



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 8 February 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 8 February 2023

TABLE OF CONTENTS

| | |
|--|----|
| 1 Declaration of Opening of Meeting | 3 |
| 2 Present..... | 3 |
| 3 Apologies and Leave of Absence | 3 |
| 4 Welcome and Acknowledgement of Country..... | 4 |
| 5 Declarations of Interest | 4 |
| 6 Confirmation of Minutes | 4 |
| 7 Verbal Submissions from applicants/objectors | 5 |
| 8 Officer Planning Reports..... | 6 |
| 8.1 Use and Development of Four Group Accommodation Buildings, One Caretakers Dwelling and Associated Works at 710 Blue Johanna Road, Johanna (PP87/2022) | 6 |
| 8.2 Development Plan (DPO5) - 6230 and 6280 Great Ocean Road, Apollo Bay | 16 |

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on Wednesday 8 February 2023 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

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 Chris Potter (Mayor)
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance and Communications
Lyndal McLean, Coordinator Council Business
Doug McNeill, Manager Planning and Strategic Focus

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council and Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on 7 December 2022.**

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Margaret White

That the Planning Committee confirm the minutes of the Planning Committee meeting held on 7 December 2022.

CARRIED 6 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor read out the names of those applicants and objectors who confirmed in writing that they wished to make a verbal submission. A time limit of five minutes applied.

Item 8.1 Use and Development of Four Group Accommodation Buildings, One Caretakers Dwelling and Associated Works at 710 Blue Johanna Road, Johanna (PP87/2022)

Objector: Geoffrey Dance

In support: Liz Price (by videoconference)

Applicant: Ralph Alphonso, on behalf of the applicant

Item: 8.1

Use and Development of Four Group Accommodation Buildings, One Caretakers Dwelling and Associated Works at 710 Blue Johanna Road, Johanna (PP87/2022)

| | | | |
|---|---|---------------------------|--|
| ADDRESS AND PROPERTY DETAILS | 710 Blue Johanna Road JOHANNA (Lot 2 PS: 330296 V/F: 10256/636 Parish of Aire) | APPLICATION NUMBER | PP87/2022-1 |
| PROPOSAL | Use and Development of Four Group Accommodation Buildings, One Caretaker's House and Associated Works | | |
| PERMIT TRIGGERS | Clause 35.06-1 - Use of Land for Group Accommodation – RCZ Clause 35.06-1 – Use of Land for Caretaker's House- RCZ Clause 35.06-5 – Buildings and Works – Section 2 Use – RCZ Clause 44.06-2 – Buildings and Works – Accommodation – BMO Clause 44.01-2 - Buildings and Works – EMO1 Clause 42.03-2 - Buildings and Works – SLO4 | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Refusal of Dwelling (Caretaker's House) in a Rural Zone | | |
| ZONE | Rural Conservation Zone | OVERLAYS | Significant Landscape Overlay (SLO4) – 100% Bushfire Management Overlay (BMO) – 100% Erosion Management Overlay (EMO1) – 99.33% Land Subject to Inundation Overlay (LSIO) – 0.02% |
| COVENANTS | N/A | | |

CULTURAL HERITAGE Yes – however, the proposed buildings and works would not be located within the area of cultural heritage sensitivity (see discussion within report).

OFFICER Ian Williams **CHIEF EXECUTIVE OFFICER** Anne Howard

DIVISION Planning and Strategic Focus

ATTACHMENTS

1. Planning Report [8.1.1 - 41 pages]
2. Applicant Response to Further Information Request [8.1.2 - 15 pages]
3. Application Plans [8.1.3 - 46 pages]
4. Draft Permit Conditions - Not the Officer Recommendation [8.1.4 - 6 pages]

RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the Use and Development of Four Group Accommodation Buildings, One Caretaker's House and Associated Works at 710 Blue Johanna Road, Johanna (Lot 2 PS: 330296 V/F: 10256/636 Parish of Aire), for the following reasons:

- 1. The prominent locations and elevated design of the proposed group accommodation pods would result in an incongruous and incompatible form of development that would be detrimental to the significant landscape setting of the area, which is a key tourist destination. The proposed development fails to recognise the importance of the natural character of the coastal area and does not positively respond to the identified landscape character or protect the 'Significant Coastal Landscape'. As such, the proposal is contrary to the aims and objectives of Clause 02.03-2 (Environmental and Landscape Values), Clause 02.04 (Strategic Framework Plan), Clause 11.03-5R (The Great Ocean Road Region) and Clause 11.03-5R (The Great Ocean Road Region) of the Colac Otway Planning Scheme, and to 'The Great Ocean Road Region Landscape Assessment Study' (Department of Sustainability and Environment, 2003).*
- 2. The proposed development, by reason of its built form and siting, would not protect or enhance the natural features of the landscape, including when viewed from the public visual corridor of the Great Ocean Walk and other public vantage points, and the proposed buildings would not be located so that they are visually unobtrusive from public areas as required by the 'Siting and Design Guidelines for Structures on the Victorian Coast' (Department of Environment, Land, Water and Planning, 2020) referenced in Clause 12.02-15 (Protection of Coastal Areas) of the planning scheme.*
- 3. The proposed development would not protect and enhance the valued views and vistas of the coastal area but would detract from the natural qualities of the significant coastal*

landscape setting, negatively impacting on the ridgeline when viewed from surrounding vantage points, contrary to the aims and objectives of Clauses 12.05-2S and 12.05-2L (Landscapes), Clause 15.01-2S (Building Design) and Clause 17.04-2S (Coastal and Maritime Tourism and Recreation) of the planning scheme, and the design and siting requirements listed in the decision guidelines of the Rural Conservation Zone and the Significant Landscape Overlay, Schedule 4 (Johanna Coast to Cape Otway Coastal Valley and Hills Precinct).

MOTION

MOVED Cr Stephen Hart

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the Use and Development of Four Group Accommodation Buildings, One Caretaker's House and Associated Works at 710 Blue Johanna Road, Johanna (Lot 2 PS: 330296 V/F: 10256/636 Parish of Aire), for the following reasons:

- 1. The prominent locations and elevated design of the proposed group accommodation pods would result in an incongruous and incompatible form of development that would be detrimental to the significant landscape setting of the area, which is a key tourist destination. The proposed development fails to recognise the importance of the natural character of the coastal area and does not positively respond to the identified landscape character or protect the 'Significant Coastal Landscape'. As such, the proposal is contrary to the aims and objectives of Clause 02.03-2 (Environmental and Landscape Values), Clause 02.04 (Strategic Framework Plan), Clause 11.03-5R (The Great Ocean Road Region) and Clause 11.03-5R (The Great Ocean Road Region) of the Colac Otway Planning Scheme, and to 'The Great Ocean Road Region Landscape Assessment Study' (Department of Sustainability and Environment, 2003).*
- 2. The proposed development, by reason of its built form and siting, would not protect or enhance the natural features of the landscape, including when viewed from the public visual corridor of the Great Ocean Walk, some areas of beach and other public vantage points, and the proposed buildings would not be located so that they are visually unobtrusive from public areas as required by the 'Siting and Design Guidelines for Structures on the Victorian Coast' (Department of Environment, Land, Water and Planning, 2020) referenced in Clause 12.02-1S (Protection of Coastal Areas) of the planning scheme.*
- 3. The proposed development would not protect and enhance the valued views and vistas of the coastal area but would detract from the natural qualities of the significant coastal landscape setting, negatively impacting on the ridgeline when viewed from surrounding vantage points, contrary to the aims and objectives of Clauses 12.05-2S and 12.05-2L (Landscapes), Clause 15.01-2S (Building Design) and Clause 17.04-2S (Coastal and Maritime Tourism and Recreation) of the planning scheme, and the design and siting requirements listed in the decision guidelines of the Rural Conservation Zone and the Significant Landscape Overlay, Schedule 4 (Johanna Coast to Cape Otway Coastal Valley and Hills Precinct).*

Cr Graham Costin foreshadowed that he would move an alternative motion in the event that the motion currently before Council was lost.

