

Summary of Submissions – P19181

Submission theme	Submission summary	Planning Unit comments
Consistency with planning scheme		
Site suitability	<ul style="list-style-type: none"> a) Site not suitable for large tourism development. b) Inland / hinterland site preferred. 	<p>The subject site was assessed for its suitability as part of Cape Bridgewater Structure Plan (CBSP) and reviewed as part of the Amendment C92 Panel hearing process. The proposed use is strategically justified and identified in the planning scheme at Clause 11.03-6L.</p> <p>A number of submissions suggest that an inland site that is not visible from the Cape Bridgewater settlement would be more suitable. However, as above, the subject site finds strong strategic support in the scheme.</p>
Consistency with zone	<ul style="list-style-type: none"> a) Proposal at odds with purpose of RCZ. 	<p>The proposed use and development is an allowable use in the RCZ1 and considered to be compatible with surrounding land uses.</p> <p>The loss of the land for agricultural production is not a significant issue.</p>
Consistency with overlays	<ul style="list-style-type: none"> a) Proposed development not consistent with environmental and conservation objectives of ESO. b) Scale of this proposal out of synch with SLO, the philosophy of the Great South West walk, protecting Victoria's highest clifftops, largest mainland seal colony, whale habitat. 	<p>Refer to delegate report for assessment of the proposed development and potential impacts on environmental, landscape, aesthetic and cultural values of Cape Bridgewater.</p>

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<p>Consistency with State and local planning policy</p>	<p>Proposal at odds with coastal policy, particularly Victorian Coastal Strategy 2014.</p>	<p>The scheme contains policy objectives to encourage high quality development in coastal environments and discourage uses that may lead to adverse impacts on marine and coastal functions and environmental processes.</p> <p>The proposal shows an appropriately high standard of design response. It is not considered to lead to an increase in exposure to coastal hazard risk or adversely impact coastal environments.</p>
<p>Consistency Cape Bridgewater Structure Plan (CBSP) Blowholes Road Precinct</p>	<p>Objectives of structure plan:</p> <p>a) CBSP recommends rezoning land to Rural Activity Zone and applying site specific Design and Development Overlay, which would have provided clearer performance standards for future building design.</p> <p>Blowholes Precinct</p> <p>a) Proposal does not meet design guidelines and recommendations for future development to be ‘modest in scale’ or ‘sit lightly’ on land.</p> <p>b) Proponent does not provide justification as to why design response does not accord with design guidelines and recommendations.</p> <p>c) Proposal does not meet ‘pre-conditions’ set for Blowholes Road precinct.</p> <p>d) Doesn’t meet precondition for vegetated eastern portion of parcel to be transferred from private into public ownership (and</p>	<p>a) Whilst the CBSP recommended the rezoning of the site to RAZ and applying a DDO, this was not pursued as part of the C92 amendment. The design response from the applicant has been guided by relevant State and local policies relating to siting, design form, character and land capability.</p> <p>a) The proposals consistency with the Blowholes Precinct design guidelines and recommendations is a key criticism raised in objections. Refer to the delegate report for a discussion of this matter.</p> <p>b) The pre-conditions contained in Chapter 12 of the CBSP are to be met before a request to rezone land. The applicant is applying for a permit based on the current zoning of the land. The proposed use is permissible under the RCZ1 (subject to an approved permit).</p> <p>c) The applicant has indicated that the vegetated area (located on the east side of the GSWW) is to be retained as freehold land. It is noted</p>

