

Planning and Environment Act 1987

Panel Report

**Surf Coast Planning Scheme Amendment C116 and
Planning Permit Application 16/0172**

Livewire Park

Front page

2 February 2017

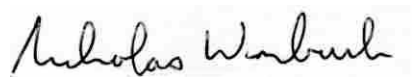
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Panel Report pursuant to section 25 and 96E of the Act

Surf Coast Planning Scheme Amendment C116 and Planning Permit Application 16/0172

Livewire Park

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Nick Wimbush, Chair

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1 Introduction

1.1 The Amendment and planning permit application

(i) Amendment description

Livewire Park Pty Ltd (the proponent and permit applicant) has requested Surf Coast Shire Council (the planning authority and responsible authority) prepare a planning scheme amendment to facilitate the use and development of land at 180 Erskine Falls Road, Lorne for an outdoor tree top adventure park. As described in the Explanatory Report the Amendment proposes to:

Amend the schedule to Clause 52.03 'Specific sites and Exclusions' to reference land at 180 Erskine Falls Road, Lorne and list the incorporated document 'Livewire Park, Tree Top Adventure Facility, 180 Erskine Falls Road, Lorne, April 2016'. This is to enable a planning permit application to be considered for the use and development of an Outdoor recreation facility at the site, as the proposed use is prohibited under the current zone (RCZ).

Amend the Schedule to Clause 81.01 to include 'Livewire Park, Tree Top Adventure Facility, 180 Erskine Falls Road, Lorne, April 2016' as an incorporated document.

The site is shown in Figure 1.



Figure 1 The site

(ii) Planning permit application

A planning permit application was submitted concurrently under s96A of the *Planning and Environment Act 1987* (the Act). The application seeks approval for the use and

development of land for an Outdoor recreation facility (tree top adventure park) and the removal of native vegetation.

(iii) The site and proposal

The site is approximately four hectares, and fronts Erskine Falls Road on the southern boundary. It abuts formed tracks and an electricity easement on the northern and eastern boundary. The site is covered by a dense tall tree canopy (mostly Blue Gum and Mountain Grey Gum) of varying quality.

A number of dwellings are located approximately 250 metres north of the site on lots of 1.5 to 2.5 hectares within a bushland setting. The Lorne Industrial Estate is approximately 200 metres to the east. Bushland to the west and south of the site, is also in the Rural Conservation Zone (RCZ).

The proposal is described in the Council minutes of 28 June 2016 as:

... a ropes adventure course within the established tree canopies across the site enabling people to zip line and walk between tree canopies. The proposal involves the attachment of cables and platforms to the trees ... Associated infrastructure and facilities include an office building, amenities building with toilets and change rooms, parking for 61 cars and a shuttle bus, vehicle access loop track, off-grid solar panel system, waterless composting system and a 160,000 litre water tank ...

1.2 Panel process and submissions

The Amendment was placed on exhibition between 4 August and 5 September 2016, with a total of nine submissions received as shown in Table 1.

Table 1 Submitters to the Amendment

No.	Submitter
1	Leanne Pocock
2	Peter Smith
3	VicRoads
4	Southern Rural Water
5	Barwon Water
6	Corangamite Catchment Management Authority (Corangamite CMA)
7	Deborah Heaysman
8	Department of Environment, Land, Water and Planning (DELWP)
9	Powercor

Of the agency submissions, VicRoads, Southern Rural Water, Barwon Water and the Corangamite CMA did not object to the Amendment or permit application.

DELWP in its initial response of 19 September 2016 raised a number of issues and expressed concern that the application did not provide enough information on the “...*potential impacts on native vegetation, biodiversity and Crown land*”. DELWP sought further information and in correspondence dated 29 November 2016 offered no objection, subject to recommended planning permit conditions

Powercor responded with a set of recommended permit conditions related to power supply. As the project will be ‘off-grid’ these permit conditions have not been considered further.

