Ordinary Council

AGENDA

FOR THE MEETING TO BE HELD
WEDNESDAY 9 MARCH 2011 IN
COUNCIL CHAMBERS, TOWN VIEW TERRACE, MARGARET RIVER
COMMENCING AT 5.30PM
Meeting Notice

Dear Councillor

I advise that an Ordinary Council meeting of the Shire of Augusta-Margaret River will be held in Council Chambers, Town View Terrace, Margaret River on Wednesday 9 March 2011, commencing at 5.30pm.

Yours faithfully

GARY EVERSHED
CHIEF EXECUTIVE OFFICER
ATTENTION/DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Augusta-Margaret River for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Augusta-Margaret River disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person’s or legal entity’s own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Augusta-Margaret River during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Augusta-Margaret River.

The Shire of Augusta-Margaret River advises that anyone who has any application lodged with the Shire of Augusta-Margaret River must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Augusta-Margaret River in respect of the application.

The Shire of Augusta-Margaret River advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.
<table>
<thead>
<tr>
<th>TERM</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>Audit Committee</td>
</tr>
<tr>
<td>AgVet</td>
<td>Agricultural and Veterinary</td>
</tr>
<tr>
<td>AIEH</td>
<td>Australian Institute of Environmental Health</td>
</tr>
<tr>
<td>AMPCC</td>
<td>Augusta Maritime Project Coordination Committee</td>
</tr>
<tr>
<td>AS</td>
<td>Australian Standard</td>
</tr>
<tr>
<td>ATU</td>
<td>Aerobic Treatment Unit</td>
</tr>
<tr>
<td>BCA</td>
<td>Building Code of Australia</td>
</tr>
<tr>
<td>BFAC</td>
<td>Bush Fire Advisory Committee</td>
</tr>
<tr>
<td>C2C</td>
<td>Cape to Cape</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>CPI</td>
<td>Consumer Price Index</td>
</tr>
<tr>
<td>CSIRO</td>
<td>Commonwealth Research &amp; Industrial Research Organisation</td>
</tr>
<tr>
<td>DAP</td>
<td>Detailed Area Plan</td>
</tr>
<tr>
<td>DAU</td>
<td>Development Assessment Unit</td>
</tr>
<tr>
<td>DDTPS No1</td>
<td>Draft District Town Planning Scheme No 1</td>
</tr>
<tr>
<td>DIA</td>
<td>Department of Indigenous Affairs</td>
</tr>
<tr>
<td>DLGRD</td>
<td>Department of Local Government &amp; Regional Development</td>
</tr>
<tr>
<td>DLI</td>
<td>Department Land Information</td>
</tr>
<tr>
<td>DOCEP</td>
<td>Department of Consumer &amp; Employment Protection</td>
</tr>
<tr>
<td>DEC</td>
<td>Department of Environment &amp; Conservation</td>
</tr>
<tr>
<td>DoH</td>
<td>Department of Health</td>
</tr>
<tr>
<td>Landgate</td>
<td>Department of Land Administration</td>
</tr>
<tr>
<td>DOTARS</td>
<td>Department of Transport and Regional Services</td>
</tr>
<tr>
<td>DOW</td>
<td>Department of Water</td>
</tr>
<tr>
<td>DPI</td>
<td>Department of Planning And Infrastructure</td>
</tr>
<tr>
<td>EHO</td>
<td>Environmental Health Officer</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Authority</td>
</tr>
<tr>
<td>FEMO</td>
<td>Fire and Emergency management Officer</td>
</tr>
<tr>
<td>FESA</td>
<td>Fire and Emergency Services Authority</td>
</tr>
<tr>
<td>FPC</td>
<td>Forest Products Commission</td>
</tr>
<tr>
<td>FSANZ</td>
<td>Food Standards Australia New Zealand</td>
</tr>
<tr>
<td>GRV</td>
<td>Gross Rental Value</td>
</tr>
<tr>
<td>GST</td>
<td>Goods and Services Tax</td>
</tr>
<tr>
<td>ICT</td>
<td>Information and Communication Technology</td>
</tr>
<tr>
<td>IDO</td>
<td>Interim Development Order</td>
</tr>
<tr>
<td>IT</td>
<td>Information Technology</td>
</tr>
<tr>
<td>IPWEA</td>
<td>Institute of Public Works Engineering Australia</td>
</tr>
<tr>
<td>LBLCDC</td>
<td>Lower Blackwood Land Conservation District Committee</td>
</tr>
<tr>
<td>LEMC</td>
<td>Local Emergency Management Committee</td>
</tr>
<tr>
<td>LG</td>
<td>Local Government</td>
</tr>
<tr>
<td>LGMA</td>
<td>Local Government Managers Australia</td>
</tr>
<tr>
<td>LIA</td>
<td>Light Industrial Area</td>
</tr>
<tr>
<td>Loc</td>
<td>Location</td>
</tr>
<tr>
<td>MGB</td>
<td>Mobile Garbage Bin</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MRWA</td>
<td>Main Roads Western Australia</td>
</tr>
<tr>
<td>NHMRC</td>
<td>National Health Medical Research Council</td>
</tr>
<tr>
<td>NPI</td>
<td>National Pollutant Inventory</td>
</tr>
<tr>
<td>NRMO</td>
<td>Natural Resource Management Officer</td>
</tr>
<tr>
<td>ODP</td>
<td>Outline Development Plan</td>
</tr>
<tr>
<td>OM</td>
<td>Ordinary Meeting of Council</td>
</tr>
<tr>
<td>PAN</td>
<td>Pollution Abatement Notice</td>
</tr>
<tr>
<td>PAW</td>
<td>Public Access Way</td>
</tr>
<tr>
<td>RADS</td>
<td>Regional Airport Development Scheme</td>
</tr>
<tr>
<td>RBFGS</td>
<td>Regional Boating Facilities Grant Scheme</td>
</tr>
<tr>
<td>RD Codes</td>
<td>Residential Design Codes</td>
</tr>
<tr>
<td>RGL</td>
<td>Department of Racing, Gaming and Liquor</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>RRGG</td>
<td>Regional Road Group Grant</td>
</tr>
<tr>
<td>RSL</td>
<td>Returned Services League</td>
</tr>
<tr>
<td>SAT</td>
<td>State Administrative Tribunal</td>
</tr>
<tr>
<td>SM</td>
<td>Special Meeting of Council</td>
</tr>
<tr>
<td>SRAC</td>
<td>Sports and Recreation Advisory Committee</td>
</tr>
<tr>
<td>SW</td>
<td>South West</td>
</tr>
<tr>
<td>SWCC</td>
<td>South West Catchments Council</td>
</tr>
<tr>
<td>SWDC</td>
<td>South West Development Commission</td>
</tr>
<tr>
<td>TIRE</td>
<td>Timber Industry Roads Funding</td>
</tr>
<tr>
<td>TPS11</td>
<td>Town Planning Scheme 11</td>
</tr>
<tr>
<td>TPS16</td>
<td>Town Planning Scheme 16</td>
</tr>
<tr>
<td>TPS17</td>
<td>Town Planning Scheme 17</td>
</tr>
<tr>
<td>TPS18</td>
<td>Town Planning Scheme 18</td>
</tr>
<tr>
<td>TPS19</td>
<td>Town Planning Scheme 19</td>
</tr>
<tr>
<td>VGO</td>
<td>Valuer General’s Office</td>
</tr>
<tr>
<td>WALGA</td>
<td>Western Australian Local Government Association</td>
</tr>
<tr>
<td>WAPC</td>
<td>Western Australian Planning Commission</td>
</tr>
<tr>
<td>AGENDA LISTING</td>
<td>SUBJECT</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1.0</td>
<td>DECLARATION OF OPENING</td>
</tr>
<tr>
<td>2.0</td>
<td>APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)</td>
</tr>
<tr>
<td>3.0</td>
<td>DISCLAIMER</td>
</tr>
<tr>
<td>4.0</td>
<td>ATTENDANCE</td>
</tr>
<tr>
<td>4.1</td>
<td>APOLOGIES</td>
</tr>
<tr>
<td>4.2</td>
<td>APPROVED LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>4.3</td>
<td>APPLICATION FOR LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>5.0</td>
<td>DISCLOSURES OF INTERESTS</td>
</tr>
<tr>
<td>6.0</td>
<td>PUBLIC QUESTIONS</td>
</tr>
<tr>
<td>6.1</td>
<td>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</td>
</tr>
<tr>
<td>6.2</td>
<td>PUBLIC QUESTION TIME</td>
</tr>
<tr>
<td>7.0</td>
<td>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</td>
</tr>
<tr>
<td>7.1</td>
<td>Ordinary Council Meeting Minutes 23 February 2011</td>
</tr>
<tr>
<td>8.0</td>
<td>PUBLIC ADDRESSES</td>
</tr>
<tr>
<td>9.0</td>
<td>DEPUTATIONS AND PETITIONS</td>
</tr>
<tr>
<td>10.0</td>
<td>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</td>
</tr>
<tr>
<td>11.0</td>
<td>BUSINESS LEFT OVER FROM PREVIOUS MEETING</td>
</tr>
<tr>
<td>11.1</td>
<td>COMPLIANCE AUDIT RETURN FOR 2010</td>
</tr>
<tr>
<td>11.2</td>
<td>ASHTON STREET INFRASTRUCTURE CONTRIBUTIONS POLICY PE.54 - ADOPTION</td>
</tr>
<tr>
<td>12.0</td>
<td>REPORTS OF COMMITTEES AND EMPLOYEE REPORTS</td>
</tr>
<tr>
<td>12.1</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>12.1.1</td>
<td>AUGUSTA MARGARET RIVER SHIRE RE-NOMINATION LOWER BLACKWOOD LAND CONSERVATION COMMITTEE (LCDC)</td>
</tr>
<tr>
<td>12.2</td>
<td>Planning and Development Services</td>
</tr>
<tr>
<td>12.2.1</td>
<td>LOT 303 BULLER ROAD, KARRIDALE - OUTBUILDING (SHED)</td>
</tr>
<tr>
<td>12.2.2</td>
<td>130 (LOT 14) RAILWAY TERRACE, MARGARET RIVER - DAY CARE CENTRE</td>
</tr>
<tr>
<td>12.2.3</td>
<td>LOT 8 ST ALOUARN PLACE, MARGARET RIVER - ADOPT FOR ADVERTISING SCHEME AMENDMENT AND STRUCTURE PLAN</td>
</tr>
<tr>
<td>12.2.4</td>
<td>36 (LOT 254) LE SOUEF STREET, MARGARET RIVER – PROPOSED SCHEME AMENDMENT</td>
</tr>
<tr>
<td>12.2.5</td>
<td>GRACETOWN EXPANSION - AMENDMENT 2 TO LOCAL PLANNING SCHEME NO.1 AND ASSOCIATED STRUCTURE PLAN</td>
</tr>
<tr>
<td>12.2.6</td>
<td>LOT 62 TREETON ROAD NORTH, COWARAMUP - IN PRINCIPLE SUPPORT REQUEST FOR SCHEME AMENDMENT</td>
</tr>
<tr>
<td>12.2.7</td>
<td>LOCAL PLANNING STRATEGY FINAL ADOPTION</td>
</tr>
<tr>
<td>12.2.8</td>
<td>MARGARET RIVER DIA DESIGN AND DEVELOPMENT POLICY</td>
</tr>
<tr>
<td>12.3</td>
<td>Infrastructure Services</td>
</tr>
<tr>
<td>12.4</td>
<td>Corporate and Community Services</td>
</tr>
<tr>
<td>12.4.1</td>
<td>2010/2011 BUDGET REVIEW</td>
</tr>
<tr>
<td>13.0</td>
<td>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</td>
</tr>
<tr>
<td>14.0</td>
<td>NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING</td>
</tr>
<tr>
<td>15.0</td>
<td>QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN</td>
</tr>
<tr>
<td>16.0</td>
<td>QUESTIONS WITHOUT NOTICE</td>
</tr>
<tr>
<td>17.0</td>
<td>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>17.1</td>
<td>Members</td>
</tr>
<tr>
<td>17.2</td>
<td>CEO</td>
</tr>
<tr>
<td>18.0</td>
<td>CONFIDENTIAL BUSINESS</td>
</tr>
<tr>
<td>19.0</td>
<td>CLOSURE OF MEETING</td>
</tr>
</tbody>
</table>
1.0 DECLARATION OF OPENING

2.0 APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

3.0 DISCLAIMER

4.0 ATTENDANCE
   4.1 APOLOGIES
   4.2 APPROVED LEAVE OF ABSENCE
   4.3 APPLICATION FOR LEAVE OF ABSENCE

5.0 DISCLOSURES OF INTERESTS

6.0 PUBLIC QUESTIONS
   6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
   6.2 PUBLIC QUESTION TIME

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
   7.1 Ordinary Council Meeting Minutes 23 February 2011

8.0 PUBLIC ADDRESSES

9.0 DEPUTATIONS AND PETITIONS

10.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER
11.0 BUSINESS LEFT OVER FROM PREVIOUS MEETING

11.1 COMPLIANCE AUDIT RETURN FOR 2010

LOCATION/ADDRESS  Shire of Augusta-Margaret River

APPLICANT/ LANDOWNER  N/A

FILE REFERENCE  COR/27

REPORT AUTHOR  Emma Lewis, Governance Officer

AUTHORISING OFFICER  Gary Evershed, Chief Executive Officer

IN BRIEF

- Council is requested to consider the attached Compliance Audit Return for the period 1 January 2009 to 31 December 2010 for adoption.
- Adoption by Council is required prior to returning it to the Department of Local Government by 31 March 2011.

RECOMMENDATION

That Council:
1. Adopts the 2010 Compliance Audit Return for the Shire of Augusta Margaret River.
2. Notes the remedial action taken by the organisation;
3. Forwards the certified 2010 Compliance Audit Return to the Department of Local Government prior to 31 March 2011.

BACKGROUND

The Department of Local Government require all Local Governments to complete an Annual Compliance Audit Return. A Compliance Audit Return is to be presented and adopted by Council and a certified copy of the return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General of the Department of Local Government by 31 March 2011.

CONSULTATION AND ADVICE

Internal only

DISCUSSION/OFFICER COMMENTS

The Compliance Audit Return consists of a total of 283 questions, divided into 16 sections, covering various aspects of the Shire’s functions and services. The sections include:

1. Caravan Parks and Camping Grounds
2. Cemeteries
3. Commercial Enterprises by Local Governments
4. Delegation of Power/Duty
5. Disclosure of Interest
6. Disposal of Property
7. Elections
8. Executive Functions
9. Finance
10. Local Government Employees
11. Local Laws
12. Meeting Process
14. Official Conduct
15. Swimming Pools
16. Tenders for providing goods and services
From a total of 283 questions, the Chief Executive Officer and Directors have confirmed that compliance was achieved in all areas within their respective directorates, with the exception of the following five (5) questions:

**Disposal of Property**

**Question 1:** Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?

Reference: s3.58(3) LGA 1995

Response: No

Comment: In 2009/2010 two items of heavy plant were acquired through the Council Purchasing Service WALGA, the supplier’s trade in price for the two items of used equipment was accepted. A separate process for the disposal of the trade in of the used equipment was not undertaken and no public notice of the disposal was given. The Shire is now aware of the requirements under s3.58, and for the 2010/2011 purchases made through WALGA, WALGA advertised a public tender document dated 15 September 2010 requesting tenders for the purchase of used heavy plant on behalf of the Shire.

**Question 2:** Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?

Reference: s3.58(4) LGA 1995

Response: No

Comment: In 2009/2010 two items of heavy plant were acquired through the Council Purchasing Service WALGA, the supplier’s trade in price for the two items of used equipment was accepted. A separate process for the disposal of the trade in of the used equipment was not undertaken and no public notice of the disposal was given. The Shire is now aware of the requirements under s3.58, and for the 2010/2011 purchases made through WALGA, WALGA advertised a public tender document dated 15 September 2010 requesting tenders for the purchase of used heavy plant on behalf of the Shire.

**Local Laws**

**Question 6:** Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years?

Reference: s3.16(1) LGA 1995

Response: No

Comment: 27 of the Shire’s defunct local laws were advertised for repeal in 2009. Council resolved to make a suite of new local laws which is currently being finalised.

**Meeting Process**

**Question 47:** Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.

Reference: R13 LG (Administration) Regulations 1996

Response: No

Comment: This has not been achieved on all occasions by the Bush Fire Advisory Committee. Remedial actions will make sure this will not occur in the future.

**Miscellaneous Provisions**

**Question 2:** On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO?

Reference: s9.29(2)(b) LGA 1995

Response: No

Comment: The Compliance Officer is appointed authorisation to represent the Shire in court. Over March and April 2010, the Shire was in the process of employing a new Compliance Officer. During this time the Manager of Planning Services represented AMRSC in mediations. A remedial action has been put in place to ensure this will not happen in future occurrences.
The Annual Compliance Audit Return is required under the provisions of s.7.13 (i) of the Local Government Act 1995 and r.14 & 15 of the Local Government (Audit) Regulations 1996.

**STRATEGIC PLAN / POLICY IMPLICATIONS**
As outlined in the adopted AMRSC Strategic Community Plan for the Future, the Shire will annually complete and submit a Statutory Compliance Return and remediate any errors in a timely manner.

**FINANCIAL IMPLICATIONS**
Nil

**SUSTAINABILITY IMPLICATIONS**
N/A

**VOTING REQUIREMENTS**
Simple majority

**RECOMMENDATION**
That Council:
1. Adopts the 2010 Compliance Audit Return for the Shire of Augusta Margaret River.
2. Notes the remedial action taken by the organisation;
3. Forwards the certified 2010 Compliance Audit Return to the Department of Local Government prior to 31 March 2011.

**ATTACHMENTS**
1. Compliance Audit Return 1 January 2010 to 31 December 2010
11.2 ASHTON STREET INFRASTRUCTURE CONTRIBUTIONS POLICY PE.54 - ADOPTION

LOCATION/ADDRESS
Ashton Street ODP Area, Margaret River

APPLICANT/ LANDOWNER
Various

FILE REFERENCE
ENG/82

REPORT AUTHOR
David Nicholson, Manager Asset Services

AUTHORISING OFFICER
Wayne Prangnell, Director Infrastructure Services

IN BRIEF
A draft contributions policy was prepared for the Ashton Street ODP area in late 2009 and released for public consultation. Following consideration of submissions, major amendments were made to the policy and it was re-released for further public consultation in September 2010. Following consideration of the second round of submissions, further amendments have been made and the policy is now presented for final adoption.

RECOMMENDATION
That Council adopts Policy PE.54, Ashton Street Infrastructure Contributions Policy.

LOCATION PLAN

TABLED ITEMS
Nil

BACKGROUND
The Ashton Street Outline Development Plan (ODP) area is located to the north-west of the Margaret River town centre and is accessed via Hermitage Drive. The ODP was created via Scheme Amendment 16 to Town Planning Scheme 17 in 2005 and provides for the subdivision of the thirteen existing lots into approximately 100 smaller lots. This will increase the population living in this area and necessitate the provision or new or upgrading of existing infrastructure.

The Western Australian Planning Commission (WAPC) has issued subdivision approvals for ten of the thirteen lots within the Ashton Street ODP area. All of these approvals include a condition requiring
the preparation and implementation of an infrastructure implementation plan for the ODP area. Shire Officers will recommend to the WAPC that this condition is also included on the remaining three lots, if and when they apply for subdivision approval.

An infrastructure contributions policy is needed to determine the amount each developer must contribute to satisfy WAPC imposed subdivision conditions related to the upgrading or provision of shared infrastructure. Infrastructure projects included in the draft policy were limited to infrastructure that has shared use within the ODP area. These projects are to be implemented by the developers to the satisfaction of the Shire. Infrastructure will also be required within the individual subdivisions as a condition of subdivision approval (ie roads, paths, street lighting and drainage) and will be fully funded by the individual developers.

Draft Policy
A draft contributions policy was first prepared in mid 2009 and presented to Council on 27 August 2009 (OM0908/027). This draft was released for two weeks public comment and 9 submissions were received. A summary of submissions is attached (Attachment 1). A number of significant issues were raised in the submissions and it was evident that major amendments were required to the policy and this would necessitate readvertising for a second round of public comment.

The issues raised in submissions during consultation on the first draft of the policy that generated the need for a significant review were:

- The total costs of shared infrastructure were apportioned over only the lots that were known to proceed with subdivision at that time. These developers would therefore contribute more than the required per lot contributions on the basis that they could later recover the overpayment from contributions from the developers of other lots. There was significant opposition to this aspect of the draft policy on equity grounds.
- The value of public open space being ceded by the owners of Lots 12 and 13 had not been included in the policy.
- The cost of foreshore upgrade works was shared across all lots despite the WAPC imposed condition requiring the preparation and implementation of a foreshore management plan applying only to Lots 1 to 7.
- The shared path along Ashton Street was not included in the policy.
- Fire management plans were being prepared on a lot by lot basis and therefore did not need to be included in the policy.

Revised Draft Policy
The draft policy was amended to apportion the costs of the shared infrastructure over all lots identified in the ODP, include the value of the POS being ceded by the owners of Lots 12 and 13, apportion the costs of the preparation and implementation of a foreshore management plan over only Lots 1 to 7, include the costs of the shared path and delete the ODP wide fire management plan.

The revised contributions policy included the following shared infrastructure projects that were considered essential for the orderly development of the area:

- Ashton Street road upgrade – widening of Ashton Street to 6.0m, provision of kerbing, resurfacing and installation of signs and linemarking along the frontages of Lots 1 to 13.
- Ashton Street pathway – provision of a pathway along one side of Ashton Street.
- Ashton Street stormwater drainage – construction of a stormwater drainage system servicing the Ashton Street road pavement between Lots 1 and 13, including swale drain, pipes and pits.
- Ashton Street stormwater treatment – construction of a bio-retention basin for the treatment of stormwater from the Ashton Street road pavement.
- Ashton Street street lighting – provision of poles and lanterns along Ashton Street to Western Power specifications.
- Foreshore Management – preparation and implementation of a foreshore management plan to protect and enhance the Margaret River the Margaret River and Merchant Brook foreshore reserves abutting Lots 1 to 8.
- River Access Upgrade – the provision of vehicle and pedestrian access to the Margaret River foreshore reserve at designated locations (between Lots 2 and 3, and from the cul-de-sac head in lot 6).
- Public Open Space land – land has been ceded by the owners of Lots 12 and 13 for the provision of public open space to service the R5 zoned lots within the ODP area.
• Public Open Space development – the development of the public open space land including weed control, landscaping, pathways, park furniture and maintenance for a two year period.

• Scheme Administration - an allowance for has been made for scheme administration to reflect the Shire’s role in development and ongoing monitoring of the scheme, project management and financial administration.

Cost estimates for these projects were prepared by a consultant acting on behalf of one of the developers during the formulation of the draft policy and were based on industry rates at that time (June 2009). These cost estimates have been updated with actual costs where projects have been completed.

Submissions on Revised Draft Policy
The revised draft Policy was released for a three week public comment period in September 2010 and six submissions were received. The submissions are attached (Attachment 2) and the main issues raised were:

• Opposition to vehicle access being provided to the river foreshore.

• Objection to foreshore management works being apportioned over only lots 1 to 7 when the works will provide benefits for all residents of the ODP area.

• Request to include indexing of the value of the land ceded for public open space to account for increases in land value over time.

CONSULTATION AND ADVICE
• External consultation – the draft policy was first released for public comment in September 2009. In response to issues raised in submissions, the policy as significantly amended and then released for further public comment in September 2010.

• Internal consultation – Infrastructure Services and Planning Services.

DISCUSSION/OFFICER COMMENTS
During the process of development and revision of this Policy, Officers have sought examples of successful development contributions policies from other Shires, the Department of Planning and WALGA. However, because this is a relatively new aspect of the planning system in WA and this particular scheme applies to a large number of land owners of relatively small parcels of land, no development contributions schemes were found that could be regarded as a suitable model.

