

## **OFFICER'S REPORT - 14/0339 - 660 GREAT OCEAN RD & ROAD RESERVE GUNDRYS ROAD BELLBRAE.**

### **Proposal**

The application seeks approval for Use and Development of the Land for Leisure and Recreation (Adventure Park) including associated Earthworks, Use for Caretakers House, Alteration of Access to a Road in Road Zone Category 1 and Display of Advertising Signs at the site, and Removal of Native Vegetation road reserve Gundrys Road.

It is proposed to develop a 31ha rural property on the Great Ocean Road at Bellbrae for an Adventure Park, to be known as the Great Ocean Road Adventure Park (GORAP).

The Adventure Park will provide a range of indoor and outside recreation activities including high and low ropes courses, climbing walls, zip lines, mazes, trampolines and obstacle courses. These will be supported by a Park Centre building that will include office administration, a cafe, change rooms, toilets, trampolines and an indoor playroom.

The proposal will feature:

- An upgraded access roadway from Gundrys Road at the northeast corner of the site approx. 100 metres west of the GOR intersection and that tracks the Great Ocean Road boundary
- Outside adventure course facilities including climbing walls, mazes, tree surfing, trampolines, tubes slides and zip lines, low ropes and high ropes courses – generally dispersed across the northern section of the site
- A group facility building that will include indoor trampolines and rope course, change rooms & toilets, administration offices, kitchen, coolroom and café
- A carpark for buses (9 bays) and staff and visitor vehicles (total 260 vehicle spaces)
- A delivery and loading bay at the west side of the group facility building
- Rainwater tanks/potable water supply at the west side of the group facility building
- A park managers dwelling and a caretakers house ( utilising the existing dwellings)
- A storage shed (existing)

The application documentation submits:

- most visitors will be 'day trippers' who will spend around 3.5 hours at the Adventure Park
- access to GORAP activities will be via the purchase of tickets either on-site or online via the internet
- visitors will be individuals as well as organised sports, work, family and school groups
- peak periods will be weekends, school holidays and public holidays
- travel to the site will be by private vehicles, chartered buses or public transport
- the Adventure Park will ultimately employ 44 people and of these a maximum 30 staff will be on-site at any one time
- public operating hours will be:
  - 9.00am – 5.00pm off peak periods
  - 9.00am – 6.30pm summer and school holiday peak periods
  - Christmas Day – Closed
- general operating hours will be:
  - 8.00am start each day for safety inspections, maintenance and management operations, except Christmas Day.
- site revegetation will be undertaken at the entry, along the access roadway, around the northern and western perimeter boundaries and adjacent to the car park with a range of native canopy trees, shrubs and understorey typical of the vegetation of the area.
- effluent waste water will be treated to at least a 20/30 standard and used to irrigate grassed areas and the orchards (*Land Capability Report by Provincial Geotechnical Pty Ltd*)
- a stormwater management strategy will be implemented to manage stormwater runoff from the new building and hard stand areas to approximate current discharge flows (*Berry & Associates Report July 2014*)

### ***Building and Station Heights & Details***

The six (6) stations to be used for the low ropes and high ropes course will be timber pole and platform constructions and will range in height as follows:

- Station 1 – 6 metres
- Station 2 – 14 metres

- Station 3 – 17 metres
- Station 4 – 7.5 metres
- Station 5 – 15 metres
- Station 6 – 8.6 metres

The highest Stations 2, 3 and 5 (all > 9 metres) will be located around a central gully formation at the northern section of the site and sited at least 225 metres from the Great Ocean Road (Station 3) and 50 metres from Gundrys Road (Station 5). An open access ramp starting near Station 2 will provide disabled access to the highest Station 3.

The group facility building will be sited toward the centre/southern section of the site, setback a minimum 90 metres from the Great Ocean Road and 153 metres from the nearest common property boundary (W). The building will have a maximum height of 9 metres and will be constructed of cement render wall cladding and Colorbond steel sheet cladding. The building will be 'detailed' by an external vertical timber pole screen to the east and south elevations varying in height from 2 metres up to 14 metres.

It is proposed to further screen the building, stations, and carpark and access driveway by construction of earth walls up to 3 metres height generally adjacent to the site perimeters. The earth walls will be planted out and in time it is intended an enhanced treed screening of the site will result.

#### *Advertising Signs*

Five (5) business identification signs are proposed. Two (2) at the Gundry's Road entrance, two (2) at the emergency access on the Great Ocean Road and one (1) at the eastern side of the Park Centre building. The details of the signs are:

- Sign A Gundry Road Entrance: Freestanding timber structure 5m high x 2m wide with 1.35m high by 1.75m sign panel x 2 signs.
- Sign B Emergency access GOR: Freestanding timber structure 5m high x 2m wide with 1.35m high by 1.75m sign panel x 2 signs.
- Sign C: Park Centre building; Freestanding timber structure 7.34m high x 2.8m wide with 1.80m high by 2.6m sign panel.

#### *Access*

All public access to the facility will be via a marked entrance off Gundry's Road at the northeast corner of the site approximately 110 metres west of the Great Ocean Road. An existing access off the Great Ocean Road (associated with one of the existing rural dwellings) will be retained for emergency access only.

#### *Road works*

The Adventure Park will alter existing traffic patterns and access from the site to the Great Ocean Road - a Road Zone Category 1 managed by Vic Roads. The Roads authority is requiring road works be undertaken at the applicant's cost at the intersection of Gundry's Road and the Great Ocean Road, to include:

- Installation of a right turn lane into Gundrys Road off the GOR
- Installation of a left turn lane into Gundrys Road off the GOR
- Modifications to the intersection to prohibit vehicles turning right from Gundry's Road onto the Great Ocean Road.
- Upgrade of an existing vehicle track from no 615 Great Ocean road to Addiscott Road

A works agreement will be required.

#### *Native Vegetation Removal*

Construction of the new entrance off Gundry's Road will result in limited native vegetation removal within the road reserve which is Crown Land managed by the Dept. of Environment, Land, Water and Planning (DELWP). The authority is requiring an offset for the removal and it is proposed the offset will be met on-site.

#### **Site and Surrounding Area**

The 31ha subject site, 660 Great Ocean Road Bellbrae ( Lot 1 TP229907H), is located at the western side of the Great Ocean Road at the intersection of Gundrys Road and the Great Ocean Road, and lies

approximately 2.2 kms to the south of the Bellbrae and approximately 6.50 kms from the Torquay Town Centre.

The site has a long frontage to the Great Ocean Road, is bounded in the north by Gundrys Road (775m) and in the west adjoins rural living type properties at 105 Gundrys Road, 35 Woodacres Drive and 65 Woodacres Drive. In the south the site adjoins a larger rural property at 750 Great Ocean Road. There are bus stops (VLine) adjacent the site on the Great Ocean Road.

The site is zoned Farming with a Bushfire Management Overlay (BMO) (part) and abuts a Road Zone Category 1, of the Surf Coast Planning Scheme.

The land is used for low level agriculture (cattle/grazing) and is developed by two dwellings, one at the northeastern corner near the Gundrys Road/GOR intersection and the other mid-site near the Great Ocean Road, and by a number of farm sheds and dams. The site is disposed as open pasture with a cluster of native canopy vegetation mid-site and at the southwestern side with the vegetation associated with creek lines/drainage lines. The site's road frontages are also generally lined with native canopy trees and understorey vegetation.



**Subject Site Map: GIS 2014**

The site is elevated and undulating but relatively flat over the eastern section before falling via a central gully formation to Gundrys Road (north) and to the south west toward a creek line that runs through neighbouring rural properties in Woodacres Drive.





**Land Contours & Waterways Map: GIS 2014.**

The surrounding area is the rural hinterland of the townships of Bellbrae and Torquay and is characterised by a mixed land use that includes modest scale farming enterprises, rural lifestyle properties, tourist accommodation, a nursery and winery. The area is bisected by the key transport corridor of the Great Ocean Road. The surrounding area is zoned Farming and Low Density Residential with parts covered by a Bushfire Management Overlay.

The properties that directly abut the site are:

- West at 105 Gundrys Road Bellbrae – a rural living property (12ha approx) with a dwelling, outbuildings, paddocks and two dams;
- West at 35 Woodacres Road Bellbrae - a rural living property (10ha approx) with a dwelling, outbuildings, paddocks and a dam;
- West at 65 Woodacres Road Bellbrae – a rural living property (10ha approx) with a dwelling, outbuildings, a second dwelling/accommodation, paddocks, a dam and a cluster of remnant native vegetation near the common boundary with the subject land;
- South at 750 Great Ocean Road Bellbrae – a rural property (35ha approx.) that is extensively cleared for open paddocks and which contains a dwelling and outbuildings;
- Opposite to east at 675 Great Ocean Road Bellbrae – a rural living property (9.35ha approx) that is extensively cleared for open paddocks and which contains a cluster of a dwelling and outbuildings near the GOR;
- Opposite to east at 715 Great Ocean Road Bellbrae – a rural living property (5.8ha approx) that is extensively cleared for open paddocks and which contains a a dwelling and outbuildings near the GOR and a dam;
- North at 10 Gundrys Road Bellbrae – a small rural living property (2.2ha) with a dwelling, outbuilding and dam and a relatively dense cover of native canopy trees;
- North at 522 Great Ocean Road Bellbrae (Gundrys frontage) - a rural property (90ha approx) that is extensively cleared for open paddocks but with a vineyard area and which contains a dwelling and outbuildings at the upper northeastern part of the site;

## Relevant History and Background

### *Past permits:*

Applic'n No.	Proposal	Decision	Date
14/0140	Construct outbuilding > 100sqm associated with an existing dwelling	Approved	28/4/2014

### Registered Restrictions

Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restriction. The subject land Lot 1 TP229907H is not affected by registered restrictions.

