



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

14 DECEMBER 2011

at 10:30 AM

COPACC Meeting Room

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

14 DECEMBER 2011

TABLE OF CONTENTS

OFFICERS' REPORTS

PC111412-1	PLANNING & BUILDING STATISTICAL REPORT.....	5
PC111412-2	CONSTRUCT A ROCK CLIMBING TOWER IN ASSOCIATION WITH THE EXISTING CARAVAN PARK AT 90 MANNA GUM DRIVE, CAPE OTWAY (PP297/2011-1).....	11

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Room on 14 December 2011 at 10:30 am.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

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

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

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 09/11/11.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC111412-1 PLANNING & BUILDING STATISTICAL REPORT
PC111412-2 CONSTRUCT A ROCK CLIMBING TOWER IN ASSOCIATION WITH THE
EXISTING CARAVAN PARK AT 90 MANNA GUM DRIVE, CAPE OTWAY
(PP297/2011-1)

Rob Small
Chief Executive Officer

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2702

Summary

This report provides statistics relating to the month of November 2011.

Planning Statistics

40 Planning Permit Applications were received for the period 1 November 2011 – 30 November 2011.

28 Planning Permit Applications were considered for the period 1 November 2011 – 30 November 2011.

Building Statistics

Please note that the Building Commission website has been updated up to September 2011.

Attachments

1. Planning & Statistical Report November 2011

Recommendation(s)

