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EXECUTIVE SUMMARY

The Cape Bridgewater Resort will be developed by Australian Tourism Trust Pty Ltd and will deliver a high-end, minimum 5-star accommodation destination in a location identified as presently lacking such facilities and services, and where the enhancement of tourism is actively encouraged.

ATT intends to deliver an eco-tourism destination that celebrates the culture and heritage of the Gunditjmara people and the rugged natural beauty of Victoria’s southwest coast. The proposal draws on the landscape, cultural and biodiversity values of the region and provides a site-specific design response.

To inform the appropriateness of this proposal, a detailed review of the planning policy context has been undertaken. In summary, current state and local planning policy identifies:

- The need to plan for tourism growth, and the need to balance this growth with the protection of coastal and landscaped environments.
- The importance of maintaining viability of townships and rural communities in the face of declining populations.
- To conserve heritage places, and Aboriginal sites and significant cultural landscapes.
- To ensure that land use and development protects and enhances identified significant landscapes.
- To protect scenic values of the coastal areas.
- To encourage tourism development that protects natural resources, with local policy noting Cape Bridgewater is identified for the further promotion of and expansion where achievable, of nature-based and eco-tourism activities, where they protect the pristine and iconic natural environment.

The delivery of a resort style hotel of 88 rooms and 18 villas with associated ancillary offers is necessary at this scale to provide the high-end product demanded and lacking within the region. This development will:

- Enhance tourism and deliver a facility not presently available within the Victoria’s South West Region, and
- Provide notable social and economic benefit to Cape Bridgewater and the surrounding region.
- Against the planning policy context, the proposal can be considered to be:
  - Generally consistent with the planning policy framework currently applicable to the site, including the site zoning.
  - Designed in manner to ensure a recessive visually presence, respectful of the significant landscape context.
  - Able to be delivered in an environmentally sensitive manner.
  - Promote the South West Region’s Aboriginal cultural heritage.
  - Deliver all the necessary service for site operation on site.
  - Not cause unreasonable adverse amenity impacts to surrounding properties or land uses.

Tourism plays a particularly important role in many regional economies and growth in regional tourism in Victoria is supported at the Federal and State government levels. So too at the local level with the Shire of Glenelg recognising the economic benefit in the provision of tourism infrastructure in the municipality.

It is anticipated the project will inject $60 million into the local economy and create 120 jobs during construction and 245 ongoing jobs upon completion for Cape Bridgewater and the surrounding region. This will also assist to safeguard employment options should there be a change in Alcoa’s operation in Portland, who’s future is presently unclear.

Glenelg’s local planning policy and Cape Bridgewater Structure Plan 2018 both seek to elevate the town’s role as a tourism destination, while managing the impact on the valued landscape character. The Structure Plan identifies that limited future growth will be expanded into the Blowholes Precinct, where a tourism /
accommodation facility is actively encouraged. The Structure Plan also puts the protection and enhancement of environmental values as a paramount consideration. The subject proposal embodies these sentiments.

The Structure Plan, while actively encouraging a development of this nature, suggests the site be rezoned to facilitate such a proposal. It is argued that majority of the necessary preconditions, development criteria and supporting studies listed within the Structure Plan and pre-cursors for the development and a rezoning are met as part of the proposal. To this end, the need for undertaking a full rezoning request is an unnecessary expenditure of time and resources to deliver an outcome actively encouraged and where a merits-based assessment is achievable based on the current zoning controls. The demand for and encouragement of the facility is readily identified.

The Rural Conservation Zone (RCZ1) enables a merits-based consideration of such a proposal, on the basis it continues to promote and protect the natural landscape. The site’s physical and locational attributes make it ideal for a use and development of the intensity proposed, outside the township’s current settlement boundary. The detailed assessment provided for this application demonstrates this is the case.

The site is within a Significant Landscape Overlay (SLO1), where the landscape is of state significance. The state significant landscape is not limited to the site, rather a broad overlay for the Cape Bridgewater and Cape Nelson region. The proposal delivers a sensitive response to the requirements of this overlay through the siting and design of the hotel and villas and the landscaping proposed, and appropriately delivers on the opportunity to provide and new tourism destination while managing the protection of coastal values and vegetation. Revegetation and landscaping works will boost vegetation biodiversity of the site and enable new generations of visitors to enjoy the area and the nearby Great South Coast Walk.

Recognising the importance of the Environmental Significance Overlay, environmental and amenity considerations have also been assessed in detail and will ensure the proposal will be built to the highest standard of environmental sustainability and bushfire safety.

Importantly the biodiversity assessment confirms that: the buildings have been sited to minimise impacts on the native vegetation; where vegetation is removed it is a balance with bushfire requirements; off-sets to the removed vegetation can be provided and that no significant flora/fauna was found on site in locations to be impacted by development.

Whilst not covered by a Bushfire Management Overlay, the Bushfire Risk has been a consideration for the development. This has meant a balancing act between the retention of native vegetation and the recommendations to limit bushfire risk. In addition to issues of building siting and building material selection that have been integrated into the design, a Bushfire Emergency Management Plan has been prepared to document the measures to mitigate the risks associated with the development. The BEMP requires further detail when the internal layout and final operation details of the hotel are confirmed and can form a condition on any approval.

Specific technical assessments have been undertaken to confirm that the site can appropriately deal with servicing matters such as water, sewage, power etc. The underlying environmental ethos of the proposal means that there is a full suite of ESD initiatives that have been designed into the development.

Overall the development proposal represents a well resolved and appropriate development for the site and will provide a positive enhancement to the community of Cape Bridgewater.
1. INTRODUCTION

This Planning Report has been prepared on behalf of Australian Tourism Pty LTD as Trustee for the Australian Tourism Trust in support of a planning permit application for a ‘tourist resort’ on the land at Blowholes Road, Cape Bridgewater (the Subject Site).

1.1. PURPOSE AND STRUCTURE OF THIS REPORT

This report provides an overview of the need for and importance of the delivery of a high-end accommodation and tourism destination at Cape Bridgewater and provides an assessment of the proposal against the existing planning scheme ordinance, controls and relevant strategic documents affecting the subject site.

This report confirms the subject proposal appropriately balances the need and demand for future tourism-related development within a highly valued landscape and environmental context of Cape Bridgewater.

This report is structured into the following sections:

- **Section 2 Site and Context Overview** – provides an assessment of the regional and municipal context of Cape Bridgewater from a strategic planning policy perspective.
- **Section 3 Proposal** – provides an overview of the proposal.
- **Section 4 Planning Policy Context** – provides a summary of the existing suite of planning controls affecting the site, and the relevant provisions of the Glenelg Planning Scheme. It also provides a summary of relevant strategic documents influencing the site.
- **Section 5 Planning Considerations** – provides an assessment of the proposal against the relevant planning policy and controls and strategic documents.

1.2. SUPPORTING DOCUMENTS

This Planning Report should be read in conjunction with the following consultant plans and reports:

- Landscape Concept Plans – Outlines, December 2019
- Building Services, Stormwater, Wastewater, Geotech and Structural and Civil Engineering, Town Planning Submission Report - Irwin Consult, 17 December 2019
- Traffic Engineering Report – Traffix Group, 16 December 2019
- Flora and Fauna Assessment -Ecology and Heritage Partners, 17 December 2019
- Bushfire Management Statement and Bushfire Emergency Management Plan - South Coast Bushfire Consultants, 16 December 2019
- A Cultural Heritage Management Plan is being prepared by Biosis, separately to this Application and will follow shortly. A long-term engagement with the Gunditj Mirrung Traditional Owner Aboriginal Corporation in the developed design and operation of this resort is a fundamental component for Australian Tourism Pty Ltd.
2. SITE CONTEXT

2.1. REGIONAL CONTEXT

The subject site is located in Cape Bridgewater, a locality within the Shire of Glenelg. A coastal location in the far south west of the state, Cape Bridgewater is some 400km west of Melbourne.

*Plan Melbourne 2017 – 2050*, as Melbourne’s most recent Metropolitan Planning Strategy, recognises the importance of regional Victoria in delivering choice and opportunity for all Victorians. Investment in Victoria’s regions supports the delivering a key objective of *Plan Melbourne*, to create social and economic opportunities across the state.

Relevant to this this application, *Plan Melbourne* identifies the importance of tourism as a major economic driver for regional Victoria. It is noted that the tourism industry contributes $11.5 billion to the regional Victorian economy (GRP) and generates 114,400 jobs. Tourism contributes 13.4 per cent of total GRP and 13.4 per cent of employment.

Furthermore, nature-based tourism visitors represented 70 per cent of all international overnight visitors to Victoria in 2013-14. With new investment targeted for regional Victoria, specifically in infrastructure and improvements to marketing, product development and the visitor experience, there are huge opportunities for the South West Region/Great South Coast to bolster its share of the tourism market.

Figure 1 – Victoria’s Cities and Regions

Source: *Plan Melbourne 2017-2050*
2.2. MUNICIPAL CONTEXT

The Great South Coast Regional Growth Plan (the Growth Plan) was launched in 2014 by the Minister for Planning and has since been endorsed by each of the five Great South Coast councils making up the Great South Coast Region – being the shires of Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool. The Growth Plan identifies the key opportunities and strategies for the region to accommodate and manage the projected population growth over the next 30 years.

Economic drivers of the region’s economy generally include tourism, agriculture, food and wine, and industry/manufacturing.

Related to the tourism industry, the Growth Plan recognises the need for appropriate land use provisions and investment in infrastructure to support growth in tourism, including cultural heritage tourism, garden and landscape tourism, art galleries, eco-tourism and marine-based tourism such as recreational fishing and whale watching. Specific focus for future development is encouraged along the Great Ocean Road and Great Southern Touring Route, with opportunities seen for extension of these tourism assets.

Figure 2 below demonstrates the intricate network of significant environmental, heritage and cultural heritage locations across the region, with the area of Cape Bridgewater specifically featuring high value terrestrial habitat, marine park, and identified significant landscapes at both a state and regional level.

Figure 2 – Great South Coast Environment and Heritage Future Directions Plan

Glenelg Shire comprises a series of townships, including Cape Bridgewater, Portland, Heywood, Casterton, Merino, Nelson, Strathdownie and Narrawong and covers approximately 6,212 square kilometres.
The topography of the Shire is variable. In the north, there are flatter dryer plains and agricultural land and in the south the landscape is more undulating, vegetated and coastal with several national parks including the Lower Glenelg National Park, Cobboboone National Park, Discovery Bay Coastal park and Mount Richmond National Park. The coastline is a key feature of the Shire and the cliff formations, blowholes, and beaches attract significant numbers of tourists.

The Shire also contains large areas of remnant vegetation, significant landscapes and nationally significant environmental resources and sensitive coastal eco-systems. Budj Bim cultural landscape is located approximately 80km from the site and has recently been listed as a UNESCO World Heritage Site. Budj Bim consists of three serial components containing one of the world’s most extensive and oldest aquaculture systems and is linked to the Gunditjmara people.

The Victorian Government’s Visitor Economy Strategy, released in July 2016 aims to attract investment that drives increased visitation and yield in regional Victoria, including the state’s nature-based tourism destinations. The Glenelg area seeks to increase economic yield from the considerable number of visitors each year. Options for achieving this include encouraging extended lengths of stay and increased spend per visit. There is a concern that people visiting the area place significant demands on infrastructure and the environment but leave little in the way of a contribution to the regional economy. Part of the proposal’s contribution is to buck this trend and position the project to provide reasons for people to stay longer in the region, spend more in the local economy.

The township of Portland continues to be the primary location for regional services, employment and growth in Glenelg with one of the primary employers being the Alcoa aluminium smelter employing an estimated 2000 people. While not specifically identifying locations, the US-based Alcoa in October 2019 released plans to investors to sell up to $1 billion of assets as well as closures of facilities around the world in a drive to boost its bottom line and cut greenhouse gas emissions. With the potential that Portland may be a site impacted by this, the promotion and delivery of other employment streams to the region will be vital, and tourism provides one option for delivery of this.

### 2.3. CAPE BRIDGEWATER

Cape Bridgewater is a small coastal settlement approximately 55km east of the South Australian border. The town is primarily of a residential nature and approximately 18km south-west of Portland. It has a population of approximately 150 permanent residents based on the 2016 Census data, some limited short-term accommodation options, a surf club, café and car parks. There are limited commercial or infrastructure services with Portland being relied on for these. Within the Great South Coast Regional Growth Plan, Cape Bridgewater is identified as a ‘Small Town’.

The landscape is characterised by a crescent shaped beach adjacent to where the town centre sits, some of the highest coastal cliffs in Victoria, and surrounding open farmland and dunes systems. To the west of the township is Discovery Bay, a marine national park.