### Aboriginal Cultural Heritage

Pursuant to Section 52(1) of the *Aboriginal Heritage Act 2006* if a Cultural Heritage Management Plan (CHMP) is required a planning permit cannot be granted until a copy of the approved CHMP is provided and cannot grant a permit for an activity that is inconsistent with the approved CHMP [s. 52(3)].

The subject site is not within an area of cultural heritage sensitivity therefore a CHMP is not required.

### Referral

The application was formally referred in accordance with the Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the *Surf Coast Planning Scheme*.

Section 55 Referrals	Advice/Response
DELWP	Consent with conditions & note
CFA	Consent with no conditions
VicRoads	Consent with conditions

#### Dept Environment Land Water and Planning (DELWP)

Removal of native vegetation is proposed to occur on Crown Land managed by the authority – the Gundry's Road reserve. A small area of native vegetation is to be removed/affected by the construction of the proposed entrance to the site. DELWP has advised removal of protected flora in the reserve (as identified in application) will require further consent/permit from the authority.

The authority has not objected to the proposal subject to the following conditions and Note:

#### **Conditions:**

- 1) *In order to offset the removal of 0.008 hectares of native vegetation approved as part of this permit, prior to the removal of any native vegetation, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment Guidelines (DEPI 2013) and the Native vegetation gain scoring manual:  
The offset must:*
  - *contribute gain of 0.002 general biodiversity equivalence units*
  - *be located within the Corangamite boundary or Surf Coast Shire municipal district and*
  - *have a strategic biodiversity score of at least 0.274*
- 2) *Vegetation removal and disposal must not cause damage to vegetation stands to be retained.*

#### **Note**

- *Prior to the removal of any Wattles (Acacia species) and / or Grass Trees (Xanthorrhoea species) from Gundrys Road (as identified as being present in the application) a Protected Flora Permit must be obtained from the Department of Environment and Primary Industries to remove protected flora. Please contact Nathan MacDonald on 03 5226 3897 for further information.*

The advised conditions and note are included in the recommendation.

#### CFA

The Bushfire Management Overlay (BMO) applies to a small area of the site at the north east corner near the Gundrys Road/Great Ocean Road intersection. The CFA has no objection and has advised no conditions. It has recommended:

*As a tourist operator operating in a high bushfire risk area, that an Emergency Management Plan covering all emergencies is a necessity, so as the owner, operator and employees know their responsibilities and requirements in the case of an incident.*

An appropriate condition is included in the recommendation.

#### VicRoads

As advised by VicRoads, the authority believes it should be a party to the application as a Section 55 Referral Authority, as the application proposes to change the current land use adjacent to a Road Zone, Category 1, and subsequently significantly altering the traffic patterns and access arrangements to which the site currently experiences.

The authority had pre-application meetings with the applicant concerning potential treatment of the Great Ocean Road/Gundry's Road intersection, the Great Ocean Road being a Road Zone Category 1 and its management the responsibility of VicRoads.

VicRoads has advised if Council were to favourably consider the application the following conditions must be included in any Notice of Decision to Grant a Planning Permit or a Planning Permit.

- 1) *Prior to the development coming into use at the intersection of Gundrys Road and the Great Ocean Road, the following works must be completed to the satisfaction of, and at no cost to VicRoads:*
  - *Install a right turn lane*
  - *Install a left turn lane*
  - *In its current alignment, modifications must be undertaken to the intersection to prohibit vehicles turning right from Gundrys Road and onto the Great Ocean Road*
  - *The existing vehicle track from 615 Great Ocean Road, Bellbrae to Addiscott Road must be up graded.*
- 2) *Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.*

The road works will be required are to be completed to the satisfaction of VicRoads and the Responsible authority before the use commences.

Internal Council Referrals	Advice/Response
Infrastructure Department	Consent with conditions
Environmental Health Department	Consent with conditions

#### **Public Notice**

In accordance with Section 52 of the *Planning and Environment Act 1987*, public notice of the application was carried out in the following manner:

1. notice was sent by ordinary mail to land owners within a 2.5km radius of the centre of the site, who were given a period of 14 days to comment on the application.
2. a sign was erected on the land for a period of 14 days.
3. a notice was published in the Surf Coast Times newspaper.

One hundred & fifteen **(115) objections** (3 in addition to initial objection) were received against the proposal.

Seventy eight **(78) submissions** were received in support of the proposal.

One (1) comment was received neither supporting nor objecting to the proposal.

The main issues are summarised below and addressed in the discussion section of Attachment 1 officer report.

#### **Objections against the proposal.**

#### ***Appropriateness of Use in Farming Zone & Conflict with Bellbrae Structure Plan***

- Not consistent with purposes Farming zone & contrary to State & Local policies
- Not a suitable/inappropriate development in Farming zone
- Removal/loss of farm land
- Refute developers claim that land has no agricultural value, the landscape and topography make it ideal for a range of agricultural uses
- Will directly affect use for agriculture by adding a non-agricultural use
- Park will impact on surrounding farms that farm cattle and sheep and horses
- Rezoning to Rural Activity (proposed) was designed for farmers to develop boutique enterprises not large scale tourist projects
- Not a 'boutique eco-tourism' proposal
- Commercial development should not be supported
- Inconsistent with Bellbrae Structure Plan to '*retain meaningful green /rural breaks between Bellbrae and the surrounding settlements*' and '*to protect agricultural land for future generations*'.. "*to facilitate opportunities for small scale development*"
- Scale and intensity not in keeping with character of Bellbrae
- Too large for this corner location & allowing for up 260 cars and 9 buses is expectation of very high numbers
- More suitable to north side of Torquay
- Must be a better location
- Another huge development close to Choclaterie - new development should be of an appropriate size and connect to Bellbrae
- Residents of Bellbrae have spent years preserving the quiet, idyllic, country area from commercial development
- Development will seriously affect small community of Bellbrae
- Application should be taken in context of recent approval of Choclaterie

#### **Precedent**

- Open flood gates for more commercial developments in area
- Will lead to ribbon development along the GOR
- If approved likely to expand and try to introduce other uses i.e. motor bikes trails

#### **Traffic Assessment & Proposed Traffic Management**

- Traffic Impact Assessment Report is flawed & massive misrepresentation
- Based on winter time survey on Wednesday June 2014 at 5.00pm & does not identify peak traffic period on that day
- VicRoads traffic data from 2002 (last century)
- Marked increase in vehicle movements on GOR in 2014
- Seeking independent Traffic Impact Assessment – with peak holiday data & peak flow days
- Volume much greater than stated on GOR and in Gundry's Road
- Gundry's already a busy commuting road – refute traffic report that impact will be minimal
- Should consider peak periods when traffic banked from Anglesea to near Gundry's Rd
- Assessment of Gundry's Road/Great Ocean Road intersection should also include Addiscott Road traffic flows
- Plans do not show actual angle of intersection or actual views when turning left or right
- Proposed treatment of intersection & loss of right hand turn from Gundry's Road will require use of alternative routes
- Inconvenient and time wasting for local residents who travel to Torquay every day
- No right hand turn into GOR from Gundry's limits choices for locals
- Local residents will have to find alternative routes adding to travelling times and costs
- If people miss turn to Adventure Park a long way back
- Not enough space /length provided on GOR at Gundry's intersection to allow turn in area for buses.
- How will coach buses be accommodated?
- School buses & cyclists also make right turn from Gundrys Rd

#### **Traffic safety and risk**

- Gundry's Road and Great Ocean Road a dangerous intersection – already a high accident intersection and development will make worse
- Blind corner
- Major delays with traffic now at height of tourist season
- Traffic mayhem on GOR/Gundry's corner
- Roads not designed for a major tourist destination exit point
- Banning right hand turn may be ignored by drivers who will attempt a u turn further down
- GOR already cannot currently deal with summer traffic

- Gundry's Rd corner is dangerous with long queues waiting to turn in and out in summer / also Addiscot Rd
- Gundry's Road not suitable for volume traffic
- Proposed road works will not alleviate this problem as traffic volume will increase
- Development will push traffic onto local roads including Gundry's and Elkington
- Does not address gravel onto road
- Wallington Adventure Park abuts dual carriageway highway and there are various alternative routes back to Geelong if highway too congested
- Adds delays to local residents
- Lack of understanding by tourists of speed limits, nesting of birds along dirt roads
- Road kill/impact on flora and fauna

**Scale of buildings and structures**

- Overdevelopment
- Scale and intensity inappropriate for area
- Size of building 'not just like a big farm shed' more like a factory or warehouse
- Too close to Great Ocean Road
- Boutique eco-tourism is a blatant misrepresentation – 3000sqm of covered space that includes party rooms, foam pits, slam dunk rooms hardly experiencing nature with adventure
- Height of towers should be reviewed
- Some structures up to 15 metres

**Amenity impacts – noise, music, rubbish, dust, lights**

- Bellbrae has space, privacy, peace and quiet – reasons for choosing to live in area
- Pristine area
- Will result in loss of rural atmosphere, amenity and lifestyle of area
- Bed and breakfasts in area rely on peacefulness and Adventure Park will impact by noise/screams & yells of visitors
- Loss of amenity for properties that adjoin the site
- Not suitable location of this type of development
- Litter & rubbish will blow around from Park
- Dust from internal unsealed roads
- Noise – up to 260 cars and 9 bus parks & significant noise from patrons up to 6.30pm each day
- Hours of operation unreasonable
- Some activities within 100 metres of a neighbouring dwelling
- Noise, dust, smell of rubbish bins (attract foxes)
- Music and loudspeaker announcements typical
- Noise pollution – will affect nearby properties, echo through valley and carry on still summer's nights
- Screaming and yelling patrons
- Noise
- High rise structures will have visual impact
- Late night illumination

