environment, Land, Water and Planning (DELWP)

The flora and fauna and native vegetation removal report were forwarded to DELWP for comment. The level of removal does not trigger a formal referral to DELWP. A response has been received indicating they have no objection to the proposal.

Public Notice

Public notice was carried out on 22 September 2017, with the notice period ending on 24 October 2017. The application has received over 175 objections and 11 letters of support.

The key themes in the objections are detailed below:

- Negative impact on the character of the Apollo Bay and the surrounds by detracting from the authentic, seaside village context and will conflict with the unique elements of the Apollo Bay.
- The height and scale of the proposed development is inconsistent with the natural setting and purpose of the Rural Activity Zone including impacts of lighting of the development at night.
- The proposal will create unreasonable traffic impacts and the evidence about traffic impacts supplied with the application is based on unrealistic assumptions in terms of length of stay and how people will access the site.
- The proposal will unreasonably impact on services such as water, sewer, power, phone and internet access which are already at capacity
- The proposal will have a negative economic impact on surrounding businesses.
- The proposal will have a negative social impact through creating an isolated tourism enclave and has not considered issues of staff accommodation and how such will be delivered.
- The proposal will have a negative impact on environmental attributes of the area which are a key element why people visit the location.
- It is not clear how environmental risks such as landslip, bush fire risk and flooding issues have been addressed by the proposal
- Overlooking to the adjacent property at 30 Old Horden Vale Access.
- Impacts of the development on the Apollo Bay airfield
- Impacts from construction

Whilst questions and queries about the application and the information supplied have been raised by submitters to the proposal, it is clear from the submissions received that submitters have had access to a reasonable level of information to be able to form a view of the proposal and articulate concerns about the proposal under a range of themes.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The proposal connects with the Council Plan 2017-21 under 'Our Prosperity', which seeks to explore options to facilitate new tourism accommodation and facilitate the attraction of investment in the development of high standard accommodation in Colac and Apollo Bay, particularly 4-5 star accommodation.

Policy also exists in the Colac Otway Planning Scheme, both in the State Planning Policy Framework and the Local Planning Policy Framework, that support tourism development in regional areas balanced with ensuring developments are of an appropriate scale, use and intensity relative to its location and minimising impacts on the surrounding natural, visual, environmental and coastal character.

The key document related to the analysis of the application is the Colac Otway Planning Scheme. Planning applications lodged under the Colac Otway Planning Scheme are required to have sufficient information to enable a position to be formed.

Adequacy of Information

The original application lodged was supported by the following information:

- Planning report
- Architectural plans of the proposed development with detail focus on Stage 1, with the exception of the 60 villas to the south of the site
- Landscape plans
- Bushfire management report
- Geotechnical report
- Infrastructure and servicing report
- Traffic report
- Native vegetation report
- Standard assessment Cultural Heritage Management Plan

Council requested additional information from the proponent via a letter on 7 August 2017 which requested the following:

- Revised flora and fauna report
- Information on how access to the site will be managed along Barham River Road in case of a flood
- An updated geo technical report
- Details on the staff accommodation proposed in Stage 1

It was also identified that consideration of elements beyond Stage 1 would be difficult based on the current information, and that the only access route to the site being considered was the Barham River Road and other potential access routes shown in plans was not being considered in Stage 1. The Council is therefore only being asked to consider Stage 1 on the plans – lack of information on Stage 2 components will have no bearing on Council's decision to form a position on the application, as that part will require separate planning permission (if it was to be pursued by the proponent in the future).

The applicant supplied updated information related to a flora and fauna report, staff accommodation and a basic response to flooding issues and the application proceeded to public exhibition. Further information on an updated geotechnical report and flooding was to be provided at a later date.

The application was forwarded to a number of external agencies and the only agencies to require further information from the applicant were Barwon Water and the Corangamite Catchment Management Authority (CCMA).

An updated geotechnical report (including a full Landslide Risk Assessment), prepared by Golders, has since been received. This report has identified key risk elements on the site and mitigation measures. The report, dated 1 November 2017 identifies mitigation measures for some areas of risk to be the avoidance of building in those locations. The result of these recommendations is that 18 of the villas in Stage 1 to the north of the site cannot be located as described in the plans and part of the areas to the south where the 60 villas are proposed is also to be avoided for building.

An updated technical memorandum from Golders dated 23 January 2018 notes further investigations may result in different mitigation measures however the memo refers to the recommendations in the November 2017 report. In the absence of other identified solutions for risk mitigation the November 2017 report recommends avoiding high or very

high risk areas. Based on the updated geotechnical report and LRA it is considered that only the main hotel, 4 villas to the west of the main hotel and the access roads can be considered from a geotechnical view under the Erosion Management Overlay Schedule 1 at this point in time.

In relation to the flooding levels along the Barham River Road, the CCMA has suggested a catchment based flood study be undertaken. Such work is involved and requires extensive research well beyond the issue of access for the site.

Given the Barham River Road already services a number of properties and other tourist uses it seems an excessive requirement and there are other means to manage flooding impacts through emergency management plans for the site, which is elevated above the floodplain. In this regard it is considered the issue of access along the Barham River Road can be reasonably dealt with via potential conditions in the event a permit was to issue.

It is noted that no approved Cultural Heritage Management Plan (CHMP) exists for the site as yet and such will need to be provided before any decision by the Minister for Planning can be made. The applicant has lodged the CHMP with Aboriginal Affairs Victoria (AAV) for approval but no decision from AAV has been made to date. This should not prejudice Council forming a view on the proposal, as the hotel buildings are located outside of the area of high cultural sensitivity on the site. It is a matter which the Planning Minister must ultimately be satisfied with. In the unlikely event the approved CHMP raises implications for the development, Council could respond accordingly at the time.

It is noted that information supplied on traffic analysis was considered to be limited in some aspects and Council engaged independent professional assistance to analyse traffic issues, recognising the community's concerns on this matter. Overall analysis of traffic impacts to date has suggested that with improvements to Barham River Road the traffic increases can be managed for this application.

Traffic counts were conducted on several local roads in Apollo Bay over the Australia Day long weekend to provide baseline data to assess expected increases in traffic volumes from the development – the peer review analysis by GHD will be adjusted to reflect this. Further work to review the need for specific intersection treatments has been recommended by the way of video analysis, to examine driver behaviour at the intersections. This gap in information could be highlighted to the Panel by Council when it considers forming a position on the application. The additional information would assist the Planning Panel about minor intersection improvements which may be required to support the proposal if it approved (regardless of Council's position on the application).

Concerns have been raised about the lack of information on economic and social impacts associated with the proposal. These issues are discussed in more detail under separate headings below (Economic and Social & Cultural Implications). Officers believe there is satisfactory information before Council on the proposal in these respects for it to form view on the application.

A number of objections have highlighted the lack of detail concerning the design and siting of the 60 villas proposed as part of Stage 1. Whilst such information exists for the other 22 villas in Stage 1, the plans only show the 60 villas as a general location on the plan, and many of the technical reports such as the visual analysis have not addressed them. It is considered that this limits the capacity of Council to form a view on that part of the proposal relating to the 60 villas in Stage 1.

Whilst the quality of information supplied will be debated by some, officers are of the view that adequate information has been supplied for Council to form a view concerning the merits of the proposal against the relevant zone, overlays and policy in the Colac Otway Planning Scheme. The exception to this is the 60 villas in Stage 1 referred to above, where Council has the option of not supporting that element of the proposal if it was to consider supporting the balance.

Similarly, the further 18 villas in Stage 1 which remain uncertain from a geotechnical perspective should be excluded from consideration as part of the merits consideration until such time as further clarity on that issue is provided. It is important that Council makes a decision on its position on the proposal, so that officers can appropriately advise the Planning Panel and DELWP, and assist the Panel with its consideration.

ENVIRONMENTAL IMPLICATIONS

The key environmental issues relate to the following:

- Native vegetation removal
- Management of bushfire risk
- Management of building and works in a declared water catchment
- Access to the site via a known floodplain
- Management of erosion and landslip risk
- Impact on the landscape setting

The information supplied with the application has included technical reports related to bushfire management, native vegetation removal, sewer infrastructure and geo technical information and visual analysis photo montages.

There has been limited information supplied in relation to the extent of flooding along the Barham River Road in response to suggestions for such information from the Corangamite Catchment Management Authority and this issue has been discussed earlier in this report.

SOCIAL & CULTURAL IMPLICATIONS

Key issues raised concerning the proposed resort relate to the impact on the identity of the Apollo Bay township and surrounding landscape and the connection the proposal will have with the surrounding community.

It is considered an appropriate level of information has been received to help form a view of these elements through the plans and reports submitted and analysis of these against submissions and policy in the Colac Otway Planning Scheme.

As noted above, an approved CHMP is required to be submitted prior to a decision on the application, but the absence of this should not prevent Council forming a position on the application.

ECONOMIC IMPLICATIONS

The application has not been supported by an economic analysis report. General information concerning the economic outcomes from the proposal have been provided in the planning report relating to links to tourism policy and job creation.

Additional economic information has been raised via submissions, both in support and opposed to the development. Great Ocean Road Regional Tourism (GORRT) have provided a submission in relation to the application detailing the importance of the tourism economy to the region and outlining the strategic policy that exists to support the growth of the tourism economy into the future. GORRT's submission has also detailed how the proposal could assist in developing the tourism economy for Apollo Bay and the broader region through market development and diverse employment opportunities.

It is considered that the processing of the application has provided adequate information inputs to allow a view to be formed on the positive or negative impacts of the proposal to the local economy.

LEGAL AND RISK IMPLICATIONS

Council has an obligation under the Planning & Environment 1987 to consider all planning applications lodged under the Colac Otway Planning Scheme. Council has been focused on the efficient and transparent processing of the current application to ensure all stakeholders are able to understand the proposal and make comment on it.

The ministerial call in process and the appointment of a Planning Panel to hear from all parties to the matter will allow for further information concerning the application to be considered and reviewed before advice is provided to the Minister for Planning.

It is considered that Council has enough information to consider Stage 1 with the exception of the 60 villas as detailed in the recommendation in this report, and the 18 further villas which have been recommended to be relocated in the geotechnical report.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

The lodgement of the application involved a planning application fee of approximately \$28,500 based on the State planning fees structure.

The processing of the application to date has been supported by an experienced planning consultant to ensure the processing of the proposal does not adversely impact on the planning service provided by Council to the balance of the Shire. These costs have been largely off-set to date by the significant application fee.

The Ministerial consideration of the planning application and associated Planning Panel hearing will not be funded by Council, however the Shire will need to be represented at the Panel hearing and will be involved in providing information to the Panel, DELWP staff, Council and the community prior to a determination

In relation to information concerning the application Council has incurred costs related to peer review of the geo technical report and the traffic report.

7. IMPLEMENTATION STRATEGY

DETAILS

Any position of Council will be conveyed to the relevant parties to the Ministerial call in process including DELWP, the applicant and the submitters. The position will subsequently be advocated to the Panel on behalf of Council at the future Panel hearing.

It is intended that a report be placed before Council at the 28 February meeting to formally resolve a position on the application.

COMMUNICATION

As detailed above any position of Council will be conveyed to the relevant parties to the Ministerial call including DELWP, the applicant and the submitters.

TIMELINE

The details of the Panel hearing have not been published to date however it is anticipated that a hearing will be held prior to the middle of the year. Communication of Council's position and preparation for a Panel hearing will respond to any published hearing time frame.

