

13/08/2015
C73**SCHEDULE 2 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ2**.

APOLLO BAY HARBOUR**Purpose**

To provide for the co-ordinated redevelopment of the Apollo Bay Harbour that is consistent with an approved Development Plan.

To upgrade the boating facilities to a regional level facility in accordance with the Western Victoria Boating Coastal Action Plan (2010) and Boating Coastal Action Plan Interim Review (2013).

To accommodate port operations in new and improved facilities.

To contribute to the development and growth of regional tourism.

To ensure that the combination of uses, their overall density and the scale, character and level of development are compatible with:

- The amenity of the surrounding area.
- The skyline as seen from the northern and eastern breakwater.
- The capacity of the existing road system and any proposed modifications to accommodate an increase in traffic.
- The need to provide for ongoing commercial port operations and commercial tourism uses.

To encourage small scale commercial development that does not adversely impact retailing in the Apollo Bay shopping centre.

To provide safe and efficient vehicle, pedestrian and cycling movements and linkages between the Apollo Bay Harbour and Apollo Bay shopping centre.

To encourage a high standard of coastal urban design and architectural excellence in the public realm.

To ensure development is protected from climate change impacts such as sea level rise and storm surge.

To ensure any redevelopment is consistent with the heritage values of the precinct.

To provide for the ongoing operation of the Apollo Bay golf course.

1.013/08/2015
C73**Table of uses****Section 1 - Permit not required**

Use	Condition
Car park	Must be generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i> . Must meet the requirements of Clause 4.0.

Use	Condition
Food and drink premises (other than Hotel)	<p>Must be generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i>.</p> <p>Must not exceed 200 square metres of leasable floor area per premises.</p> <p>A Tavern must not include Accommodation.</p>
Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry, Car wash, Dry cleaner, Motor repairs and Panel beating)	<p>Must be generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i>.</p> <p>Must be directly related to harbour or marine based activity.</p>
Outdoor recreation facility	<p>Must be for a boating or sailing club and must be generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i>.</p>
Place of assembly	<p>Must be for the Aboriginal and Cultural Centre or community spaces in the harbour edge buildings generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i>.</p>
Pleasure boat facility	<p>Must be for a use associated with the Port Operations or the management of the Harbour by a public authority.</p> <p>Must be generally in accordance with an approved <i>Apollo Bay Harbour Development Plan</i>.</p>
Primary produce sales	<p>Produce must be derived from the sea.</p>
Utility installation	
Any use listed in Clause 62.01	<p>Must meet the requirements of Clause 62.01.</p>

Section 2 - Permit required

Use	Condition
Aquaculture	
Food and drink premises (other than Hotel) – if the section 1 condition is not met	<p>A Tavern must not include Accommodation.</p>
Leisure and recreation	<p>Must not be a Motor racing track or Major sports and recreation facility</p>
Market	
Office (other than Medical centre)	
Renewable energy facility	
Shop (other than Adult sex bookshop, Department store, Restricted retail premises, Supermarket)	
Zoo	<p>Must be a salt water aquarium.</p>

Section 3 - Prohibited

Use
Any use not in section 1 or 2
Accommodation
Amusement Parlour

Use

Hotel

2.0

13/08/2015
C73

Use of land

An application to use land must be accompanied by the following information, as appropriate:

- For any use that is not consistent with the approved Apollo Bay Harbour Development Plan a report must be prepared that addresses the need for the use in the harbour and demonstrates that it is consistent with the objectives for, and will not impede any use that is supported by, the approved Apollo Bay Harbour Development Plan.
- The purpose of the use and the types of activities that will be carried out.
- Plans drawn to scale showing the layout of the proposed use, including all buildings and works, landscaping and works.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of operation, light spill, and delivery and despatch of goods, materials and waste management.
- Details of all infrastructure, drainage and effluent disposal requirements.

