

Delegate Report

Blowholes Road, Cape Bridgewater VIC 3305 P19181 Application Details:

Application is for:	Use and development of land for a residential hotel (ancillary bar, retail, gallery, observatory, spa, pool and restaurant), use of land for a liquor licence, removal of native vegetation and waiver of bicycle facilities
Applicant's/Owner's Name:	Australian Tourism Pty Ltd
Date Received:	Received 27 December 2019 (Cultural Heritage Management Plan received 2 July 2020.)
Statutory Days:	26
Zoning:	RCZ1
Overlays:	ESO1, SLO3
Under what clause(s) is a permit required?	35.06-1 Use of land 35.06-5 Buildings and works, including earthworks 42.01-2 Buildings and works, native vegetation removal 42.03-2 Buildings and works, native vegetation removal 52.17 Native vegetation removal 52.27 Licenced premises 52.34 Bicycle Facilities
Title Details:	Lot 1 PS500866
Restrictive covenants on the title?	Registered Restrictive Covenant A897386M – 22/02/2003.
Current use and development:	Agriculture

PROPOSAL

Australian Tourism Pty Ltd, has applied for a planning permit for a residential hotel described as a “coastal resort development” at Cape Bridgewater. The proposal consists of the use and development of land for a residential hotel and ancillary bar, retail, gallery, observatory, spa, pool and restaurant, use of land for a liquor licence, removal of native vegetation and waiver of bicycle facilities requirements.

Broadly, the proposal consists of separated accommodation buildings, and central service and hospitality buildings stepped into excavated contours addressing Bridgewater Bay. The development footprint includes significant site works for excavation and recontouring, access roads and pathways, and removal of native vegetation.

The estimated development cost is \$85 million. The proponent estimates employment generation of approximately 245 full time staff at full capacity and 120 construction jobs during the development phase.

The proposal is summarised below.

Central residential hotel building

The central residential hotel building has a contemporary building form extending across five stepped levels, terraced into the contours of the site. Three levels are visible above ground, with two below ground.

The plans indicate a stepped building form ranging in height from 9 m to 14 m. The highest point of the roof line is at 82 (Reduced Level (RL) from height datum), set just below the highest point of the subject site (at 82.61 RL) and the dominant ridgeline (85.46RL) located beyond the southern property boundary. The building has a footprint of 935 m², with a ground level terrace of 950 m².

The building is primarily clad in basalt, with large glazed elements. The north-west elevation also features corten steel cladding and rammed earth panels, which partially encircle a gravel driveway. A projecting corten steel porte-cochère covers the guest entry to the hotel.

Above and below ground walkways connect the central residential hotel building to four accommodation wings and an outdoor pool, sauna and terrace, and underground gallery walkway to a restaurant.

Restaurant

The restaurant building is single-storey with a building height of 6.1 m and is approximately 515 m² in area. The restaurant will seat 60 patrons internally and 20 patrons on an outdoor terrace. The building is primarily clad in basalt, with large glazed windows and an outdoor terrace with glazed balustrades.

The restaurant is proposed to be set back from the north property boundary by 27 m and the Great South West Walk (GSWW) by approximately 17.4 m.

Lodges

The application proposes four accommodation wings or “lodges”, with 88 rooms to cater for 176 guests. The lodges are clad in honey-hued rammed earth, with large glazed windows of clear and tinted glass. The flat roofs of lodges C & D are to be landscaped with green roofing, while lodges A & B are to host solar panels.

- Lodge A is the tallest wing, and is attached to the central hotel building via a walkway and below ground service area. It is rectangular in plan and spans four levels terraced into the contours of the site. It has a stepped building form ranging in height from 16m to 10.4m and a footprint of 1145 m². It is set back from the north property boundary by 25 m.
- Lodge B is the longest wing and is set 6.6 m south-east of the central hotel building. It is rectangular in plan and spans three levels, with two levels providing accommodation. It has a stepped building form ranging in height

from 11.2 m to 4 m. It has a footprint of 1190 m² and is set back from the south property boundary by 25 m.

- Lodge C is the smallest wing and is set approx. 7.7 m to the east of the central hotel's outdoor terrace. It spans two levels, set on a rammed earth clad plinth, with a maximum building height of 9.9 m and a footprint of 590 m².
- Lodge D is set 13.8 m south-east of lodge B and 5.9 m from lodge C. It is rectangular in plan and spans two levels, set on a rammed earth clad plinth. It has a stepped building form ranging from 7 m to 5.1 m and a footprint of 800 m².

Villas

The application proposes 18 villas ('coastal' and 'pasture') to be dispersed across the site and positioned to graduate down the contours of the subject land.

Sixteen 'pasture' villas are located within the west portion of the site. Two 'coastal villas' are set within the eastern vegetated portion of the site, in front of lodge D.

The villas are to be clad in honey-hued rammed earth, with brushed metal fascias, large glazed windows and projecting corten steel skylights. Each villa has a pool and undercover porch to accommodate an automated buggy.

- The one bedroom 'pasture villas' have a footprint of 76 m² and a common roof height of 3.35 m. The projecting skylights are approximately 5.4 m high. This cluster has a minimum setback of 2.7 m from the south boundary.
- The two bedroom pasture villas have a footprint of 148 m² and common roof height of 3.3 m. The projecting skylights are approximately 5.4 m high. This cluster has a minimum setback of 3.8 m from the south boundary and 2.5 m from the west boundary.
- The coastal villas comprise two bedrooms and are set 16.1 m apart and are oriented towards Bridgewater Bay, approximately 23.1 m and 35.9 m respectively from the GSWW easement. They have a footprint of 68 m² and building height of 3.45 m. The plans show the skylights projecting to a height of 66.55 RL. The south villa is set 24 m off the south boundary, while the north villa is set 53 m off the south property boundary.

Services and infrastructure

An Ancillary Plant Building is to be located at the south-west property boundary, with an approximate 58.8 m frontage to Blowholes Road. It is to be set back 11.5 m from the west boundary and 1 m from the south boundary. It is single storey and constructed of concrete, with the western elevation clad in raked rammed earth. A grassed earth berm is to obscure the east facing building form from the hotel and villa complex. It has a maximum building height of approximately 5 m and a footprint of 555 m².

The plant building is to house the following plant and equipment:

- Sewerage treatment system
- Potable water treatment system
- Potable water storage tank
- Biodiesel generator
- Fuel tanks
- Switch room
- Solar Storage Batteries
- Bore pump station

Below ground services dispersed across site:

- Potable water storage tanks
- Treated effluent wet weather storage tanks
- Sub-soil drip irrigation system
- Sewerage, treated effluent, potable water, power and fire services lines.

Above ground services:

- Ground water bore
- Storm water detention dam to feed the garden irrigation system
- Ground source heat pump rejection field (TBC)
- Solar PV Panels
- Fire services

Roads, pedestrian access and car parking

- The development includes three new vehicle crossovers off Blowholes Road.
- Primary access is provided by a two-way driveway located near the north – west property boundary.
- Service vehicles and overnight coach parking is to be located within a vehicle turn out at the south-west property boundary.
- An internal roadway includes gravel driveways, service road (for back of house access for loading and waste collection) and three dedicated CFA truck turning circles.
- Pedestrian movement within the site includes the gravel roadway and raised timber boardwalk.
- A separate driveway provides access to the loading bay and back-of-house services areas at the central hotel.
- A 96 bay valet operated car park is to be located below the hotel and reception building. It has a building footprint of 2,340 m² and comprises two levels, capped with an earth berm and green roof.
- No car parking is to be provided at individual lodges or villas, rather guests are to be transported by 20 automated buggies.

Landscaping and vegetation screening

The Landscape Plan shows the proposed layout of new garden beds, specimen trees, grassed earth berms and green rooftops to below-ground buildings. The planting list consists of indigenous species.

In addition to amenity landscaping, the applicant proposes to establish a 'continuous vegetation screen and windrow' primarily comprising *Eucalyptus ovata* (Swamp Gum) and other local species along the north, south and west site boundaries.

A drip irrigation system is to be established across the site for vegetation maintenance.

Native vegetation removal

A total of 0.923 hectares of native vegetation is proposed to be removed to provide a defensible space buffer around buildings, site access and internal pathways, and boardwalks. A total of 3.121 hectares is to be retained, inclusive of a 2 hectare offset area.

Total building footprint and earthworks

The total site area is 10.44 hectares, with the building form occupying approximately 8,175 m² (7.8% of the site). The proposed outdoor terrace comprises 950 m² and the underground car park is 2,340 m².

A restrictive covenant prevents the development on approximately 1.7 ha of the site that is east of where it is bisected by the GSWW.

Substantial earthworks are to be conducted to enable the proposed stepped building forms, underground walkway (tunnel) and provision of reticulated services. Site 'cut' will be re-used to create gravel roadways and the proposed earth berms to assist in the integration of built form.

SUBJECT SITE and LOCALITY

The site is located at Cape Bridgewater, approximately 20 km west of Portland. The subject site has a total area of 10.42 hectares, was previously used for animal grazing and is currently vacant.

