



# Minutes

Hearing of Submissions Committee

Tuesday, 2 June 2015

Held at

Council Chambers, 1 Merrijig Drive, Torquay

Commencing at 4:00pm

**Committee Members:**

Cr. Margot Smith (Mayor)  
Cr. David Bell  
Cr. Libby Coker  
Cr. Eve Fisher  
Cr. Clive Goldsworthy  
Cr. Rose Hodge  
Cr. Carol McGregor  
Cr. Brian McKiterick  
Cr. Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS COMMITTEE OF SURF COAST SHIRE COUNCIL  
HELD AT COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY, 2 JUNE 2015 COMMENCING AT 4:00PM

**PRESENT:**

Cr. Margot Smith (Mayor)  
Cr. David Bell  
Cr. Libby Coker (Left the meeting at 5:30pm)  
Cr. Clive Goldsworthy  
Cr. Rose Hodge  
Cr. Carol McGregor  
Cr. Brian McKitterick  
Cr. Heather Wellington

**IN ATTENDANCE:**

Keith Baillie – Chief Executive Officer  
Kate Sullivan – General Manager Environment & Development  
Brydon King – Manager Planning & Development  
Maggie Juniper – Senior Statutory Planning  
50 members of the public

**APOLOGIES:**

**Council Resolution**

**MOVED Cr. David Bell, Seconded Cr. Rose Hodge**

That an apology be received from Cr. Eve Fisher.

CARRIED 8:0

**CONFLICTS OF INTEREST:**

Nil

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**BUSINESS:**

<b>1.</b>	<b>ENVIRONMENT AND DEVELOPMENT .....</b>	<b>4</b>
1.1	<i>Adventure Park – Planning Application 14/0339 – 660 Great Ocean Road, Bellbrae .....</i>	<i>4</i>

## 1. Environment and Development

### 1.1 Adventure Park – Planning Application 14/0339 – 660 Great Ocean Road, Bellbrae

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EMT Report

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Council Briefing

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Council Report

**Meeting Date:**

Tuesday, 2 June 2015

**Council Meeting Adoption Date:**

Tuesday, 2 June 2015

**Author's Title:** Senior Statutory Planner

**Department:** Planning & Development

**Division:** Environment & Development

**General Manager:** Kate Sullivan

**File No:** 14/0339

**Trim No:** D15/42564

**Appendix:**

1. Submitters who have registered to speak (D15/44327)
2. Copy of all other submissions (D15/45353)
3. Lodgement - planning report (D14/83650)
4. Further Information - Site Plan Rev P3 dated 15 April 2015 (D15/32564)
5. Further Information - Park Centre Building & Station Plans & Elevations Rev P2 (D15/43391)
6. Further Information- Photo Montage (D15/37665)

**Officer Direct or Indirect Conflict of Interest:**

In accordance with Local Government Act 1989 –  
Section 80C:

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Yes

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No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

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Yes

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No

**Reason:** Nil

### Purpose

To hear submitters following invitation of submissions in accordance with section 223 of the Local Government Act 1989 in relation to planning permit application 14/0339 which seeks approval for the Use and Development of land for Leisure and Recreation & associated Earthworks, Use for Caretakers Dwelling, Alteration of Access to a Road in Road Zone Category 1, Display of Advertising Signage and Removal of Native Vegetation.

### Summary

The application proposes to develop land at 660 Great Ocean Road Bellbrae for an Adventure Park including a range of indoor and outdoor recreational activities including high and low ropes courses, climbing walls, zip lines, mazes and trampolines, supported by a Park Centre building including office administration toilets/showers, trampolines and an indoor playroom, and car parking for 260 cars and 9 buses.

The application was placed on public notice and 115 objections (*3 in addition to original received*) and 78 submissions supporting the proposal were received. Some of the main issues raised in objections are:

- Appropriateness of the development in the Farming Zone
- Conflict with the Bellbrae Structure Plan.
- The precedent to be set leading to ribbon development along the Great Ocean Road
- Failure of the Traffic Assessment Report to look at peak traffic times and local traffic patterns
- Road works at the intersection of Gundrys Road/Great Ocean Road that will inconvenience local residents
- Scale of building and structures not in keeping with the rural character and landscape of Bellbrae
- Impact on agricultural production of surrounding farms
- Loss of amenity for surrounding residents by noise, music, rubbish, dust, loss of privacy and lighting
- Compromise of fire evacuation plans of local residents by increased traffic
- Treatment of waste water and stormwater
- Impact on native fauna and native vegetation

Assessment of the proposal is continuing and the application will be presented for a decision by Council at the 23 June 2015 Council meeting.