**Rural Landscape**

- Impact on beauty of Great Ocean Road
- Immense development flies in face of State Governments recognition of the iconic status of the GOR and Council's support for landscape buffers between coastal towns
- Height of towers and main building will impact on visual amenity area and GOR
- Height of signage not in keeping with rural landscape
- Existing businesses in Bellbrae are unobtrusive and do not threaten peace and tranquillity of area
- Area is a settlement break between Bellbrae & Anglesea and should be in Rural Conservation zone
- Out of keeping with character of area
- Height of structures - should not be visible outside of site
- Gundry's Road fringed by native vegetation and is a scenic aspect – Adventure Park will be highly visible from road

**Bushfire risk**

- Bushfire Overlay applies to entry and exit part of the site and to surrounding area
- No land with this overlay should be open to public
- Bushfire risk to residents is increased by increase in traffic on local roads & exit routes will be compromised
- Use conflicts with fire plan exit for local residents
- No requirement for building to be 'fire resistant'



- Adding large numbers of visitors to the mix will make resident's fire plans inoperable
- Increase in traffic will increase fire risk & impact evacuations, block exit routes
- Inadequate bushfire management statement – does not include nearby properties/defendable space
- Impossible to store rainwater for use for patrons and firefighting
- Access for emergency vehicles

**Waste Water**

- Lack of infrastructure – sewerage.
- Effluent has potential for contamination of local water courses – especially dams downstream
- Natural watercourses run through property and fills dams at other properties - seek condition they must not be obstructed or affected by effluent
- Effluent impact on waterways and ground water

**On-site water**

- Large amount of water required to service facility as well as for fire fighting purposes

**Wildlife & Native Vegetation**

- Area supports a number of protected native animals and birds
- Noise & activity will push them out
- Loss of native vegetation
- Need to protect native vegetation on site from trampling by patrons
- Removal not normally allowed in area
- Screening vegetation takes years to grow

**Other**

- Shire should engage experts to assess safety of Park equipment
- Ridiculous attraction and not a reason visitors come to coast
- National Park at one end and amusement park at other
- Inconsistencies in application documentation
- No contact by permit applicant
- Lack of community consultation by applicant and Council
- General objection to all new commercial applications that bring hundreds of people to area

In addition, owners/occupiers of properties adjoining or directly opposite the site raised the following specific concerns:

**Submissions (3) - 10 Gundrys Rd Bellbrae**

- Traffic management report makes no mention of their driveway approx. 50 metres from Gundry's/GOR intersection. Already issues with vehicles turning at speed from GOR and near misses as the residents turn into driveway. This will be worse as a consequence of increased traffic and queuing on GOR and Gundry's Road.

**Submission (1) - 615 Great Ocean Rd Bellbrae**

- Loss of existing right turn from property into GOR due to the proposed treatment of the Gundry's Road/GOR intersection.

**Submissions (2) - 105 Gundrys Rd Bellbrae**

- Visual impact of Tower 4 (15 metres height) within 100 metres of existing home
- Overlooking from Tower 4 into property
- Noise impact on house and cattle from patrons from Tower 4 and Tube Slides as close to common boundary

**Submissions (3) – 35 Woodacres Lane Bellbrae**

- Concern with deep dams on property and risk from by patrons/children climbing over farm fence
- Overlooking from Tower 4 into property

**Submissions (2) - 750 Great Ocean Road Bellbrae**

- Disruption to cattle grazing as result of noise etc. and will have to shift stock to back paddock for feeding
- Plastic & rubbish (food) blowing over fence may be eaten by cattle

**Conditions Requested:**

In the event that a permit were to issue nearby property owners have sought the following conditions be applied:

- Earth wall as close as possible to boundary
- Security mesh fencing to keep patrons at Adventure Park site
- Advanced vegetation 4 rows deep to be planted to boundaries
- No amplified music/loud speakers so as to be audible on adjoining land
- S173 Agreement that no alcohol on premises/No liquor licence
- Reduction in public hours of operation to 9am to 5pm
- Reduce height of towers especially those near boundary
- Completion of road works before commencement development
- Close park on total fire ban days
- No obstruction of watercourses
- No vehicle access or signage on Great Ocean Road
- No BBQs or fireplaces
- Caretaker's dwelling must be occupied by person directly associated with park

#### Submissions in support of the proposal raised the following.

- Torquay is growing community and needs these types of facilities
- Community asset/ provide family fun day activity/social benefits/physical benefits/health benefits/relaxation
- Offers an alternative to surfing or skateboarding for youth
- Great activity for children and teenagers and sports clubs
- Great activity for team building & leadership
- Good for region & tourism
- (Will) become a key attraction in area and for travellers along Great Ocean Road
- Provide valuable out of town income for Surf Coast Shire
- Job opportunities for local residents/community (and Geelong)
- Economy needs stimulus with closure of manufacturing in Geelong
- Adventure Park well located and accessible to local tourists and visitors
- Appropriate area
- Support 'eco-friendly' way in which it will be done/in keeping with natural habitat
- Positive experiences with other adventure parks
- Suggest traffic management be reviewed – already risks turning into and out from Gundry's Road to Great Ocean Road however don't believe residents should be disadvantaged by no right turn
- Seek speed limit should be reduced to 70kph from Bellbrae roundabout to past Addiscott Road as GOR very busy and dangerous for local residents and visitors entering/exiting from businesses on that section and development will add further pressure on road access.

#### Planning Scheme Considerations

##### Permit Requirements

The land is zoned Farming Zone and is assessed against the provisions of the *Surf Coast Planning Scheme* as follows:

Criteria	Standard	Proposal	Comment
<b>Clause 35.07-1 Use</b>	A permit is required to use land for: <ul style="list-style-type: none"> <li>• Leisure and recreation (Section 2 use) Defined at Clause 74 as: <i>Land used for leisure, recreation or sport.</i></li> <li>• Caretakers House (Section 2 use) Defined at Clause 74 as: <i>A dwelling on the same site as a building, operation, or plant and occupied by a supervisor of that building, operation, or plant.</i></li> </ul>	Use and Development of the Land for Leisure and Recreation (Adventure Park) and associated Earthworks, Use for Caretakers House, Alteration of Access to a road in Road Zone Category 1, Display of Advertising Signs and Removal of Native Vegetation	<b>Permit Required</b>
<b>Clause 35.07-4</b>	A permit is required to construct a	Use and Development of	<b>Permit required</b>

Buildings & works	building or construct or carry out: • A building or works associated with a use in Section 2 of Clause 35.07-1.  This does not apply to: - An alteration or extension to an existing dwelling with a floor area of no more than 100sqm. - An alteration or extension to an existing building used for agriculture with a floor area of no more than 100sqm. The building must not be used to keep, board, breed or train animals. • Earthworks which change the rate of flow or discharge point of water across the property boundary or increase the discharge of saline groundwater. • A building which is within any of the following setbacks: - 100m from RDZ1 - 40m from RDZ2 - 20m from any other road - 5m from any other boundary - 100m from a dwelling not in the same ownership - 100m from a waterway, wetland or designated flood plain.	the Land for Leisure and Recreation (Adventure Park) and associated Earthworks, Use for Caretakers House, Alteration of Access to a road in Road Zone Category 1, Display of Advertising Signs and Removal of Native Vegetation . NA N/A  Earthworks in central gully/watercourse  <100m (90m) N/A >20m >5m  >100m  N/A – not a named waterway	(section 2 use)
			N/A  N/A  Permit required  Permit Required N/A N/A N/A  N/A  N/A

The land is also affected by the Bushfire Management Overlay (part) and is assessed against the provisions of the Surf Coast Planning Scheme as follows:

Criteria	Standard	Proposal	Comment
Clause 44.06-1 <b>Permit requirement Buildings &amp; works</b>	A permit is required to construct a building or construct or carry out works associated with the following uses: • Leisure and Recreation • Accommodation (Caretakers House)	Use and Development of the Land for Leisure and Recreation (Adventure Park) and associated Earthworks, Use for Caretakers House, Alteration of Access to a road in Road Zone Category 1, Display of Advertising Signs and Removal of Native Vegetation.	<b>Permit Required</b> – entrance works/access driveway(part) and advertising structures associated with use for Leisure & Recreation are within of BMO  Referred to CFA

## STATE PLANNING POLICY FRAMEWORK

The following State Policy is of relevance to the proposal.

### Clause 11 Settlement:

#### 11.05 Regional development

11.05-1 Regional settlement networks has the objective:

*To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*

Map 1 Regional Victoria Settlement Framework identifies Torquay as a peri urban town of the G21 (Geelong) region.

**Clause 11.05-5 Coastal settlement** has the objective:

*"To plan for sustainable coastal development."*

#### **Policy guidelines**

Planning must consider as relevant:

- *Victorian Coastal Strategy* (Victorian Coastal Council, 2008).
- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013).

#### **Clause 11.07 Geelong (G21) regional growth**

**11.07-5 Agricultural productivity** has the objective:

*To secure food, water and energy resources.*

#### **Policy guidelines**

Planning must consider as relevant:

- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013).

**11.07-7 A diversified economy** has the objective:

*To build the region's economy.*

The **Strategies** include:

- Support diversity in the region's economy that builds on its competitive strengths, including tourism and agricultural land resources and economic a, social and natural assets.