The cape itself is a key part of the Great South West Walk, a 250-kilometre circuit walk that includes Portland, Cape Nelson, Cape Bridgewater, Bridgewater Lakes and Discovery Bay Coastal Park.

Tourism is the primary economic driver of the township with a significant number of dwellings built as holiday homes and weekenders. Cape Bridgewater’s population swells in the summer months as a holiday and recreation location. The many natural attractions of the settlement and its immediate surrounds present opportunities to enhance the town as a tourism destination, which carries with it the need to deliver appropriate tourism facilities and infrastructure.

Agriculture is the primary industry outside the township.
2.4. **SUBJECT SITE**

The subject site comprises the Cape Bridgewater 'Blowholes Precinct' site, located on the western side of Blowholes Road and extending to the water. The site holds a commanding position on a headland immediately south of the Cape Bridgewater Township, with spectacular ocean views north-east and south-east.

The site comprises a frontage to Blowholes Road measuring approximately 209 metres, a depth of maximum 520 metres and a total site area of approximately 10 hectares. The northern interface is to crown land set aside for the provision of a government road – this road has not been constructed.

Running north-south along the clifftop, passing through the eastern end of the site, is the Great South West Walk, a popular coastal hiking trail. Overall, the site contains varying landform and topography, with a crest and the site sloping from west to east toward the coastline, and from east to west towards Blowholes Road.

Environmental values of the landscape are defined by both visual character and ecological significance. Low-scale native coastal vegetation (classified as Existing Coastal Headland Scrub) clings to the cliff face at the eastern end of the site. The vegetation community is a complex environment with combinations of understory herbs, grasses and groundcovers with dense shrubs and low trees. The vegetation provides important cover and protection for habitat and existing Great South West Walk which traverses through its upper reaches. The vegetation is important to the stability of the dune system and preventing landslip of highly erodible coastal soils.

Dramatic cliffs, plunging down to the beach at the eastern end are strong character of the site, contrasting in form, hue and texture to the vegetation and open grassed landform. The weathered rocky outcrops are reflective of high geomorphological and geological significance of the capes. They provide an unusually dramatic edge to the rural hinterland, dropping down to the water’s edge.

The dense indigenous vegetation of the eastern, coastal edge of the site gives way to open pastoral environment along the north, south and west edges.

The current landscape character is predominately open pastoral land. The only vegetation present on the site covers the eastern (beach and cliff-front) extent of the site. Classified under the Bridgewater bioregion as EVC (Ecological Vegetation Class) 161, Coastal Headland Scrub, it provides natural cover for the Great South West Walk and contributes the stabilisation of the steep cliff faces along the beach frontage.

The site is registered on Title as Lot 1 on Plan of Subdivision 500866W. The plan shows two easements affecting the site being a carriageway easement to the benefit of the Shire of Glenelg for the Great Southwest Walk and an easement associated with a powerline.

The site is encumbered by Covenant A897386M which is a legal agreement between landowners of the broader subdivision to not:

- Construct or cause to be constructed to the east of and including the easement numbered E3 on the said plan of subdivision any building or structure;
- They will not cultivate the land to the east of the easement E-3 on the plan of subdivision except for weed control;
- That no aircraft or aircraft landing facilities be constructed on the said Lot and that no aircraft be allowed to land on the said Lot at any time. Title particulars are provided at Appendix A.

The proposal is consistent with the covenant.

The site is currently used for grazing. There are no buildings currently located on the site.
Figure 3 – Site Location Map.

Outlines: Urban Context Report
Figure 4 – Subject Site Photos

Picture 1 – View East from Blowholes Rod

Picture 2 – View South along Headland

Picture 3 – View North Towards the Cape Bridgewater Township

Picture 4 – View South Along the Edge of Existing Coastal Headland Scrub
2.5. **SITE SURROUNDS**

The subject site contains the following interfaces:

2.5.1. **North**

The site is bounded by an undeveloped Government Road to the northern interface.

Further north are properties within the Cape Bridgewater 'Accommodation' precinct and are zoned Rural Activity Zone (RAZ1).

In seeking to continue the open and landscaped character of Cape Bridgewater, the planning controls seek to ensure that dwellings are separated by at least 15 metres.

Further north over Bridgewater Road is the residential subdivision centred around Panoramic Drive. Bridgewater Road is an arterial road (Road Zone Category 1) is known as touring route C193 and extends approximately 20km generally in an east-west direction between Portland and Cape Bridgewater. Bridgewater Road changes name to Blowholes Road at the site’s northern boundary.

2.5.2. **East**

The site is bounded by Bridgewater Bay to the east. The Great South West Walk also intersects the site, running north to south.

2.5.3. **South**

The site adjoins rural properties to the south. There are dwellings on the properties to the south, including a heritage registered former homestead.

2.5.4. **West**

The site is bounded by Blowholes Road to the west. Blowholes Road is classified as a rural collector road under Council’s Public Road Register and extends 3.45km from the end of Bridgewater Road, terminating at a dead-end at the Bridgewater Blowholes carpark. A large circular turn-around area is provided at the end, suitable for buses.

In the vicinity of the site, Blowholes Road is constructed with a nominal 5.2m sealed carriageway within a 20m road reservation. A posted speed limit of 100km/h currently applies.

Land uses further west are primarily farming/agricultural but also include the location of wind turbines.
2. **THE PROPOSAL**

The main components of the proposal are:

- 88 room 5-star luxury residential hotel with ancillary bar, retail, gallery, observatory, spa and pool. A key fine dining restaurant is provided separate to the main hotel building, accessed via a tunnel and presenting spectacular views to Bridgewater Bay.

- Spatially the Hotel is presented as a central core building accommodating reception/back of house/spa/dining. The hotel accommodation is provided through four, visually separated buildings. Connections are provided by protected and enclosed walkways, at ground and below ground.

- 18 5-star luxury villas (split between 5 one-bedroom villas and 13 two-bedroom villas)

- Each villa includes a skylight as a key architectural design element and a tangible way that visitors can experience the ethos of the development, an architectural narrative characterized by Earth, Sea and Sky.

- Overall building footprint of approximately 8,175sqm or 7.8% site coverage, demonstrating the buildings are not the dominant feature of the site.

- Siting of building in contours and villa positioning, this has ensured that building heights do not rise visually above the height of the ridge which extends from the site to the south west. Parts of the building form are subterranean.

- Retention and protection of the native coastal vegetation at the eastern end of the site is achieved within the design proposal with the vast portion being untouched and left in its natural state. Only the requirement for achieving clear offsets from habitable buildings to meet bushfire management requirements have dictated some very minor clearing along its upper western edge. This area has been previously cleared (refer historic references in Spowers Architectural report) and has a reduced diversity and quality.

- Additional planting is proposed in this upper area to enhance the quality and ecological value through increased diversity and improved habitat. Whilst no existing vegetation exists across the open, pastoral (western) portion of the site, the design proposal includes a number of areas where indigenous vegetation is proposed in ground level areas and scattered trees - enhancing and increasing the coverage of vegetation.

- Capacity for up to 238 guests

- 96 car parking spaces within a semi-basement park capped with a green vegetated roof form

- Plant and general service area integrated and located to the Blowholes road frontage, screened with new landscaping.

- Access to the site provided from Blowholes Road along a new road to be located along the site’s western boundary.

- A range of ESD elements including:
  - Power, Water, Sewerage and Waste Management will be provided on site with no connections into off site enabling infrastructure.
  - Power is by photo voltaic cells and Bio-Fuel Generators.
  - All drinking, cooking and flushing water and fire services is supplied by rainwater harvesting, supplemented by bore water, all treated and stored in below ground tanks.
  - Water Treatment of Sewer is to class A standard stored and used for irrigation only.
  - Waste Management is by site package facility.
  - Access road connects to main hotel entry and attendant below ground carpark only, elsewhere circulation is by automated vehicles servicing villas.

An integrated landscape response
Spowers has identified the key influences for the proposal as follows:

The primary tourism component will be Indigenous Culture, Heritage and Kirriwurrung language to be developed in association with the Dhauwurd Wurrung people also known as the Gunditjmara and to feature in the naming, ambiance and specific architectural features of the Resort Hotel and specific guided tours of the World Heritage Listed Budj Bim and Lake Condah areas. There will be two additional feature guided tours provided for guests in addition to the Great Southern Walk accessed from the resort site.

As a part of the hotel design and as a dominating feature will be the Gunditjmara story featuring Architectural design elements with added displays of Art and Artefacts to showcase the local indigenous culture and heritage. The actual hotel brand (still in development) will reflect this theme. Preliminary discussions have taken place with the local Gunditjmara and will be progressed further during the full design stage.
3. PLANNING POLICY FRAMEWORK

This section of the report provides an overview of the strategy and associated planning controls applicable to Cape Bridgewater within the Glenelg Shire.

3.1. PLANNING POLICY FRAMEWORK

Planning Policy Framework (PPF) sets visions, objectives and guidelines for the growth and development of Victoria in a metropolitan and regional context. The following clauses within the PPF are relevant to the proposal:

- Clause 21.02-116 - Local Areas
- Clause 21.02-122 - Cape Bridgewater
- Clause 11 – Settlement
- Clause 11.01-1R - Settlement – Great South Coast
- Clause 11.03-45 - Coastal Settlement
- Clause 12 - Environmental and Landscape Values
- Clause 12.01-1S - Protection of Diversity
- Clause 12.01-2S - Native Vegetation Management
- Clause 12.02-1S - Protection of Coastal Areas
- Clause 12.02-2S - Coastal Crown Land
- Clause 12.05-1S - Environmentally Sensitive Areas
- Clause 12.05-2S - Landscapes
- Clause 13.02-1S - Bushfire Planning
- Clause 14.02-1S - Catchment Planning and Management
- Clause 15 - Built Environment and Heritage
- Clause 15.01-2S - Building Design
- Clause 15.01-6S - Design for Rural Areas
- Clause 15.03-1S - Heritage Conservation
- Clause 15.03-2S - Aboriginal Cultural Heritage
- Clause 17.01-1S - Diversified Economy
- Clause 17.01-1R - Diversified Economy – Great South Coast
- Clause 17.04-2S - Coastal and Maritime Tourism and Recreation

3.2. LOCAL PLANNING POLICY FRAMEWORK

State policies and local government strategic plans are built upon and applied in a local context through the Local Planning Policy Framework. The following local polices are considered relevant to the application:

- Clause 21.02-6 - Urban Growth
- Clause 21.02-18 - Biodiversity
- Clause 21.02-22 - Coastal Management
- Clause 21.02-26 - Significant Landscapes
3.3. **ZONE – RURAL CONSERVATION ZONE**

The subject site is located within the Rural Conservation Zone – Schedule 1 (RCZ1), which has the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To conserve the values specified in a schedule to this zone
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values
- To protect and enhance natural resources and the biodiversity of the area
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area. To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes

It is noted that the subject land was rezoned from Environmental Rural Zone (ERZ) to Rural Conservation Zone (RCZ) on through amendment C28 on the 2nd of February 2006. This amendment rezoned all land which was previously ERZ to RCZ, was not just site specific. This zone was implemented to protect areas of environmental value.

**Pursuant to Clause 35.06-1, Residential Hotel is a Section 2, permit required use.**

Under the planning scheme a Residential Hotel is defined as: *land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption of or off the premises, function or conference rooms, entertainment, dancing, amusement machines and gambling.* This definition confirms that the characterisation of the use ‘residential hotel’ includes components that are ancillary to the guest rooms alone. In this regard, the range of complementary or ancillary components of the proposal including the bar, restaurant, gallery etc are not separate land uses but are encompassed in the Residential Hotel definition.

Whilst a restaurant is a permit required use in the RCZ, the restaurant proposed is primarily for the use of persons staying in the facility. To the extent that persons not staying at the hotel use the restaurant facility, we say this is ancillary to the primary residential hotel use and does not need a separate use permission.

**Pursuant to Clause 35.06-5, a permit is required for building or works associated with a use in Section 2 of Clause 35.06-1.**

**Pursuant to Clause 35.06 – Schedule 1, a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary.**
Figure 5 – Zoning Map
3.4. OVERLAYS

The following overlay controls are applicable to the subject site:

3.4.1. Environmental Significance Overlay – Schedule 1 (ESO1)

The subject site is located within the Environmental Significance Overlay – Schedule 1 (Coastal Areas.)

The ESO applies to significant swathes of both the Shire’s coastline and inland land parcels, including capturing all land in Cape Bridgewater.

