

Corangamite Shire

AGENDA

Ordinary Council Meeting

7.00 pm • Tuesday 19 December 2017

*Killara Centre
210-212 Manifold Street, Camperdown*

Order of Business

1. PRAYER
2. APOLOGIES
3. DECLARATIONS OF CONFLICT OF INTEREST
4. CONFIRMATION OF MINUTES
RECOMMENDATION
That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 28 November 2017 be confirmed.
5. DEPUTATIONS & PRESENTATIONS
6. MAYOR'S REPORT
7. COMMITTEE REPORTS
8. INFORMATION BULLETIN
9. PLANNING REPORTS
10. OFFICERS' REPORTS
11. OTHER BUSINESS
12. OPEN FORUM
13. CONFIDENTIAL ITEMS

ANDREW MASON
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The advice and information contained herein is given by the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written enquiry should be made to the Council giving the entire reason or reasons for seeking the advice or information and how it is proposed to be used.

Table of Contents

Item No.		Page No.
1.	PRAYER	1
2.	APOLOGIES	1
3.	DECLARATIONS OF CONFLICT OF INTEREST	1
4.	CONFIRMATION OF MINUTES	1
5.	DEPUTATIONS & PRESENTATIONS.....	3
6.	MAYOR'S REPORT	4
6.1	MAYOR'S REPORT.....	4
7.	COMMITTEE REPORTS.....	6
8.	INFORMATION BULLETIN.....	7
9.	PLANNING REPORTS	8
9.1	PLANNING PERMIT APPLICATION PP2017/119 12 APOSTLES HOT SPRINGS.....	8
10.	OFFICERS' REPORTS.....	55
10.1	DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021.....	55
10.2	SUBMISSION ON NAROGHID WIND ENERGY FACILITY - PLANNING PERMIT APPLICATION PA1700276	59
10.3	DRAFT VICTORIAN RURAL DRAINAGE STRATEGY SUBMISSION	68
10.4	INTENTION TO CONSIDER SALE - LOT 1 TP616917W, NEWFIELD LANE, NEWFIELD	74
10.5	INTENTION TO CONSIDER SALE - LOTS 1, 2 AND 3 TP862769J GNARPURT ROAD, LISMORE	80
10.6	QUICK RESPONSE GRANTS - DECEMBER 2017 ALLOCATION	87
10.7	RECORDS OF ASSEMBLY OF COUNCILLORS.....	90
11.	OTHER BUSINESS	97
12.	OPEN FORUM	98
13.	CONFIDENTIAL ITEMS	99

5. DEPUTATIONS & PRESENTATIONS

1. Members of the public may address Council under this section of the Agenda of an Ordinary Meeting of the Council if:
 - a) The person is addressing the Council in respect to a submission on an issue under Section 223 of the *Local Government Act*, or
 - b) The person has requested that they address Council on an issue and the Mayor has agreed that they be heard.
2. Requests to address Council must be received by 5.00 pm on the day prior to the scheduled Ordinary Meeting of the Council.
3. Presentations made to Council in this section of the Agenda may not exceed five minutes in length, although Councillors may ask questions proceeding each presentation. If a presentation exceeds five minutes in length, the Mayor may request that the presenter ceases to address Council immediately.

6. MAYOR'S REPORT

6.1 Mayor's Report

Author: Jo Beard, Mayor

File No: D17/803

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jo Beard

In providing this advice to Council as the Mayor, I have no interests to disclose in this report.

Issues

Summer isn't far behind autumn, spring or winter as the best season to hang out in Corangamite. Our coastline is one of beauty, mystery and intrigue. Our hinterland basked in golden plains with crops, volcanic cones and sunrises. Corangamite is a wonderful area to explore in the grey, moody skies of winter, but the summer lends itself to immersing in the natural wonderland it offers.

For me, summer time is family time. There's so much to see and do, and what better way to spend time with the family is there than using our trails. We have the luxury of either walking or cycling amongst bushland that completely dissolves the mind toward nothing other than taking in this incredible example of raw nature. There is also our Food Artisans Trail to tour, and a myriad of local businesses to visit, offering attractions and family-outings. I encourage all our residents to step outside and explore what's on our back door.

It's common knowledge that members of our communities holiday in other towns within the Shire or nearby; often Port Campbell and Princetown benefit at this time. Our small towns thrive on visits and the patronising of local businesses, so I encourage you to take a day trip to the north of the Shire and enjoy some of the local cafes and attractions that are on offer. The recently launched 'I am Volcanic Lakes and Plains' brochure is the perfect source to help discover and explore what the northern part of our Shire has to offer.

Events are another common occurrence over summertime and this coming January is set to stage some significant events within our Shire. Corangamite residents and visitors have the opportunity to support the 'Terang Co-op Kids Day Out' New Year's Day races, which is always a fantastic day for the whole family. 2018 has us welcoming the Camperdown Car and Bike Show for their inaugural event to be held on the weekend of 12 January, which is sure to attract hundreds and hundreds of car and bike enthusiasts from around the state and wider country. On Saturday 20 January we will be celebrating 150 years of racing at the 'Sungold Camperdown Cup'; an incredible feat for our area and one in which I encourage young and old to attend and enjoy the celebrations.

Corangamite residents and visitors have the opportunity to continue participating in our popular Timboon Parkrun; an event that is organised every Saturday morning in Timboon by a passionate group of volunteers. The 5km course is set inside the beautiful and tranquil rail trail and can be ran, jogged or even walked, all abilities are welcome for this event, and having participated myself on various occasions I highly recommend this worthwhile outing. This summer we are also excited about the OZACT production of 'Tempest', Shakespeare's timeless tale of magic, mystery and mayhem, to be played in the iconic and beautiful Loch Ard Gorge.

Summertime in Corangamite is of course a busy time. With Christmas festivities, holidays, peak tourist visitation and peak agriculture production season, this time of year is hectic with more people and more traffic moving around our roads. I ask that everyone take care and continue to be vigilant and remain safe on our roads. As a council we remain committed to advocating for better and safer roads within our region. All Councillors regularly drive on the roads in Corangamite and we know firsthand the terrible conditions on the VicRoads network. No family deserves to go through the heartache of the trauma that a road accident can inflict; unfortunately this personally I know firsthand, so I beg our communities to please remain safe.

Summer can also be an incredibly busy and risky time of year for our local heroes. I ask that we all spare a thought for our emergency volunteers, our CFA, SES, and Surf Life Saving members who all do an amazing job protecting us, the community, and our visitors all because they care. Their expertise, local knowledge, and most importantly courage, never go unnoticed and we need to always be thankful for their services.

Lastly, I would like to wish everyone a safe and very Merry Christmas and an even greater New Year. Thank you to all the staff at Corangamite Shire and my fellow Councillors for helping make this little pocket of the world the incredible and amazing place it is in which to live, work and play.

Information only.

7. COMMITTEE REPORTS

Nil.

8. INFORMATION BULLETIN

Nil.

9. PLANNING REPORTS

9.1 Planning Permit Application PP2017/119 12 Apostles Hot Springs

Author: Greg Hayes, Manager Planning and Building Services

File No: D17/748

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Greg Hayes

In providing this advice to Council as the Manager Planning and Building Services, I have no interests to disclose in this report.

Summary

A Planning Permit application proposes to develop land on Booringa Road in Princetown for an integrated thermal spa and accommodation tourist development north of the 12 Apostles Visitor Information Centre. Two objections have been received to the application which raise concerns about potential amenity impacts on their nearby properties. The proposal will provide both tourist accommodation and tourism product directed at increasing visitor length of stay and providing a more immersive, luxury based visitor experience.

The site has been identified and zoned as a site for tourism opportunities since 2013, and the proposal is broadly consistent with key strategies, including the Shipwreck Coast Master Plan. The application has undergone a thorough assessment and it is considered that the proposal balances the ongoing need for quality tourism development whilst ensuring that the area's sensitive environment is respected. It is recommended that a permit be issued with conditions.

Introduction

An application for a Planning Permit has been lodged with Council to use and develop land for a hot springs tourist facility comprising a 150 room residential hotel, three associated restaurants/cafes, a hot springs 'day spa' facility, an application for a liquor licence, removal of native vegetation and reduction in car parking requirements.

A separate application for a Works Approval for the proposed wastewater treatment plant will be made to the Environment Protection Authority (EPA). Public notification of the two proposals will also occur separately. Following notice of the application, four (4) submissions have been received with two objections, and two submissions within one in offering full support for the proposal. Council must now make a decision on the application.

History

The subject site was identified in 2013 as a site for tourism opportunity through Planning Scheme Amendment C30. The site now has status as a site for tourism opportunity under the Corangamite Planning Scheme at Clause 22.03-4 which identifies the preferred use of the site for group accommodation and residential hotel.

Subject Land

The subject site is located on the eastern side of Booringa Road, Princetown, approximately 1.3 km north of the 12 Apostles Visitor Information Centre. The site has an area of 76.6 hectares, is rectangular in shape and slopes down towards the south-east away from Booringa Road.

The site is zoned Rural Activity Zone - Schedule 1 (RAZ1) and is affected by the Design and Development Overlay – Schedule 5 (DDO5). The DDO5 seeks to control development of the site in accordance with the objectives of the identified tourism opportunity. The site is largely vacant, cleared grazing land with the exception of a decommissioned dairy and outbuildings located at the entrance to the site from Booringa Road. A benefit of the site is its gently sloping position and access to ocean views along the Great Ocean Road. There is a small lot (0.54 hectares in size) on the Booringa Road boundary which accommodates a dwelling and outbuildings (172 Booringa Road). That land is zoned Rural Conservation Zone which is reflective of the broader land use controls.

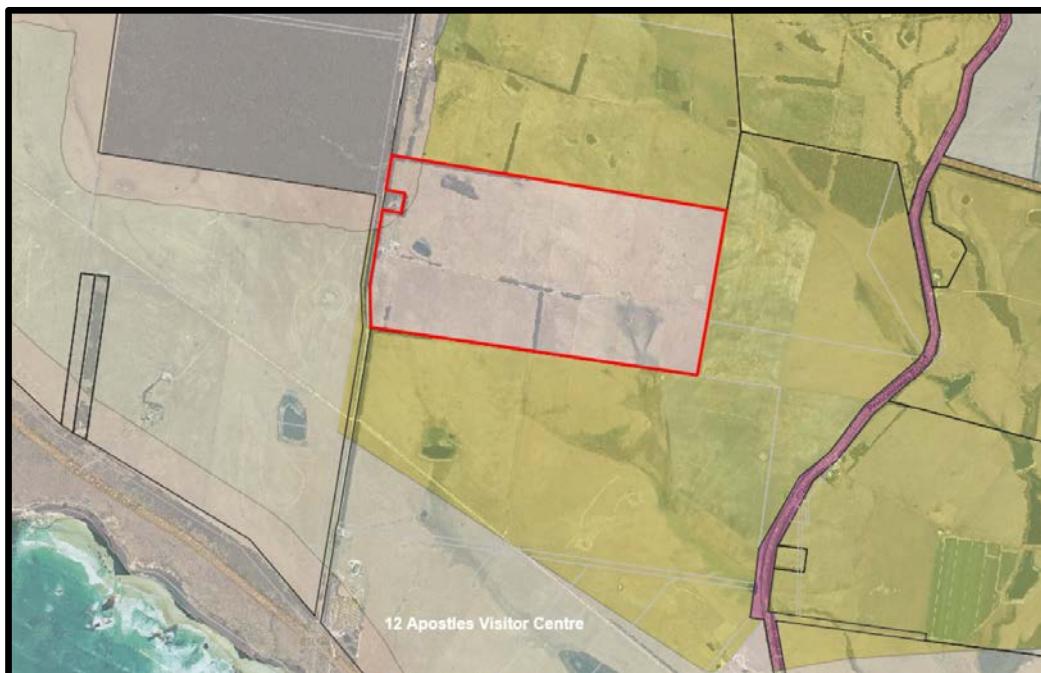


Figure 1 – the site on Booringa Road, Princetown

Surrounding Area

The site sits amongst the gently sloping coastal hinterland of the Great Ocean Road. Largely surrounded by traditional grazing land, the landscape is largely devoid of canopy trees aside from a section of the Port Campbell National Park to the north-west of the site. Booringa Road is an unsealed gravel road with the exception of the intersection with the 12 Apostles Visitor Information Centre which is sealed up to its connection with the Great Ocean Road. There are several dwellings and a motel to the north of the site along Booringa Road, which are associated with farms, tourist accommodation and rural lifestyle uses. The site is located 1.3 km north of the 12 Apostles Visitor Information Centre which attracts a large number of domestic and international visitors per year.

Proposal

The Planning Permit application was received on 25 September 2017 and contains a number of technical reports and plans as well as architectural drawings of the proposal. The full application including architectural plans and specialist technical investigation reports can be found on Council’s website under the application PP2017/119. This includes assessments relating to waste water, traffic impact, flora and fauna, cultural heritage, bushfire, landscape and visual impact, land capability and geotechnical and drilling reports.

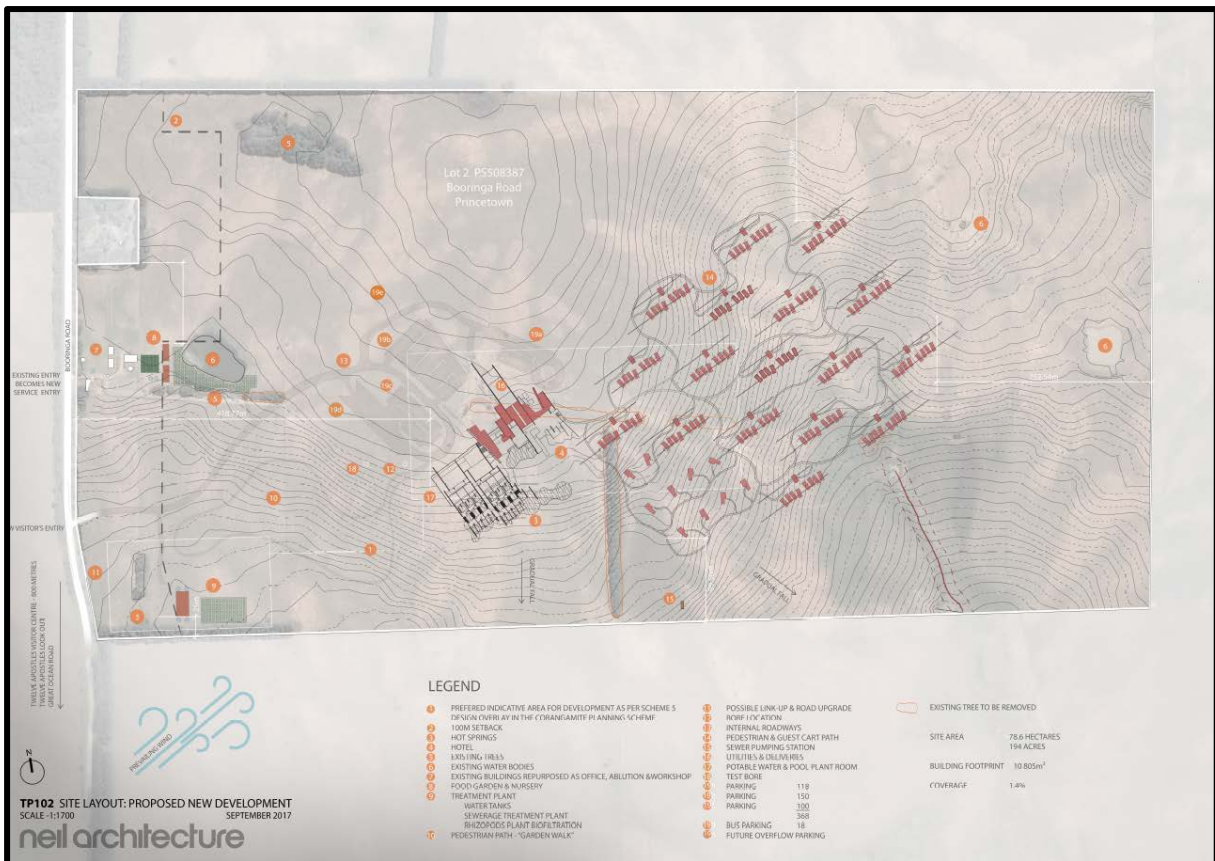


Figure 2 – The proposed 12 Apostles Hot Springs development

The proposed 12 Apostles Hot Springs is a three stage development in the following manner.

Stage 1:

- The Hot Springs facility
- Approximately 10 deluxe accommodation ‘pods’ and 24 standard accommodation ‘pods’
- All infrastructure for the site
- Reception and restaurant areas
- Car parking

Stage 2:

- A further 64 accommodation pods
- More car parking
- An expanded hotel reception and further dining facilities

Stage 3

- The remaining 48 accommodation ‘pods’

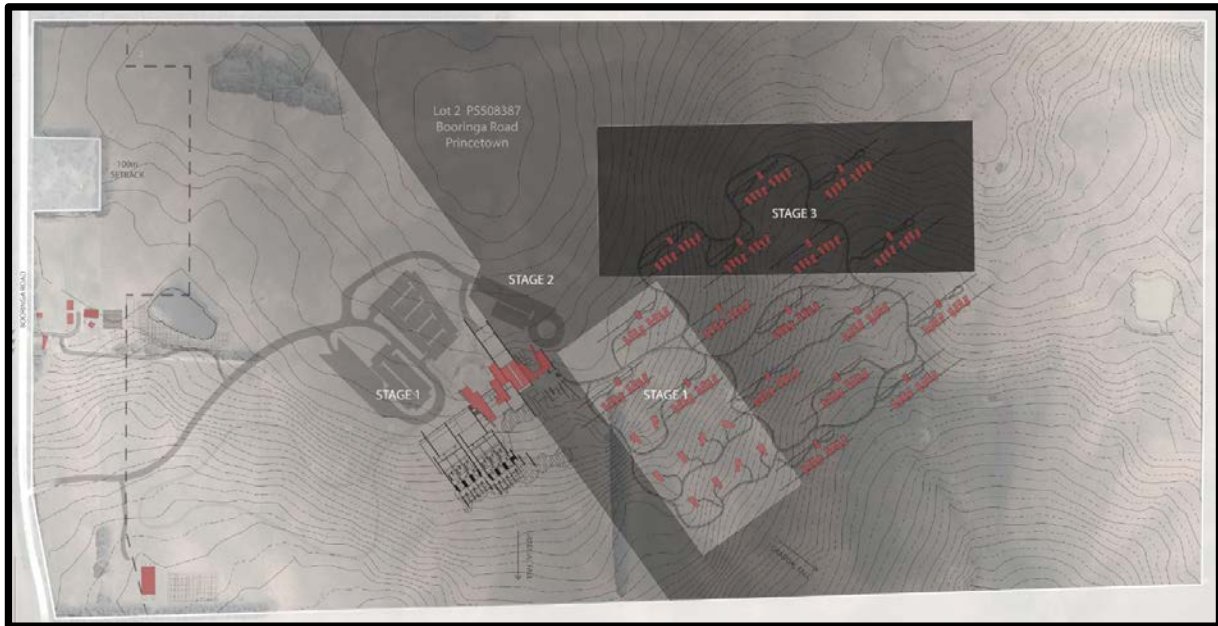


Figure 3– Staging Plan

The proposed 12 Apostles Hot Springs development will comprise of the following features.

The Hot Springs

The Hot Springs facility contains a reception and booking area with a drop off area near the car park. Overall the development will have a built form height of between 3.5 metres and 8 metres however will largely present as single storey as the development takes advantage of the sloping ground with the majority of the hot springs component built into the slope.

The main building complex will comprise bathing lounges, change rooms and treatment areas, as well as staff and administration areas and an area for towels and robes. Down the slope and to the south-east is where the series of open air bathing pools are located, with views south-east to the coast.

The bathing pools are separated by vertical walls or ‘blades’ to reduce the action and effect of wind. The Hot Springs facilities has been designed to accommodate up to 300 people in the main complex with a further 50 from the hotel within the hotel spa area (a maximum of 350 people at any one time). The Hot Springs are proposed to operate between 7.00 am until 11.00 pm.

The hot springs component is contingent on permission being granted by Southern Rural Water for the ‘Take and Use’ licence required to access the thermal ground waters. A further licence will also be required to reinject water into the aquifer. These two licences will be critical to the operation of the facility, and the process for the issue of the licences is a matter for Southern Rural Water. Advice has been offered by DELWP that reinjection must not contain any contaminated waters.



Figure 4– The Hot Springs

The Hotel and Accommodation Pods

Central to the site will be the 'main' building complex comprising the hotel entry facilities and fine dining restaurant. This will comprise an arrival and reception area (completely separate to the hot springs complex) with an accompanying fine dining restaurant that is available primarily to hotel guests (maximum 300) although provision will be made for an additional 20 external guests (thus maximum seating provision for 320 people), all located at upper ground level. A separate recreation area only for hotel guests will be located to the south of the hotel reception comprising a private pool and hot springs bathing area, at lower ground level.

Two function areas will also be available adjacent to the recreation area (beneath the reception area and restaurant) for use by hotel guests.

The hotel guest rooms will be constructed as individual 'pods' extending east in 'clusters' from the main hotel complex building, along the contours of the site. Each cluster has been spaced to ensure views are available south-east towards the coastline. Of the 150 pods proposed, 140 will comprise 'standard' rooms of approximately 33 square metres and comprising a bedroom, bathroom and seating/viewing area. There will be an additional 10 pods that will comprise 'deluxe' rooms and will have a floor area of approximately 47 square metres and comprise a bedroom, lounge, bathroom, spa and courtyard area.

