



P O Box 350, Torquay, Victoria 3228
1 Merrijig Drive, Torquay
Telephone (03) 5261 0600
Facsimile (03) 5261 0525

Notice of Decision to Grant a Permit

Planning scheme: **SURF COAST PLANNING SCHEME**
Responsible authority: **SURF COAST SHIRE COUNCIL**

Address of the land:

**3-9 & 15 Ocean Road South, Part of 45 Ocean Road
South & Part of 137 Mountjoy Parade, Lorne**

**Crown Allotment 14 and 15 Section 5, Crown
Allotment 2027, Part Crown Allotment 16 Section 5
and Part Crown Allotments 26B and 2004 all of the
Township of Lorne, Parish of Lorne**

What will the Permit allow:

**Use of the land for place of assembly (Lorne Aquatic
and Angling Club), restaurant and informal outdoor
recreation; construction of buildings and works;
business identification signs; reduction of standard
car parking requirements; alteration of access to a
road in Road Zone Category 1 and removal of native
vegetation**

Application Number:

18/0508

The responsible authority has decided to grant a permit. The permit has NOT been issued.

What will the conditions of the permit be?

Amended Plans

1. Before the development starts and in conjunction with the submission of plans required by Condition 41, 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 submitted to the responsible authority on 16 June 2020 but modified to show:
 - a) Constructed car parking for 75 cars and 4 long vehicle parks
 - b) The car parking spaces and associated accessways south of the existing public toilet building to be sealed or other suitably durable surface
 - c) Delete the Entry Marker & Site Signage from plan 01 Site Context Proposed Site & Landscape Plan
 - d) Detailed lighting design. Lighting is to be unobtrusive in design and intensity
 - e) A detailed schedule of external materials, finishes and colours of all proposed buildings. The external appearance must be generally in accordance with that shown in the application plans.

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- f) Details of the retaining wall required to be constructed by the approved Cultural Heritage Management Plan for the site
- g) Details of boat washing and fish cleaning facilities not included within a building

Endorsed plans

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

Landscape Plans

- 3. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority after consulting with the Country Fire 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 landscaping plan must show:
 - a) Details of surface finishes of pathways and driveways
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - c) Existing vegetation to be retained and removed
 - d) Landscaping of areas disturbed during construction
 - e) Plant species selection and siting which complies with defensible space requirements of the endorsed Bushfire Management Plan and considers the site as a potential Neighbourhood Safer Place including the *Neighbourhood Safer Place – Bushfire Place of Last Resort Assessment Guidelines* (CFA, June 2016)
 - f) Measures to prevent encroachment of the upper lookout access path by vehicles using the overflow parking area
 - g) New planting within the overflow parking area located to maximise the area available for vehicle parking

All species selected must be 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.

Stormwater Management Plan

- 4. Before the development starts, a stormwater management plan (SWMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. The stormwater system should be designed to:
 - a) Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
 - b) Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

When approved, the plan will be endorsed and will then form part of this permit.


Construction Management Plan

- 5. Before the development starts, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The construction management plan must describe how the site will be managed prior to and during the construction period and set out requirements for managing:
 - a) Erosion and sediment

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- b) Stormwater
- c) Litter, concrete and other construction wastes
- d) Chemical contamination
- e) Construction vehicles arriving at, queuing, and departing from the land
- f) Private vehicles of workers/ tradespersons
- g) Noise
- h) Dust
- i) Public access

When approved, the plan will be endorsed and will then form part of this permit.

Parking Management Plan

6. Before the development starts, a Parking Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved the plan will be part of the documents endorsed as part of this planning permit. The plan must:
- a) Document the management of the overflow parking area, including the trigger points for making the area available, how this will be managed and who will be responsible
 - b) Identify preferred location/s for staff parking
 - c) Include measures to encourage non-car based travel to and from the site

The Parking Management Plan must be implemented to the satisfaction of the Responsible Authority.

Waste Management

7. In conjunction with the submission of plans in accordance with Condition 1, a Waste Management Plan prepared by a suitably qualified consultant, must be submitted to the satisfaction of the Responsible Authority. The amended Waste Management Plan must:
- a) Estimate waste generation volumes from each use
 - b) Waste storage requirements
 - c) Collection regime
 - d) Assess the movement of bins from storage location to collection point for safety and convenience and make recommendations as necessary

The requirements and outcomes of the amended Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

Once submitted to and approved by the Responsible Authority, the Waste Management Plan must form part of the documents endorsed as part of this planning permit.