The first draft policy that was released for public comment sought to fund all of the shared infrastructure projects via contributions from only those owners that had submitted firm subdivision plans. This approach was rejected by many land owners on equity grounds. The most equitable and simple contributions scheme would apportion the costs of all the shared infrastructure projects between the subdividers on a per lot basis. However, the requirement for public open space can only be applied to the subdivided lots that are zoned R5 and the requirement for development of a foreshore management plan and implementation of the recommended works has been imposed by the WAPC only on original Lots 1 to 7 (which abut the river foreshore). The owners of the land being ceded for public open space also have to be compensated for giving up this land through the Policy. Subdivision of the thirteen original lots will also proceed at different times and some lots may never be subdivided. Officers are aware that the three separate lot owners currently have no intention of subdividing in the immediate future. These factors combine to make the revised policy much more complicated than the first draft and its implementation will also be more difficult to administer.

It should be noted that the Council could elect to fund and construct some or all of the shared infrastructure projects and recover the costs though per lot contributions from subsequent subdividers. This approach is not supported as requires use of it ratepayers’ funds to provide infrastructure to support private development. There is also a financial risk if the cost of the infrastructure projects escalate after the per lot contributions are received from developers. Furthermore, some owners may never subdivide which means that the Shire never fully recovers the costs of providing the shared infrastructure. Similarly, payments to owners/developers of Lots 12 and 13 for the value of the land ceded for public open space can only be made when sufficient contributions have been received by the Shire from other developers. Such payments should not be made from Shire funding.

In response to the issues raised in the six submissions made during the second round of public comment, several very minor changes were made to the wording of the policy, and one major change to its operation.
The value of the land ceded for public open space could vary from year to year during the life of the policy and the owner of one of the lots that is ceding this land has requested that the land value be updated accordingly. The value of infrastructure projects is indexed quarterly using an Australian Bureau of Statistics (ABS) index for construction costs in WA. Neither the ABS nor the Real Estate Institute of WA publish an index land prices in regional centres. The value of the POS land was initially determined by an independent valuation provided by Landgate (i.e. state government) at a cost of approximately $1,200. This would be an expensive process to repeat every 6 to 12 months. A less expensive “update valuation” could be obtained from Landgate annually at a cost of approximately $500. However, an officer from Landgate recommended that the Shire use Landgate’s “Residential Value Watch” program as an index. Since 1988 a series of individual properties in Perth and regional centres have been re-valued every six months by licensed valuers to establish trends in house and land prices in these localities. There are three sites in the program in Margaret River and the “Margaret River (west)” site would be suitable to use as a benchmark for land prices for the contributions policy. The data costs approximately $10 to access. Therefore it is recommended that the Residential Value Watch program be used to update the land values in the contributions policy. It should be noted that indexing of the value of the land could result in a reduction in the value included in the policy.

Despite objections from several land owners, it is not recommended that the allocation of costs for preparation and implementation of the foreshore management plan be amended. The WAPC has imposed this condition only on Lots 1 to 7 and the Shire therefore has no legal basis on which to require costs associated with this work to be borne by the developers of other lots in the ODP area.

Objections to the provision of vehicle access to the river foreshore were received from the owners of the lots either side of the existing public access way where the vehicle access is proposed. The concept is to provide a small parking and turning area at the end of the access way that would require minimal clearing of existing vegetation. Vehicle access to the existing informal walk trail along the river would be prevented by lockable bollards, providing a higher level of control than currently exists but still allowing for access by fire and emergency vehicles. The provision of vehicle access to this point was previously agreed by Council at the time of the scheme amendment. At its meeting on 26 July 2006 Council resolved that “The ODP and relevant provisions of the Scheme Text be amended to provide for vehicular access to the Foreshore for public, including a unsealed parking area and turning area to the satisfaction of the Local government, prior to subdivision.”

The amended version of the policy presented for adoption by Council is attached (Attachment 3).

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
The policy has been developed under Section 2.7 the Local Government Act.
The Policy has been prepared with due regard to State Planning Bulletin 18 “Developer Contributions” (February 1997) and State Planning Policy 3.6, Development Contributions for Infrastructure” (November 2009).
Subdivision conditions are applied by the WAPC under the Planning and Development Act 2005.

STRATEGIC PLAN / POLICY IMPLICATIONS
Development contributions plans are specifically referred to in Council’s Strategic Plan:
Key Result Area 1: Sustainable Development
Sustainable Development 1 - Proactive Planning for Sustainable Communities
Strategy: Develop Outline Development Plans for key strategic future development sites.
Action: Prepare development contribution plans for designated future development areas.

PLANNING FRAMEWORK
The revised policy will be adopted under Clause 2.4 of Local Planning Scheme 1.

FINANCIAL IMPLICATIONS
The objective of the draft policy is to require the developers of the land to fund the necessary infrastructure provision and upgrading to avoid future financial imposts on Council. If the developer’s construct most of the required infrastructure themselves, this will minimise the financial risk to Council due to cost overruns.

Any contributions received under the policy will be retained in the roadworks reserve fund for expenditure on the designated projects. There is a financial risk to Council if received contributions are not expended promptly. A rise in construction costs could then leave Council with a funding shortfall. This risk is similar for all developments where Council receives contributions from
developers for infrastructure and is managed by monitoring contribution records and budgeting expenditure as soon as possible. The risk increases for developments that are staged over longer periods of time. This risk will be minimised by preparing a detailed cost estimate of the works at the time that the first contribution is to be made and annual indexation of outstanding contributions based on a published general construction industry cost index.

As with any subdivision, ongoing maintenance of the infrastructure will be a Council responsibility once the infrastructure is established. The cost of maintenance will be funded by additional rates generated from the development area.

SUSTAINABILITY IMPLICATIONS

Environmental
- The proposed infrastructure upgrading has minor environmental impacts as the works are mostly restricted to the exiting Ashton Street road reserve.
- The Margaret River foreshore will be enhanced and access improved.

Social
- The construction of paths on Ashton Street and within the foreshore area will provide positive health, recreation and safety benefits.
- Safety and amenity will also be improved through the upgrading of the roads to cater for additional traffic generated by subdivision within the ODP area.

Economic
- Positive economic benefits will result from improving accessibility and connectivity of communities, consistent with the proposed upgrading of infrastructure under the policy.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council adopts Policy PE.54, Ashton Street Infrastructure Contributions Policy.

ADVICE TO APPLICANT/PROPOONENT
Submitters and all land owners in ODP area to be advised of Council’s decision.

ATTACHMENTS
1. Summary of Submissions 1 – First Draft Policy
2. Summary of Submissions 2 – Revised Draft Policy
3. Revised Policy for Adoption

12.0 REPORTS OF COMMITTEES AND EMPLOYEE REPORTS
12.1

Chief Executive Officer
SHIRE OF AUGUSTA-MARGARET RIVER
12.1.1 Augusta Margaret River Shire Re-nomination Lower Blackwood Land Conservation Committee (LCDC)

LOCATION/ADDRESS AMRSC

APPLICANT/LANDOWNER NA

FILE REFERENCE PRL/44

REPORT AUTHOR Donna Wolter, Executive Assistant

AUTHORISING OFFICER Gary Evershed, Chief Executive Officer

IN BRIEF
- The term of appointment for members of the Lower Blackwood Land Conservation District Committee (LCDC) are due to expire 31 March 2011.
- The Department of Agriculture and office of the Commissioner of Soil and Land Conservation have requested that Shire confirm a nomination for re-appointment to the committee.
- There is the provision for one elected member representative of the Shire to sit on LCDC;
- This committee is an externally appointed committee to which Cr Colyer was appointed by the Shire in 2006, his tenure being the past 6 years.

RECOMMENDATION
That _______________ be appointed the Shire’s representative to the Lower Blackwood Land Conservation Committee.

BACKGROUND
The Lower Blackwood Land Conservation District Committee (LCDC) is a committee formed under the Soils and Land Conservation Act 1945 and membership is appointed by the Commissioner of Soil and Land Conservation. The functions of a district committee are outlined in s. 24 of the Act:

24. Functions of district committees
   (1) The functions of a district committee are —
       (a) on behalf of, and in accordance with any direction, approval or authorisation given by, the Commissioner —
           (i) to manage projects; and
           (ii) to carry out or cause to be carried out works or practices, for preventing, remedying or mitigating land degradation and for promoting soil conservation and reclamation;
       (b) to review, assess and report to the Commissioner on the effects of land use or land management on the condition of the land within its land conservation district;
       (c) to develop, promote and, in accordance with any direction, approval or authorisation given by the Commissioner, implement programmes of soil and land conservation within its land conservation district;
       (d) if any matter relating to land use, land degradation or soil conservation is referred to it by the Minister or the Commissioner, to consider and report on that matter to the Commissioner or the Minister, as the case requires;
SHIRE OF AUGUSTA-MARGARET RIVER
12.1.1 Augusta Margaret River Shire Re-nomination Lower Blackwood Land Conservation Committee (LDCC)

(e) to make recommendations to, and to consult with, the Commissioner concerning any works, research, experimental or educational programmes which may be necessary or desirable within its land conservation district;

(f) to make recommendations to the Minister for the purposes of section 25A(1) or (1a);

(g) to make recommendations to the Minister or the Commissioner, as the case requires, for the purposes of section 25C(4); and

(h) to perform such functions relating to land degradation and soil conservation as may be agreed between the Council and the Commissioner.

(2) A district committee has all such powers as are reasonably necessary to enable it to perform the functions set out in subsection (1) including the power to employ persons to assist in the performance by that committee of those functions.

CONSULTATION AND ADVICE
CEO
Shire President
Dept Agriculture and Food - LCDC Project Support Officer
Landcare Officer

DISCUSSION/ OFFICER COMMENTS
The Lower Blackwood Land Conservation Committee’s current Chair is Tim Prosser and Secretary/Treasurer is John Dunnet both of Nannup Shire.

Cr Colyer has confirmed that he will not renominate for the position as Shire representative to the LCDC.

The LCDC Project Support Officer, Dept Agriculture and Food has confirmed that a Shire representative can be a member of the community or an Elected Member nominated by the Shire.

In the event that a Councillor does not wish to nominate it is recommended that the Shire’s Landcare officer be the Shire representative to this committee. The Landcare officer attends the LCDC meetings on a regular basis to provide technical support.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Local Government Act 1995; Soils and Land Conservation Act 1945 s.23

VOTING REQUIREMENTS
Simple majority

RECOMMENDATION
That _______________ be appointed the Shire’s representative to the Lower Blackwood Land Conservation Committee.

ATTACHMENTS
1 Letter from the Department of Agriculture and Food received 15 February 2011
12.2

Planning and Development Services
12.2 Planning and Development Services

12.2.1 LOT 303 BULLER ROAD, KARRIDALE - OUTBUILDING (SHED)

IN BRIEF
- The site is situated in a rural area of the Shire and is located east of Caves Road and north of the Karridale townsite. There are no buildings on the site and it is currently being used for the grazing of stock.
- The applicant proposes to construct a farm shed on the site which will contain ablution facilities.
- The proposal seeks to vary Local Planning Policy No. 1 – Outbuildings because the shed will contain ablution facilities and there is no dwelling on the site. It is considered that the applicant has shown sufficient justification for the ablution facilities within the outbuilding.

RECOMMENDATION
It is recommended that Council approves the Outbuilding (Shed) subject to conditions.

TABLED ITEMS
Nil

BACKGROUND
The Western Australian Planning Commission (the WAPC) granted subdivision approval in 2009 which resulted in the creation of this site. The parent lot had originally been used for grazing purposes.

SITE AND SURROUND

Subject Site – Lot 303 Buller Road, Karridale
The site is situated in a rural area of the Shire and is located west of Bussell Highway, east of Caves Road and north-west of Karridale. The site is approximately eight kilometres from the Karridale townsite. There are no buildings on the site and it is currently used for the grazing of stock. There is some remnant vegetation in the northern half of the site and a watercourse runs through the south-west corner of the site. Other rural properties adjoin the site to the north, south, east and west.

THE PROPOSAL
The applicant proposes to construct a farm shed near the middle of the site which will contain a toilet and worker’s shower. The shed will be used for the storage of farm equipment. The applicant has advised that this is phase one of his building program and plans are being drafted for a dwelling to be built within the next one to two years.

CONSULTATION
Consultation is not required because the outbuilding is considered to be ancillary to the grazing use of the site. This use is a permitted use within the designated zone and does not require notification. The zoning and classification of the use will be discussed further under the Planning Assessment section of this report.

PLANNING FRAMEWORK
- Local Planning Scheme No. 1 (the Scheme)
  Clause 8.1 of the Scheme requires planning approval for all development within the Shire unless it falls within an exemption listed under clause 8.2. This proposal does not fall within the exemption listed at clause 8.2 (b) because there is no existing dwelling on the site.

- Local Planning Policy 1 – Outbuildings (LPP1)
  LPP1 provides guidance for the development of outbuildings on Residential, Rural Residential and Priority and General Agriculture zoned land.

- Draft Local Planning Strategy (the Strategy)
  Council is to have regard to the Strategy when considering planning applications under the Scheme.

PLANNING ASSESSMENT
Approximately half of the site is zoned Leeuwin Naturaliste Ridge Landscape Amenity and the remaining eastern half is zoned Priority Agriculture under the Scheme. The proposed outbuilding will be located within the area of the site zoned Priority Agriculture. The outbuilding is proposed to be used as a farm shed and is considered to be ancillary to the grazing use of the site. Grazing falls within the classification of “agriculture – extensive” which is a permitted use within the Priority Agriculture zone.
The proposal complies with all other requirements under the Scheme.

The proposal however seeks a variation to LPP1 which states the following under its general provisions:

_Ablution facilities within outbuildings shall not be approved unless the outbuilding is associated with an existing or substantially commenced dwelling._

LPP1 includes this provision to reinforce an objective of the policy which is to ensure that outbuildings are not used for permanent habitation. The applicant has indicated that the building is a farm shed and that the ablution facilities will be used by people working on the property.

Under the Local Planning Strategy the site is within Visual Management Area ‘B’ which means that development may be visually apparent but should not be visually dominant. It is considered that the outbuilding will not dominate the landscape and will be consistent with other development in the area. The outbuilding will not be visible from Caves Road which is a Travel Route Corridor.

**SUSTAINABILITY IMPLICATIONS**

**Economic**

The proposal provides farm infrastructure which contributes to the agricultural industry.

**Environment**

The proposal will be sensitively located to avoid the removal of vegetation and will not impact on any watercourse or other natural features.

**Social**

There are no social implications associated with the proposal.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the proposal.

**CONCLUSION**

The proposal seeks to vary Council policy LPP1 because the outbuilding will contain a toilet and a shower. Ablution facilities are not acceptable development within outbuildings because they may encourage owners to use the buildings for permanent human habitation. However where the outbuilding is located in a rural area and the site is used for agricultural purposes the ablution facilities are necessary for workers on the property.

Accordingly, it is recommended that the proposal be approved subject to conditions including a condition which prohibits the use of the building for human habitation.

**RECOMMENDATION**

That Council resolves to approve the Outbuilding (Shed) at Lot 303 Buller Road, Karridale subject to the following conditions:

**CONDITIONS**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent:

   **Plans and Specifications**
   
   Plans entitled P1 – P3 received at the Shire on 21 December 2010

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3. The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land and shall not be used for human habitation. (P)
4. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire’s drainage system.

**ADVICE NOTES**

a. You are advised of the need to comply with the requirements of the following other legislation:

   (i) This approval is not a building licence. A building licence must be issued by the building surveyor before any work commences on site as per the *Building Regulations 1989*;

   (ii) Health Act 1911 and Department requirements in respect to the development and use of the premises; and


**ATTACHMENTS**

1. Aerial map of site, dated 16 December
2. Site plan received at Council on 21 December 2010
3. Floor plan, dated 18 September 2010
4. Elevation plan, dated 18 October 2010
12.2.2 130 (LOT 14) RAILWAY TERRACE, MARGARET RIVER - DAY CARE CENTRE

LOCATION/ADDRESS 130 (Lot 14) Railway Terrace, Margaret River

APPLICANT/ LANDOWNER Applicant Kirstie Rohl / Landowner Liam Kinsella and Jenny MacDonald

FILE REFERENCE PTY/3565  P210390

REPORT AUTHOR Lucy Gouws – Planning Officer

AUTHORISING OFFICER Andre Schonfeldt, Manager Planning Services

IN BRIEF
- The Council has received an application for the establishment of a Day Care Centre for up to 30 children at the above location.
- During the assessment of the application the applicant provided a Noise Impact Assessment to demonstrate that the proposal has the ability to comply with the regulatory criteria with regards to potential noise implications.
- 35 submissions have been received through the consultation period.
- Subject to the implementation and attention to the issues raised, through the use of appropriate conditions of approval, will ensure the satisfactory operation of the proposal, the proposal is considered acceptable. Conditional approval is recommended.

RECOMMENDATION
That Council approves the application for the Child Care Centre at 130 (Lot 14), Railway Terrace, Margaret River with conditions.

LOCATION PLAN

Application Site – Lot 14 Railway Terrace
TABLED ITEMS
Nil

SITE AND SURROUNDS
The site is a regular shaped 3940 sqm lot that contains a significant amount of mature vegetation within the rear garden and boundaries. The site is located to the west of the town centre of Margaret River, approximately 860m from the recreation centre. The site contains an existing single dwelling and 2 outbuildings, and is surrounded by residential dwellings to the north, east and west. The site fronts onto and overlooks an area of reserve which the Rails to Trails passes through. The site is only 400m from the intersection with Wallcliffe Road.

PROPOSAL
Planning approval is sought for the establishment of a Child Care Centre within an existing single dwelling at Lot 14 Railway Terrace, Margaret River. The location of the site is identified in the location plan included above. The proposal includes the establishment of suitable facilities within the parameters of the existing dwelling that are required to care for up to 30 children and a maximum of 4 staff members.

The physical layout of the proposal is illustrated on the site plan appended as Attachment 1. The internal layout of the proposal is illustrated by the floor and elevation plans appended as Attachment 2. The proposal does not require any physical alterations to the layout of the existing dwelling; the existing layout will be adopted to provide the facilities that are required to accommodate 30 children. The site contains a substantial amount of mature vegetation on the east, west and northern boundaries, in some areas the crowns of the trees exceed 2m. Areas where the existing landscaping is thin additional planting at a lower level is to be provided. Additional planting is to be introduced at the rear of the dwelling around the proposed 670 sqm outside play area to the rear of the dwelling. The play area is to be fenced with a pool style fencing to a height of 1.2m. The outside play area will be setback 6m from the eastern boundary, 18m from the west and 35m from the north. Car parking within the site of up to a 12 bays are proposed at the front of the building, utilizing the existing 2 entrances that form a semi-circular access arrangement. The proposal also includes a 1.8m high close boarded timber fence to be erected on the eastern, northern and part of the western boundary in accordance with prior discussions with neighbouring properties.

ATTACHMENTS 1 & 2

The applicant proposes the hours of operation to be from 7:45am to 5:45pm from Monday to Friday. The Centre will accommodate up to 30 children ranging from ages 0 – 5. The applicant’s intentions are for the proposed Centre to operate to the same schedule as the existing Early Learning Child Care Centre on 10 Station Road. This incorporates children not playing outside between the hours of 11:00am and 3:00pm.

CONSULTATION
Due to the classification of a Day Care Centre use within the LPS1, the proposal is listed as an ‘A’ use. The use is not permitted unless the local government exercises its discretion by granting planning approval after advertising the proposal. The proposal was subject to advertisement in the Margaret River Mail, direct correspondence to adjacent owners and the establishment of a sign on the site of the proposal. A summary of the submissions received is appended as Attachment 3. A total of 35 submissions was received, 12 of these were objections to the proposal, and 23 supporting the proposal. These submissions raised the following issues:

ATTACHMENT 3

Submissions of Support:
- Need for a new centre with a better environment;
- Good location close to the Rails to Trails and town so that people can walk to the Centre;
- Central location in a residential area;
- More appropriate for the Child Care Centre to be located in a residential area for safety and health of the children;
- Not considered to be an impact on the amenity of the existing area.

These reasons for support have been taken into consideration and have been considered and included with the summary of submissions appended to the report as Attachment 3.
Submissions of Objection:
The submissions that were received related to five main areas, each of which shall be individually addressed within the main assessment of this report. These areas are Traffic, Parking, Use, Noise, and Amenity.

The submissions of objection have been considered and summarized in the summary of submissions appended to this report as Attachment 3. Each of the issues that have been raised has been taken into consideration as part of the assessment of the proposal.

Internal Consultation
Infrastructure Department has no objection to the parking configuration within the site and has suggested conditions for the upgrading of the existing crossovers and the surfacing of the proposed parking areas to the Shire standards.

The Council's Health Department has recommended that if approved, a condition be imposed that requires the applicant to liaise with any persons affected by noise to undertake reasonable action to abate the causes of any nuisance. The applicant will also be required to prepare and comply with a noise management plan to minimise noise emissions from the proposed development, incorporating the following:

a) Client vehicle and other activities associated with the proposed development shall not operate on the site of the approved development, outside the hours of 0700 hours and 1900 hours on any Monday to Saturday unless approved in writing by the Shire, following provision of a noise management plan and reasons for operating outside the hours of 0700 hours and 1900 hours Monday to Saturday.

b) Traffic management client and service vehicles are not be operated in a manner that unreasonably interferes with the amenity of the locality or an occupier of any other premises.

c) A Community relations and neighbour consultation plan, including details of complaint response procedure and process for amending the noise management plan to mitigate effects of noise on adjoining noise sensitive premises.

1. Where in the opinion of the Shire the emission of noise, from the approval use ‘Child Care Centre’ is considered unreasonable or a nuisance to occupants in the building, occupants of neighbouring buildings or members of the public the person licensed to operate the approval use ‘Child Care Centre’ shall liaise with any affected person and undertake reasonable action to abate the cause of the noise nuisance.

The above conditions are considered reasonable and will be included as conditions of approval of the application.

PLANNING FRAMEWORK
Local Planning Scheme No.1

Zoning
The site is zoned as “Residential R5”. Clause 4.2.4.1 includes the following objectives for the zone:

(a) To designate land within the Scheme area suitable for residential purposes; and
(b) To apply to land included within the Residential Zone differing Residential Design Codes densities, providing for:
   (i) the preservation of established residential area where limited redevelopment is envisaged and densities area to be maintained; and
   (ii) sustainable re-development at higher densities for localities where such development is considered to assist in the provision of a wider range of residential accommodation options.

A Child Care Centre is a discretionary use in the Residential Zone. No additional buildings are proposed for the site.

Schedule 12 of the Scheme lists the car parking requirements for the use type. A Child Care Centre is grouped with educational establishments and is to be determined on a case by case basis with regard to the number of teachers and attendance at anyone time. The proposal provides:
- 6 parent parking (calculated at 1 space per 5 children as advised by Bulletin 72/2009);
- 4 staff parking for each member of staff;
- 1 disabled; and
- 1 additional space.

Development within Residential Zone for R5, in addition to any other requirements is required to comply too the following (the following selection is relevant to this proposal):

(c) Boundary fencing materials shall not have an adverse impact on the visual and rural character of the area and shall be consistent with any relevant Local Planning Policy adopted under the provisions of this Scheme; and
(d) Development shall be consistent with the standard prevailing in the locality and shall be in keeping with the low density residential character and amenity of the area.

Draft Local Planning Strategy (DLPS)
The site is indentified as Residential Land R5. Section 3.8 of the DLPS relates to Community Facilities and Public Open Space. The DLPS identifies that with an increasing population, from medium to short term till 2016 there is an established need for new community faculties including child care / after school care.

Planning Bulletin 72/2009 – Child Care Centres
The Bulletin contains policy provisions to guide local government in assessing applications and preparing local planning policies for child care centres.

The objectives of the policy provisions are to:
(a) locate child care centres appropriately in relation to their surrounding service area;
(b) minimise the impact a child care centre has upon its surroundings, in particular on the amenity of existing residential areas;
(c) minimise the impacts the surrounds may have on a child care centre; and
(d) consider the health and safety of children attending the child care centre within the confines of the planning system.

Section 3.3 is in regards to the location of Child Care Centres. The bulletin states that proposals should be within easy walking distance or form part of an appropriate commercial, recreational or community nodes and education facilities. The proposed site is located only 860m from the recreation centre and St Thomas Moore Catholic School. The Rails to Trails is close to the site connecting the site with an existing trail. It is recognised that the proposal is not within the town, but is still considered to be within reasonable proximity to other existing community facilities, and that the sites location has other beneficial factors that shall be discussed.