#### **Clause 12 Environmental and Landscape Values**

Planning should help to protect the health of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values. ....

Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.

#### **12.02 – Coastal areas**

Under **"appropriate development of coastal areas"** the objective is:

*To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.*

The key strategies include:

- Ensure development is sensitively sited and designed and respects the character of coastal settlements.
- Maintain the natural drainage patterns, water quality and biodiversity within and adjacent to coastal estuaries, wetlands and waterways

**12.02-4 Coastal Tourism** has the objective:

*" To encourage suitably located and designed coastal and marine tourism opportunities."*

The key Strategies include:

- Ensure that a diverse range of accommodation options and coastal experience are maintained and provided for and that sites and facilities are accessible to all.
- Ensure tourism developments demonstrate a tourist accommodation need and support a nature based approach within non-urban areas.
- Ensure developments are of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural visual, environmental and coastal character.

**Clause 12.02-6 Great Ocean Road region** contains specific provisions to manage development including:

- Protect public land and parks and identified significant landscapes
- Ensure development responds to the identified landscape character of the area
- Manage the impact of development on the environmental and cultural values of the area
- Improve the management of access and transport by:
  - Managing the Great Ocean Road for tourism and regional access.
  - Enhancing the safety and travelling experience of the Great Ocean Road
- Encourage sustainable tourism and resource use by:
  - Developing a network of tourism opportunities throughout the region.
  - Supporting tourism activities that provide environmental, economic and social benefits.
  - Supporting the land use and transport needs of key regional industries including tourism.
  - Using natural resources with care.

### **CI 13 Environmental Risks**

Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well being of society.

### **Clause 13.05 Bushfire**

**13.05-1 Bushfire Planning Strategies and Principles** has the objective:

*To assist to strengthen community resilience to bushfire*

The overarching strategies are:

- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.
- Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

### **Clause 14 Natural Resource Management**

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

#### **14.01 Agriculture**

**14.01-1 Protection of agricultural land** has the objective:

*To protect productive farmland which is of strategic significance in the local or regional context*

**Strategies** to achieve this include as relevant:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.



- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.
- In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:
  - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
  - The compatibility between the proposed or likely development and the existing uses of the surrounding land.
  - Assessment of the land capability.
  - Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

### CI 17 Economic Development

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

#### 17.03 Tourism

**17.03-1 Facilitating tourism** has the objective

*To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

**Strategies** to achieve this are:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

#### Policy guidelines

Planning must consider as relevant:

- Any relevant regional tourism development strategy

#### Local Planning Policy Framework

##### CI21.01 Profile and Vision

##### CI21.01-1 Surf Coast Shire

This policy outlines:

*The Surf Coast Shire is a popular tourist and surfing area. Its economy is increasingly reliant on tourism. Employment is dominated by retail, tourism, and hospitality, construction and health and community services. Agriculture, once the dominant sector, is still growing in productive output and makes a significant contribution to the economy, but employs only a small proportion of the Shire's workforce.*

*The rural areas of the Shire are not only important for agriculture, but are increasingly valued in terms of environmental and landscape, for its contribution to the amenity and liveability of the shire and its tourism and recreation value.*

The **Municipal Framework Plan** at Clause 21.01-4 outlines:

*The underlying principle that directs all local policy and strategies of the Surf Coast Planning Scheme is that **the natural environment is the single most important attribute and asset of the Surf Coast Shire**. The natural environment of the Surf Coast provides a lifestyle quality treasured by both the permanent and non-permanent population, and is the basis of a thriving tourist industry and broad agricultural base.*

The MFP identifies the following key strategic directions (as relevant):

- To manage population and tourist growth and development in an ecologically sustainable manner.
- To protect the rural landscape from urban intrusion and to provide clear distinction between townships.
- To support and strengthen the individual character and role of the coastal and rural towns within the Shire that contributes to the diversity of experiences, and residential, commercial, recreational and employment opportunities.
- To promote natural resource based tourism, at a scale and form that respects its setting, the surrounding land uses and the locale.
- To protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values and opportunities.
- To recognise rural landscape vistas are highly valued for their contribution to the amenity and liveability of rural areas.

#### **Clause 21.02 Settlement, Built Environment, Heritage and Housing**

This Clause provides local content to support Clause 11 (Settlement), Clause 12.02 (Coastal Areas), Clause 15 (Built Environment and Heritage), Clause 16 (Housing) and Clause 19 Infrastructure of the SPPF.

**Key Issues and Influences** include:

- Relatively strong population growth within the coastal towns is expected to continue for the foreseeable future due to sustained interest in the region's natural environment.
- The settlements are highly car dependent communities with limited public transport services throughout the Shire and within townships.
- Outdoor entertainment and recreation opportunities are an important aspect of both the desirability and liveability of the Surf Coast region..

#### **Clause 21.03 Environmental management**

This Clause provides local content to support Clause 12.01 (Biodiversity) and Clause 13 (Environmental risks) of the SPPF.

**Key Issues and Influences** include:

- Threats to the health of waterways and wetlands, estuaries and marine ecosystems.
- Wild fire risks in both urban and rural areas due to dense vegetation cover, difficult access for emergency vehicles, exposure of development at the rural/urban interface and high visitation numbers during the fire season.

**Clause 21.03-1 Environmental risk** has the objective of:

*To manage the risk of environmental hazards, including wildfire, salinity and flooding, to avoid adverse consequences on the natural and man-made environment.*

**Strategies** include:

- Avoid re-zoning and development of land for urban purposes where there is a high risk of wildfire.
- Ensure that appropriate fire protection, safety and management measures are adopted to minimise risk to life and property at special events or developments where large numbers of people congregate.

#### **Clause 21.04 Tourism**

This Clause provides local content to support Clause 17.03 (Tourism) of the State Planning Policy Framework.

**Key Issues and Influences** include (as relevant):

- The tourism industry is underpinned by the coastal location, environmental values and scenic qualities of the Surf Coast.
- Tourism benefits the community by injecting money into the local economy, providing jobs, improving facilities, creating opportunities for business and stimulating improved transport services.

- The focus of tourism is broadening as tourist developments seek to capitalise on the environmental and landscape values of the rural hinterland for nature and farm based tourism, while providing opportunities for the diversification of struggling rural enterprises.
- The benefits of tourism needs to be balanced against the potential negative impacts, including:
  - impacts on local communities through loss of amenity, overtaking of services, pressure on infrastructure (water supply, wastewater treatment, waste disposal, roads, car parking) and environmental damage;
  - pressure for higher density and larger scale urban tourist development, which can compromise the low scale and vegetated character of the coastal townships; and
  - pressure for tourism development in rural and environmentally sensitive locations along the coast and in the rural hinterland, which has potential to compromise the natural environment, landscape values and agricultural activities.
- Uneven concentration of tourist visitations that rely on peak holiday periods, day trips and the coast.
- Increasing traffic volumes on the Great Ocean Road is resulting in congestion, traffic hazards and emergency response difficulties.

#### **21.04-2 Tourist development** has the objective:

*To enhance and expand the tourism industry, whilst protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents.*

#### **Relevant Strategies include:**

- Locate high profile, high volume tourism development in appropriate urban areas where their impacts and infrastructure requirements can best be accommodated.
- Limit non-agricultural based tourism development to the Lorne coastal hinterland and other selected rural areas. Such developments to be small scale, nature and adventure based tourist activities and accommodation that are compatible with natural processes.
- Ensure new tourism development uses high quality, low intensity, unobtrusive, site responsive buildings and works based on ecologically sustainable design principles.
- Encourage use and development that will increase visitor length of stay and increase visitor numbers in the off-peak period.
- Facilitate the provision of appropriate infrastructure to support the tourism industry.
- Encourage the development of a diverse range of quality tourist accommodation and facilities to meet changing visitor needs.

The strategies will be implemented by:

- **Using policy and the exercise of discretion**
- When deciding on applications for tourist developments in a non-urban zone, consider,:
  - Tourism development in the farming areas of the Shire should generally be of a small scale that does not compromise the agricultural use of the land.
  - Tourism development should be of a nature, designed and sited to avoid conflict with existing rural uses, preserve the rural landscapes and environmental values, avoid loss of high quality agricultural land, and be within proximity of existing townships.
  - Tourism development should enhance the environmental condition of the land through protection and re-establishment of native vegetation and control of pest plants and animals, erosion, salinity, stormwater and nutrient runoff. This should be demonstrated through the development and implementation of a management plan.
- Discourage tourism development from locating in prime farming areas, particularly in areas with an open rural landscape.

#### **Clause 21.05 Agriculture**

This Clause provides local content to support Clause 14.01 (Agriculture) of the State Planning Policy Framework.

**Key Issues and Influences** identified include (as relevant):

- Rural activities in the Shire are diverse but there is a continuing shift towards more intensive agricultural industries and lifestyle or part time farming. This is changing the rural landscape of parts of the Shire.
- While comparatively modest, the economic value of agriculture continues to grow and there is potential for further development of agricultural production, including irrigated agriculture based on the use of recycled water from the Black Rock Wastewater Treatment Plant.
- The significant population growth within the Shire is expected to continue and will increase pressure for inappropriate urban intrusion into productive agricultural and scenic landscape areas.
- There is increasing pressure for tourism and other development to locate in the rural areas, which may adversely impact on environmental, landscape, social and agricultural values.

**21.05-2 Agriculture** has the following objectives:

- *To encourage sustainable agricultural activities, to grow and maintain prosperous and sustainable rural communities.(1)*
- *To protect the ability of future generations to productively farm the land.(2)*
- *To avoid the loss of agricultural productivity associated with land use conflicts, particularly between farming activities and non-farm related residential development.(3)*

The strategies support and promote agricultural activities, discourage subdivision to maintain technically viable farming land parcels and ad hoc dwelling development and strongly discourage intensive, non-agricultural based activities in the rural area without sound strategic justification and if it can be established the activity will have minimal impact on surrounding rural uses.