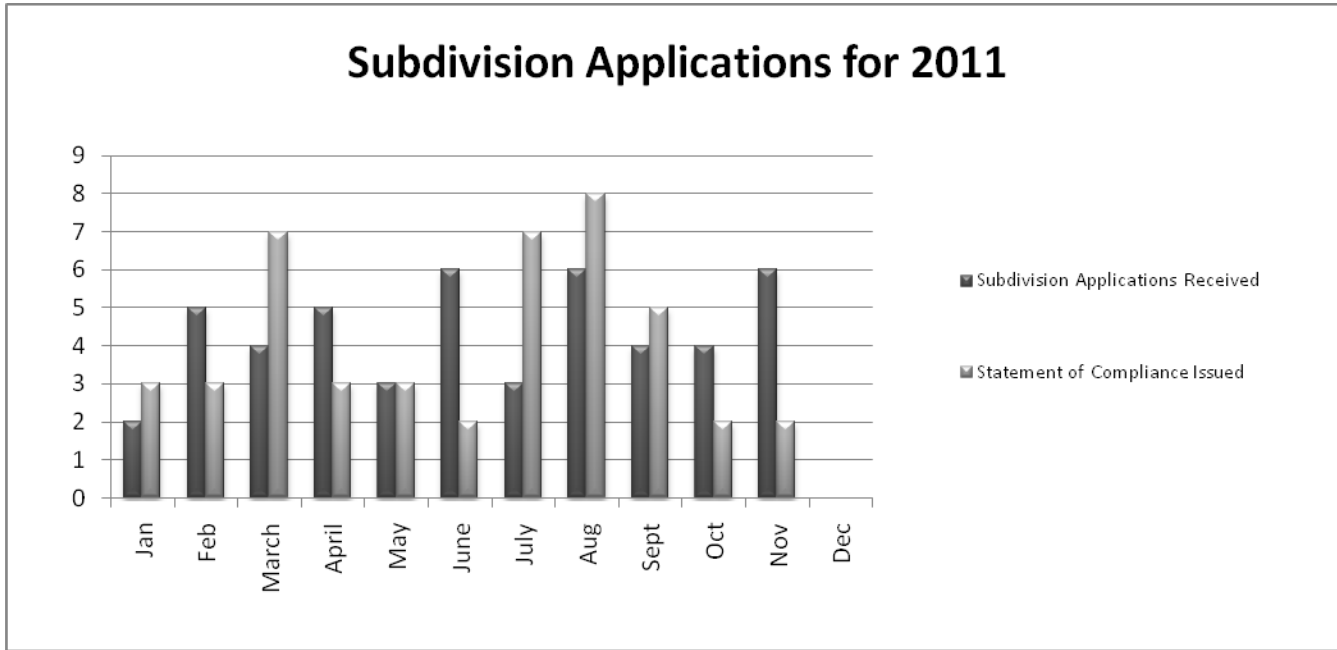
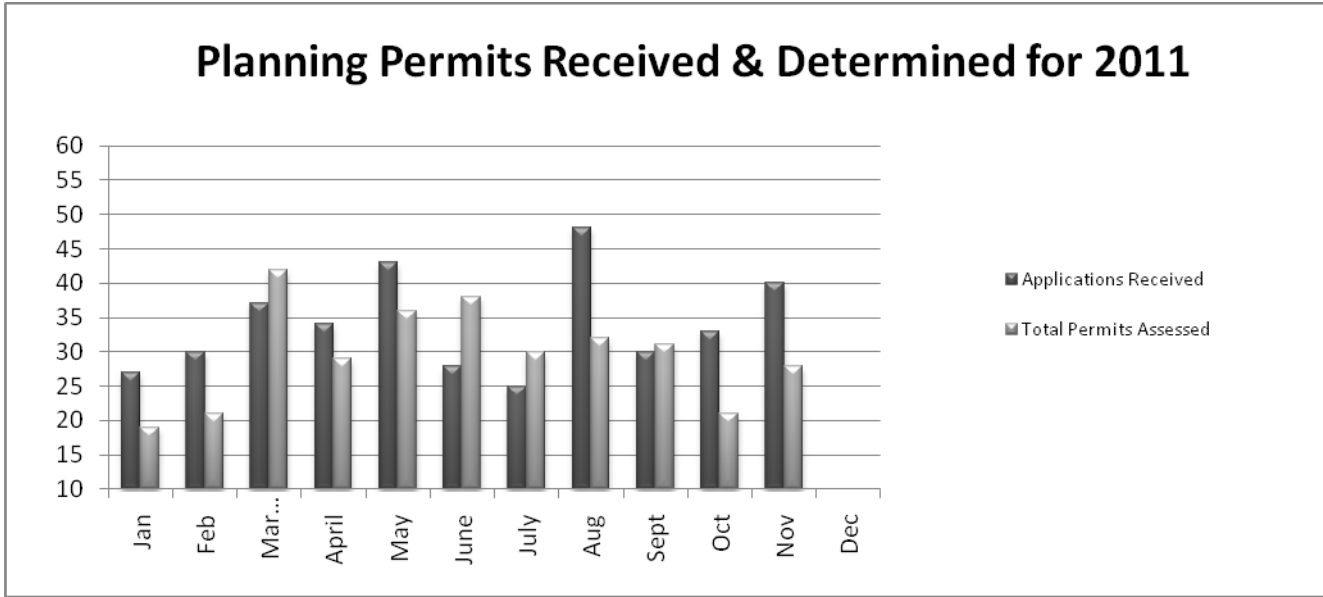
That Council's Planning Committee note the statistical reports for November 2011.

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## Planning Statistical Report November 2011