The pods will be accessed via driveways which can only be used either by pedestrians or via guest carts which will operate from the hotel reception area to covered drop-off/pick-up areas associated with each 'cluster'. No private vehicles will be able to access the guest rooms directly. Centrally located housekeeping and utility stations are proposed for each 'cluster' and the accommodation and hotel facility is expected to operate 24 hours, seven days a week.

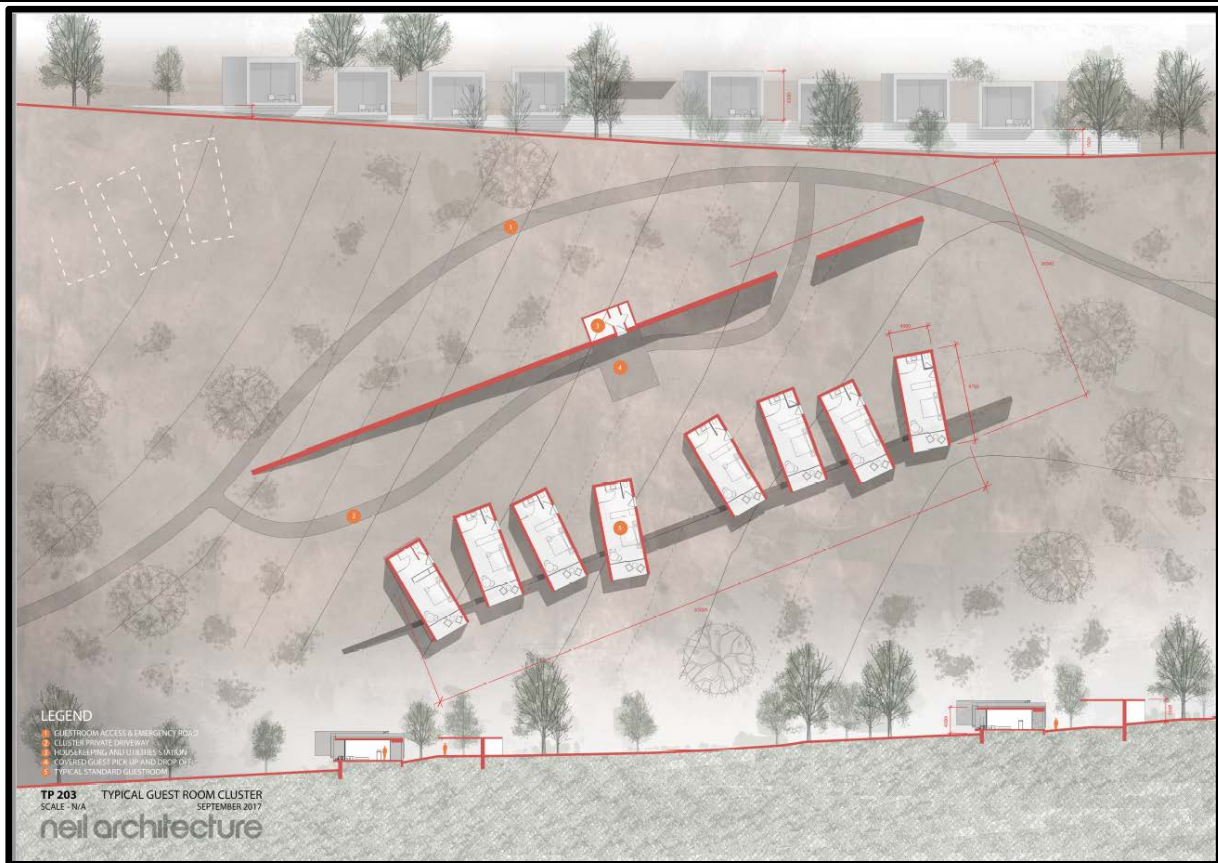


Figure 5 – Accommodation pods

Restaurants / Cafes

Two casual restaurants/cafes are proposed in addition to the fine dining option available as part of the hotel complex. The first is located near the main entry point and reception area to the hot springs, at upper ground level. This restaurant is anticipated to be for day visitors and will accommodate up to 300 patrons.

The second restaurant is located below the day visitors' restaurant and is intended to be for hot springs and hotel guests only. This restaurant is proposed to cater for up to 100 patrons at any one time and will only be able to be accessed via the hot springs reception area. The restaurants are proposed to operate between 7.00 am until 11.00 pm.

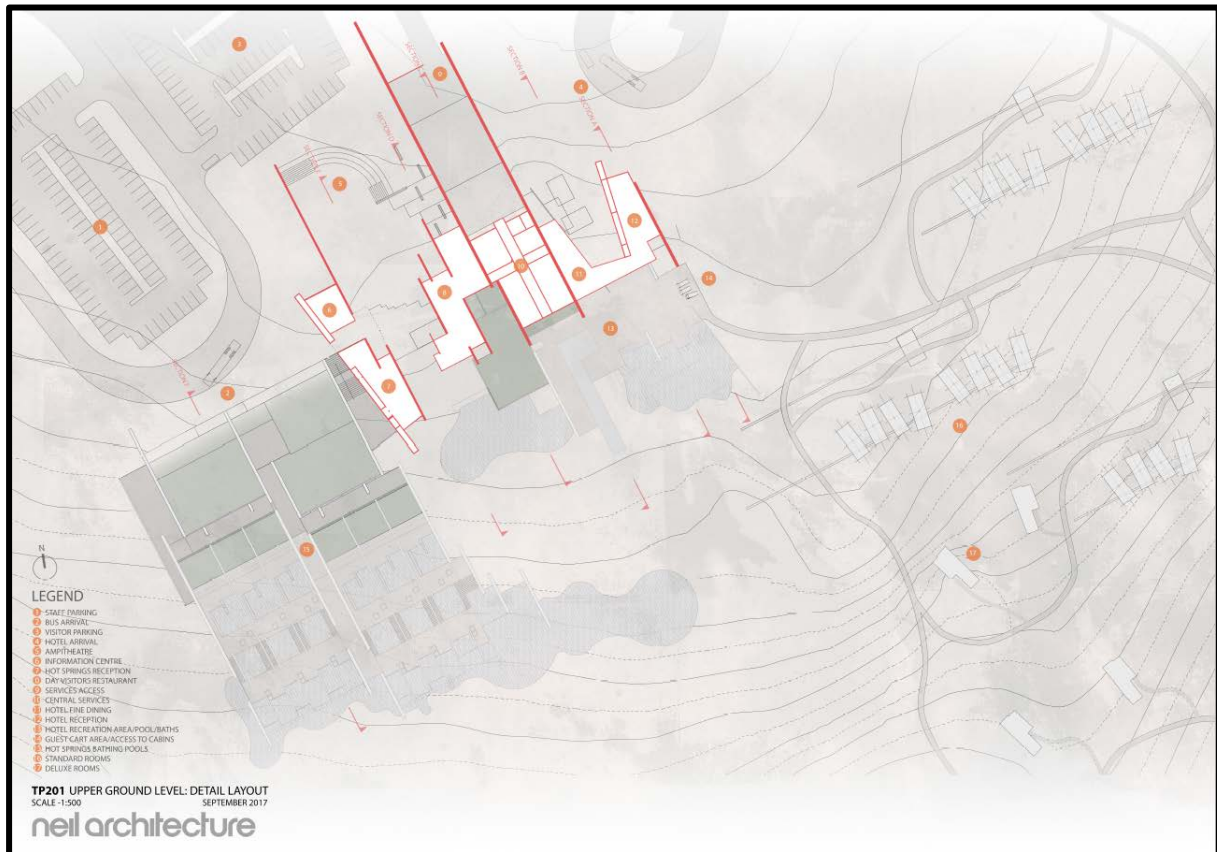


Figure 6 – Dining and reception areas

Car parking and access

The facility will be accessed via a single central access road which will be provided via a new crossover to Booringa Road, aligned with a gap in the existing roadside vegetation. It is proposed to upgrade Booringa Road with a sealed pavement of 7 metres in width with a gravel shoulder of one metre width either side. Three car parking areas are proposed to accommodate visitors and staff as part of the proposal, comprising a total of 368 car spaces, with the ability for overflow car parking to be provided if required.

A hotel car park comprising 118 car spaces, for hotel guests only, will form the eastern most car park, located immediately north of the hotel reception area. A second car park comprising 150 car spaces is proposed to the north of the hot springs and day visitors' restaurant. A separate third car park comprising 100 car spaces is proposed to the north of the hot springs area to cater for staff car parking.

A bus parking area is then proposed adjacent to the staff car park area with the ability to accommodate in the order of 18 buses with the potential to increase capacity to 30 buses in the future. The bus park will also accommodate 'shuttle buses' which are proposed to operate between the site and the tourist information centre to the south.

A loading and unloading area is provided to the centrally located services area with a dedicated driveway from the access road that leads to the hotel car park. A pedestrian 'garden walk' path is proposed in the south-west portion of the site, to the west of the hot springs facilities.

Infrastructure

The infrastructure for the site is primarily in two clusters. One cluster is located around the existing farm buildings and dam in the western portion of the site, adjacent to the existing crossover from Booringa Road. This cluster of buildings will retain the existing farm buildings for use as offices and workshops and will cater for the proposed plant nursery and food garden which will supply food to the hotel and restaurants. The existing dam will also be used as part of the water management regime for the site. The food garden and nursery is expected to benefit from the water generated from the waste treatment facility. This area will also include a 40,000 litres water tank for fire-fighting purposes.

The second cluster is to be located in the south-west corner of the site, south of the proposed new access road and will comprise the sewerage treatment plant with associated infrastructure including water tanks, and a biofiltration area. Both these clusters are located north of existing vegetation along the southern boundary of the site and are proposed to be heavily screened by the proposed 120,000 plants in the landscaping plan.



Figure 7 – Operational area and food garden (concept)

The proposal outlines a new powerline feeding from the existing line running through the site. Further permissions may be required for any solar farm augmentation to the power supply.

Policy and Legislative Context

The *Planning and Environment Act 1987* and the Corangamite Planning Scheme are required to be considered in determining this application. The EPA will separately consider the Works Approval under the *Environment Protection Act 1970*.

State Planning Policy Framework

State Planning Policy seeks a balance between environmental and landscape considerations and the leverage of tourism opportunities. The Great South Coast Regional Growth Plan at Clause 11.11-10 identifies the area in which the site is located as one where

“*tourism assets should be enhanced*”, whilst Landscapes at Clause 12.04-2 seeks to protect significant landscapes and control development.

Clause 13 *Environmental Risks* and Clause 14 *Natural Resource Management* offer guidance over protection of ecological assets and significant environmental resources, whilst Clause 17.03 *Tourism* and Clause 19 *Infrastructure* encourages tourism and guides planning for servicing of these assets.

Local Planning Policy Framework

The Municipal Strategic Statement notes that tourism forms a significant and growing part of the Shire’s economic base. Key challenges include encouraging the development of tourism and at the same time protecting the resources on which it is based and integrating tourism development along the coast.

Clause 22.03- 4 *Tourism Use and Development* offers guidance on the use and development of land for tourism purposes. A table in this clause lists the 16 nominated 'Tourism Opportunity Sites' and their preferred uses. The subject site is included in this table with the 'preferred use(s)' identified as 'Group accommodation, Residential hotel' with reference made to Map 4 of Design and Development Overlay Schedule 5 (DDOs). It is policy to encourage the use of nominated tourism opportunity sites generally in accordance with this preferred use.

Zoning

The site is zoned Rural Activity Zone – Schedule 1 (RAZ1). The purpose of the RAZ is:

- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provisions.

The property is identified in Schedule 1 of the RAZ and is listed within the table entitled 'Tourism Opportunity Sites' via reference to Clause 22.034 of the Planning Scheme. This has been discussed previously in the report.

Overlays

The site is affected by the Design and Development Overlay Schedule 5 (DDOS) – Tourism Opportunity Sites, at Clause 43.02 of the Planning Scheme. Pursuant to Clause 43.02-2 a planning permit is required for buildings and works. DDO5 offers design objectives to be met on landscape, design, views, character and signage. Specifically it offers siting guidelines for this site on the following:

- *The proposal is suitable in the context of the existing buildings, works and activities on the site.*
- *Buildings should be set back from road boundaries and screened by vegetation.*
- *Buildings should be sited and designed to minimise the visual impact of the development when viewed from the Great Ocean Road.*
- *Buildings should be sited and designed to follow the contours of the site.*
- *Buildings should be designed to reflect the natural surroundings, including through the use of sensitive materials and finishes in muted colours and the retention of existing vegetation wherever possible.*

The site is partially covered by the Bushfire Management Overlay (BMO). Pursuant to the provisions of the BMO, a planning permit is required to construct a building or to construct or carry out works associated with a range of land uses, which include the uses proposed as part of this integrated tourist facility.

Cultural Heritage Management Plan (CHMP)

Under the *Aboriginal Heritage Act 2006* and its regulations a Cultural Heritage Management Plan (CHMP) is not required to be approved as the site is not an area identified for cultural heritage sensitivity.

Particular Provisions

The following clauses are also of relevance to the proposed development and use:

- Clause 52.06 - Car Parking
- Clause 52.07 - Loading and Unloading of Vehicles
- Clause 52.17 - Native Vegetation
- Clause 52.27 - Licensed Premises
- Clause 52.29 Land Adjacent to a Road Zone Category 1 or Public Acquisition Zone for a Category 1 Road.
- Clause 52.34 Bicycle Facilities
- Clause 52.47 Planning for Bushfire.

Other Relevant Planning Documents

Victorian Coastal Strategy 2014

The Victorian Coastal Strategy is a Reference Document to Clause 11.05-1 of the Planning Scheme. The Strategy applies to the whole of the Victorian coast line and has the Vision of providing 'a healthy coast appreciated by all, now and in the future'. The strategy offers four key principles for development on the coast. These relate to environmental and cultural values, integrated planning, sustainability and the planned and sustainable siting of development.

Great South Coast Regional Growth Plan, May 2014

The Great South Coast Regional Growth Plan is a Reference Document at Clauses'11.05-1 and 11.11-10 in the Planning Scheme. Of relevance to the proposed development of the subject site, the Plan identifies the need to encourage the development of sustainable tourism in the Region and identifies the following land use, policies and strategies in relation to tourism.

Corangamite Shire Tourism Opportunities Study, December 2010

The Corangamite Shire Tourism Opportunities Study is a Reference Document in the Planning Scheme and is the key document upon which Clause 22.03-4 is based. The study identifies a series of sites that were considered appropriate for development for tourism purposes, including the subject site. The key siting and design requirements identified in DDO5 for the subject site are also included in this document.

Consultation

Referrals

The application for a Planning Permit has been referred to the following internal agencies.

Internal Council referrals	
Engineering Assets	Environmental Health
Environment	Community Development
Economic Development	Works and Services

The application for a Planning Permit has been referred to the following external agencies.

Referral under Section 55	Notice under Section 52
VicRoads	CCMA
Environment Protection Authority (EPA)	Aboriginal Victoria
Department of Environment, Land, Water and Planning (DELWP)	Department of Economic Development, Jobs, Transport and Resources (DEDJTR)
Country Fire Authority (CFA)	Parks Victoria
	Southern Rural Water
	VCGLR
	Vic Police

Mandatory referrals can be seen in **Attachment 1** and external stakeholder comments under section 52 can be found at **Attachment 2**.

Advertising

Notice of the Planning Permit application is in accordance with the requirements of the *Planning and Environment Act 1987*. Notice of the application was given to landowner and occupiers within 2 km of the property. A notice was also placed in the Warrnambool Standard newspaper as well as local newspapers, a sign onsite and the application was made available on Council’s website, Council offices and at the Port Campbell Visitor Information Centre

A community ‘drop-in’ session was held at the Port Campbell Community Art Space on Friday the 10th of November between 11.00am and 6.00pm. Whilst this consultation occurred during the notice period, they were in addition to the usual statutory notice requirements. The consultation sessions were attended by Council officers and the proponent. Twelve community members attended the sessions.

Objections

Section 57 of the *Planning and Environment Act 1987* provides that “any person who may be affected by the grant of the permit may object to the grant of a permit.” The Act also requires that an objection must be made to the responsible authority in writing, stating the reasons for the objection and stating how the objector would be affected by the grant of the permit. The responsible authority may reject an objection which it considers it has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.

To date four (4) submissions have been received to the planning permit application. Of these two (2) have expressed objection, whilst the Port Campbell Community Group offer qualified support and the Great Ocean Road Tourism Pty Ltd offers its full support.

These submissions can be found in full at **Attachment 3**. The key points raised in submissions relate to the following areas:

1. The inappropriate scale of the development.
2. Does not meet the purpose of the zone.
3. The noise and visual impact of the development is unacceptable.
4. Unacceptable impacts on the biodiversity of the area and the species of planting proposed.
5. The viability of the Rhizopod wastewater treatment system.
6. Ill-considered linkage to the 12 Apostles Visitor Information Centre.
7. Geological uncertainty of the coastline.

A full officer response to each ground for objection can be found at **Attachment 4** however a brief response is offered below.

Summarised key objections	Brief officer response
The inappropriate scale of the development	The proposal responds appropriately to the DDO control and the sites context. The low scale and heavily landscaped development integrates with its surrounds and environment within reach of one of Australia's premier tourism icons.
Does not meet the purpose of the zone	The proposal appropriately syncs with the Rural Activity Zone the purpose of which is to facilitate development identified for tourism potential that responds to the environment and landscape.
The noise and visual impact of the development is unacceptable	An acoustic report and visual character assessment conclude the design of the development and buffers proposed along with permit conditions around patron behaviour all appropriately deal with amenity and visual impact.
Unacceptable impacts on the biodiversity of the area and the species of planting proposed	It is demonstrated that the proposed development will benefit the environment and biodiversity of the area with no evidence supplied of any adverse impact.
The viability of the Rhizopod wastewater treatment system	The EPA Works Approval process will adequately assess and respond to the proposed wastewater with permit conditions that will monitor the facility.
Ill-considered linkage to the 12 Apostles Visitor Information Centre	The proposed shuttle bus connection will be reviewed at each stage with alternatives required if any unforeseen negative impacts are found.
Geological uncertainty of the coastline	The site is 1.5 km inland with no evidence of any geological instability being found.

Assessment

The following table sets out an assessment of the application against the relevant permit triggers and decision guidelines of the Corangamite Planning Scheme.

Rural Activity Zone-Schedule 1 (RAZ1)	
Decision Guideline (as relevant)	Assessment
<p><i>General Issues - Any Regional Catchment Strategy and associated plan applying to the land.</i></p>	<p>The <i>Corangamite Regional Catchment Strategy 2013-2018</i> by the Corangamite Catchment Management Authority (CCMA) identifies no 'high value wetlands' or catchments in this area.</p> <p>This application was referred to the CCMA who have assessed this application in accordance with its functions as the Floodplain Management Authority in the Corangamite Waterway Management District and do not object to the proposal. CCMA do recommend "<i>that given the slope of the site where the accommodation pods are proposed care should be taken to ensure any potential impacts from overland flows during extreme storm events are mitigated.</i>" This recommendation has informed a recommended permit condition to address any potential impact on the designated waterway in the south-east of the site. This condition will sit within an overall requirement for an environmental management plan and construction environmental management plan required prior to commencement of the use and development respectively.</p>

Rural Activity Zone-Schedule 1 (RAZ1)	
Decision Guideline (as relevant)	Assessment
<p><i>General Issues - The capability of the land to accommodate the proposed use or development including the disposal of effluent.</i></p>	<p>The site is 78.6 hectares in area with the hard surfaces and built areas proposed covering less than 2% of the site. The Wastewater Treatment Plant proposes to treat all wastewater onsite using Rhizopodial technology. The report on this decentralised Water management Plan and the accompanying Land Capability Assessment both confirm the capability of the land to accommodate the development and effluent disposal.</p>
<p><i>General Issues - How the use or development relates to sustainable land management.</i></p>	<p>The reliance on the treatment of wastewater onsite along with the proposed food garden and plant nursery reduces the land management 'footprint' of the proposal and makes it more sustainable. Building regulations also require a five star energy rating for the development which will improve its environmental credentials.</p>
<p><i>General Issues - Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>The strategic intent of the site for a tourist development was tested and approved by the Minister for Planning in 2011. The surrounding agricultural and rural lifestyle uses are appropriately regarded and reasonably catered for using permit conditions, buffer distances and design criteria. The scale of the development is compatible with the large site and siting of the development away from sensitive receptors. The development is also compatible with the guidance for siting under the Design and Development Overlay.</p>

Rural Activity Zone-Schedule 1 (RAZ1)	
Decision Guideline (as relevant)	Assessment
<p><i>Environmental issues - The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i></p>	<p>The proposal calls for a wastewater treatment plant that maintains all wastewater within the site. Permit conditions will control impacts on stormwater runoff and potential impacts. A soil assessment report and Land Capability Assessment report finds poor soil filtration. However, the proposal resolves this with a recycled stormwater and wastewater system that uses a Rhizopod technology where evapotranspiration from plant growth grown in a system of drainage beds transpires water to the air.</p>
<p><i>Environmental issues - The impact of the use or development on the flora, fauna and landscape features of the locality.</i></p>	<p>The project proposes to plant approximately 120,000 native plants to heavily reforest the site. The Land Capability Assessment recommends using the recycled water from the development allowing these plants to be irrigated and grown which will then in turn have a long term benefit countering the sites poor soil filtration.</p>
<p><i>Environmental issues - The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i></p>	<p>The proposed growing and planting of approximately 120,000 native plants and trees creating approximately 26,000sqm of new plantings will significantly improve the ecological footprint of the site along with the screening benefits to the development. A Planning permit condition requiring an ongoing Environmental management Plan (EMP) will also ensure these plants are maintained in the long term and continue to provide an ongoing ecological benefit.</p>
<p><i>Environmental issues - The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i></p>	<p>The proposed Wastewater Treatment Plant will undergo a separate Works Approval process through the EPA. If approved this system will benefit the developments treatment of and reuse of wastewater.</p>