LAPSED for want of a seconder

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Tosh-Jake Finnigan

That the Planning Committee resolves to Issue a Notice of Decision to Grant a Permit for the Use and Development of Four Group Accommodation Buildings, One Caretaker's House and Associated Works at 710 Blue Johanna Road, Johanna (Lot 2 PS: 330296 V/F: 10256/636 Parish of Aire), subject to the following conditions:

Amended Plans to be submitted

1. Prior to commencement of the development:

1.1 Amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) Fencing erected throughout the site to clearly separate areas of cultural sensitivity under the Aboriginal Heritage Act 2006 from the land to be developed and used for accommodation authorised by the permit.

1.2 The applicant must submit to the Responsible Authority an addendum to the 'Geotechnical Assessment and Landslide Risk Assessment' by Ground Science Pty. Ltd. (reference G4478.1 AB, dated 27 August 2021) or any Geotechnical Practitioner engaged to review the assessment submitted with the application. The addendum must specifically consider all ancillary works proposed to establish the development including water pipes connecting the proposed buildings with the dam and water storage tanks, along with any other relevant works, and confirm that the works would meet the requirements of the Erosion Management Overlay (Schedule 1) of the Colac Otway Planning Scheme.

No Change to Approved Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Compliance with Geotechnical Assessment

3. The approved development must be carried out on the site in accordance with the recommendations of the 'Geotechnical Assessment and Landslide Risk Assessment' by Ground Science Pty. Ltd. (reference G4478.1 AB, dated 27 August 2021) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.

Access

4. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
5. *Prior to the commencement of the use of any of the buildings hereby permitted, the driveway to that building must be constructed to an all-weather standard and with a minimum width of 3.5m, to the satisfaction of the Responsible Authority.*

Car Parking

6. *Prior to the commencement of the use of any of the buildings hereby permitted, the car parking space/s proposed adjacent to that building must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

Construction Management Plan

7. *Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.*
8. *All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them.*

Stormwater

9. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
10. *The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

No Works within 30 Metres of Waterway

11. *Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of a waterway.*

Wastewater

12. *All works and development associated with this permit must be carried in accordance with the Land Capability Assessment produced by Ground Science (Ref. No. E3145.1AA, dated 7 March 2022) unless otherwise agreed in writing by the Responsible Authority.*

13. *An onsite wastewater management system must be constructed concurrently with the buildings hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority. A detailed onsite wastewater system design site plan must be submitted as part of the onsite wastewater application to support the recommended wastewater management treatment and disposal option, to the satisfaction of the Responsible Authority.*

Land Management Plan

14. *Prior to the commencement of development, evidence to the satisfaction of the Responsible Authority of the consent of the Crown landowner (Department of Environment Energy and Climate Action) and the CCMA to the proposed revegetation works across a 10-metre-wide corridor along the Johanna River must be submitted to the Responsible Authority.*

15. *Prior to the commencement of development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The Land Management Plan must be generally in accordance with the Land Management Plan prepared by Okologie Consulting (dated 23/8/2022), except that the plan must include the following:*

- a) *A timeline for revegetation along Johanna River, which must be undertaken prior to any construction works on site.*
- b) *Details of how the proposed landscaping along the unfenced section of Blue Johanna Road will be protected from the impact of stock while it is establishing.*
- c) *Maintenance of all plants for a period of 5 years, including the replacement of any dead or diseased plants.*

16. *The management of the land and the activities on the site must be conducted in accordance with the Land Management Plan endorsed as part of this permit, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed, to the satisfaction of the Responsible Authority.*

Annual Reporting

17. *An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following completion of the first of the units of accommodation hereby permitted, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:*

- a) *permit holder*
- b) *planning permit number*
- c) *reporting year (1-5)*
- d) *date report is submitted*
- e) *who completed the report*
- f) *condition of site against each management commitment*
- g) *actions taken during the year to achieve the management commitment*

- h) photographs which clearly depict management actions undertaken for the previous year.*

Section 173 Agreement

18. Prior to the commencement of any works, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The 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 title of the property so as to run with the land, and must provide for the following:

- a) The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP87/2022-1, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Protection of Native Vegetation

19. To prevent damage to remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans for the development or Land Management Plan approved under Condition 14. All storage sites must be restricted to existing cleared areas close to existing tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.