Three individual submissions objected to the Amendment and permit application. In summary the issues raised were:

- Inconsistency with the purpose of the RCZ
- Precedent for development with the RCZ in other areas
- Treatment of storage and wastewater
- Insufficient traffic management measures and car parking
- Visual and amenity impacts
- Impacts on the natural watercourse, vegetation and wildlife
- Bushfire risk.

At its meeting of 13 December 2016, Council resolved to refer the submissions to a Panel. Mr Nick Wimbush was appointed as the Panel under delegation from the Minister for Planning on 15 December 2016.

A Directions Hearing was held in Torquay on 9 January 2017. Prior to the Directions Hearing Mr Wimbush made an unaccompanied inspection of the subject site and surrounds.

As no objectors attended the Directions Hearing or requested to be heard, the Panel directed that the matter be conducted ‘on the papers’.

The Panel sought and received additional responses in writing from Council and the Proponent on:¹

- Precedent of a site specific use within the RCZ
- Traffic and access
- Wastewater management
- Permit conditions.

The issues raised by objectors are considered in the following chapters.

¹ The Panel sought, and has sighted, a copy of the Amendment authorisation and Cultural Heritage Management Plan approval.

2 The Amendment and planning context

2.1 The issue

A comprehensive review of the State and local planning policies in support of the Amendment and permit application are provided in the Explanatory Report and the planning background report prepared for the proponent by the 10 Consulting Group dated April 2016. The Panel has reviewed these policies in detail and accepts in principle that the use proposed should be supported.

The issue raised in the objections is whether such a site specific approach should be pursued; and more particularly, does it give rise to the expectation that other prohibited uses may be sought on a site specific exemption basis, perhaps in other areas of the Shire such as at Bells Beach.

2.2 Submissions

Objecting submitters considered that the Amendment is not strategically justified. Ms Pocock stated that the land, which is located in the RCZ, should be protected from development. Ms Heaysman stated that an adventure park should be in a Rural Activity Zone (RAZ). Mr Smith made similar submissions in relation to the zone.

Council was of the view that the Amendment will not set a precedent for other land in the Lorne hinterland that is zoned RCZ. Council noted that nature based tourism proposals are encouraged in the Lorne hinterland through the Municipal Strategic Statement subject to consideration of environmental, landscape and cultural values.

Council stated that a site specific rezoning is required because Leisure and recreation (other than Informal outdoor recreation) is a prohibited use in the RCZ.²

The Applicant's position is that the Amendment and permit application relate to a site specific proposal that has undergone comprehensive assessment. The approval of the Amendment and permit application would not set any precedent for the RCZ in the Lorne hinterland as other proposals would still need detailed site specific assessment.

2.3 Discussion and conclusion

The Panel considers that the Amendment, for a ropes adventure course within the existing tree canopy, is strategically justified and consistent with state and local planning policies. The proposal provides a nature based tourism use that is consistent with protecting the environment and providing for sustainable land management. The proposal will fit within its surrounds and is an appropriate land use and development outcome for the area.

The broader issue of why such a use is a Section 3 Prohibited use in the RCZ is beyond the scope of this Panel's consideration and the Panel notes that Council has pursued the issue with the State Government.

² **Outdoor recreation facility** is nested within **Leisure and recreation** in Clause 75.06 of the planning scheme. Council noted it has pursued seeking discretion for this type of use in the RCZ without success at Victoria Planning Provisions level with the State Government.

As it stands, an amendment is needed if a proposal such as this is to be supported. Council could have sought a rezoning or, as they have done, pursued a site specific exclusion under Clause 52.03. The Panel considers that the approach adopted is sound, as there is no desire to change the underlying relatively restrictive zoning given the site's treed location on the edge of the Lorne township.

The remaining issue is whether the Amendment will set a precedent for other areas of the Lorne hinterland. The Panel is not concerned in relation to this issue. Other proposals may arise but they, as for this proposal, will need to be considered on their merits. It is not a 'tick a box' effort to achieve such an amendment. A review of the reports supporting this proposal suggest that is a significant investment in time, effort and money to bring such an amendment and application forward.

