



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001

22 March 2021

As addressed

Dear Party,

Priority Projects Standing Advisory Committee - Referral 10
Draft Glenelg Planning Scheme Amendment C107gelg for a Residential Hotel Development at Cape Bridgewater

The Committee held Directions Hearings for the above matter on 8 February and 17 March 2021 by video conference. You are receiving this letter as a party to the Hearing. Dates in this letter supersede those previously advised by the Committee in its letter dated 10 February 2021.

At the 17 March 2021 Directions Hearing, the Applicant advised that amended plans will be circulated. The Committee has made Directions regarding this.

Please find attached:

- Committee Directions
- Hearing Timetable.

The following key dates apply:

Time	Date	Action	Direction
5.00 pm	Monday, 19 April 2021	Applicant must reinstall revised height poles	3
12 noon	Wednesday, 14 April 2021	Applicant must file amended plans and supporting documents	5
12 noon	Monday, 19 April 2021	Council must file document specified	6
12 noon	Monday, 19 April 2021	DELWP must provide a copy of its 24 January 2020 request for further information and responses to it by the Applicant	7
12 noon	Friday, 14 May 2021	Applicant must file its Part A submission	9
12 noon	Wednesday, 12 May 2021	Applicant must confirm order of expert witnesses	10
12 noon	Wednesday, 12 May 2021	Parties must file expert witness reports	11
12 noon	Friday, 21 May 2021	Applicant must provide Part B submission	19
12 noon	Wednesday, 26 May 2021	Parties only relying on written submissions must file them	21
10.00 am	Monday, 24 May 2021	Hearing commences	
12 noon	The business day preceding scheduled presentation	Parties relying on pre-recorded submissions must file them	22

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

OFFICIAL



Directions and Timetable Version 1
Priority Projects Standing Advisory Committee Referral 10 – Cape Bridgewater

Time	Date	Action	Direction
12 noon	Thursday, 10 June 2021	Council, the Applicant and Save Cape Bridgewater Association Inc. must provide proposed changes to the incorporated document in MS Word	25
10.15 am	Friday, 11 June 2021	'Without prejudice' discussion on the proposed incorporated document	26

Procedural matters

At the Directions Hearing on 17 March 2021 the Committee heard requests to be joined as a party from Mr Rotumah (Gunditjmarra Traditional Owner) and Mr Bell, CEO of the Gunditj Mirring Traditional Owners Aboriginal Corporation.

Prior to the Committee's consideration of this request, Mr Rotumah and Mr Bell outlined their concerns over the appropriation of Aboriginal culture in the proposed design and supporting reports and other matters. The Committee makes the following Directions:

1. Mr Rotumah and Mr Bell can make a further submission that details their concerns to the Committee by **12 noon on Wednesday 31 March 2021** at planning.panels@delwp.vic.gov.au.
2. The Applicant may take this material into account when preparing amended plans.

The Committee notes that the Referral Letter from the Minister for Planning (dated 20 December 2020, Document 1) states that:

I request that the committee:

- c. Address the following issues in its report in addition to those matters set out in the terms of reference:
 - i. whether the project achieves acceptable planning outcomes having regard to Glenelg Planning Scheme policy objectives including but not limited to economic, tourism, employment, environmental, biodiversity, coastal, landscape, cultural heritage, ...
 - ...
 - iii. any other matter that the committee considers appropriate.

(Emphasis added by the Committee)

The Committee considers the Terms of Reference enable it to consider cultural heritage matters. The Committee has agreed to accept Mr Rotumah and the Gunditj Mirring Traditional Owners Aboriginal Corporation as parties to the Hearing. The Committee is aware of the approved Cultural Heritage Management Plan and will consider this in light of cultural heritage matters. The Committee has provided time for these submissions on Day 8 (Thursday 3 June 2021).

File Share Platform

All documents that you propose to present at the Hearing must be emailed to Ms Thomas at planning.panels@delwp.vic.gov.au as directed by the Committee. This does not apply if you been given permission to provide documents alternatively.

Documents provided to Planning Panels Victoria will be uploaded to an online file platform where parties can read and download files. The Applicant has set up this platform using OneDrive which can be accessed through the following link:

[Redacted]

[Redacted]

[Redacted]

Please copy and paste the link into your internet browser. It is recommended that you save this link as a bookmark or favourite in your internet browser throughout the process.

