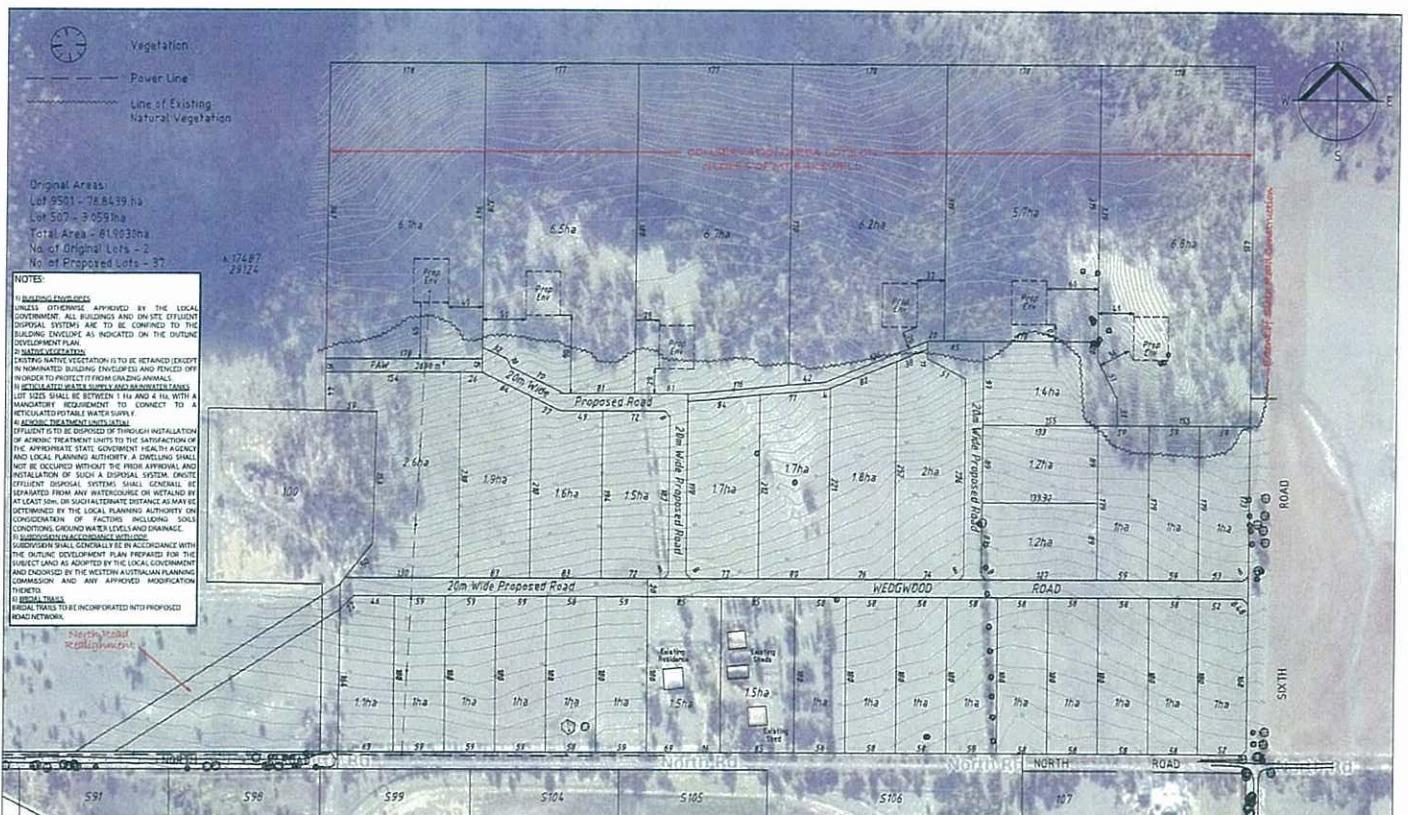


**ITEM 9.1.1
APPENDIX A**



Mt Bakewell Equestrian Estate Outline Development Plan

Background

The Local Planning Strategy (LPS) for York recommended that the northern portion of the town be designated for an equine precinct to achieve:

- a) a centre for all equine activities based in and around the current racecourse, and
- b) to encourage the location of horse keeping in one area but considering the potential for subdivision and development in association with the environmental concerns and the general rural living amenity of the area.