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	<p>rezoned PPRZ).</p> <p>e) Proposed building footprint encroaches into area designated for 'public land'.</p>	<p>that this is subject to an existing restrictive covenant. An additional conservation covenant under Section 69 of the Conservation, Forests and Lands Act 1987 is proposed to secure a 2ha offset site. The retention of the portion of land as freehold is not considered to be unreasonable given the on-title restrictions.</p> <p>As above, this area is to be retained as freehold. The restaurant and coastal villas are proposed to be sited within the vegetated portion on the west side of the GSWW. Native vegetation is to be removed to create defendable and internal pathways. Vegetation to be removed has been assessed and onsite offsets proposed. DELWP have consented to removal and proposed offsets.</p>
Visual impact on landscape, views and vistas		
<p>Impact on landscape values of Cape, beach, coastline, Great South West Walk (GSWW)</p>	<p>Impact on landscape character and values of cape and coastline</p> <p>a) Size and scale of the proposed development will have a negative impact on landscape and cultural heritage significance of area.</p> <p>b) No regard for National Trust status as landscape of State significance.</p> <p>c) Development impacts natural beauty of Cape Bridgewater and Bridgewater Bay.</p> <p>d) Development will impact the pristine, untouched natural landscape of Cape Bridgewater.</p>	<p>A number of submissions assert that the landscape values and natural character of Cape Bridgewater will be destroyed due to the scale and appearance of the proposed development.</p> <p>These matters have been addressed as part of the SLO3 decision guideline response in the delegate report.</p> <p>The delegate report notes that while the scale is beyond the preferred scale set out in the scheme other built form attributes reduce the visual impact on the setting. These include roof heights of the hotel and lodge buildings set lower than the highest site point and below the dominant ridgeline, stepped building form,</p>

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	<p>Impact on foreshore</p> <ul style="list-style-type: none"> a) Size of resort too large when viewed from beach. b) Impact of development will be most prominent from foreshore area. c) View from beach to cape will be spoilt by dominance of resort development. <p>Impact on views, view lines and vistas</p> <ul style="list-style-type: none"> a) Development will be visible along the entire length of the Great South West Walk. b) Views from lookouts and GSWW will be interrupted and spoilt by view of resort development. c) View of development will impact township approach via Bridgewater Road and views to cape. d) Views from Panoramic Drive towards cape will take on 'urban feel' due to extensive coverage of buildings. e) View from Panoramic Drive across farmland will be spoilt by large-scale development. 	<p>flat and landscape roofs, underground services, proposed materials and vegetation screening.</p> <p>It is also noted that the subject site is located on farm land adjacent to the existing urban settlement, which contains associated buildings, roadways and infrastructure. Thus the assertion that the proposed development is of detriment to the untouched, pristine landscape is not supported.</p> <p>A large number of submissions assert that the proposed development have a detrimental visual impact and overwhelm the GSWW trail. It is agreed that the proposed development will be visible from a number of vantage points along the GSWW, including the cape / seal walk.</p> <p>Given that the subject site is not an isolated site, but rather contiguous to the existing urban settlement, it is considered that the proposed development will read as an extension to the existing built forms that are already visible from the walk.</p> <p>Measures such as the integration of buildings into the topography and vegetation screening will reduce the visual impact.</p> <p>A site inspection has confirmed that proposed buildings are unlikely to be visible from the GSWW trail that passes within the site, due to the elevation of the activity area and retained vegetation screening.</p>
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		<p>Some of the proposed building will be visible from Panoramic Drive and other areas within the settlement.</p>
<p>Impact on Cape Bridgewater settlement</p>	<p>Increase in urban footprint and built form</p> <ul style="list-style-type: none"> a) Proposed development at odds with scale, size and density of existing buildings in Cape Bridgewater. b) The size and scale of proposal will radically transform existing settlement. c) Proposed development footprint is equivalent to another urban settlement being placed adjacent to existing. <p>Neighbourhood character</p> <ul style="list-style-type: none"> a) Intensity of development at odds with existing neighbourhood character - relaxed atmosphere of area will be irreversibly impacted. b) Built form better suited to urban setting not relaxed coastal village. c) The appeal of visiting Cape Bridgewater is that it is a small seaside village with a lack of facilities – proposal will spoil this. <p>Increased visitation and population</p> <ul style="list-style-type: none"> a) Increased level of visitation will detract from the valued character of Cape Bridgewater. 	<p>A number of submissions argue that the low-scale coastal character of the settlement will be destroyed by this proposal.</p> <p>These matters have been addressed as part of the SLO3 decision guideline response in the delegate report.</p> <p>The applicant states that the proposed built form of the development has regard for the existing character of the settlement. It is considered that design attributes such as the separated and stepped built form, use of materials and vegetation and landscaping reference the predominant built form characteristics of the settlement. It is noted that the proposed building heights exceed those of the settlement, being generally single and two storey.</p> <p>The proposal will increase visitor numbers to the settlement. State and local planning policy, tourism and economic strategies identify Cape Bridgewater as a key regional tourism destination and seek to promote.</p> <p>A number of infrastructure upgrades to car parks, roads and paths (as per the Bridgewater Bay Foreshore Masterplan) are proposed and have recently received State</p>