As noted above, it is intended that a report be provided to a Council meeting on 28 February 2018 for Council to form its position on the proposal, subject to forming a position on the adequacy of information regarding the application.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Apollo Bay Resort

275 Barham River Road Apollo Bay VIC 3233

Town Planning Permit Application July 2017



Drawing List

TP_001	Site Context Plan
TP_002-1	Site Contour Plan
TP_002-2	Detail Land Survey - Hotel Zone
TP_003	Title Information
TP_004	Existing Conditions
TP_005	Site Analysis
TP_006	Master Plan
TP_007	Proposed Staging
TP_008	Site Sections
TP_009	Hotel Zone Site Plan
TP_010	Floor Plan - Main Hotel Reception Level
TP_011	Floor Plan - Main Hotel Upper Guestroom Level
TP_012	Floor Plan - Main Hotel Lower Guestroom Level
TP_013	Floor Plan - Guestrooms 1 Upper Level
TP_014	Floor Plan - Guestrooms 1 Lower Level
TP_015	Floor Plan - Guestrooms 2 Upper Level
TP_016	Floor Plan - Guestrooms 2 Lower Level
TP_017	Main Hotel - Elevations
TP_018	Guestrooms 1 - Elevations
TP_019	Guestrooms 2 - Elevations
TP_020	Building Section
TP_021	Typical Resort and Hotel Villas
TP_022	Section Through Dam
TP_023	Aerial View from the South East
TP_024	Aerial View from the West
TP_025	Main Hotel and Guestrooms 1 from the South East
TP_026	Main Hotel from the North East
TP_027	Main Hotel and Guestrooms 1 from the East
TP_028	Main Hotel and Hotel Villas from South
TP_029	Main Hotel from North
TP_030	Main Hotel View from Northern Hotel Villas
TP_031	Hotel Villas
TP_032	Materials and Finishes
TP_033	View Towards Site from Barham River Road
TP_034	View Towards Site from B100 Bridge
TP_035	View Towards Site from Marengo
TP_036	Site Access Routes

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Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Cover Sheet
Drawing

2017005 06/30/17 TP_000
Project No. Issue Date Drawing Number

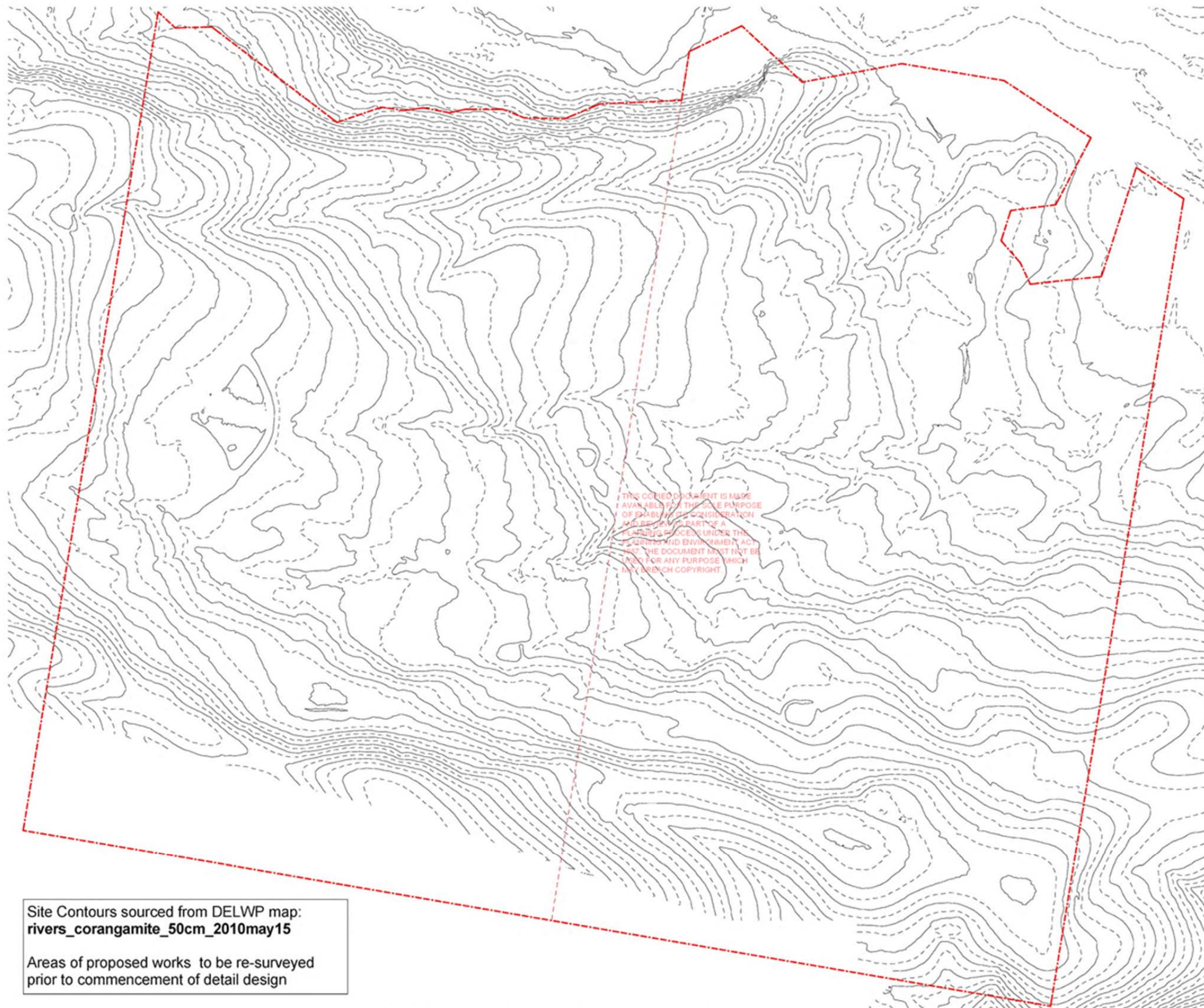
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Apollo Bay Resort	Oceans United Investments Group Pty Ltd	Site Context Plan	2017005	30/06/17	TP_001	1 : 5000 @ A1
Project	Client	Drawing	Project No.	Issue Date	Drawing Number	Revision
						Scale



Site Contours sourced from DELWP map:
rivers_corangamite_50cm_2010may15

Areas of proposed works to be re-surveyed
prior to commencement of detail design

Apollo Bay Resort
Project

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Site Contour Plan
Drawing

2017005 **30/06/17** **TP_002-1** **1 : 2000 @ A1**
Project No. Issue Date Drawing Number Revision Scale

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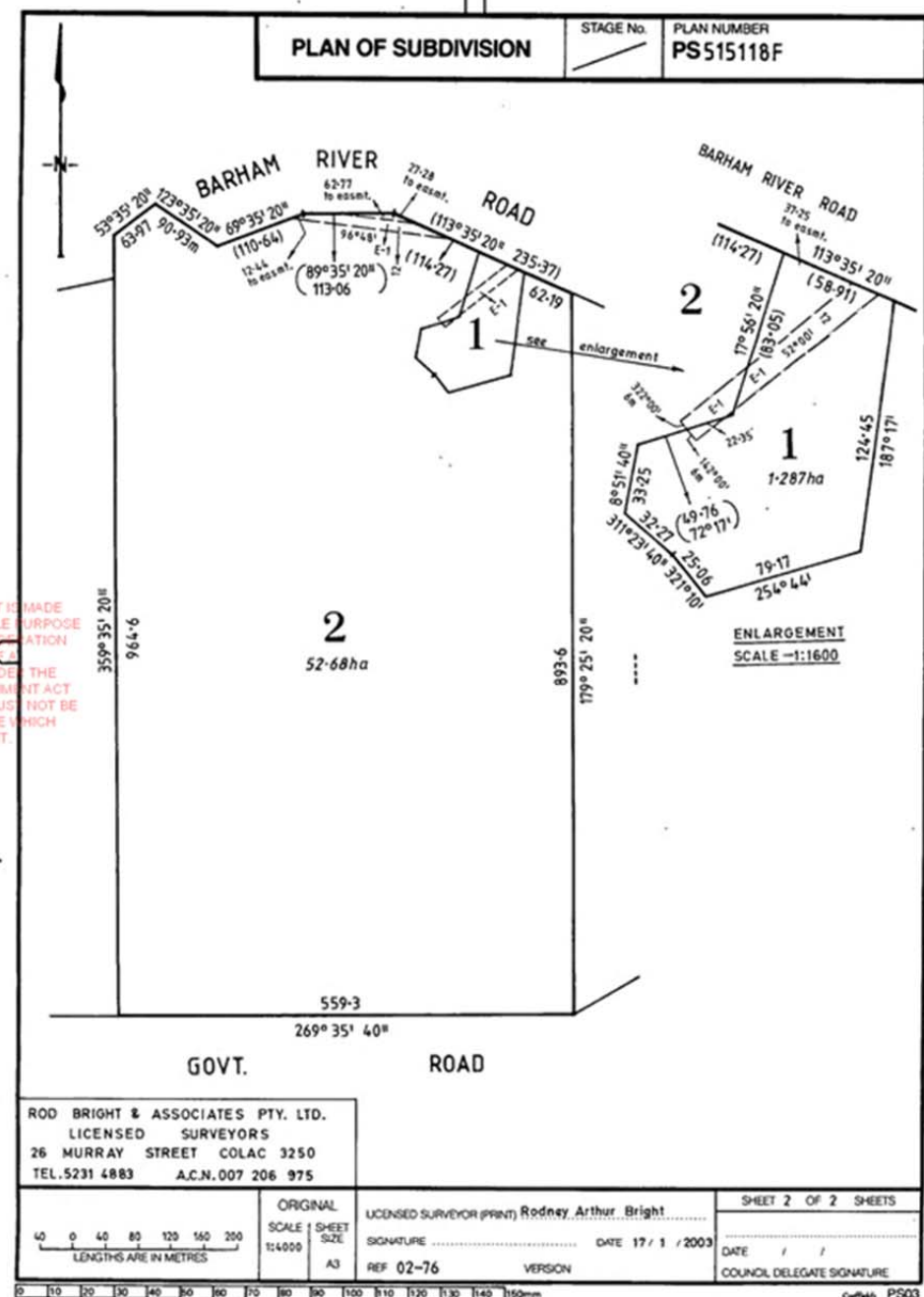
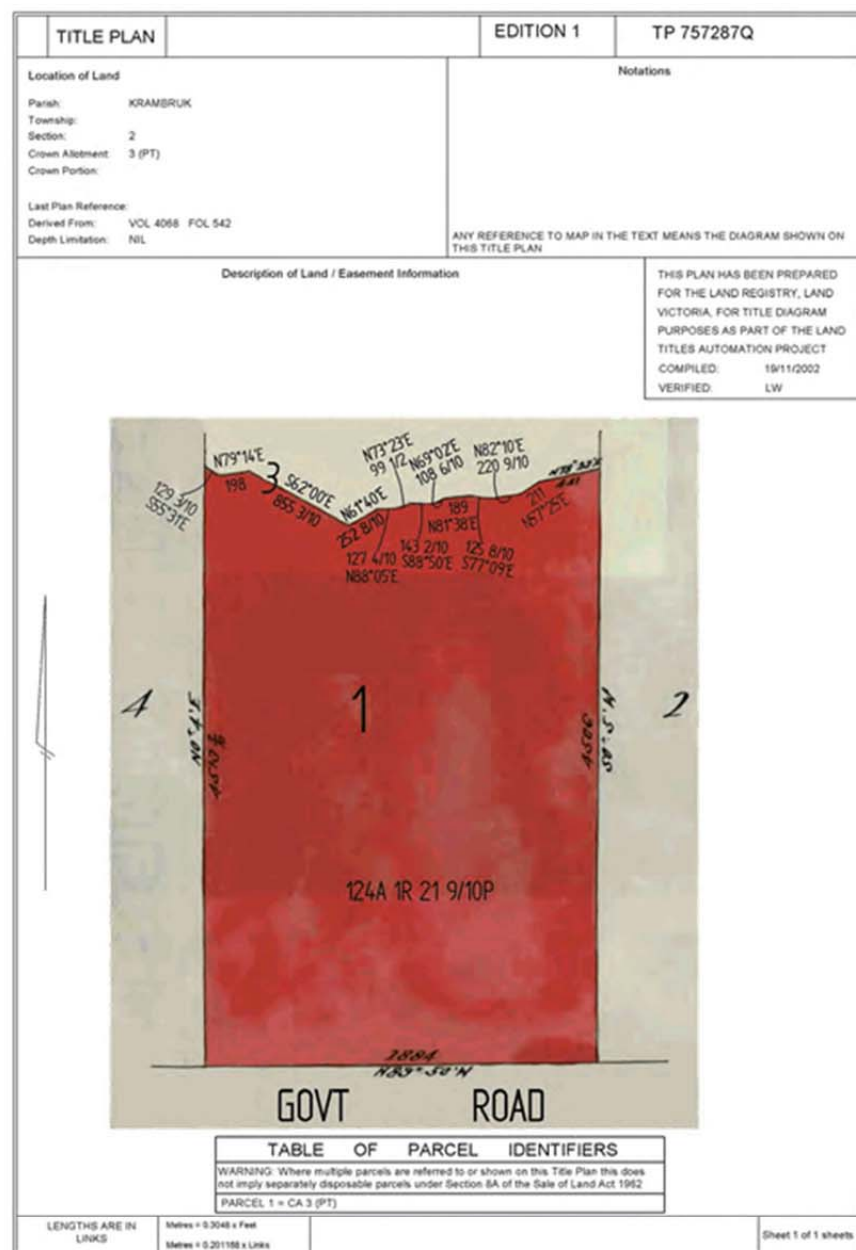
Apollo Bay Resort
Project