The Statement of Significance within Schedule 1 to the zone notes:

*The Shire’s coastline is a significant environmental resource and long term public asset which should not be compromised by inappropriate development. Coastal environments must be protected especially features of ecological, geological, geomorphological, cultural and historic significance.*

The environmental objectives to be achieved are:

▪ To ensure the long term protection of coastal and marine ecosystems.

▪ To prevent inappropriate development in coastal areas that is likely to prejudice the long term environmental values of the coast.

The relevant purposes of the overlay are:

▪ To implement the Municipal Planning Strategy and the Planning Policy Framework

▪ To identify areas where the development of land may be affected by environmental constraints

▪ To ensure that development is compatible with identified environmental values

Pursuant to Clause 42.01-2, a permit is required to construct a building or carry out works in the ESO.

Pursuant to Clause 42.01-2, a permit is required to construct remove, destroy or lop any vegetation, including dead vegetation.
Figure 6 – Environmental Significance Overlay ESO1
3.4.2. Significant Landscape Overlay – Schedule 3 (SLO3)

The subject site is located within the Significant Landscape Overlay – Schedule 3 (Cape Bridgewater and Cape Nelson.)

Similar to the application of the ESO, Schedule 3 to the SLO applies to the broad area of Cape Bridgewater and Cape Nelson and is not specific to the subject site or any other site in the region.

The SLO includes the following Statement of nature and key elements of landscape

*The spectacular cliffs, pristine bays and dramatic coastal scenery of Cape Bridgewater and Cape Nelson are unique in Victoria and combine to make a landscape of state significance.*

*The capes are listed by the National Trust for their dramatic coastal forms, with the huge bulk of the capes separated by the low-lying Bridgewater Bay. The towering cliffs, which are the highest in the state, provide an unusually dramatic edge to the rural hinterland where, in places, native vegetation comes right down to the water’s edge. There are notable views of the capes from the Great South West Walk along the beach, and along the coast from high points at the top of the cliffs. Cape Bridgewater is a remnant of a volcanic crater.*

*The visual significance of the landscape is enhanced by high cultural and environmental values. Blue Whales, Humpback Whales, Southern Right Whales, dolphins and orcas frequent the area, and there are also seal colonies and gannet rookeries. Each of the capes is of high geomorphological and geological significance, with a number of rare features such as blowholes, shore platforms, petrified forests and sea caves are of great interest to academics and visitors alike. There are extensive Aboriginal sites throughout the area and the Cape Nelson Lighthouse settlement is significant as an intact example of a Victorian light station.*

*The coastal landscape has recently experienced significant visual change due to wind turbines in this locality.*

The relevant purposes of the overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To identify significant landscapes
- To conserve and enhance the character of significant landscapes

Pursuant to Clause 42.03-2, a permit is required to construct a building or carry out works.

Pursuant to Clause 42.03-2, a permit is required to remove, destroy or lop any vegetation specified in the schedule to the SLO.
Figure 7 – Significant Landscape Overlay SLO3
3.5. PARTICULAR PROVISIONS

Other planning provisions of the Glenelg Planning Scheme are also relevant to the subject proposal. They include the following:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Parking
- Clause 52.17 – Native Vegetation
- Clause 52.27 – Licenced Premises

3.5.1. Aboriginal Cultural Heritage

The planning scheme seeks to ensure the protection and conservation of places of Aboriginal Cultural heritage significance. The subject site is identified as an area of potential cultural heritage sensitivity (noting this designation also applies to the entirety of the Cape Bridgewater townships, refer Figure 8).

Biosis for the applicant is finalising a Cultural Heritage Management Plan (CHMP) for the subject site. This plan will include results of an assessment of the potential impact of a proposed activity on Aboriginal cultural heritage. At this time a desktop and standard assessment has undertaken, and the Complex Assessment fieldwork has been conducted. This has included onsite field work by three Biosis archaeologists and three field representatives from the Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC).

The final Cultural Heritage Management Plan and any planning permit condition recommendations arising will be made available to Council immediately upon receipt.

3.5.2. Bushfire Planning

The subject site falls within a Bushfire Prone Area (Refer to Figure 9 below) and is therefore required to respond to Clause 13.02 Bushfire Planning of the planning policy framework.

The policy at Clause 13.02 must be applied to all planning decision making where land is within a designated bushfire prone area. The key objective of the policy is:

*To strengthen the resilience of all settlements and communities to bushfire through risk-based planning that priorities the protection of human life.*

However, it is noted that the requirements of Clause 53.02 (Bushfire Planning) do not apply to this application, as the site does not fall within a Bushfire Management Overlay.

Equally, the subject land is not covered by a Bushfire Management Overlay (BMO) again confirming the site does not experience the same level of Bushfire risk as other locations within the Shire and along the coast.
Figure 8 – Areas of Potential Aboriginal Cultural Heritage Sensitivity
Figure 9 – Bushfire Prone Area Map
3.6. REFERENCE DOCUMENTS

3.6.1. Cape Bridgewater Structure Plan

Glenelg Shire has recognised that some limited and sensitive tourism development within the Cape Bridgewater area can contribute positively to the region, but that any development must also be balanced with the need to protect the sensitive natural and cultural landscape and the valued residential character.

The Cape Bridgewater Structure Plan July 2018 (The Structure Plan) has been developed to manage the long-term strategic view for this coastal settlement. The Structure Plan takes into consideration these competing pressures, and the direction of State Government policy to take a long-term strategic view about planning for coastal settlements.

The Structure Plan was informed by several background documents and developed in line with State Government guidelines for the coastal development, implementation of coastal settlement boundaries and promotion of tourism in the region.

The Structure Plan seeks to protect the low-scale coastal residential settlement whilst also providing an opportunity to support and promote Cape Bridgewater as a tourism destination as appropriate and position it as an extension to the Great Ocean Road tour route. In implementing a settlement boundary, the Structure Plan recognises that other than supporting opportunities for future tourism development, there is limited demand for new growth in the town.

The Structure Plan, through the recommendations of the Panel, identifies the site as a ‘potential residential / accommodation development (subject to pre-conditions). A ‘potential tourism feature / accommodation node’ is marked on the subject site’s northern boundary. The land at the eastern edge of the site and taking in the path of the Great South West Walk, is identified as ‘land to be transferred to public ownership’.

The site is within the Blowholes Precinct where the preferred character is:

The Blowholes Precinct presents opportunities for low-scale development that will contribute to the tourism role of Cape Bridgewater. Development will incorporate a modest scale, potentially high end integrated accommodation facility, combined with some low scale residential or other tourism-related development on the balance of the site.

The site will be developed to reflect the relaxed coastal character of the settlement, with informal, semi-rural streetscapes, large open space between built form, and low coastal vegetation. Development, including any subdivision and built form design, will be visually unobtrusive and sit lightly within the landscape.
The Structure Plan was implemented through Amendment C 92 which was gazetted on 11 November 2018.

Specific to the site, the Panel report acknowledged its unique physical and environmental setting and visual exposure and contemplated growth and development of a sensitive and appropriate nature outside the settlement boundary.

The Panel recommended that given the unique physical setting and visual exposure of this parcel of land to many vantage points in and around the Cape Bridgewater settlement, the consideration and preparation of a DDO over this particular precinct should be entertained. The Council did not proceed to explicitly list this requirement within the translated local policy at Clause 21.02-122.

Glenelg Shire Business Retention and Expansion Program, Regional Economy and Strategy Report (2010) is the third report prepared as a part of the Glenelg Business Retention and Expansion Program. This report provides an analysis of key sectors (including agriculture and tourism) and a review of strategic issues including transport and land use. The report also outlines an economic development strategy for the region and an implementation plan. It has no mention of the site specifically.
3.6.2. Coastal Spaces Landscape Assessment Study December 2006

The Coastal Spaces Landscape Assessment Study December 2006 is the background document informing the SLO applied over the site. The Study identifies and maps individual landscape characteristics within Glenelg’s coastal regions.

This study identifies opportunities and threats for the landscape, their sensitivity to change and management considerations. The subject site is identified as within the Landscape Character Type ‘Western Coastal Cliffs’ and the ‘Three Capes’ Character Area. The three capes refer to Cape Bridgewater, Cape Nelson and Cape Sir William Grant.

The Three Capes Character Area is identified as State Significant. The significance of this area relates to ‘the spectacular cliffs, pristine bays and dramatic coastal scenery’, noting that the Capes are also listed by the National Trust.

The State significant listing is not specifically attributed to the subject site itself but the broad character area.

*The Three Capes (Cape Bridgewater, Cape Nelson and Cape Sir William Grant) form a dramatic landform that protrudes into the wild seas of Bass Strait near Portland. The Character Area is surrounded on three sides by high sea cliffs and dunal escarpments with sandy beaches. The hinterland landscape consists of tightly undulating topography of mobile and stabilised sand dunes which frequently provide outlooks across low coastal vegetation or cleared pasture to the capes and ocean, as well as pastoral areas further inland. Much of the coastal edge is reserved in National Park and contains intact coastal heath while the hinterland is largely cleared of native vegetation and dotted with pastoral properties and low density and rural living (Character Area Analysis Paper, page 1)*


3.6.4. Victorian Coastal Strategy, 2014

The Victorian Coastal Strategy (VCS) is a Policy Guideline document in the Planning Policy Framework. The VCS provides some broad parameters for Visitation and Tourism, including for the Great South Coast region as follows:

1. A diverse range of visitor and tourist experiences is available in suitable locations
2. Visitor and tourism developments exhibit exemplary design standards, integrate with the surrounding coastal landscape and setting, and enhance environmental and heritage values
3. The carrying capacity of coastal locations designated for use and development determines the level of visitor and tourist services provided in that location

Further the VCS recognises that planning for future accommodation options needed to respond to not only the boutique eco-tourism opportunities but also the emerging ‘mass type/scale tourism’.
3.7. **PLANNING PERMIT TRIGGERS**

Based on the planning policy framework identified above, the following are the planning permit triggers applicable to the subject application:

- Clause 35.06-5 – (Rural Conservation Zone Schedule 1) - use of land for Residential hotel, construction and carrying out buildings and works for Residential hotel; earthworks which change the rate of flow or the discharge point of water across a property boundary

- Clause 42.01-2 (Environmental Significance Overlay Schedule 1) – construction of a building and carrying out works and removal of vegetation

- Clause 42.03-2 (Significant Landscape Overlay Schedule 1) – construction of a building and carrying out works and removal of native vegetation

- Clause 52.34 – (Bicycle Facilities) – waiver of bicycle facilitates

- Clause 52.17 (Native Vegetation) - removal of native vegetation

- Clause 52.27 – (Licensed Premises) – use of the land to sell and consume alcohol
4. PLANNING CONSIDERATIONS

4.1. OVERVIEW

As set out in Section 3 of this report, state policy recognises the need to respond to increased tourism opportunities as a major economic driver for many of Victoria’s regional areas. Policies within the Glenelg Shire planning scheme are highly supportive of:

- the development of tourism operations in key locations, and
- promoting tourism as a key economic contributor.

The Shire supports tourism activities within a context of also supporting continued agricultural uses and appropriately managing potential conflicts.

The Rural Conservation Zone (RCZ) purposes are focused largely on the protection and enhancement of the natural environment, natural resources and the biodiversity of the area. Notwithstanding this focus, the zone purposes also provide support for a range of appropriate uses, such as residential hotel, consistent with the conservation of environmental and landscape values and the delivery of a sensitive response.

It is considered the establishment of a resort-based tourism development at the subject site is influenced by several key drivers including:

The push by both the Federal and State Governments to further build the ‘visitor’ economy to support the nation’s future prosperity with the acknowledgement that many of Australia’s top destinations are located within Regional Australia.

The growing popularity of the Victoria’s south-west region, including the recently added Budj Bim cultural landscape to the UNESCO World Heritage List, the Great South West Walk, the Great Ocean Road and key locations along the route and south-west Victoria as a major tourism asset for Victoria and Australia. These attractions have significant potential to increase visitation by international and domestic tourists but rely on infrastructure, including hotels, to support this visitation.

The ongoing and increasing need to provide a range of experiences and forms of accommodation to cater to the broader tourism market.

It is expected that the demand for tourist accommodation in this region will continue to rise with Australia’s growing population and its attractiveness to both domestic and overseas visitors. The question of where and how to meet this demand has been examined by several studies¹, each of which have either defined the scale of the likely future demand or provided specific examples of where these opportunities could be realised.

The subject site is one such example of where an opportunity to establish a sensitively designed tourism/accommodation related development has been specifically identified.