Positive consideration of similar proposals in the RCZ will require an appropriate site, significant investigation of the policy framework, and consideration of other issues such as fire, environmental matters, infrastructure and others. That the Livewire Park is being supported in this case does not give other proposals a head start along a difficult path.

The Panel considers the Amendment has significant planning support and should be adopted.

3 Planning permit assessment

3.1 Overall assessment

(i) Background

The planning permit application seeks permission to use and develop the land for an Outdoor recreation facility and removal of native vegetation.

As a planning permit under s96 of the Act, the permit is considered against the planning controls introduced by the Amendment, in this case Amendment C116. The only purpose of Amendment C116 is to allow a permit for the proposal and it makes no other changes of substance to the planning scheme.

(ii) Planning scheme provisions

The Council officer report of 13 December 2016 undertakes a comprehensive assessment of the permit application including consideration of:

- Permit triggers in zones, overlays and particular provisions
- A review and assessment against state and local planning policies
- Consideration of referral authority comments
- Consideration of third party objections
- Assessment of key issues.

The report concludes in part:³

On balance the application is considered to result in an outcome that is strongly supported by state and local planning policy and will result in net community benefit by making a positive contribution to the growth and sustainability of the Lorne visitor economy and experience.

(iii) Discussion and conclusion

The Panel has reviewed Council's assessment of the planning permit application and is not going to repeat that thorough piece of work here. The Panel is satisfied that the assessment is sound and that a permit should be granted.

Nothing in the objections substantially challenges the merits of the application and the comments of relevant agencies have been thoroughly considered and incorporated. The Panel is satisfied any residual issues can be managed through the application of appropriate permit conditions and these are shown in Appendix A.

Specific issues raised in objections and submissions are considered below.

³ At page 16 of 19.

3.2 Traffic

(i) The issue and submissions

Objectors raised the following issues in relation to traffic suggesting:

- There is not enough car parking in relation to the expected number of visitors
- The latest data has not been used in traffic management planning and therefore the traffic report is flawed.

No further information was provided in support of the submissions.

Council stated that the traffic assessment confirms that the road can readily accommodate the expected level of traffic.

In its submission in response to a question from the Panel, Council responded that the Cardno traffic report stated that the observed speeds are well below the speed limits⁴ due to the bends in the road. Council may consider reviewing the 85th percentile vehicle speed limits in this location if safety becomes an issue in the future.

Council recommended some minor changes to the planning permit conditions relating to traffic. These were supported by the applicant and are included in the recommended permit conditions in Appendix A.

The applicant concurred with Council in relation to speed limits, and noted that VicRoads has not objected to the proposal or requested a condition to lower the speed limit of Erskine Falls Road. However, the applicant indicated it would support Council making an application to VicRoads to lower the speed limit within this part of Erskine Falls Road.

(ii) Discussion and conclusion

The traffic report has determined the level of on-site car parking required and improvements to site access and this has not been challenged in any significant way in the objections. The Panel has reviewed the Cardno Report and considers the approach they have taken to calculating parking demand is reasonable given Clause 52.06 of the planning scheme does not provide a specific figure for this use.

The Panel notes that VicRoads has not objected or required permit conditions.

The Panel considers that any outstanding traffic and parking issues can be managed through permit conditions as shown in Appendix A.

3.3 Effluent disposal

(i) The issue and submissions

The proposal will not be connected to sewer and is relying on a composting, zero discharge waste disposal system.

⁴ Currently posted at 100km/h at the site entrance on Erskine Falls Road.

In his objection Mr Smith raised issues in relation to the treatment of wastewater and the potential impact on watercourses but did not provide any detail as to the specific nature of his concerns or whether the system proposed will work on this site.

In response to a written question from the Panel, Council submitted that it is satisfied with the proposed composting toilet system and that its capacity is suitable for the proposed use.