| APPLIC NO  | DATE RECEIVED | LOCATION                           | PROPOSAL                                                                                                                                | DETERMINATION DATE                                | ACTUAL TIME | AUTHORITY          | DECISION              |
|------------|---------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------|--------------------|-----------------------|
| 345/2005-2 | 23 SEP 2011   | 495 MURROON ROAD MURROON           | CELLAR DOOR SALES, CONSTRUCTION OF A SHED, A BUSINESS IDENTIFICATION SIGN & REMOVAL OF ONE (1) NATIVE TREE – AMENDMENT                  | 29 NOV 2011                                       | 28          | UNDER DELEGATION   | AMENDED PERMIT ISSUED |
| 280/2007-3 | 29 JUN 2011   | 10-18 ARTHUR COURT APOLLO BAY      | USE & DEVELOPMENT OF A REFUSE TRANSFER STATION – AMENDMENT                                                                              | 17 NOV 2011                                       | 1           | UNDER DELEGATION   | AMENDED PERMIT ISSUED |
| 323/2008-1 | 13 OCT 2008   | 287 POUND ROAD COLAC               | FOURTY EIGHT (48) LOT SUBDIVISION                                                                                                       | (On hold at applicants request 27/2/09 – 1/11 11) | 115         | UNDER DELEGATION   | LAPSED                |
| 74/2011-1  | 4 APR 2011    | 185 CREAMERY ROAD BARWON DOWNS     | RE-SUBDIVISION OF FOUR (4) LOTS TO CREATE TWO (2) LOTS                                                                                  | 15 NOV 2011                                       | 88          | UNDER DELEGATION   | PERMIT ISSUED         |
| 81/2011-2  | 7 OCT 2011    | 8 ACACIA CLOSE ELLIMINYT           | DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING – AMENDMENT                                                                               | 4 NOV 2011                                        | 28          | UNDER DELEGATION   | WITHDRAWN             |
| 87/2011-1  | 14 APR 2011   | 23 DURIMBIL AVENUE WYE RIVER       | ADDITIONS TO EXISTING DWELLING                                                                                                          | 29 NOV 2011                                       | 19          | UNDER DELEGATION   | PERMIT ISSUED         |
| 124/2011-1 | 18 MAY 2011   | 295 MOOLERIC ROAD BIRREGURRA       | NATIVE VEGETATION REMOVAL IN CONJUNCTION WITH THE MT GELLIBRAND WINDFARM                                                                | 10 NOV 2011                                       | 177         | UNDER DELEGATION   | PERMIT ISSUED         |
| 133/2011-1 | 27 MAY 2011   | 185-189 MURRAY STREET COLAC        | INCREASE THE AREA LIQUOR IS ALLOWED TO BE SUPPLIED AND CONSUMED TO INCLUDE THE UPPER LEVEL EXTERNAL SMOKING AREA FOR THE EXISTING HOTEL | 10 NOV 2011                                       | 113         | UNDER DELEGATION   | PERMIT ISSUED         |
| 148/2011-1 | 8 JUN 2011    | 26 TALBOT STREET COLAC             | TWO (2) LOT SUBDIVISION                                                                                                                 | 8 NOV 2011                                        | 129         | UNDER DELEGATION   | PERMIT ISSUED         |
| 155/2011-1 | 27 JUN 2011   | 171 GREAT OCEAN ROAD APOLLO BAY    | REDEVELOPMENT OF EXISTING MOTEL TO INCLUDE ADDITIONAL SIX (6) MOTEL UNITS                                                               | 9 NOV 2011                                        | 61          | PLANNING COMMITTEE | PERMIT ISSUED         |
| 159/2011-1 | 4 JUL 2011    | 15-23 HUGH MURRAY DRIVE COLAC EAST | DEVELOPMENT OF THE LAND FOR A WAREHOUSE (SELF STORAGE)                                                                                  | 8 NOV 2011                                        | 126         | UNDER DELEGATION   | LAPSED                |
| 192/2011-1 | 10 AUG 2011   | 60 STEWART STREET COLAC            | TWO (2) LOT SUBDIVISION                                                                                                                 | 16 NOV 2011                                       | 26          | UNDER DELEGATION   | PERMIT ISSUED         |
| 214/2011-1 | 26 AUG 2011   | 30 ROBERTS ROAD MARENGO            | BUILDINGS AND WORKS ASSOCIATED WITH APOLLO BAY BACKWASH RECOVERY PROJECT AND VEGETATION REMOVAL                                         | 7 NOV 2011                                        | 14          | UNDER DELEGATION   | PERMIT ISSUED         |
| 219/2011-1 | 30 AUG 2011   | 381 BLUE JOHANNA ROAD JOHANNA      | CONSTRUCTION OF A SHED AND WATER TANK                                                                                                   | 14 NOV 2011                                       | 1           | UNDER DELEGATION   | PERMIT ISSUED         |
| 221/2011-1 | 31 AUG 2011   | 12 BASS CRESCENT SKENES CREEK      | ALTERATIONS AND ADDITION TO EXISTING DWELLING                                                                                           | 9 NOV 2011                                        | 7           | UNDER DELEGATION   | PERMIT ISSUED         |