The appropriateness of the proposed use and development and its potential impacts are considered in the following manner:

- The role and need for the proposed facility (Section 4.2)
- The economic and social implications (Section 4.3)
- The consistency of the proposed use with planning policy and strategies (Section 4.4)
- The appropriateness of the built form response and visual impact (Section 4.4)
- The response of the proposed development to the identified state significant landscape (5.4)

¹ Tourism Research Australia 2017, International and National Visitor Surveys March 2017
Tourism Investment in Regional Australia, Second Half 2019.
The Tourism Opportunity Assessment September 201
The potential impacts on the amenity of the locality and nearby properties that may arise from the use and development as proposed (Section 4.5).

Each of the above issues are detailed in the sub-sections below.

4.2. THE ROLE AND NEED FOR THE FACILITY WITHIN THE GLENELG SHIRE

Tourism plays a particularly important role in many regional economies, often accounting for a higher-than-average portion of Gross Regional Product (GRP) and employment.

The consideration of and demand for a larger scale and higher-end tourism/accommodation offer in this region has been identified within State and local policy documents, with the Cape Bridgewater Structure Plan specifically identifying the subject site as a potential location. The subject proposal can fill an identified gap in the provision of high-end accommodation along Victoria’s south west coast.

The Tourism Research Australia 2017, International and National Visitor Surveys March 2017 identified that currently, 56% of all visitation and 41% of all visitor spend in Australia is in regional areas; however, international visitation to regional areas is much lower than domestic visitation. In 2015, just 30% of international visitors travelled to regional areas. Visitors from traditional markets including New Zealand, the USA, the UK and European countries disperse beyond capital cities at a far greater rate (47%) than those from emerging Asian markets such as China, Singapore and Thailand (25%). Increasing the dispersion rate of international visitors, particularly from Asia, by providing attractive regional destinations can help to drive the regional visitor economy but there must be the right infrastructure and offering to do so.

The eco-tourism destination is undeniably a positive repose to state and local planning, economic, and tourism policy in delivering tourism infrastructure not currently available and providing tangible economic and social benefits to the region, and this is promoted by Tourism Investment in Regional Australia, Second Half 2019.

Tourism Investment in Regional Australia, Second Half 2019 references the continuing rise in regional tourism, in terms of domestic day trippers, domestic overnight and international overnight visitors. Visitors to Regional Australia increased to more than 48 million from 2017 and visitor nights increased from 247 million in 2015 to 296 million in 2019. A 5.5% growth in visitation per annum and 4.6% increase in overnight stays per annum have been recorded. Tourism Australia identifies a large portion of growth is being driven by visitors from Asia. (Tourism Australia - Tourism Investment in regional Australia, Second Half 2019 - page 5).

Frequently cited motivators for visiting Australia’s regional areas include the world-class nature and wildlife experience, aquatic and coastal experiences, natural beauty and cultural heritage. These drivers and the increase in tourism ‘provides opportunities for investors to capitalise on current and projected growth in tourism’. The natural beauty of Cape Bridgewater and the surrounding area strongly aligns with these key drivers of regional tourism and therefore represents a significant opportunity if the product offering is right.

Increased tourism requires a wider range of experiences, a network of opportunities to drive longer stays in the region and the proposal will provide a new, coastal based accommodation activity.

At a State level, the Victorian Visitor Economy Strategy 2016-2020, May 2016 identified nine goals, for which the project would be directly delivering on, with those most relevant to this project being:

- More private investment
- Building on the potential of regional and rural Victoria
- Improved experiences for visitors from Asia
- Better tourism infrastructure

Specific to the Shire of Glenelg, The Tourism Opportunity Assessment September 2016 was prepared by Spade Consultants to inform the Cape Bridgewater Structure Plan and local policy direction around tourism in the region. It identified current accommodation options primarily included houses and Bed and Breakfast style accommodation and cabin and camping opportunities. A key opportunity for the ‘provision of an integrated high-end accommodation venue in the form of a limited contemporary hotel or apartment style accommodation complex with dining and recreational facilities on site’ was identified.
The Assessment identified that:

- Visitation to Cape Bridgewater is highly seasonal with peak periods being December, January and Easter.
- Only 17% of overnight visitors to the Shire stay overnight at Cape Bridgewater, within 76% staying in Portland.
- This represents between 27,370 and 34,680 overnight visitors per annum or between 75 and 95 overnight visitors each day. If overnight visitors to Cape Bridgewater mirror the ‘stay’ patterns of that of the overall Shire, this equates to between 92,820 and 122,910 visitors per annum or, on average, between 254 and 337 visitors effectively sleeping at Cape Bridgewater each night.

With Federal, State and local government adopting the mandate to grow tourism in this region and the increasing levels of tourism activity, a larger-scale high-end tourism facility is a desirable addition in this location. Whilst there is a limited existing provision of accommodation facilities in Cape Bridgewater, none are of the scale and target market to that of the proposed project. Past Warrnambool and the conclusion of the Great Ocean Road, there is limited offer for larger scale and higher-end accommodation.

The provision of 88 hotel rooms, combined with 18 villa units will provide a level of infrastructure that will further promote the south-western region of Victoria to overnight and longer-stay tourism. The number of visitors and visitor nights will be encouraged to grow when there is the infrastructure and facilities to support larger tourism markets and groups, particularly international tourism.

The resort will be able to support large-scale package tourism operators who wish to utilise high quality accommodation in locations where several tourism experiences can be undertaken over a series of day trip excursions within the region utilising the resort as the ‘base’. It is also intended the accommodation offer will be a unique attraction in itself.

There are many benefits of a robust tourism economy which can be applied to Cape Bridgewater and include:

- Increased employment from directly influenced positions such as tour guides, hotel and accommodation staff, bus services, recreation and attractions based staff and in food and beverage staff. Indirectly, employment is boosted across a range of industries that support elements of the tourism industry.
- Increased spending in the local community including money spent directly by tourists and increased expenditure by businesses and individuals in the local economy as a result of tourism revenue.
- Increased diversification with less reliance on traditional and core industries such as (in Cape Bridgewater’s case) agriculture.
- Increased Council and taxation revenues meaning that more money is available for infrastructure.
- Social advantages associated with an improved sense of pride in local communities, allowing the development of a distinct local identity.
- Economic, social and cultural opportunities, whereby entrepreneurs provide new life and create economic opportunity for others.

The Tourism Opportunity Study identified the subject site for the potential development of a modest high-end accommodation offer of approximately 16 accommodation units, a dining facility, conference room and recreation area, bar and outdoor pool. The proposal also included a cabin/caravan park at the western end of the property. The proposal was deemed to address a gap in the market and the location deemed to be appropriate.

The subject proposal seeks to deliver a significantly larger number of rooms and villas than entertained in the Study development of the scale suggested is not a viable option. Sixteen units do not create the economies of scale to support a high-end accommodation offer with the range of facilities suggested (restaurant, bar, conferencing).

The scale proposed is necessary to work as a luxury hotel and key justifications include:

- Federal and State Governments seek to further build the ‘visitor’ economy to support the nation’s future prosperity.
Many of Australia's top destinations are located within Regional Australia.

The Great Ocean Road and South West Victoria are major tourism assets for Victoria and Australia.

There is significant potential to increase visitation by international and domestic tourists.

There is an ongoing and increasing need to provide a range of experiences and forms of accommodation to cater to the broader tourism market.

The benefits of an accommodation and tourist facility at the scale and typology proposed and healthy tourism economy are clear. There is a recognised demand for the proposed tourism facility comprising a hotel and villas as a facility in the region but has yet to be provided. The scale of the operation proposed will enable a range of new tourist activities and attractions within the locality including:

- 5 star facilities
- Packaged holiday offers, including those aimed at international tourists

These activities will complement the current range of tourism accommodation offers and support the wide range of tourism operations within the region.

### 4.3. ECONOMIC AND SOCIAL IMPACTS OF THE PROPOSAL

As noted in the above section, the opportunity for and encouragement of ongoing growth in the tourism market is promoted at the Federal, State and Local level and the proposed facility will generate new opportunities for employment and investment in Cape Bridgewater and the surrounding region.

Given the market positioning of the proposed resort, bringing a standard of accommodation currently lacking in the region, the proposal will not compete with existing accommodation service providers in the Shire. The type of guest at the resort will not be choosing between this resort and a caravan park/AirBnB. They will be choosing between this resort and other high-end resorts across Victoria and Australia.

A range of policy reports have recognised the role increased tourism can have to play on the stimulation of the local and regional economy. Economic and social benefits of the proposal include those listed below:

- Number of jobs through construction and on going
- Investment in the local economy
- Promotion of township and attractions of the region
- Boost tourism status
- The provision of an alternative larger scale employment opportunity for the region to Alcoa.

### Education Impact

In relation to employment benefits, Australian Tourism Trust is progressing discussions with South West TAFE Portland to develop a range of tourism related courses, not only with the established hospitality courses but to include requirements for courses associated with Indigenous Culture, History and Language for all employees of the business. In seeking to partner with TAFE, ATT seeks to provide careers in tourism rather than just jobs. It is intended that as the requirement for skilled employees will be immediate upon the opening of the resort that the initial training courses will commence once a planning permit is issued.

### Employment Careers and Economic Impact

- Anticipated employment and economic benefits include:

  - Increase in visitors to the region and increased demand for tourism
  - Anticipated value of $A60 million per annum injected into the region.
  - The construction period is anticipated to be 14 months where an estimated 120 full time equivalent jobs will be created.
• Smaller contracts are intended to be available for smaller local contractors and suppliers for construction of separable buildings and/or separable sub trades components
• At full operation, employment is anticipated for 245 people (full time).

Intent for purchase of food and beverage locally where achievable. Requirements for vegetables, meat and fish and associated food related products to be produced locally and medium to long term supply seasonal contracts will be entered into.

Social Impact

All features of the hotel including, restaurants, retail, bars, spa and pool memberships will be available to local residents.

Resort guests will have the opportunity to utilise the services at Cape Bridgewater or more broadly in Portland (noting that facilities in Cape Bridgewater are limited to the café). It is proposed that the resort would function as a base for tourists who would then undertake day trips (either independently or as a group) to local facilities and places of interest. The resort will in fact provide increased support and opportunities for a wide range of established tourism operations within the area (e.g. Budj Bim/Lake Condah).

To the extent there will be concerns that added levels of visitation to Cape Bridgewater that will adversely affect the character of the hamlet, the locality already deals with significant changes in population levels over the summer peak period.

In addition, there has been a consistent policy setting for some time that seeks to enhance and expand the tourism offer in the region and with the Structure Plan adoption – in Cape Bridgewater.

4.4. CONSISTENCY WITH PLANNING POLICY

As set out in Section 0 of this report, State policy recognises the need to respond to increased tourism opportunities as a major economic driver for many of Victoria’s regional areas. Policies within the Glenelg Shire planning scheme promote and are supportive of the increased development of appropriately designed tourism operations in key locations. They seek to balance this with the support of continued and uncompromised agricultural uses and a sensitive and high-quality repose to the identified significant landscape of the region. This support is provided with the intent that visitors will engage with the existing tourism experience in the surrounding region.

The proposal’s response to the existing planning policy framework is outlined in the below sections.

4.4.1. Appropriateness of the site for Tourism Activities

Strategically, it has been identified that tourism represents a key opportunity for economic development in the region and that this must be balanced with an appropriate response to the valued state significant landscape. The subject site has specifically been identified as a possible future accommodation and tourism location, subject to an appropriate design response and consideration through a planning approval process.

Clause 21.02-122 includes as its first future direction:

To elevate Cape Bridgewater’s role as a tourism destination by supporting accommodation development that establishes positive physical and economic benefits of the local economy in the nominated locations.

The use of the land for the purpose of a residential hotel is contemplated and allowable within the Rural Conservation Zone, Schedule 1 (RCZ1) subject to the granting of a planning permit.

The RCZ is primarily concerned with protecting and conserving rural land for its environmental features or attributes, not strictly facilitating and protecting agricultural land for operation. Given the landscape and design response, the proposal will not negatively impact the significant environmental attributes of the Cape.

There is an expectation under the Rural Conservation Zone that a proposal requiring a permit will only be permitted if it conserves and appropriately responds to the values identified as important for the land, the site is environmentally capable of sustaining the proposal, and it is compatible with surrounding land uses. To this end the proposal achieves these expectations.
The RCZ1 provides detailed decision guidelines for considering any planning permit application. To the extent that the decision guidelines are relevant to the use of the land for a residential hotel, it is considered the subject proposal reasonably meets these guidelines given that:

The site is 10.42 hectares. The size of the residential hotel and the sensitive dispersal of the villas throughout the site ensures the development is respectful of the landscape character and environmental characteristics of the land. The proposal’s design responses, including introduction of basement carparking, allows the built form footprint to be minimised to approximately site 7.8% coverage.

