



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

28 March 2018

As addressed

Dear Submitter,

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

Updated Directions – New and updated information and Re-notification

As noted in Directions Letter distributed on 20 March 2018, DELWP (on behalf of the Minister for Planning as responsible authority) and Colac Otway Shire (as the referring responsible authority) were directed to review the new information provided by the applicant at the Directions Hearing, as well as the list of additional information requested of the applicant by the Panel as outlined in Direction 1. Following such review, DELWP and Colac Otway Shire Council were directed to advise Planning Panels Victoria of any further information requests they consider necessary by **2.00pm on 27 March 2018**.

The Panel advises that DELWP and Colac Otway Shire Council responded in writing to these directions (refer attached letters).

The Panel has reviewed the further information requests. The Panel accepts all of DELWP's and Colac Otway Shire Council's recommended additions and has amended Direction 1 in response (see Attached).

The Panel also agrees with the rewording of Direction 4 as provided by DELWP (see attached).

As per the Panels Directions dated 20 March, the Panel now requires the applicant to review the final information requirements and advise Planning Panels Victoria by 2.00pm on 6 April 2018 as to when it anticipates the further information requested in revised Direction 1 will be supplied for distribution to parties for their review.

The Panel will advise parties of the applicant's anticipated timelines once this information comes to hand. Once all of the revised and updated information is submitted the Panel will request the re-notification process to commence.

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

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Panel Directions

Colac Otway Planning Scheme: Apollo Bay Tourism Resort Call In Panel

Updated Directions – New and updated information and Re-notification

Revised Direction 1: New and updated information to be supplied by the applicant

1. The applicant is to provide the following information, of sufficient detail to enable a proper assessment of the amended proposal, commensurate with the scale of the proposed use and development:
 - a. An amended permit application form pursuant to Section 57A of the *Planning and Environment Act 1987* and associated fee (if applicable) to DELWP on behalf of the Minister for Planning as the responsible authority that clarifies the scope of use and development sought by the application.
 - b. A revised Traffic Engineering Report that reviews the capacity of the existing road network to accommodate the projected traffic increases, and provides recommendations for any necessary road upgrade works.
 - c. An updated Geotechnical Land Slip Assessment report that:
 - i. documents the findings of the further geotechnical investigations to provide technical verification that the total development and site disturbance proposed can meet the tolerable risk criteria or lower, as specified in the schedule to Clause 44.01 (Erosion Management Overlay) of the Colac Otway Planning Scheme;
 - ii. details all proposed cut and fill associated with the proposal, including the internal access roads, buildings and associated infrastructure;
 - iii. contains an updated and completed geotechnical verification 'Form A' document, reflecting the amended proposal, as required under Clause 44.01 (Erosion Management Overlay) of the Colac Otway Planning Scheme.
 - d. Updated technical reports and information that the applicant seeks to rely upon to inform the assessment of the revised application. Each report must be updated to include, and refer to, the revised plans and revised proposal. The front covers of the revised reports must also clearly identify them as Revised and Updated with an accompanying new date. (NOTE: Please note, unless a previously submitted report is resubmitted with revised and updated plans and accompanying text, it will not be considered in the assessment of the amended application).
 - e. A revised Bushfire Management Statement and Bushfire Management Plan that identifies all internal roads; deletes reference to the Greater Geelong Planning Scheme; provides a response to updated policy at Clause 13.05, introduced by VC140; and that includes confirmation that all buildings can achieve required Bushfire Attack Level (BAL) ratings under AS 3959-2009.
 - f. An updated Traffic and Car Parking Assessment for the proposal, that includes details relating to traffic and car parking implications of the development having regard to patron numbers; staff numbers; loading and waste management vehicles; and any buses proposed. The updated traffic assessment should make reference to existing traffic volumes recorded on the local road network (recent traffic counts can be provided

by Council), and specify any traffic management measures required to surrounding roads and intersections to accommodate predicted traffic.

- g. An updated Stormwater Drainage and Waterway Management Report that clearly details how stormwater management on site responds to the geo technical issues raised in the Landslip Risk Assessment Report, and vegetation removal.
- h. An updated servicing report that details how mobile phone / internet access will be managed and potentially augmented on site in response to objections raised.
- i. Details of how lighting at night can be managed to minimise visual impact and light pollution.
- j. A social and economic impact assessment that considers the impacts of the proposal on the existing township including retail, employment and accommodation impacts.
- k. An Emergency Management Plan that among other issues, addresses risk of access to and egress from the subject site in circumstance of both flood and fire, and that includes a response to the concerns of the Corangamite Catchment Management Authority regarding flood impact.
- l. A response to correspondence received from the Office of Victorian Government Architect.
- m. An updated visual impact analysis that considers all aspects of the proposed development.
- n. Updated plans and drawings, including plans that clearly show what is included in the application, with appropriate detail to enable assessment including:
 - i. Dimensions, including length, width and heights of all parts of each building (including RL's to top of buildings). These dimensions need to be taken from natural ground level.
 - ii. Setbacks between buildings.
 - iii. The extent of cut and fill required (through sections) for buildings and associated infrastructure, with the plans clearly marked to show where the sections are taken from. This needs to detail the areas of cut and fill required for driveways to service the hotel and villas to the north of the site, and the driveway to service the villas to the south of the site.
 - iv. More detailed information on materials, finishes and colours proposed, including images or samples.
 - v. Location and extent of vegetation removal required, including for associated infrastructure provision.
 - vi. Detail of any buildings and works associated with the bike hire facility located near the site entry.
 - vii. Details of the location, capacity and treatment of overflow parking areas (referred to in the original Traffix Group report submitted with the application).

