Cape Otway Road Australia Development Advisory Committee

Advisory committee appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 to report on the proposed elite athlete training, accommodation, retail and tourism facility by COESR Pty Ltd at 1300-1320 Cape Otway Road, Modewarre

Name
The advisory committee is to be known as the ‘Cape Otway Road Australia Development Advisory Committee’ (CORADAC).

1. The CORADAC is to have members with the following skills:
   a. Strategic and statutory planning
   b. Economic, retail and tourism development feasibility
   c. Environment (with knowledge of hydrology), biodiversity

The CORADAC may engage specialist advice as required.

Purpose

2. The purpose of the CORADAC is to advise the Minister for Planning on all relevant planning matters associated with the proposed Cape Otway Road Australia development proposal including:
   a. the strategic planning and planning policy context and merits
   b. the net community benefit of the project
   c. the potential environmental impacts and net environmental gain
   d. any potential risks associated with the proposed sequencing of the development
   e. the suitability of the site for the proposed development
   f. the suitability of the proposed planning controls.

Background

3. The 240-hectare Cape Otway Road, Modewarre site is located directly south of Lake Modewarre and consists of six rural lots.

4. The site is mainly within the Rural Conservation Zone and partly within the Farming Zone.

5. The proposal seeks to provide for elite athletes in a high-performance sports training facility, featuring a sports science, innovation and education hub, sports fields with four and five-star accommodation, including 37 eco-lodges and a 128-room hotel, wellness centre, retail village (1 830 m2) with fine and casual dining, art gallery (550 m2), sculpture park, farmers market venue, childcare centre, micro-brewery (1 425 m2), office (1 060 m2), 24 rural residential lots, 24 homestead lodges (some for staff accommodation) and a sewerage treatment plant.

6. The site currently includes a broiler farm in the south-eastern corner, and the remainder of the land is used for grazing around the existing ephemeral wetland located south of Lake Modewarre.

7. Lake Modewarre is a shallow crater lake managed by the Department of Environment, Land, Water and Planning (DELWP) for recreation purposes and is an important recreational fishery.

8. The site is located within the Great Ocean Road region 'interface area' i.e. outside the proposed study area for the Great Ocean Road Strategic Framework Plan.
9. The Surf Coast Shire Council (council) reviewed the proponent’s draft planning scheme amendment documentation, technical reports and revised concept masterplan and precinct plans for the proposed project. Subsequently, the council requested that the Minister for Planning become the planning authority for the amendment as it considered it to be of regional, state and broader significance. The proponent COESR Pty Ltd has also requested the Minister to undertake the planning authority role.

10. On 15 October 2018, the Minister for Planning advised the council and the proponent that he had decided to refer the CORA proposal to an independent advisory committee.

Method

11. The CORADAC consideration of the proposal is expected to proceed in four stages.

12. The CORADAC may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its final report to the Minister for Planning.

13. The CORADAC requires a quorum of two members, one of whom must be the Chair or the Deputy Chair, for any workshops, forums or hearings.

Stage 1 - Initial assessment

14. The CORADAC is to undertake an initial assessment of the material that has been prepared by the proponent.

15. The CORADAC is not expected to carry out public notification or conduct a public hearing during its Stage 1 initial assessment but may invite DELWP Planning or any other party, including those listed at Clause 21, to identify or address any matters through meetings, workshops or written comments.

16. As an outcome of this assessment, the CORADAC must consider whether there is sufficient strategic justification for the proposal to proceed as a draft Amendment to public exhibition.

17. If the CORADAC is satisfied that there is sufficient strategic justification for the proposal to proceed to public exhibition, it is to identify any omissions or critical information that it considers must be prepared before public exhibition of the proposal. This includes, but is not limited to, the information that is required to address those matters set out in section 12(2) of the Planning and Environment Act 1987.

Stage 2 - Exhibition

18. If the Minister for Planning is satisfied that there is sufficient strategic justification for the proposal to proceed to public exhibition, he may direct that the additional material identified by the CORADAC is provided. Public notice of the proposal, relevant background material and any associated amended planning controls must be given.