The 18 villas are intended to be short stay boutique accommodation options associated with the hotel operation and are not intended to be long stay or to compete with existing accommodation offers in Cape Bridgewater such as traditional holiday homes or Airbnb.

The land is capable of accommodating the proposal with respect to all relevant infrastructure (water, sewerage, fire facilities, power). The supporting consultant reports detail the subject site’s response to these servicing considerations.

The development will not limit or compromise the operation of surrounding agricultural uses to the west and south.

The design has evolved from consideration of the natural physical features of the site and has been specifically sited and designed to take advantage of the land contours, the pattern and location of existing vegetation, and the spectacular ocean views (discussed in further detail at Section 4.4.3).

The proposal will not adversely impact the natural environment. Whilst the proposal requires the loss of some existing vegetation to the east of the site at the edge of the coastal shrubland, this will be appropriately offset through the landscape elements proposed.

The development will enhance cultural values of the site and surrounds though integration of local Aboriginal cultural heritage through the design and operation.

The proposal will sustainably manage the land, conserve the values and environmental sensitivity of Cape Bridgewater and respond to the open rural and scenic non-urban landscapes through the delivery of sustainable and carefully positioned built form.

The residential hotel will include several ancillary uses as part of the proposal including a gallery, restaurant/café and recreation area and pool which do not require individual planning permission given their ancillary nature.

4.4.2. Consistency with Cape Bridgewater Structure Plan

Introduced into the Glenelg Shire Planning Scheme in 2019, the Structure Plan represents recent Council and community considerations around the future of Cape Bridgewater. The Structure Plan as exhibited, and as now adopted, strategically positions the subject site for change.

The subject land is within the Blowholes Precinct where the preferred character of the precinct is outlined below:

The Blowholes Precinct presents opportunities for low-scale development that will contribute to the tourism role of Cape Bridgewater. Development will incorporate a modest scale, potentially high end integrated accommodation facility, combined with some low scale residential or other tourism-related development on the balance of the site.

The site will be developed to reflect the relaxed coastal character of the settlement, with informal, semi-rural streetscapes, large open space between built form, and low coastal vegetation. Development, including any subdivision and built form design, will be visually unobtrusive and sit lightly within the landscape.

The Structure Plan’s Accommodation Precinct to the north of the site includes existing small scale accommodation. The intent for the precinct is that ‘housing and accommodation development and subdivision will be limited to maintain the very open, rural character, and the variety of affordable accommodation options, including seasonal and temporary use of open land for camping/caravans’. There is a clear difference in purpose between the Accommodation Precinct, where it is not intended that this precinct is a location for larger-scale accommodation, and the future offer specifically designated for the Blowholes Precinct.
The subject proposal is considered an appropriate response to the overall intent and objectives of the Structure Plan and the Blowholes Precinct as outlined below:

- The proposal and built form explicitly respond to the preferred character statement of the Precinct to develop an integrated high-end accommodation facility with the hotel and combined with low-scale tourism and accommodation development by way of villas on the balance of the site.
- A tourism and accommodation facility will be delivered to the highest standard, contributing to the tourism role of Cape Bridgewater.
- While the accommodation node identified at Figure 6 of the Structure Plan is shown on the site’s northern boundary, the hotel and villas are strategically positioned across the subject site to take advantage of the land forms and contours, disperse the built form across the site and enable interspersed landscaping, rather than condense the built form in one location.
- The transfer of vegetated coastal land at the eastern perimeter of the site to public ownership is not proposed as part of this proposal. It is considered the easement in favour of the Shire of Glenelg, combined with the restrictive covenant on Title that precludes development east of the pedestrian path means the intent of the desire for public ownership is still met – that is that the land that includes the Great South West Walk will be protected from development and available at all times for community access.
- The proposal has been developed with an intimate regard to the land form and visual sensitivity of the site and delivers a low scale and sensitive built form (more detail on this is provided later at Section 4.4.3).
- Wastewater can be appropriately treated and disposed of on the site as detailed within the accompanying report prepared by Irwin Consult and summarised at Section 4.4.8.
- ATT will deliver local infrastructure being the pedestrian paths in Foreshore Reserve and Bridgewater Road.
- Bushfire risks are appropriately managed as detailed by the Bushfire Emergency Management Plan and Bushfire Management Statement prepared by South Coast Bushfire Consultants and summarised at Section 5.4.6
- Provides access generally in accordance with the Structure Plan, with vehicular access taken off Blowholes Road.

It is noted that Objective SF2.1 within the Structure Plan is to:

*Support the possible rezoning of land at the Blowholes Precinct to facilitate modest-scale accommodation-style development in the preferred location identified in Figure 6 (subject to pre-conditions).*

Action A2 is to rezone land in a staged manner with the Blowholes Precinct to be potentially rezoned to Rural Activity Zone as Stage 2, to address the preconditions outlined above. As part of the implementation of the Structure Plan, the site was retained within the RCZ, where the land to the north was rezoned Rural Activity Zone (RAZ).

The proposal does, as a result of its location immediately adjacent the established township, in effect expand the size and area of the township without formally expanding the settlement boundary.

The Department issued, *Practice Note 36: Coastal Settlement Boundaries* provides direction for the location and scale of use and development on the coast. The settlement boundary imposed by the Structure Plan has been introduced in accordance with the Practice Note as the mechanism to guide the extent of use and development in Cape Bridgewater and represents the future growth expectations for the township.

The settlement boundary runs to the north of the site and does not include the subject land. The Structure Plan explicitly identifies use and development outside the settlement boundary. Both the Panel to introduce the Structure Plan (C92) and Structure Plan itself actively encourage the development of an accommodation and tourist node outside the settlement boundary without the explicit need for the adjustment of this to facilitate the entertained uses and/or development.
It is not uncommon a use and development of this nature would be approved outside the main township boundary, however, should Council in the future deem it necessary to expand the settlement boundary to incorporate the site, work could be undertaken to achieve this.

Given the detailed contemplation of the development outside the settlement boundary, it is not considered there a requirement to rezone the land to facilitate the proposal. In this instance, it can be readily facilitated on a merits basis within its current planning context and the proposal represents a well-considered response to the objectives and guidelines of relevant policy. The proposed use of the land for a residential hotel is permissible within the current RCZ1 zoning and overlay context and it responds to the objectives of the Structure Plan.

The significant time delay and resources a rezoning process would require is considered unnecessary in this situation where a detailed response to the Structure Plan and relevant planning provisions has been prepared, confirming the proposal an appropriate response to the site.

A proposal set a greater distance from the township, for example further towards the tip of the Cape could still be entertained on a merit’s basis given the provisions of the RCZ. However, the subject site is considered a far superior outcome given:

- this is a location where the facility is already actively encouraged,
- strong synergies will be provided between the resort and the township through the nature of the physical proximity
- to the extent that the buildings are visible they will read as an extension of the built up area.

Where the proposal does not directly align with the Structure Plan relates primarily to the scale of the development. Whilst the Structure Plan suggests a ‘modest scale’ development, as detailed earlier, high-end/luxury tourist accommodation requires a certain scale of development to be viable.

The scale contemplated in the Tourism Study was too modest and is not reflective of the viable economics of high-end resorts. A further economic market report will be provided to the Responsible Authority.

The Panel report supporting the Structure Plan acknowledged the unique physical setting and visual exposure of the subject site and contemplated growth and development of a sensitive and appropriate nature outside the settlement boundary, and it is considered the proposal will deliver such a response.

### 4.4.3. Appropriateness of the Built Form Response and Visual Impact

The proposed development includes a main hotel building comprising five inter-connected ‘lodges’ stepping down the slope towards the water and 16 villas disbursed across the site behind the hotel and down to Blowholes Road and two positioned to the south-east of the site to capitalise on ocean views. The curation of the overall site layout results in buildings being sited to take advantage of the unique setting and magnificent views to the coast provided by the crest of the site, as well as the site topography and natural contours. The buildings have also been sited to be well set back from title boundaries, the Great South West walking track and the area the covenant on title restricts development.

The proposals response to the site, the architectural language employed and integration with the identified significant landscape and environmental values are detailed within this section.

As an overview, it is considered that the scale of development as proposed represent a well-balanced response to the site for the following reasons:

- The land size (10.4 ha) enables the development to be strategically placed over the site so that in many instances and from many vantage points the building forms are physically and visually separated. The low-scale nature of the villas further reduces the overall visual impact of development and these are set into the land form to further minimise their impact where appropriate.
- The architectural design repose draws strong connections to the natural landscape through its use of materials, colours and physical siting.
- The hotel building, and the villas generally follow the contours and slope of the site progressively stepping down from the crest of the site at the east, to the west away from the ocean.
- The siting of the buildings into the land contours coupled with the proposed vegetation will ensure that the development is viewed within a landscaped setting.
Architectural Design

The proposed scheme developed by Spowers will deliver a premium quality architectural design to the site, befitting of a 5 star resort. The architectural design response incorporates the following, as outlined in further detail within the architectural package:

- The hotel and villas strategically built into the contours of the land and sensitively positioned across the site. The villas are set a minimum 15m apart, having regard to the requirements of the adjoining RAZ.
- The architectural style adopted is contemporary with an understated elegance and luxury. The building forms are appropriately tiered and low-slung for the rural setting.
- While minimising prominence and visual impact, the hotel has also been designed to provide the ‘wow’ factor necessary for such a substantial investment and to contribute to its success. This appreciated best at a closer vantage and within the site itself.
- The design embraces an architectural narrative characterised by Earth, Sea and Sky and seeks to generate a user experience intimately connecting the visitors to the of coastline and sea and the experience of indigenous culture. The building forms are reminiscent of the landscape and forms, including that of the Blowholes themselves.
- A limited palette of natural materials and colours will be utilised for the hotel and villas which have been influenced by the natural setting of the area. These include high performance non-reflective glass, timber, honey coloured rammed earth, basalt, and zinc. The colour spectrum is subtle and intends to be reflective of the rural landscape. Materiality has been proposed on its susceptibility to coastal weathering and ageing as well as appropriateness for bushfire.
- The orientation and design of the villas intends to maximise sun penetration to the buildings.

Key Views and Perceived Visual Impact

The buildings have been sited to take advantage of views to the coast however to be visually recessive when viewed from key locations in Cape Bridgewater, the approach to the site on Blowholes Road and adjoining property to the south. The visualisations proposed and presented in the architectural package demonstrate this.

The site is visually prominent by the nature of its position on an elevated and relatively bare crest. This is a contributing factor to the uniqueness and attraction of the site. It is acknowledged the buildings themselves will be visible from certain locations and will represent a change in the outlook to the site, however the impact of this is tempered by the siting of the buildings being low lying and embedded in the existing landform, the low impact materials adopted and the integrated landscaping proposed.

The presence of built forms within the landscape is not unusual, with many of the properties within Cape Bridgewater and the surrounding locality including a mixture of residential or agriculture related buildings and structures visible from different vantages.

The visual impact of the proposal is managed though careful consideration of the design in the following manner:

- The dispersed placement of the building form of the hotel and villas to read as individual elements and not one large connected development. The hotel ‘lodges’ will themselves read as individual elements.
- The low scale nature of the hotel and villas and their siting within the natural contours and topography of the land.
- The siting of buildings generally below the south-west ridgeline so this form is maintained as the horizon when viewed from the northern approach to Cape Bridgewater.
- Landscaping dispersed through the site and as a windbreak partially along the southern boundary, forming a new horizon behind the development in places.
- Significant setbacks from site boundaries and from the Great South West walking track, from where the development will not be visible.
Key view points are considered to be (refer to View Plan at page 56 of Spowers Architectural Report):

- Views 1 and 2 - From the northern approach to Cape Bridgewater along Bridgewater Road (at varying distances)
- View 6 - Bridgewater Bay Café
- View 3 - Cape Bridgewater Lookout car park
- View 4 - Panoramic Drive
- View 5 - Blowholes Road

The following commentary should be read in conjunction with the views shown in the Spowers Architectural Report at pages 56 to 64:

- In many of the views from Bridgewater Road towards the site there is existing development that is much closer to the viewer and will read as larger elements in the landscape than the proposed development.
- Given the distance of the site from the point of View 1, the small scale of the proposed buildings in this view, and the existing mix of elements in the overall landscape (existing houses, landscaping, and wind turbines) the proposed development will sit very comfortably within the landscape and not be a prominent feature. The materiality of the proposal and its physical form will tie this into the landscaping and cliff form and will have only limited visibility.
- As you approach the site along the Bridgewater Road parts of the development on the site will become more apparent and form a larger part of the view. It is at the points of View 2 on Bridgewater Road and the Bridgewater Bay Café (View 6) where the location of landscaping and the materials used for the buildings become more important in determining the visual impact of the development. The following is noted in regard to the views to the site form these points:
  - From View 2 and 6, only the hotel component will be visible. At View 2 the form is well articulated into modules which subtly project above the existing visible ridgeline. Integrated landscaping by way of the windrow will form a new horizon behind the hotel. Landscaping is also proposed in the northern portion of the site adding to the coverage already provided by the existing cypress on the sites to the north, screening much of the western view of the hotel from this vantage.
    The fact the land form continues around the bay to ultimately form the cape means the buildings simply read as a subtle extension to the existing township at this view.
  - From View 6, similarly only the hotel component will be visible, albeit at a closer scale where the clarity of the form and materials is more prominent. The hotel will project above the existing ridgeline forming the horizon however will be ultimately sit in front of the landscaping forming the new raised horizon to the south. New vegetation proposed on the northern portion of the site will also provide increased screening, adding to the coverage by the existing cypress on the site to the north.

