



MEETING OF SPECIAL COUNCIL

MINUTES

WEDNESDAY 15 AUGUST 2018

AT 4PM

APOLLO BAY SENIOR CITIZENS' CENTRE



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

15 AUGUST 2018

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COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

MINUTES of the *SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at Apollo Bay Senior Citizens' Centre on 15 August 2018 at 4pm.

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

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

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Sarah Osborne, Acting Communications Coordinator
Doug McNeill, Manager, Planning, Building & Health
Yvette Hill, Customer Assist Officer
Brydon King, Consultant

3. APOLOGIES

Cr Chris Potter

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this afternoon by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

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

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

5. DECLARATIONS OF INTEREST

Nil

6. QUESTION TIME

A public question time of thirty minutes is allowed but I need to emphasise to everyone here that Council's meeting procedures in our Local Law do not allow you to ask questions on topics that aren't on the agenda tonight.

If you have general questions about other matters, I encourage you to ask them at the next Ordinary Council meeting.

To ensure that everyone has the opportunity to ask questions, I may need to limit the number of questions from each person to two. Then, once everyone has had an opportunity to ask their initial questions, and if time permits, I will invite further questions.

As I call you to the lectern, please remember this is not a forum for debate or statements; you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

Please note that whilst we will do our best, it may not be possible to answer all questions without notice tonight. If this is the case, they will be answered later.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Frank Buchanan

1. **Has any Councillor indicated in public or to other Councillors how they intend to vote on the Resort application?**

Response from the Chief Executive

This application is amended from the application considered at the 7 February 2018 meeting. I am not aware of any Councillor making any comments in public or to any other Councillors on how they intend to vote in relation to this amended application.

2. **Has any Councillor or Council Officer heard of the intention of which way a Councillor has stated how they are going to vote? I respectfully remind Councillors of the Winki Pop determination.**

Response from the Chief Executive

In my discussions with officers and Councillors, individually or as a group, I have not heard or heard of a Councillor stating how they will vote in relation to this application.

Carol Wilmink

1. **Why does Colac Otway Shire Council accept a lower standard of risk to life and property than the Yarra Ranges Council?**

Response from General Manager, Development & Community Services

Each Council is responsible for establishing its own controls to manage landslide susceptibility in their municipality. Colac Otway Shire has put in place controls through the Erosion Management Overlay that it believes appropriately manage landslide risk. They were developed following consultation with Yarra Ranges Shire.

The overlay schedule detailing the standards for assessment of applications was subject to public consultation through the process of the planning scheme amendment C68 which introduced it in 2013.

2. **Why isn't a geotechnical report required for all properties which could have events which may impact on the development site?**

Response from General Manager, Development & Community Services

The Landslide Risk Assessment submitted with the amended planning permit application takes into account potential hazards both on the subject site and on surrounding land, which has the potential to influence landslide potential on the development site. The assessment takes all of those hazards into account when determining the level of risk associated with the development.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Bill Gross, Apollo Bay

I understood the developer was going to be here tonight. Is it possible to ask a question of the developer?

Response from the Mayor

It is my understanding that the developer is not going to be here today.

I will phrase this as a general question then. Council will probably be aware that there was a large development in Torquay some years ago where a developer made various promises to the community and then sold the development and nothing occurred with regard to the promises. Is Council cognisant of this and that the same thing might occur here, particularly when very recently there has been a swag of promises made but a year ago there was an unconditional announcement by this developer that there would be an annual \$100,000 art prize which appears to have disappeared? I wrote to the developer at the time and I said, "Have you actually set up a \$2,000,000 trust fund or any trust fund in order to enable this to go in perpetuity?" The answer was non-existent – they didn't reply. I just want to ask is Council aware that this apparent generosity is probably as much fluff as the previous developers in Torquay produced?

Response from the Mayor

I guess if they weren't aware in the past they certainly are now, Bill.

Richard Stone, Apollo Bay

Together with my wife Sally, we are objectors to the project and have lodged those objections with the planning panel. I am going to read my question and this is after reading all of the Councillor briefing notes which have been put to this agenda and after reading them all, I would like to put this comment please. My question concerns the direct jobs that appear to be available for locals at the resort due to the skilled non-local recruits and excessive staff accommodation on site. The submission states that there will be 39 direct jobs at the resort which will be and I quote "largely filled by skilled non-local recruits". The submission also states that "the accommodation for 30 staff is proposed, this despite the resort being in proximity to town to access the site for employees" and that was also a quote from the submission. Although these figures are easily accessible in the submission, the Council briefing notes on page 31 simply state that the proposal seeks to provide some accommodation on site for staff. I therefore have two questions for the Council officers. Why have they not used the submission figures to advise Councillors that at least 30 staff out of the 39 positions that are largely filled by skilled, non-local recruits are to be accommodated on site? The second question is why have the officers not considered a permit condition limiting the number of staff accommodated on site to a few rather than the majority, if not all of the staff?

Response from Brydon King, Consultant

The report has merely tried to explain that there's an opportunity for accommodation on site and there's an estimate put forward by the proponent in terms of the application. There is no deliberate attempt to mislead or confuse; it is just a drafting of the overall context that there is accommodation

provided on site. The evolution of the business may mean that shifts in the future but the opportunity is certainly there for staff on site and there may be some opportunity off site as well.

That answers that but those objections will be going to the planning panel because I don't think it really answers the question that almost all of the staff are on site and they all – according to the report – are skilled non-local.

David Ritchie, Apollo Bay

- 1. Has any consultation taken place with Council regarding current occupancy rates of local accommodation providers to support the sort of statistics that is put forward in terms of tourist accommodation occupancy in both the proponents report?**

Response from Manager, Planning, Building & Health

There hasn't been any direct consultation with accommodation businesses about occupancy rates. The applicants put forward a submission about their estimate as to the level of accommodation demand for now and into the future. Council has relied to some extent on the submission by GORRT, the Great Ocean Road Regional Tourism board. They have put together a submission that outlines economic benefits that might arise from the proposal around accommodation and how this proposal might contribute to the region.

- 2. Are the Councillors aware of the current concern, especially in Europe, that's occurring regarding what is being referred to as over-tourism in some locations? I think the concern of many people in the community is that it is something they don't really wish to see in Apollo Bay. My question is whether Councillors are aware of that? In fact, to support that, the latest *Time* magazine (6 August 2018) has an article that supports what they are calling the tourism trap. My question really is are Councillors aware of that concern that is occurring with over-tourism? I also offer that if people wish to read that article, I can provide copies for them.**

Response from the Mayor

We will take the point that you have raised there and if you are happy to, provide the copy later on.

The question was are the Councillors aware of the concerns that are occurring in Europe regarding the impact of over-tourism on their town and cities?

Response from General Manager, Development & Community Services

I cannot respond on behalf of Councillors as the question was put but from an officer's perspective we are aware there are breaking points for certain precincts and areas and townships around tourism. A local example is Kennett River and the situation down there at the moment. We are aware that this occurs internationally in particular areas and are trying to identify what various townships can accommodate. There is a breaking point in various towns; we understand that locally, nationally and internationally as well. The Great Ocean Road Taskforce that was established by government looked at about 40 odd areas in and around Europe and overseas and they brought some of that to our attention – how they were trying to deal with significant tourism in the area. We have a reasonable knowledge of some of those examples but we would love to hear more recent ones as well.

