

Planning Report Proposed Development Plan

6230 & 6280 Great Ocean
Road, Apollo Bay

Client
ATI No5

Issued
18/08/2020



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0-3	Planning Report Updated including updates for C108	18/08/20	B Stewart

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APPENDIX A: DEVELOPMENT PLAN V36

1 INTRODUCTION

This report has been prepared for Australian Tourism Investments No.5 Pty Ltd to support the Development Plan relating to land at 6230 and 6280 Great Ocean Road, Apollo Bay.

The Development Plan has been prepared pursuant to the provisions of the Development Plan Overlay (DP05) at Clause 43.04 of the Colac Otway Planning Scheme to facilitate the ultimate subdivision of the land for residential purposes. The proposed Development Plan outlines the indicative internal road layout, general location of lots, drainage reserves, public open space and integration with adjacent land.

This report has been prepared in response to the relevant provisions of the Colac Otway Planning Scheme, including the applicable sections of the Municipal Strategic Statement and the relevant local policies.

A previous version of the proposed Development Plan was also considered by VCAT in May 2018 (VCAT Reference No. P2010/2016). VCAT found that there were aspects of the Development Plan that respond suitably to policy and the relevant controls. However, they also found that there were two key aspects which required further consideration and amendment.

The matters highlighted by VCAT to be addressed were:

- the setbacks, size and configuration of the front lots to improve their interface with the Great Ocean Road, and
- expand the 'rear' lots approaching the 40 metre contour and the RCZ interface in a re-worked Development Plan

The proposed Development Plan has now addressed these matters in the current submission.

In support of the proposal this report provides:

- A description of the subject site and surrounds;
- A description of the proposal;
- An outline of the applicable and relevant statutory planning framework as set out in the Colac Otway Planning Scheme; and
- An assessment of the proposal having regard to the relevant provisions of the Colac Otway Planning Scheme.
- A summary of the salient points made by VCAT in matter P2010/2016 relevant to the previously presented Development Plan Layout.

2 SUBJECT SITE AND CONTEXT

2.1 Subject Site

The subject land is located at 6230 and 6280 Great Ocean Road, Apollo Bay and is situated on the north-west side of the Great Ocean Road, approximately 2 kms north of the Apollo Bay retail and commercial centre. The land forms part of the Apollo Bay urban settlement area.

The site is described as Lots 1 and 2 on Plan of Subdivision 120240 (being land contained within Certificate of Title Volume 09190 Folio 219 and Volume 09190 Folio 220) and has an overall area of 40.96 hectares. The land has a frontage to the Great Ocean Road of approximately 460 metres.

The land rises gently from the Great Ocean Road to approximately the 40m contour and then more steeply, at a grade of approximately 1 in 4, to the western extremity of the title.

The site has been extensively modified through past activities and consists of grassed paddocks which are currently used for grazing. The site is generally clear of vegetation, excluding scattered trees, regrowth and planted, native vegetation in the north-east corner around a large dam. Several existing drainage lines traverse the site.

An existing dwelling is located near the southern boundary, with associated sheds and outbuildings.



Figure 1: NearMap Aerial Photograph of the subject site

2.2 Surrounding Areas

Surrounding land uses to the north, north-east and west are predominantly rural. Pisces Holiday Park is located to the south and comprises a range of cabins, caravan and camping sites and associated facilities. Wild Dog Creek is adjacent to the site's north-east boundary. The Mariners Vue residential development (presently undeveloped) adjoins the land to the south-west.