The LPS recommends preparation of an Outline Development Plan to ensure that the precinct is adequately planned to prevent ad hoc development occurring.

In 2007, Shire of York commenced preparation of the Equine Precinct Outline Development Plan, which included the whole of the land contained within this proposed Mt Bakewell Equestrian Estate Outline Development Plan.

The Equine Precinct ODP underwent extensive advertising and referral with statutory agencies, and whilst the ODP has not been adopted, Western Australian Planning Commission considers the draft ODP as a guideline for future land use in the locality when considering town planning matters.

Scheme Amendment 21 was gazetted in September 2009 which introduced development provisions into the Scheme via Schedule 6 of Town Planning Scheme 2, specifically related to land identified as being contained within the Equine Precinct.

Approval to subdivide the subject land has been issued by Western Australian Planning Commission under Conditional Approval 136889 in July 2009. The proposed Outline Development Plan conforms to land uses and road networks contemplated by this Conditional Approval.

Subject Land

The subject land is contained within Lots 507 and 9501 North Road, York and comprises approximately 83 hectares immediately adjoining the York Race Club facilities.

The subject land is zoned Rural Residential under Town Planning Scheme 2 which allows development proposed by the ODP.

This Outline Development Plan addresses and incorporates requirements contained within Schedule 6 and is generally represents development in accordance with the previous Equine Precinct ODP.

Being a significant landholding under single ownership, this proposed ODP represents an opportunity to initiate development to promote the objectives of the Local Planning Strategy and the Equine Precinct and create a vibrant, active hub for equestrian activities.

Landform

The land subject to this Outline Development Plan slopes from Mt Bakewell towards the York Racecourse.

The land does not contain any defined water courses and is largely comprised of well draining course sand. As the development of the land within the ODP area will be dealt with under a single conditional subdivision approval, matters related to road and drainage design will be controlled by a condition of subdivision.

All drainage will be retained within the subdivision area by retention basins and open swale drains. A drainage design has been undertaken by civil engineers to this affect, and will be incorporated as a process of the subdivision approval.

Surrounding Land Uses

The subject land is bounded to the north by Mt Bakewell which is predominantly native vegetation the use of which is controlled by the Mt Bakewell Management Plan. Access to portion of Mt Bakewell zoned as reserve for recreation is provided in the ODP road network via crown reserve on the western boundary of the ODP area.

Land to the south is reserve for recreation, managed by the York Racecourse and contains improvements and vacant land associated with the York Racecourse.

Property adjoining the race club to the east, and land to the east of the ODP area is rural residential land and is used for rural pursuits and rural residential living.

The equestrian pursuits considered by the ODP and Equestrian Precinct documents are consistent and complimentary to the adjoining land uses.

Outline Development Plan Land Uses

The land uses of lots within the ODP area are controlled under the Zoning Table of Town Planning Scheme 2

It is expected that land uses of 1-2 hectare lots will predominantly be focused on equestrian activities and include stables, agistment, training and riding of horses and will allow direct access to facilities at the York Racecourse.

Provisions controlling the number of horses able to be agisted on a property are governed by Council Policy

The lots are able to be developed with single residential dwellings and associated out buildings, which could include stable facilities for horses.

Based on the average occupancy of 3 persons per household, 35 lots would be expected to provide residential accommodation for in the order of 105 people.

Fire Management Plan

Each lot owner shall maintain a perimeter firebreak in accordance with the Shire of York Fire Break Policy. Firebreaks are required to be cleared by 1st November each calendar year.

A Strategic Fire Management Plan will be prepared for the subdivision and adopted by the Shire of York. A condition of subdivision shall be implemented to provide a strategic fire management plan to the satisfaction of the Shire of York.

Bridle Trail Network

A bridle trail network will be constructed throughout the estate. Use of the trails is restricted to equestrian activities and riders must remain on the bridle path.

Cross country, BMX or trail bike riding will be prohibited on these trails.

Some of these trails will run through private property, and users should respect the right to use the trails. Lot owners may not interfere with the bridle trail in any way, without prior written approval from the Shire of York.

Building Envelopes

1 to 2ha Lots may clear a building envelope to a maximum of 2500m², for locating a dwelling and outbuildings. Size and location of a building envelope shall be submitted to the Shire of York for approval with development plans of the proposed dwelling and/or outbuilding. Lot owners should attempt to retain substantial trees where possible.