Yvonne Francis, Apollo Bay

I would simply like to say that Apollo Bay never seems to hit the news unless there is a tragedy or some horrible natural event and at the moment we're all thoroughly aware if we live here of the incredible trouble we are having losing our foreshore because so many of our infrastructure items have simply flowed onto the foreshore as a convenient and cheap alternative, rather than sitting down and doing some really thorough town planning. I would like to also congratulate the shire of Colac Otway because they are attempting to do a parking strategy and it's very, very, very important in this particular issue because people are going to travel in and out of our township and parking is a terrible problem for all of us. We've seen a tour bus roll into a front verandah of a shop causing damage and we can all go on and on with our problems with the foreshore but we should not simply let everything happen and expect nature to give way because nature's actually doing the opposite to what we would require should we continually go forward into the future using our foreshore as the overflow, unregulated alternative parking spot. I would simply say that Suzanne Barker seems to be doing a very efficient job on behalf of the Council trying to resolve some of the issues to do with our Great Ocean Road and parking in this very tiny town. I think if we are serious about huge overdevelopments of sites in order for greedy grabbing at the tourist dollar, we really have to have parking and the needs of the residents and our regular tourists foremost in our minds because our town, as we all know, depends on tourism for its viability – absolutely nothing else. My question is can we slow this process down and thoroughly consider the results of Suzanne Barker's work?

Response from General Manager, Development & Community Services

The key question is can we slow down the process? It is a State process now that the Minister for Planning is running it so it would be a question for them if they wish to change the timeframes around this to integrate other findings, as your suggestion is, around the Tourism, Parking and Traffic Management Strategy that Council is currently undertaking. It is not something that we can influence, or make a decision on today, on the timing of that unfortunately.

Nonetheless, we do depend on boots on the ground and the Colac Otway Shire is our legal representative in that area and I do want to point out that you are doing the right thing in hiring a special consultant to do this work and we should at least pay attention to the results that we have invested in.

Peter Filmore, Apollo Bay

1. This proposal has been with the Colac Otway Shire planning department for twelve months and the required documentation is still lacking – still incomplete. There is a long list of 50 points on the agenda there and there's sub points in that so there is probably 70 or 80 different issues that are incomplete and need more information. How can Councillors today be expected to vote on the proposal when the detail is still lacking?

Response from General Manager, Development & Community Services

Officers do consider that Council has enough information before it to make a decision on its position on the application. Certainly in respect to the original application that was lodged and put on exhibition late last year, there were some information gaps and Council itself resolved in February this year to seek further information to address those gaps. The applicant subsequently was

requested by the panel - after Council raised those issues and the community raised those same issues - to provide more comprehensive information on a number of matters and that information is now before Council for a decision tonight.

2. **How much of our rates have actually been spent on trying to progress this for the last twelve months, this unwanted, speculative, mega hotel development? By that, I mean Council officer hours - how that adds up in dollar figures etcetera, etcetera.**

Response from General Manager, Development & Community Services

As you would appreciate regarding hours, we don't monitor or time card our hours and have no idea, to be frank, of the amount of officer time that has gone into it. So I apologise but I think you would have expected me to not be tracking our time on this matter.

Yes, I'll just take it that that means a hell of a lot of hours have been spent on this and a hell of a lot of money and we still haven't got all the information and we are going to get some sort of vote today.

Annette Telford, Apollo Bay

What I would like to know is where the water from this development is going to end up? You have the west Barham on one side, you've got the water catchment from Apollo Bay in front and you've got my land which is slip prone land. I am wondering where all this polluted water and runoff is going to end up. Also, it is flood prone land all down the front, so that's got to be taken into consideration.

Response from Brydon King, Consultant

The proposal relies on quite a bit of detail around stormwater management on the site and the capturing of some of that stormwater for reuse back into the facility being provided in the proposed tourism resort, then also managing and treating any other wastewater to go back into the gullies and eventually the Barham River. There are a number of connections between stormwater management, environmental issues and geotechnical issues and they are integrated to a level but there's more detail that needs to be worked through should a permit be issued for the development post consideration by the panel and the Minister for Planning. At this point there's a fair bit of information about how that can be managed and some detailed reports about how the integration of that happens across the site but further detail would be necessary if and when a proposal was to be approved.

Also there is a spring – a natural spring that runs out of the middle of his property and it runs through our place and feeds the animals. I'm wondering if this is all going to end up being contaminated or will the spring just up and change because you are fiddling around with the area? The other thing I'm worried about is that spring has been running out of there God knows how long; is there going to be a great big hole under there? Holes just seem to appear... and cracks in and around our place like at the bottom of our driveway... we've got the nursery there - there was a hole like this a few years ago. We rang up the Shire the other day; there's another hole on the other side – it was only this deep. If the land has got water running down through it underneath, anything could be happening and nobody knows and that water has been coming out of there for... I've been here for 59 years and it's been flowing through our paddocks for 59 years. There could be some great big hole under there.

Response from Brydon King, Consultant

There has been geotechnical investigations by the proponent and a report tabled both in the previous application and the current amended application and also Council has had a peer review of that analysis through its own geotechnical expertise. Generally there's a good response to the erosion management issues and the geotechnical issues on the land. There is some qualification that needs some more exploration but the principles are still that the issues that Mrs Telford has raised have been considered in a broad sense and those risks are at a tolerable level at the moment. That is qualified in the recommendation to Council about exploring some of the broader issues further and more detailed work would be needed in terms of detailed design and so on but fundamentally the issue has been responded to.

David Hume, Apollo Bay

I thank that you've come here today down to Apollo Bay to see the people who are here to hear what you've got to do for the voting - either for or against. We have no idea, but I noticed in *The Geelong Advertiser* this morning it says that there's support for the idea of this development and I was wondering how they got that information. How did the journalist get that information to be able to say that in print? But more importantly it looks like there's approximately 80 people here, maybe 100; could the Council put on the record at the end of this meeting how many people supported this by asking people to raise their hands for ease? A much better question would be to ask for those who support it; you don't have to count 100 people, just a few, if that could be done.

Response from the Mayor

To answer your question, I certainly haven't been talking to *The Geelong Advertiser* about this particular matter so I'm not sure where they would have gotten their information from. I don't know if an officer would care to make comment but certainly nothing has gone through our Media Department, from what I understand.

Unknown member of the Gallery

Can we have a vote?

Response from the Mayor

With respect, it is probably outside the scope of the meeting to do a public vote in here on that, as much as I understand where you are coming from. I can see what you are trying to do. It is probably outside the scope of our meeting procedure Local Law, so I do apologise but we can't do that. If you want, you can do it after the meeting closes, absolutely.

Hans Frankhanel, Wyelangta

I have been involved in planning or land use issues since 1989. I appeared before the independent panel which looked at C55 which introduced an Activities Zone and at the time we discussed the perks of the Rural Activity Zone, which was basically that agriculture was the prime use and that any other activity would support agriculture. Furthermore, when you look at the purpose of the Zone it says exactly that – that agriculture is the prime use and anything other would support

agriculture. Now what we are having here at this development is no longer agriculture being supported. It is actually the development which is the prime use of that land and any incidental agriculture which is going to continue is going to be subservient to the prime use of the land. I would say that the developer or the eventual owner of the facility (or lessee of the facility) is going to have a lot of expertise in hotel development and management but is going to have very little agricultural knowledge. Now if he employs a manager to do that, it's fine but when it comes to a decision making process - whether agriculture is going to take precedence over the hotel development - then the result is going to be that the tourism side is going to win out every time. That is one of my main concerns and I would really like to know how the Shire - and I'm asking Councillors and the officers - can actually forget about that aspect of it, which is a clear statement in the purpose to the Zone. And also, when you look at the implications for the rest of the aspects which the officers are supposed to consider, again, the prime purpose is agriculture and we're missing out on that. I'd like to have an answer from the officers.