Landscaping

20. Prior to commencement of the 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, which must be drawn to scale with dimensions, must be generally in accordance with the landscape concept plan shown in the Land Management Plan prepared by Okologie Consulting, except that the plan must show:

- a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and maturity, and quantities of each plant to provide screening of the development from Blue Johanna Road and Red Johanna Road.*

- b) How the vegetation will be protected from stock impacts.*

21. Prior to initial occupation of any part of the development hereby permitted, 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. 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.

22. *In the event the vegetation planted does not provide the level of screening shown on the application plans L129 – L135 (or indicate that it is likely to mature to provide such screening) three years from the date of planting (or within an alternative timeframe agreed in writing by the Responsible Authority), additional planting to achieve that level of screening must be undertaken. Should supplementary landscaping be required under this condition, an updated landscaping plan to the satisfaction of the Responsible Authority showing any additional planting to achieve the screening, and demonstrating how the buildings would be screened, must be submitted to the Responsible Authority for endorsement. The further landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority within one month of the plan being endorsed unless an alternative timeframe is agreed in writing.*

CFA conditions

23. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

Bushfire Management Plan

24. *Before the development starts, the Bushfire Management Plan prepared by Terramatrix (dated 20/09/22) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.*

Bushfire Emergency Plan

25. *Before the development is occupied or the use commences, a bushfire emergency plan (BEP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:*

a) Premises details

- *Describe property and business details.*
- *Identify the purpose of the BEP stating that the plan outlines procedures for:*
 - i. Closure of premises on any day with a Fire Danger Rating of Catastrophic.*
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).*
 - iii. Shelter-in-place (remaining on-site in a designated building).*

b) Review of the BEP

- *Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.*
- *Include a Version Control Table.*

c) Roles & Responsibilities

- *Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.*

d) Emergency contact details

- *Outline organisation/position/contact details for emergency services personnel*

e) Bushfire monitoring procedures

- *Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.*
 - *Describe and show (include a map) the area to be monitored for potential bushfire activity.*
- f) Action Statements – trigger points for action*
- i. Prior to the Fire Danger Period*
 - *Describe on-site training sessions and fire equipment checks.*
 - *Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).*
 - ii. Closure of premise during forecast Fire Danger Rating of Catastrophic:*
 - *Outline guest notification procedures and details of premises closure (including timing of closure).*
 - iii. Evacuation*
 - *Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.*
 - *Details of the location/s of the offsite emergency assembly location.*
 - *Transport arrangements for staff and guests including details such as:*
 - *Number of vehicles required*
 - *Name of company providing transportation*
 - *Contact phone number for transport company*
 - *Time required before transportation is likely to be available*
 - *Estimated travelling time to destination*
 - *Actions after the bushfire emergency event.*
 - iv. Shelter-in-place*
 - *Show the location and describe the type of shelter-in-place.*
 - *Triggers for commencing the shelter-in-place option.*
 - *Procedures for emergency assembly in the shelter -in-place building.*

Expiry

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

- a) The development is not commenced within three years of the date of this permit.*
- b) The development is not completed and the use has not commenced within five years of the date of this permit.*

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

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain building permits for the proposed buildings. The relevant Building Surveyor will need to ensure that the construction of the buildings comply with the relevant BAL rating/s.**

2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *Prior to the commencement of development, applications to undertake works within the road reserve and for the legal point of discharge must be submitted to and approved by the Council.*
4. *At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*
5. *A separate application to install an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment be amended or updated by a suitably qualified person and submitted for approval to support a detailed system design and proposed site plan at the permit application stage.*
6. *The caretaker's house may only be occupied by a supervisor of the group accommodation units allowed by this permit.*

CARRIED 4 : 2

DIVISION

For the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan, Cr Margaret White, Cr Graham Costin