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	<ul style="list-style-type: none"> b) Number of resort patrons will overwhelm existing settlement during peak tourist season. c) Increased visitation during peak-holiday season will cause safety issues. <p>Other</p> <ul style="list-style-type: none"> a) Increased population may cause tension between permanent residents, holiday makers and resort guests. b) 'Socio-economic differences between high-end resort guests and casual, relaxed locals' may cause conflicts within community. 	<p>Government funding. These upgrades are to cater to an increase in visitation and use of the foreshore and pedestrian pathways.</p> <p>Potential social and cultural conflicts between the local community and resort patrons are not planning matters. Amenity impacts that may arise from the use of the land for a resort are discussed in the delegate report.</p>
Built form, aesthetics, sustainability and landscaping		
<p>Built form, siting and scale of development</p>	<p>Form, size and siting of buildings on land</p> <ul style="list-style-type: none"> a) Size and scale of development inappropriate for proposed location. b) Size and scale not low-slung for the rural setting. c) Proposed building façades are not articulated, but feature sheer multi-level planes (12-14 metres in height) when viewed from the north-east. d) The proposed number of buildings is an overdevelopment of site. e) Size and shape of buildings 'not modest in scale' and do not 'sit lightly in 	<p>These matters have been addressed as part of the SLO3 decision guideline response in the delegate report.</p> <p>As above, scale is beyond the preferred scale set out in the scheme, but other built form attributes generally accord with those of the surrounding urban settlement. These include stepped forms that graduate down the contours of site, separated buildings, flat and landscaped roofs, proposed vegetation screening. It is also noted that the roof heights do not exceed the highest site point on the land, although when viewed from the low-lying foreshore area, the roofs project above the ridgeline.</p>

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	<p>landscape’.</p> <ul style="list-style-type: none"> f) Buildings do not nestle into landform or topography. g) Earthworks will destroy natural landform. h) Roof tops of buildings are visible above ridgeline of cape and tree tops of existing vegetation. i) Restaurant too dominant on cliff top. <p>Physical appearance, aesthetics, materials</p> <ul style="list-style-type: none"> a) Architectural design is of a poor standard and not appropriate for setting b) ‘Dark spaceship-like’ line of main building at odds with existing ‘relaxed coastal settlement’. c) Applicant states that material selection derived from surrounding landscape, yet too dark and harsh for proposed setting. c) Concern about weather durability of architecture and infrastructure. <p>Sustainability</p> <ul style="list-style-type: none"> a) The proposal includes the use of biofuel as a backup for solar generation. Biofuel is not energy efficient. b) The orientation of buildings and windows to the south-east (to obtain ocean views) 	<p>The applicant states that the proposed earthworks are required to integrate the built form into the landscape and achieve roof heights below the site’s highest point. It is agreed that coastal and rural planning policy discourages extensive site works.</p> <p>The proposed materials palette – comprising rammed earth, basalt cladding, corten steel, zinc, glazing and landscaped flat roofs are considered to be an acceptable design response to this setting.</p> <p>It is not considered to be at odds with the existing built form examples within the settlement, many of which are masonry.</p> <p>The applicant has stated that the materials palette has been chosen for its ability to withstand coastal conditions.</p> <p>These points are noted.</p>
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	<p>results in poor solar orientation and does not achieve energy efficiency and passive design principles.</p>	
Landscaping	<p>a) Request that rear of the central hotel building and Lodge A is screened with vegetation.</p> <p>b) Proposed landscaping unlikely to achieve desired screening and minimise negative visual impact of buildings.</p> <p>c) Contests suitability of species and site conditions to achieve proposed landscaping and tree screening.</p>	<p>The proposed Landscape Plan shows that both the north and south property boundaries are to be screened with 'windrow' plantings of Swamp Gums to obscure this elevation.</p> <p>Landscaping conditions will be applied to any permit issued to ensure the proposed tree planting and screening is carried out.</p>
Environment and heritage		
Native vegetation and biodiversity	<p>a) Native vegetation proposed to be removed serves as a narrow linking corridor within the Discovery Bay Coastal Park for the movement of fauna and flora.</p> <p>b) Native vegetation is habitat for the endangered Rufous Bristle Bird and the Southern Brown Bandicoot.</p> <p>c) Tunnels, pathways and boardwalks should not be permitted within vegetated areas.</p> <p>d) Impact on seal colony during construction phase (particularly use of dynamite for tunnelling works) and operation of resort.</p>	<p>An ecological assessment has been carried out to identify the biodiversity values of the site.</p> <p>The proposed native vegetation removal is focused on an area west of the GSWW easement, which includes regenerated coastal headland scrub. It comprises the modelled habitat of two native orchid species, but otherwise is considered to have lower value than the area east of the GSWW, which is to be retained. The retained area is to be used as an offset site. A Native Vegetation Removal Report and Offset Management Plan also accompany the application.</p> <p>DELWP have reviewed the proposed native vegetation removal and offset and have</p>