The applicant provided examples of where the proposed system is being successfully used elsewhere in Victoria. They supported the planning permit condition requiring the installation of the composting units to specification to the satisfaction of the responsible authority.

(ii) Discussion and conclusion

No details or evidence was provided as to why the composting toilet system might not work or might result in impacts on local waterways. The Panel is satisfied that the proposed system should be sufficient to meet the 'zero discharge' objective for wastewater; thus there should be no impact on local waterways.

The Panel notes that there were no objections from regulatory agencies in the wastewater and catchment management area.

3.4 Native vegetation

(i) The issue and submissions

The proposal will require the removal of six trees within the footprint of development and will impact 1.302 hectares of native vegetation on site.⁵ The vegetation to be removed/impacted will require offsets under the provisions of Clause 52.17 of the planning scheme.

DELWP in its original submission raised a number of concerns in relation to native vegetation removal but these have been allayed following further work and consultation with the applicant and Council. DELWP no longer objects subject to the application of permit conditions.

Mr Smith and Ms Heaysman in objections submitted they were concerned about the loss of native vegetation.

(ii) Discussion and conclusion

Some native vegetation will be lost from the site as part of development in addition to vegetation that has already been removed on site for fire protection.

The Panel is satisfied that an appropriate level of assessment of vegetation loss has been undertaken, and that the losses can be offset via processes to be managed through planning permit conditions. The Panel notes that DELWP is comfortable with this approach.

⁵ Council officer report to Council meeting of 13 December 2016.

3.5 Fire protection

(i) The issue and submissions

Objectors raised the issue of fire protection, suggesting that the proposal does not take into account the high bushfire risk in the area.

The applicant commissioned a Bushfire Management Statement from Terramatrix which concluded, in part, that the proposal is in an extreme bushfire risk area and that:⁶

The safest approach for the use of the site as a ropes adventure course by up to 105 persons is to prevent its use on days of elevated bushfire threat and provide for the ready evacuation of the site in the event of bushfire on days of lesser fire danger.

The Council officer report of 13 December 2016 noted:⁷

The site is not expected to be protected from the effects of a large landscape scale bushfire given the surrounding forest and topography.

A Bushfire Emergency Management Plan is to be prepared to provide the detail of preparation and response to fire incidents.

The Country Fire Authority (CFA) did not initially respond to the Amendment and permit application when exhibited, but discussions were held with Council and the applicant post the Directions Hearing. In correspondence dated 20 January 2017, the CFA provided a list of permit conditions to apply to the planning permit.

(ii) Discussion and conclusion

It is clear that the site is in an area of extreme bushfire risk. The Otway Ranges have a long history of significant fire including the Christmas fire in Wye River in 2015.

For this proposal, however, the Panel is satisfied that the risk to clients and staff at the ropes course can be managed. The approach to be pursued is clearly a precautionary one based on a mix of fire prevention on site, appropriate building and construction standards and vegetation management, but primarily utilising a risk based approach to use.⁸

The Panel is satisfied that the risk of bushfire can be managed to an acceptable level through the planning permit conditions proposed.

The Panel notes that the CFA conditions request a maximum grade of no more than 1:5, while the Cardno traffic report indicates the internal access road at some points reaches 1:4. This is an issue that will need to be resolved through final project design. The Panel notes that the CFA requirements can be modified via agreement and in the Panel's view it is not fatal to the application.

⁶ Terramatrix Bushfire Management Statement, March 2016, Page 25.

⁷ At page 17 of 19.

⁸ For example not using the facility on Extreme and Code Red days.

3.6 Other issues

The objectors Mr Smith and Ms Heaysman raised a number of other issues such as the impact of structures and buildings in the rural landscape and noise. The Panel has inspected the site and notes it slopes steeply up from Erskine Fall Road in a heavily treed environment. At most there will be glimpses of any structures and these issues do not give the Panel any cause for concern. Given the proposed operating hours, the Panel does not consider noise will be an issue.