Section 3.3 (f) states that the site should be of sufficient size and dimension to accommodate the development without affecting the amenity of the area. The site is 3940 sqm containing existing mature landscaping. Section 3.4 states that as a general rule sites in a residential area should be of regular shape and greater than 1000 sqm. The site benefits from being of a substantial size, which allows a far greater distance between the proposal and neighbouring dwellings than would normally be accommodated. The size of the site also allows for the retention of the existing mature vegetation which will only require minor section of removal to allow for the erection of the 1.8m timber fencing, and additional planting in areas where landscaping currently does not exist.

Section 3.5 relates to the design of the centres and that their appearance should reflect that of the character of the area. It advises that parking should be at the front of the building, which this proposal does incorporate. Visually, the proposal does not alter the appearance of the dwelling. At the front of the dwelling the existing access and parking are to incorporate the additional parking areas within the front garden, the layout allows for the retention of the existing landscaping and front 1m high boundary brick wall. The proposed 1.8m high timber fencing is to only be introduced in the rear garden area within the existing vegetation. The new fencing will not be visible within the street setting of Railway Terrace.

A traffic impact assessment was not considered to be required, as the proposal is not in conflict with traffic in the area. Section 3.6 of the bulletin requires the site characteristics and parking requirements to be considered. The proposed site benefits from a 3940 sqm lot that is able to easily within its existing site arrangement provide the required off street parking at the front of the building, within the confines of the site.
In accordance with the bulletin an acoustic assessment was provided during the course of the application. The bulletin states that the objectives should be to limit the noise impact the child care centre has upon adjacent properties, and to also limit any noise from external sources on the child care centre. Where a child care centre is located adjacent to houses, the noise-generating activities such as outdoor play areas are to be located away from the noise sensitive use. The proposal includes an outdoor play area to the rear of the building, where the nearest boundary is to the east at 6m. The acoustic assessment that was provided found that the building construction was capable of containing any noise produced from the normal activities within, that it will not be noticeable to any of the adjoining residential properties. From the modelling of assessments for children playing in the outside play area, the only potentially affected neighbouring dwelling was found to be the property to the east, where the boundary is 6m from the play area. The assessments results found that with the erection of a 1.8m high solid continuous fence on the eastern boundary and retuning 5m along the northern side of the outdoor play area, the resultant levels of noise levels from the children playing complies with the Regulatory criteria in that the predicted adjusted noise levels at the noise sensitive premises (the neighbouring dwelling to the east) are equal to or less that 45 dB(A) LA10, which is considered to comply with the Regulatory requirements. The assessment also found that the resultant noise levels from car movements within the parking area to also comply with the Regulatory criteria, in that the predicted noise levels comply with the LA10 noise level for the day period.

PLANNING ASSESSMENT

Traffic / Parking
- Concerns with the increase in traffic in an area that currently has low traffic volumes, especially at drop off and pick up times;
- The increase in the traffic will create potential dangerous hazards and accidents;
- The junction is not adequate and the visibility is not adequate for the increase in traffic;
- No footpaths to the site will result in all people having to drive.
- Proposal will result in parking on other peoples driveways, properties and verges, casing congestion and hazards;
- Insufficient parking is provided; and
- Visually the parking at the front of the site is not in keeping with the rural setting.

Applicant’s response to the above points that were raised during the submissions:
- The current centre is unlike school’s, has a staggered drop off time from between 8am and 10am each day, which means there is rarely a large number of cars using the surrounding roads at one particular time. This also applies to pick up times, which ranges from 2:30 – 5:30 pm;
- The business on Station Road has been operating for 10 years and we have not experienced any accidents in this time, we have clear marked exit and entry signs;
- Feedback from the existing Centre has found a positive response for people who will be walking, particularly from people to the west of the town. We will provide ample parking for staff and parents and will ensure parents are aware or our parking policy which clearly outlines the parking requirements;
- Utilise a firm parking policy;
- 12 parking bays is the number that is required by the Shire; and
- The existing access arrangement will be utilised to provide the required number of parking as required by the Shire.

Officer Comments
With regards to the traffic and parking issues that have been raised, the location of the site within a residential area means there is no conflict of uses in terms of traffic numbers. The applicant has outlined that traffic is staggered throughout the day, and the operation of the Child Care Centre is not like a school with set drop off and pick up times. The location of the site within an existing community, which is intended to provide a facility for the surrounding community will allow for a mixture of transport, including walking and cycling to the Centre. The Shires Infrastructure Officer has not raised an objection in terms of the traffic management or the configuration of the parking that has been put forward. In line with the objective of the Bulletin 72/2009, the parking is proposed at the front of the building, and will allow for the retention of the existing landscaping features. The 12 parking bays that are to be provided are considered an acceptable number, and meets the standards set by the Bulletin 72/2009. The Acoustic Assessment provided as earlier outlined in the report, finds that the noise generated from car movements within the parking area, to meet the Regulatory criteria for the day period. Appropriate planning conditions will be imposed to ensure the cross over and parking areas area sealed to an approved shire standard.
Use:
- Low density residential area not suitable for commercial activity;
- Visually the commercial activity is not suited for the residential area;
- Day Care Centre is more suited to a mixed use area; this area is free from business activity.

Applicant’s response to the above points that were raised during the submissions:
- Children who spend long hours as the Child Care Centre benefit being part of an existing neighbourhood which is vital to their development. The noise generated from the centre would be pleasant, with no repetitive sounds, loud toys or irregular hours of operation. The Centre will be closed at 5:45pm, weekends and for two full weeks over the Christmas period.

Officers Comments:
A Child Care Centre is a discretionary use in a residential zone under the Scheme. This shows that the residential zone is considered to be an appropriate zone where a Child Care Centre may be considered. A Child Care Centre being a discretionary use in a residential zone is to not prohibit Child Day Care Centres in the zone, but to ensure that considerable care is taken when approving such a proposal in order to minimise the impact upon the character of the area and the amenity of adjacent land uses.

Case law on the acceptability of Day care Centres within Residential zones, particular case of Jones v Boroondara CC (2006) VCAT 1833, discussed the locations of Child Care Centres.

“The Tribunal has found innumerable cases over a long period of time that child care centres are appropriate use in a residential area. There are many very good reasons which underpin the long established principle that child care centres are appropriately located within residential areas, not the least which is that, notwithstanding the commercial basis of their operation, they provide a community service and it can be expected that the need for them is generated by at least some of the residents in the locality with which the centre is located. The benefits of locating uses such as child care centres are recognised in the purpose of the (various planning instruments and policies).

These observations support the Scheme for Child Care Centres being a discretionary use in the residential zone, and where some sites may be appropriate in a residential area.

Noise:
- Area currently has limited noise given the rural character of the area.
- Concerns are raised by the potential noise generated from the children, traffic and the numbers of people to the site.

Applicant’s response to the above points that were raised during the submissions:
- The existing Centre currently operates using selective play times as to ensure the noise generated does not interfere with the daily lives of surrounding neighbours. In previous 10 years, no noise complaints were received.

Officers Comments:
As earlier discussed an Acoustic Assessment was provided by the applicant. The assessment was subject to an assessment by the Shire Health Department, who recommended conditions to be imposed if the proposal was approved. These conditions are to ensure that noise does not become a nuisance to the surrounding landowners, and if noise complaints are made that the applicant is required to liaise with the surroundings landowners to address any nuisance from noise that arises. These measures will be required under the noise management plan that is required to be submitted. The information provided by the acoustic consultants concluded that the noise generated by the proposal (including parking and play areas) will be within the acceptable limits at adjacent premises with the construction of the 1.8m continuous fence on the eastern boundary and a section of the play area.

During the course of the application in order to address some of the submissions that have been received in terms of the noise and the amenity, it has been considered that the introduction of additional timber fencing on the northern boundary, part of the western boundary and the eastern boundary. Fencing issues are usually a civil matter under the Dividing Fences Act (1961), which is usually negotiated between neighbouring dwellings. During the assessment of the application the adjoining neighbouring dwellings have been given the opportunity to consider the introduction of a 1.8m timber close boarded fence. It was found that 3 of the 4 adjoining neighbours were happy to
agree to a fence to be introduced, and it was made clear that the cost and future maintenance of the fence would be at the responsibility of the applicant.

**Amenity:**
- Increase in the traffic entering and existing the site will impact upon the amenity of the neighbours;
- Lack of screening between the site and neighbouring sites with clear views through;
- Buffers proposed not clearly defined and new vegetation will take years to establish;
- Currently surrounding properties use post and wire fencing; any new or different fencing will look out of keeping with the area.

**Applicant’s response to the above points that were raised during the submissions:**
- Existing substantial vegetation is to be retained on the site to screen the driveway from the neighbouring property. Willing to meet with neighbours to ensure they are happy with the effectiveness of the screening and if required additional planting.
- Established plants will be purchased to ensure an aesthetically pleasing to ensure an intimate and secluded environment for the children.
- Prepared to undertake additional planting around the play area.

**Officers Comments:**
The amenity of the area is considered to be the characteristics of the area which includes both the existing land uses and the appearance. When considering the impacts upon the amenity of an area consideration will be taken into account what could potentially detract from these characteristics and potential nuisance caused by a proposed change in land use. The amenity of the area is as defined by the Scheme under R5 as low density residential character. The Scheme allows for the consideration of a Day care Centre within residential areas, this does not pre-determine which densities of residential areas are considered more appropriate for the use. Each site put forward has to be assessed on its individual merits in accordance with established planning principles in relation to this nature of such proposal. In this instance given the relatively small scale of the proposal, limited to 30 children, the location of the site in terms of the existing infrastructure and the retained residential appearance of the building, there appears no significant impact on the local amenity arising from the location and appearance.

The proposal is not considered to impact the amenity of the area through traffic movements, nor if the proposal considered to impact upon existing traffic movements in the area. In terms of the noise concerns, it is recognised and appreciated the concerns that are raised from the potential noise arising from the children playing and traffic movements, these issues are adequately addressed by the proposal or can be appropriately be addressed by conditions. Children will be limited to certain outside play times where they will not be allowed outside between 11:00am till 3:00pm and when playing outside the children will always be supervised to a much greater extent than a schoolyard. With respect to the submissions of objection that have been received, the impacts arising from noise and traffic area not considered to compromise the local amenity, subject to the appropriate mitigation of these impacts.

**CONCLUSION**
The proposed Child Care Centre is considered to be generally consistent with the provisions of the Scheme and the State Planning Bulletin 72/2009.

It is recommended that the application be approved with conditions.

**FINANCIAL IMPLICATIONS**
The applicant will be responsible for all costs in relation to the erection of the 1.8m solid timber fencing and its future maintenance and additional landscaping.

**SUSTAINABILITY IMPLICATIONS**

**Environmental**
Some trees may need to be removed to accommodate the fence; however additional planting will be introduced.

**Social**
Consultation has been undertaken to determine the likely social impacts (i.e. impacts on the amenity). The planning framework seeks to minimise conflict between land use’s in the community and to
SHIRE OF AUGUSTA-MARGARET RIVER
12.2.2 130 (Lot 14) Railway Terrace, Margaret River – Day Care Centre

ensure proposals comply to the relevant noise and potential traffic management to minimise amenity impacts. The proposal will allow for the continuation of an existing established community facility.

Economic
The Day Care Centre employs up to 4 full time employees, and provides a valuable community facility for the care of children for parents etc working.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council approves the application for a Day Care Centre at 130 (Lot 14) Railway Terrace, Margaret River subject to compliance with the following conditions:

CONDITIONS
1) The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent:

| Plans and Specifications | Plans entitled P1 – P2 received by Council on |

2) If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3) This approval does not authorise the use or operation for the premises as a child care centre under the Community (Child Care Services) Act. This requires the operator and all employees to be in possession of a current valid licence from the Department of Community Services.

4) A Building License must be issued by the Building Surveyor before any work commences on site as per the Building Regulations 1989.

5) The building shall not be occupied until a Certificate of Classification has been issued by the Shire’s Building Surveyor. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification is in contravention of Building Regulations, r.20(4) or, r.22, and is guilty of an offence under r.23.(B)

6) A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to a scale and show the following:
   a. The location, name and mature heights of existing and proposed trees and shrubs and ground covers as recommended in the Cape to Cape Landcare Companion;
   b. Any lawns and paved areas to be established;
   c. Any natural landscaped areas to be retained; and
   d. Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.

7) Landscaping shall be implemented prior to occupation/use of the development and shall be maintained at all times.

8) The Use shall operate between the hours of 7:45am and 5:45pm between Monday to Friday, and not on Saturday or Sunday. (P)

9) Outdoor playtimes shall be staggered thorough out the day. As such children shall not be allowed to play outdoors between the hours of 11:00am and 3:00pm daily. (P)

10) The Use shall not accommodate more than thirty (30) children at any one time. (P)
11) A 1.8m continuous, free from gaps, solid timber fence shall be erected on part of the Eastern, Northern and Western boundary as noted on the approved plan. The fence shall thereafter be maintained to a good state of repair. (P)

12) The existing outbuildings shall be used solely for purposes incidental and ancillary to the authorised use of the land, and not form part of the Child Care Centre. (P)

13) The rear access gates shall only be used for emergencies only and shall not used as pedestrian or vehicle access to the site. (P)

14) A sign licence application as required by the Sign Bylaws including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Building Surveyor prior to the erection of any signage on the site/building. (P)

15) All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire’s drainage system. (I)

16) The two (2) existing vehicle crossovers shall be constructed to minimum standard 2 coat bitumen seal and designed, constructed and drained in accordance with the Shire’s crossover standards and specifications, prior to the occupation of the development. Footpaths are to remain continuous at location of crossovers. (I)

17) Vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with Australian Standard AS 2890.1-1993 and the Shire’s standards and specifications, prior to occupation of the development. Footpaths are to remain continuous at vehicle crossovers. (I)

18) Twelve (12) on site car parking spaces shall be provided on the whole of the lot. (P)

19) Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. (I)(P)

20) One (1) parking bay for disabled with a minimum width of 3.2m, and statutory sign located convenient to the building entrance, shall be provided to the satisfaction of the Council. (I)(P)

21) Access and egress to the Site shall be by the means of a one way system only. (I)

**Noise**

22) The Applicant or person licensed to operate the approved use ‘Child Care Centre’, is required to liaise with any person affected by noise from the approved development and to undertake reasonable action to abate the causes of any nuisance.

23) The Applicant or person licensed to operate the approved use ‘Child Care Centre’, is required to prepare and comply with a noise management plan to minimise noise emissions from the proposed development, which incorporates the following to the satisfaction of the Chief Executive Officer:

   a. Client vehicle and other activities associated with the proposed development shall not operate on the site of the approved development, outside the hours of 0700 hours and 1900 hours on any Monday to Saturday unless approved in writing by the Shire, following provision of a noise management plan and reasons for operating outside the hours of 0700 hours and 1900 hours Monday to Saturday.

   b. Traffic management client and service vehicles are not be operated in a manner that unreasonably interferes with the amenity of the locality or an occupier of any other premises.

   c. A Community relations and neighbour consultation plan, including details of complaint response procedure and process for amending the noise management plan to mitigate effects of noise on adjoining noise sensitive premises.
24) Where in the opinion of the Shire the emission of noise, from the approval use ‘Child Care Centre’ is considered unreasonable or a nuisance to occupants in the building, occupants of neighbouring buildings or members of the public the person licensed to operate the approval use ‘Child Care Centre’ shall liaise with any affected person and undertake reasonable action to abate the cause of the noise nuisance.

**Lighting of Development (display, safety and security)**

25) The Proponent is advised that lighting for security, recreation or display shall be internally directed and/or shielded so that light over-spill does not unreasonably affect the amenity of adjoining properties.

**Sanitary Conveniences**

26) The Proponent is advised that sanitary conveniences shall be provided in accordance with the applicable requirements of the *Health Act 2008; Building Code of Australia 2004; and Sewerage (Lighting, Ventilation and Construction) Regulations 1971.*

**Food Premises**

27) The Proponent is advised that a Food Business operated as part of Child Care Centre is required to comply with the Food Act 2008, and the relevant provisions of the A/NZ Food Standards Code. The Proponent is required to submit a notification/registration of Food Business application to the Shire for approval prior to conducting a food business.

28) The Proponent is advised that a notification/registration of Food Business application is to include a detailed floor plan of the buildings used to conduct a Food Business and sufficient information to indicate that the proposed Food Business complies with the Food Act 2008 and Food Standards Code. Design details for the proposed development must address construction, food handling, storage and transportation to the satisfaction of the Shire.

29) The Proponent is advised that Child Care Facilities may be deemed a High Risk Food Business and Food Safety Programme may be required under the Food Regulations 2009, to be prepared for the Food Business.

**ADVICE NOTES**

a. You are advised of the need to comply with the requirements of the following other legislation:

   (i) This approval is not a Building Licence. A Building Licence must be issued by the building surveyor before any work commences on site as per the *Building Regulations 1989*;

   (ii) *Health Act 1911* and Department requirements in respect to the development and use of the premises; and

   (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.

   (iv) It is advised that the Department for Community Development is responsible for licensing and monitoring child care services. The proposed development, Child Care Centre is required to be licensed under the *Community Services Act 1972* and comply with the *Community Services (Child Care) Regulations 1988.* (H)


**ATTACHMENTS**

1. Site Plan
2. Floor and Elevation Plans
3. Summary of Submissions
12.2.3 LOT 8 ST ALOUARN PLACE, MARGARET RIVER - ADOPT FOR ADVERTISING SCHEME AMENDMENT AND STRUCTURE PLAN

LOCATION/ADDRESS
Lot 8 Alouarn Place, Margaret River

APPLICANT/ LANDOWNER
RPS on behalf of Wallcliffe Cottages

FILE REFERENCE
LND/1/4

REPORT AUTHOR
Jared Drummond – Sustainability Planning Officer

AUTHORIZING OFFICER
Geoff Broad – Director of Planning and Development Services

IN BRIEF
- This report concerns a proposed Scheme Amendment and Structure Plan for Lot 8 St Alouarn Place, Margaret River.
- The existing zoning of the site provides for the establishment of a dwelling and four chalets. The proposed amendment to the scheme will remove this chalet potential in exchange for the right to establish an additional dwelling and subdivide that dwelling from the parent title.
- The size of the two lots proposed under the Subdivision Guide Plan is generally consistent with adjacent special rural lots. Scheme provisions for buffer planting and installation of a rain water tank on Lot 81 are recommended.
- The Council needs to determine whether the proposed amendment and Structure Plan is satisfactory for advertising.

RECOMMENDATION
The proposed scheme amendment, subject to modification, is determined satisfactory for initiation, and that the proposed structure plan is determined satisfactory for the purpose of advertising.

TABLED ITEMS
Nil

BACKGROUND
The site was subdivided consistent with a Subdivision Guide Plan that was adopted by Council in 1992 under Amendment 65 to Council’s now revoked District Town Planning Scheme No.11. The Subdivision Guide Plan provided for the subdivision of the original land holding (Sussex Location 411) into 21 rural-residential lots ranging in size from 1.37ha to 3.36ha.

At the time of rezoning under amendment 65, the then future Lot 8 was granted development of up to four chalets along with a single dwelling. Schedule 2 of the current Local Planning Scheme No. 1 includes an Additional Use Right (A37) for development of the four chalets. Only one single dwelling has been developed on the site.

SITE AND SURROUNDINGS
The site is located approximately 7km west of the Margaret River townsite. The site fronts the Margaret River and is approximately 1km east from the mouth of the Margaret River. The site has an area of 2.6478ha and is accessed via a battleaxe access leg from St Alouarn Place.

The site has been predominantly cleared although a number of mainly isolated peppermint trees occur in the western portion. The adjacent foreshore reserve contains relatively dense marri and peppermint woodland. The understorey in this area is predominantly introduced grasses. The surface soils are predominantly spearwood sands with a few small rocky outcrops of granite.

The site descends from its highest point (45m AHD) in the south-east to the north-west (10m AHD) at a gradient of approximately 1:6. The site becomes steeper closer to the Margaret River which is located between 30 and 45 metres from the northern boundary. Surrounding land uses are generally rural residential, with the exception of the Margaret River foreshore Reserve (R43268).
THE PROPOSAL
The proposal aims to amend the scheme to allow subdivision of the site into two special rural lots (Lots 80 and 81). A ‘Subdivision Guide Plan’ provides a framework for the future development of the site, as follows:

- Identification of two lots being 1.30ha (Lot 80) and 1.34ha (Lot 81);
- Specifying building envelopes around the existing dwelling on Lot 80 and on proposed Lot 81 in accordance with the scheme;
- Ensure that the view lines of proposed Lot 80 are screened or not adversely affected;
- Development of a single dwelling on Lot 81;
- Reciprocal rights of access over the battleaxe leg to enable Lots 80 and 81 legal access to St Alouarn Place and the existing driveway;
- Proposed 6m access easement along the north-western boundary of Lot 81 to allow vehicular access between Lot 80 to the existing rowing club facility located on the foreshore reserve.

The amendment also proposes to remove the Additional Use right over the site. This will see the number of buildings being reduced from five (i.e. four chalets and one single dwelling permissible under the scheme) to two single dwellings.

ATTACHMENT 1

CONSULTATION
The ‘Subdivision Guide Plan’ is to be considered as a ‘Structure Plan’ for the purposes of LPS1. The proposal seeks to amend provisions of the rural-residential zone of the Local Planning Scheme. The Town Planning Regulations 1967 require the amendment to be advertised publicly and referred to relevant agencies following which a final adoption report would be prepared for Council. Part 6.2.6.5 of the LPS1 requires the Subdivision Guide Plan, should Council initiate the proposal, to be advertised for at least 21 days to the community and relevant government agencies. However it would be appropriate to require the ‘Subdivision Guide Plan’ to be considered as a Structure Plan for the purposes of LPS1 and advertise the Structure Plan concurrently with the proposed amendment.

PLANNING FRAMEWORK
Relevant policy and strategic documents that apply to this proposal include the LNRSPP, the Local Planning Strategy and the Local Planning Scheme.

Leeuwin Naturaliste Ridge State Planning Policy (LNRSPP)
The Land Use Strategy map in the LNRSPP identifies land west of Margaret River town site as rural residential, inclusive of the site. The site is also located within the National Park Influence Area under the LNRSPP. These areas consist of significant stands of remnant vegetation and represent important
landscape values. The intent of any new rural residential development should be to recognise the environmental and landscape significance of the area and to avoid causing any adverse impacts. The LNRSPP provides for rural residential subdivisions ranging from one to 10 hectares, with two to three hectares being most common.

**Local Planning Strategy (LPS)**

The site has been identified as rural-residential under the LPS. The strategy supports rural residential subdivision and development subject to protection of the environmental and landscape values of the site and its locality. Rural residential proposals will only be supported in areas designated as 'Rural Residential' in the LNRSPP and the strategy maps.

Subject to environmental, landscape and amenity considerations, regard will be given to the consolidation of existing rural residential areas, as provided for in the LNRSPP, subject to appropriate investigation and amendment to any existing scheme provisions and subdivision or structure plans. Similarly, consideration is given to the clustering of rural residential lots that result in a positive environmental or landscape protection outcome, subject to an average minimum rural residential density being achieved.

**Local Planning Scheme No. 1 (LPS1)**

The site has been identified as rural-residential under the Local Planning Scheme. The purpose of the rural-residential zone in the scheme is to provide and recognise established rural-residential lifestyle development opportunities in strategic rural locations but to confine any further such development to land where such activities are consistent both with the provisions of the LNRSPP, the conservation of significant landscape values and environmental attributes of the land and include appropriate fire management strategies. The site is also within the National Park Influence Area under LPS1 where consideration must be given to landscape impact and land management to preserve the integrity of the National Park.

**PLANNING ASSESSMENT**

**Strategic context**

The site is classified as rural residential within the LPS, LNRSPP and zoned for that purpose. The Site is a component of a larger special rural subdivision which provided 21 special rural lots between 1.37ha and 3.37ha.