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	<ul style="list-style-type: none"> e) Impact on marine protected area and whale habitat. f) The site of the proposed development is large enough that all buildings should be accommodated without the need to remove native vegetation for bushfire mitigation. 	<p>provided conditional consent.</p> <p>DELWP have not raised further ecology concerns regarding offsite impacts from the construction and operation of the site.</p>
<p>Geological impact</p>	<p>Construction methods, tunnelling works</p> <ul style="list-style-type: none"> a) Impact of construction works, use of dynamite and tunnelling on ‘Cape Bridgewater Fault line’ located in proximity. b) Objection to proposed tunnel between reception area and restaurant due to sensitivity of cliffs. c) Request for peer review of proposed construction techniques and tunnelling by external geological expert. Peer review should be required by law. d) Potential for construction works to exacerbate land slippage along sea cliffs and loss of beach. e) On-site geotechnical investigations very limited, relied on bore holes not consistent with proposed building footprint. f) Submitter commissioned geotechnical study on adjoining land that recommended building envelope be 	<p>Matters relating to the geological stability of the site will be assessed in accordance with the Building Act and associated regulations, as part of a separate building permit process.</p>

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	<p>moved further west due to cliff stability, landslide.</p>	
Aboriginal Cultural Heritage	<p>Appropriation of local Aboriginal Cultural Heritage</p> <p>a) Has consultation or collaboration occurred between proponent and Traditional Owners?</p> <p>b) The proposed design response appropriates Aboriginal Cultural Heritage for the benefit of the developer.</p> <p>Aboriginal Heritage values</p> <p>a) The site works will affect Aboriginal cultural heritage values of the site.</p>	<p>A number of submissions raise concerns about the proponents use of the Budj Bim World Heritage Site and its built form characteristics (fish traps, stone huts, lava flows) to inform the architecture of the development.</p> <p>It is understood that pre-application discussions were carried out between the proponent (including Spowers Architects) and Traditional Owners, however Council is not aware of a formal agreement between parties.</p> <p>While these matters fall outside standard planning considerations, it would have been beneficial if evidence of a collaborative design approach was included in the application.</p> <p>The CHMP contains management measures and procedures to minimise potential impact to archaeological sites, should any be discovered during construction.</p>
European cultural heritage values	<p>Archaeology</p> <p>a) The site contains the remains of (circa 1840-50s) ditch and bank fence formations and a burial site associated with the Kennedy family dating from 1857-1888. The cemetery site is located within eastern vegetation area on subject site, east of the GSWW. It is recorded on the Victorian Heritage Inventory as 'Kennedy Cemetery' H7121-0012 / D594.</p>	<p>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.</p> <p>A permit note will be added to any permit issued advising the applicant of their obligations for notification and consent under</p>