The main characteristics of the subject land:

- It is predominately rectangular in shape, and is bound by an unmade road reserve to the north, Bridgewater Bay to the east, rural land to the south and Bridgewater Road to the west.
- The western portion of the site contains undulating pasture.
- The eastern portion of the site comprises a vegetated coastal headland and steep cliff embankment, which falls away to the high water mark.
- The highest point of the land, located near the centre of the southern boundary is at RL 82.61. From this small plateau, the land slopes away to the north and west boundaries, and more dramatically to the eastern headland.
- Two easements affect the site. E-3 is a carriageway easement for the Great South West Walk (GSWW) coastal path, which bisects the eastern vegetated portion of the site. E-2 is a power line easement that enters the site from the south property boundary.
- Land to the east of the GSWW path is inaccessible, due to the steep topography, cliffs and coastal vegetation. A burial site (and memorial) dating from 1857 is located to the east of E-3 and is identified on the Victorian Heritage Inventory (H7121-0012).

- The subject site commands expansive views of Bridgewater Bay and the coastal cliffs, headland and rural hinterland of the Cape. Due to its topography and height relative to the Cape Bridgewater settlement and foreshore area, the site (and particularly its coastal cliffs and unvegetated ridgeline) is visible from both public and private domains.

The main characteristics of surrounding land:

- The subject site is located adjacent to the southern boundary of the Cape Bridgewater settlement.
- The built form of the settlement includes a mixture of single and two storey dwellings, mostly nestled into the topography or partially obscured by vegetation.
- Land to the north of the site, beyond the road reserve, contains residential and tourist accommodation located on large lots, with mature garden and windrow plantings. This land is zoned Rural Activity Zone. There is a 1.3 ha parcel of partially vegetated Crown land at the north-east corner of the site, in the Public Park and Recreation Zone.
- Surrounding land to the west and south is of similar undulating topography. These lots are mostly used for grazing and are sparsely developed with dwellings and agricultural outbuildings. The use of windrow plantings to delineate property boundaries and provide shelter is a notable landscape feature.
- The subject land sits on the eastern aspect of the Cape Bridgewater landform, which extends in a southerly direction for approximately 2.5 kilometres.
- A significant feature of the area is the presence of large wind turbines, intermittently positioned around the south-west perimeter of the Cape (approximately 1.5 kilometres west / north-west of the settlement and subject site).

PERMIT HISTORY

The subject site was created as part of a 5 lot rural subdivision, P205/01, approved in 2001.

Registered Restrictive Covenant A897386M is recorded on the title and sets out the following legal agreement between landowners of the subdivision:

- *They will 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.*

P09126 (2009) - Use & Development of Dwelling (Withdrawn).

PUBLIC NOTIFICATION

Notice of the application pursuant to Section 52 of the *Planning and Environment Act 1987*, occurred by:

- Sending notices to the owners and occupiers of adjoining land and properties benefitting from covenant A897386M;
- Placing a sign on site;
- Notice in Newspapers (Portland Observer, The Border Watch);
- Application and supporting documentation made available in hard copy and on Council's webpage.

The application was "on notice" from 10 January 2020 until 24 January 2020. Under the Act Council is also required and has accepted, submissions until a determination on the application.

The notification process has been carried out correctly.

Submissions

The application has received 85 submissions up to the date of finalising this report. Broadly 74 submissions oppose the proposal and 11 support the proposal.

In summary, matters raised in objecting submissions include:

- Inconsistency with the Cape Bridgewater Structure Plan and Glenelg Planning Scheme
- Visual and landscape impact
- Built form and landscaping
- Environment and heritage
- Operational and amenity impact issues
- Infrastructure and services
- Economic impact
- Council processes

In summary, matters raised in supporting submissions include local economic and employment benefits, including diversification of the local tourist accommodation offering.

A table summarising the themes of submissions and consideration of these matters is provided with this report and has formed part of the assessment explained in this report.

CONSULTATION

Consultation was undertaken between Council and the applicant as part of a pre-application process.

The applicant convened an agency workshop prior to lodgement of the application. They also conducted a public information session in Cape Bridgewater on 16 March 2020, external to Council processes.

Ongoing consultation has taken place between Council planning staff and submitters to the application to clarify administrative and procedural matters.

REFERRALS

External Referrals and Notice Required by the Planning Scheme:

Section 55 Referrals	Determining Authority Response
Environmental Protection Agency (EPA)	Conditional consent
Department of Transport (Transport Victoria)	Consent provided, no conditions
Section 55 Statutory Referrals	Recommending Authority Response
Department of Environment, Land Water and Planning (DELWP) including on behalf of Minister for Energy, Environment and Climate Change and Parks Victoria	Conditional consent.
Section 52 Notices	Comment
CFA	Conditional consent
Southern Rural Water	No response
Victoria Police	No response
Internal Referrals	Conditions
Assets and Infrastructure	Conditional consent
Environmental Health	Consent

GLENELG PLANNING SCHEME

Permit requirements

A planning permit is required for this application under the following clauses of the Glenelg Planning Scheme:

The following permit triggers are applicable to the application:

Rural Conservation Zone

- Clause 35.06-1 (Section 2 Use) - a permit is required to use the land for a residential hotel, which is listed as a 'Section 2' use.
- Clause 35.06-5 (Buildings and works) – a permit is required to construct a residential hotel.
- Clause 35.06-5 (Buildings and works) – a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary.

Environmental Significance Overlay

- Clause 42.01-2 (Buildings and works) - a permit is required to construct a building or carry out works in the ESO.
- Clause 42.01-2 (Native vegetation) - a permit is required to construct remove, destroy or lop any vegetation, including dead vegetation.

Significant Landscape Overlay

- Clause 42.03-2 (Buildings and works) - a permit is required to construct a building or carry out works.
- Clause 42.03-2 (Native vegetation) - a permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

Other Triggers

- Native Vegetation removal – clause 52.17.
- Licensed Premises – Clause 52.27.
- Bicycle Waiver – clause 52.34.

Municipal Planning Strategy and Planning Policy Framework

Consideration of the application is required against the following Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).

Clause 02 Local Planning Policy

- Clause 02.02 Vision
- Clause 02.03 Strategic Directions
- Clause 02.03-1 Settlement - Small towns
- Clause 02.03-2 Environmental and landscape values
- Clause 02.03-5 Built environment and heritage (Built environment)
- Clause 02.03-6 Economic development (Tourism)

Clause 11 Settlement

- Clause 11.03-4S Coastal Settlement
- Clause 11.03-4L Coastal Settlement
- Clause 11.03-6L Cape Bridgewater

Clause 12 Environmental and Landscape Values

- Clause 12.01-2S Native Vegetation Management
- Clause 12.02-1S Protection of Coastal Areas
- Clause 12.05-2S Landscapes
- Clause 12.05-2L Landscapes

Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S Bushfire Planning
- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility

Clause 15 Built Environment and Heritage

- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-2L Building Design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-6S Design for Rural Areas
- Clause 15.02-1S Energy and Resource Efficiency
- Clause 15.03-2S Aboriginal Cultural Heritage

Clause 17 Economic Development

- Clause 17.01-1S Diversified Economy
- Clause 17.01-1R Diversified Economy – Great South Coast
- Clause 17.04-1S Facilitating tourism
- Clause 17.01-1R Tourism – Great South Coast
- Clause 17.04-1L Facilitating tourism
- Clause 17.04-2S Coastal and Maritime Tourism and Recreation
- Clause 17.04-2L Coastal and maritime tourism

Zone

The subject site is located in the Rural Conservation Zone Schedule 1 – Conservation Values.

Purpose of the zone:

- *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.*

Schedule 1 to the RCZ:

Conservation Values

- *To conserve the environment, landscape and vegetation qualities of the area by encouraging sound management practices and land capability principles which recognise the environmental sensitivity and biodiversity of the locality.*

Overlays

The subject site is affected by the Environmental Significance Overlay Schedule 1.

Purpose of the overlay:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

ESO Schedule 1 Coastal Areas:

1.0 Statement of environmental significance

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.

2.0 Environmental objectives to be achieved

- *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.*

3.0 Permit requirement

- *Environmental assessment of impacts associated with development will be provided to Council demonstrating compliance with the above objectives.*
- *A soil and water report will be provided demonstrating that stormwater flows and drainage from the site shall not cause erosion, siltation or degradation of any watercourse downstream of the development site.*

The subject site is also affected by the Significant Landscape Overlay Schedule 3.

Purpose of the overlay:

- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

SLO Schedule 3 Cape Bridgewater and Cape Nelson

1.0 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.