To support this Scheme amendment, the applicant has submitted a Subdivision Guide Plan to guide future subdivision and development layout. LPS1 does not provide any guidance for the preparation and assessment of Subdivision Guide Plans. Instead, the scheme requires that a Structure Plan be prepared for land not within a Structure Plan Area. Generally, structure plans relate to large scale proposals such as major subdivisions or proposals considered to be complex in nature. LPS1 requires that structure plans include in-depth studies such as environmental assessments, urban water design, commercial and residential impacts, land use capability, traffic management, provision for major infrastructure and detailed subdivision layout.

The Subdivision Guide Plan has not been prepared in accordance with clause 6.2.5.4 of the scheme which outlines requirements for preparing Structure Plans. Clause 6.2.5.4 requires preparation of a number of specific pre-planning studies to be submitted along with any Structure Plan. Preparation of such studies are not considered necessary in this case as the future subdivision is considered low key in nature and it is expected that any potential issues will be addressed during the advertising period. It is therefore recommended that the submitted Subdivision Guide Plan be assessed in accordance with clause 6.2 of the scheme for Structure Plans although recognising the full extent of studies are not relevant.

Standard procedure for scheme amendments is to have an amendment approved first followed by approval of a structure plan at a separate stage in the planning process. The intention of this proposal is to consider the scheme amendment and structure plan concurrently. This is considered acceptable in this case as the site is already zoned ‘Special Rural’ and the amendment is not expected to introduce significant land use changes to the immediate and surrounding landscape.

An amendment is required to, firstly, introduce appropriate provisions into Schedule 11 of the Scheme that allows for future subdivision down to 1 hectare, and secondly, to provide the opportunity to prepare a modified Structure Plan that provides the framework to support future subdivision. Currently
one single dwelling and four chalets are permitted to be developed on the site through an Additional Use right. The proposed amendment would see the Additional Use right deleted from the scheme.

The scheme permits chalets to be built anywhere up to 150m² in floor space. Suggesting all four chalets were built on the site, then this would result in a total development footprint of 600m². In comparison, development footprint associated with a single dwelling is expected to be around 300 - 400m². Where as a single dwelling would be confined to the boundaries of a building envelope, chalets on the other hand could be developed anywhere on the site, which could potentially lead to negative impacts upon landscape amenity.

Over half of the properties in the original 21 lot subdivision are less than 1.6 hectares in size. The size of the lots proposed to be created under the Subdivision Guide Plan is considered to be generally consistent with the surrounding special rural lots which range in size from one hectare to three hectares. The LPS permits special rural lots at a ratio of one lot per hectare. The proposed Subdivision Guide Plan is consistent with special rural lot sizes envisaged under the LPS and has minimal impacts upon environmental and landscape values.

The LNRSPP supports subdivision and development design that facilitates better use of land already committed for rural residential development. The subdivision proposal is considered to be a better use of the land as it reduces building bulk whilst also reducing impacts upon environmental and landscape values.

**Officer comment**

The Proposal is considered consistent with the strategic context

**Landscape Amenity**

The site is identified within the Visual Management Zone A of the LPS. Development within this zone should result in in evident visual alteration to the landscape. Whilst changes may occur, the development or change of use should be of similar form, scale and pattern to the existing landscape. Under the LNRSPP development should also have due regard to appropriate siting and design of structures in order to compliment surrounding landscapes and built form, including minimising visual impacts from travel route corridors and adjoining properties.

The scheme amendment documentation does not address landscape amenity through detailed analysis, however it is expected that future development on the site would not result in adverse impacts upon the landscape. The proposed building envelope on Lot 81 is proposed to be located parallel to site contours to ensure that the view lines of proposed Lot 80 are not screened or adversely affected. Additionally, it is expected that the development of an additional single dwelling would cause less visual impacts in comparison to the development of an additional four chalets.

Pockets of vegetation have either been planted or retained around existing buildings to minimise visual impacts from travel routes and adjoining properties. A row of trees has already been planted along the southern boundary of proposed Lot 80. Further infill planting of appropriate native species would be required between Lot 80 and Lot 81 to ensure that future development is appropriately screened.

**Officer comment**

A provision should be introduced to LPS1 requiring landscape planting at the development stage to ensure that Lot 80 and Lot 81 are screened from one another.

**Natural Environment**

The site consists of predominantly cleared areas with the exception of some isolated peppermint trees along the southern boundary. Future development on the building envelope of proposed Lot 81 would only remove one or trees. The foreshore reserve contains relatively dense marri and peppermint woodland and is adjacent to the proposed 6m access easement to the boat shed. Similarly, creation of the access track may only result in clearing of one or two trees along the western boundary.

There are some larger stands of remnant vegetation to the south of proposed Lot 81, however, this vegetation is not part of a larger vegetation area and consists of degraded understorey. As such, FESA have advised that no clearing would be required to establish building and hazard separation zones.
Officer comment
It is therefore expected that future development associated with the subdivision proposal would result in minimal environmental impacts.

Fire impacts
The predicted fire hazard for the site has been determined as low risk. The applicant would not be required to prepare a Fire Management Plan providing a two metre firebreak is established around the perimeter of the site in accordance with the annual Fire Protection Notice. No clearing is required for fire management purposes.

Heritage
Margaret River, to the west of the site is recognised as an Aboriginal Heritage site. Future development of the site would not impact upon these areas therefore no heritage studies are recommended to be prepared.

Provision of Onsite Services
The site is not serviced by reticulated sewage. The scheme requires that all development is set back at least 40 metres away from the banks of Margaret River in this area. The proposed building envelopes on Lot 80 and Lot 81 have been setback approximately 130 metres from Margaret River and easily achieve setbacks for effluent disposal and development. The site has a connection point to reticulated scheme water.

Access
The amendment proposes reciprocal rights of access over the battleaxe access leg. This would enable both properties to obtain legal access to St Alouarn Place while allowing both lots to utilise the same constructed driveway. An access easement placed on the Title of Lot 81 under Section 136 of the Transfer of Land Act for ‘Right of Carriageway’ will allow vehicles to traverse to the rowing club shed along the western boundary of Lot 81. An access easement provides a reasonable legal outcome that will remain on the Title.

The current Additional Use right allows development of up to four chalets which has the potential to increase traffic to the site and surrounding area. There proposed amendment would result in less traffic as it only permits creation of one additional single dwelling.

SUSTAINABILITY IMPLICATIONS
Economic
Although considered minor, the amendment would result in the creation of one additional lot. This would provide rate revenue and employment opportunities during any future development.

Environment
The proposed amendment is expected to have minimal impacts upon the environment as the majority of the site is predominantly cleared land. The report recommends that a water tank be installed to help reduce reliance upon the town’s scheme water supply which is considered to be a sustainable initiative.

Social
The amendment is not expected to impact on the amenity values of the surrounding area. Any future development on the site would need to be consistent with visual management criteria as set out in the LPS, LPS1 and the LNRSPP. The site is located in a low fire risk area, as such all fire management can be contained on site without affecting neighbouring properties.

FINANCIAL IMPLICATIONS
The proponent is charged fees for processing the scheme amendment on a cost recovery basis.

CONCLUSION
The site is currently zoned as Special Rural. A scheme amendment is required to allow future subdivision down to one hectare and secondly provide the opportunity through a Subdivision Guide Plan to support future subdivision. The subdivision proposal also proposes to delete reference to the Additional Use right which permits the development of up to four chalets. The proposed modifications will effectively reduce the development density resulting in fewer impacts upon the sensitive landscape. On balance, the proposed Subdivision Guide Plan is considered sufficient for the purpose of consultation.
RECOMMENDATION

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiates Amendment 4 the Local Planning Scheme No. 1 for the purpose of:

   1.1. Amending the Scheme Text by deleting reference to Lot 8 St Alouarn Place Margaret River from Schedule 2 – Additional Uses (A37) of the Local Planning Scheme No. 1; and

   1.2. Inserting the following Scheme Text into Schedule 11: Rural-Residential Zone (R-R25) of the Local Planning Scheme No.1, for Lot 8 St Alouarn Place, Margaret River:

<table>
<thead>
<tr>
<th>Scheme Map Ref No.</th>
<th>Site Description</th>
<th>Specific conditions and requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-R25</td>
<td>Sussex Loc 411 – Lot 8 St Alouarn Place, Margaret River</td>
<td>1. Subdivision and development shall be generally in accordance with Subdivision Guide Plan (Plan No. 10966-4-002 dated 29th November 2010) and shall form part of this Scheme.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. The average minimum lot size shall be 1ha.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Buffer planting shall be required at subdivision stage to ensure that development impacts associated with Lot 80 and Lot 81 are appropriately screened.</td>
</tr>
</tbody>
</table>

2. Pursuant to clause 6.2.6.7 (a) of the Scheme, determines the proposed Structure Plan for Lot 8 St Alouarn Place Margaret River is satisfactory for advertising purposes.

ATTACHMENTS

1. Proposed Structure Plan dated 29 November 2010
IN BRIEF
- Council is in receipt of an application to rezone Lot 254 Le Souef Street, Margaret River from ‘Reserve (Public Purposes/Public Utilities)’ to ‘Residential R30/40’.
- The Site is located next to properties zoned ‘Residential R30/40’ within walking distance of the town centre.
- The proposal is consistent with the Scheme and Draft Local Planning Strategy.

RECOMMENDATION
It is recommended that Council initiates the proposed Scheme Amendment to rezone Lot 254 Le Souef Street Margaret River from Public Purposes to Residential R30/40.

TABLED ITEMS
Planning Report, BSO Development Consultants, dated January 2011

LOCATION PLAN

SITE AND SURROUNDS
Lot 254 Le Souef Street, Margaret River (the Site) has a regular shape and an area of 1065sqm. It is located on the western side of Le Souef Street, just south of the intersection with Willmott Avenue.
The property has a gentle slope towards the southwest corner and has been developed with a brick and tile single dwelling, which has been in existence for several decades, and which has provided housing to numerous government employees on a continual basis. The property has 20.16m of frontage to Le Souef Street to the east and is accessed via an existing bitumen sealed crossover and driveway. Surrounding properties to the east, south and west are generally used for residential purposes, while to the north the land is occupied by the WA Police Service administration and operations building. The lot directly adjoining the western boundary is owned by Telstra and utilised for accommodating a phone tower. The Site has access to reticulated sewer and water, along with underground power and telecommunications.

THE PROPOSAL

The proposal seeks to rezone the Site from ‘Reserve (Public Purposes/Public Utilities)’ to ‘Residential R30/40’ and only involves a modification to the Scheme maps. The report accompanying the application states that the proposed rezoning will match the property’s longstanding and continued residential use, while the intended medium density R-Code (i.e., R30/40) will be consistent with that applied to surrounding residential lots and will enable the Department of Housing to redevelop the property in the future. If desired this will provide more accommodation for government employees close to the business hub of Margaret River.

CONSULTATION

Consultation with community members and relevant government agencies will be undertaken, as per the Regulations, if the formal scheme amendment process is initiated.

PLANNING FRAMEWORK

Planning and Development Act 2005 (the Act)

The Act permits local governments to prepare town planning schemes and amendments subject to compliance with the Town Planning Regulations 1967.

Draft Local Planning Strategy (DLPS)

The Site is identified as ‘Mixed Use (R30/40)’ in the DLPS. The principal function of this category is to cater for medium density residential development within close proximity to the town centre.

Margaret River Townsite Strategy (MRTS)

The Site is identified as ‘potential infill development’ within the MRTS. The Strategy seeks to promote denser residential development close to the town centre to enhance 24 hour activity and therefore vitality and viability.

Local Planning Scheme No. 1 (the Scheme)

The Proposal is to amend the Scheme by rezoning the Site from ‘Reserve (Public Purposes/Public Utilities)’ to ‘Residential R30/40’.

PLANNING ASSESSMENT

The Site’s location close to the town centre makes it suitable for redevelopment to a higher residential density. The Site is owned by the Department for Housing and, unless sold by them, will continue to provide housing close to town centre facilities and services.

Strategically, land on the periphery of the town centre has been identified, by the DLPS and the Townsite Strategy, for mixed use activities to complement the core uses of the town centre and provide a strong residential component.

Local Planning Scheme No. 1 does not include a zone entitled ‘Mixed Use’. ‘Residential R30/40’ is provided and allows for an increased residential density and range of community/civic uses which is considered appropriate for the Site and which reflects its designations in the DLPS and MRTS.

It is not expected that any amenity issues are raised by the application as under the rezoning the Site will share the same zone and density as adjoining residential lots.

Overall, it is considered that the ‘Residential R30/40’ zone is the most appropriate zoning for the Site, given its proximity to the town centre and potential to redevelop to a higher density. The proposal is consistent with the DLPS and rezoning provides the ability to contribute to the viability of the town centre which is a key objective of the MRTS.
SUSTAINABILITY IMPLICATIONS

Environment
The Site’s location close to the town centre promotes walkable neighbourhoods.

Social
The rezoning shall have no impacts on the existing residential amenity of adjoining lots and will continue to provide affordable housing, potentially at a higher density.

Economic
The location of residents close to the town centre contributes to the viability of town centre businesses.

FINANCIAL IMPLICATIONS
The proponent will fund consideration of this amendment on a cost recovery basis.

RECOMMENDATION
That Council, pursuant to Section 75 of the Planning and Development Act (2005) initiates Amendment No. 5 to the Shire of Augusta-Margaret River Local Planning Scheme No. 1, by amending Map 10 of Local Planning Scheme No.1 to rezone of Lot 254 on Plan 192532, House 36 Le Souef Street, Margaret River from Public Purposes reserve to Residential zone with an applied R-Code of R30/40.

ATTACHMENTS
Nil
12.2.5 GRACETOWN EXPANSION - AMENDMENT 2 TO LOCAL PLANNING SCHEME NO.1 AND ASSOCIATED STRUCTURE PLAN

LOCATION/ADDRESS
300 Salter Street, Gracetown

APPLICANT/ LANDOWNER
Thompson McRobert Edgeloe for LandCorp

FILE REFERENCE
LND/1/2; LND/1/2SP

REPORT AUTHOR
Nick Logan – Coordinator of Strategic Planning and Sustainability

AUTHORISING OFFICER
Geoff Broad – Director of Planning and Development Services

IN BRIEF
- The expansion of the Gracetown Townsite has been identified in strategic planning documents since the promulgation of State Planning Policy 6.1 – Leeuwin Naturaliste Ridge in 1998. Since that time investigations, consultation, and commencement of a proposed rezoning under the superseded Town Planning Scheme No. 11 have all occurred.
- Lot 300 Salter Street is an elevated 258ha of Unvested Crown land located to the immediate south/south east of the existing Gracetown Townsite.
- This report concerns a proposed Amendment to Local Planning Scheme No. 1 and a Structure Plan which would provide for subdivision and development to be undertaken on Lot 300.
- Portion of Lot 300 is proposed to accommodate around 140 residential dwellings. Extensive open space areas, incorporating vegetation management for fire protection about these dwellings, would be vested and maintained by the Shire.
- Development is proposed in an unconventional layout utilising alternative servicing (wastewater treatment and greywater reuse), and provides those services to the existing Townsite. Residents would need to pay to connect to these services, and existing and future residents would fund fire management and servicing through a Specified Area Rate.
- A key issue is the implications of modern fire protection requirements for an alternative access to the Townsite. The most practical alignment is through the National Park and there is no certainty that such an access is either acceptable or achievable.
- The Shire is considering this Proposal as to whether it is suitable on which to undertake consultation and seek the views of the community and stakeholders. Further consideration would be required following consultation.

RECOMMENDATION
That subject to the provision of further information detailed in this report, including a risk based cost benefit analysis of the alternative access road, together with modifications to the proposed Amendment and Structure Plan documents, the Amendment is initiated Structure Plan deemed suitable for consultation.

TABLED ITEMS
1. Amendment 2 to LPS1
2. Structure Plan
3. Design Initiatives Report

BACKGROUND
The identification of scope to consider expansion of Gracetown has evolved through the following:
- Identification of potential expansion of the Gracetown Townsite in the preparation of State Planning Policy 6.1 – Leeuwin Naturaliste Ridge (LNRSPP), which was gazetted in 1998.
- Following identification in the LNRSPP a more detailed ‘Gracetown Development Investigation Report’ (Koltasz Smith, 2000) set out the parameters, principles and guidelines for further investigation.
In 2005 LandCorp was requested by the State Government to further investigate development of Gracetown, with LandCorp’s initial investigations suggesting around 140 dwellings and a 50 key tourist facility was an appropriate level of development.

The identification of Development Investigation Areas DIA9a and DIA9b into the Local Planning Strategy (LPS) as advertised in 2005.

Various consultation initiatives including two public workshops were undertaken by LandCorp, and the Gracetown Development Investigation Reference Group was formed. The Group was formed with representatives from the Gracetown Progress Association and state and local government representatives to discuss detail of the project.

The initiation by Council (OM07/09 006) in September 2007 of Amendment 175 to the now superseded Town Planning Scheme No. 11. Amendment 175 provided for the inclusion of the land in question within a ‘Future Development Zone’ that would yield around 140 dwellings.

Upon referral of Amendment 175 to the Environmental Protection Authority (EPA) the EPA advised the Council that the amendment was to be subject to formal environmental assessment.

Amendment 175 was not progressed due to the advanced stage of Local Planning Scheme No. 1 at the time, and Landcorp were advised to submit revised documentation for consideration of an amendment to LPS1 once gazetted.

**SITE AND SURROUNDS**

Proposed Amendment 2 to Local Planning Scheme No. 1 and the associated Structure Plan (‘the Proposal’) relates to Unallocated Crown Land (UCL) at the southern end of the existing Gracetown Townsite known as Lot 300 Salter Street (‘the Site’), as identified in Figure 1 below.

![Figure 1. Location Plan](image)

The Site is 258ha that extends from the Gracetown Townsite south to the Van Tripp Road Reserve around 1.7km due south of the existing townsite.

**Tenure**

The Site is Unallocated Crown Land (UCL) meaning that it is owned by the Crown but has never been vested for a particular purpose. The Department of Environment and Conservation (DEC) are responsible for basic management of UCL.

As the Site has never been formally vested the *Native Title Act (1993)* carries a presumption that Native Title exists. The Site is within the ambit of live Native Title claims, however it is understood that resolution of these claims is progressing through the Native Title process.

**Site Particulars**
The Site is almost entirely vegetated. It is dissected by the Salter Street (constructed) and Van Tripp (unconstructed) Road Reserves, the access tracks to the Lefthanders and Big Rock carparks, fire maintenance access tracks, a strategic firebreak to the south of existing residential development, and completely surrounds Lot 176 (Reserve 38491) which is vested in the Shire as a rubbish disposal site. Refuse has historically been deposited within Lot 176 and an area to the south within the Site which is evident in the aerial photograph from previous quarrying, with deposit of refuse occurring from around 1969 to 1989 (southern area) and 1989 to 1995 (northern area).

The area of proposed development falls generally from the southeast back towards the existing residential development; however the land is undulating and contains high points and minor valleys in close proximity to the Leeuwin Naturaliste Ridgeline to the immediate east of the area of proposed development. Lot 300 extends over the ridge.

The geology of the Site is characterised by limestone overlain by dune sands. The limestone cap rock is highly variable in strength and thickness, and the geomorphology is often associated with karst features such as sinkholes, however none were identified in preliminary investigations1.

**Surrounding Development**

Existing development in the Gracetown Townsite includes approximately 150 residential dwellings, which have a permanent occupancy rate of around 30%. The Townsite also includes a store, restaurant and several tourist accommodation units. Community facilities include the Gracetown Hall, Tennis Courts and Oval – the hall is managed by the Gracetown Hall Committee and is in good condition. Public toilet facilities at Swimmers Beach and South Point have recently been refurbished by the Shire.

**THE PROPOSAL**

**Scheme Amendment**

The matter to be considered by the Council is the initiation of two separate processes. The first is the initiation of an amendment to LPS1 that proposes to include portion of the Site, identified below in Figure 2, within the Future Development Zone, a Structure Plan Area (SPA), and a Development Contribution Area. Provisions of the proposed SPA in Schedule 15 of LPS1 would, in addition to general requirements of LPS1 for the structure planning process (clause 6.2.5):

- Provide for a structure plan that facilitates approximately 140 residential dwellings.
- Require the incorporation of sustainability measures such as grey water reuse, alternative power supply and solar passive subdivision/building design.
- Require visual management assessment.
- Require provision to the existing townsite to a wastewater treatment network and water recycling scheme.
- Require on-site rainwater collection.
- Require various further detailed plans for matters such as fire and landscape management.

The proposed structure plan is facilitated by the proposed amendment. While often a structure plan would follow from the rezoning of land, as it can and in this case would be inappropriate for future subdivision and development not to be zoned accordingly, the structure plan is intended to be considered concurrently with the proposed amendment. The concurrent consideration of a structure plan and scheme amendment is technically possible under LPS1, and considered an appropriate course of action as it gives a full description of the likely outcomes of modifying the zoning of the land with the inclusion of that further level of detail and certainty provided through the structure planning process.

**Structure Plan**

The Structure Plan includes a number of provisions and a total of four different plans that guide a total development outcome. While it is considered that modifications are required to enable to Structure Plan to function appropriately, the intent of the Structure Plan is to:

- Identify the balance of Lot 300 not required for development to be set aside for inclusion into the National Park.
- Require the further preparation of plans including fire management and a Landscape Masterplan.
- Introduce a requirement for further ‘Design and Sustainability Guidelines’ which are intended to effectively function as the rules for future development, as well as providing guidelines for future residents and objectives to be achieved through the subdivision process.

---

‘Requires’ the Council to apply a Specified Area Rate to manage extensive areas of open space and fire management.

Copies of the four plans forming the spatial component of the Structure Plan are included as Attachment 1. The second of these plans titled the ‘Landuse Concept’ and the fourth titled ‘Subdivision Concept – Enlargement’ identifies the intended distribution of development. The lot size is comparatively smaller than the prevailing lot size in the existing Townsite (averaging around 500m² as opposed to around 900-1000m²). These comparatively smaller lots are however, intended to accommodate only the building footprint and immediate artilage and a significant amount of essentially private amenity would be provided by unconventional landscaped Public Open Space surrounding the dwellings, managed in perpetuity by the Shire, and forming the ‘building protection zone’ recommended by the Fire Management Plan accompanying the Proposal.

ATTACHMENT 1

PLANNING FRAMEWORK

Consideration of the Proposal is guided by the provisions of LPS1, the Local Planning Strategy (LPS), the LNRSPP, and various state planning and development control policies. It is also relevant to provide some comment on the likely process that the proposed Amendment will be subject to.

LPS1 is relevant as it establishes the process for considering the Structure Plan, and the information required to be provided through that process. This process can effectively be varied with the agreement of the proponent. In this instance the proponent has agreed for the Structure Plan to be considered in parallel with the proposed Amendment to LPS1. The information provided to support the proposed Structure Plan is considered generally to satisfy the requirements of LPS1, except where noted below in the following Planning Assessment.

The most recent version of the Local Planning Strategy identifies the area of the proposed Structure Plan within Development Investigation Area ‘G1’, which sets out an expectation of a level of development consistent with the Proposal. The LPS also sets out that the Proposal is to be ‘comprehensively considered’ through the scheme amendment and structure plan processes.

The LNRSPP identifies Gracetown as a Coastal Node that may accommodate a population of up to 500 people, principally as composite tourist/holiday accommodation and residential land use. Reticulated servicing is required unless suitable alternatives can be demonstrated, and a Development Investigation Area extends over the area of the Proposal. This area is also identified as within the influence of the National Park, where due regard has to be given to consistency with the management strategies for the Park. A number of other provisions of the LNRSPP are relevant that address settlement, nature conservation, the landscape, tourism, and cultural heritage. The overriding consideration is that future development should promote conservation and landscape value.

CONSULTATION

The process for considering an amendment to LPS1 includes a referral to the Environmental Protection Authority (EPA). The EPA will then make a determination on whether to subject the Amendment to a formal assessment process. Assessment can fall into various levels and the vast majority of Amendments are determined as ‘not assessed’, and sometimes environmental advice is provided. The EPA determined that the previously initiated Amendment 175 to TPS11 should be subject to formal assessment. This effectively prevents the WAPC from determining the amendment until the recommendations of the EPA, following formal assessment, have been received and considered by the WAPC. While it would be assumed that this Amendment would be subject to a similar process, there is no guarantee that this would be the case and the Council should be satisfied that the Proposal is environmentally acceptable.