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Detail Land Survey - Hotel Zone
Drawing

2017005 **30/06/17** **TP_002-2** **1 : 2000 @ A1**
Project No. Issue Date Drawing Number Revision Scale





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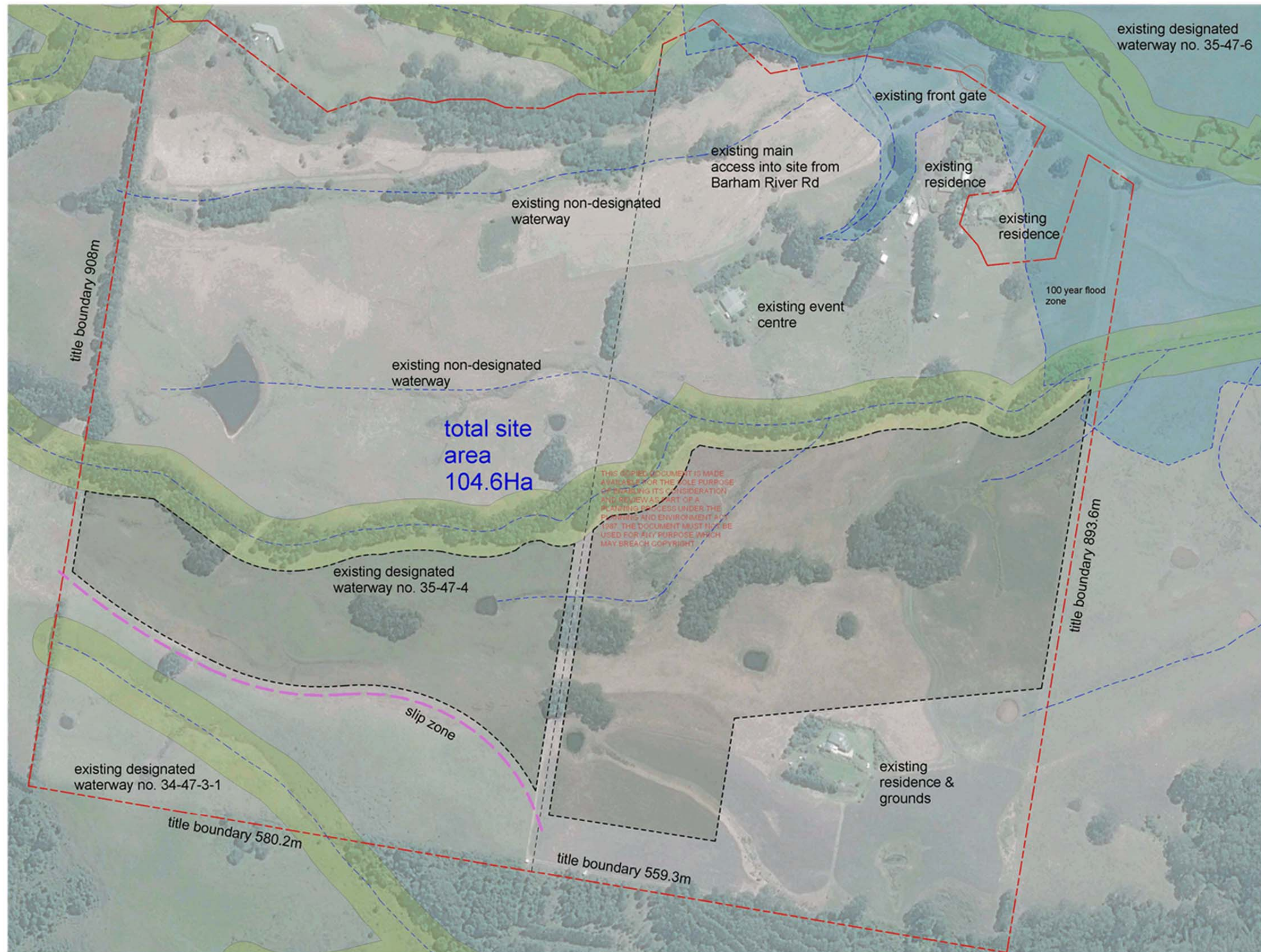
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Title Information
Drawing

2017005 30/06/17 TP_003 n. t. s. @ A1
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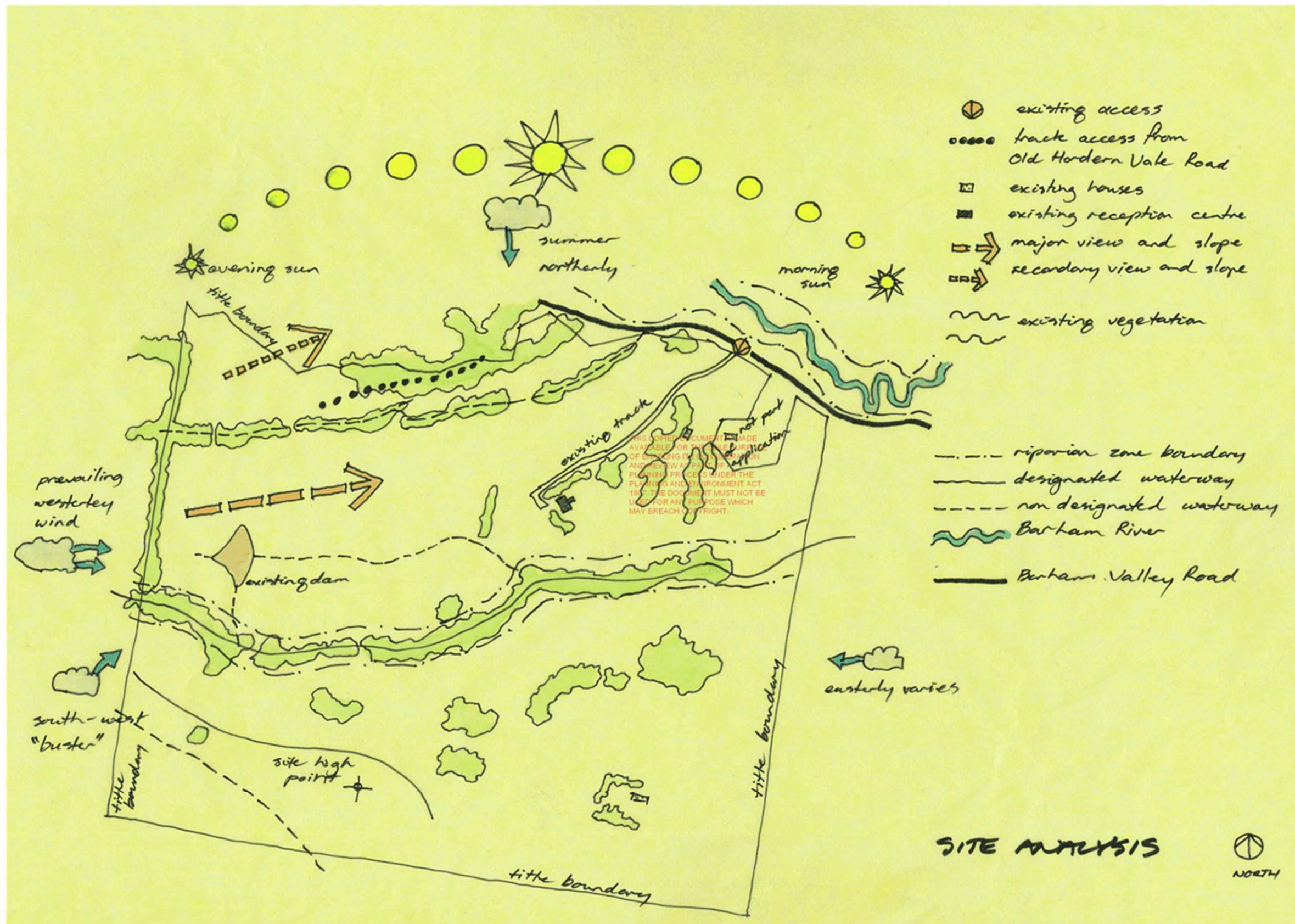
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Apollo Bay Resort
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Oceans United Investments Group Pty Ltd
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Existing Conditions
Drawing

2017005	30/06/17	TP_004	1 : 2000 @ A1
Project No.	Issue Date	Drawing Number	Revision



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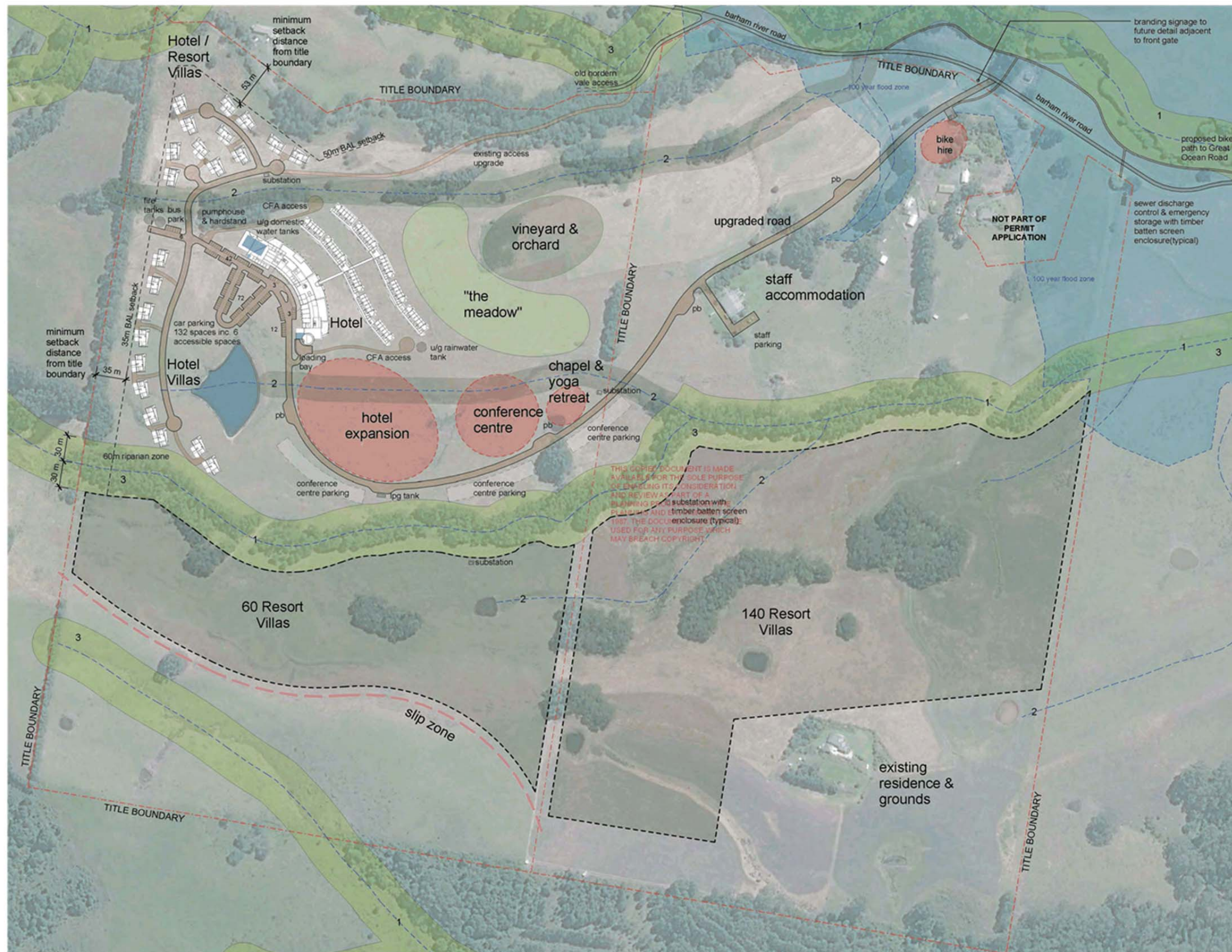
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Site Analysis
Drawing