2.0 Landscape character to be achieved

- *To protect and enhance the coverage of indigenous coastal vegetation to ensure that it is a dominant feature of the landscape.*
- *To protect cultural vegetation patterns throughout the rural hinterland.*
- *To protect locally significant views and vistas which contribute to the character of the landscape.*
- *To retain the dominant natural landscape character and sense of isolation at the coastal cliffs and edges and the clear views to the ocean.*
- *To minimise visual clutter of the hinterland landscape with built development to retain open spaces that provide views to the coast, capes and hinterland.*
- *To retain natural landforms and indigenous vegetation as an essential component of the character of the rural hinterland.*
- *To preserve an appropriate landscape setting for features of cultural or heritage significance, including the Cape Nelson Lighthouse Station.*
- *To recognise that the wind turbine towers on the capes do not set the scale for other forms of development.*

3.0 Development Applications

Require with planning permit applications:

– a detailed site evaluation which considers the existing landscape context including topography, vegetation (species, location and character), and views to the site from roads, settlements, publicly accessible waterways and recreation and tourism locations and;

– a landscape plan that 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) and how the affected area will be remediated after the development.

Relevant Particular Provisions

Clause 52.06 Car Parking

Pursuant to Clause 52.06-3 – a permit is required to provide car parking spaces in accordance with Table 1 of Clause 52.06-5.

Car parking requirements under Table 1 of Clause 52.06-5:

Proposed Use	Measure	Rate	Requirement
Hotel and lodges	88 rooms	To the satisfaction of the Responsible Authority.	None specified.
Villas	18 villas	1 space to each one or two bedroom dwelling	18 spaces
Restaurant	60 seats	0.4 spaces to each patron permitted	24 spaces
Total			42 spaces

Proposed provision of car parking in response to Clause 52.06-5:

Use	Measure	Expected demand	Requirement	Proposed provision
Hotel and lodges	88 rooms	To the satisfaction of the Responsible Authority.	None specified.	53 spaces
Villas	18 villas	1 space to each one or two bedroom dwelling	18 spaces	31 spaces
Restaurant	15 external patrons	0.4 spaces to each patron	6 spaces	6 spaces
Staff			6 spaces	6 spaces
Total				96 spaces

Clause 52.17 Native Vegetation

Pursuant to Clause 52.17-1 - a permit is required to remove, destroy or lop native vegetation, including dead native vegetation, including dead native vegetation.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the 'Guidelines for the removal, destruction or lopping of native vegetation' (Department of Environment, Land, Water and Planning, 2017) (the Guidelines).

Clause 52.27 Licenced Premises

The purpose of Clause 52.27 is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered. Under the clause a planning permit is required if a license is required under the *Liquor Control Reform Act 1998*.

Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34 - a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 (required bicycle facilities) and Clause 52.34-6 (design of bicycle spaces). The applicant has requested a waiver of the requirements of the clause.

Clause 65 Decision Guidelines

Clause 65.01 outlines further decision guidelines to be considered by the Responsible Authority when making decisions on applications.

Clause 71.02-3 Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Other legislation, strategies and policy documents

Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018

A Cultural Heritage Management Plan (CHMP) has been prepared as a mandatory requirement under Section 46 of the *Aboriginal Heritage Act 2006* as the proposed works as considered a high impact activity as defined in Regulation 46. Notice of approval of the CHMP was received on 2 July 2020.

Marine and Coastal Policy 2020

The Marine and Coastal Policy provides strategic directions for the sustainable management and use of the marine and coastal environment with respect to challenges from climate change, population growth, and ageing coastal infrastructure.

Of particular relevance are policy directions relating to biodiversity, natural and landscape values, coastal settlements and recreation and tourism.

Victorian Coastal Strategy 2014

This strategy is a policy document at Clause 11.03-4S. The Victorian Coastal Strategy sets out objectives for building design, visitation and tourism. These include:

- *New buildings and infrastructure exhibit excellence in siting and design that integrates with the coastal landscape and setting, while also avoiding environmental impacts.*
- *Visitor and tourism developments exhibit exemplary design standards, integrate with the surrounding coastal landscape and setting, and enhance environmental and heritage values.*

Great South Coast Regional Growth Plan 2014

This plan is a policy document at Clause 11.03-4S. This regional plan encourages a network of tourism facilities to draw visitation across the region to improve economic and social benefits. Ecotourism and cultural tourism are defined strengths and opportunities that can assist small communities facing population loss.

Glenelg Tourism Strategy 2015

This strategy is a background document at Clause 02.03-6. It provides a framework for the development of the Shire's tourism industry and identifies opportunities for growing visitor numbers, activities, services and accommodation. It identifies Cape Bridgewater as a key nature based tourism destination.

Cape Bridgewater Structure Plan 2018

The Cape Bridgewater Structure Plan at Clause 11.03-6L Cape Bridgewater, was implemented by Glenelg Planning Scheme Amendment C92. The subject site comprises the 'Blowholes Precinct Investigation Area' as set out in the figure below:

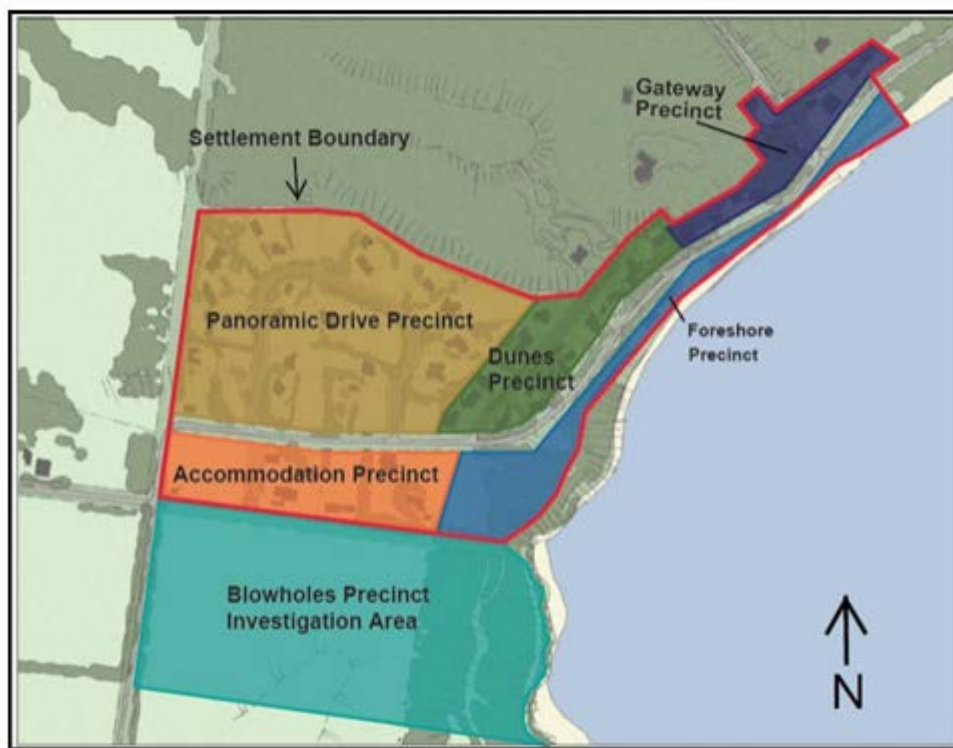


Figure 1 Cape Bridgewater Structure Plan, extract from Clause 11.03-6L

The plan includes 'Guidelines and Requirement' relating to built form, siting, landscape, architecture, boundaries and access. These design guidelines have been translated into Clause 11.03-6L of the scheme:

- *Encourage modest, low-scale tourist and residential accommodation development and other tourism-related uses that blend into the landscape.*
- *Encourage built form that is designed and sited to be visually unobtrusive when viewed from the settlement and foreshore area.*
- *Support opportunities that enhance access to the coastal cliffs.*

It also sets out the following pre-conditions to be met should a planning scheme amendment to rezone the land be proposed:

- *Transfer of vegetated coastal land into public ownership (informed by a detailed flora and fauna assessment).*
- *Agreement to deliver a tourism/ accommodation facility.*
- *Demonstration that waste water can be appropriately treated and disposed of.*
- *Agreement to deliver infrastructure items specified in the following table (extracted in the next dot point).*
- *Demonstration of a proposed development proposal that incorporates a subdivision and development design that:*
 - *Has regard to the land form and visual sensitivity of the site;*
 - *Proposes lot sizes/development outcomes that are in accordance with waste water requirements and to manage bushfire risks, and the design guidelines as set out in Chapter 8;*
 - *Delivers low scale and sensitive built form in elevated areas*
 - *Provides for access in accordance with the Structure Plan.*

In this proposal a rezoning is not required, the application may be considered within the existing Planning Scheme.

ASSESSMENT

Response to Municipal Planning Strategy and Planning Policy Framework

The proposal is supported by State and local tourism and settlement policy which encourages the increase in economic activity, local employment opportunities and benefits from tourist visitation in coastal locations.

The proposed use of the subject land for tourism accommodation finds strong strategic support in the MPS, PFF and Cape Bridgewater Structure Plan. The site is in proximity to local nature-based recreation activities and attractions in Bridgewater Bay, Bridgewater Lakes, Discovery Bay and major regional attractions including Budj Bim World Heritage site.

