



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8392 5115  
Facsimile (03) 8392 5110

5 July 2018

As addressed

Dear Submitter,

## **Colac Otway Planning Scheme: Apollo Bay Tourism Resort Call In Panel Notification of Amended Planning Permit Application No 169/2017-1, 275 Barham River Road**

An amended Planning Permit Application and supporting material has been provided by the proponent, Oceans United Investments Group Pty Ltd, in relation to the above matter. The Department of Environment, Land, Water and Planning (DELWP) has reviewed the documentation on behalf of the Minister for Planning, as the Responsible Authority. DELWP notes that the application has been amended to comprise the new information and that the Panel should consider the new information when undertaking its review (Refer Attachment 1). The formal 'Notice of Amended Application for Planning Permit' is attached for your information (Refer Attachment 2).

### **Updated application material**

As a submitter to the original application, or as an identified party that may be affected by the amended application, you can review and download the material that comprises the Amended Application as well as associated correspondence from the following link:

<https://www.planning.vic.gov.au/project-panels/panels-and-committees/Apollo-Bay-tourism-resort>

The updated material is also available for inspection at the following locations during business hours:

Department of Environment, Land, Water and Planning Barwon South West, Regional Planning Services Statutory Planning Services Level 4, State Government Offices 30-38 Little Malop Street Geelong VIC 3220	Colac Otway Shire Council Apollo Bay Office 69 Nelson Street Apollo Bay VIC 3233	Colac Otway Shire Council Colac Office 2-6 Rae Street Colac VIC 3250
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The amended application will be formally exhibited until close of business on **Friday 27 July 2018**.

#### **Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



**If you wish to provide a written submission in response to the amended application you are required to forward your submission by Friday 27 July 2018** to the Department of Environment Land Water and Planning by email or post at:

[stateplanning.services@delwp.vic.gov.au](mailto:stateplanning.services@delwp.vic.gov.au)

Department of Environment, Land, Water and Planning  
PO Box 103  
Geelong VIC 3220

The Panel notes that if you lodged a submission to the original application, the content of that submission will also be considered by the Panel.

All submissions must state the name and address of the person making the submission. Where a submission is made by two or more persons, it must state the name and address of the person who will represent these persons in any formal public hearing and be their contact person.

Anonymous submissions will not be considered.

All submissions will be treated as public documents.

Following the close of the formal exhibition period, the Department of Environment, Land, Water, and Planning will forward a copy of all submissions received together with a summary report to the Panel. The Panel directs that this material be submitted by close of business **Friday 10 August 2018**.

#### **Request to be heard form**

If you wish to be heard at the Panel Hearing in relation to your submission you are also required to complete and submit the 'Request to be Heard Form' by close of business on **Friday 27 July 2018**. The form can be accessed by the following link:

<https://www.planning.vic.gov.au/panels-and-committees/request-to-be-heard-form>

A copy of the request to be heard form is also attached with this letter (Refer Attachment 3).

**It is important to note that all parties that previously requested to be heard are required to complete and submit a new request to be heard form.**

#### **Hearing arrangements**

The Panel advises parties that a second Directions Hearing will be held in the week commencing **20 August 2018 (details TBC)**. Arrangements for the Panel Hearing will be discussed at the Directions Hearing. It is anticipated that the Panel Hearing will be held in Apollo Bay commencing on **12 September 2018**. The Panel notes that due to the unavailability of some parties during the period from 24 September to 5 October 2018 the Panel will not sit during this period. The hearing dates will be discussed and confirmed at the Directions Hearing.

If you have any queries, please contact Greta Grivas, Senior Project Officer, Planning Panels Victoria on (03) 8392 5121.