Important in considering the Amendment is the process set out under the Town Planning Regulations (1967) to consider the Amendment. Following initiation of the Amendment, consultation, and consideration by Council, the Council can decide to no longer proceed with an amendment. In this circumstance however, following initiation the ultimate decision rests with the Minister and accordingly, control of the outcome of the amendment process no longer rests with the Council once the Amendment is initiated. The implication is that Council needs to be satisfied that issues of concern are appropriately addressed prior to initiation and consultation.
PLANNING ASSESSMENT

The Proposal can be considered in relation to the various issues that it raises/addresses, and the response that is proposed or required in the Amendment and Structure Plan.

Environmental Effects

The proponent has provided a Fauna Assessment\(^2\), Fauna Survey\(^3\), a Subterranean Fauna Assessment\(^4\), an Assessment of Botanical Value\(^5\), a Survey for the Western Ringtail Possum\(^6\), and a consolidated Environmental Management Plan\(^7\). These assessments identify the condition of the vegetation on the Site as largely ‘pristine’ and ‘excellent’ with some completely degraded areas where access tracks and previous clearing have occurred (such as the tip and quarry site). Vegetation is characterised primarily (78% of the Site) within the Gracetown complex of which 71% occurs in formal reserves, and 96% of the original extent remains in total. Other significant vegetation complexes are also well represented elsewhere and in conservation reserves.

\(^2\) A Fauna Assessment (Western Wildlife, 2007)
\(^3\) Fauna Survey (Harewood, 2009)
\(^4\) Gracetown Proposed Residential Development Preliminary Subterranean Fauna Assessment (Biota Environmental Sciences, 2008)
\(^5\) Assessment of Botanical Value (Mattiske Consulting, 2008)
\(^6\) Survey for the Western Ringtail Possum (Green Iguana, 2008)
\(^7\) Environmental Management Plan (Stratagen, 2009)
No species of Declared Rare Flora (under the *Wildlife Conservation Act 1950 – WA*) or ‘threatened species’ (under the *Environmental Protection and Biodiversity Conservation Act 2006 – Federal*) were located on the Site. Two species identified as Priority 2 and Priority 4 by the DEC, were found on the Site.

The assessments of the significance of the Site as habitat for fauna identifies that the habitat values of the Site are common in the local area, including within the adjacent Leeuwin Naturaliste National Park. Surveys also confirm the presence of the Quenda (DEC Priority Species), and Southern Carpet Python (DEC Priority Species and listed under the WAWC Act). The area is also potential habitat for species listed under the EPBC Act. The Fauna Survey concludes that ‘the impact on fauna and fauna habitat as a consequence of the proposals proceeding will be low given the relatively small areas involved and the fact that species and species habitat are well represented in adjoining areas. The retention of most of the (Site as a) crown reserve also represents a substantial contribution to the conservation estate.’

An analysis has also been undertaken of the presence of subterranean ‘stygofauna’ and ‘troglofauna’. The report concludes that there is a low risk of impacts to stygofauna and likely benefits due to improved groundwater quality (from the removal of existing on-site effluent disposal). The report also concludes that there is a moderate risk of impacts on troglofauna which requires further analysis, but which is more a result of likely presence than major impacts to subterranean habitat arising from the Proposal.

Officer Comment
The Fauna Survey and Environmental Management Plan make a number of recommendations for actions and monitoring requirements to be undertaken at the subdivision and development stages, and through on-going land use. Given the uncertainty over whether recommendations will be made by the EPA to incorporate some of these requirements in the Amendment, and the fact that impacts may fall below referral thresholds to State and Federal environmental authorities, specific provision should be included in the Structure Plan to ensure these measures are required through a mechanism for enforcement of these requirements. The requirements to *address and identify* environmental issues in the Structure Plan arises from clause 6.2.5.4(f) of LPS1, however, the outcomes of these assessments *must be given effect through the Structure Plan*. It is therefore recommended that an additional provision is incorporated within the Structure Plan requiring the preparation and implementation of an Environmental Management Plan through the subdivision, use and development of land.

Servicing
The existing Townsite is not provided with reticulated sewer or water and is reliant on rainwater capture, some bores and conventional effluent disposal systems. In many instances these systems are old and there are limited localised groundwater contamination issues in the Townsite. Connection to reticulated water and sewer networks would require substantial investment of resources and is outside of the Water Corporation licence area. As a response to these issues investigation has been undertaken into the provision for supply of water through rainwater capture, with the water budget subsidised by a wastewater treatment plant supplying treated greywater to homes for the purpose of use in the laundry, toilets, and the reticulation of private gardens and public open space. The logistics of the system are substantial and further detail is available in the Urban Development Preliminary Design Report, the Reclaimed Water System Preliminary Design Report, and the Local Water Management Strategy. The most relevant aspects are:

- To function effectively from the outset, the system requires the connection of the existing Townsite to supply the biological load and the necessary supply of wastewater. Accordingly, the proponent must reticulate the existing Townsite for the recycled wastewater system to be able to service future development. While the proponent will be liable for the costs of providing the system, individual connections will be mandatory and at the expense of existing landowners. It is not known with any certainty what headworks charges or the cost of retrofitting existing dwellings will be. This would also require the installation of third pipe.

---

8 Mattiske, 2008  
9 Fauna Survey (Harewood, 2009)  
10 Biota Environmental Sciences, 2008  
11 Urban Development Preliminary Design Report (GHD, 2009)  
12 Reclaimed Water System Preliminary Design Report (GHD, 2009)  
13 Local Water Management Strategy (GHD, 2010)
plumbing into existing dwellings. It is intended that connection to the system will be mandatory for wastewater disposal, but that the option to utilise recycled water for dwellings within the existing Townsite will be at the landowner’s discretion;

- There will be a nett surplus of treated wastewater in the winter that will be disposed of through an underground trench in the existing Oval;
- The system will require a network of trenching, pipes and pump stations through the existing Townsite;
- The ‘water reclamation’ plant is proposed to be located at the old tip site (Lot 176), with large in each tank for storage tanks incorporating 150m³ storage tanks (two 400m fire fighting supply). The water reclamation plant would be housed in a building requiring minor upgrading of the access track, and clearing of around 100-200m² of vegetation. A number of options were considered and this location is the ‘preferred option’. It is described as having minimal landscape impact, being only partly visible from the existing Townsite, and has a suitable odour and noise buffer. The use of the Site for wastewater treatment will require a change of purpose in the vesting of this reserve;
- Water supply requirements establish both a minimum tank size and roof catchment that will need to be ensured through a statutory mechanism;
- An agreement will need to be established from a service provider or the Shire will need to accept responsibility for the operation and maintenance of the wastewater facility. The operator will also need to be licensed for the purpose;
- The Shire will be responsible for the collection of a Specified Area Rate to fund the operation of the Wastewater system; and
- The unconventional road, lot and open space configuration will require deviation from standard servicing alignments.

Development of the Proposal has examined alternative power supply than connection to the grid, supplied from gas and coal fired power stations. Supply from the grid would require some upgrading of capacity including:

- A new 500kVA capacitor between Bussell Highway and Caves Road;
- Conductor checks and upgrades along the B897 spur to Gracetown; and
- New high voltage transformer, switchgear and ringmain unit.

Following extensive analysis, the proponent concludes that the most appropriate and efficient response is the purchase of ‘green power’ offered by an electricity retailer, complemented by:

- Solar powered street lighting (which is limited to bollard lighting about some pathways);
- Solar hot water with gas boosters (which can be encouraged or required by the design and sustainability guidelines process);
- Household photovoltaics; and
- Installation of a wind power generator to power the wastewater treatment plant.

Officer Comment
The issue of providing water and wastewater to future development and the existing Townsite has been the subject of extensive analysis and cooperative engagement between the Shire’s infrastructure section, LandCorp and their consultants. The Shire’s Infrastructure Department is generally satisfied that the proposed method of servicing is acceptable and appropriate. The provision of services is critical to the successful implementation of the structure plan, without an appropriate solution the Proposal becomes unacceptable. While the approach put forward is acceptable, there needs to be a very clear consultative process on the operation of the system, in particular the implications for the existing residents in terms of financial cost and mandatory connection requirements. The Shire’s Infrastructure Department advises that previous consultation on this issue has determined that the approach was generally acceptable to the community. LandCorp have been requested and confirmed they will provide a detailed fact sheet on this issue for consultation through this process, and provide a contact person to be available to answer queries on the matter. Acceptability to the community can then be judged appropriately following advertising of the Amendment and Structure Plan.

Deviations from standard servicing alignments will require approval of service providers and consultation should be undertaken with those agencies through this process.

The alternative power supply methods are considered appropriate. These will require further consideration of the degree of regulation that is required to ensure their implementation, and the
establishment to a wind power generator to power the wastewater plant will need to be considered on its merits when greater detail is available.

Fire Management
The Proposal includes a supporting Fire Management Plan (FMP)\(^\text{14}\) which addresses a strategic approach to managing the threat of fire to proposed development, and by proximity the existing Townsite as well. The bush fire hazard risk is identified as extreme in the locality. The FMP identifies the following issues:

- Existing development doesn’t comply with modern ‘Planning for Bushfire Protection’ guidelines (Edition 2) as many houses are not built to AS3959, the Townsite has an inadequate reticulated supply of water to address fire issues, and there is only a single access to the Townsite.
- Existing vegetation about Cowaramup Bay Road is limited and could be controlled to the extent that any fire on this route would likely be of short duration providing for the road to be opened in a relatively short timeframe.
- There should be a risk management assessment undertaken and measures put in place to reduce the level of fire risk in the broader locality as a collaborative exercise between government agencies.
- There should be an alternative access road constructed into Gracetown along the alignment of ‘Option 9’ identified by Koltasz Smith in 2000\(^\text{15}\). This alignment is included as Attachment 2.

ATTACHMENT 2

The FMP identifies the following fire protection measures that are also evident in Figure 2 above:

- A wider road pavement of between 10 and 15 metres about the periphery of the proposed development.
- A 5 metre building protection zone required to be slashed by hand around each dwelling site where trees are prohibited. This area would be in public ownership and managed by the Shire.
- An additional 20 metre building protection zone will surround the residential development area where some trees may be retained but generally the coastal heath will be slashed to two tonnes per ha fuel load (50mm in height). Again this area is to be managed by the Shire.
- A hazard separation zone will extend 40 metres from the residential development area where the coastal heath will be mechanically slashed to 4 tonnes per ha (150mm in height) and some clumps of trees will be retained.
- Fire hydrants and a reticulated water supply to those hydrants will be provided, including within the existing Townsite.

Staff Comment
The Fire Management Plan and response in the Structure Plan, is considered suitable for the purpose of consultation. A noticeable exclusion from the Structure Plan document however is the identification of an alternative access route (a minor notation as a ‘principle’ on the ‘structure plan concept’ is that there is ‘potential for second vehicular access’). In addition, the Council should be mindful of the significant resource requirement for maintenance of the measures proposed in the FMP. The financial consequences are discussed further in relation to a possible Specified Area Rate to fund these measures.

Alternative Access?
The FMP correctly identifies the requirement of the Planning for Bushfire Protection Guidelines (Edition 2) for an alternative access route. These Guidelines are given statutory relevance by reference in State Planning Policy 3.4 ‘Natural Hazards and Disasters’, to which the Council is obliged to have ‘due regard’ when considering an amendment to LPS\(^\text{16}\). The subject of whether an alternative access route is required or appropriate has been discussed between state government representatives. It is understood that no consensus has been arrived at. In particular it is understood that the Fire and Emergency Services Authority (FESA) reiterate the need for the road (as does the FMP supporting the Proposal), and the Department of Environment and Conservation highlight the limited benefit versus the environmental damage and resource investment required. It should be noted that the preferred alignment identified in Attachment 2 is largely outside the existing unconstructed Van Tripp Road Reserve.

---

\(^\text{14}\) Fire Management Plan, Gracetown Residential Development (Fire Plan WA, 2010)
\(^\text{15}\) Gracetown Development Investigation Report – Stage 1 (Koltasz Smith, 2000)
\(^\text{16}\) Section 77(1)(a) of the Planning and Development Act (2005)
At the time of compiling this report LandCorp’s position on this issue has been that it needs to be resolved through the consultation process and that it is not the role of LandCorp to determine whether the road is required. LandCorp have advised that they are prepared to participate in further discussion and that if it is determined that a road is required; a contribution will be made towards the construction of the road.

The information supplied by LandCorp addresses the need for an alternative access from a traffic management perspective. Transcore identify in this assessment that the alternative access road could have both costs and benefits. It is identified that:

- An alternative access road could provide for improvements to amenity and walkability in the north of the Townsite; however these benefits could also be largely achieved through traffic calming measures.
- Cowaramup Bay Road is of a sufficient standard to carry projected traffic volumes.
- An alternative constructed road would likely become the primary access to the Townsite.

**Officer Comment**

Unfortunately the information provided is insufficient to enable a robust discussion and evaluation of the issues. The information addresses traffic management issues only. In the absence of further information (scoping of possible environmental impact, risk and mitigation of risk to life and property, financial cost etc) and a continued position of FESA that an alternative road is required, the Proposal has a significant risk of proving unacceptable due to:

- The potential environmental damage to the National Park from the construction of an alternative access.
- The lack of certainty that a road could be established through the National Park (requiring a separate decision of both houses of Parliament), invalidating the application of the requirement to construct the road as a condition of the Structure Plan.
- The uncertainty over whether the road could be achieved and the financial cost to the Shire to subsidise the construction of the road given LandCorp’s position that they would ‘contribute’ to the costs.

Council may determine it appropriate to set aside the advice of FESA and the proponent’s FMP should that continue to be the position of FESA and the proponents fire management consultant, however, it is considered this decision will need to be informed by a risk based cost benefit analysis that enables all parties to provide a suitably informed submission, and for the Council and WAPC/Minister to make a suitably informed decision. It is again reiterated that initiating this Amendment without this information sets the Amendment on a course with a potential significant financial cost to the Shire and the ultimate decision to endorse the Amendment resting with the Minister. The absence of this information at this stage of the process also limits the scope of information on which the general public are able to assess and provide comment. Following further discussion, the proponent has agreed to undertake a risk based assessment of the need for the access road. This assessment will be undertaken in consultation with the DoP, FESA, DEC and the Shire through the consultation process, and be available to guide the Council’s recommendation to the WAPC following the consultation process.

**Traffic Management**

The Proposal includes an extensive network of pedestrian pathways and improvements to road geometry and construction to facilitate improved amenity and movement through the existing and proposed residential areas. These measures are supported by the Shire’s Infrastructure Department. The Proposal includes a detailed traffic management plan that evaluates an issue that arose from previous consultation concerning an alternative route for construction traffic and those visiting the surf at the back of Gracetown. Transcore evaluated two separate options and conclude that both loop road options offer some benefits; however, transfer of impacts elsewhere in the town, construction costs and limited extent of practical benefits undermines the (alternative loop road) project justification.

The proposed road configuration and geometry within the proposed residential development is inconsistent with normal accepted practice, but is consistent with traffic volume requirements and minimum pavement width.

---

17 Gracetown Residential Development Second Access Road Investigation (Transcore, 2010)
18 Gracetown Residential Development Traffic Management Plan (Transcore, 2010)
Officer Comment
The proposed traffic management and pedestrian facilities are considered appropriate and in many
cases a beneficial addition to the existing Townsite. There will be a significant affect on the existing
community and the character of the Townsite through additional traffic and through construction, which
may continue for years. This issue requires evaluation through the consultation process.

The irregular geometry of the road network is a response to the local environment to attempt to
minimise earthworks and provide for consistency with Water Sensitive Urban Design principles. While
this would ordinarily be a level of detail for the subdivision stage, the nature of the road configuration
has a practical affect on the layout and design of the proposed Structure Plan. The alternative road
configuration is supported by the Shire’s Infrastructure Department and considered an appropriate
response in the local context.

Landscape Impact
The Proposal also includes a detailed visual analysis and proposed treatment of the landscape\textsuperscript{19}. The
visual assessment identifies the key landscape values of the area and provides an analysis of the
proposed Structure Plan to determine if future development would compromise the visual and
experiential landscape values of the site. The methodology employed is the DEC’s psychological
model concerned with experience of the landscape.

The Masterplan identifies the following measures that have been incorporated within the Structure
Plan:
- retain existing contiguous vegetation within the development;
- minimise regrading of existing topography;
- align roads on existing contours;
- avoid interruption (‘skylining’ of houses) of the natural ridgeline;
- locate footpaths to protect the pedestrian from the hot easterly winds and provide access to
  the cool afternoon breezes in the summer months;
- provide clusters of indigenous Peppermint and Wattle along the footpaths to provide shade for
  pedestrians;
- align roof pitch with pitch of slope and/ or provide shade from summer sun and access to
  winter sun; and
- connect the new development with the existing town through legible pedestrian access ways
  within public easements in Gracetown.

The visual analysis identifies a number of important viewing locations and then identifies whether
development of 9 metre high dwellings in the locations identified by the Structure Plan would be seen
from those locations. The Masterplan recommends that consideration be given to reducing the height
of the buildings within the area of greatest impact, as identified in Figure 3 below, to moderate the
visual impact of ‘skylining’ from the largest number of viewing locations where ‘skylining’ does not
already occur from buildings within the Townsite.

In addition the Masterplan makes a number of recommendations that have either been incorporated
within the proposed Structure Plan, or will require further implementation through the subdivision and
development of the Site. These measures include the retention of coastal heath and occasional trees
within the building protection and hazard separation zones, vegetation and weed management, and
landscape features such as bridges over swales.

\textsuperscript{19} Gracetown Landscape Masterplan Report (Ecoscape, 2009)
Officer Comment

The proponent advises that where slashing is undertaken and regeneration is not evident within the first 12 months a rehabilitation programme would be undertaken using a combination of wet-season direct-seeding and tubestock planting sourced from the provenance seed bank already compiled. Council staff has some reservation about the efficacy of the proposed method of maintaining coastal heath through slashing to 50mm in height to also serve the role of landscape planting. The ‘Masterplan’ outlines this as an appropriate and achievable response. Provided vegetative cover can be retained the Masterplan carries the assumption that this will preserve the ‘visual and experiential’ values of the Site. This is effectively a subjective judgement and one to be considered through the consultation process. It should be noted however that a final recommendation by the Council to the WAPC will need to be clear whether the Council is satisfied that an appropriate outcome balancing landscape mitigation and fire management requirements can be achieved. This is particularly relevant given the requirements for Council to maintain this area through a Specified Area Rate levied from future residents. In addition, the resolution of this issue through landscape planting in the short to medium term (0-5 years from subdivision) will be the responsibility of the developer through an ongoing maintenance agreement established to satisfy conditions of subdivision.

The recommendation of the Masterplan to address the area of greatest impact through control of the height of buildings is a critical element that is not addressed with certainty in the Amendment or Structure Plan. It could be contended that the control of height is to be a component of the requirement for the preparation of a Landscape Masterplan and the future ‘Design and Sustainability Guidelines’. Height is otherwise controlled by LPS1 at 8 metres and there should be a provision incorporated within the Amendment to require height to be specifically detailed in a future statutory mechanism under LPS1, such as a Detailed Area Plan, to avoid conflict with LPS1.

Heritage

The proponent has submitted an analysis of Aboriginal Heritage values on and about the site\(^20\). This analysis identified a registered site within the area of proposed development (ID21930 Gracetown Burial, Midden and Massacre Site). Those participating in the survey requested that the detailed

\(^{20}\) Aboriginal Heritage Survey of the Proposed LandCorp Development at Gracetown (Fisher Research, 2008)
findings remain confidential until resolution of Native Title issues. In any event, the proponent has also supplied approval obtained under section 18 of the Aboriginal Heritage Act 1972.

There are no other sites of heritage significance within the area of proposed development.

Officer Comment
While the findings of the Aboriginal Heritage Survey suggest a number of further actions, the fact that a section 18 approval has been obtained effectively permits the proponent to implement the Proposal. The section 18 approval is granted by the Minister for Aboriginal Affairs and provides that any works undertaken in compliance with that approval are not an offence against the provisions of the Act.

Land Capability and Contamination
The Proposal includes a geotechnical report. The geotechnical report details likely responses to the local ground conditions (previously described as limestone caprock and dune sands) as:

- A requirement to provide engineered fill platforms will occur on some building sites, particularly where the land is sloping.
- Special foundations for buildings may be required.
- Some retaining will be necessary (however the intention is to retain natural topography as much as possible).
- Some significant excavation equipment will be required through the construction phase.
- Appropriate responses to the porous ground conditions will be required for drainage.

The Proposal also includes detailed assessment of hydrogeology and contamination within the Site. While there was some evidence of localised contamination in the old refuse (Lot 176) and quarry areas, the evidence suggest relatively minor contamination issues that can be appropriately addressed at the subdivision stage.

Officer Comment
The Proposal details drainage and development solutions are considered acceptable to the Shire’s Infrastructure Department. The developer will need to address the issue of land contamination through the subdivision process. The landowner is responsible for rectifying contamination issues in any event.

Developer Contributions, Community Facilities and Future Tenure
A component of the Proposal is the inclusion of the area of proposed development within a ‘Development Contribution Area’ under LPS1. Under the current provisions of LPS1 this will require a further Amendment to introduce contribution requirements that the developer will be required to provide to implement the Proposal. It is likely that further amendments to LPS1 on a Shire wide basis will provide for contributions generally to be taken through a Local Planning Policy once the land is identified within a Development Contribution Area in LPS1. It should be noted that under the provisions of LPS1 the Proposal can be implemented despite the issue of contributions not having been resolved.

A ‘Community Initiatives Plan’ has previously been prepared that provides a useful summary of the outcomes of previous consultation initiatives with respect to community facilities in the Gracetown area. As the Proposal will have a significant impact on the Townsite in terms of both the demand for resources and modification to the environment it is fair and reasonable to require a contribution towards improvements to infrastructure and facilities to offset this demand and impact in the existing Townsite.

LandCorp has provided a schedule of projects that a future developer may contribute towards in implementing the Proposal. These include reticulation of the existing Townsite with wastewater, provision of third pipe water and typical subdivisional works, such as improvements to road geometry. In addition, the following items are also included:

- Pedestrian crossing and legibility on Bayview Drive;
- Parking improvements at the swimming beach;

21 Gracetown Residential Development Geotechnical Report (GHD, 2009)
22 Report for Gracetown Residential Development, Hydrogeology Investigation (GHD, 2009)
23 Report for Gracetown Residential Development, Contamination (GHD, 2009)
24 Gracetown Initiatives Plan (TME, 2008)
Improvements to the intersection of Slater Street and the track to left-handers;
Provision of a marine rescue facility.

The issue of funding the possible alternative access road to the Townsite, described above, is also relevant to the contributions that LandCorp may make to the Townsite.

An additional point raised by the Shire’s Infrastructure Department is the provision of a contribution towards pedestrian access to Cowaramup. It is envisaged that this would require a feasibility analysis and a proportional contribution. Further investigation of this requirement is required.

The Proposal also includes the addition of the balance of the Site to the National Park. There are also several land management issues in terms of the tenure of local and state reserves about the Gracetown Townsite.

Officer Comment
While the exact nature of these contributions in terms of the precise nature of works and costing will be determined at a later stage, it is relevant that LandCorp provides an undertaking of what will be provided as contributions, and for this to be the subject to consideration by the community through the consultation process. This can be achieved through specific consultation information in the form of a factsheet on this issue being prepared by LandCorp for consideration by the community. These undertakings will then be clear and understood and can be used as a basis for the development of a future Development Contributions Policy for Gracetown.

The schedule of projects provided by LandCorp is considered a reasonable starting point for improvements commensurate with the extent of development proposed. While there may be some debate over the nature of what projects are considered contributions and what are infrastructure required for the Proposal to be established, these items can best be resolved following consultation with the community and relevant stakeholders. LandCorp should provide a list of committed and potential projects in a fact sheet for evaluation by the community and stakeholders.