#### **Clause 21.06 Rural Landscape**

This Clause provides local content to support Clause 12 (Environment and landscape values) of the State Planning Policy Framework.

**Key Issues and Influences** include:

- The physical landscapes of the Surf Coast Shire make an important contribution to the amenity of the Surf Coast, enhancing the lifestyle of residents and adding value to the tourism economy.
- As the cost of coastal land continues to rise development pressure in rural areas increases and is often associated with tourism activity, hobby farming or infrastructure development.
- Ensuring that new land use and development is complementary to the highly valued rural landscapes is important for economic and social reasons.
- Understanding the values of the different rural landscapes is necessary to appropriately manage future use and development.

The subject site is located in the **Cape Otway Road to the Northern Foothills and Coast**, which is described as:

*visually attractive undulating landscape of open farm land, framed by dense bushland. It extends from the steepening valleys and foothills of the northern slopes of the Otway Ranges in the west, through the lifestyle bush blocks of Wensleydale and Gherang to the semi-pastoral hills of Bells Beach in the east. The gently rolling hills, with some incised creeks and gullies, and pockets of remnant vegetation contribute to a sheltered, enclosed landscape. Buildings tend to be located away from roads, often in valleys or among trees. Bells Beach is listed on the Victorian Heritage Register for its cultural and aesthetic heritage values.*

*While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. Dairying, particularly concentrated around Deans Marsh, has declined and timber, grass seed production, vines and olive groves are emerging. There are a number of rural tourism businesses primarily around Deans Marsh and Bellbrae. The landscape and environmental values of this precinct are the primary reasons for its attractiveness for tourist and lifestyle use and development.*

To protect and maintain the open and uncluttered rural landscapes, the clear distinction between townships and the visual landscape qualities of the Great Ocean Road environs, the following strategies are applied.

- Encourage the siting and design of new buildings to complement existing farm structures, avoid locating on hilltops and ridges and to nestle into the landscape where possible.
- Promote indigenous revegetation around buildings and structures, wetlands and along waterways to assist blending new development with the surrounding landscape.
- Ensure tourism facilities are limited in their intensity and scale to avoid adverse visual impact on the natural environment and rural landscape and to retain the marketing characteristics of low key, eco-based tourist values.
- Strongly discourage development on the coastal side of the Great Ocean Road, and in particular, avoid any development within the viewshed of the Bells Beach Surfing Recreation Reserve.
- Discourage uses not associated with an agricultural activity in any rural area outside the Rural Activity Zone.
- Maintain clear, non-urban breaks between Geelong and Torquay and between the coastal settlements.
- Protect the visual prominence of the Great Ocean Road and significant public viewing points along the Otway Coast and Ranges.

### **Clause 21.06-6 Implementation**

The strategies will be implemented by:

#### **Using policy and the exercise of discretion**

- In considering any application for a non-agricultural land use and/or development apply the following development principles:
  - Buildings should be of modest scale and nestle into the landscape;
  - Buildings should be subservient to the landscape so as to not detract from its visual qualities;
  - Proposals should include net gain environmental outcomes;
  - Development should be self-sufficient in the provision of infrastructure and associated costs.

### **22.02 Streetscape and Landscaping Policy**

The policy applies to all developments throughout the Shire and builds on the MSS objectives relating to urban and rural neighbourhood character and landscapes. A landscape plan is required where a permit is required for native vegetation removal.

#### Comment:

A landscape plan has been prepared and submitted.

### **Particular Provisions:**

#### **52.05 Advertising Signs**

Pursuant to C152.05-10 signage within the Farming zone is classified as Category 4 - Sensitive Areas.

- A permit is required for Business identification sign which condition requires the total advertisement area to each premises must not exceed 3sqm.

#### **52.06 Car Parking**

C152.05 applies to a new use. The Car Parking Table has no specific car parking provision for Leisure and Recreation and Caretakers House. Clause 52.06-5A advises before a new uses commences car parking spaces must be provided to the satisfaction of the responsible authority.

#### **52.17 Native Vegetation**

52.17-2 A permit is required to remove, destroy or lop vegetation, including dead native vegetation (with exemptions)

#### **52.29 Land Adjacent to a Road Zone Category 1**

- A permit is required to:
  - Create or alter access to a road in a Road Zone Category 1.

#### **52.34 Bicycle Facilities**



CI52.05 applies to a new use. The required bicycle facilities table (spaces, showers and change rooms) for staff and patrons has no specific provision for the use for Leisure and Recreation – the nearest use being that for minor sport and recreation facility or place of assembly.

### **General Provisions**

#### **65 Decision Guidelines**

The provision states:

*Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.*

##### **65.01 Approval of an application or plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

### **Planning Scheme Amendments**

#### **Amendment C68 (Rural Landscapes and Rural Activity zone)**

Surf Coast Shire Planning Scheme Amendment C68 proposed the rural hinterland of Bellbrae (and Deans Marsh) be rezoned to Rural Activity zone to allow consideration of tourist and recreational activities and group accommodation and restaurants associated with tourist or recreational activities independent of agricultural use. C68 was recommended by Panel for adoption subject to a small number of changes, including clarification about the fire risk of a few properties in the Bellbrae region.

Implementation was delayed by a DPCD advised revised bushfire mapping which to date has not proceeded. Changes to the Farming zone in 2013 now allow a broader range of land uses to be considered on merit (Section 2) and not in 'in conjunction with agriculture' as previously required.

Amendment C68 has since lapsed however the Rural Activity Zone is no longer necessary but it provides a useful context for decision making for applications involving tourist related land uses that are not tied to agriculture for the Bellbrae hinterland west of the Great Ocean Road.

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### **Discussion of Key Issues**

#### **Policy Considerations**

The strategic framework for land use planning is set out in the State Planning Policy Framework (SPPF) and refined through the Local Planning Policy Framework (LPPF) and the purposes of relevant zone and overlay provisions. At the broadest level land is required to be systematically planned and managed so as to achieve a net community benefit and sustainable development. It is a general theme of the SPPF to provide for orderly development and infrastructure, to promote a robust and diversified economy including at regional level, to protect productive agricultural land and to protect environmentally significant areas and significant landscapes.

With respect to agriculture, the strategic framework encourages the retention of productive agricultural land and discourages its loss and fragmentation through non soil based land uses, ad hoc subdivision and dwelling development. In considering a proposal to develop agricultural land the SPPF (14.01-1) requires the consideration of:

- the desirability and impacts of removing the land from primary production
- the impacts of development on the continuation of primary production on adjacent land, including regard to land values
- the compatibility between the proposed development and the existing uses of the surrounding land
- land capability.

The SPPF (17.03-1) also promotes tourism development to maximise employment and long term economic and social benefits and especially developments that are well designed and appropriately located so they build upon the assets of an area. The increasing pressure for tourism and other development to locate in the rural areas is recognized by the LPPF (21.05 Agriculture) and, to protect agricultural production for future generations, intensive, non-agricultural based activities in the rural areas are strongly discouraged without sound strategic justification and if it can be established the activity will have minimal impact on surrounding rural uses.

The LPPF (21.04 Tourism) also recognises the broadening focus of tourism in the Shire as tourism developments seek to capitalise on environmental and landscape value of the rural hinterland for nature and farm based tourism and the opportunity this can provide for diversification of struggling rural enterprises. It cautions any benefits need to be balanced against potential negative impacts including amenity impacts on local communities, pressure on infrastructure and the natural environment, landscape values and agricultural activities.

Broadly, policy advises non-agricultural based tourism development should be limited to selected rural areas and be small scale, nature and adventure based tourist activities ..... compatible with natural processes. New tourism development that is high quality, low intensity, unobtrusive and site responsive, that uses ecologically sustainable design principles and which increase visitor length of stay and increase visitor numbers in the off-peak period is encouraged.

Tourism Policy (Clause 21.04-3) directs:

- *When deciding on applications for tourist developments in a non-urban zone, consider,:*
  - *Tourism development in the farming areas of the Shire should generally be of a small scale that does not compromise the agricultural use of the land.*
  - *Tourism development should be of a nature, designed and sited to avoid conflict with existing rural uses, preserve the rural landscapes and environmental values, avoid loss of high quality agricultural land, and be within proximity of existing townships.*
  - *Tourism development should enhance the environmental condition of the land through protection and re-establishment of native vegetation and control of pest plants and animals, erosion, salinity, stormwater and nutrient runoff. This should be demonstrated through the development and implementation of a management plan.*
- *Discourage tourism development from locating in prime farming areas, particularly in areas with an open rural landscape.*

#### Comment

The release of the reformed rural zones by the Minister in September 2013 had a key objective “to encourage tourism by reducing or removing permit limitations in the Farming zone and Rural Conservation Zone relating to tourism uses, enabling applications to be considered on their merits” (DTPLI website). The changes to the Farming Zone now mean the application for an Adventure Park (Leisure & recreation) can be considered and its merits tested against relevant policy and the decision guidelines of the zone. The reforms have potential to change the rural areas but the scale and type of impacts and whether a reasonable outcome will result must be considered.