Yours sincerely,



William O'Neil

Panel Chair



Department of Environment  
Land, Water and Planning

8 Nicholson Street  
East Melbourne  
Victoria 3002  
Australia  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

Mr William O'Neil  
Panel Chair  
Planning Panels Victoria  
1 Spring Street  
MELBOURNE VIC 3000

Dear Mr O'Neil

**PLANNING PERMIT APPLICATION NO. PP169/2017-1 – 275 BARHAM RIVER ROAD, APOLLO BAY  
AMENDMENT TO PERMIT APPLICATION UNDER SECTION 57A**

I refer to the written request and accompanying documentation submitted to the Minister for Planning on 16 May and 26 June 2018 by Oceans United Investments Group Pty Ltd, seeking to amend planning permit application no PP169/2017-1 under section 57A of the *Planning and Environment Act 1987* (the Act).

The Department of Environment, Land, Water and Planning (DELWP) has reviewed this documentation on behalf of the Minister, as the responsible authority.

The request made under section 57A of the Act generally seeks to amend the permit application in response to Planning Panel Victoria's direction letter of 28 March 2018 by:

- reducing the scale of the proposed development by deleting 'Stage 2' that comprised a 200-room hotel expansion, 140 additional villa units, conference centre, chapel and yoga retreat and associated buildings and works including car parking and internal roadways
- amending the design of the main hotel building
- providing more detail on the siting, location and design of villa units and other proposed buildings and works
- relocating buildings to avoid 'very high' risk landslip zones as identified in the *Golder Associates Landslide Risk Assessment* report, dated 1 November 2017
- providing new and updated supporting technical reports
- amending the permit application description to include 'removal of vegetation' and varying the location and extent of vegetation to be removed.

Considering the nature of the changes to the proposed use and development, a new application for a permit is not required. Accordingly, the application has been amended under section 57A(4) of the Act.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 3002.



The amended application now comprises the following plans and supporting documents:

- a) Planning report (Oceans United Investments Group, revision B, 26 June 2018)
- b) Property titles (searched on the LANDATA® register on 19/06/2017)
- c) Architectural plans (Spowers & Agius Scorpio Architects, revision A, 15 May 2018)
- d) Architectural design report (Spowers & Agius Scorpio Architects, revision B, 25 June 2018)
- e) Spowers design process review (Le Grew Design PL, undated)
- f) Landscape architecture plans (ASPECT Studios, revision P3, 11 May 2018)
- g) Landscape architecture report (ASPECT Studios, revision A, 9 May 2018)
- h) Traffic engineering assessment report (Traffix Group, issue no. 02B, 15 May 2018)
- i) Biodiversity assessment report (Ecology & Heritage Partners Pty Ltd, May 2018)
- j) Geotechnical landslide risk assessment report (Golder Associates, 1 November 2017) and 'revised landslide risk assessment letter' (Golder Associates, 15 May 2018) and 'response to Planning Panels Victoria Letter' (Golder Associates, 15 June 2018)
- k) Bushfire Management Statement and Bushfire Management Plan (South West Bushfire Consultants, version 12, 25 June 2018)
- l) Site access management written submission (Oceans United Investments Group, 14 May 2018)
- m) Emergency Management Plan (Resource Management Consulting, 22 June 2018)
- n) Stormwater Drainage and Waterway Management Report (Irwinconsult, revision H, 9 May 2018)
- o) Service infrastructure report (Irwinconsult, revision 01, 10 May 2018)
- p) Socio-economic impact assessment report (StreetRyan, April 2018).

The Panel appointed under Part 8 of the Act should consider the above information when undertaking its review.

If you require further information, please contact Lachlan Forsyth, Regional Planner of Regional Planning Services at the DELWP office in Geelong, on (03) 5226 4083 or email [lachlan.forsyth@delwp.vic.gov.au](mailto:lachlan.forsyth@delwp.vic.gov.au).