| APPLIC NO  | DATE RECEIVED | LOCATION                                    | PROPOSAL                                                                 | DETERMINATION DATE | ACTUAL TIME | AUTHORITY        | DECISION      |
|------------|---------------|---------------------------------------------|--------------------------------------------------------------------------|--------------------|-------------|------------------|---------------|
| 229/2011-1 | 12 SEP 2011   | 9 GIBSON AVENUE KENNETT RIVER               | ALTERATIONS AND ADDITIONS TO EXISTING DWELLINGS                          | 7 NOV 2011         | 23          | UNDER DELEGATION | PERMIT ISSUED |
| 233/2011-1 | 16 SEP 2011   | 223-225 MURRAY STREET COLAC                 | LIQUOR LICENCE                                                           | 29 NOV 2011        | 41          | UNDER DELEGATION | PERMIT ISSUED |
| 238/2011-1 | 21 SEP 2011   | 12 WARNCOORT CEMETERY ROAD WARNCOORT        | CONSTRUCTION OF A GARAGE                                                 | 7 NOV 2011         | 15          | UNDER DELEGATION | PERMIT ISSUED |
| 243/2011-1 | 23 SEP 2011   | 539 CORANGAMITE LAKE ROAD COROROOKE         | CONSTRUCTION OF A DWELLING                                               | 7 NOV 2011         | 24          | UNDER DELEGATION | PERMIT ISSUED |
| 251/2011-1 | 3 OCT 2011    | 10 SCHOOL ROAD KAWARREN                     | EXTENSION TO EXISTING DWELLING                                           | 18 NOV 2011        | 46          | UNDER DELEGATION | PERMIT ISSUED |
| 254/2011-1 | 13 OCT 2011   | 620 COLAC LAVERS HILL ROAD BARONGAROOK WEST | CONSTRUCTION OF A MACHINERY SHED                                         | 7 NOV 2011         | 1           | UNDER DELEGATION | PERMIT ISSUED |
| 258/2011-1 | 19 OCT 2011   | 210 PENNYROYAL W/LIEL ROAD MURROON          | ERECT FERNERY BESIDE EXISTING SHED                                       | 18 NOV 2011        | 30          | UNDER DELEGATION | PERMIT ISSUED |
| 261/2011-1 | 21 OCT 2011   | 362-364 MURRAY STREET COLAC                 | DISPLAY OF SIGNAGE                                                       | 14 NOV 2011        | 24          | UNDER DELEGATION | PERMIT ISSUED |
| 265/2011-1 | 24 OCT 2011   | 137 MURRAY STREET COLAC                     | DISPLAY OF SIGNAGE                                                       | 22 NOV 2011        | 4           | UNDER DELEGATION | PERMIT ISSUED |
| 268/2011-1 | 25 OCT 2011   | 255 ROBINSON ROAD BARONGAROOK               | INSTALLATION OF AN INGROUND SWIMMING POOL                                | 2 NOV 2011         | 8           | UNDER DELEGATION | PERMIT ISSUED |
| 272/2011-1 | 27 OCT 2011   | 4285 CAPE OTWAY ROAD BIRREGURRA             | MINIOR TRIMMING OF NATIVE VEGETATION (3-6 TREES) WITHIN THE ROAD RESERVE | 8 NOV 2011         | 12          | UNDER DELEGATION | PERMIT ISSUED |
| 291/2011-1 | 9 NOV 2011    | 16 BEECH FOREST L/HILL ROAD BEECH FOREST    | CONSTRUCTION OF A DWELLING                                               | 24 NOV 2011        | 15          | UNDER DELEGATION | PERMIT ISSUED |
| 296/2011-1 | 15 NOV 2011   | 32 COLAC LAVERS HILL ROAD ELLIMINYT         | TEMPORARY HELIPAD FOR JOYRIDES                                           | 17 NOV 2011        | 2           | UNDER DELEGATION | PERMIT ISSUED |
|            |               |                                             |                                                                          |                    |             |                  |               |
|            |               |                                             | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>                     |                    | <b>42</b>   |                  |               |