The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

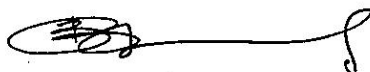
Car parking

8. A minimum of 75 constructed car spaces must at all times be provided on the subject site and made available for the use by staff and patrons of the use to the satisfaction of the Responsible Authority, unless agreement is reached with the Responsible Authority for alternative provision of these spaces. The number, design, layout and construction of the spaces must be to the satisfaction of the Responsible Authority. Unconstructed overflow car parking in the area shown on the endorsed plans must also be maintained and made available in accordance with the approved parking management plan.

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9. Before the use starts, the area set aside for constructed car parking and associated accessways as shown on the endorsed plans must be constructed in accordance with the endorsed plans and must be, to the satisfaction of the responsible authority:
- a) Properly formed to such levels that they can be used in accordance with the plans
 - b) Drained
 - c) Marked to indicate each car space and all accessways
 - d) Clearly marked or signed to show the direction of traffic along accessways and driveways

Amenity

10. Before the occupation of the approved buildings, odour filters must be installed to any kitchen area to the satisfaction of the responsible authority and thereafter maintained to control cooking odours, fumes and smoke so as to prevent the emission of odours outside the premises to the satisfaction of the responsible authority.
11. Music noise levels from the premises must comply with the requirements of the State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2. Live music entertainment must not be provided.
12. Noise emissions from the premises must comply with Noise from Industry in Regional Victoria (EPA Publication 1411) to the satisfaction of the responsible authority.
13. No sound amplification equipment or loud speakers shall be used for the purpose of playing of music or broadcasts external to the building unless the prior written consent is obtained from the responsible authority for a specific occasion.
14. 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.
15. Odours offensive to the senses of human beings must not be discharged or emitted beyond the boundaries of the premises.
16. Nuisance dust and/ or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
17. All bins and receptacles shall be maintained in a clean and tidy condition and free from offensive odour.

Completion of development

18. Before the use of the land commences the development including car parking, stormwater management facilities and landscaping must be completed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscaping

19. 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.


Native vegetation

20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. To offset the removal of 0.123 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the 'Guidelines for the removal, destruction or logging of native vegetation' (DELWP 2017) as specified below:
- a) A general offset of 0.059 General Habitat Units with the following attributes:
 - i. Be located within the Corangamite Catchment Management Authority boundary or Surf Coast Shire municipality, and

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- ii. Have a strategic biodiversity score of at least 0.216
22. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of responsible authority. 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.
23. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. 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.
24. In the event that a security agreement is entered into as per condition 3, 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.
25. 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 (CFA 2012).
26. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with tape or temporary fencing to the satisfaction of the responsible authority.
27. There must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained. All storage sites must be restricted to existing cleared areas, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.

Storage

28. No goods may be stored or left exposed outside a building so as to be visible from any public land.

Bushfire management

29. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible 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.

Use – Place of assembly (Lorne Aquatic and Angling Club)

30. Except with the further written approval of the responsible authority, the place of assembly may only be occupied by the Lorne Aquatic and Angling Club.
31. The place of assembly may only operate between the following hours:
 - a) Monday to Saturday 7:00am to 10:00pm
 - b) Sunday 7:00am and 8:00pm
32. The maximum number of patrons permitted in the place of assembly (indoors and outdoors) is 200 unless the prior written consent is obtained from the responsible authority for a specific occasion.

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33. The place of assembly must not be used as a function centre, but does not prohibit a function or event conducted by the Lorne Aquatic and Angling Club or an event that has been authorised by the public land manager.
34. The place of assembly must not be used for gaming.

Use – Restaurant

35. The restaurant may only operate between the hours of 7:00am and 11:00pm.
36. The maximum number of patrons permitted in the restaurant (indoors and outdoors) is 160.
37. The restaurant must not be used for private functions, except where the serving and consumption of meals prepared on the premises remains the predominant activity.
38. Tables and chairs must be placed in position on the premises so as to be available for at least 75% of the patrons attending the premises at any one time.