Rural Activity Zone-Schedule 1 (RAZ1)	
Decision Guideline (as relevant)	Assessment
<p><i>Design and siting issues - The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i></p>	<p>The proposed built form is limited to double storey development at its maximum and appropriately uses the contours of the land to step down the development effectively 'sitting within' the landscape. The vegetation proposed to cover many of the roofs in the development will also assist in 'softening' the built environment from adverse visual amenity impacts. Along with the significant vegetation proposed to be planted that will improve the ecological aspect of the development it will also soften any built form impact.</p>
<p><i>Design and siting issues - The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i></p>	<p>The development conforms to the 'preferred locations' for development under the DDO, with well screened ancillary elements only sitting outside these preferred areas. This will reduce any unwanted visual impacts of the development and integrate the development into the preferred landscape of the area.</p>
<p><i>Design and siting issues - The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i></p>	<p>Permit conditions will assist in controlling the visual impact of the car parking and infrastructure. It is as much to the benefit of the development as it is for Council to ensure that any infrastructure is screened to an appropriate level to ensure the bulk, scale and colour are measured and dealt with appropriately.</p>
<p><i>Design and siting issues - Whether the use or development will require traffic management measures.</i></p>	<p>The proposed Traffic Management Plan will deal with the details of movement of vehicles and pedestrians within and exterior to the development. Permit conditions will also mandate effective integration of people and vehicles with the 12 Apostles Visitor Information Centre.</p>

Design and Development Overlay – Schedule 5 (DDO5)	
Requirements and Design objectives	Assessment
<p><i>The head clause of the Design and Development Overlay (DDO) sets out decision guidelines on design, layout, bulk, landscaping and appearance. This requirement primarily defers to the schedule of the DDO.</i></p>	<p>Schedule 5 to the DDO sets out design objectives to control development as well as requirements for the development of sites identified for tourism opportunity</p>

Design and Development Overlay – Schedule 5 (DDO5)	
Requirements and Design objectives	Assessment
<p><i>DDO5 Design objectives - The design objectives are enhanced further under the DDO5 in the ‘requirements for development’ section and are set out below. The themes of siting, design, standards, character and views are reflected in the assessment below</i></p>	<p>The development responds appropriately to the local criteria and this is set out below.</p>
<p><u><i>Siting of buildings and works requirement</i></u></p> <p><i>Buildings and works should be sited in the ‘preferred indicative location for built form’ as shown on the maps at Clause 5.0 of this schedule. (see figure 8 below)</i></p> <p><i>The following requirements apply specifically to this site:</i></p> <ul style="list-style-type: none"> • <i>The proposal is suitable in the context of the existing buildings, works and activities on the site.</i> • <i>Buildings should be set back from road boundaries and screened by vegetation.</i> • <i>Buildings should be sited and designed to minimise the visual impact of the development when viewed from the Great Ocean Road.</i> • <i>Buildings should be sited and designed to follow the contours of the site.</i> 	<p>The identified strategic impact for the site was identified under Amendment C30 when there was a proposal for a dozen or so cabins to be placed onsite. Whilst the scale of the current proposal is much larger the identified acceptable areas for development are largely met through this current proposal. The built form is primarily maintained to the larger south central area and the Wastewater Treatment Plant is located in the south western area. Given the landscape treatment proposed for the remainder of the built cabins in the central east the intent these ‘preferred’ locations is maintained.</p> <p>The proposal accords with the identified ‘preferred’ development locations however there are existing buildings part of an operating dairy alongside Booringa Road in the west of the site. The reuse of the existing buildings onsite for operational uses for the development will maintain the built form and activity that currently exists on the site.</p>

Design and Development Overlay – Schedule 5 (DDO5)	
Requirements and Design objectives	Assessment
	<p>The Visual Character Study within the application appropriately demonstrates the minimisation of the development when viewed from the Great Ocean Road (GOR). The few areas along the GOR where the development is not already screened from view is either below the horizon when viewed or of such a minimal angle and impact that the aspirations of the overlay to minimise the impact on views is achieved. The use of the sites contours once again benefits the impact of the development from views and effectively minuses any adverse visual impact.</p> <p>The use of vegetation on the maximum two storey development that already uses the contours of the site to integrate is an excellent reflection of the natural surroundings. Along with the proposed re forestation the preferred landscape is improved by this proposal.</p>

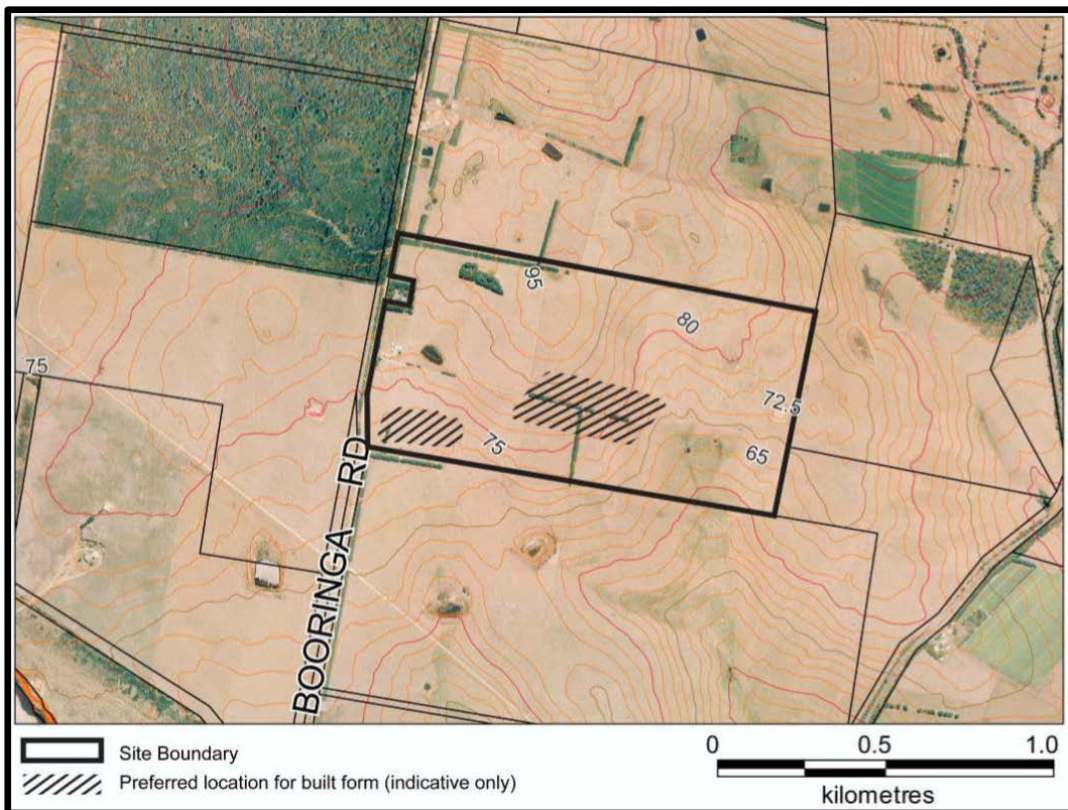


Figure 8 –Preferred location for built form under the DDO5

Bushfire Management Overlay (BMO).

The site is only marginally affected by the BMO and no buildings or access is proposed for the area affected by the BMO. A referral to the Country Fire Authority (CFA) offers no objection to the development subject to standard conditions regarding planning for bushfire.

All buildings on the site can meet a Bushfire Attack Level (BAL) 12.5 as they should under the sites Bushfire Prone Area status. As well, all vegetation proposed for the site meets the low level risk and buffers required by the BMO regulations.

Particular Provisions of the Corangamite Planning Scheme

Clause 52.06 Car Parking

The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.

The ease and safety with which vehicles access and circulate within the parking area.

The provision for pedestrian movement within and around the parking area.

The provisions of landscaping for screening and shade.

The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.

The measures proposed to enhance the security of people using the parking area particularly at night.

Whether the layout of car spaces and access ways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

The application provides car parking for 368 vehicles and 18 buses. The statutory car parking requirements under Clause 52.06 require the provision of 423 car spaces. A reduction in the car parking requirements is requested. The application argues that the Parking Demand Assessment by One Mile Grid demonstrates the parking demand for the development will only require 338 vehicle spaces. This is based on the analysis that many users of the development will be across multiple car park 'provisions'. That is, many of the spa users will be from the hotel component and many users of the diner will also be spa users. The design of the car parking spaces is such that the proposal is to cater for 368 spaces plus buses. The proposed 'sweep' paths are considered satisfactory.

This analysis is logical and as such the car parking provision is found to be satisfactory.

A permit condition for a Traffic Management Plan that includes access and car parking will require for more detailed design of the car parking that meets the design standards of Clause 52.06-8.

Other permit conditions that address drainage and environmental impacts from stormwater runoff are in the recommended permit.

A referral to Council's infrastructure and Planning Assets unit finds the proposal compliant with their standards and subject to standard permit conditions.

Clause 52.07 Loading and Unloading of Vehicles

The requirements of Clause 52.07 are that the proposal provides for a minimum of 27.4sqm of 'loading and unloading' space. The proposed design caters for a large 'deliveries' area access from the central car park directly into the 'back of house' area via a ramp. No dimensions are supplied however this area appears to be in excess of 330sqm. The provision is satisfactorily met.

Clause 52.17 Native Vegetation

Decision Guideline (as relevant)

The purpose of this provision is:

- *To ensure no net loss in native vegetation which can be achieved through the following approach:*
 - *Avoid the removal*
 - *Minimise impacts from the removal*
 - *When permitted ensure an offset is made*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

Decision guidelines

The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:

- *The extent and condition of the native vegetation.*
- *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.*

The identified pathway for the native impact assessment from this proposal is the LOW pathway

The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.

The role of native vegetation in:
Protecting water quality and waterways
Preventing land degradation, and
Preventing adverse effects on groundwater quality

Assessment

The site is a highly modified landscape and largely cleared of any native vegetation. A thorough analysis of the vegetation on the site has discovered only partial native vegetation in four places, with three of these not proposed to be impacted by this development.

The four sites are:

- Two small scattered Swamp Gums in a patch of non-native vegetation in the north-west of the site.
- A small dam in the south-east containing some remnant indigenous wetland plants.
- Another small dam also in the south-east containing remnant indigenous wetland plants.
- Seven areas along Booringa road where coastal heathland scrub is identified that may be impacted by road pavement widening and sealing (NOTE: this will require separate planning permission once any loss or impact is known).

Only one of the small dams is to be impacted by this development (see Figure 9 below) and will require the removal of some indigenous wetland plants. A native Vegetation Impact Assessment has concluded the "avoid, minimise and offset principles" have been met with the entrance to the facility relocated to an area devoid of native vegetation. An offset is required for the estimated 0.049 hectares of impacted vegetation to cater for a collection of 'pods' accommodation. The identified offset for this will be a minimum strategic biodiversity score of 0.080 to be obtained within the area of the Corangamite CMA or Corangamite Municipality.

	<p>The area of impact along Booringa Road is likely to mean an additional 0.014 hectares of native vegetation loss however this is uncertain as the widening detail is yet to be undertaken.</p> <p>The total native vegetation impacted by this proposal 0.049 hectares (does not include Booringa Road) which will require an offset identified in the Vegetation Impact Assessment.</p> <p>The provisions of the scheme are considered to be met and a permit condition will require this offset to be in place prior to the commencement of the development.</p>
--	--



Figure 9 –Location of native vegetation and area of 0.049 hectares to be impacted

Clause 52.27 Licenced Premises	
Decision Guideline (as relevant)	Assessment
<p><i>The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.</i></p>	<p>Liquor is proposed to be sold as part of the restaurant, cafes and accommodation functions of the facility. No take away liquor is proposed. As all liquor will be consumed within either the accommodation or the restaurant during specified hours it is not considered to have an unreasonable impact on the amenity of the surrounding area.</p>

Clause 52.27 Licenced Premises	
Decision Guideline (as relevant)	Assessment
<i>The impact of the hours of operation on the amenity of the surrounding area.</i>	A planning permit condition will require liquor to be sold only between the hours of 11 am and 1 am 7 days a week. These hours are considered to be in line with premises of this type and are not considered to be excessive.
<i>The impact of the number of patrons on the amenity of the surrounding area.</i>	The restaurant and two café/diners would be able to accommodate 350 people at any one time. Along with function areas and the potential outdoor amphitheatre use there could be a significant number of people onsite consuming alcohol. Whilst this is considered reasonable given the nature of the development, a planning permit condition will require an Operations Management Plan to address a Patron Management Plan to control any adverse behavioural issues within the site.

Clause 52.29 Land Adjacent to a Road Zone Category 1 or Public Acquisition Zone for a Category 1 Road.	
Decision Guideline (as relevant)	Assessment
<i>The views of the relevant road authority.</i>	VicRoads are the relevant road authority for the application and have provided a referral response advising no objection.
<i>The effect of the proposal on the operation of the road and on public safety.</i>	The intersection of Booringa Road and the 12 Apostles Visitor Information Centre (12AVIC) is of some concern and whilst the Traffic Impact Assessment is robust with an estimated 4 vehicle movements per minute at peak times some concern for the ongoing operation remains. A permit condition will require an updated Traffic Impact Assessment at each stage of the development to cater for any unforeseen impact. This will also address any changes required to the proposed pedestrian shuttle to the lookout.

Clause 52.34 Bicycle Facilities
The requirements of Clause 52.34 have been considered and the OneMileGrid Traffic Impact Assessment relies on similar defined uses in the Corangamite Planning Scheme. That is of a motel and 'Place of Assembly'. These are considered appropriate uses to determine the provisions of 52.34. The assessment is supported for the provision of seven visitor bicycle parking spaces and 12 employee spaces along with two showers for staff to use. This is considered appropriate and a permit condition will require the detailed design to ensure this is provided.

Works Approval for the Wastewater Treatment Plant

A Works Approval is required for the Wastewater Treatment Plant. The EPA will assess the suitability of the wastewater treatment system using a separate Works Approval process however they have responded to this application and suggested a permit condition that requires an approved Works Approval prior to commencement of the development which has been included in the recommended permit conditions.

Discussion of the Key Considerations

Strategic Support for the Proposal

The *Strategic Master Plan for the Great Ocean Road Region Visitor Economy* estimates 2.6 million people visit the 12 Apostles annually. The Great Ocean Road international day trip market is a significant market at an estimated 500,000 international visitors visiting the Great Ocean Road Region annually. Further, there is an estimated 100,000 domestic daytrip visitors to the Port Campbell and Hinterland region each year.

The Corangamite Shire *Tourism Opportunities Study 2010* identified a significant opportunity to convert a percentage of daytrip visitors to overnight visitors, particularly for the international market, through the provision of world class visitor accommodation within close proximity to the 12 Apostles. The subject site has been identified and approved by the Minister for Planning as a site for Tourism Development and has had planning controls on the site since 2011. This site was viewed as highly significant for enabling development including coastal views and/or immediate access to coastal experiences, access to infrastructure, proximity to key attractions and other product and competitive advantage. The site has few constraints and is largely a modified environment that has few vegetation constraints. It is also noted that the development footprint is a very small percentage of the overall site area (maximum 4% site coverage).

The proposal is consistent with the Victorian Governments *Visitor Economy Strategy 2016*. The proposal will fill a market gap in the provision of a quality accommodation and visitor product. It will assist in diversifying the accommodation offer on the Shipwreck Coast and in the vicinity of Port Campbell. An assessment of accommodation supply in Port Campbell and the hinterland shows that the majority of accommodation in Port Campbell consists of self-contained apartments/units, motels and motor inns, below a 4 star rating, comprising approximately 70% of accommodation supply.

The proposal is consistent with *Victoria's Nature Based Tourism Strategy 2008* in that it will provide recreational opportunities and tourist accommodation meeting the strategy "gaps" relating to luxury tourism. The proposal is also supported by *The Strategic Master Plan for the Great Ocean Road Region Visitor Economy* and the *Great Ocean Road Destination Management Plan 2012*. The proposal addresses the need for tourism product (providing a spa development, restaurant and accommodation) and assists in filling an accommodation gap identified in the Destination Management Plan.

The proposed development directly supports the implementation of the *Shipwreck Coast Master Plan* which identified this site for future private sector development. The proposal is consistent with the vision of the 12 Apostles 'hub' contained within the Master Plan. Furthermore it supports the overarching objectives of the Master Plan as it will provide a range of luxury accommodation and spa development along with dining choices increasing the length of stays in the region. Private sector investment in new product development aligned with the Shipwreck Coast Master Plan is of critical importance in delivering world class visitor infrastructure that achieves longer duration of stay and increased regional economic benefit.

The proposal is responsive to the provisions of the *State Planning Policy Framework* (SPPF) contained within the Corangamite Planning Scheme which seek to ensure a diversity of accommodation options and coastal experiences, and to ensure that developments are of an appropriate scale use and intensity relevant to location, and minimise impacts on the surrounding natural, visual, environmental and coastal character.

The proposal also supports local planning policy on tourism which aims to support tourism development that is of a high quality design, generates local employment opportunities and fulfils an identified tourism need for nature based tourism and high end accommodation. The proposal also satisfactorily addresses the objectives and relevant strategies for Princetown and Port Campbell.

Social, Environmental and Economic Benefits

The proposed development would provide positive social, environmental and economic benefits to the Shipwreck Coast and Princetown area. These include:

- The creation of jobs during construction and over 200 ongoing jobs once operational which will have flow-on benefits for the regional economy.
- The introduction of a luxury product into the 12 Apostles visitor economy so close to the 'asset' will enhance the region as a tourist destination through the provision of additional accommodation and recreational opportunities.
- Landscaping works to preserve and improve native vegetation on the site, providing wildlife habitat and enhancing amenity and visitor experiences of the local landscape.
- The opportunity for environmental improvement through revegetation and other measures.
- Natural resource and wildlife monitoring activities undertaken as part of the operation of integrated eco-tourism facilities.

Wastewater Disposal

The application proposes to treat wastewater with an on-site wastewater treatment facility, which is a scheduled activity under the Environment Protection (Scheduled Premises and Exemptions) Regulations and therefore the application requires a Works Approval from the Environment Protection Authority (EPA). The EPA is currently assessing this application and the suitability of the wastewater treatment facility. Any potential environmental impacts from these proposed works will be addressed through the Works Approval application which is separate to this planning application.

Access, Traffic and Safety

The site is accessed from the Great Ocean Road via the entrance to the 12 Apostles Visitor Centre (12AVIC). The intersection of Booringa Road and the 12AVIC has been assessed as catering for up to four vehicles per minute in peak hours. This is considered reasonable and will not require additional traffic controls at the intersection. However, a required swept path analysis under proposed permit conditions will require a review of this intersection in its ability to handle larger vehicles.

Options

Council may choose to either:

1. Support the application and issue a Notice of Decision subject to permit conditions as recommended by Officers.

This is the recommended option as the proposal accords with the strategic intent of the land and any adverse impacts can be appropriately managed through permit conditions.

2. Support the application and issue a Notice of Decision subject to changed permit conditions.

Changes to recommended permit conditions may have adverse impacts not considered under this assessment.

3. Refuse the application.
In the event that Councillors intend to move refusal of the application they will require Grounds of Refusal.

Conclusion

The permit application has undergone significant pre application discussion and coordination resulting in a robust application that proposes a positive strategic and statutory outcome. It will address an identified market gap in relation to servicing the needs of visitors to the Shipwreck Coast and iconic sites such as the 12 Apostles.

The proposal has been assessed against the relevant requirements of the Corangamite Planning Scheme. The development supports local planning policy on tourism which stipulates that tourism development be of high quality design, generate local employment opportunities and fulfil an identified tourism need for nature based tourism and high end accommodation. The proposal is also responsive to relevant permit triggers and the detailed decision guidelines of the Rural Activity Zone and Design and Development Overlay applicable to the site.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to conditions. Detailed planning permit conditions are proposed in the officer recommendation below.

RECOMMENDATION

That Council, pursuant to section 64 of the Planning and Environment Act 1987, resolve to issue a Notice of Decision to Grant a Planning Permit PP2017/119 for use and development of an integrated tourist facility comprising a 150 room residential hotel, three associated restaurants/cafes, a hot springs 'day spa' facility, associated infrastructure (including a sewerage treatment plant and nursery), an application for a liquor licence, removal of native vegetation, reduction in car parking requirement and alterations of access to a road zone category 1 on land described as lot 2 PS508387R Vol 09429 Folio 353 Booringa Road Princetown subject to the following conditions:

Staging Plan Required

1. **Prior to the commencement of any part of the development, the permit holder must submit a plan outlining the staged delivery of the use and development allowed by this permit, to the satisfaction of the Responsible Authority. The Staging Plan must show the indicative location of infrastructure proposed to be delivered for each stage to the satisfaction of the Responsible Authority.**

Amended plans for each stage

2. Prior to the commencement the development or use for the relevant stage, the permit holder must submit a plan which is generally in accordance with the plans submitted with the application but amended to show the following for that stage:
 - (a) Details of all infrastructure proposed in that stage including roads, drainage, car parking, pedestrian access;
 - (b) All landscaping as a part of that stage, including any temporary landscape works in place of future staging;
 - (c) All buildings and works to be included in each stage;
 - (d) External materials and finishes
 - (e) Any changes required as a result of condition 7 (Landscape Management Plan), condition 10 (Parking and Traffic Management Plan), condition 18 (Waste Management Plan), condition 22 (Swept Path Analysis), condition 30 (Stormwater Drainage design plans) and the approved Bushfire Management Plan.