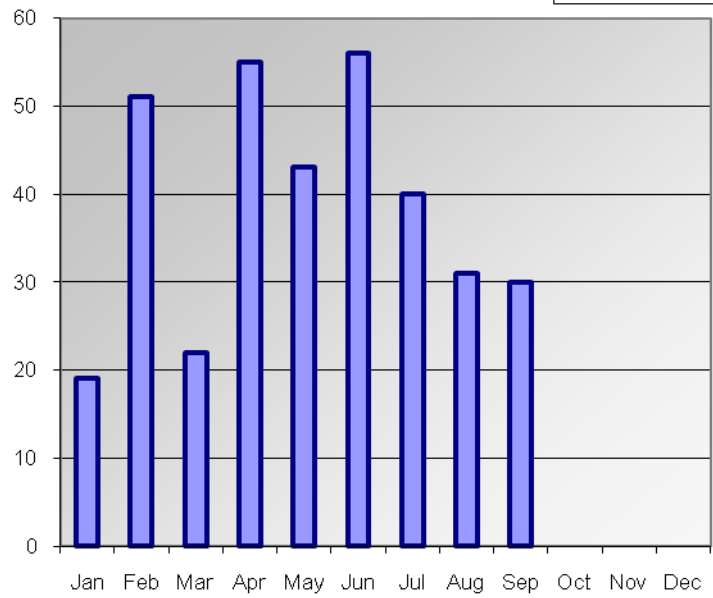




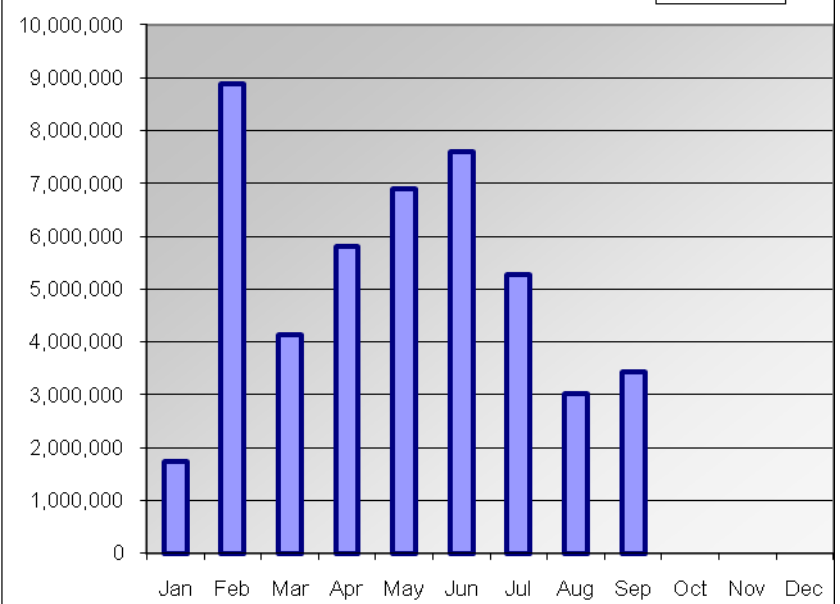
|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                  | Industrial |                  | Hospital/HealthCare |            | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|------------------|------------|------------------|---------------------|------------|------------------|------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP | Value (\$)       | No of BP   | Value (\$)       | No of BP            | Value (\$) | No of BP         | Value (\$)       | No of BP         | Value (\$)        |
| Jan           | 15         | 1,566,668         | 0            | 0                | 3          | 121,755          | 0        | 0                | 0          | 0                | 0                   | 0          | 1                | 46,000           | 19               | 1,734,423         |
| Feb           | 35         | 5,918,526         | 2            | 0                | 8          | 314,660          | 1        | 2,500,000        | 0          | 0                | 0                   | 0          | 5                | 143,611          | 51               | 8,876,797         |
| Mar           | 20         | 3,423,427         | 0            | 0                | 0          | 0                | 0        | 0                | 0          | 0                | 0                   | 0          | 2                | 703,262          | 22               | 4,126,689         |
| Apr           | 41         | 5,016,744         | 0            | 0                | 7          | 335,388          | 0        | 0                | 1          | 29,000           | 0                   | 0          | 6                | 414,814          | 55               | 5,795,946         |
| May           | 33         | 4,299,163         | 1            | 1,230,000        | 5          | 836,000          | 2        | 250,000          | 0          | 0                | 0                   | 0          | 2                | 277,368          | 43               | 6,892,531         |
| Jun           | 33         | 5,327,624         | 7            | 10,500           | 7          | 313,224          | 3        | 105,750          | 1          | 1,000,000        | 0                   | 0          | 5                | 839,520          | 56               | 7,596,618         |
| Jul           | 34         | 4,559,302         | 0            | 0                | 3          | 347,495          | 1        | 7,500            | 0          | 0                | 0                   | 0          | 2                | 367,495          | 40               | 5,281,792         |
| Aug           | 25         | 2,431,892         | 0            | 0                | 3          | 134,000          | 1        | 5,000            | 1          | 400,000          | 0                   | 0          | 1                | 55,000           | 31               | 3,025,892         |
| Sep           | 26         | 3,167,134         | 0            | 0                | 4          | 258,130          | 0        | 0                | 0          | 0                | 0                   | 0          | 0                | 0                | 30               | 3,425,264         |
| Oct           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                  |                  |                   |
| Nov           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                  |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                  |                  |                   |
| <b>Totals</b> | <b>262</b> | <b>35,710,480</b> | <b>10</b>    | <b>1,240,500</b> | <b>40</b>  | <b>2,660,652</b> | <b>8</b> | <b>2,868,250</b> | <b>3</b>   | <b>1,429,000</b> | <b>0</b>            | <b>0</b>   | <b>24</b>        | <b>2,847,070</b> | <b>347</b>       | <b>46,755,952</b> |