Please note that formal Committee correspondence will be issued by email directly to parties and other material will be uploaded directly to OneDrive. Parties should regularly check the OneDrive to remain up-to-date as documents are tabled.

Declarations

At the Directions Hearing on 8 February 2021, Mr Merrett declared that he had previously worked with South Coast Bushfire Consultants. Ms Elliot declared that she previously worked with Ecology Heritage Partners.

At the Directions Hearing on 17 March 2021, Mr Merrett declared that he is currently engaged with Traffix Group on a project in Bellbrae. Ms Elliot declared that she has previously worked with Hansen Partnership on a project in Gippsland. Ms Crone declared that she has previously worked with Urbis, TraffixGroup, Irwin Consult and WSP on projects.

No party raised any concern regarding these declarations.

If you have questions, please contact Ms Georgia Thomas on planning.panels@delwp.vic.gov.au.

Yours sincerely,



David Merrett

Committee Chair

Directions

Priority Projects Standing Advisory Committee Referral 10 – Cape Bridgewater

Before the Hearing

Height poles and site markings

3. The height poles and site markings currently on site must be maintained in good order until a revised set of height poles are installed in response to the amended plans by no later than **Monday 19 April 2021**. These must be maintained in good order for two weeks after the Hearing closes.

Circulation of documents

4. Documents should be circulated electronically, and hard copy materials should only be provided in exceptional circumstances.
5. **Australian Tourism Trust Pty Ltd (the Applicant)** must upload the following documents to OneDrive with a courtesy email to Planning Panels Victoria by **12 noon on Wednesday 14 April 2021**:
 - a) Amended plans that were referred to at the second Directions Hearing. The amended plans must be accompanied by a detailed statement of changes in association with notations on the plans, and updated supporting reports as required.
 - b) A heat map that shows the depth of cut and fill across the site to accommodate the new buildings and infrastructure at one metre increments.
6. **Glenelg Shire Council** must email the following documents to Planning Panels Victoria by **12 noon on Monday 19 April 2021**:
 - a) a detailed land and planning history for the site including whether there have been any other similar proposals on this site or other sites.
7. **Department of Environment, Land, Water and Planning (DELWP)** must provide a copy of its 24 January 2020 request for further information and responses to it by the Applicant to planning.panels@delwp.vic.gov.au by **12 noon on Monday 19 April 2021**.
8. The **Applicant** must maintain access to the OneDrive file sharing platform for at least eight weeks after Hearing closes.

Applicant Part A submission

9. The Applicant must upload a Part A submission to OneDrive with a courtesy email to Planning Panels Victoria by **12 noon on Friday 14 May 2021** that:
 - a) advises whether the approved Cultural Heritage Management Plan identified any areas of the site that are culturally significant
 - b) includes a strategic context and assessment that refers to:
 - (i) relevant planning policies and controls
 - (ii) other relevant draft or gazetted planning scheme amendments such as Amendments C92 and C102 that may impact on the Amendment
 - c) summarises issues identified in submissions
 - d) includes any suggested changes to the Amendment in response to submissions

Note: The Applicant's Part A submission will be taken as read by the Committee at the Hearing. Council should allow time for questions about its Part A submission on Day 1.

Expert Witness reports

10. The Applicant must confirm the order of expert witnesses by **12 noon on Friday 14 May 2021**.

11. All expert witness reports must:

- a) be provided to Planning Panels Victoria by **12 noon on Friday 14 May 2021**
- b) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
- c) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number.
- d) be provided to the Committee as an unlocked document.
- e) provide a declaration at the time of giving evidence in accordance with the PPV Direction for witnesses providing expert evidence through remote conferencing (https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/489117/G11-Expertwitness-declaration-for-video-conferencing.pdf)

Evidence-in-chief will be limited to 30 minutes.

Hearing Arrangements

12. The Hearing will be convened remotely through video conference.
13. Further details regarding these arrangements, including platform to be used and the video conference link will be provided to all parties in due course.

Recording Hearings and use of personal information

14. Parties must not record any part of an electronic hearing by any means without permission from the Committee.
15. In exceptional cases, the Chair may direct that the Hearing be recorded. Parties who wish proceedings to be recorded must make a request to the Committee five business days before the commencement of the Hearing, outlining its reasons.
16. If Planning Panels Victoria records an electronic hearing, parties who are provided with a copy of the recording on request must not to publish or distribute that recording, or to use it for any purpose other than for the Hearing.
17. Parties must not record, keep, distribute or publish contact details of any other party obtained in the course of a videoconference hearing, or to use those contact details for any purpose other than for the Hearing.