2017005 30/06/17 TP_005
Project No. Issue Date Drawing Number Revision

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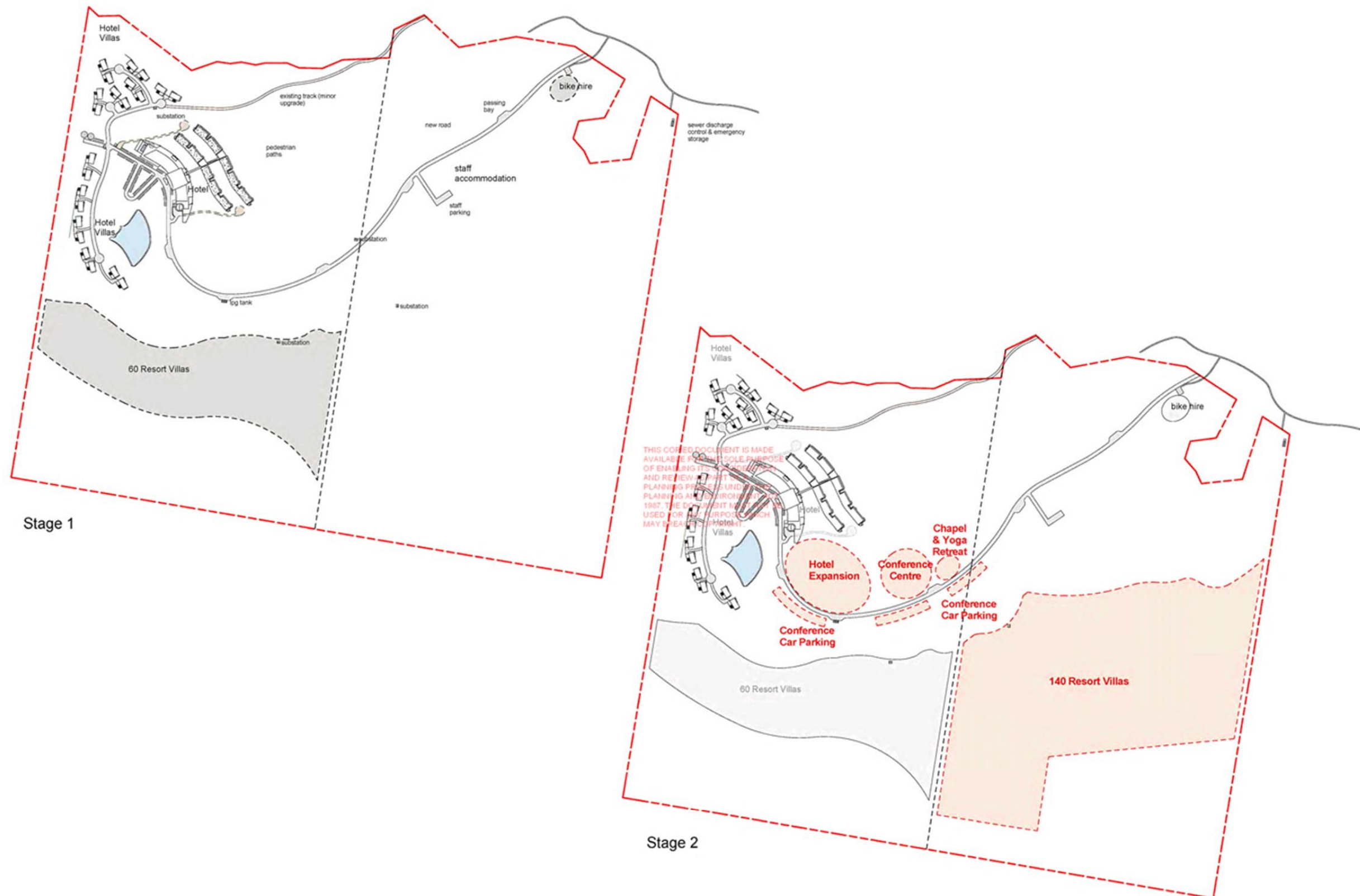


- Legend**
- 1 Designated water way
 - 2 Non-designated water way
 - 3 60m wide riparian zone
 - pb passing bay
- REFER TO DRAWING TP-003 FOR TITLE DIMENSIONS AND BEARINGS

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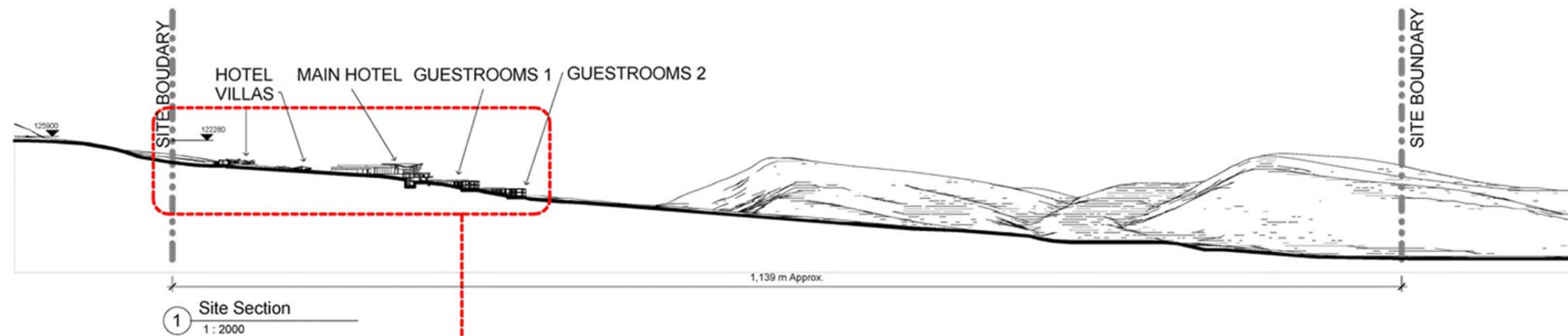


Apollo Bay Resort
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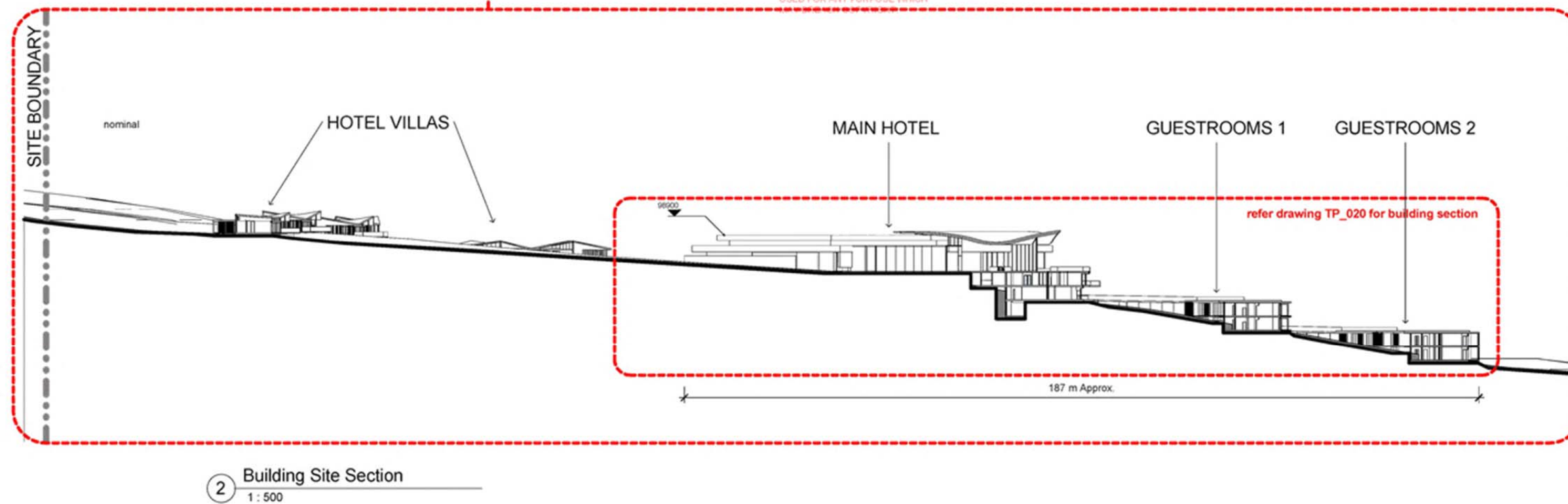
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Proposed Staging
 Drawing

2017005 **30/06/17** **TP_007** **1 : 3500 @ A1**
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Apollo Bay Resort
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Site Sections
Drawing

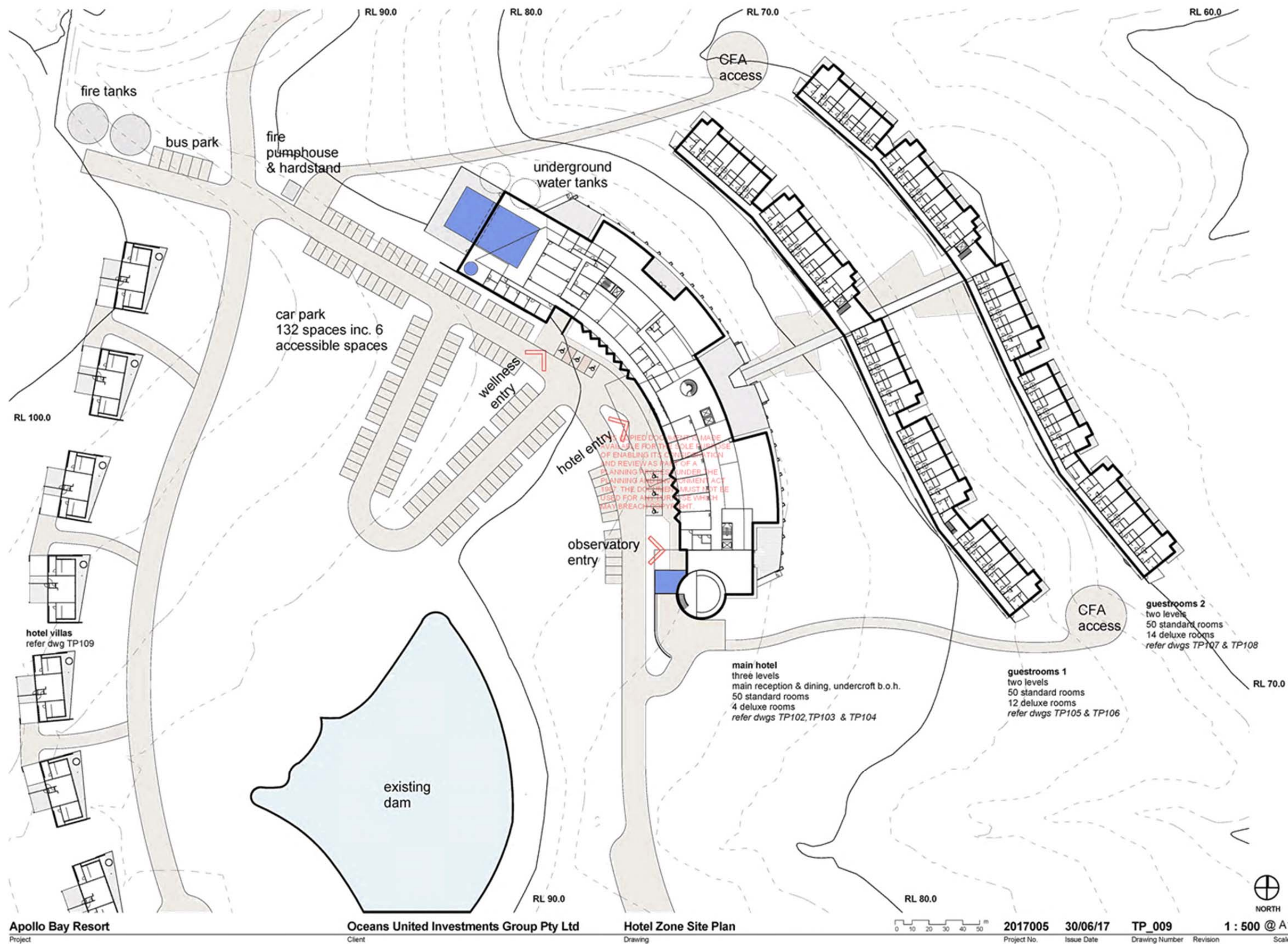
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Project No.