**Recommendation**

That Council receive and note the submissions to planning permit 14/0339 for the Use and Development of land for Leisure and Recreation & associated Earthworks, Use for Caretakers Dwelling, Alteration of Access to a Road in Road Zone Category 1, Display of Advertising Signage and Removal of Native Vegetation at 660 Great Ocean Road and road reserve Gundrys Road Bellbrae.

**Council Resolution**

**MOVED Cr. Rose Hodge, Seconded Cr. Brian McKiterick**

That Council receive and note the submissions to planning permit 14/0339 for the Use and Development of land for Leisure and Recreation & associated Earthworks, Use for Caretakers Dwelling, Alteration of Access to a Road in Road Zone Category 1, Display of Advertising Signage and Removal of Native Vegetation at 660 Great Ocean Road and road reserve Gundrys Road Bellbrae.

CARRIED 7:0

**Close of Meeting:** There being no further items of business, the meeting closed at 6:00pm.

## **Adventure Park - Planning Application 14/0339, 660 Great Ocean Road, Bellbrae**

### **Report**

#### ***Background***

The application proposes to develop a 31ha site at the corner of the Great Ocean Road and Gundrys Road Bellbrae for an Adventure Park (Leisure and Recreation).

The site is zoned Farming with a part Bushfire Management Overlay and abuts a Road Zone Category 1 – the Great Ocean Road. The surrounding area is zoned Farming and Low Density Residential and generally subject to a Bushfire Management Overlay.

The Surf Coast Planning Scheme identifies Leisure and Recreation as a Section 2 Permit required land use and the application is required to be assessed against the relevant planning provisions and issues associated with the site and its context.

#### ***Discussion***

The Adventure Park proposal will result in rural land zoned Farming converting to a non-agricultural land use. The provisions of the Farming zone, *Surf Coast Planning Scheme*, allow non-agricultural uses such as proposed to be assessed on merit against the purpose and decision guidelines of the zone and in the context of the State and Local Planning Policy Framework.

Broadly, the SPPF and LPPF seek retention of productive agricultural land and discourage its loss and fragmentation through non-soil based land uses, ad hoc subdivision and dwelling development. The importance of tourism to the economy, including the local economy, is also recognised. Where tourist developments are to be located in non-urban areas policy highlights:- productive agricultural land and the rural amenity of the area should be protected; development should be within proximity of existing townships and positive landscape and environmental outcomes should result.

The Adventure Park proposes public opening hours of 9.00am - 5.00pm extending to 6.30pm at peak holiday periods and projects visitation numbers in the order of 50,000 to 70,000 visitors per year. The development will increase daily traffic volumes and more so at peak holiday periods and VicRoads, the managing road authority, is requiring road works to be undertaken at the Gundrys Road/Great Ocean Road intersection via a works agreement.

The development is to be designed on environmentally sustainable principles and includes on-site waste water management, stormwater capture and distribution, solar roofing panels, minimal external lighting and extensive site revegetation in conjunction with earth mounding which will assist screening of the site from roadways and adjacent properties.

Tourist developments which create attractions away from the beach are important in the local Surf Coast economy as they provide an alternative opportunity for visitors and encourage people to stay in the area for longer. Adventure based tourist developments such as proposed can also provide recreational opportunity for the local community.

It is acknowledged that concerns have been raised by objecting parties in relation to the scale of the development, traffic management and amenity impacts. However most of these issues have been addressed by the road works treatments required by VicRoads or are at a level which is not considered unreasonable. Risk factors associated with waste water treatment, stormwater management and bushfire have been or are able to be adequately addressed.

#### ***Financial Implications***

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

The applicant has supplied an economic analysis outlining the benefits of the proposal in terms of job creation and input into the local economy.