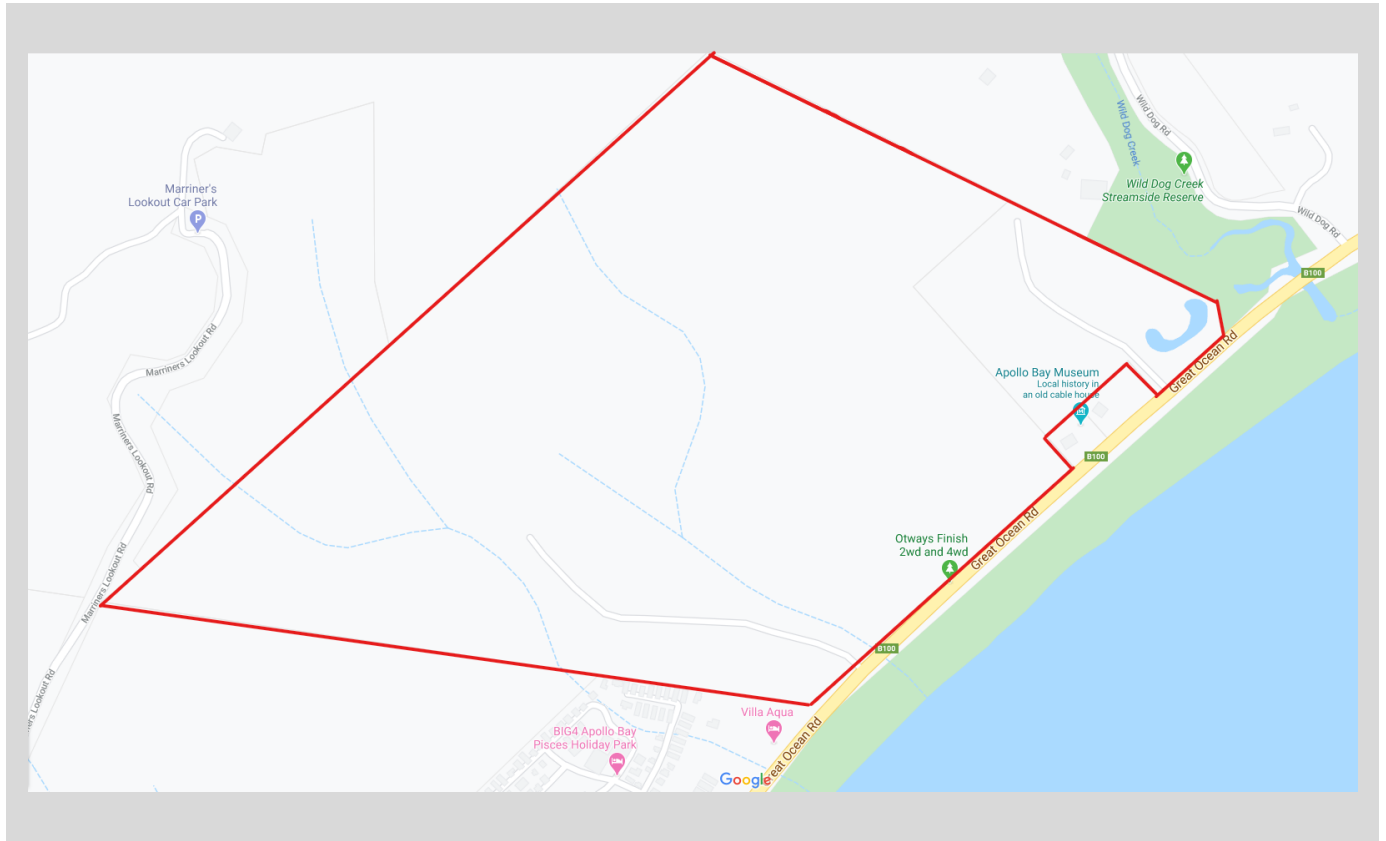


Figure 2: Outline of properties subject to the Development Plan

The Apollo Bay Old Cable Station Museum is located at 6250 Great Ocean Road and adjoins the subject land. This land is affected by a Heritage Overlay (H014-Submarine Cable Station, 6250 Great Ocean Road, Apollo Bay). A dwelling is located at 6240 Great Ocean Road and also adjoins the subject land. The properties at 6250 and 6240 Great Ocean Road do not form part of this proposal.



Figure 3: 6250 & 6240 Great Ocean Road shown outside development area

2.3 Surrounding Context

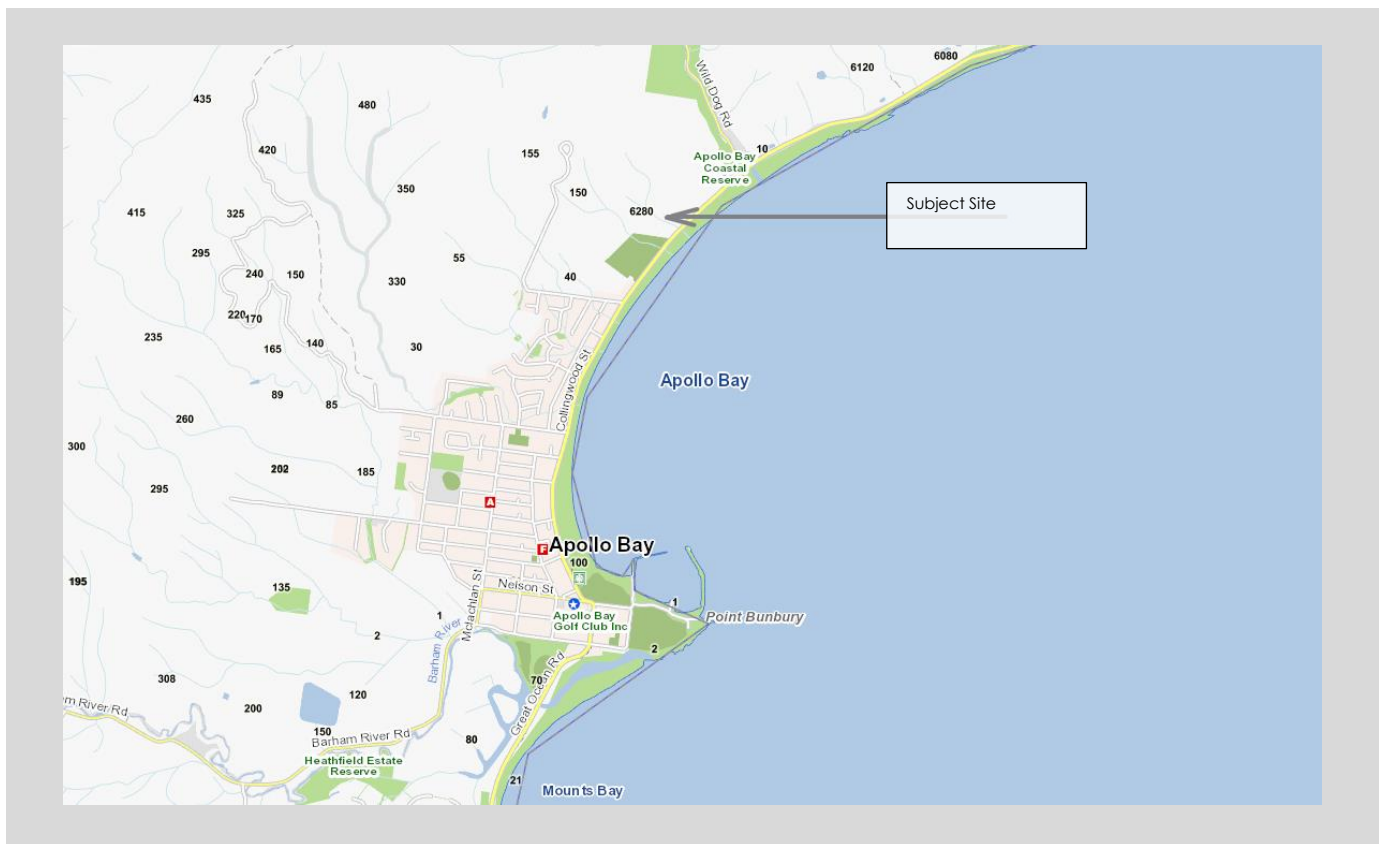


Figure 4: Subject site shown in context to existing Apollo Bay development area

The land is located immediately to the north of the existing Apollo Bay Township area as shown in Figure 4.