30/06/17
Issue Date

TP_008
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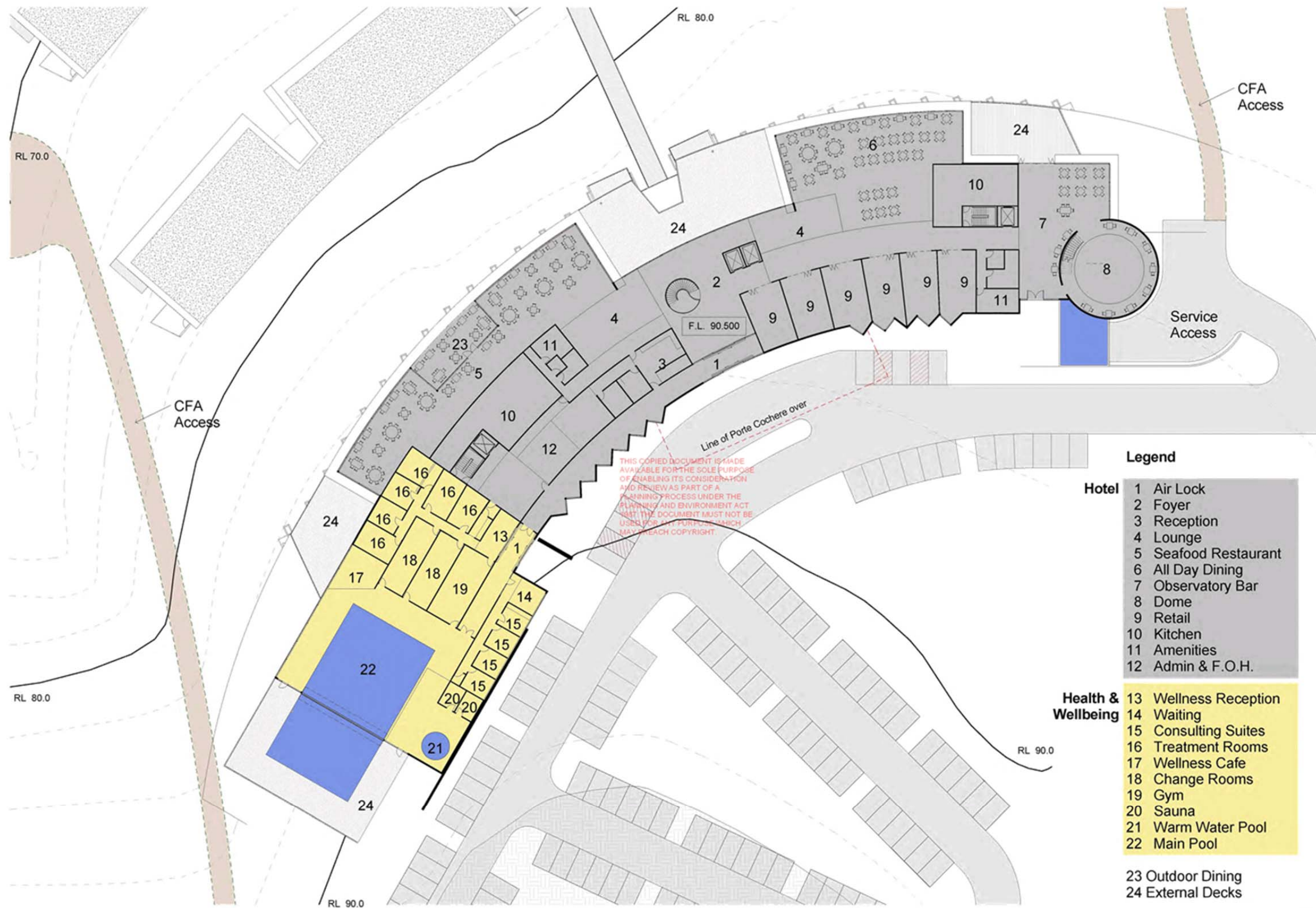
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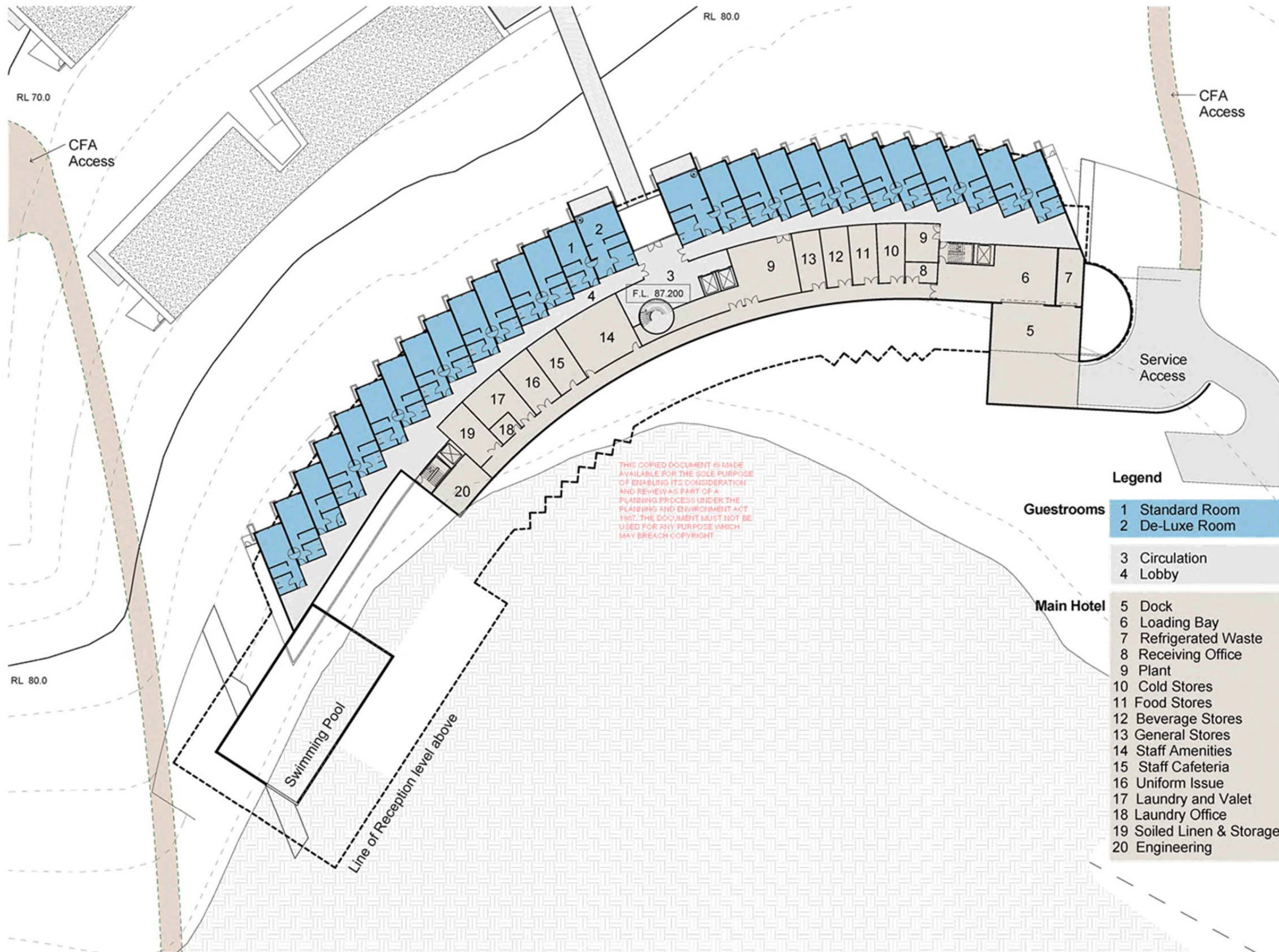


Legend

- | | |
|-------------------------------|-----------------------|
| Hotel | 1 Air Lock |
| | 2 Foyer |
| | 3 Reception |
| | 4 Lounge |
| | 5 Seafood Restaurant |
| | 6 All Day Dining |
| | 7 Observatory Bar |
| | 8 Dome |
| | 9 Retail |
| | 10 Kitchen |
| | 11 Amenities |
| | 12 Admin & F.O.H. |
| Health & Wellbeing | 13 Wellness Reception |
| | 14 Waiting |
| | 15 Consulting Suites |
| | 16 Treatment Rooms |
| | 17 Wellness Cafe |
| | 18 Change Rooms |
| | 19 Gym |
| | 20 Sauna |
| | 21 Warm Water Pool |
| | 22 Main Pool |
| | 23 Outdoor Dining |
| | 24 External Decks |

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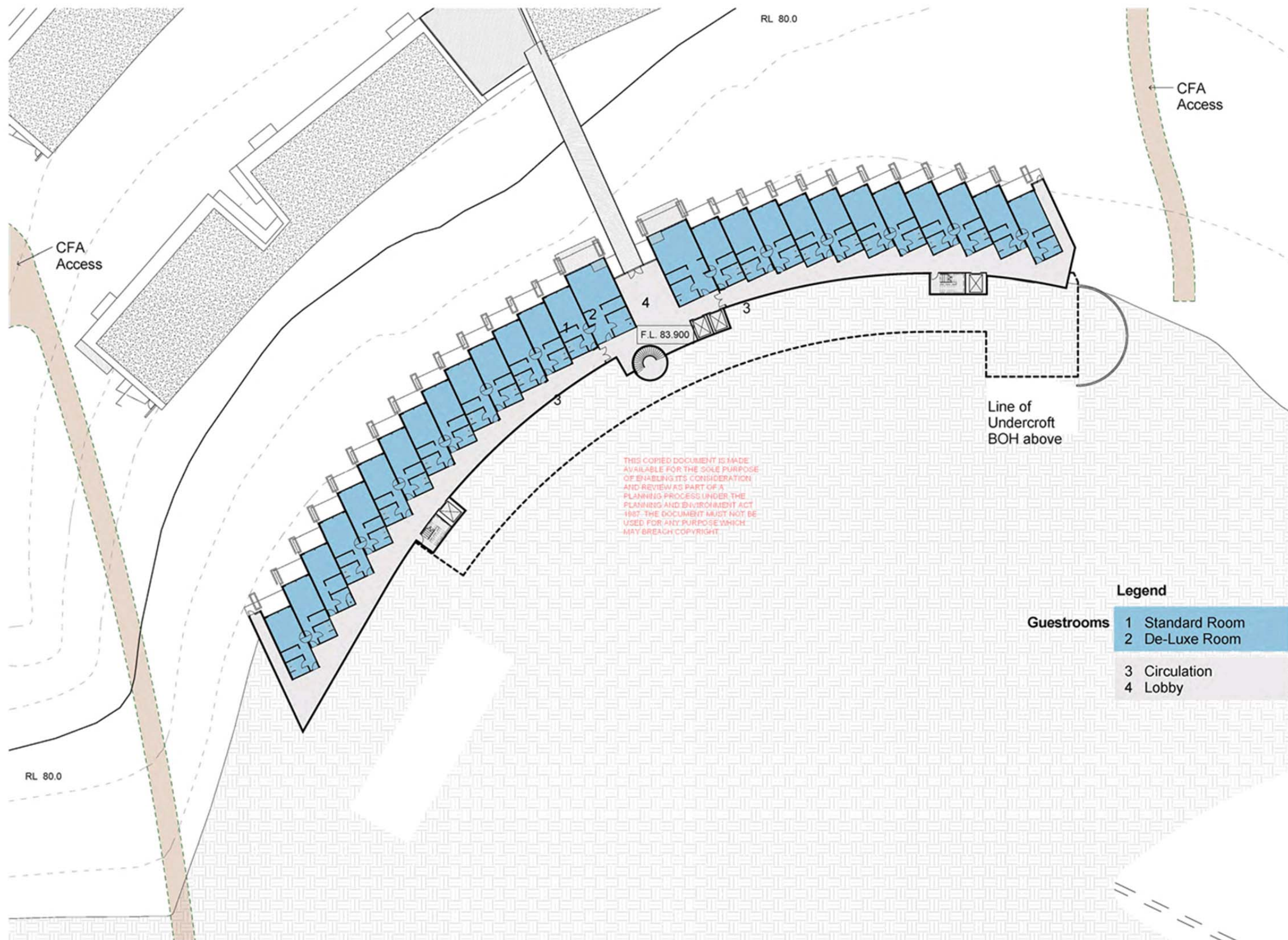
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Legend