The proposal is consistent with coastal policies seeking to avoid development which leads to adverse impacts on marine and coastal functions and environmental processes. Likewise, due to the location of the subject site, the development is not considered to lead to an increase in exposure to coastal hazard risk.

It is generally consistent with coastal and landscape policy which seeks to reduce the impact of development on biodiversity values of the site and broader setting. It is noted that some native vegetation clearance is proposed, including the modelled habitat of two species. On-site offsets are proposed to secure a 2 ha area. With a works approval from the EPA and adherence to EPA standards, the proposed on-site wastewater treatment system is considered to adhere to the relevant strategic directions.

The proposed bushfire mitigation measures set out in the application (and supporting documentation) are considered to align with the bushfire planning strategies. Of relevance is that the site is not impacted by a Bushfire Management Overlay. In context the request for DELWP to apply a Section 173 Agreement about the shelter in place building, above and beyond recommendations of the CFA, has not been included.

The proposal is consistent with strategic directions which encourage the development of eco and nature-based tourism accommodation at Cape Bridgewater. It is generally supported by site-specific policy which seeks to guide the built form and character outcomes.

These include Clause 11.03-6 L, which contains the following site-specific guidelines:

Blowhole Precinct strategies:

- *Encourage modest, low-scale tourist and residential accommodation development and other tourism-related uses that blend into the landscape.*
- *Encourage built form that is designed and sited to be visually unobtrusive when viewed from the settlement and foreshore area.*
- *Support opportunities that enhance access to the coastal cliffs.*

The proposed built form attributes of the development are considered to generally accord with strategic directions. These include the separation of built forms, siting of roof tops below the dominant ridgeline and terracing of built forms into the contours of the landscape.

It is noted that aspects proposed development cannot be characterised as low-scale, as when viewed from the low-lying settlement and foreshore area, some building

rooflines and built form elements project above the ridgeline. Although partially visible, the development is not considered to have an unacceptable impact on significant view lines from the settlement to the cape.

These built form attributes also directly respond to the existing built form typography of the adjoining settlement and generally accord with desired future character directions for the site and surrounding area. The use of existing landscape elements, include boundary plantings and the proposed vegetation screening and windrow planting also continue landscape characteristics of the rural and urban settlement.

The proposal finds support in State and local policies which promote view sharing and discourages coastal development which obscures or impacts significant public views of the coastline.

The proposal's use of building materials, textures and colour palettes, drawn from the local environment is supported by policy.

The proposed undergrounding of services, visual screening, use of indigenous vegetation and green roofs and retention of native vegetation on the east portion of the site will also aid in minimising visual impacts on the surrounding landscape.

It is noted that coastal planning policy discourages extensive site works that impact on the natural landform character of the site.

The proposal is consistent with State directions requiring the preparation and approval of an Aboriginal Cultural Heritage Management Plan.

On balance, the application is considered to be an acceptable response to the relevant policy directions of the PPF and LPPF of the Glenelg Planning Scheme.

Submissions

Provided with this delegate report is an analysis of the numerous objections received in respect of the proposal. Also included are those submissions in support.

To the extent not specifically dealt with by reference in this report the summary and analysis in the attached table of summary of submission document has been taken into account in this analysis.

Decision guidelines

The following provides an assessment of the application against the relevant permit requirements and decision guidelines of the scheme:

Rural Conservation Zone 1

Decision Guidelines of Clause 36.06-6

General issues

- *Any Regional Catchment Strategy and associated plan applying to the land.*

The proposal is not contrary to the Glenelg Hopkins Regional Catchment Strategy 2013-2019.

- *The capability of the land to accommodate the proposed use or development.*

- *How the use or development conserves the values identified for the land in a schedule.*

Schedule 1 to the RCZ sets out the following conservation values:

To conserve the environment, landscape and vegetation qualities of the area by encouraging sound management practices and land capability principles which recognise the environmental sensitivity and biodiversity of the locality

The management practices and land capability principles proposed as part of the application focus on the conservation of coastal vegetation, treatment and disposal of waste water, drainage and storm water retention and service provision.

A Land Capability Assessment or Integrated Management Plan was not required as matters associated with waste water and land capability will be considered as part of the EPA Works Approval Assessment determination.

A Development Plan setting out drainage and on-site storm water retention is to be prepared to the satisfaction Council's Engineering Department as a requirement of any permit issued. Council's Assets Unit have requested conditions to be applied to the planning permit to address site drainage. The site is considered to have sufficient capacity to accommodate on-site drainage.

A ground water extraction license and the proposed extraction volume is to be assessed by Southern Rural Water. Southern Rural Water is the relevant authority for this statutory approval.

- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*

The subject site is considered to be suitable for the proposed use and finds strong strategic support in planning policy and reference documents, including the Cape Bridgewater Structure Plan.

Adjoining land uses include tourism accommodation, broad scale agricultural grazing and a small number of dwellings.

Potential amenity impacts associated with patron and service noise are to be mitigated through building design measures, including acoustic rated building materials, sound proofing and operational measures that limit live and recorded music. An acoustic management plan will be required as a permit condition to address potential noise impacts on neighbouring land uses. The plan will also be required to address potential noise impacts from plant equipment contained in the ancillary service plant.

On-site lighting and potential light-spill is to be regulated via condition of any permit issued. Given the broad acre nature of the surrounding environment, light spill is unlikely to detrimentally impact on agricultural land use, public amenity or adjoining businesses and dwellings.

The proposed setback distances of the restaurant, accommodation lodges and villas to site boundaries range from 24 m to 27 m, which is considered to be adequate to provide a spatial buffer. This setback distance, coupled with the height and density of existing boundary plantings, and the proposed earth berms and vegetation screening, aid in the mitigation of overlooking and visual amenity issues.

Building roof forms, heights and footprints have been designed and sited with regard to view sharing principles contained within local area policy for Cape Bridgewater.

It is considered that the proposal will not adversely impact surrounding agricultural operations (to the south and west), due to the containment of waste water, storm water and proposed vegetation screening.

The proposed use is considered to be compatible with land uses immediately surrounding the subject site.

Environmental issues

- *An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.*
- *The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.*

The subject land contains approximately 4.044 ha of native vegetation, including Coastal Headland Scrub (EVC 161), Coastal Headland Scrub (EVC 165) and Coastal Alkaline Scrub (EVC 858).

The proposal includes the removal of approximately 0.923 ha of Coastal Headland and Coastal Alkaline Scrub, as per the Figure 2 below:



Figure 2 Ecological features, proposed vegetation removal and offsite site (EHP, April 2020)

The applicant states that the removal is required to create defensible space buffers around buildings, site access and internal pathways. A new boardwalk is also proposed to establish access from the site to the GSWW.

The proposed defensible space buffers between habitable buildings and native vegetation are set out in the Bushfire Management Plan and Bushfire Management Statement (SCBC 2019). The applicant proposes to offset this removal by protecting and conserving approximately 2 ha of existing high quality native vegetation, either side of the GSWW easement. The offset area is to be secured and maintained in accordance with DELWP *Guidelines for the removal, destruction or lopping of native vegetation* (2017).

The proposed native vegetation removal is the primary environmental impact on the site. Other potential impacts associated with weed and pest control, erosion, run off and new vegetation plantings are to be managed in accordance with EPA approval and the proposed Offset Management Plan and Landscape Plan.

DELWP has provided conditional consent for the removal of the native vegetation extent. The offset and additional landscape plantings using indigenous species offer a suitable design response to address impacts on lower level significant vegetation.

It is considered that with EPA and DELWP consent and adherence to permit conditions, environmental impacts can be managed without leading to adverse or detrimental outcomes on the biodiversity of the area.

Design and siting issues

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

Design, siting and landscape character matters are discussed as part of the assessment against the Significant Landscape Overlay decision guidelines.

- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The location and design of roads and existing and proposed infrastructure services to minimize the visual impact on the landscape.*

It is considered that proposed methods of concealing infrastructure services, reticulated services, plant equipment and car parking greatly minimises both on-site and off-site visual impacts.

The use of earth berms to obscure the ancillary service plant and carpark is considered to minimise visual impact. The proposed use of flat solar arrays (on flat roof forms) rather than tilt frame panels, is also encouraged and will be a condition on any permit issued.

The proposed undergrounding of cables and pipes and the re-use of crushed gravel roadways and pathways sourced from on-site materials is also considered appropriate for this setting. These materials are complementary to the broader site character.

Environmental Significance Overlay Schedule 1 – Coastal Areas

Decision Guidelines of Clause 42.01-5

- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*

The ESO1 applies to all coastal land in Glenelg Shire (outside of Portland). The statement of environmental significance and environmental objectives for ESO1 seek to protect the environmental values of coastal land and marine functions.

The primary environmental impacts of the development relate to native vegetation, land capability, treatment and disposal of waste water and on-site retention of storm water. Potential impacts on landscape values and character of the cape's coastal landscape are discussed as part of the SLO assessment below.