All to the satisfaction of the Responsible Authority.

Endorsed Plans

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

Management Plans Required Prior to the Commencement of Development and/or Use

Construction Management Plan

4. Prior to the commencement of any stage of the development, the permit holder must prepare to the satisfaction of the Responsible Authority a Construction Management Plan. This plan must address the following matters:
 - (a) Nominated vehicular and pedestrian access during site establishment and construction, including details of proposed vehicle movements during construction.
 - (b) Extent of proposed site excavation and fill.
 - (c) Methods of managing site earth works and delineating areas on site to be impacted by site construction.
 - (d) Nominated locations for storage of any soils, materials, equipment, vehicles, machinery or waste products during construction.
 - (e) Management of stormwater and measures to treat any runoff from the site including measures to prevent sediment discharge to waterways.
 - (f) Waste water management during construction, including arrangements for disposal of any polluted waste water.

-
- (g) Measures to reduce dust generated by an increase in construction traffic along Booringa Road.
 - (h) Measures to control noise during construction so as to comply with Environment Protection Authority Noise Control Guidelines (EPA publication 1254).
 - (i) Hours of construction operation.
 - (j) The location of temporary site fencing, site huts and any other temporary structures for construction purposes.
 - (k) Public safety during construction including traffic control measures.
 - (l) Redirection of any above or underground services, and the provision of power at full cost to the permit holder during construction including for road and pavement construction works.
 - (m) Proposed monitoring systems.
 - (n) Site rehabilitation.

When approved, the plan will be endorsed and will then form part of the permit. The development must be in accordance with the endorsed Construction Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

- 5. Prior to the commencement of development for the relevant stage, the permit holder must prepare to the satisfaction of the Responsible Authority a Construction Environmental Management Plan for that stage. This plan must address the following matters:
 - (a) Stormwater and construction treatments to avoid impacts on the designated waterway identified by CCMA
 - (b) Measures to prevent the spread of existing and/or introduction of new weeds, diseases or pests to the site including weed and pathogen control measures addressing vehicle, equipment, personnel and materials hygiene.
 - (c) Measures to minimise transfer of site mud to roads.
 - (d) Measures to prevent contaminants (e.g. oils, chemicals) from entering habitat or waterway.
 - (e) Waste management during construction.
 - (f) Mechanism for the review of the Construction Environmental Management Plan prior to the commencement of each stage of the development and a process to implement any recommendations from the review.

When approved, the plan will be endorsed and will then form part of the permit.

-
6. The construction of the development must be in accordance with the endorsed Construction Environmental Management Plan relevant to the stage, except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority

Landscape Management Plan

7. Before the development starts for the relevant stage, the permit holder must prepare to the satisfaction of the Responsible Authority a Landscape Management Plan for that stage. The plan must be prepared by a suitably qualified landscape architect, drawn to scale with dimensions and three copies must be provided. The submitted plan must show:
- (a) Improved screening of the Waste Water Treatment Plant to the south from the proposed access way to the development and screening of the sewer pumping station;
 - (b) Establish screening of the operations area and food garden area from views from 172 Booringa Road as part of stage 1;
 - (c) A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.
 - (d) All landscaping and a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
 - (e) The use of only indigenous species to the relevant EVCs as they apply across the site.
 - (f) The method of preparing, draining, watering and maintaining the landscaped area.
 - (g) Details of any water supply connection points and any proposed irrigation system.
 - (h) Proposed bed heights above car-park surface and all areas where vehicle overhang will occur.
 - (i) All landscaped areas proposed to be used for stormwater retardation.
 - (j) Measures to protect vegetation from unwanted pests and fauna and weed invasion.
 - (k) Maintenance regimes to ensure the sustainability of proposed landscaping including any use of recycled water.
8. When approved, the plan must be endorsed and will then form part of the permit. All landscaping must be implemented as part of relevant stage of the development except where necessary to ensure that the construction of buildings and works in later stages does not damage or destroy the introduced landscaping. Should this circumstance arise, temporary landscaping must be implemented, to the satisfaction of the Responsible Authority, until such time as the relevant buildings or works in later stages is completed and the permanent introduced landscaping can be implemented.

9. The development must accord with the endorsed Landscape Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Parking and Traffic Management Plan

10. Prior to commencement of development for the relevant stage, the permit holder must prepare to the satisfaction of the Responsible Authority a Parking and Traffic Management Plan for the relevant stage. Three (3) copies must be provided. The submitted plan must address the following matters:
- (a) Details of the proposed shuttle bus to the 12 Apostles Visitor Information Centre or alternative;
 - (b) Sub soil investigations and pavement designs for all external/internal access roads/lanes, intersection works, car parking areas and loading areas.
 - (c) The widening, construction, sealing and drainage of Booringa Road to allow for two way traffic (further permission for any native vegetation impacts may be required)
 - (d) Provision for bus parking.
 - (e) Provision of loading and unloading of vehicles associated with delivery of goods.
 - (f) The location of all areas on-site and/or off-site to be used for staff and patron parking.
 - (g) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on-site and off-site.
 - (h) Measures to preclude staff parking in designated patron car parking areas.
 - (i) Staffing and other measures to ensure the orderly departure and arrival of patrons especially during peak periods.
 - (j) Servicing of the drainage and maintenance of car parking areas.
 - (k) Detailed traffic layout with dimensions for the vehicle and pedestrian movements within the site and access to the road network to and from the site is to be submitted to Council for approval. This will include details with dimensions of the parking areas.
 - (l) Construction plans for all civil work including access roads, footpaths, pavements, kerb and channels and underground drains.
 - (m) Mechanism for the review of the Parking and Traffic Management Plan prior to the commencement of each stage of the development and a process to implement any recommendations from the review.
 - (n) The provision for overflow car parking located in a position and buffered appropriately where the requirements of the EPA guideline *State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* are achieved.

-
11. When approved, the plan must be endorsed and will then form part of the permit.
 12. All stages of the development must accord with the endorsed Parking and Traffic Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
 13. The Parking and Traffic Management Plan must be implemented at the full cost of the proponent and to the satisfaction of the Responsible Authority prior to the commencement of the permitted use.

Operations Management Plan

14. Prior to the commencement of the use for the relevant stage, the permit holder must prepare to the satisfaction of the Responsible Authority an Operations Management Plan for that stage. Three (3) copies must be provided. The submitted plan must address the following matters:
 - (a) Details of the proposed Shuttle bus to and from the 12 Apostles Visitor Information Centre or its alternative as agreed in writing and to the satisfaction of the Responsible Authority;
 - (b) Measures to protect flora and fauna, and to avoid or minimise impacts to ecological values during the use of the site.
 - (c) Site access arrangements for vehicles and pedestrians, including arrangements to manage peak visitor periods.
 - (d) Deliveries to and from the site for all commercial vehicles, including waste collection.
 - (e) Access to and from the site for all commercial vehicles, including waste collection.
 - (f) Maintenance.
 - (g) Noise.
 - (h) Hours of operation.
 - (i) Reporting arrangements for flora and fauna protection.
 - (j) Hazardous waste and spill management.
 - (k) Evacuation and emergency protocols in accordance with endorsed management plans.
 - (l) The storage of goods and/or materials stored inside the buildings hereby permitted to the satisfaction of the Responsible Authority.
 - (m) Measures to manage potential mosquito breeding habitats in the sections of standing water proposed around the facility
 - (n) Incorporate any recommendations of the Bushfire Emergency Management Plan as required by condition 56.

- (o) The process for the review of the Operations Management Plan which is to occur at a minimum of 3 yearly intervals and the implementation of any recommendations from the review, to the satisfaction of the Responsible Authority.
15. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Operations Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
16. The permit holder must undertake a review of the Operations Management Plan every three years or other period of time as agreed in writing with the Responsible Authority and to the satisfaction of the Responsible Authority.

Liquor Licence hours of operation

17. The facility may only serve alcohol between the hours of 11am and 1am unless otherwise with the prior written permission of the Responsible Authority.

Waste Management

18. Prior to the commencement of the use for the relevant stage, the permit holder must prepare to the satisfaction of the Responsible Authority a Waste Management Plan. Three (3) copies must be provided. The plan must be generally in accordance with the details in the application and show the following:
- (a) Access arrangements to the site for vehicles associated with waste management;
 - (b) Measures to screen and control waste stored on the site;
 - (c) Provision on the land for the storage and collection of garbage and other waste associated with the premises; and
 - (d) Resource recovery.
19. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Waste Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
20. Storage bins must be screened from view and adequately covered to minimise dispersal of material by wind or water and vermin and pest/insect access. All storage areas must be surfaced and capable of being washed down with waste water being directed to a collection point via an appropriate litter trap.
21. The operation of the Waste Management Plan and the storage areas must be maintained so that it does not cause any unreasonable amenity or attract pests, to the satisfaction of the Responsible Authority.

Infrastructure

Swept Path Analysis

22. Prior to the commencement of development for the relevant stage a swept path analysis must be submitted for buses at the Booringa Road/Visitor Information Centre Road to demonstrate that the bus turning movements can be accommodated within the current intersection layout, to the satisfaction of the Responsible Authority.

Booringa Road upgrade

23. Prior to the commencement of the development for stage 1 detailed designs for the proposed upgrade of Booringa Road will need to be submitted to and approved by the Responsible Authority. NOTE: Further permission for any native vegetation impact may be required.
24. Prior to the commencement of the use, Booringa Road must be upgraded in accordance with the endorsed plans and to the satisfaction of the Responsible Authority. NOTE: Further permission for any native vegetation impact may be required.
25. Prior to the commencement of Stage 2, a planning permit application to provide for the shared path along Booringa Road, or an alternative that is approved in writing, linking the facility and the 12 Apostles Visitor Information Centre must be lodged with Council to the satisfaction of the Responsible Authority. NOTE: Permission for any native vegetation impact may be required.
26. The shared path or alternative as approved by the Responsible Authority must be fully maintained by the proponent for a period of two years from the commencement of its use, to the satisfaction of the Responsible Authority.

Section 173 agreement for infrastructure

27. Before the commencement of development for any stage, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:
 - (a) That prior to commencement of the use allowed under the planning permit, the owner agrees that it will, at their own cost, widen and seal the pavement of Booringa Road in accordance with the endorsed plan for the length from the intersection with the 12 Apostles Visitor Information Centre to the entry to the workshop and food garden to a design standard as approved by Council. The owner agrees that it will pay for all costs associated with the upgrade, including the preparation of detailed approved construction plans.
 - (b) That the owner of the land agrees to, at its own cost upgrade the intersection of Booringa Road and Visitor Information Centre Road, if this is identified as a requirement following the Swept Path Analysis as required under condition 22 of the planning permit.

- (c) That prior to the commencement of Stage 2 the best endeavours by the owner must be made to obtain the necessary permissions for a shared path along Booringa Road linking the facility and the 12 Apostles Visitor Information Centre or such an alternative that is approved in writing by the Responsible Authority to the satisfaction of the Responsible Authority.
 - (d) In the event that all necessary permissions are obtained, the owner shall install the pathway within 12 months of the final permission being received to the satisfaction of the Responsible Authority. The owner agrees that it will pay for all costs associated with the shared path, including the preparation of detailed construction plans.
28. Before the commencement of the relevant stage of development an application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.
29. The owner/operator under this permit must pay the reasonable costs of the preparation, (and) execution and registration of the section 173 agreement, including Council's costs.

Stormwater Drainage

30. Prior to the commencement of the development of the relevant stage of the development, a detailed stormwater design for that stage must be submitted to the Responsible Authority for approval. Such a plan must be designed in accordance with relevant Council and Australian Standards and be to the satisfaction of the Responsible Authority. The plan must show:
- (a) Sizes of the proposed stormwater pipes and pits.
 - (b) Legal points of discharge.
 - (c) The calculations in support of the stormwater design.
 - (d) Confirmation is to be provided that existing downstream drainage infrastructure is adequate to cater for the stormwater discharge from the complex.
 - (e) Measures to control and retard stormwater from the development including to and within the designated waterway.
 - (f) Any works proposed in the designated waterway onsite must be approved by the Corangamite CMA

Roads, Parking and Access

31. Prior to the commencement of the use for the relevant stage, the road upgrades, vehicle crossovers, on site vehicular access ways, areas set aside for parked vehicles, loading areas, bicycle infrastructure, and pedestrian pathways shown on the endorsed plans for that stage and in the Parking and Traffic Management Plan must be:
- (a) Fully constructed and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- (b) Surfaced with an all-weather surface to the satisfaction of the Responsible Authority.
- (c) Drained and thereafter maintained to the satisfaction of the Responsible Authority.
- (d) Line marked and/or delineated as appropriate to the satisfaction of the Responsible Authority.
- (e) Access lanes, parking areas, loading zones, pedestrian and cycle paths must be kept available for these purposes at all times.

Other Requirements

Native Vegetation Offset

- 32. Prior to the commencement of the development of the relevant stage the native vegetation offset proposed with this application must be secured to the satisfaction of the Responsible Authority. Written confirmation of this is required to be submitted to the Responsible Authority.

Wastewater Treatment

- 33. Wastewater Treatment must be in accordance with the approved Works Approval or in the absence of a Works Approval to an appropriate reticulated system to the satisfaction of the Responsible Authority.
- 34. The dams located on the designate waterway must not be used for the operation of the Wastewater Treatment Plant and/or any irrigation of wastewater onsite.

General Amenity

- 35. The use and development must be managed so that the amenity of the area is not detrimentally affected including through the:
 - (a) processes carried out.
 - (b) the transportation of materials, goods or commodities to or from the land.
 - (c) the appearance of any buildings, works or materials.
 - (d) the presence of vermin.
- 36. Noise levels emanating from the premises must not exceed those required to be met under *State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended
- 37. 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*.

Materials, finishes and lighting

38. All external materials to be used on any built form, must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area. The use of zincalume or similar reflective material is not permitted.
39. Highly reflective glass must not be permitted to be installed in any external windows to the satisfaction of the Responsible Authority.
40. External and internal lighting associated with the use of the land by this permit must be suitably designed and baffled to reduce the impact of lighting on nearby dwellings; prevent light spill beyond the curtilage of the site and prevent light spill in wetland areas to the satisfaction of the responsible authority.

Landscaping Works

41. Prior to the commencement of the use for the relevant stage or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed Landscape Management Plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority.
42. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants be replaced and be kept generally in accordance with the Landscape Management Plan.

Referral Authority Conditions

Southern Rural Water

43. Prior to the use commencing all required licences under Section 51 of the *Water Act 1989* must be obtained to the satisfaction of the Responsible Authority.

Environment Protection Authority

44. The proponent must apply for and be issued with a Works Approval from the Environment Protection Authority or written confirmation that works approval is not required with respect to A03 Sewage Treatment prior to any works beginning.
45. Wastewater disposal must be in accordance with *Guidelines for Environmental Management: Use of reclaimed water (EPA Publication 464.2)* as amended from time to time.
46. Discharge of wastewater to land must not adversely affect the land.

47. **Surface water contaminated with waste must not be discharged from the premises.**
48. **Offensive odours must not be discharged beyond the boundaries of the premises.**
49. **Nuisance dust must not be discharged beyond the boundaries of the premises.**
50. **Construction and post-construction activities must be in accordance with *EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991* or as amended.**

Country Fire Authority

51. **Prior to the commencement of the use, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following inclusions/bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:**
 - (a) **Defendable Space requirements**
 - (b) **Building Construction Standards (BAL level)**
 - (c) **Water Supply**
 - (d) **Access arrangements**
52. **A fire fighting water supply system for both structural and bushfire use (BMO) will be provided at the site and will include water supply/supplies, fire pumps, fire mains, hydrants, fire hose reels etc. compliant to AS 2419.1 2005 standard . All systems will be installed at the site “to the satisfaction of the Chief Officer CFA”. This also includes fire fighter vehicular and pedestrian access to the equipment including booster point, fire pumps, hydrants, and fire hose reels.**
53. **All internal access roads will be constructed to meet CFA requirements as noted at point 1.4. Location/siting of access roads will be at the satisfaction of the Chief Officer CFA.**
54. **Landscaping/revegetation of the site will have regard to the defendable space requirements (vegetation management) as noted in point 1.1.**
55. **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.**

56. Before the approved development commences under this permit, a **BUSHFIRE EMERGENCY PLAN** to the satisfaction of the Responsible Authority and the Chief Officer 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 and satisfactorily address the following matters:
- (a) The Fire Danger Rating triggers for the closure of the facility.
 - (b) Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.
 - (c) Details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practicable).
 - (d) Transport arrangements for staff and visitors
 - (e) The need for any additional arrangements for persons with special needs.
 - (f) Training of staff, visitors and overnight guests on emergency procedures.
 - (g) The nature and frequency of emergency procedure exercises.
 - (h) Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
 - (i) Management and oversight of emergency procedures.
 - (ii) Training of employees in emergency procedures.
 - (iii) Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
 - (iv) Accounting for all persons during the emergency procedures.
 - (v) Monitoring and review of the BEP at least annually.

Bushfire Management Plan

57. The development and use must accord with the endorsed Bushfire Management Plan, except with the prior written consent of the Responsible Authority.

Mandatory Bushfire Condition

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

Expiry of Permit

59. This permit will expire if one of the following circumstances applies:
- (a) The use and development for the first stage is not commenced within five (5) years of the date of this permit.

- (b) Stage 2 of the development is not completed within seven (7) years of the date of this permit.
- (c) Stage 3 of the development is not completed within nine (9) years of the date of this permit.

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

NOTES

Registration of Beauty Therapy Premises

- Should any Beauty Therapy activities be proposed onsite, design and construction of the facility must be in accordance with the *Public Health and Wellbeing Regulations 2009, Part 5 – Prescribed Accommodation and Registration Premises*.
- Prior to commencing operation an application must be made to the Corangamite Shire Council Environmental Health Unit for Registration of a Registered Premises under the provisions of the *Public Health and Wellbeing Regulations 2009, Part 5 – Prescribed Accommodation and Registration Premises*.

Registration of Food Premises

- An application must be made to the Corangamite Shire Council Environmental Health Unit for Registration of a Food Premises under the provisions of the *Food Act 1984*.
- The proposed restaurant and cafes must be designed to comply with the *Australian Standard 4674-2004 - Design, construction and fit-out of food premises*, and the *Australian New Zealand Food Standards Code*.
- The installation of mechanical ventilation unit(s) and the provision of toilet facilities for staff and patrons must be in accordance with the Building Code of Australia.
- Suitable grease traps must be installed to prevent excess grease entering the onsite wastewater management system.
- If the edible garden is to be used to supply the commercial kitchens a management plan is to be developed taking into consideration: potable water supply for watering, chemicals, pests, cleaning / sanitising process, supplying a designated sink for vegetable washing etc. The procedure referencing all process steps is to be written into the Food Safety Program.

Registration of Accommodation Premises

- Design and construction of the accommodation must be in accordance with the *Public Health and Wellbeing Regulations 2009, Part 5 – Prescribed Accommodation and Registration Premises*.

- Prior to commencing operation an application must be made to the Corangamite Shire Council Environmental Health Unit for Registration of prescribed accommodation under the provisions of the *Public Health and Wellbeing Regulations 2009, Part 5 - Prescribed Accommodation and Registration Premises*.

Commercial Drinking Water Supply Management

- The provision of water for drinking (potable) water purposes must be treated and processed to comply with the *Australian Drinking Water Guidelines 2004* in accordance with the *Food Act 1984* and the *Public Health & Wellbeing Regulations 2009*.

Tobacco Act

- Outdoor areas where smoking by patrons is intended must comply with the *Tobacco Act 1987*.

Aquatic Facilities

- All proposed aquatic facility(s) must be managed in accordance with the *Public Health and Wellbeing Regulations 2009, Part 6 - Aquatic Facilities*.

Road Opening Permit

Prior to the commencement of any upgrade works in Booringa Road and the construction of the access from Booringa Road to the complex a Road Opening Permit will be required from Council.

Council Infrastructure

Prior to the commencement of the development any alterations to Council infrastructure as a result of the construction of the facility (e.g. relocation of a drainage pit) will require prior approval from the Responsible Authority and will be to the full cost of the developer.

Southern Rural Water

If any future works are to impact on a waterway or aquifer it will be necessary for the proponent to apply to Southern Rural Water under section 67 of the *Water Act 1989* to construct these works.

Power supply

Any augmentation to the power supply through the use of solar and photovoltaic technology may in itself require further planning permission to be obtained.

Signage

The erection and display of advertising signage may require a Planning Permit.