3 PLANNING ASSESSMENT

3.1 Planning policy framework

The following Clauses of the State Planning Policy Framework are relevant to the proposal:

- Clause 11 -Settlement

This clause provides a number of objectives and strategies to ensure that planning and investment contribute to economic, social and environmental gains and in particular Clause 11.03-5R The Great Ocean Road Region and 11.03-6L Apollo Bay and Marengo.

- Clause 12 - Environmental and Landscape Values

Clause 12 addresses a range of environmental considerations including biodiversity, native vegetation management, coastal areas and significant environments and landscapes.

- Clause 13 -Environmental Risks

This clause addresses potential risks including those associated with climate change impacts, flood plain management, contaminated land, erosion, noise and air pollution and bushfire.

- Clause 14 -Natural Resource Management

This clause relates to natural resource management and in particular Clause 14.02-2S relates to Water Quality.

- Clause 15 -Built Environment and Heritage

Clause 15.01S seeks to achieve a high quality urban design outcome that reflects the character of the community whilst enhancing the liveability, diversity, amenity and safety of the public realm.

Clause 15.02-1S encourages energy efficient building and design and Clause 15.03 relates to heritage conservation and Aboriginal cultural heritage.

- Clause 16 - Housing

Clause 16 promotes a housing market that meets community needs and provides for a range of housing types.

- Clause 18 - Transport

This clause seeks to create a safe and sustainable transport system by integrating land-use and transport.

- Clause 19 - Infrastructure

This clause addresses a range of considerations relating to the planning of physical infrastructure services and developer contributions towards the provision of infrastructure.

The Strategic Direction of the Shire is outlined at Clause 02.03

Settlement (02.03-1)

Notes that Council will seek to manage growth in Towns by:

- Encouraging development within the major towns of Colac and Apollo Bay.
- Focusing development within existing town boundaries.
- Providing zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure.
- Limiting the development of old and inappropriate subdivisions including those in the localities of Cressy, Pirron Yallock, Gerangamete and Irrewillipe.

Council notes the Apollo Bay (including Marengo) is a large coastal town with a population of about 1,300 people and is located 75 kilometres south of Colac along the Great Ocean Road. It is noted that Council seeks to facilitate the development of Apollo Bay and Marengo by:

- Encouraging economic development opportunities and ecological sustainability.
- Encouraging a diversity of housing that supports long and short-term accommodation.
- Retaining the natural beauty and distinct coastal character of the town, including its seaside fishing and working harbour history.

Environmental and landscape values (02.03-2)

Council seeks to control environmental risks and amenity by:

- Managing landslip risk especially along the coastal areas. Ensuring development responds to environmental risks such as bushfire, flooding, erosion and salinity.

Natural resource management (02.03-4)

Council seeks to manage its natural resources by:

- Protecting high quality agricultural land.
- Limiting rural residential development that impacts viable agricultural land.
- Supporting grazing and cropping farming practices as preferred land uses in areas designated as 'Farmland of Strategic Significance'.
- Supporting farm consolidation and expansion.
- Supporting agricultural diversity and sustainable forestry and timber industries.
- Supporting the growth and operations of existing timber processing.

Built environment and heritage (02.03-5)

Council seeks to improve the built environment by:

- Conserving significant pre and post contact heritage resources.
- Encouraging development of heritage places in a manner sympathetic to their significance.

Economic development (02.03-6)

Council will promote **economic development** by:

- Encouraging employment focused use and development.
- Supporting the growth of timber, meat and dairy processing facilities.
- Supporting Apollo Bay harbour as a fishing and recreational boating location.
- Encouraging economic development in the Otway Ranges by supporting tourism uses and development.

Council seeks to facilitate **tourism** by:

- Supporting tourism that contributes to the economic growth of the Shire.
- Managing tourism growth to protect the environmental and landscape assets that attract tourists and new residents.
- Allowing limited opportunities for tourist related activities in the Apollo Bay hinterland, around Forrest and in the Otway Ranges.
- Diversifying tourist attractions that result in all-year round activities

Transport (02.03-7)

Council seeks to improve transport by:

- Supporting Colac as the location for an intermodal rail terminal between Melbourne, Geelong and Warrnambool.
- Supporting industry-related facilities and support services.

Infrastructure (02.03-8)

Council seeks to improve infrastructure provisions by:

- Supporting wind farm and bio-fuels opportunities close to Colac.
- Encouraging development of renewable energy and technology-based land uses in the Shire.
- Providing clear and consistent guidelines for the planning, design and construction of infrastructure.

3.2 Zones and overlay provisions

The subject land is included partly in the Neighbourhood Residential Zone (NRZ1) and partly within the Rural Conservation Zone (RCZ) of the Colac Otway Planning Scheme.

The purpose of the Neighbourhood Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The part of the subject land proposed to be subdivided for residential purposes is located within the NRZ1. A permit is required to subdivide land with the NRZ1 pursuant to Clause 32.09-3.