The site is not visible from the Lookout car park (View 3)

View 4 at Panoramic Drive demonstrates a view available from several residential properties within the court. The view at this point demonstrates that approximately 8 villas on the face of the hill will be visible, however those towards Blowholes Road will be screened by existing roadside vegetation. The design and distributed siting of the villas ensures that these are viewed as subtle additions integrated into the landscape and do not dominate this view. Existing roofs are currently present in this view. The placement of the villas at a minimum 15m apart represents a view similar to that experienced within the township.

Landscaping proposed to be interspersed between the villas will further screen the view of many of the villas with the landscaping forming the prominent foreground of this view with glimpses of the villas being provided below. A new landscaped horizon will be introduced through the southern row of trees.

- The upper element of the central hotel building and back side of Lodge A will also be visible from this view however partially screened by existing vegetation and will not be viewed as an overly dominant form. Again, a portion of these building will be further screened by proposed trees sitting to the front of the building form on the sites northern boundary.
- The natural materiality of the hotel and villas will be well integrated with the landscape and form and will not introduce an unreasonably dominant element to the view.
It is considered that the proposal, through a combination of the design response and employment of natural materials and colours, the siting of the buildings, and the integrated landscaping, will deliver a well resolved response and not cause a detrimental visual impact when viewed from key viewpoints outlined above and demonstrated in the plans prepared by Spowers.

**Landscaping**

The potential impact of the proposed development on the significant landscape setting is an important consideration. Several planning controls specifically identify the matters for consideration when assessing a specific development proposal. This includes the Cape Bridgewater Structure Plan (and Clause 21.02-122) the Significant Landscape Overlay - Schedule 3, Environmental Significance Overlay – Schedule 1, and the provisions of the Rural Conservation Zone.

Landscaping has formed a key element of the proposal to deliver an integrated response with the building forms. To facilitate the built form at the scale proposed and to maximise siting of the hotel building to take full advantage of the ocean views, some removal of the coastal vegetation at the east of the site is required. The landscape proposal ensures an appropriate introduction of new vegetation to balance this loss where required.

The landscape response prepared by Outlines has adopted the following key design principles and design elements:

- Use landscape as a device to carefully curate view corridors and sight lines
- A deliberate merging of building form and surrounding landscape
- A landscape that is born out of the existing site characteristics
- All landscaping responded to the bushfire management requirements
- Key elements of the landscape plan include:
  - A windrow of large trees along the southern boundary sited behind the hotel building to form a new raised horizon above the hill crest.
  - Trees scattered through the site around and between the pastoral villas
  - The proposal of low threat vegetation with a low fuel load to minimise fire risk
  - Landscaping of groundcovers proposed above car park and roofs of lodges to sit above horizon and integrate into the natural landform given the slope of the land.
  - Subtle mounding of land to reiterate the landscaped form and provide visual interest to visitor to the site and privacy between villas.
  - The protection of indigenous vegetation
  - Low ground covers around the two coastal villas to integrate into the retained coastal scrub
  - A restrained and minimal landscape approach applied around the ground level interface of main hotel, responding bushfire management controls, and deliberately not competing with the strength of the architecture or views corridors.
  - Subtle interventions of hard landscaping such as the use of stone slabs permeating from the building into the ground plane of the landscape.
  - An overall net gain in vegetation on the site.

For Further detailed reference see Landscape Concept Plan prepared by Outlines

**Summary**

In relation to built form response and visual impact it is summarised that:

- Visibility to the hotel and villa buildings will be tempered by existing and proposed vegetation on the site and surrounding sites, and the siting of the buildings and the proposed built form expression as a deliberate response to the planning controls and landscape context.
The new built forms, coupled with the current undulating landform and complemented with new landscaping proposed, will not significantly intrude into or detract from the valued landscape character of this part of Cape Bridgewater.

The presence of appropriate and well positioned built forms within the landscape is not unusual and commonly seen through the area.

It is not necessary that the proposed buildings to be completely shielded from all external views.

Whilst some vegetation is proposed to be removed to accommodate the development, the overall outcome will be the provision of additional vegetation on the site.

4.4.4. Role of the Significant Landscape Overlay

As outlined in Section 3.4.1 the SLO applies to the broad area of Cape Bridgewater and Cape Nelson and is not specific to the subject site or any other site in the region. The introduction of the SLO was informed by Coastal Spaces Landscape Assessment Study, Protection and Management of Coastal Landscapes – December 2006. The SLO notes that 'the spectacular cliffs, pristine bays and dramatic coastal scenery of Cape Bridgewater and Cape Nelson are unique in Victoria and combine to make a landscape of state significance.'

Outlines together with Spowers have worked to present a design response that respects the significance of the landscape. Outlines has prepared a detailed response to the decision guidelines and key landscape character objectives to be achieved under this overlay. In summary they note:

- Retention and protection of the native coastal vegetation at the eastern end of the site is achieved within the design proposal with the vast portion being untouched and left in its natural state. Only the requirement for achieving clear offsets from habitable buildings to meet bushfire management requirements have dictated some very minor clearing along its upper western edge.

- This western area has been previously cleared and has a reduced diversity and quality. As part of the proposal, additional planting is proposed in this upper area to enhance the quality and ecological value through increased diversity and improved habitat. Whilst no existing vegetation exists across the open, pastoral (western) portion of the site, the design proposal includes a number of areas where indigenous vegetation is proposed in ground level areas and scattered trees - enhancing and increasing the coverage of vegetation.

- The natural landform is seen as a major asset of the site and design approaches with respect to the built form and landscape. Buildings and structures sit within that landform rather than dominate or modify it. None of the significant landforms of the cliff faces and headland are disturbed within the proposal. Within the flatter, western portions of the site, subtle manipulation of the ground plane by way of mounding is used. This aspect of the design is intended to soften and screen the impact of buildings and site infrastructure but is also reflective of the undulating landform of the existing open, pastoral landscape.

- The protection of existing indigenous vegetation is a key aspect if the design proposal and the introduction of additional planting will result in a net increase of vegetation cover. The species schedules included demonstrates the use of locally appropriate species (e.g. indigenous or non-invasive native / exotic plants that are a feature of the character of the area).

- The existence of windrow and scattered planting within the adjacent township has a strong cultural significance which the design seeks to protect and enhance. Keeping a clear buffer around the perimeter of the site ensures existing windrows are not congested or compromised. The inclusion of new windrow planting along the north and south boundaries further enhance and respond to this existing character. Scattered tree and ground level planting integrated within the proposed building further reflect and reinforce the existing rural township character of landscape interwoven within dwellings.

- The site is prominent from several key view corridors. The design has made particular effort to respond to and protect these significant views.

- As the crest of the headland and high point of the site sets a strong backdrop and horizon line to key views, built form has not been proposed at the very high point of the site, with buildings rather settling into contours below. In addition, the introduction of tree planting along the southern boundary of the site has the specific aim of creating a vegetated horizon line which is above the proposed building line.
▪ A key character highlighted in the landscape assessment is the dense vegetated foreground in views to the site. In all cases the existing foreground vegetation is retained and enhanced. This character is also developed through additional tree and ground level plantings weaving in and around the base of buildings.

▪ The architectural proposal is fundamentally grounded in the philosophy of sensitively locating buildings within the landscape, thus contributing to the protection of significant views. Buildings, located within what is currently open, pastoral land meld into the landscape with a combination of subtle landform and planting immersing them within the site. Buildings of the main resort have been deliberately aligned and disaggregated to reduce their visual bulk and provide openings and landscape interventions between.

▪ It is a clear intention of the design to protect the cliff edge and ocean frontage by not encroaching with built form. None of the significant landforms of the cliff faces and headland are disturbed within the proposal. The few buildings located near this interface maintain a significant offset distance and retain the existing vegetated buffer. As a result, none of the existing views and experiences along the spectacular Great South West Walk are impacted and the landscape character and sense of isolation at this upper cliff edge completely maintained. To further enhance the natural character of the cliff edge, materials within the landscape and architectural proposal have been selected to embed this quality within the development. Rammed earth walls, basalt and crushed rock pathways all respond to the site character, reflecting the weathered rocky outcrops with warm natural tones.

▪ A key philosophy of the design is to maintain large clear spaces on site, free from built form - particularly in the foreground of the coastal edge, and interface with existing residential areas. Extensive site services (tanks, water treatment, carparking and maintenance) have all been located below ground to achieve this objective. Landscape materiality in the ground plane of the landscape further reduces visual clutter. Reinforced grass and natural gravel aggregates have been used for roads and paths which blend into the landform and recede visually.

▪ The dynamic topography of the site provides opportunities for built form to capture spectacular views. Key view corridors 05, 06 and 07 highlighted in the landscape assessment are not only protected, but deliberately curated by the orientation and location of buildings and vantage points. The architectural proposal has been carefully arranged and positioned at levels that ensure clear sightlines over and built form below, not diminishing the spectacular views to the coast, cape and hinterland.

For further reference see Landscape Report prepared by Outlines.

4.4.5. Biodiversity/Role of the Environmental Significance Overlay

The ESO applies to significant swathes of both the Shire’s coastline and inland land parcels, including capturing all land in Cape Bridgewater, and recognises the coastline as a significant environmental resource.

Throughout the design process, not only has the architect considered the visual landscape response, they have also sought to site the buildings to avoid impacts to areas of high-quality native vegetation.

The proposal minimises impact of the existing vegetation. Areas holding the highest impacts are unavoidable in order to maintain defendable space requirements, whilst maintaining location value (i.e. Coastal Villa location). The positioning of buildings has been coordinated as such to only impact areas of poor habitat value for defendable space.

There were elements of the design that have been amended to minimise impacts on areas of high flora diversity.

Ecology and Heritage Partners undertook a biodiversity assessment of the site in October/November 2019 to identify the extent and type of remnant native vegetation present within the study area, as well as conduct targeted surveys for four species listed under the Environment Protection and Biodiversity Conservation Act and to determine the presence of significant flora and fauna species and/or ecological communities on the site.

In summary we note:

▪ The proposal seeks the removal of 0.853 hectares of native vegetation, primarily at the eastern portion of the site where coastal shrubbery exists. This loss of habitat needs to be offset.

▪ The application has produced habitat compensation for both general and species offset.
The General Offset amount is 0.009 General Habitat Units with a minimum strategic biodiversity score of 0.704, which can be offset within Victoria.

The application has also impacted on >0.005% of modelled habitat of two listed species, and require the following species offset:
- 0.437 Species Units of habitat for Coastal Leek-orchid Prasophyllum litorale; and,
- 0.437 Species Units of habitat for Tiny Violet Violaseppeltiana

This specific species offset is required within the Shire of Glenelg. The consultants have indicated they are an accredited offset broker and have investigated and found a location for first party offsets for the proposal.

The Victorian Biodiversity Atlas (VBA) contains records of four nationally significant and 79 State significant flora species previously recorded within 10 kilometres of the study area. The Commonwealth Department of the Environment and Energy (DoEE) Protected Matters Search Tool nominated an additional 6 nationally significant species which have not been previously recorded but have the potential to occur in the locality.

The assessment confirms that no nationally significant species were identified during the site assessment.

A single State significant grass, Coast Fescue, was identified at the base of the coastal headland (i.e. in an area not to be impacted by the proposal).

On the basis that the site has looked to minimise impact on native vegetation, off-sets are fairly constrained and can be provided and the proposal will not impact any threatened species, there are not considered to be any constraints to the proposal from a biodiversity standpoint.