Exemption from notice and review

An application which is generally in accordance with the Apollo Bay Harbour Development Plan approved under Clause 5.0 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

- The comments of the Department of Environment, Land, Water and Planning (DELWP) in relation to coastal land and water management issues.
- The effect of the use on the operation of the harbour.
- The effect of the use on the Apollo Bay shopping centre.
- The consistency of the use with the approved Apollo Bay Development Plan
- Whether adequate provision has been made for providing and connecting to services and utilities.
- The impact of traffic generated by the proposed use and whether any additional traffic management or traffic control works are likely to be required in the area.

3.0

13/08/2015
C73

Subdivision

A permit must not be granted to subdivide land until a Apollo Bay Harbour Development Plan has been prepared to the satisfaction of the responsible authority.

A permit granted must be generally in accordance with the approved Apollo Bay Harbour Development Plan.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

- The consistency of the subdivision with the approved Apollo Bay Harbour Development Plan.
- The effect the subdivision will have on the potential of the area to accommodate the uses supported by the approved Apollo Bay Harbour Development Plan.

4.0

13/08/2015
C73

Buildings and works

A permit is not required to construct a building or construct or carry out works for:

- The redevelopment of the Mother's Beach car park, extension of the boat ramp, the boat trailer car park and car parking associated with the Fisherman's Co-op building.
- Minor public works such as construction of pathways, trails, seating, picnic tables, drinking taps, shelters, sculptures and art work, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure provided these are in locations that are generally consistent with the Apollo Bay Harbour Development Plan.
- Dredging works undertaken by or under the authority of the relevant Harbour management authority to maintain navigable depths in existing channels or waterways and the Harbour to ensure continued access to facilities.
- Works undertaken by or on behalf of the public land manager.

A permit must not be granted to construct a building or construct or carryout works until an Apollo Bay Harbour Development Plan has been prepared to the satisfaction of the Responsible Authority.

A permit granted must be generally in accordance with the Development Plan.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A report that addresses the design guidelines of this schedule and consistency with an approved Apollo Bay Harbour Development Plan.
- Plans and elevations drawn to scale showing the location, height, colour, material and finishes of all buildings and location of public lighting to improve security and safety.
- The effect of the development on visual and landscape character.
- A traffic and parking assessment dependent on the scale of the use proposed.
- Built form and character, and the relationship of the proposed development to existing development on or near the site.
- Means of accommodating storage requirements and the effect of any outdoor storage.
- Means of providing safety and security enclosures and the effect of any fencing or enclosure.
- A Coastal Hazard Vulnerability Assessment (CHVA) that is appropriate to the scale of the development proposed.
- Commercial waste removal arrangements and infrastructure servicing.

Exemption from notice and review

An application which is generally in accordance with the approved Apollo Bay Harbour Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the development on the operation of the harbour.
- The consistency of the development with the approved Apollo Bay Development Plan.
- The impact of the development on coastal processes.
- Whether adequate provision has been made for wastewater and stormwater disposal and discharge.
- The impact of the development upon any areas of pre or post contact heritage.
- Whether adequate provision has been made for lighting to increase security for the precinct.
- The visual impact of the development when viewed from surrounding land and water.

5.0

13/08/2015
C73

Development Plan

A Development Plan may be prepared and approved in stages.

The purpose of the Development Plan is to provide a development framework upon which the Apollo Bay Harbour will be developed over the next 20-30 years.

A Locality Plan at the end of this schedule identifies key features described in this Section.