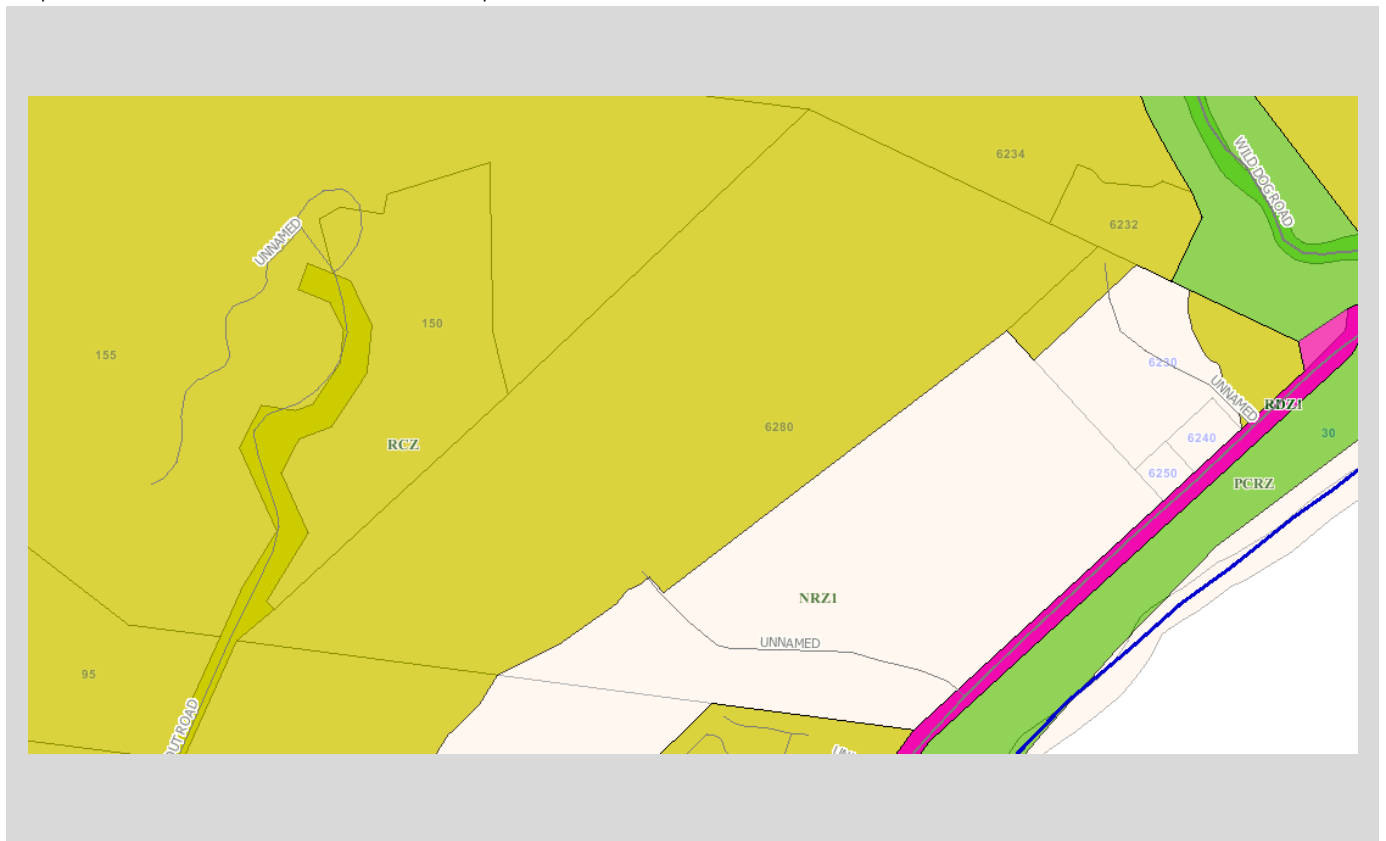


Figure 5: Zoning Plan

The purpose of the Rural Conservation Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve the values specified in a 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 land within the RCZ does not form part of the proposed residential subdivision. The land subject to the RCZ zone will in future form a separate title following the completion of subdivision of the NRZ land.

Overlays

The following overlays apply to the subject land to varying extents:

- Significant Landscape Overlay, Schedule 3 -Apollo Bay Coastal Valley and Hills Precinct and Schedule 5 - Apollo Bay Landscape Precinct.
- Design and Development Overlay, Schedule 10 -6230, 6240, 6250 and 6280 Great Ocean Road and Lots 1 and 2 LP137842 Mariners Lookout Road, Apollo Bay.
- Development Plan Overlay, Schedule 5 -6230 and 6280 Great Ocean Road, Apollo Bay.
- Erosion Management Overlay, Schedule 1.
- Bushfire Management Overly

Significant Landscape Overlay (Schedule 3 -Apollo Bay Coastal Valley and Hills Precinct and Schedule 5 -Apollo Bay Landscape Precinct)

Schedule 3 to the SLO applies to the rear part of the subject land which is generally above the 40 metre contour line (Refer Figure xxxxx).

The statement of nature and key elements of landscape are:

The Apollo Bay Coastal Valley and Hills Precinct is distinctive ese location where a number of different landscape elements intersect in a dramatic manner: low sea coast, bayside townships, topographic edge of the Otway Ranges sweeping down to the narrow coastal strip, edge of the forest, and the incised, vegetated creek valleys. The edges and interrelationships between these elements create a landscape setting of national significance.

The "preferred character" of this precinct is the retention of the dramatic intersection of landscape 'edges' within the precinct, which could be further emphasised by increasing indigenous planting for subtle emphasis. Ribbon development and inappropriate development on hill faces should be limited, and township edges have the potential to be further defined.

The landscape character to be achieved is:

- To achieve the "Preferred Character" as specified above.
- To increase the use of indigenous vegetation to highlight natural features within the precinct.
- To consider the contrasts between landscape elements within the precinct.
- To ensure that development that occurs on hill faces or in other prominent locations is not highly visible and sensitively designed.
- To minimise the visual impact of signage and other infrastructure, particularly in coastal areas, hill faces and ridges.
- To protect the clear sweeping views to and from the ocean available from the precinct.
- To consider the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road and avoid ribbon development.

The land affected by the SL03 is within the RCZ and does not form part of the area proposed to be subdivided for residential purposes. The proposed works within this part of the site will include revegetation and construction of an earthen bund as recommended by the Landslip Assessment prepared by Golder Associates.