Response from Brydon King, Consultant

It's a particularly valid question and one that is fundamental to forming a position on the overall Resort Application. In considering that, it is important that the purpose of the Rural Activity Zone is to provide for the use of agriculture and I can read the purposes here from the copy of the actual Zone but it's also to provide for other uses and development which are compatible with agriculture...

Support the agriculture!

... and the environmental and landscape characteristics of the area. Compatible is a term that will be debated and the reaction to my comment is testament to that and the idea then is about how you get that integration across both sites more broadly than the subject land and also as a feature on the subject land. It's considered an opportunity, given less than 2% of the site would be occupied with buildings, that there's an opportunity for agricultural uses to occur on the balance of the land albeit maybe not to the level that might happen in a farming zone but certainly to connect to the land use management and also tourism connects as well.

The recommendation before Council today also includes a series of conditions which seeks to emphasize that opportunity by developing a Land Management Plan that shows how that integration happens and tries to qualify how that connection will happen as a bona fide way of moving forward in terms of this tourism development and the balance of the land being managed appropriately in an agricultural sense or some connection to that. That's where the recommendation today has analysed those issues and has tried to get the connection between them consistent with the Rural Activity Zone but it is acknowledged that there are other views about how that truly works on the land as represented in the attendance at tonight's hearing.

Another point I would like to make, briefly, is that I have compared the size of Lavers Hill (the township) zoned as a township with the size of the development. The development is actually much larger than Lavers Hill and that gives you an idea about the size of what you are proposing to put into a Rural Activity Zone, which is supposed to support agriculture. Now, to me, it doesn't make sense. You add to that it is in a bushfire prone zone with a BMO [Bushfire Management Overlay] and that the only exit or egress during that time, is basically, one road. On their planning they have three roads: two roads go through a lot of bush (on one side of the road) and they have grass and pasture on the other side which is not a safe egress situation at the time of a bushfire. The other point I'm making is that in effect they're going to be on site during Code Red days and also Extreme days, whereas everybody else is going to be encouraged to leave the site, to leave their house and go to the foreshore in Apollo Bay or refuge up at Lavers Hill, or actually go to Colac

first before making use of the refuge. The refuge is the last resort. When you look at the planning or the planning aspects of it, I question the use of that site for that purpose.

Statement from the Mayor

We've gone over half an hour for Question Time but I'm going to extend Question Time another 15 minutes to give people an opportunity to talk.

Deb Tovey, Apollo Bay

Please can I have three questions because my first is how do we only have 30 minutes for a room full of people with lots of questions; how do we only allow 35 minutes for our community to talk to our Councillors? Secondly, just a follow-up on Pete Filmore's question: thank-you for acknowledging that there is such a thing as over-tourism and there is a breaking point. I'm wondering about the 75% of people who are guests out there that are arriving by bus, departing at check-out at 10:00am and then arriving at much the same time at the Twelve Apostles. If there is a breaking point, what is it and have you come to a conclusion about what that impact of those 75% of guests arriving by bus at the Twelve Apostles might be?

Response from the Mayor

The first question was to do with Question Time of 30 minutes and that is stipulated in our Local Law. I have discretion to extend that which I have done.

Can we have more meetings then, perhaps?

Response from the Mayor

You would like meetings more often, would you?

Yes, there are more questions

Response from the Mayor

For the second question, I might ask an officer to make comment. You talked about '75% of people' and you wanted to ask about the breaking point for over-tourism. Can we have a comment, please?

Response from General Manager, Development & Community Services

If I could also say in addition to what the Mayor had mentioned about Question Time, Council has also taken the opportunity to invite the Objector Group to present today as well, which is another sign of the Council's commitment to make sure it can hear the community as well on this particular issue. With the 'breaking point', it is a magical question that I actually wouldn't have the answer to and I don't think that anyone has a black and white calculation thing either, so unfortunately we don't and if we did, we'd be referencing it in every report, that's for sure.

Does that mean that we have to actually 'break' before we decide that we've actually tipped over?

Response from General Manager, Development & Community Services

No, I would certainly hope not.

Okay. Just one more question, if I can, to the Councillors: I don't know much about local politics at all but from what I have read you are our elected officials, you're here to represent us and to advocate for us. We've had 181 objectors and 14 letters of support. We've had rooms full of people who have got so many legitimate concerns about this project. Does that carry any weight with the Local Government or are we supposed to be told what is good for us and what our town needs?

Response from the Mayor

I can certainly respond to that. Of course as with any comment that any member here today makes, we all take it on board and it always weighs on our decision. So short answer is 'yes'.

Tony Webber, Otway Forum

I can't find in the documents the amount of electricity that this project will use when it is completed. Can we have an actual amount of electricity that will be required for this project?

Response from Brydon King, Consultant

I don't have an answer about the specific amount of electricity but there is an Infrastructure report that was submitted with the amended Application that includes some subdivision-stations and so on that need to be developed on the site to augment power, and there is also an offer for solar generation to be included and the recommendations suggesting that should be made a formal commitment. Discussions with Powercor have suggested that the capacity can be managed with the infrastructure that they are going to add to the site to manage the electricity flow into their site and boost it from there. That is the context that it has been put in and assessed and the consultation with the relevant agencies supported that approach.

So people who understand electricity down here, who have worked with it all the time, say that we are nearly at capacity and if we go beyond capacity we will need 66,000 volt lines brought into Apollo Bay. Now who will actually pay for that? The developers, will they contribute to that?

Response from General Manager, Development & Community Services

Further to Brydon's response, they've engaged the appropriate authorities to give advice about the capacity required that they can meet onsite. There's been nothing submitted to us from those relevant agencies to suggest that there needs to be upgrades or the like and we certainly can't predict what any future needs might be and how Powercor or the like may deal with that and the servicing of that but my understanding and experience would be is that they won't retrospectively put it on any businesses or etc that have developed in the past.

Sonja Ballinger, Apollo Bay

This question is for Brydon: Irwinconsult said in their report on infrastructure that when they contacted Powercor, Powercor said they had no assets in the area. That's in the infrastructure report. If there has been subsequent information, we haven't been told.

Response from Brydon King

The understanding I have is that they are going to pull reticulated power on to the site and need substations to boost that. I've spoken, in the past, to the Regional Manager at Powercor who confirmed they are aware of the project and they understand the impact that would have on the overall system and they were comfortable with assets being boosted on the subject site. That is the information I have.

It's just that in the developer's infrastructure report, their response from Powercor is they had no assets in the area.

Response from the Mayor

Thank you.

Carol Wilmlink, Apollo Bay

I was editing the news sheet this week and I was rather surprised to find that we have two pages of job advertisements for employment in Apollo Bay. That's 11 positions. How can this proposal 'that employment is a problem in Apollo Bay' go ahead when today's *Apollo Bay News* has 11 positions vacant compared to four or five in *The Colac Herald* and this is in the middle of winter? Where are they going to live, anyway? It sounds like a question without an answer so I'll sit down.

Mark Paech, Apollo Bay

If this goes ahead and you vote for this today, who is then liable if down the track – God forbid – things happen to go wrong? We have problems with our eco areas. Our water, our drainage - if it collapsed, who is liable? Are Councillors going to be liable when there's a massive law suit against you or the Colac Otway Shire? Are Councillors going to be liable when everybody sues the Council for loss of homes, businesses, water, people get the plague from the diluted water, whatever, who knows? I want to know who is liable because if that's the case, I want to make sure that my Council rates are going to proper things and not a trade-out fund which is going to be paying for that lawsuit which will happen.