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	<p>b) Request that measures put in place to preserve the ditch and bank fence or a permit be obtained from Heritage Victoria to disturb or destroy the archaeological site.</p> <p>National Trust status of Cape Bridgewater</p> <p>a) Has the applicant consulted with the National Trust given the listing of the cape on the National Trust register? Shouldn't this be a mandatory requirement?</p>	<p>the <i>Heritage Act</i> 2017.</p> <p>Cape Bridgewater is listed on the National Trust Heritage Register. There is no mandatory referral process required by the planning scheme to the National Trust for applications.</p>
Operational issues		
<p>Liquor licencing, hours of operation, sale of liquor off premises</p>	<p>a) Objection to 18 hour liquor licence.</p> <p>b) Objection to sale of take-away liquor for offsite consumption</p> <p>c) Objection to restaurant operating until 1am, particularly access to outdoor areas and balconies.</p> <p>d) Suggestion that restaurant should be closed at 9.30pm to protect amenity of surrounding dwellings.</p> <p>e) Concern about intoxicated patrons leaving venue and causing safety issues on road, footpaths, and at private accommodation.</p>	<p>The application initially sought a liquor licence for 11am to 1am across the site and sale of take-away alcohol. However the licence has been revised in response to objections.</p> <p>The revised trading hours are as follows:</p> <ul style="list-style-type: none"> • 11am until 11pm in the restaurant and central hotel; • 11am until 1am in the Observatory lounge; • ANZAC Day and Good Friday 1pm until 11pm. <p>The applicant has clarified that no take-away (off premises) licence is proposed as part of the application.</p> <p>It is considered that the proposed trading hours and patron numbers are of industry standard and acceptable. Refer to an assessment of the proposed trading hours, patron numbers and amenity impacts in the</p>

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		<p>delegate report.</p> <p>Council proposes to reduce the speed limit along Blowholes Road in the vicinity of the subject site from 100 km to 60 km. This measure will address safety concerns associated with patrons entering and exiting the resort onto Blowholes Road.</p> <p>The responsible serving of alcohol to patrons is not a planning consideration, but an operational matter to be managed by the venue operator.</p>
<p>Traffic impacts on Bridgewater Road and Blowholes Road</p>	<p>Increased traffic on Bridgewater Road and footpath</p> <ul style="list-style-type: none"> a) Concern about increased traffic due to tour buses and patrons. b) Concern about safety of existing beach carparks, intersections, children crossing road from holiday houses. Pedestrian crossing required. c) Concern about increased traffic on road due to commuting staff. d) Concern about increased traffic during construction. e) Insufficient car parking at foreshore already. f) Dedicated bicycle path required to separate bikes and increased road use. 	<p>Council's Engineers 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.</p> <p>As above, a reduction in the speed limit along Blowholes Road in the vicinity of the subject site from 100 km to 60 km is proposed by Council Engineers.</p> <p>Transport Victoria have reviewed the application and provided consent.</p> <p>As above, infrastructure upgrades to car parks, roads and paths (as per the Bridgewater Bay Foreshore Masterplan) are proposed and have recently received State Government funding.</p>

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	<p>g) Concern about impacts of increased traffic on wildlife, particular wallabies.</p> <p>h) Reduction of speed limit required.</p>	
Increase and safety of pedestrians	<p>Capacity and safety of walking track</p> <p>a) Increased visitors and use of footpaths will lead to erosion of walking tracks on cliff tops and between resort and beach.</p> <p>b) Walking tracks not wide enough to handle increased capacity as result of projected resort patrons.</p>	<p>As above, funding has been received for public infrastructure works as per the Bridgewater Bay Foreshore Masterplan.</p>
Bushfire Protection	<p>a) No provision has been made for a designated emergency meeting area or emergency evacuation plan.</p> <p>b) Bushfire risk for site.</p>	<p>The application included a Bushfire Emergency Management Plan and Bushfire Management Statement.</p> <p>It is proposed that the Central Hotel Building will be constructed to a Bushfire Attack Level (BAL) 40 to allow its use as a 'Neighbourhood Safer Place' for patrons and to accommodate the Cape Bridgewater community. Standard fire services are also provided, including internal roadways which accommodate CFA trucks turning circles.</p> <p>The CFA has assessed the application and proposed bushfire measures and has provided conditional consent.</p> <p>Refer to the delegate report for discussion of the proposed native vegetation removal to create defendable space.</p>