\*Multi-Development

2011 Building Statistics - Total Permits Issued ■ No of Permits



2011 Building Statistics - Total Value of Works ■ Value (\$)



**CONSTRUCT A ROCK CLIMBING TOWER IN  
ASSOCIATION WITH THE EXISTING CARAVAN PARK AT  
90 MANNA GUM DRIVE, CAPE OTWAY (PP297/2011-1)**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                          | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F11/4852   |

**Location:** 90 Manna Gum Drive, Cape Otway

**Zoning:** Rural Conservation Zone

**Overlay controls:** Wildfire Management Overlay (now Bushfire Management Overlay (BMO))

Vegetation Protection Overlay (VPO1)

Significant Landscape Overlay (SLO4)

Erosion Management Overlay (EMO1)

**Proposed Amendments:** Nil

**Purpose:**

This application seeks planning approval for the construction of a rock climbing tower at 90 Manna Gum Drive, Cape Otway. The application is before the Planning Committee as the proposed tower is greater than 8m in height. It is recommended that a planning permit be issued subject to conditions.

**Declaration of Interests**

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

**Summary**

- Planning approval is sought for the construction of a rock climbing tower at 90 Manna Gum Drive, Cape Otway. The site is within the Rural Conservation Zone and is known locally as 'Bimbi Park', which is a caravan park occupying an area of 8.4 hectares containing a dwelling, reception area, 10 cabin sites, 35 camp sites, camp kitchen, storage sheds, ablution building and bbq area.
- The proposed rock climbing tower would be 10m high by 2.25m wide, being used as an ancillary outdoor activity in association with the existing use of the land as a caravan park. The proposed tower would be constructed in light grey fibreglass, shaped to appear like a wall and set on a concrete base 3.7m by 3.7m, positioned to the west of the existing caravan park entrance.
- Public notice of the application was not required to be given pursuant to Section 52 of the Planning and Environment Act 1987 as the nearest residential dwelling is located over 200m to the north east of the application site and the provision of a climbing tower in this location is not considered to result in any material detriment to surrounding properties.
- In light of the above, it is recommended that the application be supported.

## **Background**

The use of the land as a caravan and camping park is established on this site as the operation has been continuous for the last 15 years. Various permit applications have been granted for small scale changes to the existing facilities. The most recent application was granted in 2008 for alterations and additions to the existing dwelling, camp kiosk / reception area and the addition of six (6) unregistered movable dwellings and the trimming and removal of vegetation and associated works.

The applicant was unaware of the requirement for a planning permit for the climbing tower and as such, the works associated with the provision of the concrete base have already been undertaken. Upon the understanding that a permit was required, the appropriate application was submitted for decision.

## **Issues / Options**

Council has the options of:

- a) Supporting the application.
- b) Refusing to grant a permit.

The key issue is whether the height of the rock climbing tower above 8m in height is justified.

It is recommended that Option (a) is supported.