Advertising signs

39. Before a sign is displayed, 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 submitted with the application but modified to show:
- a) The dimensions, materials, colours and content of the sign.
40. The location and details of a sign, as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
41. A sign must not be illuminated by external or internal lights.
42. A sign must be constructed and maintained to the satisfaction of the responsible authority.
43. The approval granted by this permit for the display of a sign will expire when the land ceases to be used for the purpose which the sign advertises.

CFA required conditions

Bushfire Management Plan

44. The Bushfire Management Plan (BMP) prepared by Regional Planning and Design Pty Ltd, Figure 12 of the Bushfire Management Statement, dated July 2018 and submitted to CFA with the application must be amended to show 10,000lt of water supply with compliant access to the outlet for both the Beacon building and the Angling Club. Once amended the BMP must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.


Bushfire Emergency Plan

45. Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be developed for the site in consultation with the Municipal Fire Management Planning Committee which is to the satisfaction of the responsible authority and CFA must be submitted to and approved by the responsible authority upon the advice of CFA. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The BEP must clearly describe the proposed emergency management arrangements across the site including for individual buildings and occupancies; and should address the following matters:
- a) Premises details
- Describe property and business details.
 - Identify the purpose of the BEP stating that the plan outlines procedures for managing the site in the event of fire.
- b) Review of the BEP

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- Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
- Include a *Version Control Table*.
- c) Roles & Responsibilities
 - Detail the responsibilities for implementing emergency procedures in the event of a fire for the whole site and the individual buildings.
- d) Emergency contact details
 - Outline organisation/position/contact details for emergency services personnel
- e) Detail procedures for monitoring and responding to fire
- f) Detail trigger points and actions that include consideration of:
 - i. Actions prior to the Fire Danger Period
 - Describe on-site training sessions and fire equipment checks.
 - Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).
 - Closure of site or individual building and occupancies
 - ii. Evacuation of the site or of individual buildings and occupancies
 - iii. Sheltering on site or in individual buildings and occupancies

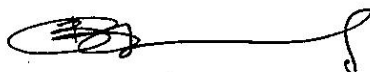
Amended Plans

46. Before the development starts, amended plans to the satisfaction of the responsible authority and the CFA must be submitted to and approved by the responsible authority on the advice of the CFA. 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 submitted with the application prepared by Searle Waldron Architecture Issue 2 dated 14/02/2019 but modified to show:
- a) The entire boardwalk subfloor including supports, framing and decking materials to be of non-combustible materials or suitable composite timber.
 - b) External cladding materials for the Beacon building and Angling building to be non-combustible or other material to the satisfaction of CFA.
 - c) For the Beacon building and Angling building, a minimum 400mm chamfered and non-combustible plinth is to be located at the base of any fixed glazing, timber cladding and timber battens.
 - d) For the Beacon building and Angling building all fascia's and edge beams to be non-combustible materials.
 - e) The Beacon building exposed external ceiling to be of non-combustible materials or bushfire resistant timber as outlined in Appendix F of AS3959-2018.
 - f) The Beacon building to have a minimum 400mm high non-combustible material located at the base of the skylight where immediately above a horizontal roof or surface.
 - g) The entire lookout subfloor including supports, framing plus decking materials and stairs to be of non-combustible materials.
 - h) The Angling building external area subfloor, including supports, framing and decking materials to be of non-combustible materials.
 - i) The Beacon building and Angling building to have aluminium framed glazing.

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VicRoads required condition

47. Driveway and access point to the Great Ocean Road must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

Expiry

48. 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 of the date of this permit
- d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987

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Information about this **NOTICE OF DECISION**

What has been decided?

The responsible authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

What about reviews?

For the applicant

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an Objector

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within **28** days of the date of this notice.
- If there is no application for review, a permit will be issued after **28** days of the date of this notice.

For a recommending referral authority

- A recommending referral authority may apply for review of the decision of the responsible authority
 - (a) to grant the amended permit, if that recommending referral authority objected to the grant of the amended permit; or
 - (b) not to include a condition on the amended permit that the recommending referral authority recommended.
- The application for review must be lodged within 28 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 28 days of the giving of this notice.

For all applications for review

- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form, which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

The address of the Victorian Civil & Administrative Tribunal is 55 King Street Melbourne 3000. The telephone number is 1300 018 228.