Yours sincerely



**Kim McGough**  
Manager - Barwon South West  
Regional Planning Services

03 / 07 / 2018

## NOTICE OF AMENDED APPLICATION FOR PLANNING PERMIT

Section 57B *Planning and Environment Act 1987*

The land affected by the application is located at:	275 Barham River Road, Apollo Bay 3233
The application is for a permit to:	Use and develop land for a residential hotel and associated leisure and recreation facility and removal of vegetation.
The amendments to the application include:	Amendment to the plans and supporting documents forming part of the application, including deletion of 'Stage 2' from the original application.  Amendment to the description of the application to include removal of vegetation.
The applicant for the permit is:	Oceans United Investments Group Pty Ltd
The application reference number is:	PP169/2017-1
You may look at the application and any documents that support the application at the office of the responsible authority or the Colac Otway Shire or online at:  <a href="https://www.planning.vic.gov.au/project-panels/panels-and-committees/Apollo-Bay-tourism-resort">https://www.planning.vic.gov.au/project-panels/panels-and-committees/Apollo-Bay-tourism-resort</a>  The application can be viewed during office hours and is free of charge.	<ul style="list-style-type: none"> <li>• Department of Environment, Land, Water and Planning (DELWP) Level 4, State Government Offices 30-38 Little Malop Street, Geelong 3220</li> <li>• Colac Otway Shire <i>Apollo Bay Office</i> 69 Nelson Street, Apollo Bay 3233</li> <li>• Colac Otway Shire <i>Colac Office</i> 2-6 Rae Street, Colac 3233</li> </ul>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority - the Hon Richard Wynne MP Minister for Planning C/- the Department of Environment, Land, Water and Planning, PO Box 103, Geelong VIC 3220 or [stateplanning.services@delwp.vic.gov.au](mailto:stateplanning.services@delwp.vic.gov.au).

**All submissions made in relation to the original application are taken to be submissions to the amended application. However, any person who has previously made a submission may choose to amend their submission in response to the amended application.**

An objection must: be made to the responsible authority in writing, include the reasons for the objection and state how the objector would be affected.

The responsible authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge.

The responsible authority will not decide on the application before:	<b>27 July 2018</b>
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If you make a submission, the responsible authority will advise you of its decision.

# Request to be Heard Form

Colac Otway Planning Scheme: Apollo Bay Tourism Resort Call In Panel  
Notification of Amended Planning Permit Application No 169/2017-1, 275 Barham River Road

Please complete the [online request to be heard form](#) by no later than 5.00pm on Friday 27 July 2018.

Alternatively, return this form by the due date to Planning Panels Victoria:

**Post: GPO Box 2392, Melbourne, Victoria 3001 Fax: (03) 8392 5110**

Please tick one:

- I wish to be heard at the Public Hearing** - Complete all sections
- I do not wish to be heard but please email me a copy of the Timetable and any Directions - Provide name and email only

## Contact Details

PLEASE WRITE IN BLOCK LETTERS

Submitter name

(as shown in submission):

Represented by Person: \_\_\_\_\_

(if applicable): Organisation: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Daytime contact number: \_\_\_\_\_

Email (see Note 3 below): \_\_\_\_\_

## Hearing Arrangements

Please specify dates or times of day between

12/09/2018 – 21/09/2018 and

8/10/2018 – 12/10/2018 when you are **not** available

(see Note 1): \_\_\_\_\_

Time required to present your submission and expert evidence (including time for questions): \_\_\_\_\_

Will you be calling expert witnesses? (see Note 6)  Yes  No **If yes, provide details below**

Full name	Organisation (if applicable)	Field of expertise
_____	of _____	on _____
_____	of _____	on _____
_____	of _____	on _____
_____	of _____	on _____

### Request to be Heard Form Notes:

- The details provided on this form will be used to prepare the Hearing Timetable. PPV will make every effort to prepare the timetable based on the availability provided on this form, but it cannot be guaranteed.
- Future correspondence will be emailed to the above email address. Hard copies will be provided to parties without an email address.
- The email address provided on this form will be provided to other parties to the Hearing to allow information or Expert Witness Reports to be circulated, unless you specify otherwise.
- The Hearing Rooms at PPV are equipped with a Hearing Loop, and a laptop and projector if required.
- If you have any access requirement to participate in the Hearing, please contact PPV.
- An expert witness gives evidence in a field of expertise. They are required to circulate Expert Witness Reports and may be subject to cross examination at the Hearing.

#### Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002