Response from the Mayor

I guess to firstly answer your question in one part there, Council isn't deciding on whether the application is successful or not. It's deciding on what it's position will be going into the planning panel situation. With regards to your point on the liability, I might ask an officer to make comment on that because I'm not really sure about the response there.

Response from Manager, Planning, Building & Health

As you rightly point out, Council is only forming a position on the matter today and not a decision on the Application; that will be a decision by the Minister following recommendations from the Panel. But ultimately all Council can do, and officers advising Council, is consider the best information that is available and make sure that it is giving considered recommendations to Council around the range of issues. That includes important things like geotechnical landslide risk, bushfire risk and all of those issues we've examined: information sourced from the Applicant, information sourced from a

range of agencies and people that are experts in those - and we have given you our best considered opinion.

Phil Lawson, Apollo Bay

My question is to do with 4.1 in your Agenda. It states that the developer should pay for widening the Barham Road and putting in a path. Whether you support the Application or not, I'd like the Council to take to the Planning Panel that the developer should pay for that infrastructure and do it before construction commences, if it was going to occur. So that's my question to Council: can you do that? I'll leave that to you to decide.

RESOLUTION

MOVED Cr Kate Hanson

I move that Standing Orders be suspended to enable discussion on the Apollo Bay Tourist Resort at 275 Barham River Road, Apollo Bay (planning application PP169/2017-1), in the form of up to 30 minutes' presentation time for each the Applicant and the Objector Group, during which time questions from Councillors may be put.

CARRIED 5 : 0

The meeting adjourned at 4.50pm.

RESOLUTION

MOVED Cr Stephen Hart

I move that Standing Orders be resumed.

CARRIED 5 : 0

The meeting resumed at 5.53pm.

SPECIAL COUNCIL MEETING

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

SC181508-1

LOCATION / ADDRESS	275 Barham River Road, Apollo Bay	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DIVISION	Development & Community Services
TRIM FILE	F17/7572	CONFIDENTIAL	No
ATTACHMENTS	1. Attachment 1 - Amended Planning Application 2. Attachment 2 - Architectural Plans and Visual Images 3. Attachment 3 - Landscape Masterplan		
PURPOSE	To enable Council to resolve its position on the planning permit application for a tourist resort development at 275 Barham River Road, Apollo Bay which will be communicated to the Planning Minister and the Planning Panel established by the Minister.		

RECOMMENDATION

RECOMMENDATION 1

That Council:

1. *Notes that the authority to decide the merits of the proposed tourism resort at 275 Barham River Road, Apollo Bay rests with the Minister for Planning subject to advice from the Advisory Panel appointed by the Minister for Planning to consider the proposal.*
2. *Notes that a Cultural Heritage Management Plan is required to be submitted and approved for the development under the Aboriginal Heritage Act 2006 prior to the issue of any planning permit by the Minister.*
3. *Having assessed the amended application on merit against the Colac Otway Planning Scheme decides to offer conditional support for the use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation based on the following:*
 - 3.1. *The proposal will support strategic objectives related to tourism development along the Great Ocean Road and assist with development of the local and regional economy.*

- 3.2. *Subject to further analysis of the landscape visual assessment via the Panel process, the proposal is consistent with the purpose of the Rural Activity Zone and can integrate into the site and not detrimentally impact on the landscape.*
- 3.3. *Subject to clarification of specific detailed elements associated with the Geotechnical and Landslip Risk assessment, the proposal can adequately respond to environmental risks and issues on the land as identified by relevant overlays present on the land.*
4. *Agrees that support for the development is subject to:*
 - 4.1. *Off-site infrastructure being implemented at the cost of the applicant to widen parts of Barham River Road, undertake intersection treatments and provide a path linking the site to the Apollo Bay township.*
 - 4.2. *An alternate arrangement of car parking to service the main hotel and clarity of risk factors in the Geotechnical and Landslip Risk assessment as identified in the draft conditions.*
 - 4.3. *Further landscape visual analysis being undertaken for consideration through the Panel process that confirms the likely visual impact of buildings in the landscape, including understanding of the methodology used in the photomontages and assessment of further viewing points in the landscape where the development may be visible (including potential views across the site from Great Ocean Road west of Marengo).*
5. *Requests the Panel to seek further information on the reference to a proposed telecommunications tower within the site, to ensure that any new facility is appropriately sited and designed to minimise amenity impacts.*
6. *Notes that reference is made within the amended application documentation to transfer of persons to the site via helicopter, and that this would require a specific authorisation to be given through a planning permit. No such authorisation has been sought for the current application, and Council notes that such a proposal would be contrary to the Rural Activity Zone.*
7. *Supports the above position being presented to the Advisory Panel.*

RECOMMENDATION 2

That Council supports the following draft conditions being presented to the Advisory Panel related to the proposed use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay as required by the direction 8 of the Advisory Panel correspondence 20 March 2018 (noting that these may need to be revised in light of any evidence presented to the Panel):

Amended plans

1. *Prior to commencement of the development 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 and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*

- a. *A total of at least 122 car parking spaces to the rear of the main hotel building to adequately service the hotel, restaurant, wellness centre and swimming pool uses. The parking is to be designed to allow for full circulation without requiring reversing out onto the main access driveway. Other parking areas identified on the plans, including the overflow parking area, in proximity to the maintenance area can remain.*
- b. *Swept paths showing access to the loading bay for larger vehicles.*
- c. *Vegetation removal consistent with the Biodiversity Assessment report by Ecology and Partners Pty Ltd dated May 2018.*
- d. *An Integrated landscaping plan for the site showing planting and landscaping outcomes consistent with the Bushfire Management report prepared by South Coast Bushfire Consultants dated 9 May 2018 and including:*
 - i. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.*
 - ii. *Details of surface finishes of pathways and driveways.*
- e. *Detailed engineering plans of specific mitigation measures responding to the recommendations of the Landslide Risk Assessment report by Golder Associates 1 November 2017 and letter of 15 May 2018.*

Alteration to endorsed plans

- 2. *The endorsed plans must not be altered without the written consent of the responsible authority.*

Geotechnical and Landslip risk assessment report

- 3. *Prior to commencement of the development, an updated Geotechnical and Landslip Risk Assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Geotechnical and Landslip Risk Assessment report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Geotechnical Assessment and Landslip Risk Assessment by Golder Associates in its letter dated 15 May 2018 but modified to respond to the following:*
 - a. *Explanation of whether the identified geotechnical hazards can travel out of higher risk zones to lower risk zones and whether the zones been developed to allow buffers for such.*
 - b. *Confirmation that any minimum buffer distance has been applied from the boundary of high and very high risk zones if necessary.*
 - c. *Removal of the expansion to the hotel complex and upgrades to the old access road from the overall development indicates engineering measures are not now needed in these areas. Confirmation is sought on how the potential removal of such engineering measures impacts the areas immediately adjacent to these areas and whether there would be any increase in risk in these adjacent areas because these measures are potentially not implemented.*
 - d. *Reference to other geological structures such as the Apollo Bay Syncline and the Barham fault and their relevance to the site as part of a broader geological setting in the area.*

- e. *Comment regarding potential seismicity in the Otways and any impact of slope stability at the site.*
- f. *Provide further detail and explanation of what constitutes “engineering measures including drainage” and “engineering measures to improve drainage” and how feasible such measures may be.*
- g. *Comment on what further targeted intrusive geotechnical investigation works (which are required to inform detailed design and confirm risks) may be.*
- h. *Assessment to confirm that any stormwater drainage and waterway management proposed for the site is consistent with the identified geotechnical risks.*
- i. *Allowance for detailed engineering plans to be submitted for approval under the Erosion Management Overlay.*

Section 173 agreement

4. *Prior to the commencement of the development, 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. *Widen Barham River Road to 6.2 metres with minimum 1.5 metres shoulder where necessary and provide an auxiliary left turning lane into the entry to the site and any other traffic management upgrades which are considered necessary to support the development based on external expert advice received by Council prior to a hearing of the Panel or a decision by the Minister. Details of any road upgrade/improvements need to be submitted to Council for approval prior to commencement.*
 - b. *The provision of a sealed path along Barham River Road from the subject land to Nelson Street.*
 - c. *That the villas cannot be leased, sold or operated separately from the residential hotel use on the land.*
 - d. *The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP169/2017, 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.