#### ***Council Plan/Policy/Legal Implications***

The proposal is responding to changes to the Farming Zone in 2013 that allow use for leisure and recreation to be considered on merit in rural areas.

## **Adventure Park - Planning Application 14/0339, 660 Great Ocean Road, Bellbrae**

The proposal relates to Theme 5 Development and Growth in the Council Plan 2013 – 2017 particular Objectives 5.3 and 5.4

The Surf Coast Planning Scheme has a range of policy that need to be considered when testing the merits of the proposal, ranging from protection of agricultural land, to the locating of non-rural uses in rural areas and supporting tourism development.

### ***Officer Direct or Indirect Interest***

No officer involved in the preparation of this report has any conflicts of interest.

### ***Risk Assessment***

Analysis of the merits of the application is that the application should be approved.

Any decision made by Council on this application can be challenged at Victorian Civil and Administrative Tribunal.

In the event the application was refused and appealed to the Tribunal Council is required by VCAT procedures to circulate draft “without prejudice” conditions to all parties at least 10 days prior to a hearing. This will be actioned if the circumstance arises. In the event that the Tribunal determines to grant a permit these conditions will form the basis of discussion between the parties.

### ***Social Considerations***

Key themes raised in objections include appropriateness of the development in the Farming zone, traffic risk and management, the impact on agricultural production, and the impacts on the landscape and amenity.

These issues have been considered in the analysis of the proposal and are reflected in the recommendation to Council.

### ***Community Engagement***

The planning permit application has been placed on public notification including that written notices were sent out to surrounding land owners totalling 214.

A further information letter was sent to all land owners notified and to all submitters May 2015.

Public notification of the proposal has generated 115 objections (*3 in addition to original received*) and 79 letters of support.

Officers have met with a number of individual land owners.

### ***Environmental Implications***

The proposal includes the development of building and works adjacent native vegetation and relies on septic waste water treatment and should be appropriately conditioned in the event it is decided to issue a permit.

### ***Financial Implications***

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

### ***Council Plan/Policy/Legal Implications***

The proposal relates to Theme 5 Development and Growth in the Council Plan 2013 – 2017 particularly Objectives 5.1 and 5.4

The Surf Coast Planning Scheme provides a range of policy directions that need to be considered when testing the merits of the proposal, ranging from promoting tourism in appropriate locations to protecting agricultural land and the amenity of rural landscapes and rural areas.

### ***Officer Direct or Indirect Interest***

No officer involved in the preparation of this report has any conflicts of interest.

### ***Risk Assessment***

Issues associated with the merits of the proposal will be analysed including the issues raised by objectors.

**Adventure Park - Planning Application 14/0339, 660 Great Ocean Road, Bellbrae**

Any decision made by Council on this application can be challenged at Victorian Civil and Administrative Tribunal.

***Communication***

A copy of the Council's decision will be provided to the applicant and all submitters.

***Conclusion***

The objections received have detailed a number of significant matters that require careful consideration. These are to be presented to Council via the Hearing of Submissions meeting.



**APPENDIX 1: SUBMITTERS WHO HAVE REGISTERED TO SPEAK (D15/44327)**

## **REGISTERED SPEAKERS**

1. Philip Pilgrim on behalf of Owner's Corporation Cluster Subdivision 1434N
2. Frances Baensch
3. John Olsen on behalf of the Bellbrae Residents Association
4. David Gittings
5. Kate Gittings
6. Sue Gout
7. Janine Denholm
8. David O'Brien
9. Andy Bennett
10. Timothy Wilson
11. Stephen Miller
12. Alan D'Andrea (Applicant)

**APPENDIX 2: COPY OF ALL OTHER SUBMISSIONS (D15/45353)**

**APPENDIX 3: LODGEMENT - PLANNING PERMIT (D14/83650)**

**APPENDIX 4: FURTHER INFORMATION - SITE PLAN REV P3 DATED 15 APRIL 2015 (D15/32564)**

**APPENDIX 5: FURTHER INFORMATION - PARK CENTRE BUILDING & STATION PLANS & ELEVATIONS REV P2 (D15/43391)**

**APPENDIX 6: FURTHER INFORMATION- PHOTO MONTAGE (D15/37665)**