The Development Plan should include the following key projects:

- The **Harbour Precinct Entry Road Upgrade** to straighten the ‘dog leg’ south of the Fisherman’s Co-Op building and provide safer access to the Harbour.
- **Breakwater Road Upgrade** to a suitable standard to allow two-way vehicle movement with allowance for parallel parking if there is sufficient space.
- Provision or **upgrade of pedestrian/bicycle paths** throughout the harbour to include:
 - A new boardwalk along the Harbour water’s edge.
 - New linkages between the Harbour and the town centre that consider modes and capacity, environmental and cultural values and the opportunity for vistas.
 - Pedestrian access to the two breakwaters with due consideration given to public safety.
- Retain and provide for the **eastern extension of the Fisherman’s Co-Op** building for fish processing operations. The western and southern façades to be upgraded due to their high visibility to the Harbour Entry Road. Increase opportunities for public use such as tables and chairs associated with the retail fish shop and viewing area where possible.
- Construct new **Harbour Edge Buildings** located on the water’s edge south of the boardwalk which could cater for a mix of retail, hospitality, aquatic based recreation, health and wellbeing facilities and multi-use event and meeting spaces for club, community and commercial activities. The design could include:

- Use of balconies to maximise harbour views;
 - East, west and north facades to be glazed and openable to provide flexibility and views to the harbour;
 - Shading device to be provided on north facades; and
 - Provide for temporary wind protection for outdoor dining areas and use materials that are highly transparent (e.g. glass).
- Provide a **new recreational marina mooring** along the eastern breakwater wall based on appropriate mooring types.
 - Increasing the capacity of the **boat launching facility** to at least three lanes. Upgrading of the boat trailer parking area to maximise the number of parking spaces available for both trailers and vehicles including sealed pavement surfaces, linemarking, drainage, landscaping and signage. Provide a reasonable amount of non-trailer parking for other users of the precinct, such as beach goers, coastal walkers and sightseers.
 - Relocate and expand the **port operations** and **boat repair facility** to the north to provide for the pedestrian boardwalk. A Harbour Master's Office will be provided, together with new buildings for equipment storage, staff amenities and administration. Transparent fencing will be provided to enable public viewing of the working harbour. Building to be used for storage and repair of boats. Maximum building height of 7 metres. Building to be highly articulated and to demonstrate design excellence and use of high quality coastal materials. Upper level mezzanine to house Harbour Master's office where clear view of Harbour can be obtained, including space for toilets, offices and tearoom. Provide access to office directly off the western breakwater to improve safety for visitors by avoiding need to enter the boat yard.
 - A new **Sailing Club Facility** to be provided generally in its current position to provide clubrooms, race control facilities, toilets and storage space, roll-in access to the Harbour Beach and grassed surrounds for small craft laydown.
 - The potential for an **Aboriginal and Cultural Centre**. subject to a detailed business case and the support of the Aboriginal community. This centre could provide Aboriginal and cultural interpretation.
 - Provision for other commercial water based development.
 - Provide for an **extension of the eastern breakwater** by approximately 60 metres to enable safe access to the Harbour.
 - Upgrading of the **Mother's Beach car park** to maximise the number of parking spaces available. This includes a new toilet/change facility building, sealed pavement surfaces, linemarking and landscaping.
 - Retention and enhancement of **Public Open Space** within the Harbour that contributes to the use and enjoyment of the harbour and vistas to the Otway Coast. Landscape design, construction and maintenance of open space alongside the proposed built form elements must be undertaken to a high standard. The open space should be enhanced by the provision of informal spaces and connectivity that encourages informal recreational use by the public.

The Apollo Bay Harbour Development Plan should provide a precinct approach to parking provision. Parking should be provided at the following four nodes:

- Mother's Beach carpark;
- Fisherman's Co-Op;
- Boat trailer car park; and
- Breakwater Road.

The upgrading of these parking facilities will be used as justification to waive the Clause 52.06 parking requirements generated by individual projects or uses identified in the Apollo Bay Harbour Development Plan.