The issue of the tenure of local and state reserves about the Gracetown Townsite (i.e. whether areas should be under the care and control of the DEC of the Shire) is an issue that requires resolution but is not critical to the acceptability of the Proposal. These matters should be further investigated and reported to the Council through a separate process.

Specified Area Rate
A number of items included in the Proposal introduce a ‘Level of Service’ of Shire facilities beyond what are typical maintenance requirements for residential development. These include the ongoing operation and maintenance of the wastewater treatment network and the extensive maintenance requirements for the building protection and hazard separation zones in Public Open Space about future dwellings. The implication is that a disproportionate component of Shire revenue beyond the proportional rate contribution would be required to fund these services.

The Local Government Act 1995 provides for the application of a Specified Area Rate (SAR) for works, services or facilities where ratepayers:

(a) have benefited or will benefit from;
(b) have access to or will have access to; or
(c) have contributed or will contribute to the need for,
that work, service or facility.

Officer Comment
While the collection of a SAR is likely appropriate in the circumstance and consistent with the purpose set out at section 6.37 of the LGA, there are two relevant points:

- The SAR will increase the costs of living of those current residents within the Townsite. These residents will have access to improved services; however, a consultative process is required to establish the position of the existing community on whether this is desirable.
- There is no certainty of what the value of the SAR would be in the absence of costing of maintenance requirements. While this is something that would be resolved through that SAR process, it would be beneficial in determining the acceptability of the approach to establish an approximate cost to residents of this approach.
Detailed costing and maintenance requirements should be established through the subdivision process. A provision of the Structure Plan should require the preparation of an ‘Asset Management Plan’ at the time application for subdivision is made. This will enable the establishment of an SAR through the clearance of conditions and to be enacted at the time that titles are created.

For consultative purposes a detailed fact sheet should be provided that outlines the implications of the SAR.

**Provisions of Documentation**
The provisions of the Amendment and Structure Plan are intended to provide guidance and a degree of flexibility in the implementation of the Proposal to respond to the objectives of sustainability. These include the unconventional servicing and infrastructure proposals, and achieving the objectives of the Landscape Masterplan.

**Officer Comment**
In general terms the provisions of the Amendment and Structure Plan are appropriate to guide the Proposal, and to provide the necessary level of flexibility in implementation. There are however, modifications required to address issues noted above, and to provide a level of statutory control to ensure an appropriate outcome can be enforced by the Shire through subdivision, and there is consistency and certainty in the rules for the establishment of future dwellings. These modifications are:

- The identification of the balance of Lot 300 as a ‘National Park and Nature Reserve’ under LPS1. While this doesn’t change the underlying tenure, it is an appropriate reflection of the intent to incorporate this land into the National Park as a consequence of the Proposal, pending resolution of Native Title. The community has previously expressed the need to ensure that there is certainty over the future management of this land as National Park. The current designation as a Local Reserve in LPS1 is not consistent with the intent to amalgamate this land into the National Park. In addition, this intent should be included in the ‘Land Use Expectation’ column of the entry to Schedule 15 of LPS1.
- The reference to SPA5 and SPA19 on the Amendment Map and within the Amendment Text respectively should be amended to SPA23. The Structure Plan should cover the entirety of Lot 300 as the balance of Lot 300 will be excised and provisions of the Structure Plan note that this land will be included in the National Park.
- A provision should be included within the Scheme for the ‘matters to be addressed in Structure Plans’ specifically addressing the issue of mitigating landscape impact through control over the height of buildings.
- Provision 3 of the Structure Plan should be amended to include a requirement for an Environmental Management Plan and an Asset Management Plan at the time of subdivision.
- The provisions of the Structure Plan should provide greater certainty to the future control over land use and built form. At present these are addressed by the ‘design and sustainability guidelines’. There should be some discussion in the ‘Design Initiatives’ report, and reflected in Provision 4 of the Structure Plan of what items will be controlled through a ‘Detailed Area Plan’ which is a statutory tool under LPS1.
- The term ‘strata unit site’ on the Structure Plan should be amended to ‘Grouped Dwelling Site’.
- Provision 10, enabling variation from the Structure Plan should be removed as the procedure and tests for variation are set out within LPS1.
- Provision 11 of the Structure Plan, which purports to require the Shire to apply a Specified Area Rate, should be amended to identify that no development is permitted until the SAR is in place.

**CONSULTATION**
The Town Planning Regulations (1967) require the Scheme Amendment to be advertised for a period of 42 days. LPS1 requires consultation on the Structure Plan, and this has been agreed to be aligned with the process for consultation on the Amendment. This process satisfies the requirements of LPS1 for consultation on the Structure Plan.

Owing to the considerable public interest that the Proposal should be subject to the proponent has requested and agreed to provide:

- Factsheets on:
  - The practical implications for alternative servicing, including indicative costs for existing ratepayers and ongoing maintenance requirements (including the SAR);
SHIRE OF AUGUSTA-MARGARET RIVER
12.2.5 Gracetown Expansion – Amendment 2 to Local Planning Scheme No.1 and Associated Structure Plan

- Land clearing, visual impact and environmental consequences of the proposal;
- The possible alternative access road; and
- Possible contribution initiatives.

- Consolidated information on the proposal as advertised for the community noticeboard.
- An e-mail/phone contact that can be reached for members of the community wanting to discuss the proposal.
- Website information of the project.

SUSTAINABILITY IMPLICATIONS
The Shire’s Strategic Plan includes the following key result area:
Assess the Structure Plan for Gracetown to ensure creation of a sustainable community.

The Strategic Plan also identifies as key actions the upgrading of foreshore facilities at Gracetown and the preparation of a business plan for the operation of the Gracetown Wastewater Plant.

A ‘Sustainability matrix’ is included in the proposal which details objectives to be achieved through the development process for each component of the Proposal, indicators for those objectives, minimum targets, and methods to achieve those targets. This matrix, included as Attachment 3, provides a useful outline of the actions required to achieve an appropriate outcome through implementation of the Proposal.

Economic
The Proposal has the potential to result in additional costs for the community of Gracetown through the funding of a higher level of service (wastewater, recycled water supply, and fire management initiatives). Whether the existing community wishes to pay for these items requires consultation to determine that position that can then be weighed as a factor in determining the acceptability of the Proposal.

The Proposal also introduces a potentially unacceptable cost to the community in the funding of a component of an alternative access road to the Proposal. This matter needs to be examined in greater detail following consultation.

The Proposal does however; also introduce the potential for local benefit in terms of employment in construction and development in the Townsite.

Environment
A question of whether the inherent damage to the environment is suitably offset by improvements to environmental management and the provision of a comparatively significant area of land to the National Park is a matter to be weighed in the final assessment of the proposal. The incorporation of a number of responses to the local environment will assist in mitigation of environmental effects.

Social
It is highly likely that future development will continue the current pattern of proportionally significant absentee ownership. This is however, the nature of the existing Townsite with around 30% of dwellings occupied on a permanent basis. The Proposal therefore is not so much social change, but an observation of a likely continuation of this same demographic pattern as existing.

The implementation of the Proposal provides an opportunity to achieve improvements to facilities and services for local residents. There is however, also a financial cost for existing residents, and a significant disruption to the current enjoyment of the environment through an extended development/construction and rehabilitation process.

FINANCIAL IMPLICATIONS
The costs of assessment of the Proposal are reimbursed to the Shire through a cost recovery approach consistent with Shire’s fees and charges.

The Proposal has two possibly significant financial implications for the Shire. The first is the ongoing maintenance of the wastewater treatment facility and Public Open Space that can be offset through the collection of a Specified Area Rate. The second is the potential situation where an alternative access road needs to be constructive to service additional residents. The matter of the alternative access road needs to be resolved through consideration of this Proposal.
CONCLUSION
The Proposal includes a detailed analysis of issues associated with future subdivision and development. The approach taken is unconventional in terms of lot layout, servicing, maintenance and distribution of open space and the provision of physical infrastructure.

There are several key issues that will need to be resolved following consultation. The resolution of these issues requires the perspective of the community and stakeholders on those issues and generally, the Proposal is considered suitable for consultation subject to minor modifications. There is however, a potentially fatal issue in terms of the need for an alternative access road that requires a greater level of information to inform the consultation and decision making process. This information should be required as a precursor to initiation of the Amendment and Structure Plan process.

RECOMMENDATION
That Council:
1. Pursuant to section 75 of the Planning and Development Act (2005) initiates Amendment No. 2 to Local Planning Scheme No. 1 for the purpose of:
   a) Amending Local Planning Scheme No. 1 scheme maps by rezoning portions of Lot 300 Salter Street Gracetown from ‘Parks and Recreation’ reserve to the ‘Future Development’ zone and ‘National Parks and Nature Reserves’ as depicted on the scheme amendment maps.
   b) Amending Local Planning Scheme No. 1 scheme maps by including a portion of Lot 300 Salter Street Gracetown in a Development Contribution Area (DCA) designated DCA1 as depicted on the scheme amendment maps.
   c) Amending Local Planning Scheme No. 1 scheme maps by including Lot 300 Salter Street Gracetown in a Structure Plan Area (SPA) designated SPA23 as depicted on the scheme amendment maps.
   d) Modifying ‘Schedule 15 – Structure Plan Area’ by including the following schedule:

<table>
<thead>
<tr>
<th>Area No (SPA)</th>
<th>Description of Land Area</th>
<th>Land Use Expectations</th>
<th>Matters to be addressed in Structure Plans (in addition to clause 6.2.5)</th>
<th>Associated Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Portion of Lot 300 Salter Street, Gracetown</td>
<td>Orderly and proper expansion of Gracetown Townsite. To provide for approximately 140</td>
<td>1. The proposed Structure Plan shall provide for the following additional matters to the satisfaction of the Local Government:</td>
<td>No development or subdivision will be permitted unless it is in accordance with the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>residential lots consistent with the intent and principles of the Leeuwin Naturaliste</td>
<td>a) Investigate and address sustainability measures such as water capture and use, greywater reuse, alternative power provision and solar passive subdivision and building design;</td>
<td>(a) The developer will enter into an agreement with the Local Government to provide existing housing in Gracetown with access to a centralized wastewater treatment plant, reticulated sewer network and wastewater recycling scheme.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ridge Statement of Planning Policy and subsequent Ministerial Direction, including transfer of the balance of Lot 300 to the National Park.</td>
<td>b) Visual impact management;</td>
<td>(b) Provision of a sustainable energy source as a contribution to the current power supply for the Gracetown townsite.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c) Measures to limit visual impact from prominent viewing locations, which may include restricting building height to less than provided for by Clause 5.13 of the Scheme.</td>
<td>(c) Provision of a form of subdivision and development which is</td>
</tr>
</tbody>
</table>
2. The Local Government shall not adopt the Structure Plan pursuant to clause 6.2.6.7 of this Scheme and clause 6.2.6.8 and 6.2.6.9 of the Scheme has no effect until the following items have been addressed to the satisfaction of the local authority:

a) A Risk Assessment for the provision of a secondary access road to Gracetown has been prepared in accordance with advice from the DEC, FESA, EPA and WAPC;

b) Subject to the outcome of the Second Access Road Risk Assessment, the proponent will prepare a contribution plan for the provision of the required Second Access Road to the satisfaction of the Local Government.

(d) All new housing will need to be connected to a wastewater recycling scheme provided by the developer to the satisfaction of the Local Government.

(e) All new housing will need to provide adequate drinking water by means of rooftop harvesting and storage undertaken to the specification and satisfaction of the Local Government.

(f) The subdivider will prepare and implement the following plans as conditions of the first stage of subdivision:
   • A Fire Management Plan;
   • A Landscape Masterplan;
   • A Traffic Impact and Management Plan;
   • Asset Management Plan;
   • Environmental Management Plan;
   • Design and Sustainability Guidelines.

2. Subject to the following amendments, determines that the proposed Structure Plan for SPA23 – Lot 300 Slater Street, Gracetown, is satisfactory for the purposes of advertising:

a) Provision 3 of the Structure Plan should be amended to include a requirement for an Environmental Management Plan and an Asset Management Plan at the time of subdivision.

b) Amendment of the provisions of the Structure Plan to provide greater certainty to the future control over land use and built form through discussion in the ‘Design Initiatives’ report, and reflection in Provision 4 of the Structure Plan of items that will be controlled through a ‘Detailed Area Plan’ under LPS1 to the satisfaction of the Director of Planning and Development Services.

c) Amendment to the term ‘strata unit site’ on the Structure Plan to ‘Grouped Dwelling Site’.


e) Amendment of Provision 11 to identify that no development is permitted until the Specified Area Rate is in place.

3. Advises the proponent that the need for an alternative access road should be further detailed through provision of a risk based analysis of the potential road alignments undertaken in consultation with FESA, the DEC, the DoP and the Shire, and that this analysis will be a factor in
the final recommendation provided by the Shire to the WAPC on this amendment and structure plan.

ATTACHMENTS
2. Previously identified preferred alignment of Alternative Access Road.
3. Sustainability matrix.
12.2.6 LOT 62 TREETON ROAD NORTH, COWARAMUP - IN PRINCIPLE SUPPORT REQUEST FOR SCHEME AMENDMENT

LOCATION/ADDRESS  Lot 62 Treeton Road North, Cowaramup

APPLICANT/ LANDOWNER  Halsall & Associates/G Wrigglesworth

FILE REFERENCE  PTY/10586

REPORT AUTHOR  Lara Hoole, Planning Officer

AUTHORIZING OFFICER  Geoff Broad, Director Planning and Development Services

IN BRIEF

- The expansion of the Cowaramup Townsite has been identified in strategic planning documents since the gazettal of State Planning Policy 6.1 – Leeuwin Naturaliste Ridge (LNRSPP) in 1998. Since that time investigations, consultation and commencement of proposed rezoning have all occurred.

- Lot 62 Treeton Road (the Site) is a rural property with an area of approximately 54ha and is located approximately 1km north east of Cowaramup Townsite. The southern boundary has frontage to Treeton Road (south of the site), Treeton Road North (east of the site) and frontage to Wrigglesworth Drive (west of the site).

- This report concerns a request for ‘in principle’ support to a Scheme Amendment that would ultimately provide potential for subdivision of the site into 3 lots, 2 of a ‘rural residential’ and 1 of agricultural nature.

- The proposed rezoning of the site is not supported in the Local Planning Strategy and/or the Cowaramup Village Strategy.

- The Council is considering this Proposal as to whether it is suitable on which to undertake consultation and seek the views of the community and stakeholders. Further consideration would be required following consultation.

RECOMMENDATION

That Council not provide ‘in principle’ support to a proposed amendment to LPS1 to rezone lot 62 Treeton Road North to Rural Residential and Additional Uses to facilitate the subdivision of the land into 3 lots as the proposal is not in conformity with the Shire’s Draft Local Planning Strategy or in compliance with the Cowaramup Village Strategy where this land has not been identified for future further development.

TABLED ITEMS


BACKGROUND

Future subdivision and development opportunities in Cowaramup are guided by previous strategic planning that includes the identification of potential expansion of the Cowaramup Townsite in the preparation of State Planning Policy 6.1 – Leeuwin Naturaliste Ridge (LNRSPP), detailed planning through the Cowaramup Village Strategy (CVS), identification of strategic direction in the Local Planning Strategy (LPS) and zoning Local Planning Scheme No.1 (LPS1). The Site is within the ‘Priority Agriculture’ zone of LPS1 as a consequence of these processes.

Local Planning Scheme No.1 has replaced the previous Town Planning Scheme No. 11. The following Scheme Amendments for land adjoining the Site were gazetted under TPS11:

i) Scheme Amendment No. 90 was gazetted in 1998. The Amendment provided for the rezoning of the Cowaramup Industrial Area and the surrounding Special Rural Lots 46 to 49 (inclusive).
ii) Scheme Amendment No. 119 was gazetted in 2002. The Amendment provided for ‘Transport Depot’ to be an additional potential use (subject to meeting Scheme requirements) within the Cowaramup Light Industrial Area.

iii) Scheme Amendment No. 191 was gazetted in 2009 under the revoked Town Planning Scheme No 11. The amendment provided for the expansion of the ‘Cowaramup Industry’ zone into Lot 46 Treeton Road including a portion of that lot to be rezoned to ‘Composite Industry’.

SITE AND SURROUNDS

The Site is located approximately 1 km north east of the Cowaramup Townsite. The Site adjoins the Industry and Composite Industry zoned land to the southwest. Lot 49 to the west is within the Rural Residential zone. Land to the north, south and east is zoned Priority Agriculture. The southern boundary fronts Treeton Road and Treeton Road North forms the western side boundary. A portion of the eastern boundary of the Site also has road frontage to Wrigglesworth Drive in the Cowaramup Industrial area (96 lots). The site also adjoins a ‘Composite Industry’ zoned lot which includes 6 lots that have residential/commercial potential to the southeast.

The Site is approximately 54ha and is predominately cleared grazing land with several stands of trees. The Site has a drainage depression but predominately has a gentle slope from the north west across to the property to the south east. A dam is located near the western boundary that is fed by a minor perennial water course (a tributary of Willyabrup Brook catchment area) that runs through the western portion of the property. A dwelling and several outbuildings are clustered in the southern portion of the property with access via Treeton Road.
A land capability study by PJ Tille and Lantzke published in 1990 by the Department of Agriculture, Western Australia identifies the property to most likely have a combination of the ‘Cowaramup Wet Vales’ soil type (within and around the existing watercourse onsite), and ‘Cowaramup Flats’ soils which include the ‘C’ and ‘C2’ soils. CWV soils are poorly drained alluvial soils with in the drainage depression onsite. The majority of the site is identified as having a combination of C and C2 soils. The gentle sloping site has the potential to be suitable for grapevines. The site requires a specific site analysis such as an agronomist’s and hydrologist’s report to further quantify the land’s capability for more intensive forms of agriculture.

THE PROPOSAL
The proponents seek to rezone from ‘Priority Agriculture’ to a combination of ‘Rural Residential with Additional Uses’ and the balance to remain as ‘Priority Agriculture’. The rezoning will facilitate potential subdivision of the site into a total of 3 lots, with 2 lots of 3.6ha to be zoned ‘Rural Residential/Additional Use’ (located on the western portion of the site and the balance lot (46.7ha) to remain ‘Priority Agriculture’. The intended land uses are set out in the ‘Scheme Amendment Concept Plan’ included as Attachment 1.

ATTACHMENT 1
The two Rural Residential lots are to be accessed via Wrigglesworth Drive through the existing Cowaramup Industrial area. Services are proposed to be accessed directly through the Cowaramup Industrial area that abuts the proposed ‘Rural Residential’ lots. The 2 rural residential lots are proposed to have building envelopes that are to be setback approximately 40m and 90m from the watercourse. The proposed rezoning of the two lots will increase the density of dwellings from one dwelling on the site to a potential of 3 dwellings (including the existing dwelling onsite). The ‘Additional Use’ is to provide scope for future landowners to develop the two rural residential lots similar to that of Composite Industry zoned land through provision for uses that are listed under the Industry zoned land adjoining the Site. The Additional Use right is for the following uses:

- Farm Supply Centre;
- Landscape Supplies;
- Plant Nursery;
- Cottage Industry;
- Contractors Yard;
- Veterinary Hospital; and
- Veterinary Centre.

The proposed balance lot of 46.7 ha would remain zoned ‘Priority Agriculture’. The access to the existing dwelling and ancillary outbuildings via Treeton Road North will not be affected by the proposal. The site currently has no buffer planting between the agricultural site and the industrial area. The rezoning and future subdivision into two Rural Residential lots is planned to include buffer planting between the different landuses. The ‘Priority Agriculture’ site has access to a watercourse and part of the proposal is for the creekline to be revegetated. The agricultural and hydrology capacity of a reduced rural lot size would be further investigated if the proposal is supported in principal.

CONSULTATION
The proposal is a request for ‘in-principle support’ only. If the proposed amendment receives Council in-principle support formal amendment documentation will be required for Council’s consideration. If an amendment is initiated it will be referred to the community and the relevant Government Agencies for comment.

PLANNING FRAMEWORK
LNRSPP
The LNRSPP identified the Cowaramup Townsite to become a village of 2,000 people with enclaves of 50 persons. In the Land Use Strategy Plan the subject site is proposed to be used for Principal Agriculture (Viticulture and Grazing). The LNRSPP provides that there is a high priority on the protection of Agricultural Land and that subdivision of agricultural land other than for agricultural purposes will generally not be permitted. The site is identified as having ‘General Character’ in the Landscape Classes Map and not as an area of high rural landscape significance. The LNRSPP provides that ‘Further Actions for Cowaramup as a Village with Enclaves is to be further investigated, including discussions with the local community.’ This has been conducted with the results being included in the Local Planning Strategy and the Cowaramup Village Strategy.
The LPS identifies the subject lot for ‘Priority Agriculture’ in ‘Land Use Strategy Map 4’. The Strategy provides that there will be a general presumption against the rezoning of land within the Priority Agriculture land, with subdivision only being considered where it meets the criteria specified in Local Planning Scheme No.1. Rural Residential proposals will only be supported in areas designated as ‘Rural Residential’ in the LNRSPP and with in the Strategy.

**Officer Comment**
The Strategy does not identify Lot 62 as an area for future ‘Rural Residential’ development.

**Cowaramup Village Strategy**
Substantial research and community consultation have been conducted prior to the Strategy being finalised. The Strategy plans for a population of 3,000. The Cowaramup Village Strategy map, an Endorsed Structure Plan by the WAPC in 2005, shows the subject site adjoins several properties identified as the north eastern boundary of the Cowaramup Village.

The CVS identified an expansion of the industrial area for Lot 46 Treeton Road which adjoins the south western boundary of the site and a Development Investigation Area C2 for further expansion of the Industrial area south of the existing Industrial area at Lot 47 Treeton Road. The CVS also identifies ‘Special Rural’ zoned Lots 48 & 49 Dyson Road. Lot 49 Dyson Road adjoins the subject lot to the western boundary. The CVS did not identify expansion of the Rural Residential zone to include Lot 62 Treeton Road (the subject of this proposal).

**Officer Comment**
The Structure Plan does not identify Lot 62 as having potential for rural residential development.

**Local Planning Scheme No.1**
The proposed subdivision and reduced Priority Agriculture lot size to 46ha has the potential to meet the criteria for subdivision of ‘Priority Agriculture’ land of the Scheme. The Scheme provides that lots of 80ha or more may be considered for subdivision. Subdivision of lots less than 80ha will not be supported except where the lot is a minimum of 40ha and meets the relevant criteria of the Scheme, which includes a requirement for 30ha of land with high capability for more intensive agriculture.

If the Amendment is supported ‘in principle’ further investigation will be required to demonstrate that the lot incorporates a minimum of 30ha of high capability land, including that the soil and water available on site is capable for annual or perennial horticultural production, water capture and/or storage if necessary, and that the lot can accommodate a wide range of crops in accordance with the subdivision provisions for ‘Priority Agriculture’ zoned land. Minimum lot sizes are subject to the constraints and capability of the land, and larger lot sizes may be required to ensure the ongoing agricultural sustainability of the lots.

An amendment to LPS1 is required to rezone a portion of the Site within the ‘Rural Residential’ zone prior to potential subdivision. LPS1 provides that except as otherwise been approved, the minimum lot size for land within the Rural Residential zone is 3 hectares and subdivision shall be as per an endorsed Plan of Subdivision and or Structure Plan. The proposed Rural Residential lots at 3.6ha are consistent with the Schemes ‘Rural Residential’ general minimum lot size. If the proposal is endorsed by the WAPC through the Scheme Amendment process the two ‘Rural Residential’ lots and the ‘Priority Agriculture’ balance lot would not have any further subdivision potential without a further Amendment to the Scheme.

**Officer Comment**
Whilst the proposal is minor, the proposed subdivision of the lot to remain in the ‘Priority Agriculture’ zone has the potential to address the criteria of LPS1 (upon further investigation), and the fact that the Site is located on the edge of Cowaramup Village adjoining existing land uses proposed in the amendment, the Local Planning Scheme is to be read in conjunction with the Local Planning Strategy which does not support the rezoning of the site. That is, appropriate rules could guide future development under LPS1, but the rezoning is not supported at a strategic level.