4 Recommendations

Based on the reasons in this report the Panel recommends:

1. **Adopt Surf Coast Planning Scheme Amendment C116 as exhibited.**
2. **Grant Planning Permit 16/0172 with the conditions as shown in Appendix A to this report.**

Appendix A Recommended planning permit

Panel Note: Page 11 of 11 of the permit conditions is administrative only and has not been included for the purposes of this report.

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 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/or Australian Standard AS2890.1-2004 as close as practicable, or otherwise alternate appropriate gradients, 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 and/or Australian Standard AS2890.1-2004, or otherwise alternate appropriate dimensions, to the satisfaction of the responsible authority;
 - 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

Date issued:

Date permit comes into operation:

Signature for the responsible authority:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

52.06-8 of the Surf Coast Planning Scheme;

- vi. Car parking spaces located and/or designed 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) Defined tracks to the landings and platforms, which may either be regularly slashed tracks or more formally constructed pathways.

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 Addendum 1 to Arboricultural Assessment Report prepared by Otto Leenstra and Associates, dated 25 October 2016 and with the Biodiversity Assessment prepared by Ecology and Heritage Partners, dated November 2016 and show:
 - a) The location of all buildings, stations, ropes courses, zip lines, pedestrian pathways, accessways and car parking spaces;
 - b) The identification of a range of zones across the site that are managed according to defined purposes – comprising conservation areas, revegetation areas, firebreaks, pedestrian tracks, defendable space, and Tree Protection Zones;
 - c) 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;
 - d) The Planting Schedule based on species selected from EVC 45: Shrubby Foothill Forest;
 - e) Details of any fencing proposed along property and internal boundaries. Any fencing must be visually permeable (e.g. post and wire) and enable the movement of small native fauna;
 - f) Construction details of proposed pathways. Pathways should be permeable or elevated where sited within the Structural Root Zone of trees, or regularly slashed tracks;
 - g) Measures for the protection and ongoing management of all trees impacted by the use and development permitted by this permit, including trees used for the ropes courses and zip lines, and trees within and adjacent to areas set aside for vehicle access, car parking, pedestrian pathways/tracks, buildings, water tank and solar panels (this may be by reference to the aforementioned Arboricultural assessment reports).

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.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

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 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;
 - j) measures to ensure that during construction, vehicles, machinery and equipment, and construction materials including fill brought to the site are free of weeds and pathogens to prevent the introduction and spread of weeds and pathogens, in particular Cinnamon Fungus (*Phytophthora cinnamomi*).
- 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. Adequate 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.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

8. The bus parking area must be provided on the land in accordance with the requirements of the Cardno report, dated 12 April 2016, or otherwise an appropriate alternate design, 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;
 - 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 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.

Tree Protection and Biodiversity

13. 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 and Addendum 1 to Arboricultural Assessment Report prepared by Otto Leenstra and Associates, dated 25 October 2016.
14. During construction works:
 - a) the areas within the tree protection zones must not be used for any other purpose,

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

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.
15. 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.
16. Vegetation removal and disposal must not cause damage to vegetation stands to be retained.
17. Non-native animals such as dogs and cats are not allowed to be taken onto the site at any time (except guide and assistance dogs recognised under relevant legislation).

Completion of Landscaping

18. 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

19. 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

20. 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) Notwithstanding parts a) and b) the use must be closed to the public on days of declared Extreme and Code Red fire danger;
 - d) The use must be closed on Christmas Day.
21. The hours of operation shall be clearly displayed at the entrance to the site to the satisfaction of the responsible authority.
22. Emergency maintenance may be undertaken at any time.

Amenity

23. 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;

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
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- d) Presence of vermin.
- 24. 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.
- 25. 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.
- 26. Noise levels emanating from the premises must comply with the requirements of the *Guidelines: Noise from Industry in Regional Victoria*, EPA Publication 1411.
- 27. 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) to the satisfaction of the responsible authority.