Supporting requirements of the Development Plan

The Development Plan will resolve a complex set of site issues and must include the following, as appropriate:

- Location of existing buildings and landscape features based on accurate cadastre showing contours to 0.2m;
- An Urban Design analysis that responds to the Development Principles and Design Guidelines in Clause 5.0 and the proposed Key Projects to ensure a coherent basis for the Development Plan and harbour development. This analysis should include internal harbour precinct design considerations and options for creating a clear visual and pedestrian link between the Apollo Bay town centre, the foreshore reserve and the harbour precinct;
- A Coastal Hazard Vulnerability Assessment (CHVA) prepared in consultation with the Corangamite Catchment Management Authority that establishes the design height of buildings to be protected from the sea level rise and storm surge impacts of climate change;
- An assessment of the operational requirements of the Apollo Bay Harbour Port Operations and the representation of these requirements on the Development Plan;
- An implementation plan that identifies how the port operations area will be redeveloped and whether this can be achieved in stages. The Plan should also address any interim measures for the Port Operations that will not undermine the ability to achieve the Development Plan outcomes for this area;
- The final design of the expanded boat ramp;
- The final designs of the Mother's Beach and boat trailer car parks;
- Pathways/pedestrian access including separation of harbour traffic from pedestrians;
- A traffic and parking assessment;
- The identification of and management of native vegetation and weed control;
- The proposed use of each building;
- Locations of all barbeque, toilets and shower facilities;
- The indicative materials and finishes that are considered appropriate for within the harbour precinct; and
- A framework Construction Environmental Management Plan.

Notice requirements

The draft development plan must be placed on public exhibition for a period of 6 weeks for community and stakeholder comment prior to its consideration by the Responsible Authority.

An approved Development Plan may be amended by the Responsible Authority as required. Any significant change to the development plan may require further exhibition.

Review of Development Plan

The Apollo Bay Harbour Development Plan should be reviewed every five years from the date of approval to reflect changing policy settings and community views. The review must include notice as described in the 'notice requirements' provisions of this clause.

6.013/08/2015
C73**Development Principles and Design Guidelines**

All buildings and works, and the Development Plan should be consistent with:

- Siting and Design Guidelines for Structures on the Victorian Coast, Victorian Coastal Council (May 1998),
- Good Design and the Coast, Issue 2003, by the Office of the Victorian Government Architect,
- Victorian Coastal Strategy 2014 or subsequent version.
- Western Victoria Boating Coastal Action Plan (2010) (Western Coastal Board)
- Boating CAP Interim Review (July 2013) (Western Coastal Board)
- Local Port of Apollo Bay Sand Management Study – Peer review (June 2010) (Oldfield Consulting)
- Port of Apollo Bay Future Capacity Study (July 2006) (Meyrick and Associates)
- Apollo Bay Harbour Coastal Hazards Vulnerability Assessment (June 2013) (Water Technology)
- Port of Apollo Bay Safety and Environment Management Plan 2008-2011 (revised 2013) (Colac Otway Shire)

All buildings and works, and the Development Plan should be consistent with the following:

Integration with Existing Development

- Reinforce the qualities of the working Harbour and facilitate integration with the Apollo Bay town centre in a staged and orderly manner.
- Use landscape screening to minimise the visual impact of buildings from surrounding key vantage points, where appropriate and practicable.
- Integrate and enhance buildings that have service functions (e.g. Fisherman's Co-operative, boat storage and maintenance), and also minimise visual intrusion whilst maximising natural surveillance.
- Develop a physically and visually coherent built form within the coastal landscape setting and character.

Built Form and Siting

- Built form should be of a height which does not intrude upon the southern skyline of the harbour precinct as viewed from north of the harbour and the town centre. The height of development should taper down towards the east, in line with the taper of the landscape.
- A smaller number of multi-use or agglomerated buildings is to be preferred to development of a larger number of single purpose, stand alone, structures.
- Minimise impact on the marine ecosystem and surrounding coastal setting.
- Protect sensitive habitat zones (i.e. native vegetation and marine life) by locating higher intensity development in low environmental value zones.
- Maximise coastal, sea and green open space views and vistas towards and from all commercial and community buildings/ activities on site.
- Minimise car intrusion into sensitive habitat.
- Ensure minimal visual intrusion by required car parking.
- Maximise northerly solar access and use of natural light and ventilation.