Objecting submissions raise concerns about the impacts of the development on the surrounding coastal environment and the effects of climate change, including coastal erosion and cliff stability. Due to the elevation of the subject site and setback of built form beyond the coastal cliffs, it is not considered to be vulnerable to sea level rise. The site is to be partly revegetated using local species to aid soil stabilisation and erosion mitigation due to the disturbance of topsoil and vegetation removal.

It is noted that substantial earthworks are proposed and that matters relating to geological stability will be assessed in accordance with the Building Act and associated regulations, as part of a separate building permit process.

Matters associated with waste water treatment and land capability will be assessed by the EPA as part of the Works Approval Assessment determination.

The Biodiversity and Ecology Assessment Report (Ecology and Heritage Partners, April 2020) and associated Native Vegetation Removal Report (April 2020) and Native Vegetation Offset Report (February 2020) fulfill the permit requirements set out in ESO Schedule 1.

DELWP have provided permit conditions which will ensure the protection and enhancement vegetation to be retained.

- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*

The subject site is not affected by the Bushfire Management Overlay, but similar to most of Victoria, is identified as a Bushfire Prone Area. A Bushfire Management Plan and Bushfire Management Statement (SCBC 2019) have been prepared for the site, which includes the requirement to create defensible space buffers around habitable buildings by the removal of native vegetation.

All habitable buildings are to be constructed to a Bushfire Attack Level (BAL) 40 fire rating standards, with differing BAL ratings for defensible space. The Central Hotel Building is to be established as a 'Neighbourhood Safer Place' for patrons and Cape Bridgewater community members to 'shelter-in-place' should the need arise.

Discussions between the applicant, DELWP and the CFA have been undertaken as part of the referral process, to ensure the proposed vegetation removal and shelter in place proposal meets both CFA and DELWP requirements. These requirements are included as permit conditions.

Significant Landscape Overlay Schedule 3 – Cape Bridgewater and Cape Nelson

Decision Guidelines of Clause 42.03-5

- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*

The SLO3 'Statement of Nature and Key Elements of Landscape' identifies Cape Bridgewater and Cape Nelson as having significant environmental, natural, visual and aesthetic value. In the context of the subject site, significant landscape elements include the high coastal cliffs, vegetated headlands, low-lying foreshore and undulating landform of Cape Bridgewater. The landscape character objectives set out in SLO3 seek to maintain locally significant views of the coast, cape and hinterland, and the dominant natural landscape character at coastal cliffs and edges.

Objecting submissions raise concerns about the impact of the proposal on these values and particularly the visibility of the site and the proposed development.

An inspection of the subject site and surrounding area confirms that the eastern vegetated headland and the upper portion of its ridgeline are somewhat visible from public and private realms. The undulating site topography, mature boundary plantings and existing buildings obscure views to the lower portions of the site from the settlement and foreshore area. The site is also visible along sections of the GSWW, however it is noted that when walking within the vicinity of the subject site, that activity area is visually obscured.

In the report for the 'Apollo Bay Tourism Resort Call In', Colac Otway Permit Application No PP169/2017-1, the panel noted that the threshold for visual impact is not solely the presence of built form within a significant landscape setting. The panel's view was that *'planning policy does not expect the setting to remain pristine or entirely free from any visible development'*.

A landscape assessment, including an analysis of the visual impact from a number of vantage points is provided as part of the application (Spowers, 2019; Outlines, 2019).

It includes rendered impressions of the development from six key public and private vistas.

These images show that the upper levels of the central hotel building and lodges, the restaurant and some villas will be visible. It also shows the proposed setback of the buildings from the coastal cliffs and the edge of the headland.

The applicant states that 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 (Outlines, 2019). Other design characteristics, which seek to minimise the visual impact of the built form include roof heights set below the highest site point, stepped building forms, flat and landscaped roofs and vegetation screening.

The restaurant and coastal villas are located within proximity to the headland, but are considered to be low-scale and generally conform to the character objectives of SLO3. It is noted that some vegetation removal is proposed to create defendable space buffers to these buildings.

While visible, it is not considered that the proposed development will obscure or block key views due to the height or form of buildings. The subject site is not located in the direct view line between the foreshore and the southern extent of the cape, due to the curve of the coast and its elevation.

In terms of views of the ocean and cape from the private realm, it is considered that the proposed building setback and building heights (at the south boundary) are consistent with view-sharing principles contained in the scheme. Private dwellings that will have some view of the development will still retain an acceptable level of view sharing from a planning policy perspective.

The visual bulk of the Central Hotel and Lodge A built form, when viewed from the north-east boundary, have the most visual impact overall. Although the existing mature boundary plantings and proposed vegetation and earth berms will somewhat screen this view. The applicant states that this scale of building mass is commercially required for project feasibility. The buildings are separated forms, nestled into the topography of the site, which is not inconsistent with the prevailing building mass character in the Cape Bridgewater settlement. The use of recessive materials, textures and colours is also considered to be appropriate to the setting.

The extent of earthworks required to achieve the terraced building form has an impact on the natural landform character of the site. The extent of earth works has also been raised by objecting submitters. Generally, coastal planning policy discourages extensive site works. The scale of the resort development and stepped building form are issues that are required to be balanced against competing planning policy objectives in order to achieve an integrated decision.

- *Any other matters specified in a schedule to this overlay:*

Schedule 3 Decision Guidelines:

- *Whether the proposed development provides for the planting of new shelter belts utilising an indigenous species suitable to the local area.*
- *In coastal areas, whether development is sited sparsely, minimising visibility from the roads and the Great South West Walk and maximising the retention of coastal vegetation.*

- *Whether the proposed development is located so as not to intrude into open views to the ocean, capes, headlands or Cape Nelson Lighthouse Station.*
- *Whether the visual intrusion of the proposed development is minimised in landscapes visible in the within the foreground (up to 500 m) of the Great South West Walk.*

The applicant proposes to establish a 'continuous vegetation screen and windrow' primarily comprising *Eucalyptus ovata* (Swamp Gum) and other indigenous species along the north, south and west site boundaries. This will assist to integrate the development over time into the broader setting of the cape.

It is noted that the development is not visible within the foreground of the GSWW when passing through the site, due to site topography and the retention of vegetation adjacent to the path. The development will be visible along the seal walk and at other vantage points along the GSWW.

However, as the site is adjacent to the existing settlement (which contains visible single and two-storey buildings) it is not considered that the development will be an unacceptable presence in the landscape.

- *The confinement of development to existing coastal settlements wherever possible and the avoidance of any development atop cliffs and coastal landforms visible from roads, beaches and recreation locations.*
- *In circumstances where development cannot be avoided on ridge tops, whether the proposed development:*
 - o *is located to avoid the loss of vegetation;*
 - o *includes buildings or structures constructed of lighter materials to minimise visibility against the sky.*

As previously discussed, the subject site has been identified for this purpose and finds strategic support in in the Cape Bridgewater Structure Plan at Clause 11.03-6L.

There are some areas of native vegetation that are to be impacted by the proposal, but an ecological assessment of the site has shown that this is of low quality, compared to the vegetation that is to be retained and protected through offsetting.

The applicant's design response includes a materials palette that is drawn from surrounding geological and landscape characteristics, including rammed earth and basalt. While these are not considered to be 'lighter materials' when compared with timber, there is a high level of glazing proposed that will assist in the integration of built form into the landscape.

On balance, it is considered that the proposed development is a significant development at an individual site level, but is well-integrated within its overall landscape character setting. The development is nestled into the folds of the site and reads as a contiguous, complimentary and high quality addition to the built form character of Cape Bridgewater.

Car parking

Decision Guidelines of Clause 52.06-10

- *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.*
- *The ease and safety with which vehicles access and circulate within the parking area.*

Access to the subject site is to be retained off Blowholes Road, a rural collector road managed by the Glenelg Shire. Three new two-way vehicle crossovers are proposed to be constructed to IDM standard SD255, with modification to allow for the turning requirements of a 14.5m coach.

Primary access is to be established at the north-west property boundary for cars, small buses and large coaches. Service vehicles and overnight coach parking is to be located in a parking bay at the south-west property boundary adjacent to the ancillary services plant.

Council's Assets Unit have reviewed the proposed access, parking and internal roadway plans and provided permit conditions relating to the width of Blowholes Road in the vicinity of the subject site, vehicle cross-over standards and traffic generation figures. A Traffic Management Plan is also required.

Whilst there is some concern over traffic management figures provided, the conditions to widen Blowholes Road are considered to suitable to address this.

The car parking area is to be situated in a semi-basement carpark, accessed from the central hotel building and reception area. It is to provide 96 standard car spaces, 20 buggy spaces, small bus parking, 6 staff spaces and 4 maintenance vehicle parking. Guest vehicles are to be valet parked by staff.

- *The provisions of landscaping for screening and shade.*

No shade is required as the car parking is set below ground. The applicant proposes to construct a landscaped earth berm over the carpark building as a visual aid to integrate the building into the landscape.

- *The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.*
- *The provision for pedestrian movement within and around the parking area.*

It is also considered that the proposed car parking will not adversely affect the amenity of the locality, due to it being located below-ground, and with no car parks provided at individual villas or lodges.