19. The proponent must either produce the additional material or advise that it no longer wishes to proceed with the proposal, within 30 business days of the date it receives the Stage 1 report unless an extension of time is approved by the Minister’s delegate.

20. After the additional material required by the CORADAC is provided, DELWP Planning must liaise with the CORADAC to agree:
   a. the scope of public exhibition
   b. the public exhibition dates
   c. the directions hearing date
   d. the public hearing dates.

   The agreed dates are to be included on all notices.

21. The following agency parties will also be invited to make submissions and appear at the public hearing:
   a. Surf Coast Shire Council
   b. Department of Jobs, Precincts and Regions - Invest Assist
   c. Regional Development Victoria
d. Corangamite Catchment Management Authority

e. Sport and Recreation Victoria.

f. Tourism Victoria

g. Country Fire Authority

h. DELWP Environment

i. Environment Protection Authority

j. Wathaurung Aboriginal Corporation

k. Any other relevant parties as identified by the Committee, including local submitters.

22. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Electronic copies of submissions will be provided to DELWP Planning, Surf Coast Shire Council and the proponent.

23. Petitions and pro-forma letters will be treated as a single submission and only the first name to appear on the first page of the submission will receive correspondence on CORADAC matters.

**Stage 3 - Public Hearing.**

24. Following exhibition, the CORADAC is expected to hold a directions hearing and a public hearing and provide all submitters with an opportunity to be heard.

25. The CORADAC may conduct workshops, forums or other meetings as necessary.

26. The CORADAC may limit the time of parties appearing before it and may prohibit or regulate cross-examination.

**Stage 4 - Outcomes**

27. The CORADAC must produce a written report for the Minister for Planning following its Stage 1 Initial Assessment. The report must include:

a. an assessment of the material prepared by the proponent and a conclusion about whether there is sufficient strategic justification for the proposal to proceed to public exhibition,

b. a recommendation to the Minister for Planning on whether the proposal should proceed to public exhibition (Stage 2) and a public hearing (Stage 3), and

c. a description of any critical information which must be provided before the public exhibition of the proposal, where the CORADAC recommends the proposal proceeds to public exhibition.

28. Should the CORADAC proceed to a public hearing (Stage 3), after the conclusion of the public hearing, it must produce a written final report for the Minister for Planning which includes:

a. an assessment of all planning matters relevant to the proposed CORA development, and

b. consideration of the matters listed under 'Stage 1 – Initial Assessment' and Clause 29.

29. The CORADAC may inform itself in any way it sees fit, but must consider all relevant matters including but not limited to:

a. provisions of the Planning and Environment Act 1987 and the Surf Coast Planning Scheme, including any adopted plans, strategies or planning scheme amendments,

b. the views of the proponent (COESR Pty Ltd), and all relevant material prepared by or for the proponent including any amended documentation and matters related to requirements under the Environment Protection Act 1970, the Aboriginal Heritage Act 2006 and the Environment Effects Act 1978,

c. all relevant material provided to the it by all participating parties, and

d. all submissions and evidence received.

30. Following the final submission and sign-off of the report, the CORADAC may deliver an oral briefing to DELWP Planning or the Minister.
Submissions are public documents

31. The CORADAC must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

Timing

32. The CORADAC is required to complete its Stage 1 report no later than 40 business days from the date that Panel Panels Victoria is formally notified of the appointment of CORADAC.

33. The CORADAC is required to submit its final report following Stage 3 no later than 40 business days from the final day of public hearings.

Fee

34. The fee for the CORADAC will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.

35. The costs of the CORADAC and any associated public consultation notification will be met by COESR Pty Ltd.

[Signature]

HON RICHARD WYNNE MP
Minister for Planning

Date: 17/3/19
The following information does not form part the Terms of Reference.

**Project Management**

1. Administrative and operational support to the Committee will be provided by Mark Gregory, Senior Regional Planner, Barwon South West Region, the Department of Environment, Land, Water and Planning, 03 5226 4606 and mark.gregory@delwp.vic.gov.au.

2. Day to day liaison for the CORADAC will be through Joseph Morrow, Project Officer, of Planning Panels Victoria on (03) 8392 5137 or planning.panels@delwp.vic.gov.au.