6ha conservation lots may clear a building envelope to a maximum of 5000m², for locating a dwelling and outbuildings. Size and location of a building envelope shall be submitted to the Shire of York for approval with development plans of the proposed dwelling and/or outbuilding. Lot owners should attempt to retain substantial trees where possible.

Sewerage Services

Reticulated sewerage is not available to the lots. Alternative Treatment Units or on-site effluent disposal system complying with the specifications of the Health Department and Shire of York, designed for long term use, will be required to service any new development on each lot.

Water Services

Lots of area 4ha or less shall be connected to a reticulated water supply.

Lots not connected to a reticulated water supply shall be connected to a roof catchment water tank with a capacity of 120,000 litres.

Outline Development Plan

Mt Bakewell Equestrian Estate Outline Development Plan provides guidelines for the use and development of lots and incorporates provisions contained within Schedule 6 of the Town Planning Scheme. Development of lots must comply with provisions of

the Outline Development Plan and may not be varied without permission of the Shire of York.

This ODP shows lot development comprising 29 lots ranging in size from 1ha to 2ha in generally parkland cleared land. These lots are acknowledged as being suitable for stables and open pasture feeding.

6 larger lots located on the Mt Bakewell escarpment generally above 220m AHD are nominated as lifestyle conservation lots and are not suitable for keeping of horses.

Keeping of Horses

Lot owners are advised of the Shire of York policy 'Keeping of Horses'. Copies of this policy are available from the Shire of York offices.

Road Network

Development proposed by the ODP will provide an important road linkage through introduction of an east to west local access road providing connection between North Road (East) and North Road (West). The road layout suggested by the ODP has been supported by Shire of York and the Transport Planning Branch of the WAPC.

Roads within the ODP area will be constructed at the developers cost and implemented as a condition of subdivision.

Developer Contributions

As the ODP area does not contain multiple land owners and does not result in a need for external infrastructure upgrades, it is considered that costs associated with roads, drainage and infrastructure can be adequately dealt with via a subdivision condition on a Conditional Approval to Subdivide.

Conservation Lots

6ha lots on the Mt Bakewell escarpment are conservation lots. Additional caveats for clearing and use of the land is detailed in the Mount Bakewell Management Plan, available from the Shire of York or Department of Conservation.

Clearing of native vegetation outside of an approved building envelope is prohibited without the prior approval of the Shire of York.

Subdivision Development

The proponent of this Outline Development Plan has received Condition Approval 136889 from the Western Australian Planning Commission allowing the subdivision of the subject land into 28 rural residential lots. The subdivision approval expires in July 2013.

A new subdivision application (Ref 146943) has been submitted to WAPC for consideration. Finalisation of this application is pending adoption of an Outline Development Plan as required by TPS 2.

Single ownership of the subject land, and approval to subdivide via WAPC, removes complications that can sometimes be experienced in ODP areas with multiple land

owners, as road networks, drainage and other infrastructure and development requirements are enforced onto the developer via conditions of subdivision.

Subject to market demand, it also provides the opportunity for a co-ordinated and integrated development to occur in a single stage.

SCHEDULE OF SUBMISSIONS

No.	Name Address	Description of Affected Property	Summary of Submission	Council's Recommendation
1.	Department of Water	N/a	The Department has assessed the proposal and recommends that a Local Water Management Strategy (LWMS) should be prepared to support the proposal. The LWMS should contain a level of information that reflects the site constraints and risk to water resources and a commitment to prepare an Urban Water Management Plan at Subdivision. A LWMS is required to address water management issues, including but not limited to the following: • Wastewater management – expected volumes of wastewater produced, methods of disposal, level of treatment (i.e. final water quality), maintenance of proposed systems. • Non-potable water supply – demonstrate water availability for stock/horses and irrigation of pasture. • Surface water and groundwater management – identify and manage risk of contamination to water resources from proposed equestrian activities.	The applicant has advised that the Department of Water previously advised that a UWMP, not a LWMP, would be required as part of the subdivision process. The issues raised by the Department of Water can be addressed at subdivision stage as this area has been through a rezoning process and has been identified suitable for the proposed rural-residential development.
2.	Danny Platts & Sarah den Haan	Lot 507 North Rd, Burges	i. We are the owners of Lot 507. We are completely separate, private owners of this lot, as distinct to the developer. There is no indication of this on the plan map or plan outline. Are the approval authorities aware of this and does it impact on the process of approval? ii. Due to point i. above, this is not a 'significant landholding under single ownership', as stated in the plan. How, therefore, are our rights and quality of life impacted on in the development process? iii. Quote "the land does not contain any defined water courses" unquote. In fact, the land does contain	i. Applicant was requested to amend the plan to exclude Lot 507 to delineate the ODP area. An amended plan must be received prior to the final ODP being forwarded to the WAPC for final approval. ii. The ODP area will now be delineated and will cover an area owned by a single land owner.