Attachments

1. Application Planning Permit Integrated Tourist Facility (12 Apostles Hot Springs and Resort) PP2017/119 201149P - Under Separate Cover
2. Section 55 Referral Authority Responses - Under Separate Cover
3. Section 52 Other Agency Responses - Under Separate Cover
4. Copy of Submissions - Under Separate Cover
5. Officer Response to Objections

Attachment 5 – Objection submissions and Officer Response (PP2017/119)

Objection 1	
Ground for objection	Officer response
<p><i>The application does not adequately provide information on:</i></p> <ul style="list-style-type: none"> • <i>Noise impacts and its effect on neighbouring properties</i> • <i>An environmental impact statement.</i> • <i>A cultural heritage impact statement.</i> • <i>Economic and social impact</i> • <i>Details of any further approvals required for any required upgrade of the Booringa Road/Great Ocean Road intersection.</i> 	<p>The application material is comprehensive and meets all of the application requirements of the Corangamite Planning Scheme and the <i>Planning and Environment Act 1987</i>. A satisfactory degree of detail is provided for the Responsible Authority to make a decision on the application.</p> <p>Each of these matters raised are dealt with below.</p>
<p><i>There is limited information, studies been undertaken, on the effect of the proposal on the adjacent Port Campbell National Park (PCNP).</i></p>	<p>A segment of the Port Campbell National Park is adjacent the site to the North West. The proposal does not rely on any changes to the park and there is no reasonable degree of impact considered likely. There is no known habitat corridor linking the sites. A public road (Booringa Road) separates the two sites and whilst some native vegetation is proposed to be impacted along Booringa Road no impacts on native flora and fauna are considered significant enough to impact the viability of the National Park.</p>
<p><i>There is limited information on the effect of the proposal on the following species: Metallic Sun Orchid, Rufous Bristle Bird, and White Bellied Sea Eagle.</i></p>	<p>The Flora and Fauna Assessment by Brett Lane and Associates Pty. Ltd. (BL&A) finds no evidence of habitat that would support any flora and fauna species listed under the EPBC Act. This includes the Metallic Sun Orchid of which no evidence is supplied of its current existence in the area.</p> <p>According to the Commonwealth Department of Environment and Energy the Rufous Bristlebird (western) or South-western Rufous Bristlebird are listed as threatened. However no identified habitat has been found on the subject site.</p> <p>The White Bellied Sea Eagle is a listed species under the EPBC Act however it is largely vulnerable to habitat loss of its nesting areas. It is also listed as</p>

	Threatened under the Flora and Fauna Guarantee Act 1988 (Victoria). The site contains no known habitat or nesting sites and is a heavily modified landscape largely devoid of native vegetation.
<i>For a project of this size, an Environmental Impact Assessment should be undertaken, identifying all the potential impacts including but not limited to those on the adjacent PCNP and its flora and fauna.</i>	There is no pertinent referral criteria for referral to the Minister for Environment under the <i>Environment Effects Act 1978</i> . The absence of a trigger for referral accords with the <i>Ministerial Guidelines for Assessing Environmental Effects</i> . This is supported by BL&A assessment.
<i>The timing of the flora survey undertaken within the property (July) and on the adjacent Booringa Road (Sept), may preclude the identification of endangered (or other conservation status) flora; further studies should be undertaken.</i>	No other evidence has been provided that would question the timing of site visits. The findings of BL&A are not reliant on the site visit alone and have assessed the site as having no relevant habitat no matter what time of the year it was assessed.
<i>Further work on the viability of Rhizopods to manage wastewater should be undertaken. I am not convinced by the information supplied that the poorly draining clays on site will be able to manage the wastewater and that there will be no discharge of wastewater off the site.</i>	The application proposes to contain wastewater wholly on the site. The Rhizopod method uses transpiration in planted beds to remove water with water to be reused to grow plants and landscape maintenance. A Planning Permit condition requires the proponent to obtain a Works Approval for the Wastewater Treatment Plant which will contain a monitoring and review process. Another permit condition will require that maintenance of the WTP be in accordance with the Works Approval from EPA.
<i>Some of the plant species proposed for landscape planting such as Pycnosorus chryshanthes and Agave are not native to the area and should be reconsidered. Pycnosorus chryshanthes in particular is unlikely to withstand the salty coastal winds that prevail in this landscape. A review of salt and/or clay soil tolerant species should be undertaken and the species list revised.</i>	A Planning Permit condition will require a fully detailed Landscaping Plan with the species selection being provincial and native vegetation unless the written consent of the Responsible Authority is obtained.
<i>There is limited information to explain what efforts will be made to block the project from public view whilst trees and other plantings proposed are still growing. Growth of most of the proposed mid and upper storey plants species will be slow in this area due to salt and wind. At least 15 – 20 years for upper storey to get to a semi reasonable size.</i>	The application propose a staged development and permit conditions will require hold points in between stages when assessment of elements such as visual impact can be assessed and resolved before the commencement of the next stage.

	<p>Given the low scale of the development, the distances from the Great Ocean Road, the retention of some screening vegetation in the south west and the softened design materials, long term impacts are considered unlikely to be significant.</p>
<p><i>In particular I will be able to see the project along West View 02 from my property.</i></p>	<p>The Visual Character Assessment identifies view corridors where little or no vegetation along the Great Ocean Road (GOR) screens the site from views along the GOR. Potential Visual Impact location number 7 (<i>West View 02</i>) demonstrates the subject site will be obscured along this corridor by the contours of the land. This assessment is confirmed by site visits.</p>
<p><i>No information has been supplied / or allowance has been made as to walking paths or bike paths from the property to the 12 Apostles Look Out. Guests at the property will presumably want to be able to walk/bike to the Great Ocean Road</i></p>	<p>The proposal caters for this need by providing a shuttle bus which will run every 20 minutes according to the submitted Traffic Impact Assessment. However recommended permit conditions will require a review of the Traffic Management Plan at each stage of the development and if there are unexpected and unreasonable levels of pedestrian traffic along Booringa Road then provision via a separate planning permit will require the installation of a shared path or an alternative solution.</p>
<p><i>No information has been supplied/research undertaken on the possibility of sink holes forming on the property. Slowly forming sink holes have resulted in collapsing landforms along the Great Ocean Road within and adjacent to the PCNP.</i></p>	<p>Whilst no geological report accompanies the application this eventuality is not expected to occur given the site is located greater than a kilometre inland from the coast.</p>
<p><i>No information/research undertaken has been supplied on how solid waste is going to be managed on the site.</i></p>	<p>A recommended permit condition will require a waste management plan to be approved and enforced. This plan will consider how and where waste is to be processed, stored and disposed of. An appropriately screened and considered location is required.</p>
<p><i>As an owner of property within 1.5 km of the project I would be affected by the project in the following manner:</i></p> <ul style="list-style-type: none"> • <i>My visual amenity (looking towards the north eastern section of the PCNP) from my property at #### Great Ocean Road Port Campbell would be reduced.</i> 	<ul style="list-style-type: none"> • It has been demonstrated in the application that the subject site is obscured from the objector's site by land contours. • A solid waste plan and procedure is required by a permit condition with the expected waste to be handled appropriately and in accordance with Council standards

<ul style="list-style-type: none"> • <i>My visual amenity would be reduced associated with solid waste (litter) due to increased tourists not being provided with sufficient methods and options for disposing of waste and recyclables.</i> • <i>The potential loss of fauna and flora (as insufficient quality and quantity of environmental impact of these in the areas surrounding the project boundaries) would decrease my recreational enjoyment from the surrounds.</i> • <i>Increased traffic from visitors driving to and from the facility will increase noise, and increase risk of safety when I partake in recreational walks along Booringa Rd and along the Great Ocean Road.</i> 	<ul style="list-style-type: none"> • It is demonstrated in the application the significant plantings and horticultural aims of the proposal will significantly improve the areas ecological status. • The Great Ocean Road already caters for over 41,000 arrivals per month at the 12 Apostles Visitor Information Centre. The increase in traffic and noise along the great Ocean Road and in this area from the proposed development is unlikely to have any greater impact on this already busy area.
<p><i>The proposal does not meet the purposes of the Zone in that:</i></p> <ul style="list-style-type: none"> • <i>The use is not compatible with existing agricultural uses and the environmental and landscape characteristics of the area by virtue of potential noise, traffic and environmental impacts.</i> • <i>The development does not enhance the natural resources of the area with potential ground water impacts and impacts on existing flora and fauna (including but not limited to penguin colonies).</i> • <i>The use will have an adverse impact on existing land uses including farming, residential, the national park, the national park visitor centre and the existing heli/airport to the south of the site.</i> 	<p>The strategic aims of the planning scheme were heavily debated at the time of the C30 Planning Scheme Amendment with this site being identified for tourism opportunity. As such the Rural Activity Zone (RAZ) and the applied Design and Development Overlay (DDO5) seek to control development of the site for its tourism purpose. The RAZ appropriately balances the needs of this rural area with the potential for a sensitively design and located tourism development. The planning permit conditions recommended also seek to control the development and operation of this facility to meet the purpose of the RAZ.</p> <p>After considering the whole of the RAZ and DDO5 the recommendation is to support this development subject to permit conditions that enhance the operation and control of the facility.</p>
<p>Objection 2</p>	
<p><i>The proposal is contrary to the purpose of the Rural Activity Zone (RAZ1) (Clause 35.08) - To ensure that use and development does not adversely affect surrounding land uses.</i></p>	<p>The objector's site is a previously excised dwelling and outbuildings surrounded by the subject site and fronting Booringa Road. Mature vegetation separates it from the subject site. The dwelling contains no designed viewing corridor, balcony, outdoor entertaining area or windows in an attempt to capitalise on views south to</p>

<p><i>We will be affected by:</i></p> <ul style="list-style-type: none"> • <i>views over the proposed development site from our property.</i> • <i>detrimental to the amenity of the area</i> • <i>an effect on views, noise, traffic and general atmosphere of the area.</i> • <i>The proposals impact on the preferred and existing character of the neighbouring area</i> 	<p>Bass Strait. The mature vegetation on the property boundary also screens the surrounding land from the view to the south.</p> <p>An acoustic assessment within the application successfully argues that any impact on this property is reasonable in the context of the two lots and the proposed layout of the development.</p>
<p><i>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.</i></p>	<p>From 2011 the subject site has been identified as a site for tourist development with the objector having been involved in the process and aware of the Minister for Planning's ultimate decision. There would be an expectation that development of this site will have some impact on their amenity. State and local planning policy and Planning Scheme controls seek to balance the varying needs of Victoria to use and develop land that is reasonable and purposeful. Subject to the recommended conditions this proposal achieves that aim.</p>
<p><i>As this land is agricultural farm land with little shedding the scale of the development the works and activities in this application are not suitable to this site.</i></p>	<p>The site has been identified for tourist development with areas indicated for development. The scale of development is not identified in strategic terms and the permit process must control any impact to a reasonable degree.</p>
<p><i>The proposal is contrary to the purpose of the Rural Activity Zone (RAZ1) (Clause 35.08) To provide for the use and development of land for specific purposes identified in a schedule for this zone.</i></p> <p><i>The Hot Springs do not fall under the allowable land use under Section 2. A Hot springs facility is Not Religious, Nor Cultural, Nor entertainment, Nor meetings, so therefore the Hot Springs cannot be categorized under the term 'Place Of Assembly '.</i></p> <p><i>The submission then argues that it could be a Restricted recreation facility which is defined as land used by members of a club or group, members guests, or by the public of payment of a fee for leisure or recreation or sport, such as a bowling or tennis club, gymnasium and fitness centre. We believe it does not fit into this category.</i></p>	<p>The identified use definitions for the site are the best fit within the definitions available in the planning scheme.</p> <p>The defined uses are a tool used to assess matters such as parking and are not meant to obscure the ultimate purpose as a Tourism development.</p> <p>The proposed uses are supported subject to permit conditions.</p>

<p><i>We believe the size and scale of the development to be excessive for this site. Which will cause considerable increase in traffic, noise and light pollution.</i></p>	<p>The site has an identified 'preferred location' for development and a strategic priority for tourism development. The scale must reasonably respond to the site and surrounds and meet the strategic purpose to support tourism. It is considered that the scale of the development appropriately responds to the significance of the site and is reasonably designed and controlled through permit conditions.</p>
<p><i>Inconsistency with Amendment C30. The scale of this new proposal for development with the number of activities proposed compared to the plan submitted to the C30 panel is way in excess of what was originally proposed for the site. Also Under the DDO5 the requirement that the, "The proposal is suitable in the context of the existing buildings, works, and activities on the site." This statement refers to the plans submitted to the panel hearing by Daryl and Jocelyn Salmon's small scale 10-unit development that was proposed for the site back in 2011. It can not refer to the current application for permit due to the DD05 being passed 2011 before this development was conceived.</i></p> <p><i>The proposal exceeds outside the 'Preferred Indicative Location' shown on Map 4 for the subject site in the DD05. To exceed this area on numerous boundaries would indicate a substantial sized development than that was not intended for this site.</i></p>	<p>Elements of the proposal (spa pools and car park) extend slightly beyond the indicative location for development. This is considered reasonable.</p> <p>Accommodation pods sit well outside any indicative location for built form. However given the contours of the land, sensitive design and siting of the pods and well landscaped areas the impact of the built form is unlikely to be significant once vegetation has established.</p> <p>The food garden and operations area will sit in an area already modified by buildings (existing dairy) and permit conditions will screen and protect the amenity of adjacent areas.</p> <p>The overflow car parking proposed needs to be addressed in the Traffic and Parking Management Plan and Operations Plan and must be controlled to reduce the reliance on informal parking that can have negative amenity impacts. An appropriate buffer is required that will control the location of the overflow parking based on and controlled by the EPA's noise guidelines.</p>
<p><i>The proposal is contrary to the decision guidelines of DDO5. Concern for:</i></p> <ul style="list-style-type: none"> • <i>The operations of the development</i> • <i>Traffic noise</i> • <i>Construction noise</i> • <i>Entertainment in the amphitheatre</i> • <i>People using the garden walk</i> • <i>The land is currently used for farming</i> • <i>Booringa Road needs to be upgraded</i> • <i>The site will be highly visible from the car park of the Twelve Apostles</i> 	<p>Standard conditions on any planning permit issued for this scale of development seek to control adverse amenity impacts from construction as well as the operation of a facility.</p> <p>State Environment Protection Policies (SEPP) offer recognised and effective controls for construction and operating of these facilities. Importantly however this sites recognised strategic value is for tourism development and there should be a reasonable degree of expectation that movement, noise and activity should take</p>

<ul style="list-style-type: none"> • <i>The development is not compatible with any building forms or types evident with the surrounding area.</i> • <i>The enormous numbers of patrons at any one hour in any one day.</i> • <i>This property also abuts other agricultural land used for grazing of animals</i> • <i>Booringa Road must be sealed within the guidelines to be able carry to a minimum over 3000 vehicles per day. This should be done up to and including the sites delivery/service entrance or beyond not just to the main entrance</i> • <i>We object to the siting of the carparks because of its proximity to our property to cause major disruption to the amenity of the property and area.</i> 	<p>place on the site, within reasonable limits and protected by SEPP controls.</p> <p>The proposal generally accords with the preferred siting of built form on the site under DDO5. The natural landscape is to be improved and will in time effectively soften any built form impacts on the site. The proposal also responds ell to the contours and features of the site and ill only improve its environmental credentials if properly controlled.</p> <p>The integration of this proposal to the 12 Apostles VIC is a critical element. Permit conditions will control the proposed shuttle connection between these facilities. Also at each stage of the development a review of this activity and its efficiency may trigger further ways to improve the integration.</p> <p>The land is zoned for Rural Activity and is strategically identified for tourism development having been approved by the Minister for Planning.</p> <p>There is no evidence that public transport is missing from the mix of infrastructure along this coast. Having said this, the Shipwreck Coast Masterplan and the 12 Apostles Trail will both address this aspect of public access. Also Booringa Road is being appropriately considered in its upgrade and maintenance requirements under this proposal and assessment. Permit conditions will mean this asset is appropriately treated under this proposal.</p>
<p><i>The hours of operation (between 7am and 11pm) are excessive and will contribute to the noise, traffic movement and lighting pollution for unrealistic hours late into the night and starting very early mornings well before 7am. Hours of operation will directly have a negative effect on:</i></p> <ul style="list-style-type: none"> • <i>The critical receiver's residence to the detriment of the amenity</i> • <i>Ongoing noise and traffic.</i> • <i>The preferred or existing character of the neighbourhood.</i> • <i>On the social wellbeing of the critical receiver's.</i> 	<p>A planning permit condition will control the operation of the development. Given the significance of the site it is not unreasonable to expect the operating hours proposed.</p> <p>The amenity expectations of the adjacent areas and properties must fall into context with the long held strategic intent for this significant site.</p>

<p><i>The proposal is contrary to the SPPF Clause 13.04-1 Environmental Risks - Noise Abatement in particular:</i></p> <ul style="list-style-type: none"> • <i>Staff will arrive much earlier than 7am and leave well after 11pm</i> • <i>Noise from equipment, lighting and noise from vehicles, buses and buildings are a major issue.</i> • <i>Too much noise can reduce people's quality of life and, in some extreme cases destroy it entirely</i> • <i>Hours should be limited during the construction stage of this project if the permit is granted</i> 	<p>Normal operating hours are proposed and an endorsed Operations Management Plan will cater for any expected impact.</p>
<p><i>The proposed car parking will have a detrimental impact on the amenity of our property and is contrary to Clause 52.06. In particular:</i></p> <ul style="list-style-type: none"> • <i>Its location so close to our house</i> • <i>Impact on views</i> • <i>Noise</i> • <i>Lighting and vehicles lights</i> • <i>Overflow questions</i> 	<p>The amenity expectations of a property effectively surrounded by the proposal must be weighed against a site strategically identified for tourist development adjacent a very busy major Australian tourist site.</p> <p>An Operations Management Plan will address any unreasonable amenity impacts on the neighbours property.</p>
<p>The proposal underestimates the Traffic Impact Assessment and in particular the:</p> <ul style="list-style-type: none"> • Number of vehicle movements per day • It is out of date (2015) • Booringa Road should be resurfaced to at least the deliver/service access road • The TMP ignores that many visitors come from the north along Booringa Road as their GPS takes them that way • Traffic congestion at the Visitor Information Centre 	<p>The submitted Traffic Impact Assessment will inform the required Traffic Management Plan and Operations Management Plan.</p> <p>The number of vehicles estimated is not challenged by Councils Assets team. Booringa Road will be required to be surfaced up to and including the Operations entrance and will cater for the vast majority of visitors to the site.</p>
<p>Signage for the property has not been addressed and requires a permit.</p>	<p>Signage will be addressed under separate permission and is anticipated to occur once greater detail is at hand.</p>

10. OFFICERS' REPORTS

10.1 Domestic Animal Management Plan 2017-2021

Author: Lyall Bond, Manager Environment and Emergency

File No: D17/737

Previous Council Reference: 24 October 2017, Item 10.3

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Lyall Bond

In providing this advice to Council as the Manager Environment and Emergency, I have no interests to disclose in this report.

Summary

The purpose of this report is to present the Domestic Animal Management Plan 2017-2021 for Council adoption.

Introduction

Council is required to develop and approve a Domestic Animal Management Plan (DAMP), as per the statutory requirements of the *Domestic Animals Act 1994*, Section 68A. The completed plan must be provided to the Secretary of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) in accordance with the legislation.

The structure of the plan must be compliant with the 2016 template provided by the Bureau of Animal Welfare (DEDJTR). Domestic Animal Management Plans are effective for a four year period and must be reviewed annually. Although there are many types of animals that have been domesticated, Domestic Animal Management Plans are only applicable to dogs and cats or businesses which trade in these animals.

Issues

The aim of the Corangamite Shire DAMP is to provide Council with clear direction as to how it will encourage more residents within Corangamite Shire to be responsible pet owners and encourage pet owners to abide by the laws that have been put in place for the benefit of the wider community.

The Plan identifies eight key areas for action relating to:

- officer training
- registration and identification of domestic animals
- nuisance animals
- dog attacks
- dangerous, menacing and restricted breed dogs
- overpopulation and euthanasia rates
- domestic animal businesses
- annual review and reporting of the plan.

Each of the eight key areas for action contain information on the identified strategies for improvement, current situation, future objectives and service activities to be undertaken to achieve Council's priority goals over the next four years.

The Corangamite Shire's responsible pet ownership program for the life of this plan will focus on:

- education
- registration of domestic animals
- dogs being under suitable control
- controlling nuisance animals including feral animals
- promotion of microchipping and benefits of desexing
- encouraging owners to clean up after dogs.

Many of the actions contained within the Domestic Animal Management Plan continue to provide the services already delivered by Council. In addition to this there are some new initiatives which require further investigation as part of the plans implementation. These initiatives include the investigation of suitable areas and community support for dog parks and supporting communities who want to install and manage dog waste collection bags. Both of these initiatives have been raised by the community during the Plan's development and will assist in providing a more domestic animal friendly environment within the community.

The Plan must be reviewed on an annual basis in accordance with the *Domestic Animals Act 1994*, to ensure it continues to meet the needs of the community. If required the Plan may be amended during the annual review process.

In 2016, the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) introduced a Bill in Parliament, in response to a range of issues impacting Victorian communities pertaining to puppy farms and the ownership and trading of domestic animals. After further consultation, this Bill has been amended and again introduced to parliament with the intention of proposing changes to the *Domestic Animals Act 1994*. The proposed Bill and associated amendments have not been enacted, and although not significantly impacting the Corangamite community, have not been considered as part of the Plan's development. If the Bill is enacted it will be considered as part of the annual review process.

The Corangamite Shire Domestic Animal Management Plan 2017-2021 is circulated under separate cover for Council's consideration. If adopted, it will be used to guide actions to improve domestic animal management within the community over the next four years.

Policy and Legislative Context

The process for development of the Domestic Animal Management Plan aligns with the following commitments from the 2017-2021 Council Plan.

We are committed to working towards ensuring the safety, health and wellbeing of our communities.

Engage with and listen to our communities.

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Improve the health and wellbeing of our community.

Improve the appearance of our towns and public spaces.

The development of the Corangamite Shire Domestic Animal Management Plan 2017-2021 meets Council's responsibilities as per the statutory requirements of the *Domestic Animals Act 1994*, Section 68A.

Internal / External Consultation

To ensure alignment to our communities' needs and the current issues within the Shire, consultation and interviews have been undertaken with stakeholders including local veterinary clinics, RSPCA Warrnambool, South West Authorised Officers Group and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (Bureau of Animal Welfare).