Consolidation

5. *Prior to commencement of the development, Lot 1 P757287 (Vol 04068 Fol 542) and Lot 2 PS515118 (Vol 10725 Fol 985) comprising the subject land, must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Emergency Management Plan

6. *Prior to commencement of the development, an updated Emergency Management Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Emergency Management Plan must be provided. When approved, the Emergency Management Plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Emergency Management Plan submitted with the amended application by Resource Management Consulting dated June 2018 but modified to remove reference to access along a new road to the site and access along the Old Harden Vale Road as these elements have not received formal approval.*

Lighting Management Plan

7. *Prior to the commencement of the development a lighting management plan for the site must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Lighting Management Plan must be provided. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*
 - a. *Outlining how appropriate but minimal lighting with low luminescence can be provided on the site to minimise lighting impacts associated with the development at night.*
 - b. *Measures to screen lighting impacts beyond the boundaries of the site (including use of topography, built form and landscaping).*
 - c. *Use of appropriate shrouding and low level lighting.*
 - d. *Use of automated measures to ensure lighting of roads, buildings and common areas is switched off, at appropriate times.*

Land Management Plan

8. *Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*
 - a. *Site plan.*
 - b. *Site description.*
 - c. *List of the objectives for the property.*
 - d. *A description of native plants on site and in the area.*
 - e. *A description of the site outside the native vegetation areas.*
 - f. *Bushfire Management.*
 - g. *Identification of Land Management Issues.*
 - h. *Goal setting and specification of actions and implementation and monitoring of the identified actions.*

The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

9. *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 development 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.*

Service Infrastructure report

10. *Prior to commencement of the development, an updated Service Infrastructure Report, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Service Infrastructure Report must be provided. When approved, the Service Infrastructure Report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Service Infrastructure Report submitted with the amended application by Irwin Consult dated 10 May 2018 but modified to commit to the provision of an appropriate solar panel system to service the site and detail a time frame for provision.*

Construction Management Plan

11. *Before the development starts a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:*
 - a. *Management of stormwater during construction to avoid 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).*
 - b. *Measures to minimise the impacts of construction vehicles arriving and departing from the land.*
 - c. *Measures to accommodate private vehicles of workers/tradespersons.*
 - d. *Details of the construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers facilities.*

- e. *Noise attenuation measures to be put in place to protect the amenity of the surrounding area during construction having regard to the EPA Guidelines on Construction and Demolition Noise.*
- f. *Measures to minimise the generation and dispersal of dust.*
- g. *Details of a 24 hour hotline for access to a project manager accountable for the project and compliance with the Construction Management Plan.*
- h. *Arrangements for waste collection and other services during construction.*

Waste Management Plan

12. Before the development starts a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:

- a. *Arrangement for the storage and collection of waste.*
- b. *Collection times and frequency.*

Native vegetation and Landscaping

13. Within 12 months of the occupation of the development, 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.

14. The removal of native vegetation must be in accordance with the endorsed plan and as identified in the Biodiversity Assessment report Ecology and Partners Pty Ltd May 18 to the satisfaction of the Responsible Authority.

15. In order to offset the removal of 2.95 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual.

The offset must:

- a. *Contribute gain of 0.500 general biodiversity equivalence units.*
 - b. *Be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district.*
 - c. *have a strategic biodiversity score of at least 0.661.*
- 16. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual. Offset evidence can be either:**

- a. *A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b. *A credit register extract from the Native Vegetation Credit Register.*
17. *In the event the offset is provided through a security agreement:*
- a. *Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.*
 - b. *Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
18. *Before any site works start, tree protection fencing must be erected for a distance of at least 2 metres (trunk) around the native trees to be retained at the site and in the road reserve. The tree protection fencing must be maintained in good order throughout the entire construction period and no soil or building materials is to be placed within the tree protection zone.*
19. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
20. *Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*

Landslip and Geotechnical

21. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment and Landslip Risk Assessment by Golder & Associates or any Geotechnical Practitioner engaged to review those assessments submitted with the application.*
22. *All bored piers, site cuts and excavations must be inspected by a qualified geotechnical engineer during construction and the profiles documented. A copy of the profiles must be lodged with the Responsible Authority within thirty days of inspection.*
23. *Within three months of completion of the building, a Geotechnical Engineer must be engaged to inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000. In the event that the works are not acceptable as defined, details of corrective measures must be submitted to and approved in writing by the Responsible Authority. Any such measures must be implemented within 1 month of approval being given by the Responsible Authority, unless an alternative timeframe is agreed in writing by the Responsible Authority.*

Maximum building height - RL

24. *The maximum building height of the main hotel building must not exceed RL102.8 to the observatory in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.*

Surveyor's certificate – set out and frame

25. *Written statements from a licensed surveyor must be submitted for approval to the Responsible Authority confirming:*

- a. That the buildings have been set out in accordance with the endorsed plan; and*
- b. That the roof levels will not exceed the roof levels specified on the endorsed plan.*

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

Car parking and accessways

26. *Before the occupation of the development internal road and accessways must be constructed in accordance with the endorsed plans.*

27. *Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*

- a. Constructed.*
- b. Properly formed to such levels that they can be used in accordance with the plans*
- c. Surfaced with an all-weather-seal coat or crushed rock surface as indicated on the endorsed plans.*
- d. Drained.*
- e. Clearly marked to show the direction of traffic along access lanes and driveways.*
- f. Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Loading and unloading

28. *The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.*

29. *The loading bay must remain free for the purpose of loading and unloading at all times.*

Stormwater runoff

30. *All runoff from stormwater, including overflow from water storage, must be undertaken in accordance with the Stormwater Drainage and Waterway Management report by Irwin Consulting dated 9 May 2018 to the satisfaction of the Responsible Authority.*

31. *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.*

Public address system

32. *No public address or sound system shall be used on the subject land except one which is audible only within the building on the land unless in an emergency.*

Noise control

33. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*

Hours of operation

34. *The main restaurant and wellness centre available to guests and the public hereby permitted must operate only between the hours of:*
- *6am to 10pm from Monday to Sundays and public holidays*

General Amenity

35. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a. *Transport of materials, goods or commodities to or from the land.*
 - b. *Appearance of any building, works or materials.*
 - c. *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
 - d. *Presence of vermin.*

Maximum seating

36. *No more than 150 seats may be made available at any one time to patrons of the main restaurant on the premises that is available to guests and the public, unless otherwise approved in writing by the Responsible Authority.*

CFA CONDITIONS:

Bushfire Management Plan amended

37. *Before the approved development commences under this permit, an amended Bushfire Management Plan to the satisfaction of the responsible authority and the CFA must be submitted to and approved by the responsible authority. When approved, the Bushfire Management Plan will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.*

The Bushfire Management Plan must be generally in accordance with the plan submitted with the application (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) but modified to show:

- a. *Any buildings and works required as a result of the Bushfire Emergency Management Plan required to be prepared as a condition of this permit.*

- b. The buildings, works and vehicle & pedestrian roads/accesses for the firefighting systems required as a condition of this permit.*
- c. Landscaping arrangements for all areas of the site that minimise the potential for a bushfire to spread into the site from surrounding land and from ember attack. This includes but is not limited to those areas close to buildings that require management as defensible space for the purpose of building protection.*

Once endorsed, the Bushfire Management Plan must not be altered without the written consent of the CFA and the Responsible Authority.