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<p>Public access, vandalism and trespass on private property</p>	<p>Public access</p> <ul style="list-style-type: none"> a) Will private development restrict public access to GSWW, seal platform? b) Private access to high water mark. c) What are the terms and conditions which may govern access of people living in the surrounding area to the facilities of the resort? What would be the extent of access afforded local residents? d) Any permit should include condition for vegetated cliff area to be transferred from private to public ownership to retain public access and protect vegetation and biodiversity. <p>Vandalism and trespass</p> <ul style="list-style-type: none"> a) The development is at risk of vandalism. b) Why is there no caretaker accommodated on site to prevent vandalism and inappropriate patron behaviour? c) The development will need to include barricade fencing to ensure patrons and pets do not trespass on adjoining private land and farming enterprises. 	<ul style="list-style-type: none"> a) Public access to the GSWW is not impacted or restricted as part of the proposal. A carriageway easement is set aside for the GSWW on the land title (and those of the adjoining four lots) which allows public access. b) The application did not include any new development or access from the activity area to the high-water mark. As above, a restrictive covenant prevents development in this area of the subject site. c) The applicant has confirmed that local residents will be offered a ‘Gold Pass’ to access resort facilities. d) As previously discussed, due to the existing covenant and the proposed offset site and associated on-title restrictions, the transfer from freehold to public is not warranted at this point in time. <ul style="list-style-type: none"> a) The applicant has confirmed that the resort is to have security lighting and cameras and will be staffed 24 hours a day.
<p>Amenity</p>		
<p>Noise, odour, lighting and dust</p>	<p>Noise</p> <ul style="list-style-type: none"> a) Peaceful amenity of area interrupted by increase in evening activity, including 	<p>The application report notes a number of mitigation measures to reduce potential light,</p>

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	<p>outdoor entertainment, and patrons moving between venues and accommodation.</p> <p>b) Noise level and hours of emission should be stipulated.</p> <p>Utility noise and odour</p> <p>a) Biodiesel generators and pumps, plant and equipment will be unacceptably noisy and emit odours.</p> <p>Light pollution</p> <p>a) Site nightlights should be turned off by 9.30pm.</p> <p>b) Request for Villas to have light blocking blinds to reduce light pollution.</p> <p>c) Request for small solar wayfinding lights along paths.</p> <p>d) Resort lights will cause light pollution at night.</p> <p>Construction</p> <p>a) Concern about noise, dust, visual and other impacts during preparation and construction.</p> <p>b) Dust emitted from the earthworks and construction will impact my property.</p>	<p>noise and odour measures. These include the use of acoustic rated building materials, limitations on live recorded music, plant equipment to be enclosed with the proposed services plant building and vegetation screening. The proposed building setbacks are also considered to provide a level of amenity mitigation.</p> <p>Measures to control light, baffling, noise levels and emissions from plant equipment can be addressed in accordance with industry standards. Permit conditions will include a requirement for the applicant to submit a Lighting Management Plan, Acoustic Report and A Construction Management Plan to manage potential noise and dust emitted from the site during the construction phase.</p> <p>Odour and noise considerations relating to the wastewater system will be considered by the EPA in the Works Approval application.</p>
Overlooking	<p>Overlooking</p> <p>a) Object to the development due to overlooking and visual impact grounds.</p>	<p>Adjoining dwellings and those located within the settlement will have some view of the proposed development.</p>