4.4.6. Environmental Considerations

Geotechnical

The work completed by Irwin Consult included consideration of geotechnical and landslip issues. Two boreholes have been drilled to better understand the soil strata underlying the development and particularly surrounding the Blowholes Gallery and Experiential tunnel to the Degustation Restaurant. The findings of the drilling confirm that the upper strata comprise of sands and clayey-silty sands over highly weathered limestone rock with extremely weathered lenses and facture planes. This is what was expected based on views of the exposed cliff faces. The rock quality improves with depth.

The IrwinConsult structural conclusions are that:

- Excavations in the upper levels above the rock will be straightforward. Stable batters will be created for bulk excavation.
- Basement excavation in the upper rock will also be able to be completed with conventional bucket excavators and limited rock breaking.
- Near vertical cuts will be possible as depth increases. A more detailed investigation will identify local instabilities from fracture planes and sand lenses but these would be dealt with by rock bolting and shotcrete reinforcement where required.
- The Blowhole Gallery extends into more competent rock and excavation for if at depth may need some vertical coring to the perimeter to define the edges for excavation to be undertaken with hydraulic breakers.

Foundations will comprise the following types:

- Villas - Raft slabs in sands or strip footings with timber framed floors on stumps/screwpiles. The choice will be determined by natural falls on each site and the floor level relative to surface level.
- Hotel and Lodges - Pads and strip footings in the deeper clayey sands or the extremely weathered rock.
- Carpark and Ancillary Plant Buildings - Pads and strips as above.
- Restaurant - Pads and strips in the EW/MW Rock with some rock anchors to enhance stability.
Basement walls will consist of precast or AFS wall panels sitting on strip footings in as over excavation in the sand layers.

Superstructure - For the larger hotel and lodge buildings the main structure will be reinforced concrete supported on concrete columns and structural walls. In smaller lodges and accommodation timber upper floors will be adopted with appropriate fire and acoustic insulation.

Tunnel - tunnel construction through the highly weathered limestone is feasible. Dock conditions along the alignment will vary and detailed close spaced investigation via boreholes and geophysical methods will be undertaken during detailed designs to inform which construction methodology is most appropriate.

The options for tunnel construction are
- Drill and blast with rock bolts and shotcrete; or
- Excavation and pick bucket in 1.2m advances with rock bolted shotcrete.

Both methods allow flexibility in tunnel shape and opportunities to expose high strength rock in sections. The detailed investigation will identify caves and lenses to help inform the final alignment and methodology. Construction via tunnelling to the face without surface excavation which would impact vegetation will be adopted. The depth of the tunnel as it approaches the restaurant can be increased if necessary to ensure it is constructed in competent rock. The only disruption to the surface will occur within the footprint of the restaurant.

This work confirms that there are no concerns relating to the stability of the site and there are no geotechnical issues that would inhibit the development to be constructed as proposed.

4.4.7. Bushfire Risk & Emergency Management

Bushfire risk is a consideration for development across the Shire of Glenelg in locations identified as Bushfire Prone Areas. This applies to the subject site, however noting that the open character of the site and the surrounding farmland reduces the immediate bushfire risk.

Whilst not expressly covered by a Bushfire Management Overlay (BMO), the site has been assessed against the objectives of the BMO. The report prepared by South Coast Bushfire Consultants therefore includes the provision of a range of assessments (Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment) and the provision of a Bushfire Emergency management Plan.

Working in conjunction with the architect and landscape architect, the bushfire consultant has ensured that the development has prioritised the protection of human life and property through the following measures:

- Undertaking a comprehensive landscape assessment of all risks up to 50km from the site to determine the appropriate level of bushfire mitigation and inform the design response.

- Manage a large area of the site to a low threat condition in accordance with defensible space conditions in Table 6 to Clause 53.02-5. Reducing the impacts from a landscape bushfire and the provision of areas within the site exposed to low levels of radiant heat (BAL Low).

- Manage a 25m buffer with access roads around the north, south and western boundary to extremely low fuel loads (cropped irrigated grass) to enhance mitigation and provide emergency services with enhanced protection zones for fire fighting purposes.

- Construct all habitable buildings to a minimum Bushfire Attack Level (BAL) of BAL 40 from AS 3959-2018.

- The site layout has aimed to ensure most habitable buildings are not exposed to radiant heat loads greater than 12.5kW/m².

- Provide adequate access and egress to the site including access for emergency service vehicles including perimeter access along the north, west and southern boundaries.

- Provide a fire hydrant system to facilitate firefighting capacity within the site, the hotel buildings and the cliff restaurant.
• Preparation of a Bushfire Emergency Management Plan (BEMP) to mitigate the risks associated with the development. The BEMP requires further detail when the internal layout and final operation details of the hotel are confirmed.

• Provide a Shelter-In-Place building in the central hotel building. The central hotel building has the capacity to provide shelter to hotel guests, staff and the community of Cape Bridgewater.

• The Bushfire Emergency Management Plan seeks to ensure that the risk mitigation measures proposed are translated into a plan for the ongoing operation of the hotel.

4.4.8. Servicing and Infrastructure

The report by IrwinConsult confirms the subject site is capable of accommodating the proposal with respect to infrastructure. Their report is informed by consultations with a range of authorities including:

• EPA
• CFA
• Wannon Water (with GHD Peer Review)
• Southern Rural Water
• PowerCor
• Shire of Glenelg

As there are no sewer or water supplies to the site, bore water and onsite wastewater treatment will be provided. These systems will meet all legislative requirements of the controlling authorities. Further sections within this report provide detailed assessment for each system. The development site will have standalone hydraulic systems. This will include the following:

• Onsite Bore Water
• Rainwater Harvesting
• Water Treatment (Bore to Potable Water)
• Onsite Water Storage
• Chlorination Plant
• Sewer Treatment Plant
• Grease Traps
• Onsite Treated Waste Water Wet Weather Storage
• Drip Irrigation for Treated Waste Water
• Garden Irrigation System

As assessment of the potable water demand for the site has been calculated to be in the order of 36,700 litres per day. (13,395ML/Annum).

A desktop study has been completed by EarthEon Hydrogeologists. This predicts suitable water quantity and quality will be available in one of the regional aquifers. An application for a licence to construct a bore has been lodged with Southern Rural Water (SRW). Discussions with SRW are consistent with the EarthEon advice and confirm that local bores in the area are at approximately 30m depth and are used for domestic residential and stock purposes. Water allocations for the 30m depth are no longer available therefore SRW advice is that the bore depth for the site will be between 80m to 100m into the limestone.

SRW also foresee no issues with the approval process and a test bore will be drilled to establish yield and water quality. The water samples will be analysed to determine the appropriate treatment necessary to produce potable water to meet Australian Drinking Water Guidelines (ADWG).
Following planning approval and completion of the bore and water quality analysis confirming suitability for use, an application will be made to SRW for transfer of a water licence from current water licence owners. SRW advised that they will assist with this process.

A rainwater harvesting and reuse system will be provided as the initial supply of water use prior to the use of bore water. The forecasts suggest that a 200kL rainwater tank will provide rainwater to meet approximately 23% of the site demand, whilst significantly reducing rainwater overflow of stormwater from roof areas.

There is no permit required by Southern Rural Water for the harvesting and use of rainwater.

A wastewater treatment plant will be provided to treat, store, and dispose of all onsite wastewater generation. As the production of waste water will exceed 5,000 litres per day, EPA Works Approval is required to treat and manage the waste water treatment and disposal on site.

RMCG Environmental Consulting have been engaged to establish the wastewater production volumes, suitable treatment, storage, disposal on site, sludge management and plant management for ongoing operations of the plant. They have provided advice for a feasible design outcome for waste water treatment, storage and disposal including a land capability assessment for onsite disposal of treated effluent. The works approval process and application to the EPA under their changing regulatory requirements is also described. The works approval process will follow Town Planning approval.

Whilst not covered by a Bushfire Management Overlay, the subject site in an identified Bushfire Prone Area. It is important therefore that the proposed Fire Services respond to this additional consideration. To respond to this, there have been preliminary discussions with the CFA. As there is no reticulated water supply to the site, static water storage tanks with the capacity of 4 hrs water supply for fire hydrants and 1hr water supply for fire sprinklers. Total volume will be 350KL effective storage capacity within 2 No tanks.

Onsite power generation will be provided utilising biofuel generation and photovoltaics. An off grid electricity generating solution is proposed for the project, comprising a combination of standalone renewable systems; Solar PV, Batteries and Biofuel generators. On-site generation of electricity through decentralized systems, including standalone Biofuel generators and renewable energy sources (solar PV), combined with a high-performance, scalable energy storage system, makes microgrids a viable solution for the energy needs of the proposed development.

Battery storage will be provided with smart controls to perform daily cycles, shifting excess energy produced during the day, into the evening when it is needed most by the guests.

Ground source heat pumps and water source heat pumps are proposed to provide for chilled water (for

The work by Irwin Consult confirms the services of Power, Water, Sewerage and Waste management will be provided on site with no connections into off site enabling infrastructure. The collocating of the services infrastructure will occur towards the Blowholes Road frontage.

The architectural response allows the services building to be covered with a concrete roof and earth berm over to limit the visual impact of the essential infrastructure components. From Blowholes Road, the services building will be screened through existing and enhanced landscaping.

4.5. POTENTIAL AMENITY IMPACTS

4.5.1. Traffic, Access and Parking

Traffix have undertaken a Traffic Engineering Assessment to confirm the appropriateness of the traffic, access and parking considerations arising from the proposed development.

Having undertaken a detailed traffic engineering assessment of the proposed resort development at Blowholes Road, Cape Bridgewater, Traffix have concluded that:

- The proposed development is expected to generate a parking demand in the order of 83 spaces,
- The proposed provision of on-site parking (including 96 standard spaces, plus parking for buggies, staff shuttle buses and maintenance vehicles) exceeds the expected peak parking demand and there will not be any adverse off-site parking impacts,
• In the unlikely event that parking demand exceeded supply from time to time, any overflow parking demand can also be met on-site,
• The proposed car parking layout is in accordance with the relevant requirements of the Planning Scheme and Australian Standards and will operate in an appropriate and acceptable manner,
• Traffic generated by the proposed development will be low, and can easily be accommodated on the surrounding road network and intersections without any adverse impacts,
• The existing 60km/h speed zone should be extended to the south to incorporate the site access,
• The crossover to the site will be constructed in accordance with the relevant IDM requirements and standard drawing SD255 for a rural entrance, modified to provide splays suitable to accommodate the turning requirements of a 14.5m coach accessing the site and detailed site access design can be addressed via a permit condition,
• Adequate provision is made for loading, unloading, waste collection, emergency vehicle access and circulation of vehicles throughout the site,
• The proposed development generally accords with all relevant access and movement strategies and objectives set out in the Cape Bridgewater Structure Plan, and
• There are no traffic engineering reasons why a planning permit for the proposed resort development at Blowholes Road, Cape Bridgewater, should not be granted.

Other notable conclusions relate to Traffix confirmation that the villa access tracks are designed to meet CFA requirements – including ensuring that fire access tracks are provided throughout the site such that a fire truck may stop within 60m of all proposed buildings.

4.5.2. Light spill

There is no doubt that the development will lead to an increase in the use of lighting and that the illuminated windows and open areas will be visible at night from certain viewpoints (as existing dwellings on the Cape and within the township are). The possibility of light spill (i.e. light falling directly on adjoining properties or spaces) is very low (if not negligible) given the setback of the various buildings from site boundaries, the existing and proposed vegetation on the site and the siting of the buildings within the landform itself.

To ensure that light spill does not become an amenity impact, and drawing from the recommendations in the IrwinConsult report, a planning permit condition as follows could form part of any approval given:

**Lighting Management Plan**

Prior to the commencement of the development a lighting management plan for the site must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Lighting Management Plan must be provided. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):

a) Outlining how appropriate but minimal lighting with low luminescence can be provided on the site to minimise lighting impacts associated with the development at night.

b) Measures to screen lighting impacts beyond the boundaries of the site (including use of topography, built form and landscaping).

c) Use of appropriate shrouding and low level lighting.

d) Use of automated measures to ensure lighting of roads, buildings and common areas is switched off, at appropriate times.

e) External lighting will be provided to the entrance areas and perimeter for safety, security and landscape features.

f) Downward focussed external light for path/roadways will be provided for the purpose of amenity and security. This lighting will be tested to comply with AS4282 – Control of the obtrusive effects of outdoor lighting

Whilst the proposal will increase the night light in this location, the mitigation measures proposed through the Lighting Management Plan are reasonable and appropriate. Further, the venue operator will be incentivised
to provide for a low lighting environment so that the proposed observatory functions (both in the main hotel building and via the skylights to the villas) will meet the expectations of all guests.