Barbeques and fireplaces

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

Environmental Weeds

- 29. 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.

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 to the satisfaction of the responsible authority.

Cultural Heritage Management

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

Country Fire Authority conditions

Bushfire Emergency Management Plan

- 32. 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.

Construction

- 33. The Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2 must be designed and constructed to a minimum Bushfire Attack Level of BAL-29 in accordance with AS3959-2009.

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Defendable space management

34. Defendable space generally in accordance with the dimensions identified at Map 3 of the Bushfire Management Statement by Terramatrix dated 28 April 2016 must be managed to the following standards during the declared fire danger period:
- a) Grass must be short cropped and maintained;
 - b) As far as practicable, all leaves and vegetation debris must be removed at regular intervals.;
 - c) Within 10 metres of the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2, flammable objects must not be located close to vulnerable parts of the building;
 - d) Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres;
 - e) Trees must not touch any elements of the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2;
 - f) There must be a clearance of at least 2 metres between the lowest tree branches and ground level;
 - g) Branches overhanging the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2 are to be either removed or if any overhanging tree branches are proposed to be retained, the trees with overhanging branches must be subject to an annual inspection and report by a suitably qualified arborist to ensure their structural integrity and minimise the risk of failure in the event of strong winds associated with a bushfire and the possibility of damage from branches falling on the buildings.

Water supply

35. 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) The outlet of the water tank will be located remotely from the tank and within 4m of the accessway and be unobstructed;
 - c) All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal;
 - d) Incorporate a ball or gate valve (British Standard Pipe (BSP)) at least 65mm and coupling (64mm CFA 3 thread per inch male fitting);
 - e) Piping between the tank and the outlet will be minimum class 16 with a minimum internal diameter of 100mm;
 - f) The tank outlet/riser shall be suitably supported for any stresses, loads, sway imposed on the system. The riser support/s and components shall be corrosive resistant metal (no combustible materials);
 - g) Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA;
 - h) The area around the tank outlet/riser shall be maintained clear of vegetation up to a distance of 1 metre all around;
 - i) The applicant will need to provide evidence (e.g. hydraulic calculations) showing that their particular installation will provide at least equivalent water delivery to the appliance pump as if the appliance was connected to the tank outlet itself.

All to the satisfaction of the CFA and responsible authority.

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Access

36. 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; and
 - f) Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.

These requirements may be varied to the satisfaction of the CFA and the responsible authority.

37. Where the length of access is between 100 metres and 200 metres, a turning area for fire fighting vehicles must be provided in the form of a turning circle with a minimum radius of 8 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority.
38. Where the length of access is greater than 200 metres, passing bays must be provided at least every 200 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority.
39. Passing bays must be a minimum of 20 metres long and have a minimum trafficable width of 6 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority.

Mandatory condition

40. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Department of Environment, Land, Water and Planning conditions

41. Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 5 metres from retained native vegetation or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of any tree. The fence must be constructed of chain mesh or similar to the satisfaction of the responsible authority.
42. The fence must remain in place until all works are completed to the satisfaction of the responsible authority.
43. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) vehicular or pedestrian access;
 - b) trenching or soil excavation;

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- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) entry and exit pits for underground services;
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
44. To offset the removal of 1.302 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:
- a) have a general offset of 0.264 general biodiversity equivalence units;
 - b) be located within the Corangamite Catchment Management Authority boundary or Surf Coast municipal district; and
 - c) have a strategic biodiversity score of at least 0.263.
45. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority.
46. The offset evidence can be:
- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or
 - b) an allocated credit extract from the Native Vegetation Credit Register.
47. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
48. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. At the conclusion of the project, offset requirements can be reconciled with agreement by the responsible authority.
49. In the event that a security agreement is entered into as per the preceding conditions, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
50. Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the *Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements* (CFA 2012).

Expiry of Permit

51. 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.

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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.

Date issued:

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Signature for the responsible authority:

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