- | | |
|-------------------|---------------------------|
| Guestrooms | 1 Standard Room |
| | 2 De-Luxe Room |
| | 3 Circulation |
| | 4 Lobby |
| Main Hotel | 5 Dock |
| | 6 Loading Bay |
| | 7 Refrigerated Waste |
| | 8 Receiving Office |
| | 9 Plant |
| | 10 Cold Stores |
| | 11 Food Stores |
| | 12 Beverage Stores |
| | 13 General Stores |
| | 14 Staff Amenities |
| | 15 Staff Cafeteria |
| | 16 Uniform Issue |
| | 17 Laundry and Valet |
| | 18 Laundry Office |
| | 19 Soiled Linen & Storage |
| | 20 Engineering |

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Legend

- | Guestrooms | |
|------------|---------------|
| 1 | Standard Room |
| 2 | De-Luxe Room |
| 3 | Circulation |
| 4 | Lobby |

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NORTH

Apollo Bay Resort
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Floor Plan - Main Hotel Lower Guestroom Level
 Drawing



2017005
 Project No.

30/0617
 Issue Date

TP_012
 Drawing Number

Revision

1 : 250 @ A1
 Scale

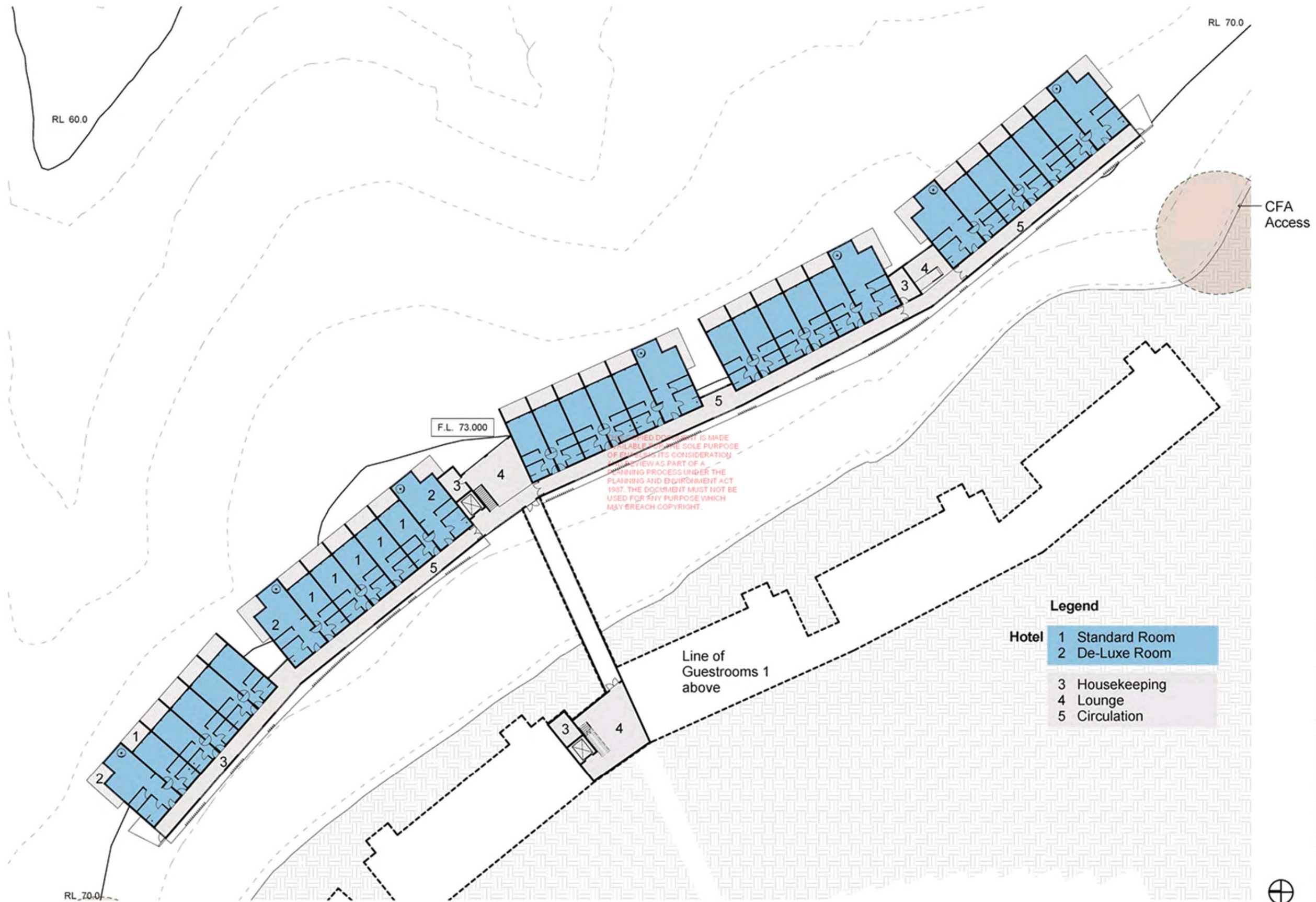




Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Floor Plan - Guestrooms 1 Lower Level
Drawing

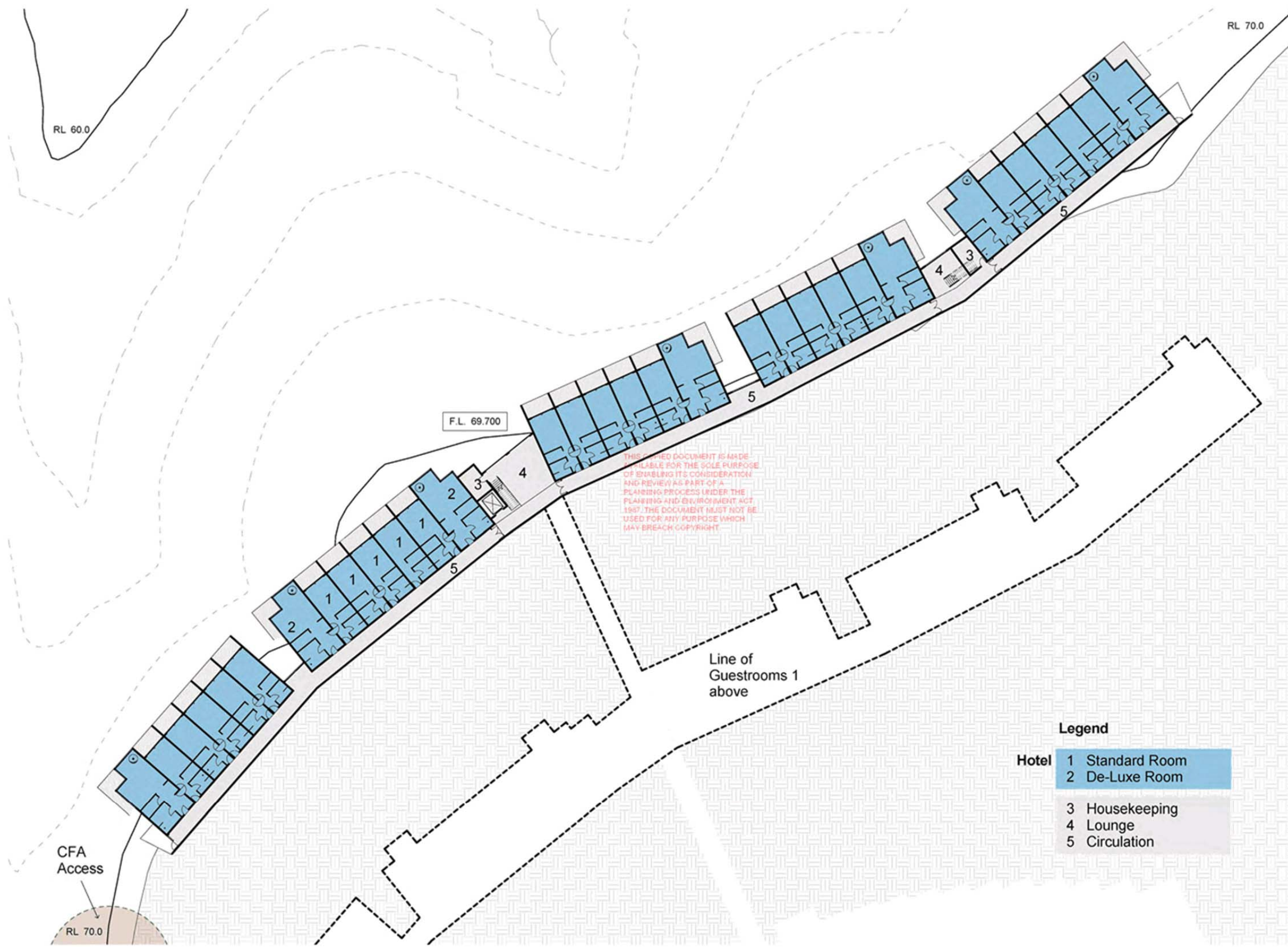


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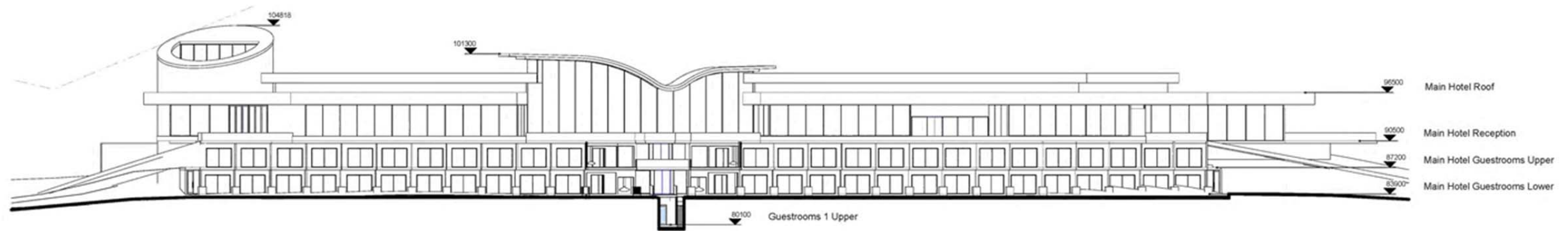
NORTH



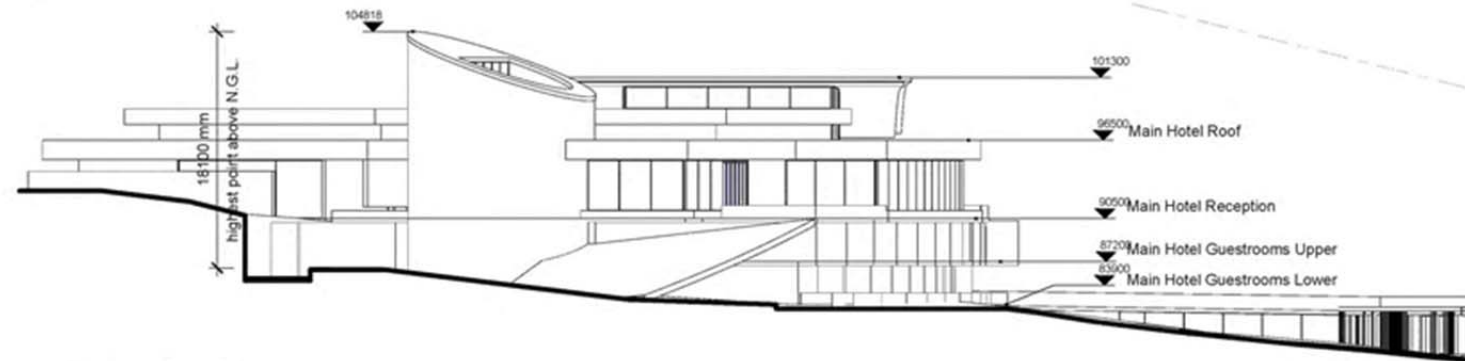
- Legend**
- | | |
|--------------|-----------------|
| Hotel | 1 Standard Room |
| | 2 De-Luxe Room |
| | 3 Housekeeping |
| | 4 Lounge |
| | 5 Circulation |