**Amenity**
The site is identified as being in ‘Visual Management B’ zone in the Draft Local Planning Strategy. Developments or changes of use may be visually apparent but should nevertheless be subordinate to established landscape patterns. Introduced visual elements may be apparent in the landscape but should not be visually dominant.
The proposed Rural Residential lots are to be screened by a vegetation buffer between the site and the Cowaramup Industrial area. The proposed two Rural Residential lots are located to the rear of the Site and will not be visible from Treeton Road and or Treeton Road North. The proposed building envelopes are likely to be partially if not entirely screened by a combination of existing vegetation, proposed buffer and revegetation planting.

**Officer Comment**
The proposed Rural Residential lots are therefore, likely to cause minimal visual impact to the surrounding amenity of the area.

**Natural Environment**
The Site is predominately cleared for cattle grazing and pasture with several strands of trees and some remnant vegetation existing along the creekline. Some buffer planting exists around the rear and side boundary of the existing Industrial area. The Site includes a watercourse and proposed construction of a dam for agricultural use. The site has no identified ‘sensitive’ environmental areas.

The watercourse running through the western portion of the site is identified as being located in an area of moderate to low risk of Acid Sulphate Soils occurring within 3m of the surface. The rest of the site is identified as having no risk of Acid Sulphate Soils occurring within 3m of the surface.

The existing vegetation onsite should remain. Revegetation of the existing water course is proposed and would also be a requirement by Council. Further agronomists and hydrological investigation of the site would be required if the amendment is initiated. Buffer planting and set backs will be necessary to minimise visual and noise impacts from the adjacent industrial area. If the applicant intends to run stock on the Rural Residential lots or agricultural lot then fencing would be required around revegetation areas to minimise impacts upon vegetation and watercourses, and further detail should be provided through the amendment process, if supported.

**Officer Comment**
Environmental impacts could be addressed by appropriate management strategies.

**Fire Management**
Due to the Site being predominately cleared grazing land the fire hazard is determined as being low. Currently development on the site would be adequately addressed through the Shires Fire Prevention Order.

**Officers Comment**
If the proposal is supported any changes to the plans would be require to implement appropriate fire management strategies.

**Human Environment**
The site is not identified on the Department of Indigenous Affairs website as being an area of Aboriginal significance. The site is developed with the original farm dwelling that is proposed to remain. The farm house is not listed in the State Heritage Register and/or the Councils Municipal Heritage Inventory.

**Officer Comment**
No Heritage issues are required to be addressed.

**Traffic Management**
The proposal will create two new rural residential lots that can be accessed through existing constructed roads in the Cowaramup industrial area.

**Officer Comment**
Traffic impacts will be minimal.

**Servicing**
The site can be connected to reticulated water supply, electricity and telephone via the existing Cowaramup Industrial area. Reticulated sewer is not currently available in the Cowaramup Industrial area nor lots surrounding the site. The Water Corporation have no intention of providing reticulated
sewer to the area within their current future 5 year plan. Onsite waste treatment systems will be required on the two 'Rural Residential' lots. Stormwater will be required to be retained onsite.

Onsite waste treatment systems may be considered under Council Policy LPP for lots larger than 2000m², if the applicant can demonstrate that the future designated building envelopes can accommodate the onsite disposal of effluent waste water in a manner that complies with the criterion of the Policy. A minimum separation of 50 metres is to be retained between an effluent waste, to the satisfaction of the Local Government and the Department of Health.

Officer Comment
The Site can be appropriately serviced.

SUSTAINABILITY IMPLICATIONS

Economic
The proposed rezoning a portion of the subject site will release land for residential development with the potential for commercial/industrial employment aspect providing a local economic benefit and complementing the existing Cowaramup Industrial and Composite Industry zoned sites

Environment
Appropriate consideration will be given to retention of trees and revegetation of the creekline if the proposal is initiated. Development of this land will result in the further expansion of the urban footprint of Cowaramup Village which is currently not supported in the Local Planning Strategy nor the Cowaramup Village Strategy.

Social
A minor increase to Cowaramup’s population with the potential for an addition of 2 new residences.

FINANCIAL IMPLICATIONS
Should the amendment be supported, the cost of assessment would be recovered from the applicant.

CONCLUSION
Although the proposal is a minor extension of a combination of existing adjoining landuses, the proposal is not supported by strategic documents such as the Local Planning Strategy and the Cowaramup Village Strategy. These documents have evolved from considerable investigation and community consultation over a period of several years. Development of the Cowaramup Townsite has and is currently undergoing further expansion but has not yet been developed to the full potential outlined in these Strategic documents. If the Scheme Amendment is supported and later adopted by Council the move would set a precedent for the establishment of development inconsistent with previous strategic planning. It is recommended that on this basis the proposed ‘in principle’ request for an Amendment to the LPS1 not be supported.

RECOMMENDATION
That Council not provide ‘in principle’ support to a proposed amendment to LPS1 to rezone lot 62 Treeton Road North to Rural Residential and Additional Uses to facilitate the subdivision of the land into 3 lots as the proposal is not in conformity with the Shire’s Draft Local Planning Strategy or in compliance with the Cowaramup Village Strategy where this land has not been identified for future further development.

ATTACHMENTS
1. Amendment Concept Plan
12.2.7 LOCAL PLANNING STRATEGY FINAL ADOPTION

LOCATION/ADDRESS  Shire Wide

APPLICANT/ LANDOWNER  Shire Wide

FILE REFERENCE  LND/1

REPORT AUTHOR  Geoff Broad, Director Planning and Development Services

AUTHORIZING OFFICER  Gary Evershed, Chief Executive officer

IN BRIEF
- Council in July 2010 resolved to request the WAPC to:
  - Reinstate the DIAs removed by the WAPC from the Local Planning Strategy in the Margaret River townsite and Augusta townsite as detailed in modification 10 (19 March 2010);
  - Reinstate the General Agriculture zoning over the land within the reinstated DIAs ie deletion of Modification 25 (19 January 2010);
  - Seek further changes to the LPS to remove the requirement for a further planning layer with the requirement for a District Structure Plan, re-inclusion of DIAs would require readjustment to population figures and also inclusion of the Hamlet Guidelines as the form of urban development to occur in the DIAs.

- The WAPC has advised that the DIAs in Margaret River and DIA 2 Augusta can be reinstated subject to specific criteria detailed in this report.

RECOMMENDATION
That the Council:
1. Endorses the modifications to the LPS required by the WAPC in its decision of the 24 January 2011;
2. Adopts the modified LPS as attached;
3. Forwards the modified LPS to the WAPC for endorsement; and
4. Advertises the endorsed LPS.

BACKGROUND
- The WAPC and Minister for Planning granted consent subject to modifications to readvertise the LPS and Draft Local Planning Scheme No.1.
- The LPS and LPS1 were advertised for a period of 70 days up to and including 30 January 2009.
- On 4 June 2009 the Council gave consideration to 683 submissions on the LPS1 and LPS and resolved to adopt for final approval the LPS1 and LPS modified as a result of the submissions received.
- The adopted (4 June 2009) LPS1 and LPS was forwarded to the WAPC and Minister for Planning for final approval.
- The WAPC on 19 February 2010 granted approval to the LPS1 subject to modification and on 19 March 2010 endorsed the Local Planning Strategies upon modifications being undertaken.
- The modifications required included the deletion of DIAs east of the proposed Perimeter Road and deletion of DIAs to the South of the townsite from the LPS and to change the zone of the DIA areas from General Agriculture to Priority Agriculture.
- The modified and executed LPS1 documents were forwarded to the WAPC and Minister for Planning in May 2010 for the Ministers endorsement and gazettal. The modifications to the LPS have continued with electronic versions being forwarded to the WAPC (DoP Bunbury) in June 2010.
- The Chairman of the WAPC and Director General of DoP met with Council on 18 June 2010 to discuss the modifications to the LPS with specific reference to:
  - the DIAs deleted from the LPS and change to the zoning of the same portions of land from General Agriculture to priority Agriculture as required by the WAPC/Minister in
modification 25. (The areas shown as DIAs adjacent to Margaret River townsite that are to be removed from the LPS are to be rezoned to “priority Agriculture rather than “General Agriculture”.

- The Council in July 2010 resolved to seek reconsideration of the following:
  - Reinstatement of DIAs removed by the WAPC from the Local Planning Strategy in the Margaret River townsite and Augusta townsite as detailed in modification 10 (19 March 2010)
  - The reinstatement of the General Agriculture zoning over the land within the reinstated DIAs ie deletion of Modification 25 (19 January 2010);

The implications of reinstating the DIAs also requires the endorsement by the WAPC of the Hamlet Design Guidelines. Also questioned was the need for a District Structure plan as an additional planning layer required to be endorsed before any scheme amendment could be initiated.

RESPONSE FROM WAPC
The WAPC at its meeting on the 25 January 2011 having considered the Council’s submission on the LPS resolved as follows:

That the Western Australian Planning Commission resolves to:

1. endorse the re-instatement of DIAs, M7 and M12 as requested by the Shire of Augusta Margaret River for future urban development;

2. endorse the re-instatement of DIA M5;

3. not support the Rural Residential development and the 3 ha average in DIA 5;

4. support Rural smallholdings with an average 10 ha lot in DIA 5 to:
   i) retain opportunities for agricultural production and the rural ambience of the area;
   ii) retain properties large enough to support niche and hobby farms and tourism opportunities;
   iii) create lots to provide appropriate buffers to the State Forest; and
   iv) to be consistent with the current rural use of the land and Commission policy;

5. endorse the re-instatement of DIA M9 and M8 for Rural residential and Hamlet style development respectively but land to the west and south of the perimeter road is to be removed from the DIA areas to be compatible with priority agricultural land;

6. advise the Shire of Margaret River that the WAPC supports the perimeter road as the limit to urban development for Margaret River and that land uses outside this road must be priority agriculture or rural small holding (10 hectare average lot size)uses as identified for DIA M5;

7. support in principle the use of the Hamlet model as a potential alternative urban form for the Margaret River townsite;

8. invite the Shire of Augusta Margaret River to refer the Hamlet "Design Guidelines" to the SWRPC for formal assessment as it is an integral policy to the Shire's future development. The WAPC will require a review of the Hamlet model once the first DIA is completed to ensure the suitability of this planning approach in the longer term;

9. modify the Local Planning Strategy document:
   i) on page 81 of the document, Eastern Perimeter Road reference be specifically made to the provision of developer contributions for all DIAs;
   ii) the addition of “high level guidelines” to the LPS to outline the principal district structural elements within the Margaret River DIAs to guide individual DIA structure plans when preparing Hamlet proposals;
   iii) the Summary Table for DIAs to refer to approximate lot yields rather than exact numbers to provide flexibility and to include staging for DIAs 7 onwards as proposed in the LPS text which provides for orderly development and follows the development of DIAs M1-4; and
10. reiterate its previous decision by requiring the removal of DIAs A3 and A4 in Augusta as:
   i) the areas in question provide a valuable backdrop to Augusta which LUS (1.6) in SPP 6.1 Leeuwin Naturaliste Ridge recognises;
   ii) there are a number of properties identified in Augusta and near by that provide for choice for residential and tourism development;
   iii) the need to maximise the use of infrastructure provided in 'Hillview Road' and 'Two Oceans' now under development;
   iv) sufficient opportunities for land supply exist in existing zoned land and the Shire's acknowledgement that pressure for land release is not as high in Augusta as in Margaret River;

11. endorse modification to the existing wording of DIA A2 as highlighted;

   Comprehensive studies will be required prior to any rezoning of land in and contiguous to the cleared areas to determine the feasibility of any development within the area including but limited to:
   
   - assessment/suitability for any envisaged use;
   - environmental assessment;
   - visual and landscape impacts/mitigation measures;
   - existing and future land tenure;
   - appropriate land use and development opportunities, including uses which aid the establishment of aged persons/retirement facilities; and
   - the provision of affordable housing;

12. strengthen the wording in Section 3.2 "Rural and Agriculture" to provide specific distinction between "Priority Agriculture" and "General Agriculture" and to progress an amendment to the current Local Planning Scheme to reflect this distinction. The current Scheme provisions are similar and need amendment to reflect;
   
   i) priority agriculture is for long term farming and needs to be preserved accordingly through appropriate objectives and not to encourage residential development; and
   ii) general agriculture is for short term farming and to reflect areas for future urban/rural living opportunities.

The LPS containing the above modifications is attached with modifications shown in ‘track changes’
Inclusion of ‘District roads’ showing the future extension of John Archibald Road to the Perimeter road;
Identification of a number of District level roads;
Inclusion in the LPS text identification of possible future private school facilities and district level sporting facilities within green spaces of DIA 7 or 8; and
Development within the DIAs is not envisaged to include any further district level retail outlet or primary school as these are being provided within the Rapids Landing Development areas.

The WAPC supported the reinstatement of DIA 2 within Augusta to provide for future Aged Housing facilities and/or affordable housing options. DIAs 3 and 4 have not been supported and have been requested to be removed.

There has also been a request to modify the LPS and LPS1 provisions to provide a clearer distinction between the Priority Agriculture and General Agriculture land uses. These changes are supported.

The LPS has also been modified to provide for high level guidelines identifying the principal district structural elements by:

- Inclusion of District roads;
- Inclusion in the text of the LPS for DIAs M7 and M8 that private school facilities and District level sporting grounds could be considered within these DIAs as part of the ‘Green space’ of the Hamlets;
- There is no need for provision of additional retail centres and state schools other than those shown in the LPS for the East Margaret River area of the townsite; and
- Provision of future Industrial land use needs through DIA M6.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**
The Local Planning Strategy is required to be prepared and endorsed by the Council and the WAPC as identified through the Town Planning Regulations 1967. The recent requests for reconsideration and determinations by the WAPC are in accordance with the provisions of the Regulations. The Council is now required to endorse the LPS with modification as required by the WAPC.

On endorsement of the LPS by the WAPC the Shire is required to advertise state wide the final adoption of the LPS.

**STRATEGIC PLAN / POLICY IMPLICATIONS**
Changes to the LPS is effectively a Policy change in so far as the Shire is seeking to reinstate the LPS as advertised and adopted by the Shire and for the LPS to be consistent with the Margaret River Town Site Strategy 2007.

**FINANCIAL IMPLICATIONS**
Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**
The LPS identifies the future Environmental protection mechanisms that are to be applied to all landuse and development within the Shire.

- **Social**
The LPS identifies the future growth and landuse controls for the Shire which has implications on the community growth and well being. The LPS makes appropriate provisions for the sustainable growth of the Shire.

- **Economic**
The LPS provide for the economic growth of the Shire, identifying the need for an Economic Development Strategy and providing and protecting Land uses for the future benefit of the location such as protecting Agricultural land uses.

**VOTING REQUIREMENTS**
Simple Majority

**RECOMMENDATION**

That the Council:
1. Supports the modifications to the LPS required by the WAPC in its decision of the 24 January 2011;
2. Adopts the modified LPS as attached;
3. Forwards the modified LPS to the WAPC for endorsement; and
4. Advertises the endorsed Local Planning Strategy in accordance with the Town Planning Regulations 1967.

ATTACHMENTS
1. Local Planning Strategy with modifications
SHIRE OF AUGUSTA-MARGARET RIVER
12.2.8 Margaret River DIA Design and Development Policy

12.2.8 MARGARET RIVER DIA DESIGN AND DEVELOPMENT POLICY

LOCATION Margaret River Townsite DIA Areas

APPLICANT/LANDOWNER This policy applies to lands designated as ‘hamlet-style’ DIAs in section 5.1.1 of the Shires Local Planning Strategy. Multiple Landowners.

FILE REFERENCE COR 201

REPORT AUTHORS William Coogan, former Strategic Planning Manager
Andre Schonfeldt Manager Planning Services
Geoff Broad Director Planning and Development Services

AUTHORISING OFFICER Geoff Broad, Director of Planning and development Services

IN BRIEF
- Following extensive ‘greenfield’ sites being identified for future Margaret River Townsite expansion, the Shire commissioned urban design consultants to prepare a ‘Rural Hamlet Design Handbook’ to provide detailed guidance on the future form of the ‘hamlet’ expansion areas.
- A public presentation, led by the authors of the report, Common Ground Studios, New Zealand, was held on 27 March 2009 and was attended by a large number of development related professionals, state agencies and public in general. The Handbook was then advertised for public comment.
- Following consideration of submissions and relevant issues, Shire officers developed a “Margaret River DIA [Development Investigation Areas] Areas – Hamlet Design and Development Policy”. Council adopted this policy, which condenses the ‘Handbook’, for the purposes of advertising on 8 October 2009.
- Eight submissions were received and are summarised in the Schedule of Submissions at Attachment 1.
- Specific comments were sought from the Department of Planning, which were received on 23 April 2010, it was additionally advised that the policy should be adopted under the new Local Planning Scheme 1, as soon as such is gazetted.
- The policy will guide Council on making decisions on initiation of Margaret River DIA Scheme Amendments, and give development proponents clear guidance process and expected outcomes.
- The final adoption of the Policy following advertising has been deferred as a result of the delays to the finalising of the Local Planning Strategy. The DIA Policy could not be finalised until the composition of the DIAs in the Margaret River Townsite in the LPS were known.

RECOMMENDATION
It is recommended that Council adopts the “Margaret River DIA Areas – Hamlet Design and Development Policy” as LPP 14 under part 2 of the Local Planning Scheme no.1.
SHIRE OF AUGUSTA-MARGARET RIVER
12.2.8 Margaret River DIA Design and Development Policy

Figure 1: Margaret River DIA Areas The policy is to apply to all DIAs as detailed in the LPS.

TABLED ITEMS
Rural Hamlet Design Handbook – Shire of Augusta Margaret River, prepared by Common Ground Studios, March 2009

BACKGROUND
Following extensive ‘greenfield’ sites being identified for future Margaret River Townsite expansion, the Shire commissioned urban design consultants to prepare a ‘Rural Hamlet Design Handbook’ to provide detailed guidance on the future form of the ‘hamlet’ expansion areas. On 25th March 2009, Council resolved to advertise the ‘Rural Hamlet Design Handbook’ to the public and state agencies.

The aim of the handbook is to provide detailed site analysis methodology followed by design guidance for future expansion areas of Margaret River. In doing so, the handbook selected an example ‘case study’ of 40ha adjoining the Margaret River and showed how the methodology can be applied to a relatively small site.

An item was put to Council on 13 August 2009 and Council resolved to defer the item pending a Councillor briefing session. A briefing session was held with Council on 24 September 2009. Following consideration of the submissions and future expansion in Margaret River DIA areas, Shire officers have developed a “Margaret River DIA Areas – Hamlet Design and Development Policy”, which was adopted by Council for advertising as a Local Planning Policy on 8 October 2009.

Advice on the policy was sought from the Department of Planning; this was received in April 2010. Additionally, it was advised to adopt the policy under the new Local Planning Scheme No.1. This explains the delay between adoption for advertising and recommended final adoption of the policy. Further delay to the adoption of the DIA Policy has resulted because of the delays in finalising the Local Planning Strategy.

PROPOSAL
The Handbook describes a potential form of future development which is a very significant change from the conventional / standard form of residential expansion which takes place in the Shire, or indeed anywhere the State. The population of the State and the South West is predicted to grow significantly over the next two decades. Some of this population growth will be accommodated in the Shire of Augusta-Margaret River. The normal format to provide for this growth is in standard metro-style residential suburbs. At the behest of Council, Urban Design consultants were engaged to develop guidelines for this ‘rural hamlet’ form of development.

Reducing development ‘footprint’ is a central concept in the handbook; it is proposed that development is concentrated in the most suitable areas, and a large amount of land is permanently retained for small scale agricultural productivity and bushland rehabilitation. In this fashion, the handbook recommends that 30% of land should be used as the development ‘footprint’, and the remainder of the land be permanently set aside for non urban uses. Conventional subdivision sees 60-75% of land used for development. The Handbook goes into fine detail on design aspects of the proposed hamlet form. It also describes a detailed methodology which can be applied to any site to apply the principles of the Handbook. A lot yield comparison is provided which compares hamlet yield with conventional residential subdivision yield. An outline of the approvals process required to meet the objectives of the Handbook is also provided.

The handbook emphasises:
- local character;
- mixed uses;
- connectivity;
- increased densities;
- reduced development footprints; and
- areas set aside for productive agriculture and ecological restoration.

Overall, the document is comprehensive and describes in detail the proposed form of a rural hamlet. It provides a step by step guide and a series of checklists that can be applied to any development site. The guidelines show a new sustainable way of growing a community; compact, well designed, traditional villages and hamlets, well connected to each other and the land that sustains them. It is considered that the alternative form of development described in the Handbook is a substantial improvement on conventional residential subdivision, which can be described as bland, not place-specific and ‘land hungry’. Design and planning have a critical impacts on economic, social and environmental sustainability, and it is considered that the careful consideration given to each theme in the Handbook would result in a substantial improvement on the status quo.

The proposed policy is derived from the ‘handbook’, it condenses and modifies essential elements and applies them to the specific conditions of the residential expansion areas of Margaret River. The policy has been developed to be as brief as possible and give clear direction to developers and Council of how the Hamlet Handbook will be applied to the Margaret River DIA areas. In planning and development terms, the function of this policy is to ensure that development of Margaret River DIAs, whenever that may occur, is guided by the following principles:

a) Providing an alternative to conventional suburban sprawl and rural residential development in town expansion areas by way of clearly defined community-orientated hamlets separated by open land and/or conservation reserves;
b) Providing reduced development footprints surrounded by extensive areas of green space;
c) Providing a mix of dwelling types with some provision of smaller dwellings in order to cater for smaller households, along with elements of mixed use;
d) High contextual design and development standards by defining a strong character and sense of place through quality design of the built and natural environment, within context of the Margaret River character;
e) Encourage community oriented villages based on the concept of sustainable rural land use and land management practices;
f) Ensure waste and water demands are minimised through design;
g) Provide for ecological restoration and support for natural systems on the site and surrounding area;
h) Ensure integration with the surrounding environment forming part of the landscape but not dominating it;
i) Reinforce core rural production activities within the Shire e.g. Viticulture, orchards, tree crops, dairy, horticulture; and
j) Retain the rural character of Margaret River whilst providing for urban expansion.

PLANNING FRAMEWORK

LNRSPP

The State planning framework as set out in the LNRSPP (1998) provides a strategic framework for pursuing rural hamlet design guidelines. Relevant objectives of the LNRSPP are as follows.

Overall Objectives

To achieve the Vision, the Overall Objectives of the LNRSPP are to:

• conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;
• respect and conserve its outstanding natural and cultural heritage and environmental values;
• cater for population growth consistent with the objectives of the LNRSPP and provide a range of settlement options located to enhance the economic, social and environmental functions, while promoting quality and innovation in urban design and built form;
• protect agricultural land for its economic, landscape, tourism and social values;
• encourage a mix of compatible land uses while separating conflicting land uses;
• facilitate a robust, diverse and sustainable economy; and
• foster a sense of community and creativity,

for the benefit of all residents and visitors and for future generations.

Additionally,

PS 1.10 Innovative, clustered subdivision design will be promoted with the aim of retaining a greater proportion of land for agricultural use and for the conservation of remnant vegetation.

It is considered that the form of development advocated in the Rural Hamlet Design Handbook is entirely consistent with relevant objectives of the LNRSPP.

Local Planning Strategy

The Local Planning Strategy document, states under ‘settlement strategies’ that:

“3.1.6 Innovative design solutions, in the form of “hamlets” which incorporate well connected smaller housing units, integrate multifunctional open space and provide holistic sustainability advantages, are strongly encouraged, and higher aggregate densities will be favourably considered in these cases.

The intention of the Handbook is to follow on from the Townsite Strategy and to provide flesh on the bones of the broad brush hamlet objectives contained in both Local Planning Strategy and the LNRSPP.

Shire of Augusta-Margaret River’s Strategic Plan 2009-2020 and 2010-2020

Sustainable Development 3 Liveable Townships, Hamlets and Neighbourhoods

• Adopt and implement the Rural Hamlet Design Guidelines
• Plan and encourage the construction of a variety of housing types and higher densities
• Create permeable, pedestrian and cycle friendly village centres, hamlets and neighbourhoods

The updated Strategic plan includes the following action:

1.3.1.7 Incorporate the Rural Hamlet Design Guidelines as policy underpinning the new Local Planning Scheme

The proposed policy directly relates to, and is fully consistent with, the objectives and action set out in the Shire’s Strategic Plan.

