
PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 16/0172

Planning scheme: Surf Coast

Responsible authority: Surf Coast Shire Council

ADDRESS OF THE LAND: 180 ERSKINE FALLS ROAD, LORNE

THE PERMIT ALLOWS: Use and development of the land for an outdoor recreation facility (tree top adventure park) and removal of native vegetation in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Vibe Design Group dated 31/03/16 and submitted with the application but modified to show:
 - a) Details of each constructed recreational activity not already documented on the plans, including start and landing platforms and any supporting structures;
 - b) A detailed plan of the car parking spaces, accessways and site access point, including:
 - i. Widening of the vehicle access from Erskine Falls Road to 6.5 metres;
 - ii. The sealing of the access from the edge of seal on Erskine Falls Road to the confluence of the in and out lanes of the accessway;
 - iii. Demonstration through 12D modelling that gradients for the vehicle parking spaces, access lanes and site access point can be provided that minimise potential for vehicular scraping and bottoming out. These gradients should be designed to comply with Clause 52.06-8 of the Surf Coast Planning Scheme and Australian Standard AS2890.1-2004 as close as practicable to the satisfaction of the responsible authority;
 - iv. Dimensions of all car parking spaces and adjacent aisle widths in accordance with Clause 52.06-8 of the Surf Coast Planning Scheme;
 - v. Measures to protect people alighting from cars in the parallel car spaces, including sections through the access lane and parking bay to show the clearance from the edge of the parking to the slope batters in accordance with the requirements of Clause 52.06-8 of the Surf Coast Planning Scheme;

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- vi. Car parking spaces located to safeguard the protection of trees and their Structural Root Zone;
- c) A schedule of external materials, finishes and colours of all buildings incorporating colour samples. External colours should be neutral and muted in grey, green or brown tones to assist in visually blending the building with the surrounding natural landscape;
- d) A Signage Plan that shows:
 - i. the location of any signage;
 - ii. the total advertisement area of business identification signs not exceeding 3 sq m.

Landscaping Plans

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the tree protection measures recommended in the Arboricultural Assessment Report and Tree Management Plan prepared by Otto Leenstra and Associates, dated 14 December 2015 and show:

- a) The location of all buildings, stations, ropes courses, zip lines, pedestrian pathways, accessways and car parking spaces;
- b) A detailed Planting Schedule of all proposed trees, shrubs, grasses and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- c) The Planting Schedule based on species selected from EVC 45: Shrubby Foothill Forest;
- d) Details of any fencing proposed along property and internal boundaries. Any fencing must be visually permeable (e.g. post and wire or chain mesh wire) and enable the movement of small native fauna;
- e) Construction details of proposed pathways. Pathways should be permeable or elevated where sited within the Structural Root Zone of trees;
- f) Measures to protect trees and their Structural Root Zone from damage and compaction by parked vehicles and vehicle access;

All species and construction materials selected must be to the satisfaction of the responsible authority. Planted vegetation must not increase fuel loads beyond what is allowed under an endorsed Bushfire Management Plan.

Endorsed Plans

3. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Stormwater Management Plan

4. Before the development starts a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:

- a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail

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how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained;

- b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques to reduce pollutant export and peak discharge from the site to pre-development levels.

Construction Management Plan

- 5. Before the development starts, a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
 - a) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
 - b) measures to accommodate the private vehicles of workers/ tradespersons;
 - c) a prohibition of non-native animals such as dogs on the site;
 - d) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
 - e) measures to minimise the generation and dispersal of dust;
 - f) measures to avoid or minimise impacts to native vegetation and fauna habitat;
 - g) measures to avoid or minimise soil disturbance;
 - h) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
 - i) arrangements for waste collection and other services to be provided during construction.
- 6. Before any road and drainage works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. All works constructed or carried out must be in accordance with those plans.

Access and Parking

- 7. A minimum of 61 car spaces must at all times be provided on the land for the use by patrons of the use and staff members to the satisfaction of the responsible authority. The number, design, layout and construction of the spaces must be to the satisfaction of the responsible authority.
- 8. The bus parking area must be provided on the land in accordance with the requirements of the Cardno report, dated 12 April 2016 to the satisfaction of the responsible authority.
- 9. Before the use starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather seal coat for the section of the accessway from the edge of seal on Erskine Falls Road to the confluence of the in and out lanes of the access;

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- d) Surfaced with gravel or crushed rock or other suitable trafficable surface for the remainder of the accessway and the vehicle parking spaces;
 - e) Drained;
 - f) Marked to indicate each car space and all access lanes;
 - g) Clearly marked to show the direction of traffic along the internal access lane;
 - h) Provided with protective measures such as railing, wheel stops or other barriers where required to ensure the safety of motorists and passengers and to protect errant vehicles;
- to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be maintained and kept available for these purposes at all times to the satisfaction of the responsible authority.

- 10. The following requirements shall apply to site access and driveways that shall be constructed to the satisfaction of the responsible authority:
 - a) The vehicle access from Erskine Falls Road must be widened to 6.5 metres;
 - b) Entrance culverts with driveable endwalls and suitable pavement material must be constructed to suit the proposed driveway to the satisfaction of the responsible authority;
 - c) The growth of plants in the verge at the front of the site should be managed to ensure that it does not impede on driver sight lines;
 - d) A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.
- 11. At peak operational times the business operated shuttle bus shall collect and return customers from areas in Lorne (such as the Mantra and Cumberland Resorts), with collections and drop-offs to occur every 30 minutes or as otherwise agreed in writing with the responsible authority. The operation of this bus service must be advertised on the website at the time of booking.
- 12. At all operational times a staff member shall direct customers to the car parking or as otherwise agreed in writing to the responsible authority.