Schedule 5 to the SLO applies to a section of the subject land at the northern end with frontage to the Great Ocean Road and to a section of the subject land above the 40 metre contour line (Refer Figure xxx).

The statement of nature and key elements of landscape is as follows:

A characteristic shared by many settlements along the coast of Victoria is their separation from other settlements by the natural landscape. Skenes Creek is separated from Apollo Bay by the Otway foothills and Apollo Bay is separated from Marengo by flat, cleared land in the Barham River floodplain. The separation of urban areas also adds to the perception that the towns are contained within the landscape, which is an important component of each settlement's identity.

The 'preferred character' of this precinct is that it continues to be characterised by a backdrop of tall, steep rugged hills, at the foot of which is gently rolling land, sloping down to the coast. The wide sandy beach at Apollo Bay curves around to Wild Dog Creek, with grassy dunes and low bluffs behind. The hills that encase the precinct are predominantly cleared with some remnant shrubby foothill and riparian forest vegetation. Numerous rivers and creeks incise the hills and run to the bay, which is vegetated with remnant coastal heathland scrub. This largely open, cleared precinct is surrounded by dense, wet eucalypt forest, providing a stark character contrast.



Figure 6: Significant Landscape Overlays

The landscape character objectives to be achieved are:

- To achieve the "Preferred Character" as specified above.
- To minimise the visual impact of new development between Apollo Bay and Skenes Creek particularly when viewed from the Great Ocean Road.
- To strengthen the landscape qualities of the Barham River valley through planting of appropriate vegetation and minimising changes to landform.

The parts of the site affected by the SLO5 are within the RCZ and do not form part of the area proposed to be subdivided for residential purposes.

The majority of the land affected by the SL05 located at the north eastern end of the site is nominated as drainage reserve on the proposed Development Plan

Design and Development Overlay (Schedule 10 -6230, 6240, 6250 and 6280 Great Ocean Road and Lots 1 and 2 LP137842 Mariners Lookout Road, Apollo Bay)

This overlay affects the front portion of the subject land which is generally below the 40 metre contour line and has frontage to the Great Ocean Road (Refer Figure 3.3).

The design objectives are as follows:

- To develop a spacious building setting with substantial space for planting and vegetation.
- To allow for the reasonable sharing of views.
- To maintain the visual dominance of the coastal valley and hills hinterland in relation to the scale and siting of any proposed development.
- To ensure buildings and structures respond positively to the significant coastal landscape setting.
- To ensure buildings demonstrate a high standard of contemporary design and complement the character of the natural coastal environment.
- To set buildings and works within a landscape of appropriate coastal vegetation.
- To ensure vegetation and landscaping is integrated with the design of the development and complements the surrounding coastal landscape.

This part of the site is within the NRZ1 and forms part of the area proposed to be subdivided. The DDO10 includes objectives for future development of the land.



Figure 7: Design and Development Overlay 10

The proposed subdivision will include specific dwelling siting and design guidelines to manage the interface to the GOR in response to the objectives of the ODO.

Development Plan Overlay (Schedule 5 -6230 and 6280 Great Ocean Road, Apollo Bay)

This overlay applies to the entire site (Refer Figure XXX). The purpose of the Development Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

The objectives of Schedule 5 to the DPO are:

- Provide a planned or coordinated residential development that responds positively to the significant coastal landscape setting of the land.
- Provide for a diversity of living opportunities.
- Avoid development in areas at risk from the effects of natural processes such as flooding (riverine and coastal), erosion, landslip and salinity.