CONSULTATION AND ADVICE

On 25 March 2009, Council resolved to advertise the ‘Rural Hamlet Design Handbook’ to the public and state agencies. A public presentation, led by the authors of the report, Common Ground Studios, New Zealand, was held on 27 March 2009 and was attended by a large number of development related professionals, state agencies and public in general. Copies of the Handbook were made available to interested parties by CD.
A number of submissions were received on the Handbook. Generally the submissions supported and praised the quality of the document and the principles underlying the Rural Hamlet concept. Development-related representatives had a number of reservations and generally questioned the applicability of the Handbook. Following these submissions the “Margaret River DIA Design and Development” policy was developed by officers, based on the Handbook in order to apply the Hamlet Design Handbook to Development Investigation Areas (DIA’s). The policy was advertised in November 2009.

A number of submissions, the majority from landowners/DIA development agents, were received and is discussed in this section for particular details regarding specific submission please see the attached Schedule of Submissions.

ATTACHMENT 1

Application of Rural Hamlet Design Handbook
A number of submissions on the RHD handbook recommended that the handbook be condensed into a ‘Local Planning Policy’ in order to consolidate and clarify the key principles behind the Handbook. This point is upheld, and Attachment 2 of this report contains the proposed “Margaret River DIA Areas – Hamlet Design and Development Policy”. It is proposed that the policy be adopted as a local planning policy under LPS 1 as LPP 14.

ATTACHMENT 2

The objectives of this policy are:

- To provide supplementary guidance to the Shires’ Local Planning Strategy in relation to future planning procedures for Development Investigation Areas (DIAs) of the Margaret River Townsite.
- To establish the weight afforded to Rural Hamlet Design Handbook in strategic planning decision making with respect to Margaret River DIA Areas.
- To set detailed parameters which development proponents must satisfy prior to Council considering that a proposed Margaret River DIA Scheme Amendment is satisfactory for initiation.

Land Use Proportions / Economic Viability of ‘Hamlets’
A number of submissions have taken issue with the proposed ‘land use categories diagram’ (see figure 2 below), which specifies that 30% of total site area shall be made available for development, and proposed that it be modified or deleted.

The submissions questioned if these reduced development footprints were consistent with State Planning Policy, were economically viable (for a developer) and were what was desired from the current market. Essentially, the question of the land use proportions is the central issue regarding the hamlet handbook and has knock on implications for the entire policy.
It is acknowledged that allocation for land for settlement purposes should not be based on pure numeric percentages, but rather on land capacity. However, modern engineering techniques can convert all but the most unsuitable land into development land. Reduced development footprints are one of the central ideas of the Handbook. The objective to concentrate development in the most suitable locations and to surround development with extensive accessible green space areas is supported. Any proposal to omit this aspect will result in Margaret River DIA areas being indistinguishable from conventional residential subdivisions across Western Australia, and essentially will make the Hamlet Handbook redundant. A modification of the land use proportions is proposed in the policy and is discussed below.

It is considered that the Hamlet Handbook is fully consistent with State Planning Policy 3, Urban Growth and Settlement, in particular objective 4, as follows:

“To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community” (SPP 3 - Urban Growth and Settlement).

It is also considered that the proposed attached policy is consistent with the LNRSPP, the Shires Local Planning Strategy and the Shires adopted Strategic Plan.

The economic viability of the proposal has been questioned in the submissions. Development agents have stated that if only 30% proposed of land designated for ‘development’, this would result in their future proposals being economically unviable. It must, first of all, be noted that the Margaret River DIA areas currently have no development rights, aside from those permitted under a ‘General Agriculture’ zoning. The DIA areas have been adopted by Council, but to date, have not been endorsed by the WAPC or the Minister for Planning. However, it is acknowledged that a 30% development footprint is a significant departure from the standard residential development model. Limiting the developable area to 30% may result in the current DIA areas not having the capacity to accommodate LPS predicted long term growth for the townsite area.

Economic viability argument by developers is not relevant as the ultimate lot/unit yield is the same but the form of development is different. The Hamlet model would also be cheaper to provide services as the length and distances in the urban footprint are shorter.

The proposed policy has modified this aspect to allow a maximum of 50% “development footprint” in DIA areas (see figure 3 below). A maximum of 50% development footprint is dependant on supporting land assessment based on rigorous sieve mapping exercises, suitable demonstration of environmental mitigation, in accordance with “Phase Two” (pages 63-111) of the Shire of Augusta Margaret River - Rural Hamlet Design Handbook, which must be provided at Scheme Amendment stage.

Figure 3 above shows a cursory potential ‘policy’ scenario, where development footprint is interlaced with green network areas. However, it must be noted that, aside from land use proportions, actual design and configuration of such a ‘hamlet’ is flexible and could accommodate a wide variety of configurations in accordance with the skills of the designer and wishes of the development proponent.
An assessment of the gross density of Margaret River has been undertaken based on ABS statistics for 2001 and 2006. This as set out in the table and figure below indicate a fairly low gross density with some increased densities in East Margaret River.

<table>
<thead>
<tr>
<th>ABS Stats</th>
<th>Dwellings</th>
<th>Persons</th>
<th>Area sqkm</th>
<th>Area ha</th>
<th>Gross Dwellings/Ha</th>
<th>Gross Persons /Ha</th>
<th>Avg. HH size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>1,498</td>
<td>3,627</td>
<td>11.4</td>
<td>1,140</td>
<td>1.31</td>
<td>3.18</td>
<td>2.42</td>
</tr>
<tr>
<td>2006</td>
<td>2,086</td>
<td>4,415</td>
<td>13.4</td>
<td>1,340</td>
<td>1.56</td>
<td>3.29</td>
<td>2.12</td>
</tr>
</tbody>
</table>

In 2001 the most densely populated area was the area between Willmott Avenue and the Margaret River. Based on the average household sizes this area had a gross density of around 4.2 lots and about 10.16 persons per hectare. Similarly the area between Forrest road and Willmott Avenue being the most densely populated in 2006 had a gross density of 6.5 lots and about 13.75 persons per hectare. Please note that in this calculation gross density is purely a the number of dwellings divided by the total area considered to be the townsite boundary, it does not discriminate between different residential coding or rural residential development and includes all public open space, community facilities, roads and commercial facilities.

Based on this assessment it is a fair assumption to consider “conventional subdivision” in the Margaret River Townsite to allow within the residential neighbourhoods for a gross density of around 6 lots per hectare. This when calculated back to an R-coding provides for an average net-density of R10 which provides lot sizes of around 1,000sqm.

A preliminary lot yield calculation, in accordance with the proposed policy (50% footprint), has been undertaken by Shire Officers. This is undertaken on the ‘case study’ site used in the handbook and compared with the ‘Hamlet Handbook’ example (30% development footprint) and conventional subdivision outcomes (80% footprint), see table 2 below.
TABLE 2: POTENTIAL LOT YIELD ON EXAMPLE (40HA) SITE USING THREE DIFFERENT DEVELOPMENT MODELS (Please refer to pages 160 & 161 of the Handbook for explanation of terms used)

<table>
<thead>
<tr>
<th>Development Footprint</th>
<th>‘Policy Hamlet’ (40ha site)</th>
<th>‘Handbook Hamlet’</th>
<th>Conventional Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50% (200,000 sqm)</td>
<td>17.8% (71,200 sqm)</td>
<td>80% (320,000 sqm)</td>
</tr>
<tr>
<td>Green Network Areas</td>
<td>50%</td>
<td>70%</td>
<td>20%</td>
</tr>
<tr>
<td>Av. Dwelling Site</td>
<td>550sqm</td>
<td>300sqm</td>
<td>1000sqm</td>
</tr>
<tr>
<td>Gross HHU/ha</td>
<td>6</td>
<td>5.7</td>
<td>6</td>
</tr>
<tr>
<td>Net HHU/ha</td>
<td>25</td>
<td>31.9</td>
<td>10</td>
</tr>
<tr>
<td>Yield</td>
<td>240</td>
<td>230</td>
<td>240</td>
</tr>
</tbody>
</table>

It must be noted that this is a preliminary lot yield analysis, using particular assumptions, and each potential site would undertake far greater detailed analysis, use different assumptions and produce different results. However, this table clearly shows that the potential yield from the example site, using the proposed policy provisions, is a greater than yields from conventional subdivision or the ‘handbook hamlet’. This table shows that the proposed policy, by modifying land use category proportions, provides the ability for each DIA area to meet, and potentially exceed, conventional lot yields. This modification will allow DIA areas to accommodate LPS predicted long term growth, while also making the proposals economically attractive for developers. It must be also noted that concentrating development provides economic efficiencies for developers by reducing road and other servicing lengths and therefore, costs. Both FESA and Telstra noted the economic efficiencies of concentrating development in their submissions.

In turn, this leads to the question of ‘market demand’ for more compact residential densities. The handbook example shows how, with careful analysis and design skill, more compact densities can be highly attractive, creating vibrant streets and memorable places with direct access to nature and open spaces. More compact densities require a higher level of commitment from developers, primarily the employment of design professionals. Conventional subdivisions generally do not employ any design professionals, and follow set patterns which are generally laid out by surveyors, which have scant regard to specific local characteristics, thus can produce sprawling and bland results. It must be noted that neither the handbook nor the policy prescribe densities. The policy advocates a “mix of dwelling types with some provision of smaller dwellings in order to cater for smaller households”. Again, the actual densities and proportionate mix of dwelling types is left to the skills of the designer and wishes of the development proponent. It may be the case that no lots smaller than R30 are brought forward for consideration, with the remainder being standard R15 or R10 lots, the policy is not prescriptive in this regard.

Table 2 below shows a preliminary lot mix calculation in accordance with the proposed policy. Again, this is purely indicative, but shows that 215 standard type R10-R20 lots can be achieved with only 85 “medium density” smaller lots on a 40ha example site in accordance with this policy. Thus it shows that while the policy does advocate some medium density, the majority of the development can still be achieved with conventional sized lots. The point is that the policy can achieve a mix of lot types.

Table 2: Potential lot yield mix on 40ha Site in accordance with proposed Policy.

<table>
<thead>
<tr>
<th>Potential Lot Yield Mix on 40ha Site</th>
<th>Number of Lots</th>
<th>Area used (Sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R10</td>
<td>80</td>
<td>80000</td>
</tr>
<tr>
<td>R15</td>
<td>75</td>
<td>49950</td>
</tr>
<tr>
<td>R20</td>
<td>60</td>
<td>30000</td>
</tr>
<tr>
<td>R30</td>
<td>40</td>
<td>12000</td>
</tr>
</tbody>
</table>

80
It must be noted that in the Margaret River townsite area, over 90% of housing stock are standard 500-1000sqm suburban blocks. There is also large volume of this stock now available, and soon to come available, in east Margaret River. It is noted that the market is currently not supporting sales of these blocks and the best selling housing unit in the townsite area is currently the single bedroom dwelling. Changing demographics mean that there are currently falling household sizes. Smaller dwellings address the affordability issue as they are more affordable to buy, to rent and to maintain.

The policy does not prescribe that the majority, or indeed any, of the proposed dwellings must be ‘single bedroom’. It simply recommends a range of dwelling types be developed. When planning to develop a mix of dwellings and to ‘create a sense of place’, a higher level of design input is essential. With this in mind, the proposed policy requires developers to commit to developing a ‘Masterplan’, in accordance with key elements of “Phase Three” of the Hamlet Handbook, at structure plan stage. This provision will ensure that a rigorous design methodology is followed in developing proposals for DIA areas, and that the highest design standards are applied.

Green Network Areas
Limiting “development footprint” areas results in a more significant proportion of existing superlots becoming part of “green network areas”. Additional green network areas raise issues related to tenure, management, and long term preservation. However, these issues can be efficiently managed. The Policy requires that developers committing to submitting a comprehensive “Local green network management plans” at Structure plan stage. These plans shall describe land tenure, land use, long term management regimes and associated maintenance costs of the “green network areas”, incorporating elements of ecological restoration and rural production, to the satisfaction of the Shire.

These type of provisions are already standard practice for bush rehabilitation areas, foreshore areas and areas of public open space in development areas, the only difference here being that proposed green areas are physically larger, and thus have more potential for productive or community-based sustainable uses. The onus is on the proponent to propose sustainable uses for these areas. There are a range of uses which could be considered in these areas, including the following;

- Conservation of open land in its natural state, including wetland, creek and bush rehabilitation.
- Agricultural uses including crops, equestrian, grazing and related accessory buildings. Specifically excluded would be uses requiring substantial buffers to residential uses, such as crops requiring chemical spray application or livestock operations involving swine, poultry or other animals likely to produce highly offensive odours.
- Forestry, having regard to fire management buffer requirements.
- Playing fields, picnic areas, playgrounds, community gardens, pathways.
- Stormwater management systems.
- Buffers.
- Infrastructure easements.
- Local-scale waste water treatment facilities.
- Low impact tourism uses.

It is considered that these green areas will be a long term asset and have the potential to produce a long term economic benefit.

The concept behind the proposed policy is that future development has greater connection to its surrounding environment, and that future residents have the advantage of vibrant local streets side by side with immediately accessible countryside. The Hamlet Handbook, and related policy constitute a revised development approach in Western Australia. However, it must be noted that the approach advocated is not entirely new, and that it has precedent both in America and Europe. The approach can be seen as a distant reverberation of the “garden city movement”, which emerged from Britain in the early 1900s. In a more modern context, the contemporary “smart growth” movement in the USA shares many characteristics with the proposed hamlet handbook and policy, and has many examples of where these principles have been implemented to create new communities. A search of these terms in an internet search engine will provide a wealth of further information.
It is considered that the proposed policy is a workable compromise between the advertised Hamlet Handbook, and practical realities of accommodating future population growth and economically viable development proposals. It is recommended to advertise the policy for a period of 21 days.

FINANCIAL IMPLICATIONS
There are no direct financial implications to Council by adoption of the policy.

SUSTAINABILITY IMPLICATIONS
Environmental
Reservation of up to 50% of land for non-development purposes including small scale food production and bushland regeneration is considered to be a significant positive environmental outcome. Additionally, the policy requires developers to carefully consider water efficiency, low energy use, low waste and local food production, the objectives in relation to each are considered to be positive environmental benefits. The proposed policy encapsulates these proposals by requiring that development investigate best practice alternative servicing.

Social
The Handbook devotes considerable attention to social implications of the hamlet form of development. It states that the goal is to develop a food-production economy with added value food industries. The hamlet form carefully considers its context and aims to develop a strong sense of place and identity, creating a memorable and lasting urban environment.

Economic
A range of housing opportunities to better suit changing demographics, encouragement of mixed use (home based business, small scale retail and a hamlet focal space) and opportunities for tourist facilities will result in hamlet areas having a diverse economic base. Conventional housing subdivisions are concerned with housing growth by numbers, and give little consideration to local economic development.

It must also be noted that in the national and international economy, regions compete with each other to attract investment and skills. The attraction and retention of a ‘creative class’ of people is strongly linked to long term economic development of regions. Highly skilled persons or the ‘creative class’ generally have a choice of areas to live and work. Global economic trends such as diversification of the workforce and reintegration of work and home are placing a premium upon community character and quality of life. Companies and people are attracted to communities that offer a good quality of life. Companies realise that their workers want to live in communities that offer reasonable commutes, a vibrant social life, environmental amenities, and housing and transportation choice. The form of ‘smart growth’ advocated in the proposed policy, if implemented will provide Margaret River, with a ‘point of difference’ with other regional areas in Western Australia, offering housing choice, large areas of green space and distinctive local character, and thus become more attractive for footloose economic development. The Margaret River ‘brand’ has real economic value to businesses operating in the region, and development on the town’s periphery in accordance with this policy will raise the town’s profile and enhance the unique global brand that is “Margaret River”.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Notes the submissions received following advertising of the “Margaret River Development Investigation Areas Design and Development Policy”
2. Adopts the “Margaret River Development Investigation Areas Design and Development Policy” (attachment 2), with modifications, as Local Planning Policy PE 1, under section 2.4.2 of the Local Town Planning Scheme no.1.
3. Publishes notice of the Local Planning Policy in a newspaper circulating in the Scheme area.

ATTACHMENTS
1. Schedule of Submissions
2. Margaret River Development Investigation Areas Design and Development Policy
12.3 Infrastructure Services
Nil
12.4

Corporate and Community Services
12.4 Corporate and Community Services
12.4.1 2010/2011 BUDGET REVIEW

IN BRIEF
This item is to receive the budget review as at 31 December 2010 and approve the recommended changes to the adopted budget 2010/2011.

RECOMMENDATION
Council:
2. Adopts the attached budget adjustments to the 2010/2011 Annual Budget including modifications to reserve accounts.
3. Adopts the increases to reserve funds.

BACKGROUND
In accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996 local governments are required to conduct a budget review between 1 January and 31 March each financial year. Council is required to review and adopt the budget review changes and within 30 days of adoption the Department of Local Government is to receive a copy.

The format of the review is to be set out providing the following information:

- The annual budget estimates.
- The operating revenue, the operating income, and all other income and expenses.
- Any significant variances between year to date income or expenditure and the relevant budget provisions to the end of the year.
- Identify any significant areas where activities are not in accordance with budget estimates.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Any other required supporting notes.

CONSULTATION AND ADVICE
Executive Leadership Team
Business Unit Managers and Supervisors
UHY Haines Norton

DISCUSSION/ OFFICER COMMENTS
The budget review is a detailed comparison of the year to date actual results with the adopted or amended budget. It establishes whether a local government continues meeting its budget commitments, is in receipt of income and incurs expenditure in accordance with the adopted budget.
In order to reflect the expected financial position at the end of the financial year 30 June 2011, the budget review contains all actual expenditure and revenue to 31 December 2010, financial projections to the end of the financial year and all significant variations. Given the CEO has delegated authority to approve budget amendments up $5,000, significant variations is deemed to be greater than $5,000 and council is asked to review and adopt these adjustments to the adopted budget.

The attached Statement of Financial Activity, which is the required statutory report under the Local Government (Financial Management) Regulations 1996, provides a summary of the adopted budget and the amended budget taking into consideration the adjustments made in the budget review. The attached Business Unit Financial Reports provide a breakdown of the adjustments made and reasons behind the changes.

Notable amendments to the adopted budget for council's perusal are as follows.

**OPERATING REVENUES/SOURCES**

**Land Contribution**
Lester group land contribution of $597k is greater than the original budget of $350k as the title of all 4 lots was received by the Shire in 2010/11, and not two in 2009/10 and two in 2010/11 as originally expected. The value placed on the lots is based on Landgate valuations of the properties and actual prices achieved for similar lots in the same location. The Shire’s auditors UHY Haines Norton have accepted the values as fair and reasonable. The transaction is a non-cash entry and does not impact on the surplus/deficiency.

**Fees and Charges**
A number of business units have suffered reduced revenue as a result of the moratorium in scheme amendments and a general downturn in development activity. Town Planning $100k, Asset Services $105k and Building $20k.

**OPERATING EXPENSES/APPLICATIONS**

**Interest on loans**
Interest cost reduced due to timing of the draw down for the Civic and Administration Centre. Refer to the borrowings comment for further details.

**Depreciation**
The budget review has adjusted the depreciation charge by 10% or $500k. This is a non fund item and doesn’t affect the surplus, however it is used as an indicator as to how much capital should be spent to replenish assets.

**Other Property and Services**
The $570k profit on disposal of Le Souef Street was not expected in the original budget.

**CAPITAL EXPENDITURE**

**Recreation Centre Project**
An increase in the budget review of $217k is required to correct the assessment of the carry forward budget for 10/11.

**Water Recycling Project**
Further funding of $30k is required for additional treatment equipment required by Department of Health and the golf club is funding further costs of $116k for the section to the club.

**Civic and Administration Project**
Timing of cashflows to 30 June are adjusted to match the latest project plan. Fully loan funded and therefore no affect on surplus.

**Transfer to Restricted Cash**
Funds from the sale of the CDO will cash back reserves as the investment was used to “investment” back reserves. It is an accounting treatment to replace investment backing with cash. It means the funds from the sale are not available for discretionary spending.

**Transfer to Cash Reserves**
Developer contributions received last year but not transferred to reserves in 2009/10 have now been added to the Road Asset reserve. They are effectively part of the carryover surplus from 2009/10. Similarly funds for Waste Services capital items not spent have been applied to the Waste
Management Reserve. Further funds are applied to the staff leave reserve as a buffer to increasing leave provisions. The staff leave reserve counters payout of entitlements where the staff member does not return to work, such as terminations or retirements or continues employment but chooses to cash out their entitlement.

CAPITAL REVENUE
Proceeds from Disposal of Assets – Le Souef Street
The sale of 25 Le Souef Street was not included in the annual budget, however a major land transaction was developed by the CEO. The plan was advertised with the result as follows;


At its Ordinary Meeting of Council held 27 October Council resolved to sell Lots 25 & 26 Le Souef Street Margaret River to raise funds for the extension of the Margaret River Regional Library, Upgrading Surfers Point, and the Augusta Streetscape and tourist trails. A business plan was prepared in accordance with section 3.59 of the LGA was advertised for a period of 6 weeks with no submissions being received. The Shire hereby notifies members of the public of it’s intention to dispose of Lots 25 and 26 Le Souef Street by private treaty in accordance with section 3.58(4) of the LGA.”

The sale realised proceeds of $600k which is included in the budget review.

Proceeds from Sale of CDO
The annual budget did not consider the sale of any CDO’s considering the investment climate at the time, however during the year it was possible to sell BELO and realise proceed $288k. These funds have been applied to cash back reserves as the original investment also backed reserves. These funds are not available for general purposes.

Borrowings
With regard to the funding of the New Civic and Administration Building the draw down of the funds is dependant on the cost incurred at the point of the drawdown, namely matching funds out with funds in and therefore no effect on the operating surplus.

As the expected cost to 30 June 2011 is lower than the original budget by $2.3m the drawdown of the loan reduces by $2.3m. This also impacts on the expected interest payable which reduces in the budget review by $165k.

DEFICIT/(SURPLUS) JULY 1 B/FWD
Start of year position (Surplus)
The annual budget was based on a zero surplus position however after the 2009/10 Annual Accounts were completed a surplus of $1,272k was available. This varied to the opening estimated surplus for the Annual Budget and the main items generating the surplus are as follows.

<table>
<thead>
<tr>
<th>$000's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating surplus</td>
</tr>
<tr>
<td>Land and Buildings underspend</td>
</tr>
<tr>
<td>Infrastructure underspend</td>
</tr>
<tr>
<td>Transfer to Reserves down</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

End of year position (Surplus)
At the completion of the mid-year, a surplus of $600k is available. This amount represents the proceeds from the sale of Le Souef St.

RESERVES
A number of reserves are being renamed to better reflect their purpose. It is most important that council recognise that the purpose of these reserves have not changed as under the LG Act changing the purpose of reserves requires local public notice where the total amount used exceeds $5,000.
Reserves no longer holding funds and not to be used will be closed and struck from the report. Details of the reserve changes are in note 5 and 6.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Section 6.4 of the Local Government Act 1995 and Regulation 33A of the Local Government (Financial Management) Regulations 1996 require that each year the local government carry out a review of its annual budget, by 31 March.

POLICY IMPLICATIONS
N/A

FINANCIAL IMPLICATIONS
This review provides an indication of current allocation of resources to provide services as adopted by the 2010/2011 budget. It ensures allocations are undertaken in accordance with the adopted budget and proposes any changes required to maintain the most efficient use of available resources.

SUSTAINABILITY IMPLICATIONS
Environmental
N/A
Social
N/A
Economic
N/A

VOTING REQUIREMENTS
Absolute Majority

RECOMMENDATION
Council:
2. Adopts the attached budget adjustments to the 2010/2011 Annual Budget including modifications to reserve accounts.
3. Adopts the increases to reserve funds.

ATTACHMENTS
1. Statement of Financial Activity
2. Business Unit Financial Reports
13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

16.0 QUESTIONS WITHOUT NOTICE

17.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
   17.1 Members
   17.2 CEO

18.0 CONFIDENTIAL BUSINESS

19.0 CLOSURE OF MEETING