At the Hearing

Description of proposal

18. The **Applicant** must present an overview of the proposed development on Day 1 for one hour that should be factually based and focus on the layout of the proposed buildings, the extent of vegetation removal and proposed landscaping, the use and location of infrastructure, movement within the site, upgrades to infrastructure outside of the site, the extent of cut and fill, design philosophy and the use of external materials and colours.

Applicant Part B submission

19. The **Applicant's** Part B submission must be uploaded to the OneDrive file share platform, with a courtesy email to Planning Panels Victoria by **12 noon on Friday 21 May 2021**. The Applicant must present its Part B submission by video conference at **10.30am on Monday 24 May 2021**. The Part B submission must include:
 - a) its response to submissions and expert evidence, including any issues raised by the CFA, DELWP, EPA and Department of Transport.
 - b) its final position on the Amendment.

- c) its response to the following issues:
- i. DELWP / Park Victoria's concern regarding management of the Great South West Walk (GSWW) if private access was to be allowed as part of the development.
 - ii. whether there any minimum standards for a shelter-in-place building.
 - iii. a summary of Applicant's position on transferring the coastal land to public ownership around the GSWW.
 - iv. its position on development condition 16 which requires a decommissioning plan and any contingency if the proposal does not eventuate.
 - v. how the proposal addresses the pre-conditions for the development of this land contained in Page 56 of the Cape Bridgewater Structure Plan 2018.
 - vi. what has been the extent of geotechnical investigations and, in practice, how will the Incorporated Document Condition 6.27(d) be managed? The sites stability has been raised in a number of submissions. The Committee seek clarification as to whether a geotechnical report has been prepared to conclude: *'that there are no concerns relating to the stability of the site and there are no geotechnical issues that would inhibit the development to be constructed as proposed'* (refer to p45 of the Urbis Planning report). Has landslip been addressed as part of the proposal?
 - vii. how the proposed development meets the policies and objectives of the 2020 Marine and Coastal Policy, particularly in the context of the Coastal Settlements.
 - viii. what provisions are in place for overflow of waste management infrastructure as the development is proposed to be fully off grid. This may be addressed more broadly in the opening submission addressing the proposed development.

Council submission

20. Council must include a response to the following matters in its written submission:
- a) an outline of any further information requests and responses to them from the Applicant during the assessment of the application
 - b) advise why Council did not support the implementation of a Panel recommendation to apply a Design and Development Overlay control to the land as part of Amendment C92.

Written submissions

21. All parties who intend to make their submissions in writing (without orally presenting that submission) must provide it to Ms Thomas at planning.panels@delwp.vic.gov.au by **12 noon on Monday 24 May 2021.**

Recorded submissions

22. Parties who intend to provide a pre-recorded submission to be displayed at the Hearing must provide it to Ms Thomas at planning.panels@delwp.vic.gov.au by **12 noon the business day before they are due to present.**

Other information

23. The Applicant must provide to the Committee a plan which identifies the location of the submitters by **12 noon on Monday 19 April 2021.** The plan should identify submitters by submitter number, and not by name. They should be property specific for those who submitted generally in the Cape Bridgewater area. For those that are in Portland, Melbourne or other areas, a notation with the Submitter number will suffice.
24. All information presented at the Hearing is a public document unless the Committee directs otherwise.

Without prejudice discussion of the Incorporated Document

25. **Council, the Applicant and Save Cape Bridgewater Association Inc.** must provide their proposed changes to the incorporated document in MS Word by **12 noon on Thursday 10 June 2021.**
26. A 'without prejudice' discussion of the incorporated document will take place on **Friday 11 June 2021.**
27. This process is not an opportunity to revisit any matter of merit.