## **Proposal**

Planning permission is sought for the construction of a 10m high by 2.25m wide rock climbing tower, to be used as an ancillary outdoor activity in association with the existing use of the land as a caravan park. The proposed tower would be constructed in light grey fibreglass to match the colours of the surrounding vegetation and tone of the area. The tower would be shaped to appear like a wall and set on a concrete base 3.7m x 3.7m x 700mm deep, and positioned on an area of flat land to the west of the existing caravan park entrance.

The tower has been designed to augment and enhance the array of activities available within the caravan park for the existing patrons. The proposal would not require the removal of any native vegetation from the site.

## **Site & Surrounds**

The site has a total area of 8.4 hectares and is rectangular in shape, located 170m to the west of Manna Gum Drive. The site is more commonly known as 'Bimbi Park' Caravan Park. The site is densely vegetated to the boundaries, in particular within the southern section, with small cleared areas of land to the north containing a dwelling, reception area and camp ground. The campground facilities comprise (10) ten cabin sites, (35) thirty five camp sites, camp kitchen, storage sheds, ablution building and bbq area.

The adjoining properties comprise farmland to the west and bushland to the east containing a mix of native bushland and cleared grazing land.

The site is located approximately 2.1km from Lighthouse Road to the south and 500m from the same road to the east. The existing caravan park is discretely nestled within the dense indigenous coastal vegetation common to the area.

## **Public Notice**

Public notice of the application was not required to be given pursuant to Section 52 of the Planning and Environment Act 1987 as the nearest residential dwelling is located over 200m to the north east of the application site and the proposed climbing tower would not be visible from surrounding properties and as such, the proposal is not considered to result in any material detriment to surrounding properties.

## **Referrals**

The application did not require referral to any internal departments or external authorities.

## **Planning Controls**

The land is included in the Rural Conservation Zone and is subject to the Wildfire Management Overlay (now the Bushfire Management Overlay), the Vegetation Protection Overlay (VPO1), the Significant Landscape Overlay (SLO4) and the Erosion Management Overlay (EMO1).

## State and Local Planning Policy Framework

The State and Local Planning Policy Framework provides the strategic direction for consideration of the development proposal. The following policies are considered to be relevant to the consideration of this application:

Clause 12 – Environmental and Landscape Values

Clause 12.02 – Coastal areas

Clause 12.02-6 – The Great Ocean Road Region

Clause 13.3-2 – Erosion and Landslip

Clause 13.05 – Wildfire

Clause 15.03-2 – Aboriginal Cultural Heritage

Clause 17.03 – Tourism

Clause 21.02 – Vision

Clause 21.03-8 – Smaller townships

Clause 21.04-5 – Erosion

Clause 21.04-8 - Landscape character

## Zoning

The site is located within the Rural Conservation Zone, the purpose of this zone is;

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve the values specified in the schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

The use of the land for a caravan and camping park (accommodation) is prohibited in the Rural Conservation Zone. In this particular instance, the existing use of the land as a caravan park has been ongoing at the site for more than 15 years and as such, pursuant to Clause 63.05 all buildings and works associated with the use of the land as a caravan park requires a planning permit.

#### Overlay Controls

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

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To protect areas prone to erosion, landslip and other land degradation processes, by minimising land disturbance and inappropriate development.

Under Clause 44.01-1, a permit is required to construct a building or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Under the schedule to the overlay, a permit is not required for minor structures provided that no earthworks in the form of unsupported cuts exceeding 1.0 metres in depth or fill exceeding 2:1 horizontal/vertical ratio are required and the ground surface area occupied by the structure does not exceed 20 square metres. The proposal is considered to comply with these requirements and as such a permit is not triggered under this overlay.

The site is covered by the **Vegetation Protection Overlay (VPO1)**. The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

Under Clause 42.02-2, a permit is required to remove, destroy or lop any vegetation. The proposal does not result in the removal of any vegetation and as such, a permit is not triggered under this overlay.

The site is covered by the **Significant Landscape Overlay Schedule 4 (SLO4)**. The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Pursuant to Clause 42.03-2 a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation. Schedule 4 to this overlay is specific to the Johanna Coast to Cape Otway Coastal Valley and Hills Precinct.