There is no proposed impact on pedestrians using Blowholes Road, as this is a rural collector road and has no designated footpath.

Public pedestrian access to the site is limited to the Great South West Walk and the proposed internal driveway and car parking provisions do not affect this coastal path.

- *The provision of parking facilities for cyclists and disabled people.*
- *The type and size of vehicle likely to use the parking area.*
- *Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.*
- *Whether the layout of car spaces and access ways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).*

A total of 42 car parking spaces are required under Clause 52.06-5 and the proposed car park is to have 96 car parking spaces.

The car parking spaces are designed to meet Clause 52.06-9 design requirement standards for length, width, setback and clearance (adjacent to walls). The car park entrance, ramps, levels and gradient are designed to meet Clause 52.06-9 design requirement standards.

Four disabled spaces are provided within the carpark and designed to comply with Clause 52.06-9 and AS2890.6.

Over flow car parking is to be located off northern perimeter driveway to remove the need for any on-street over flow car parking on Blowholes Road. Overall it is considered the site has sufficient car parking.

Native Vegetation

Decision Guidelines of Clause 52.17-4

- *Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:*
 - *the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation.*
 - *feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.*

The 'Avoid and Minimise Statement' set out in the Biodiversity Report (EHP, April 2020) confirms that a total of 0.923 ha of native vegetation is to be removed, while 3.121 ha is to be retained.

Impacted vegetation includes:

- 0.04 ha of coastal wattle and coastal beard-heath to create three vehicle cross-overs off Blowholes Road.
- 0.838 ha of low-quality coastal beard-heath and kangaroo grass to create defensible space buffers around building footprints and internal pathways.

- 0.044 hectares of high quality vegetation to create defensible space buffers around the restaurant, access to the GSWW easement.

The statement notes that most of the vegetation to be removed is of low quality, comprising regenerated coastal headland species less than 15 years old, which have been previously affected by clearing and pest intrusion.

There is however, modelled habitat for two threatened species (the Coast Leek-orchid and Tiny Violet) near the building footprint of the restaurant which will be impacted.

The applicant states that the restaurant and villas have been sited to avoid high-quality vegetation, where possible. It notes that relocating these building further west would both comprise key coastal views obtained from the site and result in the reconfiguration of other buildings, making roof forms and building massing more visible.

- *The role of native vegetation to be removed in:*
 - *Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994.*
 - *Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:*
 - *where ground slopes are more than 20 per cent*
 - *on land which is subject to soil erosion or slippage*
 - *in harsh environments, such as coastal or alpine areas.*
 - *Preventing adverse effects on groundwater quality, particularly on land:*
 - *where groundwater recharge to saline water tables occurs*
 - *that is in proximity to a discharge area that is a known recharge area.*

The proposed vegetation removal area is located on the west side of the GSWW, on gently sloping topography. The vegetated coastal cliffs and escarpment located east of the GSWW will not be impacted.

The landscape plan indicates that the removal area will not be devoid of vegetation, and that mixture of low native ground covers is to be established to aid soil stabilisation and erosion mitigation.

The proposed vegetation removal is not considered to adversely impact groundwater quality.

- *The need to manage native vegetation to preserve identified landscape values.*

The vegetation to be retained and utilised as an offset site is located either side of the GSWW easement. According to the ecology assessment it contains low-scale understory herbs, grasses and groundcovers with dense shrubs and low trees considered to be of a high quality.

This area is part of a broader vegetated strip, located on both private and public land, which runs along the coastal headland of the eastern elevation of the Cape. The retention of this vegetation will contribute to the landscape values and aesthetic qualities of the subject site and broader Cape Bridgewater area.

An Offset Management Plan (OMP) will be a condition any permit issued to ensure the conservation and biodiversity values of remnant vegetation are appropriately managed.

- *Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.*

The proposed works are located within an area of Cultural Heritage Sensitivity, however the vegetation is not protected under the Act.

- *The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.*

Creation of defensible space around buildings and the management of retained vegetation will result in some vegetation clearance, as previously discussed.

The CFA have provided conditions relating to ongoing vegetation management to bushfire mitigation standards.

- *Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines*

Native Vegetation Offset Report confirms that both general and targeted species offsets are required. The general offset amount required is 0.556 general habitat units with a minimum 0.873 strategic biodiversity value.

The targeted species offset requirement includes two species, being 0.563 for the Coastal Leek-orchid and 0.563 for the Tiny Violet.

The applicant proposed to establish a 2 hectare on-site offset site on the eastern portion of the subject site, An Offset Management Plan (OMP) is to be prepared to detail the ongoing management of the site, including weed and pest control, new plantings, conservation and fencing.

The offset area is to be secured under Section 69 of the *Conservation, Forests and Lands Act 1987*.

DELWP have confirmed the proposed offsets requirements, location, condition and biodiversity values of the offset site and proposed security agreement are appropriate.

Licenced Premises

Decision Guidelines of Clause 52.27

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*

The liquor licence is to be associated with the use of the site for a residential hotel, with ancillary fine dining restaurant, bistro dining, bar and lounge.

The licence application also extends to guest accommodation, which includes mini-bars, room service and the option to purchase alcohol to be consumed on-site. The applicant has confirmed that the sale of take-away liquor for off-site consumption does not form part of this application.

The proposed hours of operation for licenced areas are generally between 11am – 11pm for the restaurant, bistro, bars and health and wellness precinct. It is proposed that the Observatory Lounge will operate from 11am – 1 am the following day.

The applicant states that the proposed hours of operation and licencing of the restaurant and bars is standard under the provisions of a general licence.

An analysis of the general licences of similarly scaled resorts confirms that trading between 11am – 11pm for ancillary food and drink premises and until 1am for an ancillary bar is indeed industry standard. It is also commonplace for consumption of liquor within guest rooms, either as part of room service or purchased on-site.

Proposed patron figures include both the hotel's occupancy rates and some projected external patrons. The applicant notes that not all areas will operate at capacity at the same time and that factors such as weather will determine the use of outdoor areas.

The proposed hotel occupancy rates, licencing and trading hours are key issues raised in submissions. It is not considered unreasonable for existing residents to raise concern about the likely increase in noise levels, given the proposed increase in people activity to adjoining uses.

As discussed previously, the subject site is surrounded by a mixture of rural, residential and commercial accommodation premises located within the Rural Activity, Rural Living and Rural Conservation zones. As a coastal settlement, Cape Bridgewater has a small permanent residential base, with seasonal spikes. There are three licenced premises in the settlement.

The proposed development is an allowable use under the RCZ. The planning scheme supports an increase in tourist visitation and diversification of accommodation offerings at Cape Bridgewater. The subject site has been identified as Council's preferred location for tourist accommodation.

The proposed patron numbers are not considered to be unreasonable for the proposed use and the setback distances from the restaurant and central hotel building to the property boundaries are significant. It is noted that on-site outdoor activities are limited to the outdoor pools and access to the GSWW. The majority of people activity will be focused indoors within acoustic rated buildings.

As the licenced areas are proposed to primarily cater for in-house guests, the potential amenity impacts from the dispersal of patrons leaving the resort and disturbing surrounding residents' are considered limited.

The applicant proposes the following measures to reduce the impact of noise generated from licenced areas:

- Construction of service zones within acoustic rated boxes (using noise attenuation building materials)
- No live music performed externally
- Internal live music limited to Blowholes Gallery and Observatory Lounge
- Trading hours limited to 11pm with the exception of the Observatory Lounge, which is situated below ground level and does not include outdoor space.
- Compliance with standards for playing of recorded or live music set out in EPA S43: State environment protection policy: Control of Music Noise from Public Premises', No. N-2 (SEPP N-2)
- Compliance with the following minimum noise levels as per EPA SEPP N-2:
 - Day – 46 dB
 - Evening – 41 dB
 - Night – 38 dB.

It is considered that potential impacts to the amenity of the surrounding area, associated with licenced areas, can be mitigated by the methods outlined above and managed in accordance with SEPP N-2 standards through conditions placed on any permit issued.

- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

According to the VCGLR website there are currently three licensed premises within the Cape Bridgewater settlement. These include two general licences, a limited licence and a temporary take-away licence. It is noted that the townships' single licensed food and drink venue operates under similar trading hours to those proposed by the applicant (being 11am – 11pm).

It is not considered that the proposal will result in a detrimental cumulative impact from a cluster of licensed premises on the amenity of the surrounding area.

Bicycle Facilities

Decision Guidelines of Clause 52.34

The applicant has applied for a waiver from the requirement to provide bicycle facilities in accordance with Clause 52.34-5 and Clause 52.34-6.

It is considered that staff bicycle facilities are not required due to the remote location of the development and its proximity from Portland, being 22 km. The applicant states that a staff shuttle bus will run between the proposed development and Portland to cater for staff in the absence of public transport.

It is noted that staff facilities, including showers and toilets are to be provided, which is consistent with the requirements of Clause 52.34.

Building plans show that the car parking facility can accommodate staff bicycles should a future need arise.