Timetable

Priority Projects Standing Advisory Committee Referral 10 – Cape Bridgewater

Timetable Version 1

Day 1: Monday 24 May 2021

Video conference

Time	Party	Sub No	Allocated
10.00am – 10.30am	Preliminary matters		30 mins
10.30am – 11.30am	Australian Tourism Trust Pty Ltd represented by Christopher Townshend QC and Nicola Collingwood of Counsel, instructed by Sarah Raso and Lewis Page of Corrs Chambers Westgarth, description of proposed development (Refer to Direction 18)		
11.30am – 1.00pm	Australian Tourism Trust Pty Ltd represented by Christopher Townshend QC and Nicola Collingwood of Counsel, instructed by Sarah Raso and Lewis Page of Corrs Chambers Westgarth, calling evidence from: <ul style="list-style-type: none">- Strategic planning from Andrew Biacsi of Contour Consultants- Architecture and urban design critique and peer review from Tim Biles of Ratio Consultants- Landscaping and visual impact assessment critique and peer review from Brendan Papworth of Papworth Davies- Photo montages from Chris Goss of Orbit- Economics from Rhys Quick of Urbis- Bushfire management from Kylie Steel of South Coast Bushfire Consultants- Ecology and native vegetation from Aaron Organ of Ecology and Heritage partners- Traffic engineering from Charmaine Dunstan of Traffix Group- Geotechnical assessment from Jim Finlayson of FSG- Hydrogeological assessment from Anthony Lane of SLR Consulting Note: the order of witnesses will be provided in the Version 2 Timetable		6 days
1.00pm – 2.00pm	Lunch		1 hour
2.00pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)		

Day 2: Tuesday 25 May 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Australian Tourism Trust Pty Ltd (cont.)		
1.00pm – 1.45pm	Lunch		1 hour
1.45pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)		

Day 3: Wednesday 26 May 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 1.00pm	Australian Tourism Trust Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)	

Day 4: Thursday 27 May 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 1.00pm	Australian Tourism Trust Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)	

Day 5: Friday 28 May 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 1.00pm	Australian Tourism Trust Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)	

Day 6: Monday 31 May 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 1.00pm	Australian Tourism Trust Pty Ltd (cont.)	
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 4.30pm	Australian Tourism Trust Pty Ltd (cont.)	

Day 7: Tuesday 1 June 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.15am	Department of Environment, Land, Water and Planning represented by Mr Geoff Brooks	1 hour
11.15am – 1.00pm	Glenelg Shire Council represented by Andrew Sherman of Russell Kennedy solicitors	5 hours
1.00pm – 2.00pm	Lunch	1 hour
2.00pm – 4.30pm	Glenelg Shire Council (cont.)	

Directions and Timetable Version 1
Priority Projects Standing Advisory Committee Referral 10 – Cape Bridgewater

Day 8: Thursday 3 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.45am	Great Ocean Road Regional Tourism represented by Liz Price	15	30 mins
10.45am – 11.00am	BirdLife Australia represented by Daniel Lees	92	15 mins
11.00am – 12.15pm	Historic Buildings Restoration Committee represented by A. L. Charmers	57	1.25 hours
12.15pm – 1.00pm	National Trust Australia (VIC) Portland branch represented by Gordon Stokes	12	1.5 hours
1.00pm – 2.00pm	Lunch		1 hour
2.00pm – 2.45pm	National Trust Australia (VIC) Portland branch (cont.)	57	
2.45pm – 3.15pm	Gunditj Mirring Traditional Owners Aboriginal Corporation represented by Damein Bell		30 mins
3.15pm – 3.30pm	Break		15 mins
3.30pm – 4.00pm	Shea Rotumah		30 mins

Day 9: Friday 4 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Save Cape Bridgewater Association Inc. represented by Shelly Fanning from Coastal Planning with Patrick O'Brien and Nick Chipman, calling evidence from: <ul style="list-style-type: none"> - Landscape and visual impact from Andrew Partos of Hansen Partnership - Geological and environmental impact from Geoff Byrne of Niboi Consulting - Economics from Michael Campbell of Lucid Economics 	22	6 hours
1.00pm – 2.00pm	Lunch		1 hour
2.00pm – 4.30pm	Save Cape Bridgewater Association Inc. (cont.)	22	

Day 10: Monday 7 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 1.00pm	Save Cape Bridgewater Association Inc. (cont.)	22	
1.00pm – 2.00pm	Lunch		1 hour
2.00pm – 3.00pm	Garry Kerr (3), Steve Saunders (6), Marilyn Herring (31), Melinda Radcliffe (32), Ross Bremner (37), Angie Howson (45), Deborah Jones (56), Jen Sheppard (73) and Ms Jen Pike (76) represented by Hayne Meredith	3, 6, 31, 32, 37, 45, 56, 73 and 76	1 hour
3.00pm – 3.30pm	Hayne Meredith	110	30 mins
3.30pm – 4.30pm	Brian and Joanne Kermond	7	1 hour