Prior to the Ministerial reform, Surf Coast Shire Amendment C68 proposed the rural hinterland of Bellbrae be rezoned to Rural Activity zone to allow consideration of tourist and recreational activities and group accommodation and restaurants associated with tourist or recreational activities. Implementation of Amendment C68 was delayed by a DPCD advised revised bushfire mapping but to date this has not proceeded. In the interim, changes to the Farming zone have now removed the need for re zoning. While Amendment C68 is no longer necessary it provides a useful context for decision making for applications in the Bellbrae hinterland involving tourist related land uses that are not tied to agriculture.

When balancing conflicting planning objectives, Clause 10.04 SPPF advises planning authorities and responsible authorities to *“balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations”*

It is considered the proposal meets the policy framework, by providing an alternative tourist development on the Great Ocean Road at a site proximal to coastal towns of Torquay and Anglesea and within easy reach of the Geelong-Melbourne road network. The proposal will support local employment and regional tourism and will also provide a year round recreational facility for the local community.

There will be a loss of land to farming but it is observed the site is not within a prime farming area and in an area characterised by hobby farms, rural living properties and tourist accommodation and it is unlikely there will be any detrimental impact on agricultural activities in the area. The site is not located within the Bellbrae Strategic Framework Plan (CL21.14). The proposal will also supplement remnant native vegetation at the site by replanting and will generally preserve the open rural ambience of the area and the treed vistas of the Great Ocean Road and Gundrys Road.

### **Farming zone**

The Adventure Park site is zoned Farming and in addition to the SPPF and LPPF considerations, the purpose of the zone is:

- *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.*

In the zone use for leisure and recreation and caretakers house are Section 2 - permit required uses. A permit is also required for construction of building or works associated with a Section 2 use and to construct a building within 100 metres of the Great Ocean Road (GOR) – a Road Zone Category 1.

The 31ha site supports limited agriculture and is open pasture with a few cattle and two rural dwellings. The surrounding area mostly includes hobby farms and rural lifestyle properties, a winery, plant nursery and tourist accommodation and some larger rural properties used for sheep and cattle production and arguably is not a prime farming area but a semi-rural hinterland. The site is proximal to Bellbrae and to the coastal towns of Torquay and Anglesea and served by the Great Ocean Road and the local road networks of Gundry's Road/Elkington Road and Addiscott Road/Bones Road. The site also has convenient access to the Geelong Melbourne Freeway via the Anglesea Freshwater Creek Road.

The application does not propose an agricultural land use and there will be a loss but from a relatively low level of agricultural production. No details have been submitted concerning the quality/capability of the land to support agriculture but given the limited extent of buildings and improvements to be undertaken at the site this would not necessarily preclude a future capacity of the land to be used or returned to agriculture. It is acknowledged however this would be unlikely based on projected regional growth.

With respect to the purposes of the Farming Zone, it is considered the key issues are:

- the impact the Adventure Park will have on agricultural activities in the area
- if the new use will have positive employment outcomes, and
- if the new use will achieve sustainable land management practices and infrastructure provision.

These matters are analysed in greater detail below but it is noted:

- the use will operate only during normal business hours
- nighttime lighting will be minimal
- the main building and public car park is well set-back from common property boundaries
- the access driveway parallels the GOR
- GORAP will ultimately employ 44 people sourced from the local area and with a range of skill sets
- the site has no significant biodiversity values
- minimal native vegetation removal is required
- site revegetation will be carried out
- septic waste water is able to be treated on-site
- stormwater is able to be contained and dispersed on site

- all car parking and vehicle circulation is be able to be accommodated on-site, proximal to the main building and generally remote from common property boundaries
- the site is strategically located on the Great Ocean Road which is a tourist route where there is already a mix of non-rural activities
- the site is proximal to coastal holiday towns and major road links with bus stops adjacent

The Decision Guidelines of the Farming Zone provide further criteria by which the merits of the application must be assessed:

#### **General Issues**

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

The 31ha site has capacity to accommodate the proposed use and development including the waste water generated, the stormwater discharge and car parking demand.

The Shire's Environmental Health Unit has reviewed the Land Capability Assessment (*Provincial Geotechnical Pty Ltd May 2014*) and raised no objection subject to further review of projected visitation numbers and final determination of the type and location of a septic system. Any approved system will have to meet the EPA required buffer distances from watercourses and dams both on and off-site, and stormwater runoff must not be disposed of in the Land Application Area. The EHU has also advised should the facility exceed a design or actual discharge of 5,000L per day a works approval will be required from the Environmental Protection Authority (EPA). Appropriate conditions have been recommended.

The Shire's infrastructure Unit has reviewed the Stormwater Management Strategy (*Peter Berry & Associates Pty Ltd July 2014*) dealing with discharge from buildings and hard stand areas. This report concludes there will be little increase in volume and only minor increases in concentrated flows which can be collected, dissipated and treated. A detailed stormwater management plan will be required for approval prior to the development starting.

The Adventure Park will operate only during normal business hours and given the main building and stations have generous set-backs from common property boundaries impacts on adjoining and nearby land uses will be limited. The site is proximal to the coastal holiday towns, other tourist developments and accommodation and to the major regional transportation link of the Great Ocean Road. The Adventure Park will have exposure to large numbers of visitors to the region and the establishment of perimeter plantings and revegetation will assist the development to blend with the surrounding landscape.

The relationship between the development and the existing road infrastructure has been the subject of extensive discussion resulting in conditions from VicRoads which will deliver significant upgrades in the area of the subject land which must be completed to the satisfaction of Vic Roads and at the applicants cost before the use can start. The design of the road works including any native vegetation offsets and other approvals will be dealt with via a works agreement.

#### **Agricultural issues and the impacts of non-agricultural uses:**

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

The application does not propose to use the land for agriculture and there will be a loss from the current level of agricultural production. The surrounding area, including adjoining properties to the west and south, are predominantly smaller size land holdings used for hobby farms typically with cattle, sheep and horses, and rural lifestyle properties and it is unlikely the new use will significantly limit either the operation or expansion of agriculture at these properties. The proposed earth mounding and revegetation and the separation/buffer distances from site facilities to these small farms in conjunction with the daytime operating hours will reasonably limit acoustic (and visual) impacts.

### Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *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.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

The site has a history of grazing/cropping and is substantially cleared with degraded pockets of native forest vegetation mid-site and at the lower southwestern side associated with creek lines/drainage lines. The road frontages are also fringed with native canopy trees and understorey vegetation and there are stands of Yellow Gum adjacent to the west boundary. It is expected these areas would contain local fauna and there is evidence of grey kangaroos and snakes in the area but pest species such as rabbits, rats, cats and foxes are also likely and the biodiversity of the site would be low. Native vegetation removal within the Gundrys Road road reserve at the Park entrance is limited and the DELWP required offset is able to be met on-site at the south west side. The site is to be landscaped with indigenous plants which will provide a food source for native fauna and nesting opportunities for birds. (see *Landscaping & Earthworks* for further comments about native vegetation)

Surf Coast Shire officers are satisfied waste water and stormwater discharge will be able to be treated on-site to the required standards and buffer distances.

### Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *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.*
- *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.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

The design and siting issues identified in the Farming Zone are enhanced and to some extent exceeded by the requirements of the State Planning Policy Framework which at Clause 12.02-6 'The Great Ocean Road Region' seeks to ensure that development is managed in a sustainable manner and without detrimental impact to the vistas and environment of this nationally significant area.

As relevant to this application strategies to deliver this outcome include:

- *Ensure development responds to the identified landscape character of the area.*
- *Manage the impact of development on the environmental and cultural values of the area.*
- *Encourage sustainable tourism and resource use by:*
  - *Developing a network of tourism opportunities throughout the region*
  - *Supporting tourism activities that provide environmental, economic and social benefits*
  - *Supporting the land use and transport needs of key regional industries including tourism.*
  - *Using natural resources with care*

A similar theme is articulated in the Local Planning Policy Framework at Clause 21.01 'Profile and Vision' which identifies the subject site as within a rural buffer area between townships and recognises the valued contribution rural landscape vistas make to the amenity and liveability of rural areas. Natural resource based



tourism, at a scale and form that respects its setting, the surrounding land uses and the locale is identified as a key direction.

The Adventure Park site is located in the rural hinterland of Bellbrae and Torquay which Landscape Unit - Cape Otway Road to the Northern Foothills and Coast (Clause 21.06) extends from the foothills of the Otway Ranges to the semi pastoral hills of Bells Beach in the east.

The Policy identifies:

*“The gently rolling hills, with some incised creeks and gullies and pockets of remnant vegetation contribute to a sheltered, enclosed landscape ..... While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. .... The landscape and environmental values .....are the primary reasons for its attractiveness for tourist and lifestyle use and development”.*

The proposed Park Centre building is large with a 2,592sqm roofed floor area and a 1,560sqm deck with shade sail, but has a relatively low profile (9m roof ridge) and will be oriented to north with a narrow face to the Great Ocean Road. To manage its visual impact and respond to the rural landscape character of the area the building will be ‘detailed’ by an external vertical timber pole screen to the east and south elevations varying in height from 2 metres up to 14 metres. Additional screening will also be provided by the proposed earth walls and planted landscaping to the site perimeters including adjacent to the Great Ocean Road. In combination with the generous setbacks of 90 metres to the GOR, 150 metres to the west boundary and 310 metres to the south boundary it is considered the building will not present as a dominant form in the view sheds of the Great Ocean Road and will integrate into the wider landscape.

It is observed a farm shed is not an atypical building form in the Farming zone and some rural sheds can be of similar size often without triggering a planning permit if associated with agriculture. It will be recommended final external colours and materials be submitted for approval with the colour palette selected from a muted range to further assist the building to blend with the rural landscape.