- Reduce vandalism by maximising surveillance (e.g. use of boardwalks, pathways and articulated built form).
- Ensure public access to public land is maintained except where the interests of security or safety predominate.
- New buildings will be setback and elevated consistent with the Coastal Hazard Vulnerability Assessment (CHVA).
- Development should not cause any detrimental affects to natural coastal processes.
- Avoid continuous overshadowing of foreshore areas.

Building Fabric

- Encourage retention and re-use of buildings of heritage and community value, including the heritage listed Fisherman's Co-Op building, thereby reducing the embodied energy and waste in creating a new future for the site.
- Adopt best practice energy reduction for new development where possible.

Building Materials

- Utilise, where appropriate, materials from the local area and consistent with local coastal architectural character.
- Encourage subdued palettes.
- Select durable high quality materials with enduring finishes that are appropriate to a coastal environment.
- Use glass to maximise views whilst avoiding glare/reflection (by utilising elements such as eaves overhang, pergolas, louvres and other types of screening system).

Landscape and Public Realm

- Minimise disturbance to indigenous vegetation and use local indigenous species that are resistant to coastal exposure in landscaping where possible and appropriate.
- Maintain and enhance the open views to the ocean, Harbour and hills.
- Reinforce the established landscape character, including:
 - The structure of tall open trees that are well established on the golf course
 - The landscape of open lawns for ease of public use and maintenance
 - Indigenous vegetation providing shelter and stability to the dune systems.
- Replace substandard road pavements and other port infrastructure with new pavements, furniture and other public infrastructure that is consistent, well designed, high quality and complements the coastal environment.

Water Sensitive Design Measures - Precinct Based

- Ensure stormwater harvesting and reuse from all major roof surfaces.
- Support grey water treatment and recycling for use in landscaping.
- Minimise the area of impervious surface finishes.

Waste Minimisation

- Minimise construction waste through a construction management plan for each stage of the development.
- Provide on-going waste management and sorting areas.

Reduce Carbon Footprint

- Adopt leading practice passive solar energy principles to minimise energy demand of new or extended buildings.
- Include on-site renewable energy sources, e.g. photovoltaic panels and thermal solar water heating where practical and where this does not adversely impact upon visual appearance (e.g. glare).
- Maximise north facing façades as renewable energy collectors.
- Support alternative sustainable transport initiatives, including new walking and cycling networks both through the precinct and at the street interfaces with the site.
- Provide high quality and secure short-term bicycle facilities in all commercial areas and lockers/showers within the waterfront area.

Cultural and Aesthetic

- Respect the setting and visually complement the surrounding coastal landscape and development by reinforcing and integrating the boating precinct and the town centre.
- Respect, protect and interpret the Aboriginal and European heritage and history of the Precinct.
- Promote local ecological values by potentially building an on-site Cultural Centre and developing nature walks to contain and direct visitor access.
- Provide dedicated areas for both fishing and boating, free of constraints that might arise when located in close proximity to tourism.
- Ensure the design language highlights the public elements of the precinct and promotes active ground floor uses in buildings.

Sustainable Mobility

- Extend walking and bike trails into and through the site.
- Improve shared pathway to provide for safer cycling and walking alternatives linking the Apollo Bay Town Centre and Harbour.
- Integrate new road design with landscape design to ensure provision of safe and convenient paths, street trees to provide shade and bicycle parking facilities.
- All public and commercial spaces are to be designed to allow access for all abilities.
- Ensure compliance with the Disability Discrimination Act throughout the Precinct.

Economic Sustainability

- Support the on-going viability of fishing operations and the Co-op.
- Provide for a mix of activities and experiences by developing a lively and diverse precinct that will attract visitors to the region and service community needs.

7.0

13/08/2015
C73

Advertising signs

Advertising sign requirements are at Clause 52.05. This schedule is in category 3.

8.0

Locality Plan

13/08/2015
C73