4.5.3. Noise

The potential for noise to emanate from the site is from several sources including operation of plant and equipment for the various guest areas etc., the servicing infrastructure co-located to the Blowholes Road frontage and noise from recorded or live music. The proposal therefore has the potential to impact the quiet amenity of existing residents.

Clause 13.05-1S seeks “to assist the control of noise effects on sensitive land uses”. In this instance the relevant requirements are established in the EPA Publication 1411-1413 Noise from Industry in Regional Victoria (NIRV) and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

It is likely that if there is to be a noise impact it would occur in the evening or night time period when the background noise levels are low. The operations of plant and equipment at the development must comply with the EPA requirements which establish the following criteria for the subject site:

- Day – 46 dB
- Evening – 41 dB
- Night – 38 dB

The playing of recorded or live music must comply with different standards set out in the SEPP N-2 policy.

Given the need to comply with the EPA guidelines, the lack of external entertainment elements of the proposal and the significant distances to nearby residents, the potential for noise arising from the facility to impact on nearby residents will be limited and acceptable.

Further, the venue operator will be incentivised to provide for a reasonable acoustic environment so as to meet the expectations of all guests.

4.6. LIQUOR LICENCE

This application seeks permissions for a range of spaces within the hotel to be used to sell and consume liquor, pursuant to Clause 52.27 of the Glenelg Planning Scheme.

A General Liquor Licence is to be sought via the Victorian Commission for Liquor and Gambling Regulation (VCGLR).

The sale and consumption of liquor is considered to form an integral part of hotel operations, particularly high-quality resort offerings.

The only particular provision relevant to the liquor component of the proposal is Clause 52.27 Licensed Premises. This clause seeks to:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

It is under the provisions of Clause 52.27 that the planning permit is sought.

This application seeks permission for the sale and consumption of liquor with a General Licence to apply to the development. The sale and consumption of alcohol is considered complementary to the operations of the resort which is intended to deliver a new hospitality offering.

The full-service hotel will feature high quality finishes, world class amenities, and be supported by fine dining/lounge bar experiences.

The majority of the Hotel is proposed to be licensed, however different components will operate with different hours. The utilisation of a General Licence ensures that guests can have access to alcohol via their mini-bar at all times.

The following table outlines the proposed licensed locations, floor level, maximum patrons and proposed hours of operation. In reviewing the following table, it is worthy to note:
In relation to the **hours of operation** shown, it is highlighted that the Hotel will be managed by to cater to international guests who will be functioning on varied time-zones and who may be arriving late in the day. In this respect, the proposed hours of operation have been carefully considered in order to ensure that the needs of international guests are met at all times.

The **maximum patronage** has been considered based on a review of the Hotel’s population capacity, noting not all areas will operate at capacity at the same time.

<table>
<thead>
<tr>
<th>HOTEL LOCATION</th>
<th>PROPOSED MAXIMUM PATRONS</th>
<th>PROPOSED HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degustation Restaurant</td>
<td>60 Internal 20 Terrace</td>
<td>Good Friday and Anzac Day Between 12 noon and 1am the following morning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>On any other day Between 6am and 1am the following morning</td>
</tr>
<tr>
<td>Main Hotel</td>
<td>All day dining - 80</td>
<td>Good Friday and Anzac Day Between 12 noon and 1am the following morning</td>
</tr>
<tr>
<td></td>
<td>Lobby Lounge: Internal – 30 External - 30</td>
<td>On any other day Between 6am and 1am the following morning</td>
</tr>
<tr>
<td></td>
<td>Observatory Lounge – 40 Blowholes Gallery - 60</td>
<td></td>
</tr>
<tr>
<td>Guest Rooms</td>
<td>N/A</td>
<td>24 hours a day, 7 days per week</td>
</tr>
<tr>
<td>Sale for Consumption off the Premises</td>
<td>Note, the sale of liquor for consumption off the premises is a standard component of the general licence.</td>
<td>Sunday Good Friday and Anzac Day On any other day Between 10am and 11pm Between 12 noon and 11pm Between 7am and 11pm</td>
</tr>
</tbody>
</table>

In relation to the potential negative impact on surrounding residential properties, it is submitted that:

The proposed licensed areas are to be covered by a General liquor licence. We note at the VCGLR these licences are likely to be issued the standard general licence conditions that require:

- The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.
- The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

The application of the general licence conditions require the premises to maintain strict operations to ensure patrons and the premises do not cause adverse amenity impacts on the surrounding area.

The general licence requirement for noise levels to be restricted in compliance with relevant noise criteria ensures that acoustic impacts on surrounding residential interfaces is mitigated.

Regarding the potential for amenity impacts arising from the licensing of the varied areas within the Hotel, we make the following commentary:

- The maximum number of patrons permitted in each area will be conditioned as required by the VCGLR.
- The trading hours permitted in each area will be conditioned as required by the VCGLR.
- Responsible Service of Alcohol is a standard condition that will be applied to the licensee upon receipt of their Liquor Licence.
- A condition of planning approval could be the development of an Operational Management Plan. Such a plan would cover a range of management measures to limit amenity impacts.
The proposed hours of operation of the hotel areas are considered appropriate given the nature of the hotel use, including resort guest accommodations and high quality amenities, and the complementary range of land uses existing within the commercial precinct.

Consistent with the provisions of the General Licence, the operator will be able to sell liquor to be consumed off site. This would allow for example, a guest enjoying a local wine with their dinner to purchase a couple of bottles to take home with them. It does not seek to offer a 'bottle shop' type service with the provision of sales for off-site consumption to be a discrete element of the offer.

In relation to the question of cumulative impact, the proposal does not hit the threshold for a cluster of liquor licences.
DISCLAIMER

This report is dated 18 December 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Australian Tourism Pty Ltd As Trustee For The Australian Tourism Trust (Instructing Party) for the purpose of Report (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.
APPENDIX A

TITLE
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958
---------------------------------------------------------------------
VOLUME 10661 FOLIO 467 Security no : 124080290148D
Produced 18/11/2019 02:26 PM

LAND DESCRIPTION
-----------------
Lot 1 on Plan of Subdivision 500866W.
PARENT TITLES :
Volume 06320 Folio 804 Volume 10428 Folio 265
Created by instrument PS500866W 11/07/2002

REGISTERED PROPRIETOR
---------------------
Estate Fee Simple
Sole Proprietor
BLUEFIN HOLDINGS PTY LTD of 50 RESERVE ROAD DRYSDALE VIC 3222
AH827960Y 08/03/2011

ENCUMBRANCES, CAVEATS AND NOTICES
---------------------------------
COVENANT AB897386M 22/02/2003
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
-----------------
SEE PS500866W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS
-------------------------------
NIL

Additional information: (not part of the Register Search Statement)
Street Address: BLOWHOLES ROAD CAPE BRIDGEWATER VIC 3305

DOCUMENT END

Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
### PLAN OF SUBDIVISION

<table>
<thead>
<tr>
<th>Location of Land</th>
<th>Stage No.</th>
<th>LTO use only</th>
<th>Plan Number</th>
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<tbody>
<tr>
<td>Parish: TARRAGAL</td>
<td></td>
<td></td>
<td>PS 500866W</td>
</tr>
<tr>
<td>Township:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allotments:20, 21, 22 &amp; 23</td>
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<td></td>
<td></td>
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<tr>
<td>Crown Portion:1</td>
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<tr>
<td>LTO base record: Vicmap Digital Property</td>
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<td>Title References: Vol.10428 Fol. 265</td>
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<td>Vol.6320 Fol. 804</td>
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<td>Last Plan Reference: TP 12534G</td>
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</tr>
</tbody>
</table>

#### Postal Address:
RMB 4403, BLOWHOLES ROAD
CAPE BRIDGEWATER 3305

MGA Co-ordinates: N 5752 360
E 535 130 Zone 54

#### Vesting of Roads or Reserves

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Council/Body/Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>NII</td>
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</tbody>
</table>

#### Council Certification and Endorsement

**Council Name:** GLENELG SHIRE COUNCIL  
**Ref:** PS 010/02

1. This plan is certified under section 5 of the Subdivision Act 1988.
2. This plan is certified under section 11(7) of the Subdivision Act 1988.
3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.

#### Open Space

1. A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made.
2. The requirement has been satisfied.
3. The requirement is to be satisfied in Stage.

**Council Delegate**

**Date:** 19/4/02

Re-certified under section 11(7) of the Subdivision Act, 1988

**Council Delegate**

**Council Seal**

**Date:** / /

#### Notations

**Depth Limitation:** Does not apply

**Staging:** This is not a staged subdivision.

**Planning Permit No.:**

**Survey:** This plan is not based on survey.

To be completed where applicable.

This survey has been connected to permanent marks no(s). 28, 29, 34, 46 & 47

*In proclaimed Survey Area.*

#### Easement Information

**Legend:**

- E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement.
- A - Appurtenant Easement
- R - Encumbering Easement (Road)

<table>
<thead>
<tr>
<th>Subject Land</th>
<th>Purpose</th>
<th>Width (Metres)</th>
<th>Origin</th>
<th>Land Benefited/In Favour Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-1</td>
<td>Carriageway</td>
<td>12</td>
<td>This plan</td>
<td>Lot 4 on this plan Powercor Aust. Ltd.</td>
</tr>
<tr>
<td>E-2</td>
<td>Power line</td>
<td>12</td>
<td>This plan</td>
<td>Section 88 of the Electricity Industry Act, 2000.</td>
</tr>
<tr>
<td>E-3</td>
<td>Carriageway</td>
<td>5</td>
<td>This plan</td>
<td>Section 88 of the Electricity Industry Act, 2000.</td>
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<tr>
<td>E-4</td>
<td>Power line</td>
<td>See diag sht. 2</td>
<td>This plan</td>
<td>Glenelg Shire Council Powercor Aust. Ltd.</td>
</tr>
</tbody>
</table>

**LTO use only**

Statement of Compliance
EXEMPTION STATEMENT

**Received:**
**Date:** 19/4/2002

**LTO use only**

**PLAN REGISTERED**
**TIME:** 3:45 PM
**DATE:** 17/7/2002

**Macmillan**
Assistant Registrar of Titles

**SHEET 1 OF 2 SHEETS**

---

**PORTER BERRY CONSULTANTS PTY. LTD.**
LICENSED LAND SURVEYORS & DEVELOPMENT CONSULTANTS
81A PERCY ST. PORTLAND Ph 03 5523 3377

**LICENSED SURVEYOR (PRINT):** RICHARD HENRY BERRY
**SIGNATURE:** __________________ DATE / /
**REF:** 1918 **VERSION:** 1

---

**Reverse image inkjet:** LFS tech
TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-
- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)
Volume 10661 Folio 467

Estate and Interest: (e.g. "all my estate in fee simple")
All our estate and interest in fee simple

Consideration:
$415,000.00

Transferor: (full name)
JOHN NEVILLE DOYLE AND LORRAINE FRANCES DOYLE

Transferee: (full name and address including postcode)
MURRAY JOHN CANN AND HAZEL CANN of Unit 4/604 Nepean Highway, Bonbeach Vic 3196 as Joint Proprietors

Directing Party: (full name)

Creation and/or Reservation and/or Covenant:

The transferees for themselves and their successors, assigns and transfees the registered proprietor or proprietors for the time being of the land hereby transferred hereby jointly and severally and as separate covenants COVENANT with the transferor his successors, assigns and transferees and other registered proprietors for the time being of Lots 2, 3, 4, and 5 comprised in the Plan of Subdivision No. 500866W and every part thereof (other than the Lot hereby transferred):

(a) that they will not construct or cause to be constructed to the east of and including the easement numbered E-3 on the said Plan of Subdivision any building or structure;
(b) that they will not cultivate the land to the east of the easement E3 on the said Plan of Subdivision except for weed control;
(c) that no aircraft or aircraft landing facilities be constructed on the said Lot and that no aircraft be allowed to land on the said Lot at any time.

Approval No: 8980112A

ORDER TO REGISTER
Please register and issue title to...

T2

The back of this form must not be used.
Dated: **DO NOT DATE**
2-12-2002.

Execution and attestation

Signed by the Transferors in the presence of:

) [Signature]

) [Signature]

J N Doyle

L F Doyle

Signed by the Transferees in the presence of:

) [Signature]

M J Cann

) [Signature]

J H Cann

Approval No: 8980112A

**T2 Page 2**

*Law Perfect Pty Ltd*

THE BACK OF THIS FORM MUST NOT BE USED