The granting of a waiver from the requirements of Clause 52.34-5 and Clause 52.34-6 is considered appropriate.

Clause 65 Decision Guidelines

Clause 65 of the planning scheme requires a Responsible Authority to consider whether a proposal will produce acceptable outcomes in terms of the decision guidelines of the clause.

The relevant matters contained in Clause 65 include the following:

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

It is considered that the proposal will deliver an acceptable outcome in terms of the matters set out in Clause 65.

It is noted that there are some competing characteristics of the proposal that must be balanced against planning policy objectives in order to achieve an integrated decision and acceptable outcomes.

The concept of acceptable outcomes has been extensively discussed in land use planning, with the following consideration made by the Supreme Court:

The test of acceptable outcomes stated in the clause is informed by the notions of net community benefit and sustainable development. An outcome may be acceptable despite some negative characteristics (Western Water v Rozen & Anor [2010] VSC 583 31 VPR 318).

In the context of this proposal, negative characteristics include the extent of the proposed earth works and the scale of the resort development required to achieve project feasibility, as stated by the proponent.

The proposal will generate local employment opportunities and economic benefit, on land identified in the scheme for this purpose. It is considered to provide a community net benefit.

OTHER PLANNING CONSIDERATIONS

Economic matters

A number of submissions raise concerns about the proposed viability, demand forecasting and projected economic contribution of the proposal.

Whilst the applicant has provided a formal response to these matters, no specific report or analysis by specialist economists was provided.

Whilst not considered mandatory, an analysis or report of those economic benefits would assist assessment, likely positively.

It can be observed however, without quantitative and detailed report or analysis, the proposal is likely to bring significant economic benefits to locality and the municipality, both short term (during development) and long term via both employment and local economy via increased visitations.

Notably such likely economic benefits could form the basis of support for increases in scale of the proposal beyond some aspects of the Cape Bridgewater Structure Plan.

Post contact cultural heritage

A submitter has raised the status of two sites of potential archaeological significance and a Victorian Heritage Inventory site located on the subject site.

These include (circa) 1840s ditch and bank fence formations and a burial site associated with the Kennedy family dating from 1857-1888. The cemetery site is recorded on the Victorian Heritage Inventory as 'Kennedy Cemetery' H7121-0012 / D594.

Archaeological sites in Victoria are protected under the *Heritage Act 2017*. Consent is required from Heritage Victoria before undertaking works which may impact an archaeological site, particularly those identified on the VHI. The *Heritage Act 2017* requires notification to Heritage Victoria of any archaeological finds or proposed works that may affect place registered on the Victorian Heritage Inventory. Consent may also be required from Heritage Victoria before works can commence.

A permit note will be added to any permit issued advising the applicant of their obligations for notification and consent under the *Heritage Act 2017*.

Traffic and public infrastructure

A number of submissions raise concerns about traffic flow, road impacts and public infrastructure due to an increase in vehicles and pedestrians as a result of the development.

Council's Assets Unit have reviewed the proposed road network implications and provided a number of permit conditions to address road safety. These include the requirement for the applicant to:

- upgrade Blowholes Road from the seal join at Panoramic Drive to the extent of the development property to widen the road to a 7.0m fully sealed pavement
- construct a 1.5m shoulder on both sides, including drainage, line marking and signage.

Necessary work, external to the site but triggered by the proposal would need to be implemented at the developers cost.

It is also proposed that the 100 km speed limit adjacent to the subject site be reduced to a 60 km/per hour speed limit. Such matters would require the support and cooperation of the relevant road manager, that is VicRoads or Council.

These conditions would need to be carried out by the applicant.

In regards to public infrastructure the State Government has recently approved \$1.5 million in funding for the Cape Bridgewater Foreshore Masterplan. This enables construction of key public infrastructure in the foreshore area to improve visitor experience of Cape Bridgewater and cater for increased activity.

REFERRAL TO MINISTER

Section 97C allows a responsible authority, before it determines a permit application, to:

- request the Minister for Planning (**Minister**) to decide the application; and
- if the Minister agrees, to refer the application to the Minister.

This is the approach recommended in this delegate report.

The application is very significant both in terms of its size, for the locality however principally for its importance to the municipality and region.

The consideration, and achievement of multiple planning objectives that arise from the proposal identifies it as a project appropriate for the decision of the Minister, including if the Minister considers appropriate, an independent panel for review.

Those objectives obviously include the potential economic, tourism and workforce issues, however also consideration of the important environmental, including coastal issues.

It is also important the decision be made promptly, to create certainty for all stakeholders provided through either a grant or refusal and ideally avoid unreasonable delay.

CONCLUSION AND RECOMMENDATIONS

The Cape Bridgewater Resort proposal is a significant development for Glenelg Shire. The proposal will fill a gap in the provision of high-end tourist accommodation within the municipality. It provides visitor experience to surrounding nature-based and cultural heritage activities and attractions.

The use of the site for tourism development is strategically justified by its identification in the Cape Bridgewater Structure Plan, which is included in the planning scheme at Clause 11.03-6L.

The proposed use is considered to be compatible with land uses immediately surrounding the subject site. The loss of the land for agricultural production under the Rural Conservation Zone is not a significant issue. The proposal will not adversely impact surrounding agricultural operations due to the containment of waste water, storm water and proposed vegetation screening.

Cape Bridgewater is a recognised significant landscape that warrants a high level of protection under both state and local planning policy. State and local planning policy also encourages high quality design in coastal environments and the proposal shows an appropriately high standard of design response.

The overall building form is integrated into the setting and reads as a complementary extension of the settlement. Whilst buildings will be visible from the public domain, including the foreshore area and along sections of the GSWW, it is considered that the appearance of the buildings and landscaping will be acceptable in terms of impact on the landscape values of the cape.

The use of existing landscape elements, include boundary plantings and the proposed vegetation screening, and retention of coastal headland vegetation will aid in the reduction of visual impacts and integration of the development within the broader landscape.

Conditions relating to operations can be applied to reasonably manage the use of the resort.

On balance, having regard to the various submissions, policy, the nature of the application and site and surrounds, if Council were to determine this matter the recommendation of this delegate report would be to grant the application, noting however the actual recommendation is for a request to the Minister to determine the Application.

If a decision to grant is made, either by Council or at a later date through other forums, a draft permit (and conditions) is provided below with this report.

The principal recommendation however is to request the Minister for Planning to decide the application, and if that request is accepted, refer the application to the Minister for determination.

PERMIT ALLOWS

Use and development of land for a residential hotel (including bar, retail, gallery, observatory, spa, pool and restaurant), use of land for a liquor licence, removal of native vegetation and waiver of bicycle facilities.

CONDITIONS

Permit Conditions:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions provided. Such plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) alternatives to Villa designs.
 - b) all dimensions and levels to Australian Height Datum (AHD), including levels of built form, car parking, outdoor terrace, pool, tunnel, roadways, pedestrian paths, boardwalks and finished heights of buildings.
 - c) schedules of all external materials and finishes that shows the materials, colours, finish of all external walls, roofs, fascias, soffits, window frames, glazing type, doors, fencing and paving structures, all to the satisfaction of the responsible authority.
 - d) location and specification of solar panels.
2. The use and development must be undertaken in accordance with the endorsed plans and must not be altered for any reason without the written consent of the responsible authority.
3. The use and development must be conducted in accordance with any works approval or license issued under the Environment Protection Act 1970.
4. The use and development must not commence until the required works approval is issued under the Environment Protection Act 1970.
5. All waste shall be disposed of, to the satisfaction of the Responsible Authority and the Environment Protection Authority.
6. The proposed building and works must be drained to the satisfaction of the responsible authority.

Amenity

7. The amenity of the area must not be unreasonably detrimentally affected by the development and works permitted by this permit through:
 - a) processes carried out;
 - b) transport of materials, goods or commodities to or from the land;
 - c) appearance of any building, works or materials;
 - d) emission of artificial light, vibration, smell, noise, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit or oil;
 - e) presence of vermin;
 - f) generation of dust.
8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

Hours of Operation

9. Except with the written consent of the Responsible Authority the premises may only serve liquor on-premises between the following hours:
 - 11am until 11pm in the restaurant and Central hotel;
 - 11am until 1am in the Observatory Lounge;
 - ANZAC Day and Good Friday 1pm until 11pm.

Liquor Licence

10. The applicant must provide the Council with original copy of any new Liquor Licence within one (1) month of being issued by the Victorian Commission for Gambling and Liquor Regulation.

Acoustic Management Plan

11. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
12. Before the development can commence, an Acoustic Report must be submitted to and approved by the responsible authority. When approved, the Acoustic Management Plan will be endorsed and will then form part of the permit.

The plan must show measures taken to ensure noise level emanating from the premises will not exceed those required to be met under State Environmental Protection Policy, including:

- a) State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- b) State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

- c) Noise from industry in Regional Victoria: Recommended maximum noise levels from commerce, industry and trade premises in regional Victoria (NIRV; EPA publication 1411).
- d) How plant and equipment is to be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.