The outdoor ropes course comprises six stations of timber pole and platform construction some with climbing walls. The stations are dotted around the site at different land contours and each will vary in height allowing “downhill zip line runs” between the stations. The highest stations are Station 2 (14 metres), Station 3 (17 metres) and Station 5 (15 metres). These will be located around the central gully formation at the northern section of the site or in the case of Station 3 straddling the gully. Station 5, of an open pole type construction, will be sited 50 metres from Gundrys Road.

The height of these Stations significantly exceeds the ‘default’ 7.5 metres height generally applicable in the Surf Coast Shire – although no height limit applies in the Farming zone. Rather when a planning permit is triggered the impact of the height, scale and bulk of a development on the natural environment, major roads, vistas, the character and scenic appearance of the area must be considered.

To understand the impact officers requested the applicant prepare a Photomontage Landscape Assessment to scale and proportioned and based on land contours. It was requested views be taken from select points along the Great Ocean Road and Gundrys Road. Datum markers were placed and a photographic 3D model built incorporating known features including the proposed 3 metre earth wall, the Park Centre building and the Stations.

The Photomontage Landscape Assessment suggests:

- the Park Centre building and Stations would substantially be screened or out of view from the Great Ocean Road due to a combination of the land contours, drop off, foreground vegetation and proposed planted out earth walls
- the Stations would substantially be out of view from the upper section of Gundrys Road due to a combination of the land contours, drop off, foreground vegetation and proposed planted out earth walls
- from the low section of Gundrys Road, the Park Centre building and Stations 2,3,4 and 5 would be visible but would have a low visual impact due to distance from Gundrys Road, land contours and foreground vegetation with the proposed planted out earth walls further minimising visual impact

All the stations and the Park Centre building will be visible to some extent from off-site locations depending on the external viewing point and the density and height of intervening vegetation. The highest Stations 2, 3 and 5 will have the greatest visibility in the landscape from Gundrys Road and from the neighbouring properties at 105 Gundrys Rd & 35 Woodacres Lane that adjoin the western site boundary. Station 4 at 7.5 metres height and a 50 metre boundary setback will also be visible from these properties. The Park Centre

building and the Stations will be visible in the general rural vistas from properties along Woodacres Lane which are on elevated landform and look across a gully toward the site but at some distance.

The applicant has advised the height of the stations works in conjunction with land contours to provide steep (and fast) zip line runs across the central gully and the treed area. Whilst it would be possible to lower the station heights this would diminish the experience.

Along Gundrys Road and the west boundary, the stations are provided with generous setbacks ranging from a minimum 50 metres and more and overall an open landscaped character will be retained across the site. In combination with the proposed earth wall plantings and other site revegetation it is considered the visual impact in the views sheds of the Great Ocean Road and the Bellbrae hinterland will be moderated to a reasonable level.

### **Landscaping and Earthworks**

The Landscape Concept Plan (*Mexted Rimmer Associates Pty Ltd*) identifies areas of native vegetation at the site and areas for new plantings including along the access driveway and on the earth wall mounds around the Park Centre building and carpark. However, the plan is inconsistent with the *revised* Site Plan Rev P3 that shows more extensive earth wall mounds to the road boundaries and adjacent to the boundary with 105 Gundrys Road and altered locations for the Stations.

As proposed the earth walls will detrimentally impact on the native vegetation, including stands of yellow gums, which currently provide valuable treed screening of the site and which removal or destruction would require a planning permit under Clause 52.17 and referral to DELWP. It is recommended a detailed landscaping construction plan be provided that shows the earth mounds in relation to the native vegetation, including that the earth walls/mounds be located so that at least no more than 10% of the tree root zones are affected. Some reduction in the extent of the earth walls and changed location may be required but this could be offset by denser site plantings to achieve a similar screening.

The revised Site Plan Rev P3 also indicates Station 3 and Climbing Wall 4 will be sited over the central gully /drainage line and just below an existing dam, and that the tube slides will end near the central gully. (*refer Peter Berry & Associates Pty Ltd Stormwater Management Strategy*). The central gully/drainage line runs to a second dam within a treed area near the low point in Gundrys Road and the overflow from this dam transfers via an underroad culvert to the north side of Gundrys Road and into the dam system of a farm at 522 Great Ocean Road.

In the Farming zone a permit is required for:

*"Earthworks which change the rate of flow or discharge point of water across the property boundary or increase the discharge of saline groundwater."*

The proposed earth wall mounding near the low point of Gundrys Road and the central gully line and near a another smaller gully line in the north east corner also has potential to impact on the rate of flow across the property boundary affecting the farm downstream and triggering a planning permit. It will be recommended the earth wall mounding in these areas be deleted from the application and the natural ground contours retained. As noted, screening from Gundrys Road could instead be enhanced by dense plantings.

The construction of Station 3/Climbing Wall 4 and the tube slides may also impact on flow in the central gully and further details will be required to confirm no impact on flow/discharge. Appropriate conditions are recommended including fencing of the offset area.

### **Bushfire Management Overlay (BMO)**

A BMO applies to a small area of the site near the Gundry's Road/Great Ocean Road intersection and over the proposed Adventure Park entrance and driveway and the entry signage triggering a planning permit. The CFA has reviewed the proposal, has no objection and advised no conditions. The CFA has advised an Emergency Management Plan (EMP) covering all emergencies is a necessity and this will be required by permit condition. Subject to CFA advice the EMP may require on-site water storage for fire fighting purposes.

The whole of the site (and surrounding area) is within a Bushfire Prone Area and the compliance of the building(s) with the building regulations will be the responsibility of the relevant building surveyor.

Fire risk and impact on local evacuation plans as a consequence of high patron numbers at the site during the fire season is a concern for submitters. The applicant has advised:

- The site will be closed on Code Red days and this advice will be posted on the on-line booking site
- There will be no fireplaces or BBQs

- The site will operate as a 'Non Smoking' zone
- Watered and mown lawn areas around the central gully will limit grass fire risk

### **Traffic Management**

The Gundrys Road/Great Ocean Road intersection is acknowledged as a high risk intersection due to the sweeping bend with poor sightlines in both directions and the high traffic speed environment (100kph GOR & 80kph Gundrys Rd). This intersection also feeds into the Addiscott Road network nearby which has similar poor sightlines. The increasing traffic volumes on the Great Ocean Road and the extended peak periods over summer holidays, Easter and long weekends; and the increased local traffic that will result should the Adventure Park proceed is a significant concern for many local residents.

Submitters also criticised the Traffic Impact Assessment (*TTM Consulting Pty Ltd*) that relied on survey data on Thursday 25 June 2014 from 5.00pm to 6.00pm at the Gundrys/Great Ocean Road intersection, Easter Sunday data and old VicRoads traffic volume data, indicating it did not reflect existing traffic patterns and volumes.

The Adventure Park will be a net attractor of traffic to the area and alter the traffic patterns and access from which the site currently experiences. This has triggered a planning permit requirement and formal referral to VicRoads, the managing road authority. VicRoads has not objected to the application but will require road works to be undertaken at the applicants cost via a works agreement with VicRoads.

The concept road works are outlined in the *Traffic Impact Assessment by TTM Consulting Pty Ltd* and in VicRoads conditions and comprise:

- *Installation of a right turn lane (into Gundrys Road from GOR)*
- *Install a left turn lane (into Gundrys Road from GOR)*
- *Modifications to the intersection to prohibit vehicles turning right from Gundrys Road and onto the Great Ocean Road*
- *Upgrade of slip road in road reserve adjacent to no 615 Great Ocean Road*

The proposed intersection road works are also a concern for local residents who use the right hand turn from Gundrys Road (to Anglesea or Addiscott Rd) most days and who object to the inconvenience and time wasting of turning left to the Bellbrae roundabout and then back toward Anglesea. It has been submitted the change would also affect school bus runs and add an extra 2 minutes travelling time.

The owners of a farm opposite the site, at 615 Great Ocean Road, have an existing driveway opposite the Gundrys Road intersection from which vehicles are currently able to turn right onto the GOR toward Torquay. The owners are objecting to the intersection road works and the loss of the right turn from their driveway and are critical of the Traffic Management Report which did not address this impact nor the traffic patterns at the Addiscott Road intersection nearby.

VicRoads and Council officers met with the land owners (and the owner of 145 Addiscott Rd) to discuss this and wider road management issues along this section of the Great Ocean Road. A range of options were discussed with the land owners raising a preference for a roundabout. In a further submission the land owners have indicated they are not against the upgrading of the access track to allow access from their property driveway to Addiscott Road but that they remain opposed to loss of access to the Great Ocean Road. The submission is also critical of lack of detail in the road works concept plan concerning potential native vegetation removal associated with any road widening to accommodate a right hand turn. However, these matters would all be addressed in a detailed road works construction plan and the necessary approvals required as part of the works agreement with VicRoads.

The Shires Infrastructure Unit has also reviewed the report and advise Gundrys Road is capable of handling the expected traffic. Further, the location of the access is acceptable in relation to a driveway of the property 10 Gundrys Road opposite the site, for access by buses and for stopping site distances. In addition to the VicRoads requirements, it is recommended final construction plans for the Gundrys Road entrance, including the sealing of the entry, be submitted for approval.

### **Car parking**

Car parking requirements are nominated at Clause 52.06 of the Planning Scheme and must be provided prior to a new use commencing. There is no specific car parking provision for Leisure and Recreation and Caretakers House and therefore car parking spaces must be provided to the satisfaction of the responsible authority.

