

## SURF COAST PLANNING SCHEME

### AMENDMENT C116

#### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Livewire Park Pty Ltd.

#### Land affected by the Amendment

The Amendment applies to 180 Erskine Falls Road, Lorne.



#### What the amendment does

The Amendment introduces a site specific exemption into the Surf Coast Planning Scheme by listing the site and inserting an incorporated document in the Schedule to Clause 52.03 'Specific Sites and Exclusions' and the Schedule to Clause 81.01 'Table of Documents Incorporated in this Scheme' to enable the use and development of the site for the purposes of an 'Outdoor recreation facility' to be considered by Council.

The Amendment:

- Amends the Schedule to Clause 52.03 Specific Sites and Exclusions to reference land at 180 Erskine Falls Road, Lorne and list the incorporated document to enable a planning permit application to be considered for the use and development of an Outdoor recreation facility at the site; and
- Amends the Schedule to Clause 81.01 to include *Livewire Park, Tree Top Adventure Facility, April 2016* as an incorporated document.

A planning permit application has been submitted concurrently pursuant to Section 96A of the Planning and Environment Act 1987. The application seeks approval for the use and development of the land for Outdoor recreation facility (tree top adventure park) and removal of native vegetation.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

'Leisure and recreation (other than informal outdoor recreation)' that includes 'Outdoor recreation facility' is prohibited under the Rural Conservation Zone. The Amendment is required to enable Council to consider an application for 'Outdoor recreation facility', subject to consideration of a range of matters, at the subject site.

### **How does the Amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria seek to provide for the fair, orderly, economic and sustainable use and development of the land, while also providing for the protection of natural resources and providing for a pleasant and safe recreational environment for Victorians and visitors to Victoria.

The Amendment and concurrent planning application directly address these objectives by:

- providing for the protection of the environmental values of the site, retaining the vast majority of the existing trees within the site;
- providing for a tourism use of the land that provides direct economic and social benefits to the Lorne township and surrounds;
- providing for a recreational use for the residents and visitors or Lorne and the broader area; and
- incorporating environmentally sustainable design features including water tanks and solar panels into the design.

### **How does the Amendment address any environmental, social and economic effects?**

#### Environmental effects

The proposal for 'Outdoor recreation facility' (tree adventure park) is dependant on a healthy bushland setting.

The Amendment, which allows for consideration of Outdoor recreation facility within the site, requires any permit application to consider the environmental effects of the proposal.

The proposal provides for the protection of the vast majority of trees across the site and any vegetation losses will be offset through biodiversity equivalent units.

The proposal also incorporates environmentally sustainable infrastructure, including solar panels, water tanks and a waterless waste system.

#### Social effects

The Amendment is considered to have positive social effects, through allowing for a sustainable tourism and recreational use within the Lorne hinterland, that will provide for a healthy, active pastime for residents and visitors; and provide direct and indirect employment, including youth employment.

#### Economic effects

The Amendment is considered to have a positive economic effect, by allowing for a tourism use within the Lorne hinterland, strongly encouraged by planning policy and recognised as an important part of the economy.

The proposed use can operate beyond the typical tourism summer season, providing an attraction for visitors outside peak periods. It will have flow on effects to other parts of the

economy including food and drink providers, accommodation, transport providers as well as other tourism attractions.

Other key economic benefits will be:

- employment, both ongoing through the operation of the facility and the flow on employment benefits for associated service providers;
- employment during construction;
- investment in the facility; and
- broadening the tourism offering for the town and broader region.

### **Does the Amendment address relevant bushfire risk?**

The Amendment requires consideration of bushfire in the assessment of any application for a permit for outdoor recreation facility.