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		<p>The proposed building setback and building heights (at the south boundary) are consistent with view-sharing principles and it is considered that adjoining dwellings will still retain an acceptable level of coastal and landscape views.</p> <p>Refer to the delegate report for further discussion on view sharing and visual impacts.</p>
Infrastructure and services		
Sufficient service provision	<p>Potable water</p> <p>a) Accuracy of calculations for harvesting of potable water</p> <p>Power</p> <p>a) Electricity demand, generation and fuel sourcing logic are not substantiated.</p> <p>b) Proposed power source and water supply not sustainable, despite developer claims that it is an eco-resort.</p> <p>c) Why does the developer propose biodiesel power generation when there are wind turbines located in proximity?</p>	<p>Matters relating to power generation and potable water treatment and harvesting will be assessed in accordance with the Building Act and associated regulations, as part of a separate building permit process.</p>
Ground water	<p>a) Objection to proposed use and treatment of ground water 'as last resort' to service development.</p> <p>b) Potential contamination or overuse of aquifer (disturb natural flows).</p> <p>c) Request for further information about use of ground water.</p>	<p>a) The proponent will be required to obtain a licence to extract groundwater from Southern Rural Water.</p> <p>b) The licence process is the mechanism that allows groundwater yield to be managed.</p> <p>c) Request noted. No further information has been supplied by the applicant.</p>

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<p>Waste management</p>	<ul style="list-style-type: none"> a) Concern that volume of nutrient rich waste water produced by the proposed development will end up percolating down onto the beach, producing algal blooms on the sand. b) Concern about adequacy of proposed stormwater, effluent treatment and drainage systems. c) Can treatment system be contained on-site without impacting properties below development? d) Potential run-off of stormwater and effluent onto seal track and ocean. 	<ul style="list-style-type: none"> a) A stormwater and drainage design which complies with Council and Australian Standards will be a condition of the planning permit. b) The proposed wastewater system is subject to an EPA Works Approval Assessment. The EPA will provide conditions for use and management as part of a separate works approval determination.
<p>Economics</p>		
<p>Economic Viability</p>	<ul style="list-style-type: none"> a) Where is the customer / market demand data to support the scale and proposed capital outlay (and by-product economics)? b) The applicant has relied upon the Spade Consultants (2016) report, which is outdated and not relevant to this proposal. c) Concern raised about impacts such as weather and seasonal demand on occupancy rates and viability. d) Lack of investment logic and contingency for project and operational failure. e) The developer lacks experience and has no track record. 	<ul style="list-style-type: none"> a) The applicant has not provided additional economic and market analysis and estimated economic impact outside of what as provided in the application report and subsequent submitter response. Whilst this level of detail would have been beneficial, it is not a requirement of the planning scheme.

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	f) The proponent has not factored in the harsh weather conditions in far south-west Victoria, which will limit the appeal to tourists and viability of the development.	
Economic contribution and tourism	<p>a) Patrons of the resort are unlikely to visit Portland or other local attractions as the guest experience is an “all included package” where everything is catered for onsite.</p> <p>b) Increased domestic and international visitors likely to attract new tourist ventures, operators and support geographical dispersal within the region.</p> <p>c) The proposal will be beneficial for my business and other tourism operators in the area.</p>	<p>a) Noted.</p> <p>Submissions in support of the proposal and its alignment with local and regional tourism strategies and policies is noted.</p>
Employment	<p>a) The proposed off-site staff lodging in Portland infers that staff will be sourced from beyond the local area.</p> <p>b) The proposal will lead to positive flow on effects benefiting local producers and create local employment opportunities.</p>	<p>a) This aspect of the proposal has not formed part of the assessment.</p> <p>b) Noted.</p>
Other		
Stranded asset	<p>a) Potential for site to be abandoned during construction and before completion of all elements.</p> <p>b) Only partly constructed (most viable / best return) therefore overall concept</p>	<p>This concern is addressed by applying a permit condition for a decommissioning plan. This is a legally enforceable condition that can be applied against the landowner, if required. Council is unable to apply other measures associated with commercial law and Director</p>