In addition to Facebook posts, the draft Domestic Animal Management Plan was exhibited for public comment for a four week period from 25 October to 22 November. Submissions were invited through advertisements in local newspapers and on Council's website. Hard copies of the draft Plan were placed at the Council offices, veterinary clinics and public libraries.

Council received two written submissions (attached under separate cover) relating to the draft Domestic Animal Management Plan. These submissions were supportive of the objectives of the Plan and specifically encouraged increased action on issuing fines for dog owners who do not pick up after their dogs, strongly supporting the investigation of dog parks and considering in future Council processes how pet ownership can be supported and encouraged.

Council officers reviewed the submissions and comments against the actions and issues identified within the draft Plan, to ensure each of the identified issues were adequately considered within the Plan and implemented at the correct level to support the community.

Financial and Resource Implications

The Plan identifies a number of new initiatives for investigation. These initiatives include the investigation of suitable areas and community support for dog parks and supporting communities who want to install and manage dog waste collection bags. Any new action items will be considered through Council's normal budgetary process over the life of the Plan

Options

Council may decide to adopt the Plan as presented. Alternatively, Council may decide to amend the Plan prior to it being adopted.

Conclusion

The Domestic Animal Management Plan 2017-2021 guides the future direction for domestic animal management within the Corangamite Shire over the next four years. It has been developed through consultation with stakeholders and the community. The Plan aims to improve the standard of domestic animal management through the promotion of responsible pet ownership, while also meeting the needs and expectations of the community.

The Corangamite Shire Domestic Animal Management Plan 2017-2021 has been developed to meet Council's statutory obligations under the provision of Section 68A of the *Domestic Animals Act 1994*.

RECOMMENDATION

That Council adopts the Domestic Animal Management Plan 2017-2021.

Attachments

1. Domestic Animal Management Plan 2017 -2021 - Under Separate Cover
2. Submission No 1 Draft Domestic Animal Management Plan 2017 - Under Separate Cover
3. Submission No 2 Draft Domestic Animal Management Plan 2017 - Under Separate Cover

10.2 Submission on Naroghid Wind Energy Facility - Planning Permit Application PA1700276

Author: Ian Gibb, Director Sustainable Development

File No: D17/785

Previous Council Reference: 08 August 2017, Item 2

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Ian Gibb

In providing this advice to Council as the Director Sustainable Development, I have no interests to disclose in this report.

Summary

The Minister for Planning has received an application for a Planning Permit to develop land in Naroghid for a 12 turbine Wind Energy Facility. The application is currently on notice, closing for comment on 22 December 2017.

Introduction

Under Clause 61.01, the Minister for Planning is the responsible authority for matters relating to the use and development of land for a Wind Energy Facility. Council is able to make a submission on the proposal, but it does not have any power to decide the application

The Naroghid Wind Farm permit application lodged by Wind Farm Developments Pty Ltd. can be found at <http://naroghidwindfarm.com/>.

Issues

The Proposal

The site of the proposed wind farm is approximately 2.2 km to the north-west of Cobden and 5.8 km south west of Camperdown. The site has an area of approximately 800 hectares and is comprised of 24 Allotments. There are currently five dwellings on the site. Within 2 km of the proposed turbine locations there are 21 non stakeholder dwellings.

The permit application seeks approval to use and develop the land for the purpose of a Wind energy facility comprising:

- twelve (12) turbines
- maximum height of 180 m
- maximum hub height of 110 m
- maximum rotor length of 140 m
- minimum rotor clearance of 40 m.

The location of the twelve turbines is shown on figure 1 below.



Legend

- ◆ Turbine Location
- Zoomed In Area
- New Boundary Area
- Roads
- 1km buffer from turbines
- 2km buffer from turbines
- 3km buffer from turbines
- Houses
- Stakeholder Houses
- Non-Stakeholder Houses to 2kms
- Non-Stakeholder Houses to 3kms

The facility would generate 43.2MW of electricity, which can power approximately 37,000 homes. The proposed turbine model is the Senvion 3.XM140, which has a capacity of 3.6MW and a rotor diameter of 140m.

Connection to the electricity network will be via the 66kV line which passes through the site. An alternative option is to connect to the 220kV line which also passes through the site, but this is unlikely given the high cost associated with such a connection relative to the scale of the proposed wind farm.

A small, existing quarry on the site will be used where possible as a source of raw materials for the project. Most raw materials, however, will be obtained from off site.

The permit application is supported by an extensive suite of technical reports, including an independent aviation impact assessment prepared by Richard Gower for the proponents.

Previous Wind Farm Approval

In 2006, approval was previously granted for a wind energy facility in this location, on land comprised of a similar group of allotments. The previous approval allowed 21 turbines with a maximum height of 125 metres. Whilst the previous approval has expired and a number of changes have occurred since the previous approval was granted, it is relevant to note the findings of the Panel which recommended its approval.

The Panel found that the perceived threat to the safe operation of the Cobden Aerodrome was the 'single greatest issue of greatest concern to the local community in both submissions and presentations to the Panel'. However, the Panel concluded that the proposed wind farm did not provide an aviation hazard to the Cobden Aerodrome.

Current Policy

State policy supports the development and use of land for wind energy facilities and the State Government has committed to renewable energy targets of 25% by 2020 and 40% by 2025.

Clause 19.01 of the Corangamite Planning Scheme has the objective 'to promote the provision for renewable energy in a manner that ensures appropriate design and siting considerations are met'. Clause 19 seeks to facilitate renewable energy facilities; to protect energy infrastructure against competing and incompatible uses; and that consideration is given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment

Clause 19 also requires consideration of the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (2016)*.

Clause 52.32 Wind Energy Facility seeks to facilitate the expansion of wind energy facilities in appropriate locations with minimal impact on the amenity of the surrounding area. A wind energy facility within 1 km of an existing dwelling must meet the requirements of clause 52.32-3, otherwise it is prohibited. The application material submitted includes relevant landowner consents in relation to existing dwellings located within 1 km of a turbine that forms part of the wind energy facility.

Application requirements are listed at Clause 52.32-4 and decision guidelines are at Clause 52.32-5 of the Planning Scheme.

Clause 35.07- Farming Zone

The site for the proposal is located within Farming Zone Schedule One. A planning permit is required to use and develop a wind energy facility in the Farming Zone.

The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Bushfire Management Overlay

- Part of the site, along the Camperdown-Timboon Rail Trail and on the eastern side of Cross Forrest Road, is covered by a Bushfire Management Overlay.
- The provisions of the Bushfire Management Overlay do not require a planning permit for a wind energy facility.

Preliminary Assessment of the Current Proposal

Council officers have undertaken a preliminary review of the current planning permit application and associated reports addressing the application requirements. These address matters including:

- Landscape and Visual Amenity
- Noise
- Shadow flicker
- Blade Glint
- Bats and Avifauna
- Cultural heritage
- Aviation Safety
- Guidelines for Wind Energy facilities.

Environmental Impacts

The proponent has included a Draft Environmental Management Plan, which addresses potential flora and fauna impacts, vegetation removal associated with the proposed facility and ecological assessments. The potential impacts on bat and bird populations have been mitigated in the siting of the proposed turbines, and will be appropriately monitored.

Visual Assessment

The proposed structures will undoubtedly have an impact on the landscape owing to the size of the turbines and the fact that the blades move. It is not considered that the overall landscape impact of the wind energy facility will be significant.

Noise Assessment

Some construction noise is inevitable and it should be managed to minimise any negative impacts. Operational noise is an issue of some community concern. The proponent's preconstruction noise modelling indicates that the proposal will comply with the New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise (NZS 6808:2010) which has been adopted for assessment of Australian wind farms. Council has no evidence to suggest otherwise.

The substation noise limit will also need to comply with relevant environmental noise limits. The substation was not assessed under the New Zealand standard, it was assessed under the Victorian EPA Guidelines Noise from Industry Regional Victoria (NIRV). These NIRV are applicable to facilities such as substations, but excludes the assessment of wind turbines at wind energy facilities.

Traffic Assessment

An assessment of traffic impacts is provided, and demonstrates that impacts can be managed appropriately and post-construction will have only a minor impact on the surrounding road network.

It is expected that construction traffic will comprise small vehicles (sedans, utes, vans), large vehicles (gravel trucks, semi-trailers) and oversized vehicles (tower section and blade transporters). These vehicles will have varied requirements for road space and site access.

In some instances roads may need to be temporarily closed to accommodate road works, access works or manoeuvring space.

The Traffic Management Plan (TMP) originally presented for the 21 turbine wind farm was estimated to generate 13,263 total construction trips. The current wind farm proposal is estimated to generate 12,482 trips, being 781 trips fewer, and although the turbines are now less in numbers, they are taller in stature.

The swept path diagrams of the largest over-dimensional vehicle suggest that they will extend beyond the available road width. The Princes Highway/Cross Forest Road and Site Access/Cross Forest Road intersections are likely to require widening improvement works, at the developers cost. The TMP will need to address mitigation works, hours of operation, speed limits, construction and delivery routes, site access, pre-construction roadworks timetable, and is to be prepared in consultation with Council and VicRoads. The TMP should also address potential conflict with local truck movements, school buses and municipal/commercial waste operators.

Aviation

The key matter of concern is Aviation Safety, given the proximity to the Cobden Aerodrome. More specifically, there is a need to ensure that turbines are positioned and designed so as not to prejudice the future operation for the Cobden Aerodrome, nor prejudice its future registration with CASA as a Code 1 airfield.

The impact of the current proposal on the ongoing operation for the Cobden Airstrip facility is an issue of community concern, and an issue of concern to current users of the facility.

Council has recently been briefed on 12 December 2017 on the Cobden Aerodrome Future Direction and Naroghid Wind Farm considerations.

The Cobden Aerodrome complies with the minimum physical requirements and management standards for day time Regular Public Transport and General Aviation use.

The Cobden Aerodrome is not currently registered by Civil Aviation Safety Authority (CASA) and is considered as "Other (Unclassified) Aerodromes" classification. The standards that apply to Cobden Aerodrome relate to an Aircraft Landing Area, where the pilot is responsible to ensure that the runaway or landing area is suitable for the aircraft that is being operated.

Council in partnership with the Cobden Aerodrome Committee have undertaken some improvements including upgrading and sealing of the runway and installation of pilot activated lighting system (to support night operations). These upgrades are significant because they have occurred since the 2006 wind energy permit was issued, and because they upgrade the infrastructure at the Cobden Aerodrome so as to facilitate increased usage and potential future registration to CASA standards.

The Cobden Aerodrome, as an unregistered aerodrome, provides for emergency landings by the Air Ambulance. The overall strip width required for night time use is 80 metres, and the current strip is only 60 metres wide. A wider strip would require additional land acquisition and relocation of some built form infrastructure. The Cobden Aerodrome does not currently comply with the CASA guidelines for night time use.

The wind farm applicant has advised that 'Aircraft safety has been assessed with the conclusion reached that there would be no conflict with the nearby Cobden Aerodrome and that the proposed turbines do not require aircraft lighting'.

The applicant engaged Richard Gower to prepare an Aviation Impact Statement. The Statement concludes 'Aerodromes that have published approach procedures have an associated Obstacle Limitation Surface (OLS) which gives the vertical limit of nearby structures and terrain. The Cobden Aerodrome does not have this and therefore, no OLS is applicable'.

There is however a responsibility of Council as the aerodrome operator where the aircraft is being used for air transport operations, to ensure that the runway is serviceable and meets minimum standards. As such, Council has had an Obstacle Limitation Surface (OLS) prepared for the Cobden Aerodrome to provide guidance and assess any implications for the day to day operation and use of the strip.

Advice obtained by Council indicates that the wind energy facility will potentially impact current and future operations of the Cobden Aerodrome, in particular its ability to become CASA registered.

Civil Aviation Safety Authority (CASA advice)

CASA has reviewed the aviation impact statement as prepared for the proposed Naroghid Wind Farm. The CASA advice is summarised as follows:

- In relation to Visual Flight Rules (VFR) operations is that pilots are permitted to fly as low as 500 feet above ground level. The turbines will reach to a height of 590 feet AGL and therefore the turbine blades will marginally infringe navigable airspace by 90 feet.
- The location for the wind farm is remote of any certified or registered aerodromes and there are no identified VFR air routes in the area and that the wind farm is within class G airspace.
- The proposed format is unlikely to be a hazard to aviation safety given the current levels of limited civilian air activity in the area.
- CASA does not recommend aviation hazard lighting.
- The proponent has a duty of care to ensure the wind turbines do not present a hazard to safety operators.

Further advice obtained from CASA by Council indicated that:

- The Naroghid Wind Farm in its current layout will negatively impact on Council's ability to have the Cobden Aerodrome registered with CASA.
- Under the existing terrain conditions it would not be possible for the aerodrome to cater for instrument flight procedures from the north.
- As a Code 1 aerodrome, CASA would consider Turbine No. 11 a hazard to operations from the aerodrome. Removal of Turbine No. 11 would ensure that the Obstacle Limitation Surfaces (OLS) for a Code 1 aerodrome would be clear of the turbines.

- Should the Council at a later date decide to install runway lighting for night flights, CASA would recommend that the three turbines located roughly along the extended runway centreline (Turbines 8, 9 and 10) either be relocated or removed to reduce the risk to pilots flying at night.
- Registering the aerodrome will see an increase in aircraft operations to and from the aerodrome and so CASA would most likely recommend in these circumstances that each turbine outside the OLS is lit with steady red low intensity aviation hazard lighting as detailed in the Manual of Standards Part 139 (MOS 139) and as previously advised in the CASA letter to Mr Gower in July this year. Whether these turbines are lit or not needs to be determined by the relevant planning authority.

On provision of the proposed plans and layout of the turbines for the Naroghid Wind Farm, Council has sought independent advice from aviation experts. Advice has also been sought and provided by CASA.

The issues facing the operations of the Cobden Aerodrome in light of the wind farm proposal have been considered and assessed on account of the current operations and if future registration were to occur. The advice from CASA and aviation experts is consistent.

Situation	Cobden Aerodrome implications
Current Operations	<ul style="list-style-type: none"> • CASA does not regulate • Pilots are to ensure landing area is suitable • Council is responsible for liability and minimum standards
Future Registration - day time use	<ul style="list-style-type: none"> • CASA is regulating authority • Tower 11 must be relocated/removed as it is within the OLS for registration
Future Registration - night time use	<ul style="list-style-type: none"> • CASA is regulating authority • Tower 11 must be relocated/removed as it is within the OLS for registration • Tower 8, 9, 10 must be relocated/removed as they are within the flight approach splay and a safety risk for night operations • All other towers to be lit for aviation hazard lighting or proposal amended to avoid aviation hazard requirements

Council officers have discussed the removal of Tower 11 with Windfarm Developments and requested it be relocated to accommodate current and potential future operations of the Aerodrome. To date Windfarm Developments have refused to agree to any adjustments to the permit application as lodged.

If Tower 11 is not removed, with due consideration to the advice provided by CASA, Council's obligations to provide a duty of care would mean the Cobden Aerodrome would need to cease operation. There is no immediate viable option to provide this facility and associated infrastructure at an alternative site.

The Air Ambulance is currently willing to land at the Cobden Airstrip at night in an emergency. However, if the wind farm goes ahead, it will only approach in daylight and only from the south. Regardless of the comment that the local area will not suffer from this restriction in the service, Council believes that the benefit of 24 hour Air Ambulance access cannot be over emphasised and the community should strive for this standard of service.

Council has undertaken numerous Development Plans (2005, 2009, 2011) for the Cobden Aerodrome to be used as a reference for development of the facility over a 10 year period. The Development Plans provide options to the airstrip to meet CASA standards and to become registered.

There is a need to ensure that the wind farm proposal does not prejudice future registration of the Airfield as a Code 1 Airfield. It is recommended that Council lodge a submission in response to the permit application which seeks that:

- Tower 11 is relocated outside of the potential OLS area, so as to retain operation of the Cobden aerodrome and allow for future CASA registration as a Code 1 Airfield for daytime flying.
- Tower 8, 9, 10 must be relocated/removed as they are a safety risk for night flying operations (Air Ambulance) and likely to affect future CASA registration. It should be noted that the Cobden Aerodrome already has Pilot Activated Night Lighting installed and as such these towers will prohibit future CASA registration as a Code 1 airfield for night time flying.
- All other towers to be lit for aviation hazard lighting or the proposal amended to avoid aviation hazard lighting requirements.

Policy and Legislative Context

The Minister for Planning is responsible for deciding the wind farm permit application as Clause 61.01 of the Corangamite Planning Scheme indicates the Minister as responsible authority for this application type. Council would be required to enforce permit conditions if a permit is issued.

Internal / External Consultation

Notice of the permit application has been given in accordance with the requirements of DELWP. The notice period ends on 22 December 2017. It is desirable that Council finalise a submission on the permit application and lodge with DELWP by this date.

Cobden Aerodrome Committee of Management has been consulted in relation to the wind farm permit application.

The position of the Committee of Management is concern with the development of the wind farm and the impact on the operations and future use of the Aerodrome primarily associated with:

- Location of towers within the flight path.
- Effect of wind turbulence generated by the turbines.

The Committee have expressed a desire for the Aerodrome to become registered with CASA. This is largely driven by the future vision for the development of the aerodrome (i.e. passenger terminal development and increased commercial operations). There is also acknowledgement that registration would protect the ongoing operation of the Aerodrome from the wind farm development.

Financial and Resource Implications

Lodging an objection to the wind farm permit application is likely to lead to future expenditure. It is likely that the Minister will appoint a Panel to consider the submissions made on the permit application. Council will therefore likely require representation before the Panel, and may wish to call expert evidence in support of its case. This will come at a cost to Council, potentially somewhere in the range of \$15,000 to \$25,000.

Options

Council may decide to lodge the submission as provided. Alternatively, Council may choose to make changes to the submission prior to lodging. Council may also decide not to lodge a submission to the application.

Conclusion

Application for a planning permit for the Naroghid Wind Energy Facility has been made to the Minister for Planning. The proposed facility will include 12 turbines at 180m in height and connection to the local electricity grid.

A key concern with the proposal relates to the potential impact on aviation safety and the future operations of the Cobden Aerodrome. To date, the proponent is not willing to make any adjustment to the permit application to respond to concerns about the impact of the current proposal on the future operations and potential for CASA registration of the Cobden Aerodrome.

It is recommended that Council consider lodging a submission with the Minister for Planning objecting to the proposal, seeking that:

- Tower 11 is relocated outside of the potential OLS area, so as to retain operation of the Cobden aerodrome and allow for future CASA registration as a Code 1 Airfield for daytime flying.
- Tower 8, 9, 10 must be relocated/removed as they are within the flight approach splay so as to allow for future CSA registration a Code 1 airfield for night time flying. It should be noted that the Codon Aerodrome already has Pilot Activated Night Lighting installed.
- All other towers to be lit for aviation hazard lighting or the proposal amended to avoid aviation hazard lighting requirements. The preferred position is that the wind turbines be designed to avoid the need for installation of aviation obstruction lighting on any of the wind turbines.

RECOMMENDATION

That Council:

- 1. Authorises the CEO to finalise and lodge a submission with the Minister for Planning objecting to the permit application number PA1700276 for a wind energy facility at Naroghid.**
- 2. Provides a copy of the submission to all local members of Parliament, the MAV and the Shadow Minister for Aviation.**

Attachments

1. Submission Minister for Planning Permit Application for Naroghid Wind Farm PA1700276 - Under Separate Cover

10.3 Draft Victorian Rural Drainage Strategy Submission

Author: Brooke Love, Director Works and Services

File No: D17/794

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Brooke Love

In providing this advice to Council as the Director Works and Services, I have no interests to disclose in this report.

Summary

The purpose of this report is for Council to consider and authorise the Chief Executive Officer to provide a submission to the Victorian Government's draft Victorian Rural Drainage Strategy.

Introduction

The draft Victorian Rural Drainage Strategy (the Strategy) proposes a series of policies and actions designed to enable landholders to choose how to manage their drainage and their drainage systems into the future.

Rural drainage management is defined as the act of directing excess water away from dryland agricultural areas for the purposes of improved farm productivity. Rural drainage systems often involve multiple landholders, who depend on interactions between private drainage assets and public assets such as roads, table drains, culverts and bridges. This draft Strategy seeks in large part to ease this complexity and to clarify the roles and responsibilities around managing rural drainage.

The draft Strategy proposes improvements to rural drainage management by:

- Supporting landholders to make choices about how they want to manage rural drainage.
- Clarifying the roles, responsibilities and obligations for landholders and agencies in rural drainage.
- Rebuilding the capability for agencies and landholders to manage rural drainage to support agricultural productivity in their region.
- Streamlining the environmental and cultural approvals processes to help landholders manage rural drainage while providing the additional benefits of protecting and improving environmental and cultural values.
- Promoting opportunities for landholders and Traditional Owners to collaborate in the ways they manage rural drainage.

The Strategy has implications for Council and its role and responsibilities. The Strategy does not address the issue of changed farming practices such as raised bed cropping,

which are increasingly evident in Corangamite Shire and which are having significant drainage implications for landowners and Council.

The Victorian Government is now seeking community feedback to determine the final Victorian Rural Drainage Strategy. Submissions are being sought until 20 December 2017.

A copy of the proposed submission is attached under separate cover.

Issues

The submission to the draft Victorian Rural Drainage Strategy reviews each of the Policy and Action items identified in the Strategy.

Whilst Council supports in principle a review of rural drainage management, a summary of key issues raised in the submission are detailed below.