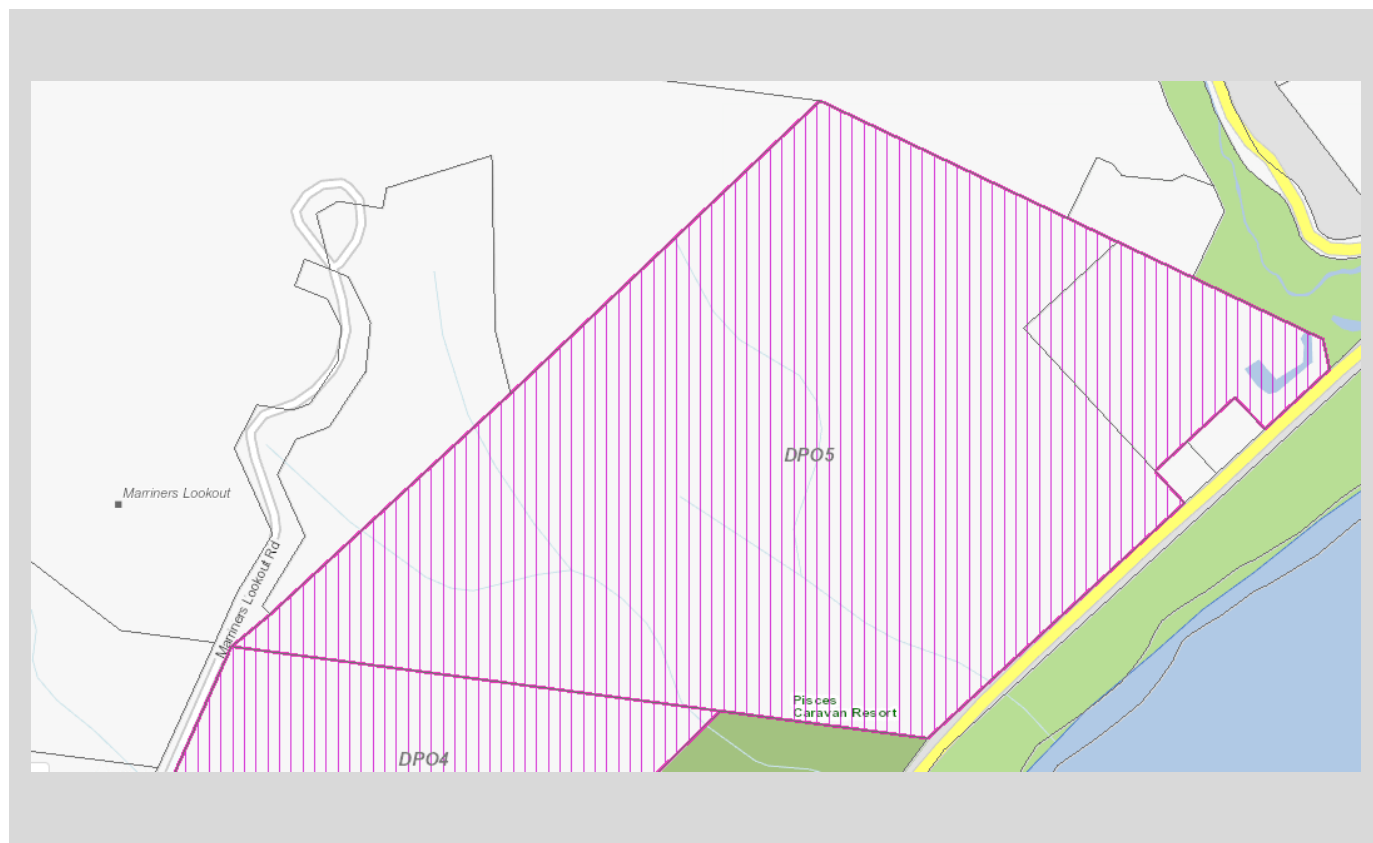


Figure 8: Development Plan Overlay Schedule 5

Erosion Management Overlay - The DP05 includes a requirement for the preparation and approval of a Development Plan and outlines requirements for a Development Plan. Erosion Management Overlay (Schedule 1). This overlay applies to a section of the subject land at the northern end with frontage to the Great Ocean Road and the rear part of the subject land generally above the 40 metre contour line (Refer Figure xxxxx).

The purpose of the Erosion Management Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.



Figure 9: Erosion Management Overlay Schedule 1

The objectives of Schedule 1 to the EMO are:

- To manage the risk of landslip.
- To ensure that development can be carried out in a manner which will not adversely increase the landslip risk to life or property affecting the subject land or adjoining or nearby land.
- To ensure that development is not carried out unless the risk associated with the development is a Tolerable Risk or lower.
- To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters
- To ensure that development is only carried out if identified geotechnical and related structural engineering risks to life and property are effectively addressed.

These parts of the land are within the RCZ and do not form part of the area proposed to be subdivided for residential purposes with the exception of a vehicle access point from the Great Ocean Road.

The purpose of the Bushfire Management Overlay is:

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

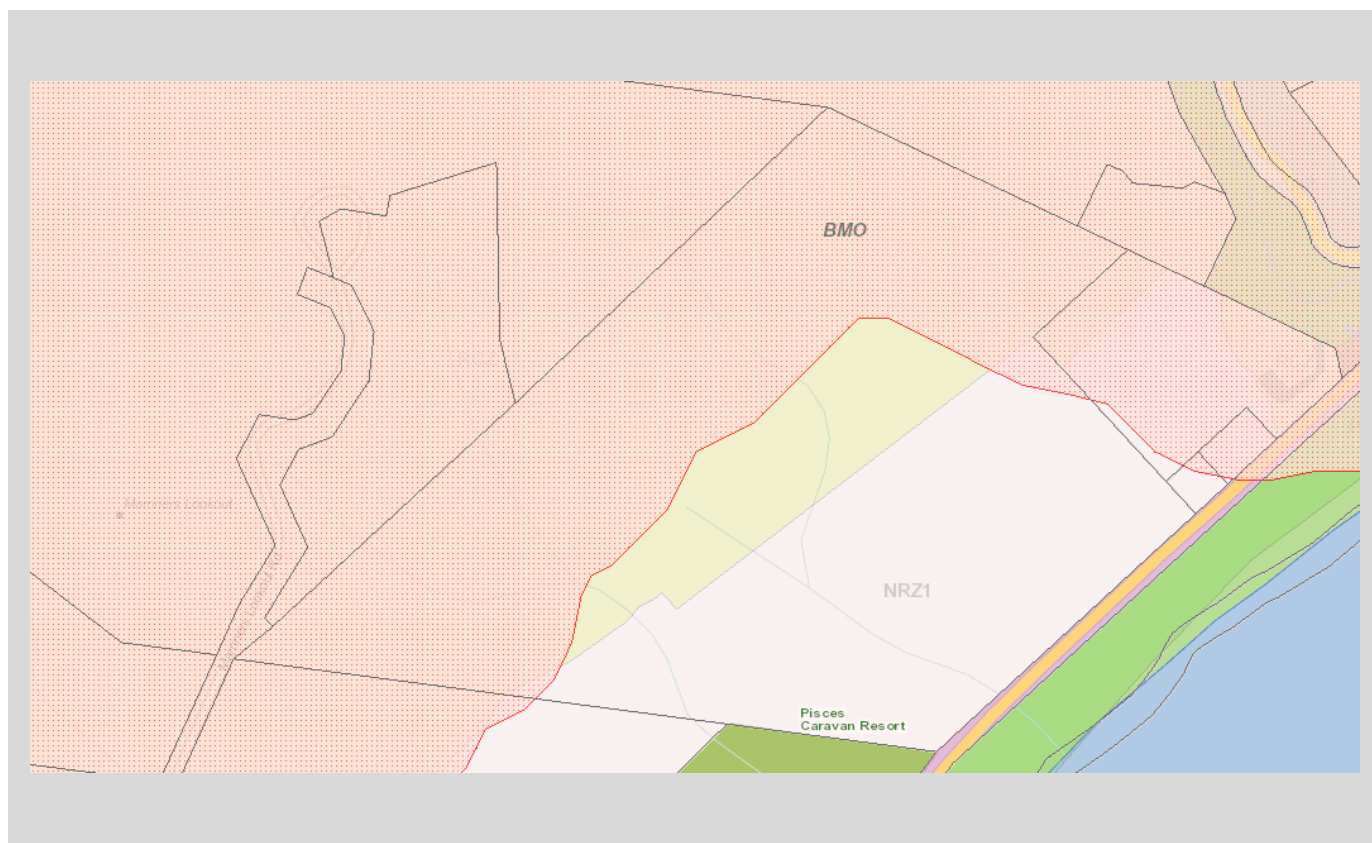


Figure 10: Bushfire Management Overlay

3.3 Particular provisions

The following Clauses of the Particular and General Provisions are considered to be relevant to the proposed development plan:

- Clause 52.01 -Public Open Space Contribution and Subdivision
- Clause 52.17 -Native Vegetation
- Clause 52.29 -Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 56 -Residential Subdivision
- Clause 65 -Decision Guidelines

4 DEVELOPMENT PLAN

The proposed Development Plan incorporates a range of lot sizes to be developed in stages with a minimum lot size of 472 square meters and an overall average lot size of 626 square metres.

Vehicle Access

- One vehicle access points to the proposed subdivision from the Great Ocean Road (GOR) in the form of local streets.
- Road connectivity within the proposed subdivision includes future connection to the adjoining land to the south west (proposed Mariners Vue Estate).

Pedestrian Access

- Pedestrian connectivity is provided within the proposed subdivision including the road network and public open space, drainage and tree reserves.
- Several pedestrian access points between the proposed subdivision and the GOR, together with links to the existing foreshore walking trail.

Drainage Reserves

- The drainage reserves indicated have been sited having regard to the existing site topography and natural drainage lines.
- The drainage reserves also provide opportunity for convenient pedestrian access within the subdivision.

Public Open Space

- Public open space with an area of 1.54 hectares is shown including an open space reserve and pedestrian walkways.
- There is provision for pedestrian access to the public open space reserve from the GOR and the internal road network.

Clay Mound

- The proposed subdivision layout and lot configuration provides for the retention of the clay mound adjacent to the GOR, with the exception of one vehicle access point (new local street).
- The retention of the majority of the clay mound will ensure a suitable interface treatment to the GOR. Detailed design requirements including landscaping and fencing treatment will be confirmed by design guidelines.

Fire Buffer

- An indicative fire buffer is nominated at the rear of the proposed subdivision consistent with the recommendations of the bushfire risk management consultant.

Land Slip

- The land slip assessment identified an area above the 40 m contour line where revegetation is recommended together with the provision of a protective earth bund as per the recommendations by Golder Associates to provide appropriate management of the risk identified. These elements are indicated on the proposed Development Plan.

Design Guidelines

- Schedule 5 to the DPO requires the preparation of design guidelines for the residential development of the land to be implemented by an agreement made pursuant to Section 173 of the Planning and Environment Act. The design guidelines must be prepared to the satisfaction of the Responsible authority prior to the approval for subdivision.
- The design guidelines must address external materials and colours, building style and massing, garages and carports, other structures and appurtenances, landscaping and fences.
- The design guidelines will be utilised to address the presentation of buildings to street frontages including front fencing, particularly the row of lots fronting the GOR.

5 PLANNING ASSESSMENT

Apollo Bay is identified as a large coastal town in Council's MSS and is one of two major growth areas within the Colac Otway Shire. Future development in Apollo Bay can play a key role in generating growth and employment in the Shire.

The land is located within the Coastal Settlement Boundary and is identified in the Apollo Bay Structure Plan as a Future Residential Growth Area.

The future residential development of the subject land at 6230 and 6280 Great Ocean Road, Apollo Bay provides an opportunity to contribute significantly to residential land supply within the coastal settlement boundary of Apollo Bay.

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

The Development Plan responds to relevant State and local policy as follows:

- The subject land is located within the 'coastal settlement boundary' for Apollo Bay identified on the Apollo Bay, Structure Plan forming part of Clause 11.03-6L.
- The subject land is within an area nominated as 'future residential growth area' on the Apollo Bay, Structure Plan forming part of Clause 11.03-6L.
- The subject land is close to the established commercial and residential areas within the Apollo Bay township and the range of existing physical and social infrastructure available in this locality.
- The proposed development plan incorporates a range of lot sizes (minimum lot size of 472 sqm) which will facilitate a range of dwellings that will contribute to the diversity of housing available in this locality.
- The relevant environmental matters including landslip, erosion and bushfire management have been considered in the design and layout of the proposed subdivision.
- The proposed layout incorporates landscaping opportunities which will contribute positively to the presentation of the development.
- The proposed subdivision layout is generally consistent with the existing pattern of development and provides for appropriate vehicle and pedestrian connections to the Great Ocean Road and future connections to the proposed residential subdivision to the south (Mariners Vue Estate).

DP05 Requirements

The purpose of the proposed Development Plan is to guide the subdivision and future development of the subject land and it has been prepared cognisant of the site context and the existing land uses proximate to the site.

An assessment of specific matters described in the DP05 schedule has been undertaken by specialist consultants and which has informed the design and layout of the proposed subdivision and management of environmental and landscape features of the land.

These include:

- Cultural Heritage Management Plan
- Coastal Hazard Vulnerability Assessment
- Stormwater Management Strategy
- Traffic Impact Assessment
- Visual Impact Assessment
- Landslip Risk Assessment
- Flora and Fauna Assessment
- Open Space and Landscape Masterplan
- Bushfire Assessment

In addition, investigations with relevant authorities have been carried relating to water and sewer infrastructure and the sequencing of development. The land is proposed to be subdivided in stages with the provision of appropriate access and infrastructure in association with each stage. Integration with adjacent land is also managed following consultation with the consultant for the Mariners Vue Estate project.