Lighting Management Plan

- 13. Any external lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning.

Landscaping Plan

- 14. Before the development can commence, an updated Landscaping Plan to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one copy provided. The submitted plan must be generally in accordance with the plan submitted with the application but altered to show:
 - a) A schedule of all proposed trees and shrubs, which will include the location, number and size at maturity of all plants, the botanical names of such plants to be used for the vegetation screening along the north, west and south property boundary;
 - b) A plan, drawn to scale with dimensions, showing clearer delineation of the boundaries of the different landscape zones (i.e. where the 'landscape zones' are described by the different Planting Palettes);
 - c) Description of an additional landscape zone specifically relating to the "defendable space – managed native vegetation" area;
 - d) The proposed composition and management of the "defendable space – managed native vegetation" zone, including a survey (including botanical names) of all existing vegetation to be retained and removed within this area;
 - e) A schedule of all proposed trees, shrubs, ground cover and green roofs, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - f) The method of preparing, draining, watering and maintaining the landscaped area; and
 - g) additional information about the proposed interface with and management of the "existing coastal headland scrub" remnant native vegetation, or information directing future landscape managers to the relevant source(s) of information that will outline management requirements of this area.

15. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Decommissioning plan

16. Within three months of the use ending, a decommissioning and rehabilitation management plan prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority for approval. When approved, the plan will be endorsed and will form part of the permit. The plan must include but is not limited to:
 - a) identification of structures to be removed, including but not limited to all buildings, services, internal roadways, pathways, piping and electrical infrastructure, including underground infrastructure to be removed and how they will be removed; and
 - b) details of how the land will be rehabilitated, including tunneling and site earthworks, to allow it to be used for agricultural purposes (or proposed alternative use).

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan, all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

Assets and Engineering Conditions

Road Upgrading

17. Before the use begins, the developer must upgrade Blowholes Road from the seal join at Panoramic Drive to the extent of the development property to incorporate earthworks, pavement, sealing, shoulder-sealing, drainage, line-marking and environmental treatments in accordance with plans and specifications submitted and approved by the responsible authority.

The detailed design is to be as per current Infrastructure Design Manual. When endorsed, the plans will form part of the permit. The plans must be drawn to scale with dimensions. A completed and signed "Checklist #D2 Request for Detailed Design Approval" must be submitted along with the plan. Submission must include:

- a) Geotechnical testing of current pavement and area to be widened.
- b) Widen existing Road to a 7.0m fully sealed pavement.
- c) 1.5m Shoulder both sides.
- d) Road side drainage.
- e) Appropriate intersection treatment and traffic calming measures.
- f) Appropriate signage and line marking.

Traffic Management Plan

18. Prior to approving the plans for the upgrade of Blowholes Road, a revised traffic management plan to the satisfaction of the Council must be submitted to and approved by Council.

Drainage

19. The Development Plan and subsequent works shall ensure that all irrigation and concentrated drainage water is retained within the property to the satisfaction of the Council. No stormwater is to be concentrated onto neighbouring properties.

Access

20. Before the use begins, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and shall comply with the following:
 - a. vehicular crossing shall be constructed at right angles to the road to suit the proposed driveway;
 - b. any proposed vehicular crossing shall have satisfactory clearance to any side entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
 - c. vehicle crossing must have a minimum clearance of 6m from any intersection (from the point of intersection of title boundaries at the intersection).
21. Before the use begins Applicant shall ensure that safe intersection sight distances (SISD) as described in AustRoads Publication 'Guide to Traffic Engineering Practice Part 5 - Intersections at Grade', is achieved at the point of access, to the satisfaction of the responsible authority.

Speed Zoning

22. Application for review of current speed zoning must be made to the state road authority (Regional Roads Victoria). Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

Construction

23. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
24. Before the development starts, a Construction Management Plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

Miscellaneous

25. Before the development works commence, the owner or developer must submit to the Responsible Authority a written dilapidation report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of road seal, signs and other public infrastructure from Panoramic Dr to the extent of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.
26. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within five years of the date of this permit.
 - b) The development is not completed within four years of the date of commencement of works.
27. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authority Conditions:

DELWP

28. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
29. Before works start, a Construction Environmental Management Plan (CEMP) to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning must be submitted to and approved by the responsible authority. When approved, the CEMP will be endorsed and will form part of this permit. The CEMP must include:
 - a. an amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
 - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land;
 - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit;
 - iii. all areas of native vegetation to be retained.
 - b. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority and DELWP. Protection measures must remain in place until all works are completed, to the satisfaction of the responsible authority.

- c. information relating to blasting (should it form part of the confirmed construction methodology), including but not limited to:
 - i. details of the timing and anticipated duration of the blasting program; and
 - ii. any seasonal restrictions (i.e. months) required to avoid and minimise potential fauna impacts; and
 - iii. any contingency measures required in the event of unanticipated environmental impacts.
- d. A procedure to be enacted if any caves or significant cavities are identified during the geotechnical assessments which may be affected by the development, or are encountered during works. The procedure must include notification to the Department of Environment, Land, Water and Planning and the responsible authority. As a result of such notification, the Department of Environment, Land, Water and Planning may require the permit holder to submit a report (prepared by a suitably qualified expert), to the satisfaction of the Department of Environment, Land, Water and Planning, for approval by the responsible authority. Any such report should investigate whether the cave or cavity formations provide habitat for threatened native flora or fauna species, such as the Southern Bent-wing Bat. If there is deemed to be habitat for threatened native flora or fauna species, then the report must recommend appropriate avoidance and mitigation measures. These avoidance and mitigation measures are then to be incorporated into the CEMP to the satisfaction of the Department of Environment, Land, Water and Planning.

All works constructed or carried out must be in accordance with the endorsed plan.

30. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and development, the following is prohibited:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavation
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
31. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.923 hectares of native vegetation described in Native Vegetation Removal Report ID: EHP_2020_063.
32. To offset the removal of 0.923 hectares of native vegetation, the permit holder must secure the following native vegetation offsets in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a. A general offset of 0.029 general habitat units:
 - i. located within the Glenelg Hopkins Catchment Management boundary or Glenelg Shire Council municipal area, with a minimum strategic biodiversity value of at least 0.477; and
 - b. A species offset of:

- i. 0.454 species units of habitat for species ID 503889 Coastal Leek-orchid (*Prasophyllum litorale*); and
 - ii. 0.454 species units of habitat for species ID 505059 Tiny Violet (*Viola seppeltiana*).
33. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority and DELWP. This evidence must be one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
34. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning.
35. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

CFA

Shelter in place option

36. The Bushfire Attack Level (BAL) for the central hotel building is BAL40.

Defendable space

37. Defendable space shown on the endorsed plans must be implemented and maintained as follows:
 - a) Grass must be short cropped and maintained during the declared fire danger period.
 - b) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - c) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - d) Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - e) Shrubs must not be located under the canopy of trees.
 - f) Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - g) Trees must not overhang or touch any elements of the building.
 - h) The canopy of trees must be separated by at least 5 metres.
 - i) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Site access

38. Roads for access and emergency service vehicles
 - a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters.
 - c) Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - d) Curves in driveway must have a minimum radius of 10 metres.
 - e) Must provide a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres either side of the formed width of the road, to the satisfaction of the Responsible Authority.
 - f) Incorporate a turning area for fire fighting vehicles close to the building, being either a circle of minimum radius 8m, a driveway encircling the building or provide vehicle turning - such as a Tor Y head which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.
 - g) Incorporate passing bays at least every 200m which must be at least 20m long and have a minimum trafficable width of 6m. The access road is 6m in width.
39. Prior to the commencement of development, an amended Bushfire Management Plan must be submitted to and approved by the responsible authority. The Bushfire Management Plan should include bushfire-related requirements specified in this planning permit.
40. Prior to the commencement of development, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the responsible authority. It should generally be consistent with the BEMP submitted with the application but amended where necessary to reflect the final approved proposal.

Permit Notes:

Registration of food and accommodation premises

An application must be made to the Glenelg Shire Council Environmental Health Unit for Registration of a Food Premises under the provisions of the Food Act 1984.

Prior to commencing operation an application must be made to the Glenelg Shire Council Environmental Health Unit for Registration of prescribed accommodation under the provisions of the Public Health and Wellbeing Regulations 2009, Part 5 – Prescribed Accommodation and Registration Premises.

EPA

This permit is not an EPA Works Approval or licence. Before the use or development authorised under this permit starts, you should ensure you meet any obligations or duties that arise under the Environment Protection Act 1970.

Cultural Heritage

Heritage Victoria requires notification of any archaeological finds and consent to undertake works that may affect places registered on the Victorian Heritage Inventory, in accordance with the Heritage Act 2017.

Ground Water

Before the development can commence, all permissions regarding the harvesting of ground water must be obtained from Southern Rural Water.

Planner:	Kelly Wynne	Manager:	Matt Berry
Signature:		Signature:	
Date:	9 July 2020	Date:	9 July 2020