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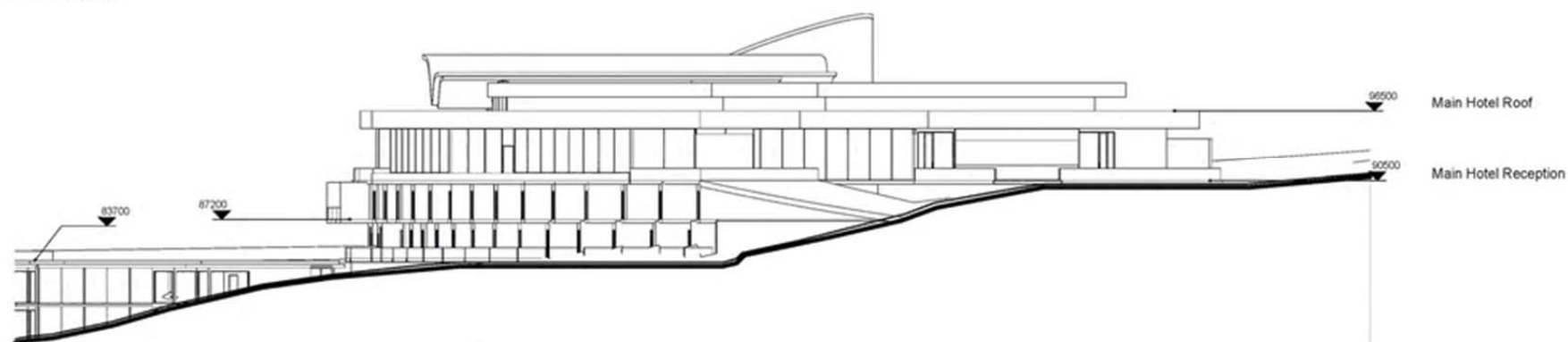
1 East Elevation
1 : 250



2 South Elevation
1 : 250



3 West Elevation
1 : 250



4 North Elevation
1 : 250

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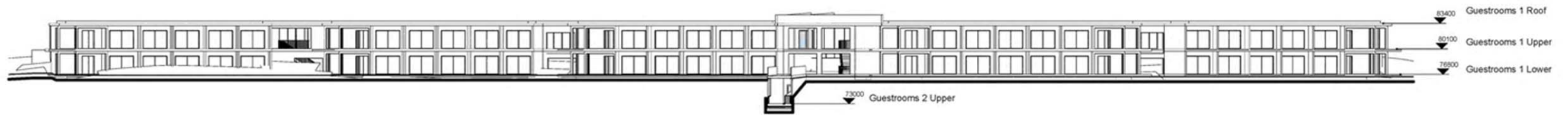
Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel - Elevations
Drawing



2017005 30/06/17 TP_017 1 : 250 @ A1
Project No. Issue Date Drawing Number Revision Scale

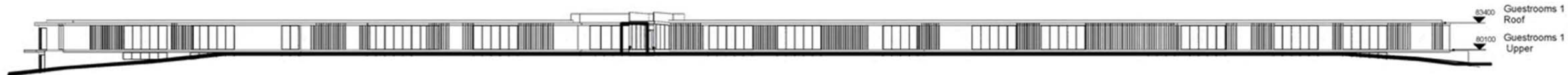


1 Guestrooms 1-East Elevation
1 : 250

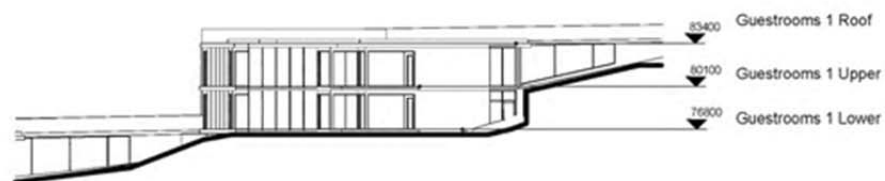


2 Guestrooms 1 - South Elevation
1 : 250

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3 Guestrooms 1 - West Elevation
1 : 250



4 Guestrooms 1 - North Elevation
1 : 250

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Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Guestrooms 1 - Elevations
Drawing



2017005 30/06/17 TP_018 1 : 250 @ A1
Project No. Issue Date Drawing Number Revision Scale



1 Guestrooms 2- East Elevation
1 : 250

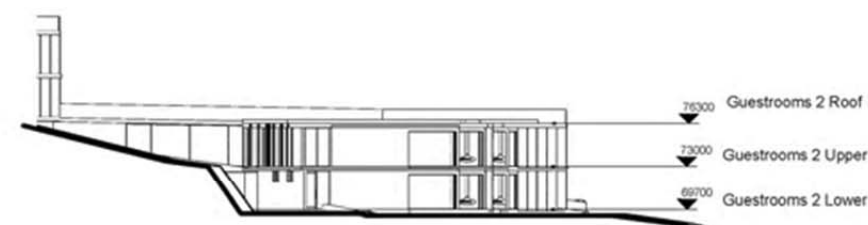


2 Guestrooms 2- North Elevation
1 : 250



Guestrooms 2
Roof 76300
Guestrooms 2
Upper 73000

4 Guestrooms 2 - West Elevation
1 : 250



3 Guestrooms 2 - South Elevation
1 : 250

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Guestrooms 2 - Elevations
Drawing



2017005
Project No.

30/06/17
Issue Date

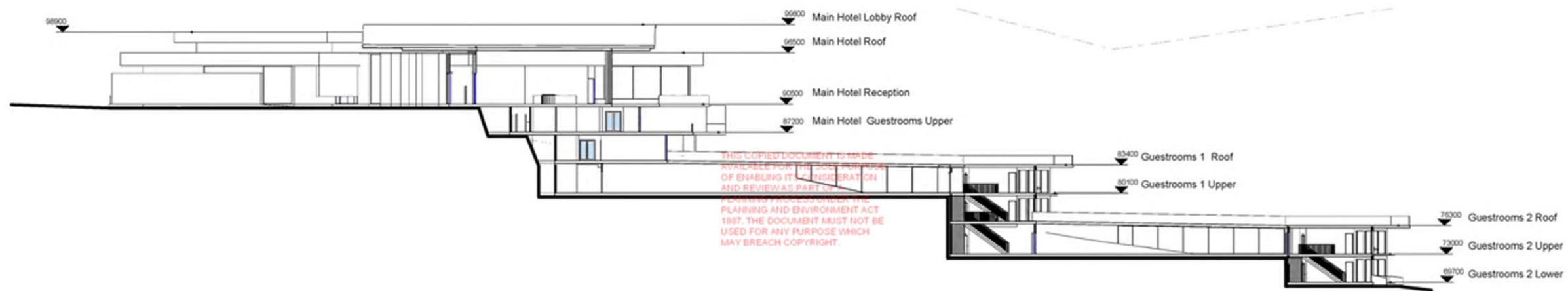
TP_019
Drawing Number

Revision

1 : 250 @ A1
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1 Through Enclosed Link
1 : 250

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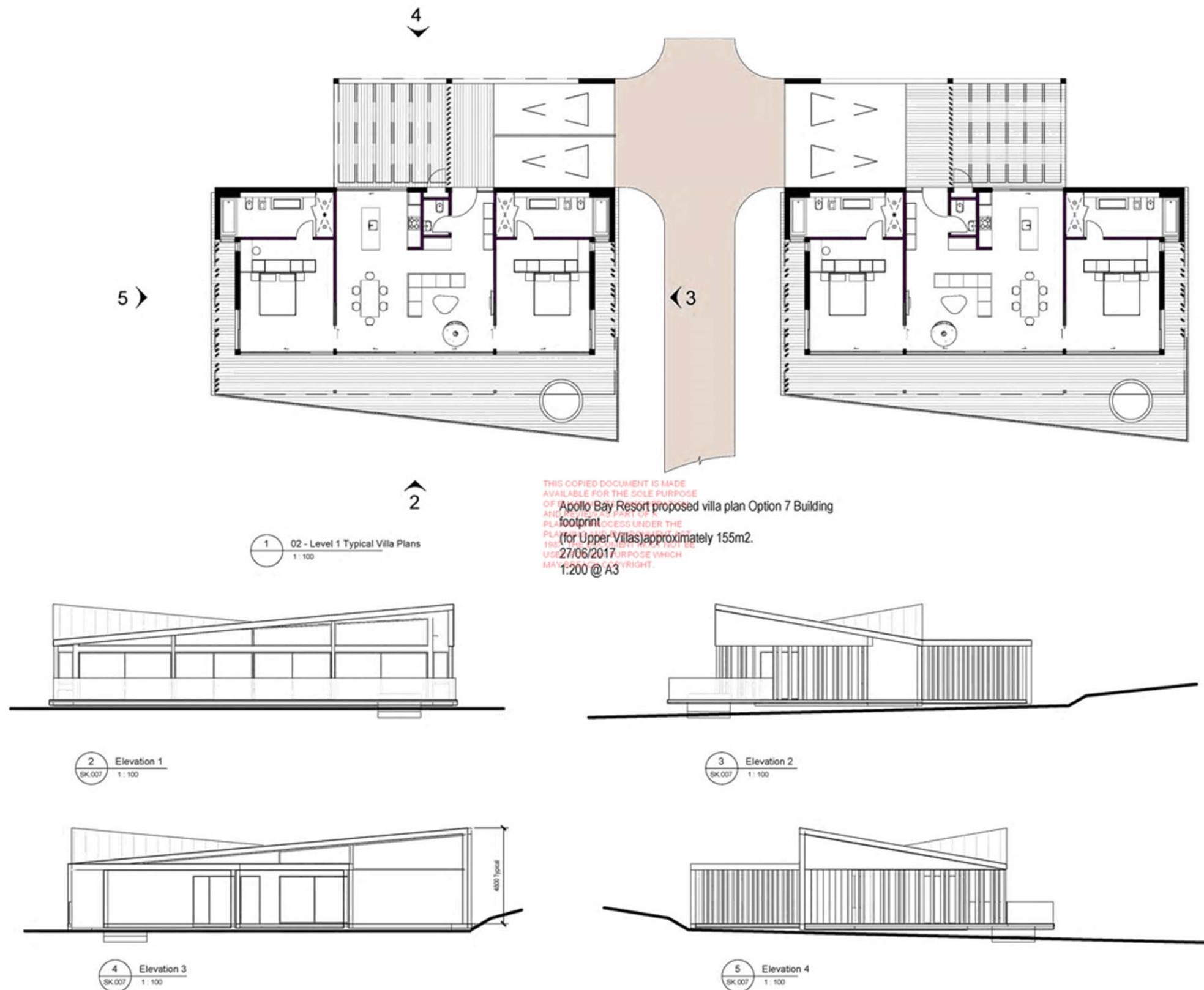


Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Building Section
Drawing

2017005 30/06/17 TP_020 1 : 250 @ A1
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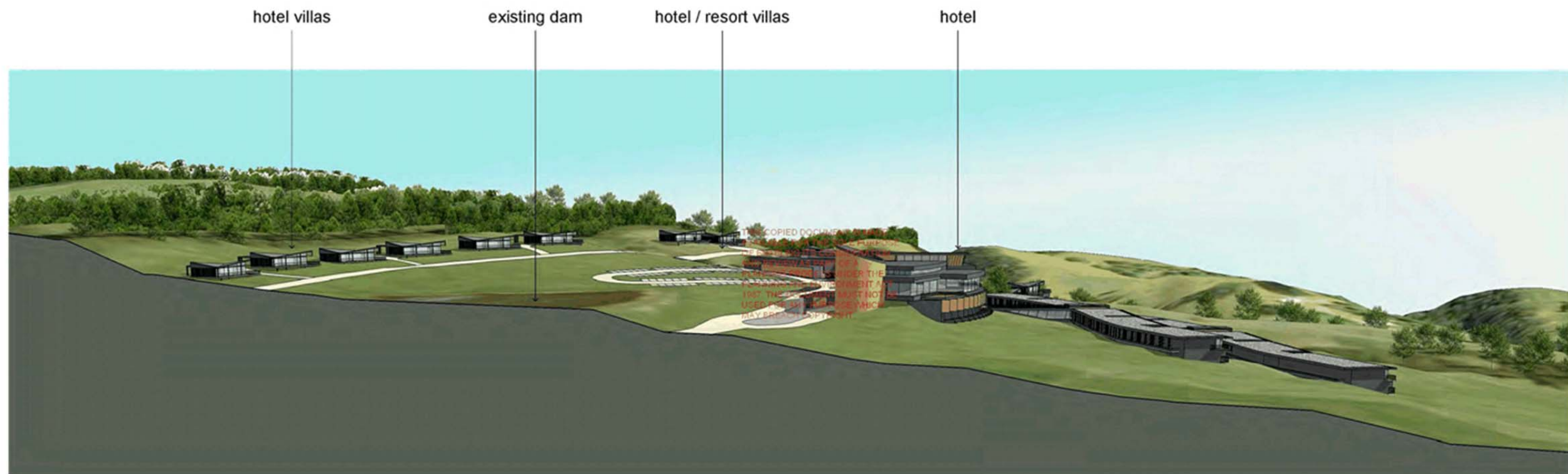


Apollo Bay Resort
Project

Oceans United Investment Group Pty Ltd
Client

Typical Resort and Hotel Villa - Plan & Elevations
Drawing

2017005 29/06/17 TP.021 1:100 @ A1
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Apollo Bay Resort
 Project

Oceans United Investments Group Pty Ltd
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Section Through Dam
 Drawing

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stone ballast roof



standing seam zinc sheet roof, zinc spouting & trim



Victorian hardwood timber cladding - natural finish



Victorian hardwood timber cladding - sealed finish



cool grey tinted glass



Victorian hardwood timber screening battens



Victorian hardwood timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Aerial View from the South East
Drawing

2017005
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TP_023
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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Aerial View from the West
Drawing

2017005
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TP_024
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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel and Guestrooms 1 from the South East
Drawing

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TP_025
Drawing Number

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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel from the North East
Drawing

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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel and Guestrooms 1 from the East
Drawing

2017005
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TP_027
Drawing Number

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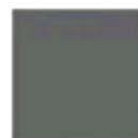


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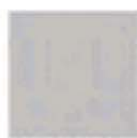
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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel and Hotel Villas from South
Drawing

2017005
Project No.

30/06/17
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TP_028
Drawing Number

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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel from North
Drawing

2017005
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TP_029
Drawing Number

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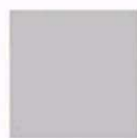
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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Main Hotel View from Northern Hotel Villas
Drawing

2017005
Project No.

30/06/17
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TP_030
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stone ballast roof



standing seam zinc
sheet roof, zinc
spouting & trim



Victorian hardwood
timber cladding -
natural finish



Victorian hardwood
timber cladding -
sealed finish



cool grey
tinted glass



Victorian hardwood timber
screening battens



Victorian hardwood
timber decking

Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

Hotel Villas
Drawing

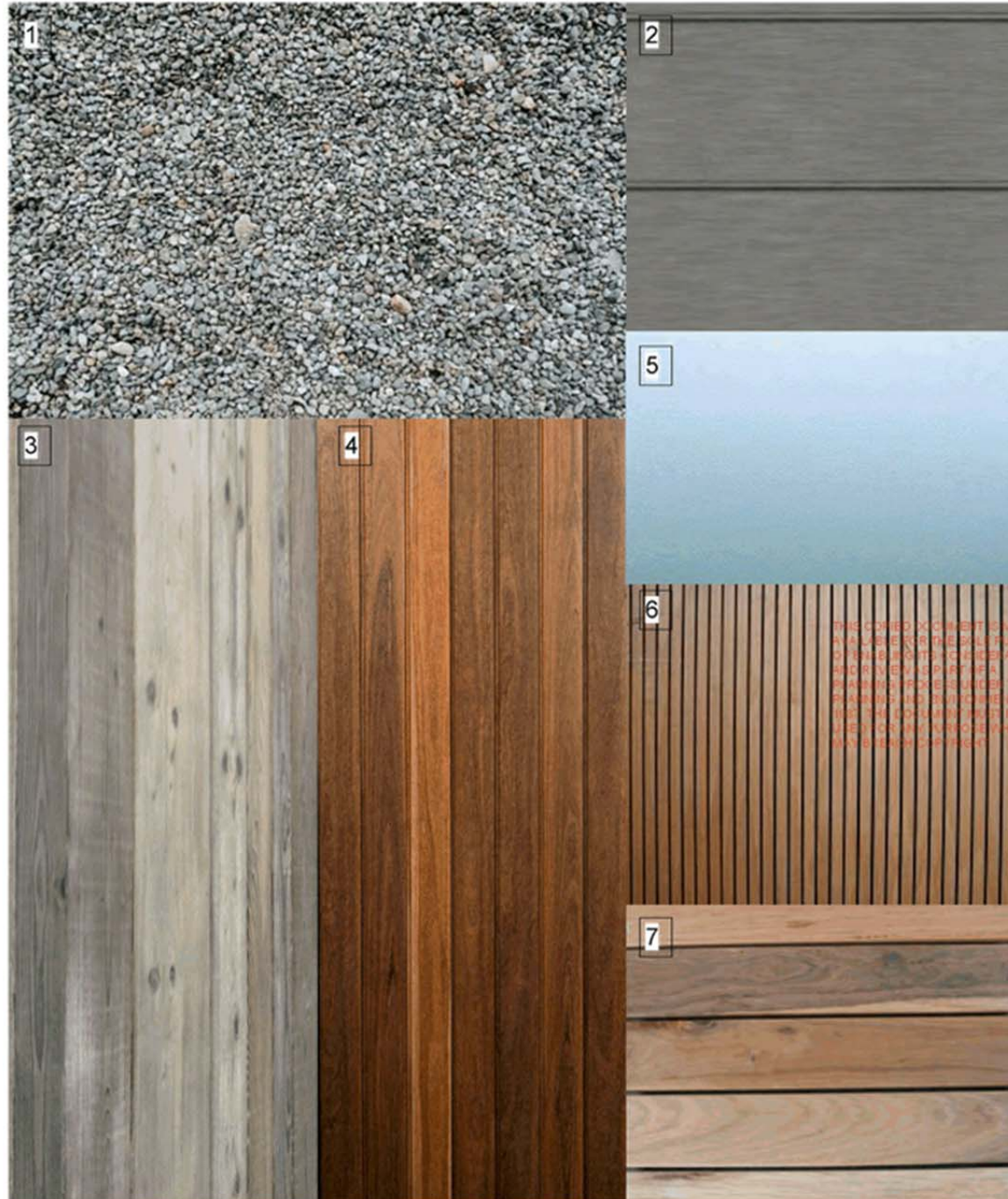
2017005
Project No.

30/06/17
Issue Date

TP_031
Drawing Number

Revision

n.t.s. @ A1
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KEY

- 1 - STONE BALLAST ROOF
- 2 - STANDING SEAM ZINC SHEET CLADDING. ZINC GUTTERS AND DOWNPIPES
- 3 - VICTORIAN HARDWOOD TIMBER CLADDING - NATURAL FINISH
- 4 - VICTORIAN HARDWOOD TIMBER CLADDING - SEALED FINISH
- 5 - COOL GREY TINTED GLASS
- 6 - VICTORIAN HARDWOOD TIMBER SCREENING BATTENS
- 7 - VICTORIAN HARDWOOD TIMBER DECKING

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Oceans United Investments Group Pty Ltd
Client

Materials and Finishes
Drawing

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hotel not visible
in view

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Oceans United Investments Group Pty Ltd
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View Towards Site from Barham River Road
Drawing

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hotel /
resort
villas

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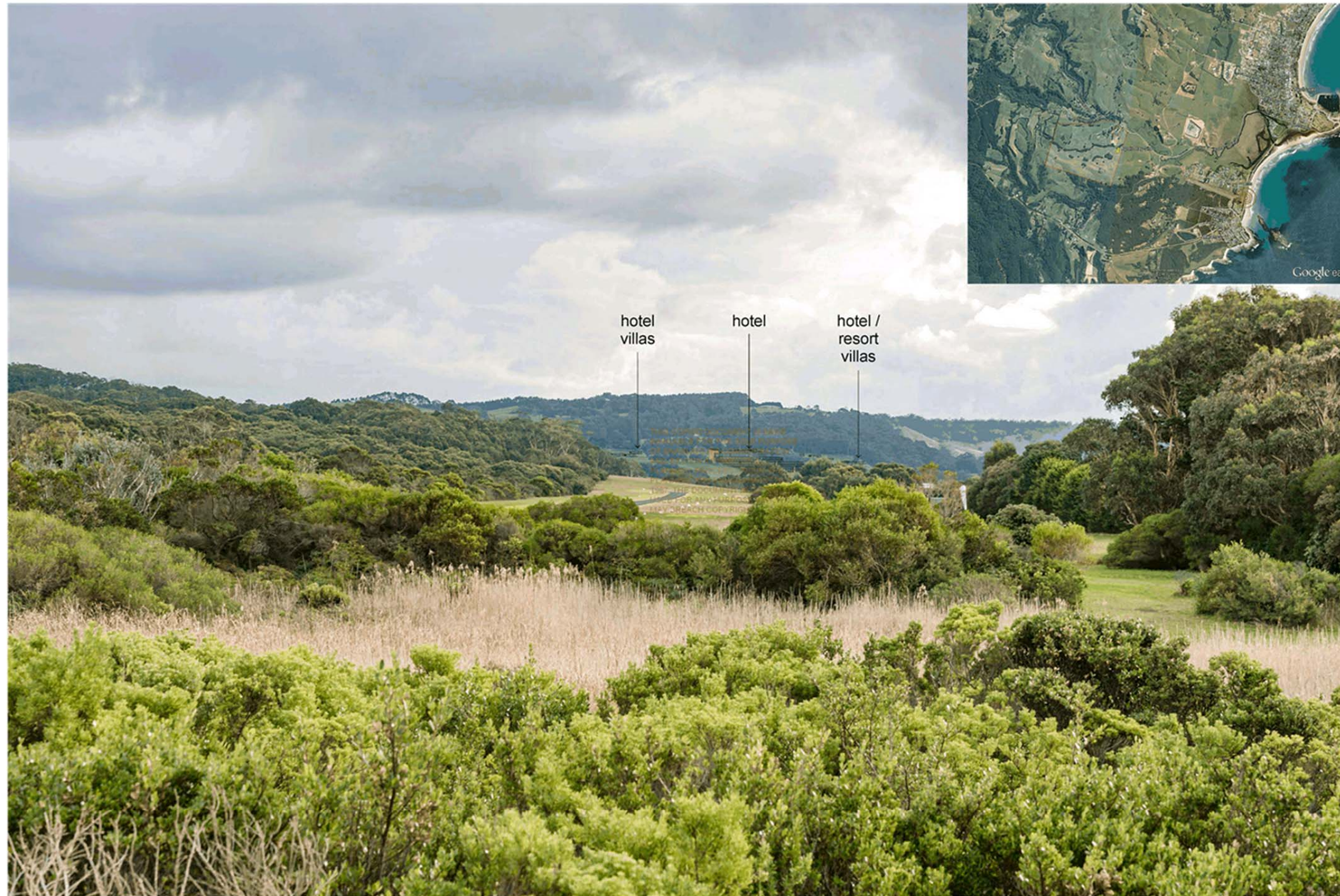
Apollo Bay Resort
Project

Oceans United Investments Group Pty Ltd
Client

View Towards Site from B100 Bridge
Drawing

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View Towards Site from Marengo
Drawing

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