The coastal landscape has state significance with 'classic' Great Ocean Road scenery, accessible from popular viewing locations at Castle Cove, Johanna Beach and Cape Otway. In terms of a 'preferred character', presently only few structures are located in the coastal strip that are dominant and highly visible. Future structures in coastal locations within the precinct should be more appropriately sited and designed, including the rehabilitation of indigenous coastal vegetation.

Under Clause 42.03-2, a permit is required to construct a building or carry out works and to remove, destroy or lop any native vegetation. A permit is triggered with respect to this overlay.

The site is covered by the **Wildfire Management Overlay (WMO)** now superseded by the **Bushfire Management Overlay (BMO)**. The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To assist to strengthen community resilience to bushfire.
- To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.
- To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.
- To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

The application before the Planning Committee was submitted to Council prior to the 18 November 2011 and as such, the requirements of the Wildfire Management Overlay continue to apply in the determination of this application. Under Clause 44.06-1, a permit is not required.

### **Consideration of the Proposal**

The proposed climbing tower would be located on a concrete base with the vertical climbing component finished in a material and texture to blend in with the surrounding natural landscape features and existing indigenous vegetation cover. To ensure compliance, appropriate permit conditions have been included in the recommendation of this report.

The climbing tower would be positioned within a suitable location on the site, being set amongst the existing vegetation cover and in such a location, would not be visible from any surrounding properties or from Manna Gum Drive to the east. A site inspection has confirmed that the tower would only be visible from the caravan park entrance, which is a approximately 180m from the junction with Manna Gum Drive.

The proposed structure would not impact on the rural use of the land or adjoining land uses and would not been seen as a separate land use activity, but would complement the existing use of the site as a caravan park, providing an additional on site activity for visitors to Bimbi Park.

The proposed concrete base to support the climbing tower would be 3.7m by 3.7m and 70cm deep, occupying an area of 13.69sqm. The site of the climbing tower comprises flat land and the applicant has confirmed that the proposed works do not require any earth works exceeding 1.0m in depth or fill exceeding 2:1 horizontal / vertical ratio. In view of this, a geotechnical report in conjunction with the Erosion Management Overlay is not required. The applicant has confirmed that the proposal does not require the removal of any vegetation and this has been confirmed on site.

The proposed climbing tower would be used in conjunction with, and be ancillary to the existing use of the site as a caravan park and the applicant has specified that the tower would be used by guests of the caravan park and would not be viewed as a separate 'destination activity'. It is considered that the proposed tower would not result in any significant increase in patron numbers and given the endorsed CFA endorsed Emergency Management Plan dated 5 June 2009 currently in place for this site, referral of the application to the CFA in this instance was not warranted.

The site is in an area of Cultural Heritage Sensitivity. In this instance, the submission of a Cultural Heritage Management Plan is not required as the proposed works associated with the concrete base is considered to be of a minor nature and is not considered to result in any significant ground disturbance.

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

Planning policies relevant to this application have been discussed earlier in this report.

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

There are no financial implications arising from this report.

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

There are no risk management or compliance issues arising from this report.

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

There are no environmental or climate change implications arising from this proposal.

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

Public notification was not required pursuant to Section 52 of the Planning and Environment Act 1987 as the nearest residential dwelling is located over 200m to the north east of the application site and the proposed climbing tower is not considered to result in any material detriment to surrounding properties.

#### **Conclusion**

The proposed works are considered appropriate in the context of the existing land use and the surrounding natural landscape features. The proposal will assist in providing additional on site facilities to patrons of Bimbi Park and will support the existing use in a positive way. The design and location of the climbing tower is considered to be appropriate and will not negatively impact on the natural landscape values of the immediate and surrounding area.

#### **Attachments**

Nil

#### **Recommendation(s)**

**That Council's Planning Committee resolves to Grant a Planning Permit for works comprising a rock climbing tower in association with the existing caravan park at 90 Manna Gum Drive, Cape Otway, subject to the following conditions:**

- 1. The layout of the site and the size of the proposed works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 2. The rock climbing tower hereby approved must only be used in association with the existing use of the land as a caravan park unless with the written consent of the Responsible Authority.**
- 3. The rock climbing tower hereby approved must not be illuminated or contain any signage unless with the written consent of the Responsible Authority.**



**Expiry of the permit**

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

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