Day 11: Tuesday 8 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.15am	Irene Yuill represented by Anne O'Brien	8	15 mins
10.15am – 10.25am	Joan Boyd represented by Ann Boyd	90	10 mins
10.25pm – 10.40pm	Sebastian Harvey	106	15 mins
10.40am – 11.40am	Mary Picard and Michael Bartos also representing Mary and Kerry Picard-Arnott (102)	23	1 hour
11.40am – 12.10pm	Bill Collett	41	30 mins
12.10pm – 1.10pm	Lunch		1 hour
1.10pm – 1.20pm	Marlowe Richmond	62	10 mins
1.20pm – 1.30pm	Lynne Browne	54	10 mins
1.30pm – 1.35pm	Julie Adam	70	5 mins
1.35pm – 2.05pm	Nick Chipman	2	30 mins
2.05pm – 2.15pm	Bill and Val Golding	68, 69	10 mins
2.15pm – 2.30pm	Break		15 mins
2.30pm – 4.30pm	Patrick O'Brien and Anne O'Brien	7	2 hours

Day 12: Wednesday 9 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.15am	Judith Galewski	9	15 mins
10.15am – 10.30am	Stan Galewski	5	15 mins
10.30am – 10.40am	Robyn Neilson	10	10 mins
10.40am – 10.45am	Catherine Bawden and Julie Adam	70	5 mins
10.45am – 10.55am	Brigita Keillor	85	10 mins
10.55am – 11.10am	Jo Austin	64	15 mins
11.10am – 11.25am	Daniela Conesa	87	15 mins
11.25am – 11.40am	Break		15 mins
11.40am - 12.10pm	Helen Oakley	25	30 mins
12.10pm – 12.40pm	Terry Walshe	94	30 mins
12.40pm – 12.50pm	Viona Lowenthal	79	5 mins
12.50pm – 12.55pm	Sandra Fairthorne	18	5 mins
12.55pm – 1.55pm	Lunch		1 hour
1.55pm – 2.25pm	Gerret and Katrin Springer	89	30 mins
2.25pm – 2.40pm	Denis Carr	21	15 mins
2.40pm – 2.55pm	Megan Jarett	95	15 mins
2.55pm – 3.00pm	David Bevan	67	5 mins
3.00pm – 3.30pm	Sue Picard represented by Mary Picard	108	30 mins
3.30pm – 3.50pm	Deborah and Mr Phillip Bunce	39	20 mins

Day 13: Thursday 10 June 2021

Video conference

Time	Party	Sub No.	Allocated
10.00am – 10.10am	Douglas and Amanda Cahill also representing Daryl Petch (53)	65	10 mins
10.10am – 10.30am	Peter Collins	97	20 mins
10.30am – 10.45am	Paul Wizard	52	15 mins
10.45am – 10.50am	Belinda Peddie	29	10 mins
10.50am – 11.05am	Steve Saunders	6	15 mins
11.05am – 11.15am	David Bennett	81	10 mins
11.15am – 11.20am	Jenny Lindscaux	111	5 mins
11.20am – 11.40am	Kammy Cordner	77	20 mins
11.40am – 11.55am	Break		15 mins
11.55am – 12 noon	Alice Roberts	58	10 mins
12 noon – 12.15pm	Linda Cable	40	15 mins
12.15pm – 12.35pm	Steve Liddicut	20	20 mins
12.35pm – 12.45pm	Phil and Jen Sheppard	73	10 mins
12.45pm – 1.45pm	Lunch		1 hour
1.45pm – 1.55pm	Gavin Doherty	107	10 mins
1.55pm – 3.55pm	Damon Jarrett	24	2 hours

Day 14: Friday 11 June 2021

Video conference

Time	Party	Allocated
10.00am – 10.15am	Preliminary matters	15 mins
10.15am – 11.15am	'Without prejudice' discussion of the Incorporated Document	1 hour
11.15am – 11.45am	Closing submissions - Glenelg Shire Council	30 mins
11.45am – 12.15pm	Closing submissions - Australian Tourism Trust Pty Ltd	30 mins

Hearing Timetable Notes:

1. The Committee may amend the timetable at any time.
2. Please log on to the Hearing at least 15 minutes before the scheduled commencement time.
3. There will be an opportunity for preliminary matters at the commencement of each day.
4. If you are unable to be present at your scheduled time, or if you have any questions about the timetable, please contact Georgia Thomas at planning.panels@delwp.vic.gov.au.