- 38. A firefighting system for both structural and bushfire use (BMO) will be provided at the site and will include a water supply/supplies, fire pumps, ring main, sprinkler system, booster system, hydrants, fire hose reels etc. All systems will be installed and maintained at the subject site "to the satisfaction of CFA". This also includes fire fighter vehicular and pedestrian access to the equipment including booster point, fire pumps, hydrants, fire hose reels etc.*
- 39. Access to, and around the complex including roads, bridges etc, shall provide fully complaint access for the full range of CFA appliances that would normally be expected to respond to a fire call at the facility from Slip on Units with a weight capacity of 3.9 Tonnes, Tanker at 15 Tonnes and Pumpers at 18 Tonnes +. Access arrangements for the site will be constructed and maintained to the satisfaction of CFA.*
- 40. Before the approved development commences under this permit, a BUSHFIRE EMERGENCY PLAN to the satisfaction of the Responsible Authority and CFA must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the submitted Bushfire Management Statement (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) and satisfactorily address the following matters:*
 - The Fire Danger Rating triggers for the closure of the facility.*
 - Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.*
 - Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable). Where shelter is required or proposed within a building or structure, the need for a bushfire attack level construction requirement to be applied must be assessed by a suitably qualified person and where deemed necessary, specified in the approved Bushfire Management Plan.*
 - Transport arrangements for staff and visitors.*
 - The need for any additional arrangements for persons with special needs.*
 - Training of staff, visitors and overnight guests on emergency procedures.*
 - The nature and frequency of emergency procedure exercises.*
 - Emergency procedures (bushfire action statements) including the assignment of roles and*

responsibilities to staff. This must include assigning responsibility for the:

- Management and oversight of emergency procedures.*
- Training of employees in emergency procedures.*
- Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.*
- Accounting for all persons during the emergency procedures.*
- Monitoring and review of the BEP at least annually.*

- 41. CFA recommends that EMERGENCY MANAGEMENT PLANS are developed in line with AS 3745: Planning for emergencies in facilities, in relation but not limited to emergency prevention, emergency preparedness, and emergency mitigation. Emergency Plans will be developed for the site "to the satisfaction of CFA".*

Mandatory condition

- 42. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.*

BARWON WATER CONDITIONS

General

- 43. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*
- 44. The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation.*
- 45. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the Subdivision Act 1988.*
- 46. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.*

Potable Water

- 47. The provision and installation of a potable water supply to the development.*
- 48. Reticulated potable water mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*

49. *Private internal water services are required. Provision of private services is subject to the land owner entering into a Water Supply by Separate Written Agreement with Barwon Water.*
50. *Metering of water supply to the development is required to the satisfaction of Barwon Water and to be determined at the time a Developer Deed is issued.*
51. *The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

Sewer

52. *The provision and installation of a sewerage service to the development.*
53. *Reticulated sewer mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
54. *Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.*

Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.

Expiry of Permit

55. *This permit will expire if one of the following circumstances applies:*
 - *The development, including vegetation removal, and/or use is not started within four years of the date of this permit.*
 - *The development is not completed within six 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:

Health Requirements

The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of

Council's Environmental Health Officer has been obtained and the registration of the property under the Food Act 1984 has been completed.

Liquor Licence required

The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.

ALTERNATIVE MOTION

MOVED Cr Chris Smith

RECOMMENDATION 1

That Council:

1. *Notes that the authority to decide the merits of the proposed tourism resort at 275 Barham River Road, Apollo Bay rests with the Minister for Planning subject to advice from the Advisory Panel appointed by the Minister for Planning to consider the proposal.*
2. *Notes that a Cultural Heritage Management Plan is required to be submitted and approved for the development under the Aboriginal Heritage Act 2006 prior to the issue of any planning permit by the Minister.*
3. *Having assessed the amended application on merit against the Colac Otway Planning Scheme decides to not support the use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation based on the following:*
 - 3.1. *The proposal does not support the strategic objectives related to tourism development along the Great Ocean Road and will not assist with development of the local and regional economy.*
 - 3.2. *Subject to further analysis of the landscape visual assessment via the Panel process, the proposal is inconsistent with the purpose of the Rural Activity Zone and cannot integrate into the site and not detrimentally impact on the landscape.*
 - 3.3. *Elements associated with the Geotechnical and Landslip Risk assessment of the proposal raises environmental risks and issues on the land as identified by relevant overlays present on the land.*
4. *Requests the Panel to seek further information on the reference to a proposed telecommunications tower within the site, to ensure that any new facility is appropriately sited and designed to minimise amenity impacts.*
5. *Notes that reference is made within the amended application documentation to transfer of persons to the site via helicopter, and that this would require a specific authorisation to be given through a planning permit. No such authorisation has been sought for the current application, and Council notes that such a proposal would be contrary to the Rural Activity Zone.*
6. *Supports the above position being presented to the Advisory Panel.*

The meeting adjourned for a short break at 6.27pm to allow Cr Smith time to consider the wording of his alternative motion.

The meeting resumed at 6.45pm, at which time the Alternative Motion above was withdrawn.

ALTERNATIVE MOTION 1

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

- 1. Notes that the authority to decide the merits of the proposed tourism resort at 275 Barham River Road, Apollo Bay rests with the Minister for Planning subject to advice from the Advisory Panel appointed by the Minister for Planning to consider the proposal.**
- 2. Having assessed the amended application on merit against the Colac Otway Planning Scheme decides to not support the use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay based on the following grounds:**
 - 2.1 The proposal is inconsistent with the purpose of the Rural Activity Zone by virtue of the scale of the development and its visual prominence in the surrounding landscape, and that it would detract from the environmental and agricultural aspects of the location.**
 - 2.2 The proposal will be visually obtrusive on the site and will detrimentally impact on the wider landscape which is nationally significant.**
 - 2.3 The proposal has not provided clear justification that the geotechnical and landslip risks have been adequately identified and appropriately responded to the requirements of the Erosion Management Overlay Schedule 1.**
 - 2.4 The anticipated vegetation removal along the central designated waterway on the site is contrary to the objectives of the Rural Activity Zone, Significant Landscape Overlay Schedule 3 and Clause 52.17.**
 - 2.5 The proposal has not provided appropriate parking to service the main hotel building.**
 - 2.6 The proposal will result in unreasonable traffic impacts on the Barham River Road without widening of the Barham River Road.**
 - 2.7 The additional traffic generated by the proposal will have unreasonable impacts on the amenity of residents along Barham River Road, Nelson Street and other local roads.**
 - 2.8 The access to the site along Barham River Road is affected by flooding of the Barham River from time to time, and it has not been adequately demonstrated how this will impact on accessibility to the site by patrons and staff.**

2.9 The proposal will adversely impact the night sky of the location through lighting across the site associated with the use/development.