The planning application is accompanied by a Bushfire Management Plan and the permit will include conditions requiring that the site operate in accordance with this plan and to the satisfaction of the Country Fire Authority.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment complies with the following relevant Ministerial Directions:

*Ministerial direction - The Form and Content of Planning Schemes*

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

*Direction No. 11 - Strategic Assessment of Amendments*

This explanatory report and associated documents submitted with the Amendment, provides a comprehensive strategic evaluation of the planning scheme amendment as required by this direction.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment and combined planning permit application supports the State Planning Policy Framework as follows:

- Clause 12 Environmental and Landscape Values. The amendment and associated planning permit seeks to allow for a use that is dependant on a healthy bush setting, and requires the removal of only 6 trees across the site associated with the infrastructure required as part of the proposal. This loss will be offset as required by this policy.
- Clause 12.02-4 Coastal Tourism. The proposal is consistent with this policy by providing a nature based tourism use that has a low impact on the natural, visual, and environmental character of the site.
- Clause 12.02-6 Great Ocean Road Region. The amendment is consistent with this clause in providing a tourism activity that has environmental, social and economic benefits and uses natural resources with care.
- Clause 12.04 Significant Environments and Landscapes. The amendment and proposal will provide for the protection of the landscape and the significant features of the environment, including the treed character of the site.
- Clause 13.05 Bushfire. The proposal will operate in accordance with a Bushfire Management Plan to the satisfaction of the Country Fire Authority and prioritises the protection of human life through the closure of the site on extreme fire danger days.

- Clause 15.03-2 Aboriginal Cultural Heritage. A Cultural Heritage Management Plan (CHMP) has been prepared for the site and the use and development of the land will be in accordance with the CHMP.
- Clause 17.03 Tourism. The amendment and proposal are consistent with this clause in providing tourism development that provides for social and economic benefits and builds on the natural assets of the site.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment and combined planning permit application supports the Local Planning Policy Framework, as follows:

- Clause 21.02 Settlement, Built Environment, Heritage and Housing. The amendment and proposal provides an outdoor recreation experience that contributes to the desirability and liveability of the region.
- Clause 21.03 Environmental Management. The amendment and proposal is compatible with the environmental values, visual character and amenity of the coastal environment and manages the risk of bushfire.
- Clause 21.04 Tourism. The amendment and proposal is for a nature based and adventure tourism proposal that will contribute to increasing visitor length of stay and increasing visitor numbers in the off peak period, whilst protecting the environmental, landscape and cultural values of the Shire.
- Clause 21.06 Rural Landscape. The amendment and proposal is for a nature based tourism facility that avoids adverse visual impact on the landscape and natural environment.
- Clause 21.10 Lorne Strategy: The amendment and proposal is consistent with the Strategy for Lorne, by:
  - protecting the indigenous vegetation cover including tall trees;
  - protecting the biodiversity and habitat values of the site;
  - providing for an all year round tourist destination while protecting the natural and scenic values of the site;
  - providing for a sustainable tourism development within the Lorne hinterland; and
  - providing an appropriate balance between infrastructure requirements and the environmental and amenity values of the site.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

Having regard to the Victorian Planning Provisions available to facilitate the proposal, an amendment via Clause 52.03 – Specific Sites and Exclusions has been held to be the most appropriate.

The land does not warrant rezoning. For the most part the purposes of the Rural Conservation Zone remain relevant, particularly as the proposal seeks to have the least amount of impact upon the natural environment.

There are exceptional and extraordinary circumstances that demonstrate that despite being highly consistent with planning policy that encourages nature based tourism experiences within the Lorne hinterland (including Clause 12.02-4 Coastal Tourism; Clause 12.02-6 The Great Ocean Road region; Clause 21.10 Lorne Strategy; Clause 21.04 Tourism) the current zoning of the land prohibits the use.

Accordingly an amendment to the Surf Coast Planning Scheme is required to facilitate the use.

### **How does the Amendment address the views of any relevant agency?**

The views of the Country Fire Authority have been sought in the formulation of the proposal and their requirements will be addressed in any planning permit issued for the proposal.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment and proposal is not likely to have a significant impact on the transport system as defined by the Transport Integration Act 2010.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to have any unreasonable costs on the responsible authority.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Surf Coast Shire Civic Office 1 Merrijig Drive Torquay VIC 3228	Lorne Visitor Information Centre Mountjoy Parade Lorne VIC 3230
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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Surf Coast Shire  
PO Box 350  
Torquay VIC 3228

Or emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**