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	<p>comprised.</p> <p>c) If project fails to reach the projected level of success, Cape Bridgewater left with 'white elephant' as a permanent blight on a valued landscape.</p>	<p>Guarantees as these lay outside of planning considerations.</p>
Rates	<p>a) Will local landowners incur an increase in property rates to maintain additional infrastructure?</p>	<p>Matters associated with Council's rating system is not a planning consideration.</p>
Consistency with Glenelg 2040	<p>a) The proposal is at odds with the findings of the Glenelg 2040 which indicates that the community values the Shire's natural landscapes and environment.</p>	<p>Glenelg 2040 is a Community Plan being undertaken by Council. A preliminary stage of the plan included a visioning process to poll community views and values about the municipality.</p>
Process		
<p>Application, supporting material, notification period and submissions</p>	<p>Quality and quantity of application and supporting material</p> <p>a) Supporting documentation too extensive.</p> <p>b) Supporting documentation not detailed enough.</p> <p>c) Applicants assertions about proposed development being 'low-scale', 'modest' and 'visually unobtrusive' deliberately misleading.</p> <p>d) Architectural 'mock-ups' deliberately misleading, use of sea mist and vegetation to obscure 'true visual impact' of development.</p> <p>e) Lack of mock-up showing eastern</p>	<p>The application package contained adequate supporting material to enable Council to make an assessment on the application.</p> <p>A number of submitters were concerned with the clarity of the rendered artist's impressions of the development. While these documents were of assistance, Council's assessment was not based solely on these images. The architectural plans (including dimensions, materials, site conditions) contained in the application were also utilised. In response to objections, 2 further rendered images of the development from Panoramic Drive were prepared by the applicant.</p> <p>The Landscape Assessment provided as part of the application was considered adequate to</p>

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	<p>elevation of site, including restaurant in relationship to vegetated area, coastal cliffs and beach.</p> <p>f) Landscape and visual impact assessment is deficient as it does not include views of site from the cape (looking north) or impacts from adjoining property (particularly on south boundary).</p> <p>g) 3D model of proposal requested.</p> <p>h) Missing documents addressing economics.</p> <p>Notification period</p> <p>a) Timeline for review and comment over Christmas/Holiday period (when many residents are away or involved in family events) is a deterrent to a fair and just representation of community concerns.</p> <p>b) Timeline to review and respond to application too short.</p> <p>c) Unreasonable volume of documents to review in the timeframe.</p> <p>d) Unreasonable timeline to instruct relevant experts and legal counsel if required.</p> <p>e) Submission deadline inconvenient.</p> <p>f) Submission deadline unclear.</p>	<p>enable Council to make an assessment on the application.</p> <p>As previously stated, an economic assessment report would have been beneficial, but was not an application requirement specified in the planning scheme.</p> <p>a) Once the application was submitted by the proponent, Council was required to adhere to the statutory timeframes for notification and referral periods.</p> <p>b) The initial submission deadline of two weeks was set in accordance with notification requirements of the P&E Act. Further to this, submissions have been accepted since January 2020 until the time Council makes a decision on the application.</p> <p>c) It is to be expected that a development of this nature would comprise multiple supporting documents.</p>
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<p>Decision Making – accepting application</p>	<ul style="list-style-type: none"> a) b) Application should not have been accepted by Council. c) Reliability and incompleteness of application will impede on Council's ability to understand and assess. d) Inadequate planning controls in place. Rezoning of site (as per CBSP) and application of DDO would have avoided this intensity of development. e) Request that any planning permit approval is conditioned subject to a planning scheme amendment to rezone site to RAZ and remove SLO3. f) If approved, the development will set a planning precedent and potential further compromise Cape Bridgewater. g) Council should consider its local community over 'out-of-town' developers. 	<p>a-d)As previously stated, the proposed use and development is an allowable use under the RCZ1, and therefore Council is required to accept and assess the application. The application package contained adequate supporting material to enable Council to make an assessment on the application.</p> <p>Whilst the CBSP recommended the rezoning of the land to RAC, this was not proposed by the applicant as under the current zone a residential hotel is a permissible use.</p> <p>The permit application does not include a request to remove the SLO3.</p> <p>e) It is not considered that the proposed development will set a future precedent, as any future development applications will be assessed on a case-by-case basis against the scheme requirements.</p>
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