Bushfire Emergency Management Plan

- 13. Before the use starts, a Bushfire Emergency Management Plan (BEMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in consultation with CFA. The BEMP must address the following matters as outlined in the Bushfire Management Statement prepared by Terramatrix, dated 28 April 2016:
 - a) Management actions during the declared Fire Danger Period
 - b) Management actions on Extreme and Code Red days
 - c) Actions in the event of a bushfire threatening or impacting on the site
 - d) Measures to reduce the risk of fire starting on the site
 - e) Identification of an emergency access

Tree Protection Zones

- 14. Before any construction and earthworks start, tree protection measures must be carried out in accordance with the Arboricultural Assessment Report and Tree Management Plan prepared by Otto Leenstra and Associates, dated 14 December 2015.
- 15. During construction works:

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- a) the areas within the tree protection zones must not be used for any other purpose, including storage of building materials or machinery, except as provided for in this permit;
 - b) all contractors and sub-contractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection;
 - c) signs to the same effect must be displayed at all times on any tree protection zone fences.
16. Following completion of all installation and construction works a re-inspection of affected trees must be undertaken by a qualified arborist before the use commences and thereafter an annual tree health and risk management inspection must be undertaken. Any identified health and structural problems must be addressed as they become apparent.

Completion of Landscaping

17. Before the use starts, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Completion of External Ropes Course

18. Before the use starts, or by such later date as is approved by the responsible authority in writing, the external ropes course, including all stations and ancillary structures and connecting pathways, as shown on the endorsed plans, must be completed to the satisfaction of the responsible authority.

Hours of Operation

19. The leisure and recreation use may only be open to the public between the following hours:
- a) Between the 1st December and the day preceding the 1st March inclusive, except Christmas Day: 8.30am – 8.30pm daily
 - b) On any other day, except Christmas day: 8.30am – 7.00pm daily, or until sunset whichever comes first
 - c) Days of declared Extreme and Code Red fire danger: closed
20. Emergency maintenance may be undertaken at any time.

Amenity

21. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
22. All rubbish bins must have self-closing lids and/or be designed to withstand the effects of wind and access by birds, vermin and foxes.
23. External lighting must be designed, baffled and located, so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

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24. Sound amplification equipment or loud speakers must not be used in outside areas. Any music noise must comply with SEPP No. N-2 (Control of Music Noise from Public Premises).

Barbeques and fireplaces

25. No barbeques or fireplaces are to be installed and used at the land in association with the outdoor recreation facility.

Environmental Weeds

26. No environmental weeds as identified in “Environmental weeds: Invaders of the Surf Coast” booklet shall be planted on the site or allowed to invade the site and the site managed and maintained to exclude weeds.

Biodiversity

27. In order to offset the removal of 0.146 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 scoring manual as outlined in the report prepared by Ecology & Heritage Partners dated March 2016.

The offset must:

- a) contribute gain of 0.046 general biodiversity equivalence units
 - b) be located within the Corangamite CMA boundary or Surf Coast Shire Council
 - c) have a strategic score of at least 0.259
28. Vegetation removal and disposal must not cause damage to vegetation stands to be retained.
29. Non-native animals such as dogs and cats are not allowed to be taken onto the site at any time.

On Site Wastewater Management

30. Before the use commences, waterless composting toilet systems must be installed on the site to meet the specifications outlined in the installation manual for Clivus Multrum zero-discharge system and to a capacity that is capable of accommodating the projected visitation numbers.

Cultural Heritage Management

31. The use and development of the site must operate in accordance with the Cultural Heritage Management Plan prepared for the site.

Country Fire Authority conditions

Construction

32. Buildings must be designed and constructed to a minimum Bushfire Attack Level of BAL-29 in accordance with AS3959-2009.

Defendable space management

33. Defendable space must be managed to the following standards during the declared fire danger period:
- a) Grass must be short cropped and maintained.
 - b) All leaves and vegetation debris must be removed at regular intervals.
 - c) Within 10 metres of a building, flammable objects must not be located close to vulnerable

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parts of the building.

- d) Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- e) Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- f) Trees must not touch any elements of the building.
- g) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water supply

- 34. At least 10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:
 - a) Is stored in an above ground water tank constructed of concrete or metal.
 - b) All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - c) Incorporate a ball or gate valve (British Standard Pipe (BSP)) 65mm and coupling (64mm CFA 3 thread per inch male fitting).
 - d) The outlet of the water tank must be within 4 metres of the accessway and be unobstructed.
 - e) Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA must be provided.
 - f) Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling).

Access

- 35. Where the length of access is greater than 30 metres the following design and construction requirements apply:
 - a) Curves must have a minimum inner radius of 10 metres;
 - b) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50 metres;
 - c) Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle;
 - d) A load limit of at least 15 tonnes and be of all-weather construction;
 - e) Provide a minimum trafficable width of 3.5 metres;
 - f) Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically;
- 36. Where the length of access is between 100 metres and 200 metres, a turning area for fire fighting vehicles must be provided close to the building in the form of a turning circle with a minimum radius of 8 metres.
- 37. Where the length of access is greater than 200 metres, passing bays must be provided at least every 200 metres.
- 38. Passing bays must be a minimum of 20 metres long and have a minimum trafficable width of 6 metres.

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Expiry of Permit

39. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit
- b) The development is not completed within four years of the date of this permit
- c) The use is not started within two years after the completion of the development
- d) The use is discontinued for a period of two years.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C116 to the Surf Coast Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.