2. The Applicant is to advise Planning Panels Victoria by **2.00pm on 6 April 2018** as to when it anticipates the further information requested (refer attached Direction 1) will be supplied for distribution to parties for their review.

Re-notification

3. The application to amend the permit application under section 57A of the Act is required to be notified in the following manner:
 - a. Upon receipt of the requested information from the applicant, notice of the application to be given in a prescribed form to all owners and occupiers of adjoining land (105 Old Horden Vale Access, 195 Barham River Road and 303 Barham River Road) and all current submitters/parties.
 - b. A period of 21 days is to be provided to enable all parties to consider the new and updated information, and to make a submission to DELWP.
 - c. A complete set of application material is to be displayed on the Colac Otway Shire Council website, and also be made available at the council offices in Colac and Apollo Bay, and at the DELWP office in Geelong.

ATTACHMENT 1 – DELWP LETTER DATED 27 MARCH 2018



Department of Environment Land, Water and Planning

8 Nicholson Street
East Melbourne
Victoria 3002
Australia
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 PANEL DIRECTIONS

I refer to the Directions Hearing held on 14 March 2018 at Apollo Bay in relation to the called in planning permit application at 275 Barham River Road, Apollo Bay, and the correspondence from Planning Panels Victoria (PPV) dated 20 March 2018.

The Department of Environment, Land, Water and Planning (DELWP) submits the following comments on the Panel Directions:

- **Direction 1. a.**
DELWP notes that the application to amend the planning permit application under section 57A of the *Planning and Environment Act 1987* (the Act), including the associated fee, must be made to DELWP on behalf of the Minister for Planning as the responsible authority (i.e. the reference to 'Colac Otway Shire Council' should be deleted).
- **Direction 2**
DELWP agrees with the additional information identified by the Panel and considers the following additional information is required to be provided by the applicant. The additional information and reports should be of sufficient detail to enable a proper assessment of the proposal and commensurate with the scale of the use and development.
 1. A revised Traffic Engineering Report that reviews the capacity of the existing road network to accommodate the projected traffic increases, and provides recommendations for any necessary road upgrade works.
 2. A revised Geotechnical Land Slip Risk Assessment Report that details all proposed cut and fill works associated with the proposed internal access roads, in addition to the requirements identified by the Panel Direction 1. b.
 3. A completed geotechnical verification 'Form A' document as required under Clause 44.01 (Erosion Management Overlay) of the Colac Otway Planning Scheme.
 4. A revised Bushfire Management Statement and Bushfire Management Plan that identifies all internal roads, deletes reference to the Greater Geelong Planning Scheme and provides a response to updated policy at Clause 13.05, introduced by VC140.

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 or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



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5. Updated plans and drawings to provide detail of any buildings and works associated with the bike hire facility located near the site entry, in addition to the requirements identified by PPV in Direction 1. i.

▪ **Direction 4**

DELWP considers the application to amend the permit application under section 57A of the Act should be notified in the following manner:

- Notice of the application to be given in a prescribed form to all owners and occupiers of adjoining land (105 Old Hordern Vale Access, 195 Barham River Road and 303 Barham River Road) and all current submitters/parties.
- A period of 21 days is to be provided to enable all parties to consider the new and updated information, and to make a submission to DELWP.
- A complete set of application material is to be displayed on the Colac Otway Shire Council website, and also made available at the council offices in Colac and Apollo Bay, and at the DELWP office in Geelong.

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.

Yours sincerely

S. Menzies

Stuart Menzies
Director State Planning Services

27 / 3 / 2018

ATTACHMENT 2 – COLAC OTWAY SHIRE COUNCIL LETTER DATED 27 MARCH 2018

Further Information Requirements Recommended to Planning Panel

PP169/2017-1 – 275 Barham River Road, Apollo Bay

- The Stormwater Drainage and Waterway Management report by Irwin Consult should clearly detail how stormwater management on the site responds to geo technical issues raised in the Golders Landslip Risk Assessment report 1 November 2017 (or any updates to that) and any vegetation removal issues.
- The Irwin Consult Concept Design report should include details on how lighting at night can be managed on the site to minimise visual impact and light pollution and detail how mobile phone/internet access will be managed and potentially augmented on the site in response to objections raised.
- The Panel has requested updated plans in Item 1 i. including the extent of cut and fill for buildings and associated infrastructure. For clarity this should specifically detail the major areas of cut and fill for the driveways to service the hotel and villas to the north of the site and the driveway to service the villas to the south of the site.
- The updated Landslide Risk Assessment should address all areas of cut and fill identified for the site, including the proposed new driveway and 60 villas it services. The Form A lodged with the LRA needs to refer to the plans lodged with the amended application.
- Details of location, capacity and treatment of overflow parking areas (referred to in the original Traffix group report submitted with the application).
- Updated traffic assessment for the proposal that provides a greater level of clarity of proposed traffic expected to be generated by the development, including patrons, staff, loading and waste management vehicles and buses. The original assessment was not clear on all of these elements. The assessment should make reference to different scenarios that could occur regarding the degree to which patrons would visit the site by bus and/or private vehicle, as a reduced number of buses to the site would have significant impacts on the number of vehicles travelling along local roads, and thus change the need for potential mitigation measures which could be required.
- The updated traffic assessment report should make reference to existing traffic volumes recorded on the local road network (recent traffic counts can be provided by Council), and to any traffic management measures which would need to be undertaken to roads and intersections along the route to the site from Great Ocean Road which would be required to appropriately manage predicted traffic volumes.