Legislative Framework

The strategy attempts to fit new policy and practice into an existing legislative framework without any regard for the legislation itself. Currently the legislative framework is that state agencies are authorised to be responsible for drainage on private land, not councils. There is currently no legislative authorisation for councils to be involved in providing drainage services on private land, unless there is prior arrangements established under the *Water Act 1989*.

Councils are required to only provide services for public infrastructure it manages.

It is not clear around how DELWP intend for written agreements to be given effect. In consultation workshops, Section 173 agreements were cited, however there is no reference to this in the Strategy. This will create a financial and resourcing burden on Local Government, particularly if local Government is expected to enforce the agreements and apply Enforcement Orders to be obtained through VCAT proceedings. The *Planning and Environment Act 1987*, Section 173, permits responsible authority to enter into agreements with an owner of land in the area covered by a planning scheme for which it is a responsible authority. DELWP and CMAs should be responsible for compliance with agreements in this manner.

Cost Shifting

The draft strategy intends for Local Government to be the first point of contact for rural drainage issues as well as to provide administrative support for any schemes that may be developed. Where landholders demonstrate they can meet the criteria, councils will also be required to ensure that other government agencies are available to provide technical support at drainage committee meetings. This unfairly places most of the cost burden onto local government. The Strategy does not provide any detail or information on additional resources or funding to be provided to local government to do this.

The Strategy suggests that Landholders choosing to manage drainage collectively will be supported where those landholders who benefit are prepared to pay for the service. Landholders who agree to pay for drainage may not all get the same level of service; a landholder at the end of a system, for example, may receive a greater direct benefit than those upstream. A key design principle for determining fees for drainage arrangements is that the distribution of costs should be proportional to the distribution of benefits. Council has concerns that landowners are unlikely to agree to pay for local government services but rather they will expect services to be funded from rate contributions. This leaves Council supporting an unfunded service which is more appropriately facilitated by CMA or DELWP.

Agency Roles

The role of Local Government is not well defined in the draft Strategy. Council is designated as the principal point of contact for landholders. This will require input from multiple disciplines/departments and therefore significant staff resources within Council. Whilst it is proposed that landowners pay a fee for service for the development of a rural drainage management plan, it is not clear if Council will be funded to provide the initial point of contact and facilitation service. It is envisaged the development of a plan would take significant time to coordinate. The Strategy identifies Council as undertaking this role. Table 1 below highlights the roles of all agencies.

Who	Roles and Responsibilities
The Department of Environment, Land, Water and Planning	<ul style="list-style-type: none"> • Investment to prepare the tools and templates required to support rural drainage (including the proposed drainage resource kit), and identify opportunities to streamline environmental approvals • Set the policy direction for rural drainage • Set the policy direction for state-wide partnership arrangements
Forest, Fire and Regions Group (Department of Environment, Land, Water and Planning)	<ul style="list-style-type: none"> • Regulate native vegetation removal • Provide pathways for rural drainage approvals and lead a program to identify opportunities to streamline environmental approvals
Landholders	<ul style="list-style-type: none"> • Make choices about how they want to manage rural drainage • Agree to fund all the management and maintenance costs of rural drainage • Comply with regulations and obligations
Catchment management authorities	<ul style="list-style-type: none"> • Support landholders to manage environmental and cultural benefits • Build capability and skills in rural drainage • Invest in environmental works and measures to improve the management of rural drainage areas on a priority basis • Feasibility work to understand priority works for the rural drainage systems they manage • Drive regional partnership arrangements
Councils	<ul style="list-style-type: none"> • Provide principal point of contact for landholders • Provide administrative support to landholders • Regulate land use planning • Manage drainage assets vested in them and infrastructure such as table drains, bridges and culverts in line with their existing obligations
Melbourne Water	<ul style="list-style-type: none"> • Provide regional drainage services within its waterway management district • Develop and implement plans or schemes related to rural drainage
Rural Water Corporations	<ul style="list-style-type: none"> • Share lessons from community arrangements in northern Victoria • Regulate the take and use of water • Manage drainage infrastructure in irrigation districts where it interacts with dryland rural drainage
DEDJTR	<ul style="list-style-type: none"> • Continue to support agricultural productivity through existing partnership forums. • Work with agricultural industries on research, development and extension.
VicRoads and Victrack	<ul style="list-style-type: none"> • Continue to be responsible for the ongoing management of infrastructure associated with arterial roads and rail lines, and to manage that infrastructure on a priority basis.

Table 1 – Summary of the roles and responsibilities proposed in the draft Strategy

There appears excessive requirement for landowners to identify, negotiate, prepare and manage rural drainage management plans without a lead agency designated. As the principal point of contact for landholders, Council will likely receive all enquiries and referrals. Landowners are also likely to contact Council about disputes.

There are a number of responsibilities that are not defined in the Strategy currently:

1. There is no one lead agency identified.
2. It is not identified who is the approving authority.
3. It is not identified who is the agency retaining records of the drainage agreements.
4. There is no clearly defined dispute resolution system proposed.
5. It is not clear who is responsible for compliance and enforcement.

The role of CMAs in the draft strategy seems focused on streamlining approvals process (for example cultural heritage and flora and Fauna). The draft strategy places significant emphasis on the ability of landowners to self-organise. No agency is assigned clear responsibility to lead preparation of rural drainage management plans. This should be a CMA responsibility.

Rural Drainage Infrastructure

Historically there have been drainage and water courses created to address overflow run off from lakes and other water bodies. In Corangamite Shire these are not subject to management agreements or title easements, however they play a very important role in directing water. With climate variability and the impact of weather events, these are significant infrastructure in assisting with minimising inundation of property and roads. Whilst it may be appropriate that landholders are the key drivers for any new drainage scheme to be established, primary and essential watercourses should be identified and highlighted on base information provided to relevant landowners at any point of enquiry to ensure the integrity of this infrastructure is not impacted.

The strategy does not address changes to farming practices which have and are occurring throughout rural areas. Historic drainage networks are being altered through changing farming practices such as raised bed cropping. This is having a significant impact on the environment with changes to water flows between water bodies and physical infrastructure with water diverted to roadside table drains.

Landowners responsibility

Council does not have the powers or resources to resolve disputes between landholders about rural drainage. Council has concerns landholders will not wish to pay for a service resulting in increased incidence of non-conforming drainage works impacting on adjoining landowners or public infrastructure.

Through its submission Council will request:

- Further consultation with Local Government and MAV concerning the implications for Council's regarding the roles and responsibilities and how DELWP propose to deal with those issues identified.
- A response from DELWP on the matter of changed farming practices and how the draft Strategy proposes to deal this those issues identified.

Policy and Legislative Context

Making a submission on the draft Victorian Rural Drainage Strategy is consistent with the following objective in the Council Plan 2017-2021:

Council will advocate strongly in relation to roads, cost shifting and other Council and community priorities.

We value the importance of local business to our economy and the overall prosperity of Corangamite Shire.

Internal / External Consultation

Preparation of the submission has been completed with consultation with relevant Council officers. Council officers have also liaised with the Department of Environment, Land, Water and Planning (DELWP) including participation in a regional workshop and forum conducted by DELWP.

Financial and Resource Implications

The Victorian Rural Drainage Strategy if finalised without changes will have financial and human resource implications for Council to provide the administrative tasks expected of it in the draft Strategy. Council has concerns that landowners are unlikely to agree to pay for local government services but rather they will expect services to be provided without cost to them.

This will result in Council supporting an unfunded service which will either need to be funded through rates or at a cost of another service currently provided by Council. Alternatively this may result in increased incidence of drainage works without agreements impacting on adjoining landowners or public infrastructure.

It is important that further consideration is given to *The Victorian State-Local Government Agreement 2014* to ensure that the reforms are consistent with the principles contained in the agreement, namely that there is no cost shifting to local government.

Options

Council may choose to provide the submission on the draft Victorian Rural Drainage Strategy in its current form or with alteration. Alternatively, Council may decide not to provide a submission the draft Strategy.

Conclusion

The Department of Environment, Land Water and Planning is undertaking an engagement program with local community on the draft Victorian Rural Drainage Strategy. The Strategy proposes a series of policies and actions designed to ease the complexity, clarify roles and responsibilities around managing rural drainage and to enable landholders to choose how to manage their drainage and their drainage systems into the future. The Strategy defines roles and responsibilities for Council which are beyond its current legislative requirement and which is highly likely to come at a cost to Council. The Strategy also does not address the issue of changed farming practices which are increasingly evident in Corangamite Shire and which are having significant drainage implications for private and public infrastructure for landowners and Council respectively. Council's submission raises a number of concerns with the draft Strategy. It is recommended Council authorise the Chief Executive Officer to make a submission on its behalf.

RECOMMENDATION

That Council:

1. **Authorises the Chief Executive Officer to finalise a submission on the draft Victorian Rural Drainage Strategy.**
2. **Provides a copy of Council's final submission to the MAV, Rural Councils Victoria, the Minister for Water, Minister for Agriculture and Minister for Regional Development and local members of Parliament.**

Attachments

1. Response DELWP Draft Victorian Rural Drainage Strategy DRAFT 19 December 2017 - Under Separate Cover
2. Submission DELWP Draft Victorian Rural Drainage Strategy - Under Separate Cover
3. Draft Victorian Rural Drainage Strategy December 2017 - Under Separate Cover

10.4 Intention to Consider Sale - Lot 1 TP616917W, Newfield Lane, Newfield

Author: Jane Hinds, Property Officer

File No: D17/772

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jane Hinds

In providing this advice to Council as the Property Officer, I have no interests to disclose in this report.

Summary

This report is for Council to consider the sale of the vacant land located at Lot 1 TP616917W Newfield Lane, Newfield.

Introduction

Council owned land located at Lot 1 TP616917W Newfield Lane, Newfield, has been assessed as surplus to Council needs and therefore available for sale.

Council's assets requirements may change over time, thus all Council land and buildings should be reviewed regularly to ensure that the property is being held for a specific purpose for current or future use or identified as potential for disposal.

Council's policy for Sale of Council Land and Buildings provides criteria for identification of surplus land and building assets. The criteria includes history of the land, size and location, demonstrated past and current usage, surrounding usage, community or Council plans, strategic relevance, access to the property, demonstrated community need and future foreseeable use.

The sale review process has been undertaken in accordance with Council's Policy and the *Local Government Act 1989*, and has included a substantial property review and public consultation.

The recommendation is for Council to proceed to sale.

Issues

History of the land

Lot 1 TP616917W is located at Newfield Lane, Newfield (north of Port Campbell), at part of allotment 5C, Section 9, Parish of Paaratte and was acquired by Council on 18 July 1898. Council holds no documented history on this parcel of land.



Figure 1: Part of allotment 5C, Section 9, Parish of Paaratte

Size and location of the property

The dimensions of the irregular parcel of land are approximately 40.23 x 140.82m totalling 0.4421 hectares and is located within the farming zone. There is a dam situated on the land.

Demonstrated past and current usage

This parcel of land adjoins a former school site which is owned by the State Government. The land is maintained by the surrounding property owner.

Surrounding usage

The parcel of land adjoins the former Newfield School site which was constructed in 1937, but has since been removed. The other surrounding use is farming, with two residential houses also located in the vicinity.

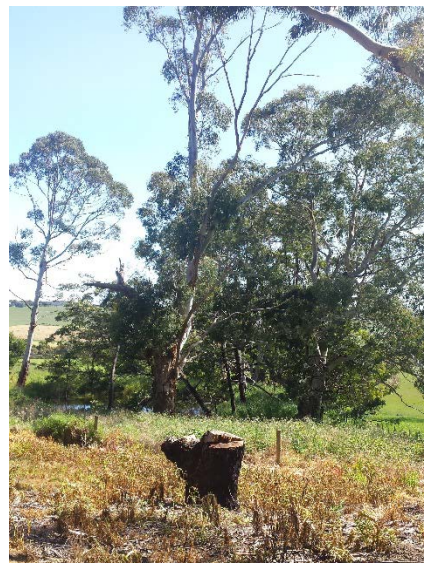
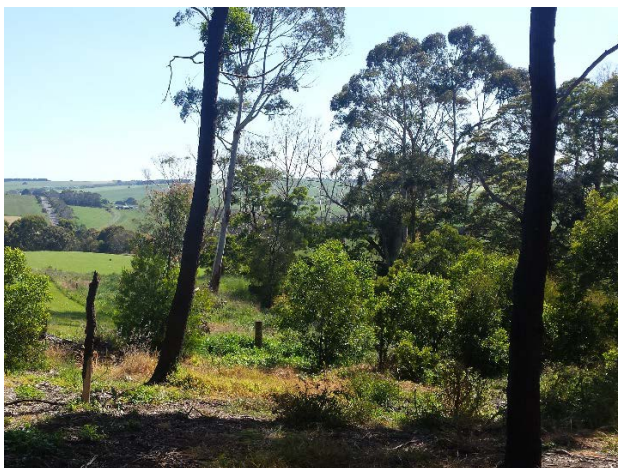


Figure 2: Part of allotment 5C, Section 9, Parish of Paaratte

Community or Council plans

The Building Stronger Corangamite Communities project has completed the preparation of community plans for the Shire's 12 townships. There is no community plans for the area of Newfield, nor has the subject parcel of land been mentioned as part of the Timboon or Port Campbell community plans.

Strategic relevance

Council has received advice from the Department of Treasury and Finance that the adjacent, former Newfield School site has been declared surplus by the Minister for Education and is currently being prepared for sale. This land is freehold land and is a former plantation site. The former school site is marked in blue, whilst the Council owned land is marked in purple on the below map (Figure 3).



Figure 3: Part of allotment 5C, Section 9, Parish of Paaratte

Access to the property

The town of Timboon is located approximately 11 km north of Newfield, whilst Port Campbell is located approximately 4.5 km to the South. Access to the property is via Newfield Lane.

Demonstrated community need

Given the nature and location of this property, it is unlikely there would be future utilisation of this parcel other than if it was to be sold into private ownership.

Future foreseeable use. This may include Council, community, amenities, environmental and infrastructure usage

Council could hold this parcel of land and maintain it as a habitat hectare offset site, however Council already maintains numerous other parcels of land for this purpose. Given the land is not being utilised by Council, it would seem appropriate to dispose of this Council asset. By disposing of this property, Council has the potential to generate a financial return.

If Council had the opportunity to sell the land it would most likely be to an adjoining neighbour or to the potential buyer of the former Newfield School site. Given the size of the block is 0.4421 hectares, it is a small lot in the Farming Zone. From a planning perspective dwellings on small lots in the Farming Zone are discouraged as it is very difficult to justify

that a dwelling is essential to conduct an agricultural use on the land. This would not hinder a sale or stop people from applying to develop the parcel, however they may not necessarily get approval to build a dwelling.

Community Consultation

A public notice advertising Council’s intention to sell the land has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land.

One submission was received as a result of the public notice call for submissions. The submission received was from the surrounding land owner outlining the history of the Council owned land and of the former Newfield School site. A copy is provided under separate cover and summarised in Table 1 below.

Author	Key Points in Submission	Officer Response	Date Received
Submission 1	<ul style="list-style-type: none"> The land was assumed to be part of the surrounding privately owned land. 	<ul style="list-style-type: none"> Noted 	1 December 2017
	<ul style="list-style-type: none"> The Newfield School Site is believed to have been gifted to the Education Department in 1889. 	<ul style="list-style-type: none"> Noted 	
	<ul style="list-style-type: none"> The land should be retained by the surrounding land owner’s family. 	<ul style="list-style-type: none"> Council must adhere to the <i>Local Government Act 1989</i> when selling Council owned land and also act in accordance with Council policies and procedures 	

Table 1: Summary of submissions received

A Facebook post was also uploaded on 11 November 2017, which resulted in 12 comments (five comments which were on post (as shown under separate cover) and seven comments on shares) and seven likes, reaching 2,063 people.

Policy and Legislative Context

The *Local Government Act 1989* must be adhered to when selling Council land.

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

In accordance with Section 189 of the *Local Government Act 1989*, a property valuation will need to be obtained for the valuation of the land which is not more than six months prior to the sale. In the instance that Council chooses to proceed with the sale of this property, the valuation amount needs to remain confidential, as the reserve price will be set according to the valuation determined.

The sale of Council land aligns with the following key themes in the Council Plan 2017-2021:

- Council will make budgetary decision that ensure Council remains in a strong financial position now and into the future.

Council will deliver value for money by ensuring that services are required and delivered efficiently and sustainably.

Sale by private treaty is the most appropriate method of sale for this property due to the location, size and current use of the land.

The Sale of Council Land and Building Policy and procedures outline the way in which Council administrates its real estate assets in accordance with Council strategies, plans and legislative requirements.

Internal / External Consultation

A property review has been completed on Council owned land and buildings in consultation with Council's Planning, Environment, Parks and Gardens and Rating departments.

A public notice was advertised in all Western District Newspapers and the Warrnambool Standard. An on-site meeting occurred with Council officers and the surrounding land owners on Thursday 9 November 2017, along with an invitation for Councillors and Council officers to join the landowner on Tuesday 5 December 2017. At the meeting the neighbouring land owner acknowledged should they wish to retain use of the land they would need to purchase or lease the land from Council.

A public notice advertising Council's intention to sell the land has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land. In accordance with Section 189 of the *Local Government Act 1989*, the proposed sale has been advertised in The Standard, Cobden Times Coast Times, Terang Express, Camperdown Chronicle and Council's website. Submissions regarding the proposal were sought in accordance with Section 223 of the *Local Government Act 1989*, with the submission period closing 5 pm Monday 27 November 2017.

One submission was received on 1 December 2017. Council acknowledged the written submission, and advised that the response would be included as part of the Council report and a deputation at the start of the Council meeting could be made if requested.

Financial and Resource Implications

There has only been administration costs to date associated with the review of this property.

There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds.

Council may generate a financial return from the sale of this land. According to Council policy, all profits from the sale of land are treated as general revenue in the year in which it is received and considered as part of Council's annual budget.

In the instance that Council chooses not to sell the land, ongoing costs will be associated with the land such as the fire services property levy and maintenance of the land parcel. A fire services property levy charge of \$216 has been incurred by Council this financial year.

Options

The options available for Council are as follows, when considering the future arrangements for the vacant land located at Lot 1 TP616917W, Newfield Lane, Newfield:

1. Proceed via a private treaty sale of Lot 1 TP616917W, Newfield Lane, Newfield
There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds. Sale by private treaty is the most appropriate method of sale for this property. Recommended option.
2. Proceed with the sale of Lot 1 TP616917W, Newfield Lane, Newfield to align with the sale by DELWP
Council could proceed with the sale of the land and align the sale of the property with the sale of the Newfield School Site by the Department of Treasury and Finance. This could provide a more attractive allotment for public purchase, however not a simple outcome and no likely financial benefit for Council. There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds.
3. Council retain Lot 1 TP616917W, Newfield Lane, Newfield and enter into a lease agreement with the surrounding land owner
The lease agreement would be considered in accordance with the Property Leasing Policy. Council policy classifies the rental amount for different groups that utilise Council facilities with Category D. Commercial/ Private, where a rental is based on a market valuation undertaken by the Valuer General or a registered valuer. All ongoing costs and charges would be the responsibility of the tenant.

Conclusion

Lot 1 TP616917W, Newfield Lane, Newfield has been identified as surplus to Council's requirements and therefore it is proposed that it be considered as a possibility for sale.

The surrounding land holder is deemed the most appropriate purchaser of the land given the nature of the parcel with no direct access to the property, and given it is already utilised by the surrounding land owner. One submission was received during the submission period.

Given this land has been identified as surplus to Council's requirements, and the surrounding land owner has shown interest in retaining use of the land, it allows Council the opportunity to capitalise from its disposal.

RECOMMENDATION

That Council:

1. **Proceeds with the sale of land located at Lot 1 TP616917W, Newfield Lane, Newfield via private treaty.**
2. **Delegates authority to the CEO to determine the reserve price and negotiate the sale of Lot 1 TP616917W, Newfield Lane, Newfield.**

Attachments

1. Submission Sale of Land Newfield - Under Separate Cover
2. Facebook Comments - Lot 1 TP616917W, Newfield Lane, Newfield - Under Separate Cover

10.5 Intention to Consider Sale - Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore

Author: Jane Hinds, Property Officer

File No: D17/773

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jane Hinds

In providing this advice to Council as the Property Officer, I have no interests to disclose in this report.

Summary

This report is for Council to consider the sale of the vacant land located at Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore.

Introduction

Council owned land located at Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore, has been assessed as surplus to Council needs and therefore potential for sale.

Council's assets requirements may change over time, thus all Council land and buildings should be reviewed regularly to ensure that the property is being held for a specific purpose for current or future use or identified as potential for disposal.

Council's policy for Sale of Council Land and Buildings provides criteria for identification of surplus land and building assets. The criteria includes history of the land, size and location, demonstrated past and current usage, surrounding usage, community or Council plans, strategic relevance, access to the property, demonstrated community need and future foreseeable use.

The sale review process has been undertaken in accordance with Council's Policy and the *Local Government Act 1989* and has included a substantial property review and public consultation.

The recommendation is for Council to proceed to sale.

Issues

History of the land

The land was acquired by the Shire of Hampden on 27 February 1951. There is little information about the property with no records being held on file.

This is a unique parcel of land, as a road was constructed some time ago through the middle of the parcel, with Council records indicating the road was first maintained in 1963,

but this could have been prior. The parcel of land was created by a road realignment, when a bridge was built on Gnarpurt Road.

In discussing the history of the land with locals and those involved with Council operations at the time, it is thought that the land used to be a relatively small quarry for hard bluestone which was crushed for sealing aggregates. The quarry hasn't worked for over 40 years. No records indicate that it was a formal quarry, and due to the rock barrier nature of this area, it would not require any rehabilitation from Council should the land be disposed.