In relation to the revegetation of the land above the 40 m contour line, the OpenSpace and Landscape Masterplan indicates natural regeneration above the 40m contour line, except where the landslip assessment prepared by Golder Associates recommends planting of vegetation within an identified area to assist in reducing the likelihood of landslides.

The provision of additional planting and provision for natural regeneration is consistent with the bushfire risk management assessment which identifies the need for a fire buffer, however this does not extend into the area identified for planting and regeneration.

Clause 56 -Residential Subdivision

The Development Plan provides a general subdivision layout incorporating a variety of lot sizes (minimum lot size of 472 sqm).

Clause 56 seeks to create livable and sustainable neighbourhoods and urban places with character and identity and to create residential subdivisions which respond to the site and context.

The following provides an assessment of the design response to the relevant considerations.

Clause 56.01 -Subdivision Site and Context Description and Design Response

The Site Context and Site Analysis plans prepared by Beveridge Williams include relevant site context information as required by Clause 56.01.

Clause 56.02 -Policy Implementation

A discussion regarding relevant strategic and policy considerations is provided in this report and responds to Clause 56.02.

Clause 56.03 - Livable and Sustainable Communities

As noted, the subject land is located within the coastal settlement boundary for Apollo Bay and is identified as a future residential growth area. The land has convenient access to the established physical and social infrastructure in Apollo Bay.

The proposed subdivision is consistent with policy for this area and will facilitate residential use and development of the land.

Clause 56.04 - Lot Design

The proposed subdivision provides a range of lot sizes with a minimum lot size of 472 square metres and an average lot size of 626 square metres which is in excess of the requirements of the DP05.

The proposed subdivision layout responds to the site characteristics including topography and the surrounding area. Lots are oriented to take advantage of views toward the foreshore and ocean, whilst having appropriate regard for solar access.

The proposed road layout provides appropriate vehicle and pedestrian connectivity from the GOR, within the subject land and opportunities for connection to the proposed Mariners Vue Estate.

Clause 56.05 - Urban Landscape

The proposed landscaping for the subdivision is broadly depicted on the Open Space and Landscape Masterplan prepared by Beveridge Williams.

The Masterplan indicates the retention of existing vegetation at the north east corner of the subject land proximate to the Wild Dog Creek. This part of the site is within a Rural Conservation Zone.

The Masterplan also depicts the provision of street tree planting within the proposed road network with plant species selected from local indigenous plant species from the Otway Plain bioregion where appropriate.

The development plan includes the provision of public open space with an area of 1.54 hectares in the form of an open space reserve central to the site and an additional open space area at the front of the site. The provision of public open space in this manner allows for convenient pedestrian connections through the site and passive surveillance of the open space.

Clause 56.06 - Access and Mobility Management

The subject land forms part of a residential growth area within the coastal settlement boundary of the Apollo Bay township.

The proposed subdivision layout incorporates appropriate vehicle and pedestrian connectivity. The provision of public open space in the form of an open space reserve with several road frontages allows convenient pedestrian access through the site. Pedestrian access is also provided via the road network and drainage and tree reserves ensuring convenient access to the GOR and the existing foreshore walking trail located on the south-east side of the GOR.

The proposed subdivision will provide appropriate access between the existing and proposed roads and the proposed lots.

Clause 56.07 -Integrated Water Management

The proposed subdivision will be connected to all urban services including reticulated water and waste water systems. The development also incorporates Water Sensitive Urban Design initiatives to manage stormwater run-off.

Clause 56.08 -Site Management

A Construction Management Plan for the proposed subdivision can be required as a condition of permit for future stages which will address the management of the site during the construction period.

Clause 56.09 -Utilities

The proposed and subdivision will be connected to all urban services including public utilities.

VCAT Recommendations:

As noted in the introduction to this report, a previous version of the development plan was heard before VCAT. VCAT ultimately did not support that layout and highlighted two key areas to be revised:

In their decision in hearing P2010/2016 the Tribunal noted:

There are aspects of the Development Plan that respond suitably to policy and the relevant controls. Most notably, we consider that issues of access, fire risk, landslip risk, biodiversity and drainage have been suitably investigated and can be managed appropriately in the manner depicted in the Development Plan

The two areas that the Tribunal sought amendments to were as follows:

- the setbacks, size and configuration of the front lots to improve their interface with the Great Ocean Road, and
- expand the 'rear' lots approaching the 40 metre contour and the RCZ interface in a re-worked Development Plan

Setbacks

Lots are now proposed to be setback a minimum of 50m from the Great Ocean Road. The plans before VCAT showed a predominate setback of 20m.

In their decision the Tribunal members commented at paragraph 118:

On balance, we regard a 50 metre setback as appropriate, especially in light of the site's position at the entry point of the township, and noting that the holiday park beside it is characterised by substantial open grassed areas to its frontage, and remains in the RCZ at present.

The proposed development plan has now adopted the 50m setback as recommended by VCAT.

Other suggestions in relation to lot widths and sizes made in paragraphs 125 and paragraph 145 regarding the interface to the Great Ocean Road and the land above the 40m contour. The current proposal has increased both the proposed frontages and areas of these lots and the proposed development plan is proposing 14 fewer lots than the version which was heard by VCAT.

6 CONCLUSION

The subject land is located within the coastal settlement boundary of Apollo Bay and identified for future residential growth.

The Development Plan responds appropriately to the objectives of the DP05 and will facilitate the subdivision and development of the land for residential purposes consistent with the zoning of the land and key policies for settlement as expressed in the Colac Otway Planning Scheme.

The environmental considerations including landslip, bushfire risk and drainage are managed through the subdivision design and layout and the provision of appropriate measures and infrastructure.

The proposal also responds to the key areas of concern highlighted by VCAT to propose a layout with a more generous 50m setback to the Great Ocean Road and greater sized lot resulting in a reduction of the number of lots by a total of 14 lots.

APPENDIX A: DEVELOPMENT PLAN V36