In determining an adequate number of spaces to be provided a car parking demand assessment must be prepared that considers matters including:

- The likelihood of multi-purpose trips
- The variation of car parking demand to be generated by the proposed use over time
- Short stay and long stay demand
- Availability of public transport in the area
- Convenience of pedestrian and cyclist access

The Traffic Impact Assessment Report (TTM Consulting Pty Ltd) has assessed demand and supply based on a projected peak period demand of 360 customer vehicles per day and an average time of 6 hours at the Park. On the basis that 50% of visitors are on-site at any one time the peak customer parking demand is estimated at around 180 spaces. The Report notes park attendance could be concentrated at certain times of the day with parking demand increasing to 216 spaces (60% of customers at any one time) up to 252 spaces (70% of customers at any one time). Also, that peak parking demand is likely to occur at the middle of the day when morning and afternoon customers overlap. On a conservative basis peak staff parking demand is estimated at up to 30 spaces.

The Report does not estimate the proportion of 'cyclist' patrons but given the type of facilities to be provided at the Adventure Park it is considered a number of patrons will cycle.

The application proposes a formal on-site parking area of 260 car spaces with 9 bus parking spaces. The Report notes this provision has potential to be exceeded on rare occasions during peak season but for most of the year the parking area will likely be underutilised. An area west of the proposed carpark is suggested as potential overflow parking but this area is steep and falls toward the native vegetation offset area. Should it be required it appears overflow parking could be accommodated at the upper part of the site just west of the access driveway.

The Report concludes all site generated parking demand can be accommodated on site which has not been disputed by the Shires Infrastructure Unit.

### **Signage**

The application includes a proposal for 5 business identification signs to be displayed at specific locations within the site. Two (2) at the Gundry's Road entrance, two (2) at the emergency access on the Great Ocean Road and one (1) at the eastern side of the Park Centre building.

The signs are:

- Sign A Gundry Road Entrance: Freestanding timber structure 5m high x 2m wide with 1.35m high by 1.75m sign panel (2.3625sqm x 2 signs = 4.725sqm).
- Sign B Emergency access GOR: Freestanding timber structure 5m high x 2m wide with 1.35m high by 1.75m sign panel (2.3625sqm x 2 signs = 4.725sqm).
- Sign C: Park Centre building; Freestanding timber structure 7.34m high x 2.8m wide with 1.80m high by 2.6m sign panel (4.68sqm)

The Farming Zone identifies advertising signs are to be assessed under Category 4 - Sensitive areas of Clause 52.05 which list business identification signs as Section 2 – Permit required and includes a condition that:

*The total advertisement area to each premises must not exceed 3 sqm.*

In this case the total area of the proposed signage exceeds the allowable 3sq m per premises meaning the signs as proposed are prohibited. In the event that a permit is issued a condition should be included to require a new signage proposal which must not exceed a total area of 3sq m.

The applicant has confirmed the existing Great Ocean Road driveway will be emergency access/egress only and therefore Sign(s) B can be deleted from the proposal. The internal Sign C could also be modified to a directional sign with logo and not included in the total advertising signage area. These changes will allow the business identification sign condition to be met.

Clause 52.05 Advertising Signs regulates signs and associated structures and requires before deciding an application to display a sign, the following must be considered:

- the character of the area
- impacts on views and vistas

- the proportion and scale of a sign and its relationship to the site and building
- the impact of structures associated with the sign

The area is characterised by little advertising signage and where it occurs this is low key and modest scale. It is considered the proposed sign structures at 5 metres height (Gundrys Road/GOR) and 7.34 metres (internal) are not sensitive to the character and setting of the adjoining roads and the rural landscape and are excessive in scale. It is recommended the Gundrys Road entrance sign structure (s) be reduced to 3 metre height, the GOR emergency access sign structure be deleted entirely and the internal sign structure reduced to 3 metres height.

### **Native Vegetation**

The Vegetation Assessment Report (Mark Trengove Ecological Services July 2014) identifies:

- the majority of the proposed impacts, including infrastructure and carparks, are located on areas of exotic vegetation (former grazing land) that are assessed to be 'degraded treeless' vegetation
- passive activities are to be located within and surrounding the relatively degraded central forest area
- some infrastructure will be established within the forest area but no trees are proposed to be removed and impacts at ground level are to be located on areas of degraded and predominately exotic understorey vegetation
- the above impacts are restively minor and the central forest vegetation will not be impacted upon by the proposed land use
- the total impacts on native vegetation will be at the vehicle entrance at Gundrys Road, within the road reserve.

The report identifies that DSE mapping indicates the study area and immediate surrounds is comprised of EVC (Ecological Vegetation Class) 16 Lowland Forest and EVC 175 Grassy Woodland but that the majority of the property is comprised of partially intact indigenous vegetation of EVC 16 Lowland Forest. EVC 16 Lowland Forest has a bio conservation status of 'depleted' and EVC 175 Grassy Woodland of "endangered".

The report has calculated an offset requirement for the proposed removal of native vegetation in the road reserve and advises this can be achieved within a proposed "offset forest" area at the southwest corner of the site (refer Landscape Plan). The Dept. Environment, Land, Water and Planning (DELWP) has not objected to the removal and has accepted the offset proposed.

The Report was compiled last year and does not address the impacts of the earth wall mounds on perimeter native vegetation particularly canopy trees. A detailed landscaping construction plan is recommended to be submitted for approval to ensure the retention and longevity of this vegetation.

### **Noise**

The Farming zone does not address matters of residential amenity but rather emphasises the impact of non-agricultural uses and development on adjacent land production and compatibility with existing rural activities. More broadly, the Clause 65 Decision Guidelines direct consideration of an application on the orderly planning of the area and the effect on the amenity of an area.

Separate to this the State Environmental Protection Policies regulate noise from commerce, industry and trade (SEPPN1) in metropolitan Melbourne and music from public premises (SEPPN2). In general greater protection is afforded to dwellings in the night time hours. The SEPPN Policies are not applicable to the proposal except for any music that may be played within the Park Centre building and do not apply to noise from patrons i.e. voices, yelling and from vehicles. EPA Publication 1411 provides guidelines for Noise from Industry in Regional Victoria.

Submitters from nearby rural properties are concerned patron noise will affect their amenity, the quiet rural amenity of the area and agricultural production by potentially frightening and stressing livestock.

The applicant has advised no loud speakers, megaphones and the like will be used outside and that the ropes courses and stations will have no mechanical plant. The Park Centre building will have good separation to nearby properties and traffic movement and deliveries will be concentrated to the GOR side of the site which itself is subject to road noise.

On the west side, at the more sensitive interface, the tube slides and Station 4 are to be sited at least 50 metres from the common boundary and a distance of 130 metres and 200 metres respectively from the nearest rural dwelling at 105 Gundry's Road. Other dwellings on this side will have much greater distance separation. It is proposed to moderate acoustic (and visual) impact by retention of site vegetation and by new earth mounding with additional plantings which in time will substantially screen the site. In conjunction,

the operational hours are limited to the daytime period when a higher background noise level is accepted by the various State Policies.

Potentially no 105 Gundrys Road will be most affected by the Adventure Park's operational noise and as no background noise levels have been measured/determined it will be recommended this be done before the development starts, using EPA Publication 1411 Noise from Industry in Regional Victoria as a guide. A maximum patron noise limit at the dwelling based on the measured background noise level is also recommended.

Overall, it is considered the proposal will not have an unreasonable impact on the amenity of the area and operation of nearby farms.

***Other impacts – rubbish, dust & lights, patron access to dams, farm security***

The site will be managed with provision for deliveries and rubbish collection and ongoing maintenance of the landscaped areas by a number of staff.

The access roadway and hard stand areas will be required to be surfaced with a compact seal capable of sustaining the projected traffic loads to the satisfaction of the Shire's Infrastructure Unit. It is intended the open areas of the site will be either planted or grassed. In combination these actions will limit dust nuisance and reduce dust potential from current levels.

The applicant has advised there will be no feature lighting and that the Adventure Park will essentially operate during daylight hours to minimise resource consumption. All internal lighting within the Park Centre building will be turned off at night. Low level lighting to support the use of CCTV cameras for security purposes may be used to the entry and delivery points only.

Property owners to the west have also raised concerns about potential patron access to dams and livestock on these rural properties. The Adventure Park site itself will have controlled patron access with all entry to the ropes course via the Park Centre Building. Staff will be present at Stations 1, 2, 3 & 4. The fencing of the greater part of the west property boundary with chain mail fence to a height of 2 metres is recommended and will be required to be shown on the final detailed landscape plan. It is considered fencing of the steep gully area in the south west area of this boundary is not required.

***Potable Water***

The applicant has advised rain water will be collected off the roof of the Park Centre Building and stored in water tanks. The amount of rain water able to be collected is based on the annual rainfall for the area (averaged over 30 years) and the expected rainwater collection from the shed roof (76m x 36 meters) and is estimated at between 1,555,200- 2,592,000 litres annually. It is advised the expected volume of water is sufficient to meet GORAP water demands.

**CONCLUSION**

The State and Local Planning Policy Framework, *Surf Coast Planning Scheme*, recognise the importance of the 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 the need to ensure that productive agricultural land and the rural amenity of the area is protected; that development is within proximity of existing townships and positive landscape and environmental outcomes result.

Tourist developments which create all-weather 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 offer recreational opportunity for the local community.

The above criteria are considered to have been met by the Adventure Park proposal.

It is acknowledged that concerns have been raised by objecting parties in relation to the scale of the development, traffic management, agricultural 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, farm security and bushfire are able to be or have been adequately addressed.

It is recommended that a permit be granted for Use and Development for Leisure and Recreation (Adventure Park) and associated Earthworks, Use for Caretakers House, Alteration of Access to a road in Road Zone Category 1, Display of Advertising Signage at the land and for Removal of Native Vegetation in the road reserve subject to conditions.