Figure 1: Lots 1, 2 and 3 TP862769J, Gnarpurt Road, Lismore

Size and location of the property

The property comprises three lots of land, known as Lot 1, 2 and 3 TP862769J, which consists of a total of 2.6 hectares. The land is located approximately 10 km south of Lismore. The property is located within the farming zone, with no services available.

The property is surrounded by two property owners, both on separate sides of Gnarpurt Road. The parcel of land to the west of Gnarpurt Road is made up of Lot 2 TP862769J, whilst the parcel of land to the east comprises Lot 1, 3 and the remaining section of Lot 2 TP862769J. Refer to Figure 2 below.

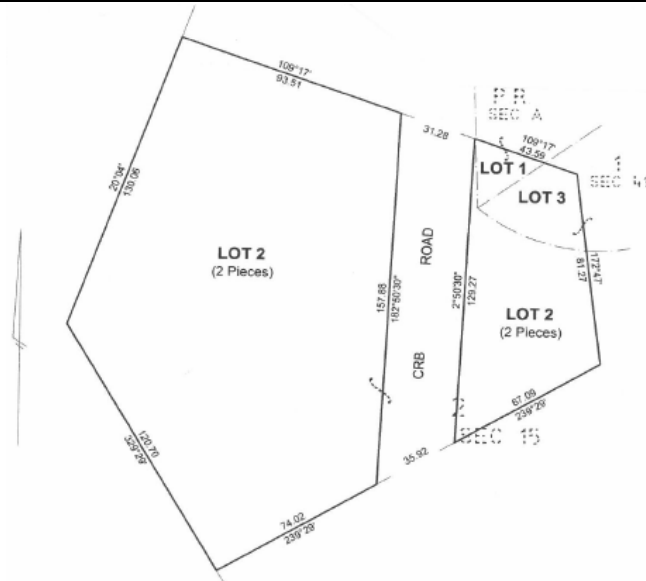


Figure 2: Lots 1, 2 and 3 TP862769J, Gnarpurt Road, Lismore

Demonstrated past and current usage

Following a visual inspection of the site, the land is being utilised by each of the surrounding property owners for grazing purposes.



Figure 3: Lots 1, 2 and 3 TP862769J, Gnarpurt Road, Lismore

Surrounding usage

The surrounding land usage is broad acre agriculture namely grazing. To the east, approximately 1 km away is Lake Gnarpurt. The nearest town is Lismore which is 10 km away.

Community or Council plans

The Building Stronger Corangamite Communities project has completed the preparation of community plans for the Shire’s 12 townships. Work on the original Lismore Plan started in June 2011 and concluded in March 2012. It was based on community survey and a public meeting that involved an estimated 118 people. The Plan listed 26 priority projects. Six referred to State Government policy issues, three to Council works programs, and two to private business interests. The balance were potential community projects or partnerships with Corangamite Shire. The subject parcel of land was not mentioned within the community plan.

Strategic relevance

Given the size, location and that no services are available to this parcel of land, it is unlikely any development would take place, other than that already being undertaken by the surrounding landholder.

Access to the property

There is no direct access via a driveway to the property parcels on either side of Gnarpurt Road, as the subject properties have been assumed within the surrounding land owners fencing boundaries.

Demonstrated community need

As the land has not been utilised by Council for numerous years, and the land has been assumed by the neighbouring properties, the demonstrated community need for this parcel of land is negligible.

Future foreseeable use. This may include Council, community, amenities, environmental and infrastructure usage

The future foreseeable use of this land is for the surrounding land owners to acquire the property and to achieve some ongoing cost efficiencies for Council. This has the potential to generate Council a financial return from the sale of this asset.

Other Information

Council has consulted with legal advisors and they have advised that Council should be able to sell the property in two separate parcels, without the need for a subdivision, as the road has divided the land prior to the introduction of the *Subdivision Act 1988*.

Community Consultation

A public notice advertising Council’s intention to sell the land has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land.

One submission only was received as a result of the public notice call for submissions. The submission was in favour of the land sale and to register an interest to purchase Lot 2 TP862769J, Gnarpurt Road, Lismore, on the western side of Gnarpurt Road. A copy is provided under separate cover and summarised in Table 1 below.

Author	Key Points in Submission	Officer Response	Date Received
Submission 1	<ul style="list-style-type: none"> • Register interest to purchase Lot 2 TP862769J (west side of Gnarpurt Road) • Purchase of this land consolidates surrounding land use an ownership. 	<ul style="list-style-type: none"> • Noted 	26 November 2017

Table 1: Summary of submissions received

A social media post was also uploaded on 5 November 2017, which resulted in no comments and four likes, reaching 1,166 people.

Policy and Legislative Context

The *Local Government Act 1989* must be adhered to when selling Council land.

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

In accordance with Section 189 of the *Local Government Act 1989*, a property valuation will need to be obtained for the valuation of the land which is not more than six months prior to the sale. In the instance that Council chooses to proceed with the sale of this property, the valuation amount needs to remain confidential, as the reserve price will be set according to the valuation determined.

The sale of Council land aligns with the following key themes in the Council Plan 2017-2021:

Council will make budgetary decision that ensure Council remains in a strong financial position now and into the future.

Council will deliver value for money by ensuring that services are required and delivered efficiently and sustainably.

Sale by private treaty is the most appropriate method of sale for this property due to the location, size and current use of the land.

The Sale of Council Land and Building Policy and procedures outline the way in which Council administrates its real estate assets in accordance with Council strategies, plans and legislative requirements.

Internal / External Consultation

A property review has been completed on Council owned land and buildings in consultation with Council's Planning, Environment, Parks and Gardens and Rating departments.

A public notice was advertised in all Western District Newspapers and the Warrnambool Standard.

A public notice advertising Council's intention to sell the land has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land. In accordance with Section 189 of the *Local Government Act 1989*, the proposed sale has been advertised in The Standard, Cobden Times Coast Times, Terang Express, Camperdown Chronicle and Council's website. Submissions regarding the proposal were sought in accordance with Section 223 of the *Local Government Act 1989*, with the submission period closing 5 pm Monday 27 November 2017.

One submission was received during the submission period. Council acknowledged the written submission, and advised that the response would be included as part of the Council report and a deputation at the start of the Council meeting could be made if requested.

Financial and Resource Implications

There has only been administration costs to date associated with the review of this property.

There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds.

Council may generate a financial return from the sale of this land. According to Council policy, all profits from the sale of land are treated as general revenue in the year in which it is received and considered as part of Council's annual budget.

In the instance that Council chooses not to sell the land, ongoing costs will be associated with the land such as the fire services property levy and maintenance of the block. A fire services property levy charge of \$238.04 has been incurred by Council this financial year.

Options

The options available to Council when considering the future arrangements for the vacant land located at Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore are as follows:

1. Proceed via a private treaty sale for Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore
There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds. Sale by private treaty is the most appropriate method of sale for these parcels. Recommended option.
2. Proceed via a public sale for Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore
Council could proceed with the sale of these land parcels via a public sales process. This could provide a more competitive process for Council. There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation, legal fees and estate agent fees. These costs could be offset by the sale proceeds.
3. Council retain Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore and enter into a lease agreement with the surrounding land owners
The lease agreement would be considered in accordance with the Property Leasing Policy. Council policy classifies the rental amount for different groups that utilise Council facilities with Category D. Commercial/ Private, where a rental is based on a market valuation undertaken by the Valuer General or a registered valuer. All ongoing costs and charges would be the responsibility of the tenant.

Conclusion

Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore, has been identified as surplus to Council's requirements and therefore it is proposed that it be considered as a possibility for sale.

The surrounding land holders are deemed the most appropriate purchaser of the land as the size of the property is small, obsolete and has already been consumed within the neighbouring property boundaries. One submission was received during the submission period.

Given this land has been identified as surplus to Council's requirements and no submissions were received against the proposal, it allows Council the opportunity to capitalise from its disposal.

RECOMMENDATION

That Council:

1. Proceeds with the sale of land located at Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore via private treaty.
2. Delegates authority to the CEO to determine the reserve price and negotiate the sale of Lots 1, 2 and 3 TP862769J Gnarpurt Road, Lismore.

Attachments

1. Submission Sale of Land, Lismore - Under Separate Cover

10.6 Quick Response Grants - December 2017 Allocation

Author: David Rae, Director Corporate and Community Services

File No: D17/796

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - David Rae

In providing this advice to Council as the Director Corporate and Community Services, I have no interests to disclose in this report.

Summary

The purpose of this report is to approve the December 2017 allocation of funds under the Quick Response Grants Program.

Introduction

The Quick Response Grants Program is beneficial in supporting instances of community needs that are not readily able to be considered under the Community and Facilities Grants Program or Environmental Grants Program. Applications for Quick Response Grants are considered by Council as they are received.

Issues

The Quick Response Grants Program is a fixed budget that Council provides annually for the distribution of funds to Shire community groups. The Quick Response Grants Program has a rolling intake and this flexible approach allows Council to allocate small amounts to various community groups which results in positive outcomes.

Applications received for this allocation are attached under separate cover. Each application has been assessed against the following criteria as detailed in the Quick Response Grants Policy:

- a. Eligible recipient
- b. Council Plan alignment
- c. Community benefit
- d. Eligible expenditure.

The assessment has also been provided as a separate attachment to this report.

Policy and Legislative Context

Consideration of applications for the Quick Response Grants Program is in accordance with the Quick Response Grants Policy and the following 2017-2021 Council Plan commitments:

We are committed to working towards ensuring the safety, health and wellbeing of our communities.

Council will continue to provide and support a range of community and social support services.

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Improved educational outcomes in Corangamite Shire.

Support our small towns and dispersed population.

Improve the health and wellbeing of our community.

Internal / External Consultation

Applications for the Quick Response Grants Program are available from Council's website or by contacting Council's Community Relations team. Applicants are encouraged to discuss their application with the respective Ward Councillor prior to submission. Applicants may also contact Council's Director Corporate and Community Services for further information. Applicants will be advised of the outcome of their application following the Council meeting. Successful applicants will also be requested to provide a grant acquittal following completion of the event or project, including return on unexpended amounts.

Financial and Resource Implications

The 2017-2018 Quick Response Grants Program budget allocation is \$14,000. Annual allocations for each Ward shall not exceed 1/7th of the fund's annual budget in the case of North, South West, Coastal and South Central Wards, and 3/7th of the fund's annual budget in the case of Central Ward. Should the allocations be approved as recommended in this report, the remaining allocation is as follows:

Ward	Annual Allocation	Previous Allocations	This Allocation	Remaining Allocation
Coastal	\$2,000.00	\$1,500.00	\$0.00	\$500.00
North	\$2,000.00	\$525.00	\$0.00	\$1,475.00
South Central	\$2,000.00	\$495.00	\$0.00	\$1,505.00
South West	\$2,000.00	\$500.00	\$0.00	\$1,500.00
Central	\$6,000.00	\$2,538.00	\$589.90	\$2,872.10
	\$14,000.00	\$5,558.00	\$589.90	\$7,852.10

Options

Council can consider:

1. Allocating the funds as requested by the applicants.
2. Allocating the funds for a reduced amount.
3. Not allocating funds as requested by the applicants.

Conclusion

The Quick Response Grants Program provides financial assistance to community groups to undertake beneficial projects and activities. The applications recommended for funding in this allocation are in accordance with Quick Response Grants Policy and will result in positive outcomes for the community.

RECOMMENDATION

That Council approves the following applications for funding from the Quick Response Grants Program for December 2017:

Applicant	Purpose	Ward	Amount
Camperdown and District Community House Inc.	Cost of misting system for greenhouse which will be used for community workshops, community garden members and the wider public. It will also assist in the propagation of seedlings to be planted in the garden.	Central	\$89.90
Terang Bowling Club (a section of the Terang Club Inc.)	Purchase of bowls for school learners program and for broader community participation in recreation activities.	Central	\$500.00

Attachments

1. Quick Response Grants Assessment - December 2017 Allocation - Under Separate Cover
2. Application - Camperdown and District Community House Inc. (Part A) - Under Separate Cover
3. Application - Camperdown and District Community House Inc. (Part B) - Under Separate Cover
4. Application - Terang Bowling Club (a section of the Terang Club Inc.) (Part A) - Under Separate Cover
5. Application - Terang Bowling Club (a section of the Terang Club Inc.) (Part B) - Under Separate Cover
6. Application - Terang Bowling Club (a section of the Terang Club Inc.) (Part C) - Under Separate Cover

10.7 Records of Assembly of Councillors

Author: Andrew Mason, Chief Executive Officer

File No: D17/781

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Summary

This report documents the Assembly of Councillors to be reported since the last Ordinary Meeting of Council on 28 November 2017.

Introduction

The *Local Government Act 1989* (the Act) requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and be incorporated in the minutes of the Council meeting.

Issues

An 'Assembly of Councillors' is defined in the Act as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or subject to the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

Typical meetings classed as an Assembly of Councillors at Corangamite Shire include Councillor briefings, advisory committees and planning site inspections. However, from time to time additional records may be reported in accordance with the Act.

Section 80A of the Act requires that a record must be kept of an Assembly of Councillors which lists:

- The Councillors and members of Council staff attending.
- The matters discussed.
- Disclosures of conflict of interest (if any are made).
- Whether a Councillor left the meeting after making a disclosure.

Records of an Assembly of Councillors are documented by a Council officer present at a meeting designated as an Assembly of Councillors. Responsibility for the maintenance of records associated with Assembly of Councillors rests with the Chief Executive Officer.

Policy and Legislative Context

Tabling of the records of Assembly of Councillors ensures Council is compliant with the Act. In addition, this report is consistent with the Council Plan 2017-2021 objective that "Council will demonstrate high levels of ethical behaviour and governance standards".

Conclusion

The records documenting the below Assembly of Councillors are attached:

- Councillor Briefing 28 November 2017
- Newfield Site Visit 5 December 2017
- Planning Inspection 5 December 2017
- Terang Fitness Centre visit 12 December 2017
- Councillor Briefing 12 December 2017.

RECOMMENDATION

That Council accepts the attached Records of Assembly of Councillors.

Attachments

1. Record of Assembly of Councillors 28 November 2017
2. Record Assembly of Councillors Sale of Land Newfield Inspection 5-12-2017
3. Record of Assembly of Councillors Planning Site Inspection 5-12-2017 PP2017/119 201149P
4. Record of Assembly of Councillors Terang Fitness Visit 12 December 2017
5. Record of an Assembly of Councillors 12 December 2017

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 28 November 2017

Time: 2.00 pm

Place: Killara Centre

Present:

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr McArthur Cr Trotter

Cr McArthur arrived at 2.15 pm.

Officers:

Ian Gibb Brooke Love Andrew Mason David Rae

John Kelly (Item 1)

Greg Hayes (Item 2)

Guests:

Cr Mary-Ann Brown, Mayor of Southern Grampians Shire Council (Item 3)

Issues Discussed:

Item	Discussion Topic
1	Local Roads Network
2	Planning Permit Application 2017/119, Twelve Apostles Hotsprings, Lot 2 PS 508387 Booringa Road, Princetown
3	Rural Councils Victoria
4	Hot Topics <i>Timboon Streetscape Opening, Great Ocean Road Funding, 12 Apostles Summer Arrangements; Castle Carey Bridge Update, 12 Apostles Trail Funding Opportunity, LGPRF, Saleyards Meeting, Swimming Pools, Agenda Items.</i>
5	Councillor Items <i>Wannon Sports & Volunteer Awards, South West Healthcare AGM, Naroghid Windfarm, Rural Drainage Strategy, Mt Noorat Management Committee, Mercy College Awards Night, Social Enterprise Workshop, Port Campbell Board Riders Meeting, 12 Apostles, Lake Bullen Merri Blue-Green Algae, Lions Club Interpretative Signage, UDV Wannon Meeting, Three Phase Power, Puppy Farms, Roadside Grazing Permits, Meeting with Peter Walsh, Timboon Action Group, Food Artisan Festival and Trail, Dump Points, Cobden Pool, Trade Training Cluster, Glenormiston.</i>

Conflicts of Interest declared: Cr Gstrein declared an indirect conflict of interest by close association during Item 4, in relation to Swimming Pools.

Councillors left the meeting at: Cr Gstrein left the meeting at 4.05 pm and returned at 4.10 pm.

Councillor Conflict of Interest Forms Completed: Yes

Meeting close: 5.50 pm

Note taker: Andrew Mason

Council

Record of an Assembly of Councillors



Date: 5/12/2017

Time: 1:30pm

Place: Newfield Lane, Newfield

Present:

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr McArthur Cr Trotter

Officers:

Ian Gibb Brooke Love Andrew Mason David Rae
Greg Hayes
Jarrod Woff
Sophia MacRae
Jane Hinds

Guests:

Mark McKenzie

Issues Discussed:

Council's intention to consider the sale of land located at Lot 1 TP616917W, Newfield Lane, Newfield

Conflicts of Interest declared: Nil
Councillor left the meeting at: NA
Councillor returned to the meeting at: NA
Councillor Conflict of Interest Form Completed: NA

Meeting close: 2.00pm

Note taker: Jarrod Woff

Planning Inspection

Record of an Assembly of Councillors



Date: 5 December 2017

Time: 2.15 pm

Location: Booringa Road Princetown

Application No: PP2017/119

Present:

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr McArthur Cr Trotter

Officers:

Greg Hayes
Sophia MacRae
Brooke Love

Applicant:

- Rocdon Developments Pty Ltd (Don Musto)
- MC van der Westhuizen (Neil Architecture)
- Cameron Neil (Neil Architecture)

Submitters:

- Nil

Observers:

- Nil

Issues Discussed:

Application, objections and process of decision making. _____

Conflicts of Interest declared: None.

Meeting close: 2.45pm

Note taker:

Greg Hayes



Council

Record of an Assembly of Councillors



Terang Fitness Centre Visit

Date: 12 December 2017

Time: 9.30 am

Place: Terang Fitness Centre

Present:

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr McArthur Cr Trotter

Officers:

Ian Gibb Brooke Love Andrew Mason David Rae

Guests:

Richard Wearmouth and Kieran McKenzie

Issues Discussed:

Item	Discussion Topic
1	History and Current and Future Priorities for Terang Stadium and Fitness Centre

Conflicts of Interest declared: Nil.

Councillors left the meeting at: NA

Councillor Conflict of Interest Forms Completed: NA

Meeting close: 9.55 am

Note taker: Brooke Love

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 12 December 2017

Time: 10.00 am

Place: Rose Room, Terang Civic Hall

Present:

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr McArthur Cr Trotter

Cr Illingworth arrived at 10.30 am and left the meeting at 12.30 pm

Cr McArthur arrived at 10.35 am.

Officers:

Ian Gibb Brooke Love Andrew Mason David Rae

Lyle Tune (Item 1)

Lucy Vesey and Jarrod Woff and Roland Herbert (Item 2)

Lyll Bond (Items 2 and 3)

Sharna Whitehand (Item 3)

Angela Gowans, Tammy Young and Sally Wood (Item 4)

Michael Emerson (Item 7)

Guests:

Youth Council representatives (Item 4)

David Madden, Cr Wolfe, Cr Parker, Cr Doukas, Cr Ryan, Cr Meade, Cr Smith and Cr Lockett

(Moyné Shire Council) (Items 7 and 8)

Lindsay Ferguson (WestVic Dairy); Adam Jenkins (United Dairyfarmers of Vic); Garry Kerr, Jane Stanley, Doug Chant (Farmer Power); Vince Thorne (Wimmera and South West Rural Financial Counselling Service) (Item 7)

Shelly Freeman (Freeman Consulting), Matt Hams (Banksia Park Puppies), Robert and Michael Attard (Chevromist Kennels), Dr Amanda Hulands-Nave (Bellarine Veterinary Practice) (Item 8)

Issues Discussed:

Item	Discussion Topic
1	Cobden Aerodrome Future Direction and Naroghid Wind Farm Proposal Considerations
2	A Review of the Community, Facility and Environment Support Grant Programs
3	Emergency Management Preparations
4	Youth Council
5	Hot Topics <i>Great South Coast Group, Shipwreck Coast Advocacy, Social Enterprise Workshop, Eastern Maar Land Use Agreement, IBAC Forum, Property Sales, Regional Partnership Update, VicRoads Update, Saltcreek Windfarm Transmission Line, Port Campbell Town Centre Urban Design Project, Essendon Football Club Community Camp, Rural Drainage Strategy, Local Government Bill</i>
6	Councillor Items <i>Dan Tehan Announcements, Timboon Dump Point, Presentation of Timboon, Tuniversal, Accidents on the Great Ocean Road, Ambulance Services in Cobden</i>
7	Dairy Industry Update - Panel
8	Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016

Conflicts of Interest declared: Nil

Councillors left the meeting at: NA

Councillor Conflict of Interest Forms Completed: NA

Meeting close: 5.40 pm

Note taker: Andrew Mason

11. OTHER BUSINESS

12. OPEN FORUM

Members of the public are very welcome to make statements or ask questions relevant to Corangamite Shire at the Open Forum section of Council meetings.

To assist with the smooth running of the meeting, we ask that you raise a maximum of two items at a meeting and please follow this procedure:

1. Wait until the Mayor asks if there are any items in Open Forum and invites you to speak.
2. Stand if you are able and introduce yourself.
3. Speak for a maximum of five minutes.

We will undertake to answer as many questions as possible at a meeting and if we cannot answer a question at the meeting we will provide a written response no later than five working days after the Council meeting.

13. CONFIDENTIAL ITEMS

Nil.