2.10 The opportunity for emergency evacuation is limited.

- 3. Requests the Panel to seek further information on the reference to a proposed telecommunications tower within the site, to ensure that any new facility is appropriately sited and designed to minimise amenity impacts.*
- 4. Notes that reference is made within the amended application documentation to transfer of persons to the site via helicopter, and that this would require a specific authorisation to be given through a planning permit. No such authorisation has been sought for the current application, and Council notes that such a proposal would be contrary to the Rural Activity Zone.*
- 5. Supports the above position being presented to the Advisory Panel hearing scheduled to commence on the 12 September 2018.*

CARRIED 5 : 0

ALTERNATIVE MOTION 2

MOVED Cr Chris Smith seconded Cr Stephen Hart

That Council supports the following “without prejudice” draft conditions being presented to the Advisory Panel related to the proposed use and development of the land for a residential hotel and associated leisure and recreation facility and removal of vegetation at 275 Barham River Road, Apollo Bay as required by the direction 8 of the Advisory Panel correspondence 20 March 2018 (noting that these may need to be revised in light of any evidence presented to the Panel and shall not be circulated to the parties until after the Ordinary Council Meeting to be held on 22 August 2018 to allow for the possibility of further amendment).

Amended plans

- 1. Prior to commencement of the development 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 and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a. A total of at least 122 car parking spaces to the rear of the main hotel building to adequately service the hotel, restaurant, wellness centre and swimming pool uses. The parking is to be designed to allow for full circulation without requiring reversing out onto the main access driveway. Other parking areas identified on the plans, including the overflow parking area, in proximity to the maintenance area can remain.*
 - b. Swept paths showing access to the loading bay for larger vehicles.*
 - c. Vegetation removal consistent with the Biodiversity Assessment report by Ecology and Partners Pty Ltd dated May 2018.**

- d. *An Integrated landscaping plan for the site showing planting and landscaping outcomes consistent with the Bushfire Management report prepared by South Coast Bushfire Consultants dated 9 May 2018 and including:*
 - i. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.*
 - ii. *Details of surface finishes of pathways and driveways.*
- e. *Detailed engineering plans of specific mitigation measures responding to the recommendations of the Landslide Risk Assessment report by Golder Associates 1 November 2017 and letter of 15 May 2018.*

Alteration to endorsed plans

- 2. *The endorsed plans must not be altered without the written consent of the responsible authority.*

Geotechnical and Landslip risk assessment report

- 3. *Prior to commencement of the development, an updated Geotechnical and Landslip Risk Assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Geotechnical and Landslip Risk Assessment report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Geotechnical Assessment and Landslip Risk Assessment by Golder Associates in its letter dated 15 May 2018 but modified to respond to the following:*
 - a. *Explanation of whether the identified geotechnical hazards can travel out of higher risk zones to lower risk zones and whether the zones been developed to allow buffers for such.*
 - b. *Confirmation that any minimum buffer distance has been applied from the boundary of high and very high risk zones if necessary.*
 - c. *Removal of the expansion to the hotel complex and upgrades to the old access road from the overall development indicates engineering measures are not now needed in these areas. Confirmation is sought on how the potential removal of such engineering measures impacts the areas immediately adjacent to these areas and whether there would be any increase in risk in these adjacent areas because these measures are potentially not implemented.*
 - d. *Reference to other geological structures such as the Apollo Bay Syncline and the Barham fault and their relevance to the site as part of a broader geological setting in the area.*
 - e. *Comment regarding potential seismicity in the Otways and any impact of slope stability at the site.*
 - f. *Provide further detail and explanation of what constitutes “engineering measures including drainage” and “engineering measures to improve drainage” and how feasible such measures may be.*
 - g. *Comment on what further targeted intrusive geotechnical investigation works (which are required to inform detailed design and confirm risks) may be.*

- h. Assessment to confirm that any stormwater drainage and waterway management proposed for the site is consistent with the identified geotechnical risks.*
- i. Allowance for detailed engineering plans to be submitted for approval under the Erosion Management Overlay.*

Section 173 agreement

- 4. Prior to the commencement of the development, 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. Widen Barham River Road to 6.2 metres with minimum 1.5 metres shoulder where necessary and provide an auxiliary left turning lane into the entry to the site and any other traffic management upgrades which are considered necessary to support the development based on external expert advice received by Council prior to a hearing of the Panel or a decision by the Minister. Details of any road upgrade/improvements need to be submitted to Council for approval prior to commencement.*
 - b. The provision of a sealed path along Barham River Road from the subject land to Nelson Street.*
 - c. That the villas cannot be leased, sold or operated separately from the residential hotel use on the land.*
 - d. The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP169/2017, 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.

Consolidation

- 5. Prior to commencement of the development, Lot 1 P757287 (Vol 04068 Fol 542) and Lot 2 PS515118 (Vol 10725 Fol 985) comprising the subject land, must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Emergency Management Plan

- 6. Prior to commencement of the development, an updated Emergency Management Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Emergency Management Plan must be provided. When approved, the Emergency Management Plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Emergency Management Plan submitted with the amended application by Resource Management Consulting dated June 2018 but modified to remove reference to access along a new road to the site and access along the Old Harden Vale Road as these elements have not received formal approval.*

Lighting Management Plan

7. *Prior to the commencement of the development a lighting management plan for the site must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Lighting Management Plan must be provided. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*
- d. Outlining how appropriate but minimal lighting with low luminescence can be provided on the site to minimise lighting impacts associated with the development at night.*
 - e. Measures to screen lighting impacts beyond the boundaries of the site (including use of topography, built form and landscaping).*
 - f. Use of appropriate shrouding and low level lighting.*
 - d. Use of automated measures to ensure lighting of roads, buildings and common areas is switched off, at appropriate times.*

Land Management Plan

8. *Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*
- a. Site plan.*
 - b. Site description.*
 - c. List of the objectives for the property.*
 - d. A description of native plants on site and in the area.*
 - e. A description of the site outside the native vegetation areas.*
 - f. Bushfire Management.*
 - g. Identification of Land Management Issues.*
 - h. Goal setting and specification of actions and implementation and monitoring of the identified actions.*

The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

9. *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 development 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.*

Service Infrastructure report

10. *Prior to commencement of the development, an updated Service Infrastructure Report, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Service Infrastructure Report must be provided. When approved, the Service Infrastructure Report will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Service Infrastructure Report submitted with the amended application by Irwin Consult dated 10 May 2018 but modified to commit to the provision of an appropriate solar panel system to service the site and detail a time frame for provision.*

Construction Management Plan

11. *Before the development starts a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:*
- a. *Management of stormwater during construction to avoid 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).*
 - b. *Measures to minimise the impacts of construction vehicles arriving and departing from the land.*
 - c. *Measures to accommodate private vehicles of workers/tradespersons.*
 - d. *Details of the construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers facilities.*
 - e. *Noise attenuation measures to be put in place to protect the amenity of the surrounding area during construction having regard to the EPA Guidelines on Construction and Demolition Noise.*
 - f. *Measures to minimise the generation and dispersal of dust.*
 - g. *Details of a 24 hour hotline for access to a project manager accountable for the project and compliance with the Construction Management Plan.*
 - h. *Arrangements for waste collection and other services during construction.*

Waste Management Plan

12. *Before the development starts a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must address the following matters:*

- a. Arrangement for the storage and collection of waste.*
- b. Collection times and frequency.*

Native vegetation and Landscaping

13. *Within 12 months of the occupation of the development, 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.*

14. *The removal of native vegetation must be in accordance with the endorsed plan and as identified in the Biodiversity Assessment report Ecology and Partners Pty Ltd May 18 to the satisfaction of the Responsible Authority.*

15. *In order to offset the removal of 2.95 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual.*

The offset must:

- a. Contribute gain of 0.500 general biodiversity equivalence units.*
 - b. Be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district.*
 - c. have a strategic biodiversity score of at least 0.661.*
16. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual. Offset evidence can be either:*
- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b. A credit register extract from the Native Vegetation Credit Register.*
17. *In the event the offset is provided through a security agreement:*
- a. Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.*

- b. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
- 18. Before any site works start, tree protection fencing must be erected for a distance of at least 2 metres (trunk) around the native trees to be retained at the site and in the road reserve. The tree protection fencing must be maintained in good order throughout the entire construction period and no soil or building materials is to be placed within the tree protection zone.*
- 19. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
- 20. Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway.*

Landslip and Geotechnical

- 21. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment and Landslip Risk Assessment by Golder & Associates or any Geotechnical Practitioner engaged to review those assessments submitted with the application.*
- 22. All bored piers, site cuts and excavations must be inspected by a qualified geotechnical engineer during construction and the profiles documented. A copy of the profiles must be lodged with the Responsible Authority within thirty days of inspection.*
- 23. Within three months of completion of the building, a Geotechnical Engineer must be engaged to inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000. In the event that the works are not acceptable as defined, details of corrective measures must be submitted to and approved in writing by the Responsible Authority. Any such measures must be implemented within 1 month of approval being given by the Responsible Authority, unless an alternative timeframe is agreed in writing by the Responsible Authority.*

Maximum building height - RL

- 24. The maximum building height of the main hotel building must not exceed RL102.8 to the observatory in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.*

Surveyor's certificate – set out and frame

- 25. Written statements from a licensed surveyor must be submitted for approval to the Responsible Authority confirming:*
 - a. That the buildings have been set out in accordance with the endorsed plan; and*
 - b. That the roof levels will not exceed the roof levels specified on the endorsed plan.*

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

Car parking and accessways

26. *Before the occupation of the development internal road and accessways must be constructed in accordance with the endorsed plans.*
27. *Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
- a. *Constructed.*
 - b. *Properly formed to such levels that they can be used in accordance with the plans*
 - c. *Surfaced with an all-weather-seal coat or crushed rock surface as indicated on the endorsed plans.*
 - d. *Drained.*
 - e. *Clearly marked to show the direction of traffic along access lanes and driveways.*
 - f. *Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Loading and unloading

28. *The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.*
29. *The loading bay must remain free for the purpose of loading and unloading at all times.*

Stormwater runoff

30. *All runoff from stormwater, including overflow from water storage, must be undertaken in accordance with the Stormwater Drainage and Waterway Management report by Irwin Consulting dated 9 May 2018 to the satisfaction of the Responsible Authority.*
31. *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.*

Public address system

32. *No public address or sound system shall be used on the subject land except one which is audible only within the building on the land unless in an emergency.*

Noise control

33. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*

Hours of operation

34. *The main restaurant and wellness centre available to guests and the public hereby permitted must operate only between the hours of:*

- *6am to 10pm from Monday to Sundays and public holidays*

General Amenity

35. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*

- a. *Transport of materials, goods or commodities to or from the land.*
- b. *Appearance of any building, works or materials.*
- c. *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- d. *Presence of vermin.*

Maximum seating

36. *No more than 150 seats may be made available at any one time to patrons of the main restaurant on the premises that is available to guests and the public, unless otherwise approved in writing by the Responsible Authority.*

CFA CONDITIONS:

Bushfire Management Plan amended

37. *Before the approved development commences under this permit, an amended Bushfire Management Plan to the satisfaction of the responsible authority and the CFA must be submitted to and approved by the responsible authority. When approved, the Bushfire Management Plan will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.*

The Bushfire Management Plan must be generally in accordance with the plan submitted with the application (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) but modified to show:

- a. *Any buildings and works required as a result of the Bushfire Emergency Management Plan required to be prepared as a condition of this permit.*
- b. *The buildings, works and vehicle & pedestrian roads/accesses for the firefighting systems required as a condition of this permit.*
- c. *Landscaping arrangements for all areas of the site that minimise the potential for a bushfire to spread into the site from surrounding land and from ember attack. This includes but is not limited to those areas close to buildings that require management as defensible space for the purpose of building protection.*

Once endorsed, the Bushfire Management Plan must not be altered without the written consent of the CFA and the Responsible Authority.

38. *A firefighting system for both structural and bushfire use (BMO) will be provided at the site and will include a water supply/supplies, fire pumps, ring main, sprinkler system, booster system, hydrants, fire hose reels etc. All systems will be installed and maintained at the subject site "to the satisfaction of CFA". This also includes fire fighter vehicular and pedestrian access to the equipment including booster point, fire pumps, hydrants, fire hose reels etc.*
39. *Access to, and around the complex including roads, bridges etc, shall provide fully complaint access for the full range of CFA appliances that would normally be expected to respond to a fire call at the facility from Slip on Units with a weight capacity of 3.9 Tonnes, Tanker at 15 Tonnes and Pumpers at 18 Tonnes +. Access arrangements for the site will be constructed and maintained to the satisfaction of CFA.*
40. *Before the approved development commences under this permit, a BUSHFIRE EMERGENCY PLAN to the satisfaction of the Responsible Authority and CFA must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the submitted Bushfire Management Statement (Section 6, Page 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants dated 25/06/2018) and satisfactorily address the following matters:*
- *The Fire Danger Rating triggers for the closure of the facility.*
 - *Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.*
 - *Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable). Where shelter is required or proposed within a building or structure, the need for a bushfire attack level construction requirement to be applied must be assessed by a suitably qualified person and where deemed necessary, specified in the approved Bushfire Management Plan.*
 - *Transport arrangements for staff and visitors.*
 - *The need for any additional arrangements for persons with special needs.*
 - *Training of staff, visitors and overnight guests on emergency procedures.*
 - *The nature and frequency of emergency procedure exercises.*
 - *Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:*
 - *Management and oversight of emergency procedures.*
 - *Training of employees in emergency procedures.*
 - *Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.*
 - *Accounting for all persons during the emergency procedures.*
 - *Monitoring and review of the BEP at least annually.*

41. CFA recommends that EMERGENCY MANAGEMENT PLANS are developed in line with AS 3745: Planning for emergencies in facilities, in relation but not limited to emergency prevention, emergency preparedness, and emergency mitigation. Emergency Plans will be developed for the site "to the satisfaction of CFA".

Mandatory condition

42. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

BARWON WATER CONDITIONS

General

43. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
44. The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation.
45. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the Subdivision Act 1988.
46. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.

Potable Water

47. The provision and installation of a potable water supply to the development.
48. Reticulated potable water mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.
49. Private internal water services are required. Provision of private services is subject to the land owner entering into a Water Supply by Separate Written Agreement with Barwon Water.
50. Metering of water supply to the development is required to the satisfaction of Barwon Water and to be determined at the time a Developer Deed is issued.
51. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the

infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

Sewer

52. *The provision and installation of a sewerage service to the development.*

53. *Reticulated sewer mains are required external to the land. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*

54. *Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.*

Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.

Expiry of Permit

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

- *The development, including vegetation removal, and/or use is not started within four years of the date of this permit.*
- *The development is not completed within six 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:

Health Requirements

The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of Council's Environmental Health Officer has been obtained and the registration of the property under the Food Act 1984 has been completed.

Liquor Licence required

The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.

CARRIED 5 : 0



The meeting was declared closed at 7.18pm

CONFIRMED at the meeting held on 26 SEPTEMBER 2018

A handwritten signature in purple ink, reading "J. McCreckin", written over a horizontal dotted line.