Against the motion: Cr Stephen Hart, Cr Chris Potter

Item: 8.2

Development Plan (DPO5) - 6230 and 6280 Great Ocean Road, Apollo Bay

| | | | |
|-------------------------------------|--|--------------------------------|-------------|
| ADDRESS AND PROPERTY DETAILS | 6230 and 6280 Great Ocean Road, Apollo Bay | | |
| PURPOSE | Development Plan (v.37) | | |
| OFFICER | Ravi Ayyagari | CHIEF EXECUTIVE OFFICER | Anne Howard |
| DIVISION | Executive | | |
| ATTACHMENTS | <ol style="list-style-type: none"> 1. Overall Development Plan Version 37 [8.2.1 - 1 page] 2. Design Guidelines [8.2.2 - 5 pages] 3. Development Plan Summary [8.2.3 - 15 pages] 4. VCAT decision on Previous Development Plan [8.2.4 - 43 pages] 5. VCAT Agreed Table of Potential Changes to Version 28 of the Development Plan [8.2.5 - 6 pages] 6. Version 28 of the Development Plan [8.2.6 - 1 page] | | |

RECOMMENDATION

That Council resolves to approve the amended Development Plan (including the Design Guidelines) prepared under Schedule 5 to the Development Plan Overlay for 6230 and 6280 Great Ocean Road, Apollo Bay subject to the following:

1. *The summary document forming part of the Development Plan be amended and updated, inter alia:*
 - *to state that any permit application made in respect of a separate stage or stages of the development of the Estate specify all of the works that are proposed to occur at that stage of the subdivision, including all necessary drainage works and landslip mitigation works.*
 - *to include bushfire protection requirements.*
 - *to acknowledge a potential requirement for Growling Grass Frog surveys.*

- *to reference the most recent versions of background and technical documents.*
 - *to make explicitly clear that the proposed roads must connect with matching roads within the subdivision approved on the adjoining land to the north west.*
 - *construction of the path within the open space/drainage reserve fronting Great Ocean Road further westward, up to the south-western boundary of the land to cater for a future path connection on adjoining land.*
2. *The notation on the Development Plan that reads: "16m wide strip to form body corporate allotment (drainage easement to be provided to allow for overland flows)" be deleted from the Development Plan and replaced with a description that requires the 16m wide strip to become an area of common property, owned by the Owners Corporation that is responsible for maintenance of the fire buffer.*
 3. *That officers advise all parties directly notified about the Development Plan of Council's decision to approve the Development Plan.*

The Recommendation was revised by officers and presented, as outlined below.

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council resolves to approve the amended Development Plan (including the Design Guidelines) prepared under Schedule 5 to the Development Plan Overlay for 6230 and 6280 Great Ocean Road, Apollo Bay subject to the following:

1. *The summary document forming part of the Development Plan be amended and updated, inter alia:*
 - *to state that any permit application made in respect of a separate stage or stages of the development of the Estate specify all of the works that are proposed to occur at that stage of the subdivision, including all necessary drainage works and landslip mitigation works.*
 - *to include bushfire protection requirements.*
 - *to acknowledge a potential requirement for Growling Grass Frog surveys.*
 - *to reference the most recent versions of background and technical documents.*
 - *to make explicitly clear that the proposed roads must connect with matching roads within the subdivision approved on the adjoining land to the north west.*
 - *construction of the path within the open space/drainage reserve fronting Great Ocean Road further westward, up to the south-western boundary of the land to cater for a future path connection on adjoining land.*
 - *removal of the north-eastern most allotment and inclusion of that land within the adjoining reserve.*

2. *The notation on the Development Plan that reads: "16m wide strip to form body corporate allotment (drainage easement to be provided to allow for overland flows)" be deleted from the Development Plan and replaced with a description that requires the 16m wide strip to become an area of common property, owned by the Owners Corporation that is responsible for maintenance of the fire buffer.*
3. *That officers advise all parties directly notified about the Development Plan of Council's decision to approve the Development Plan.*

CARRIED 5 : 1

DIVISION

For the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan, Cr Margaret White, Cr Graham Costin, Cr Chris Potter

Against the motion: Cr Stephen Hart

The meeting was declared closed at 5.21pm.

CONFIRMED AND SIGNED at the meeting held on 10 May 2023.



.....MAYOR