			naturally occurring sub-artesian points and streams, as evidenced by the Topography of the development area on Landgate Maps of the area. This is also evidenced by the extensive bund system across the wider property, obviously used to prevent flooding and erosion and to conserve water run-off from Mt Bakewell. How does the development of road and drainage systems impact on these features and the natural vegetation of the development area (these features are already under significant stress due to over clearing, dumping of rubbish, use of fertilisers and extremely heavy bore water usage to maintain the York Race Course) and what plans are there to implement means of protecting these features? iv. The said development area is surely within the catchment area of the River. What are the results of the studies into how the catchment of the river may be impacted? v. As owners of Lot 507, are we able to view timelines and processes of development and will we be kept briefed on what may occur during the process? vi. What environmental impact studies have been completed for the significant cultural and geographical feature of Mt Bakewell itself? Will access to the 'recreational reserve' mean that significant numbers of people bringing more 'varied forms of recreational pursuits than merely equestrian gain access to this pristine geographical feature (such as BMX, MOTOCROSS, PARAGLIDERS, 4WD)? Experience says that this will not be an aspect that will be controlled or monitored given the already strained resources of the Shire and other agencies. vii. As Mt Bakewell is a central cultural and spiritual feature of the Dreamtime stories of the Balladong and wider Noongar peoples of the South West region of	iii. A UWMP will be prepared as part of the subdivision process and will ensure that any watercourses or other issues will be identified and suitably managed. See comment above. iv. Timelines and processes for development will be governed by the developed that will be requested to keep Council and landowners informed of the process. vi. Environmental studies were completed during rezoning. The conservation lots on the slopes of Mt Bakewell are as a result of these studies. The Mt Bakewell Management Plan has also been adopted to manage Mt Bakewell and any recreational activities. vii. There is no obligation to consult under the Native Titles Act in conjunction with the assessment or approval of the ODP. viii. Bridle trails will be wholly contained on public land, such as verges. ix. In the future, Council will develop an ODP for the Equine Precinct identifying
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			WA, to what extent have the approving agencies, the developer and more importantly the Shire consulted the Elders of these said Indigenous groups to seek information as to how this spiritual area can be both recognised and protected? viii. In relation to 'Bridle Trails'; to what extent will trails be constructed on private property? What are the Laws surrounding this proposal? Surely, as current landowners and residents, we should be informed about the plans? To what extent can landowners be prevented from 'interfering' with Bridle Trails if they exist on their land? ix. In relation to the phrase 'Equestrian Precinct', are the developers and Shire considering all forms of Equestrian, or is the focus on Pacing and Racing Horse trainers and owners? As pleasure riders, we already find that there is an absence of bridle paths, set areas for pleasure riding and access. x. As the plan appears to have decreased Lot sizes further, the aesthetic beauty of this open space will be threatened further. What impacts will a possible 35 lots have on groundwater supplies? What limitations and controls are there on Bores and Bore water use? There is already significant use of this groundwater supply to maintain the York racecourse. Through information we've received groundwater supplies are the jurisdiction of local Shires. xi. As existing landowners currently on mains water supply (which travels to all the water troughs on paddocks throughout the development plan area NOT on our property) to what extent will our water supply be interrupted and/or impacted on before and during the development process? What are the plans for disconnection, re-routing and connection of our mains water supply to not only our residence but to other out-	opportunities for bridle trails and other equine activities catering for all interests. x. The control and use of bores is a Department of Water responsibility. xi. The Water Corporation have been consulted (see comments in no. 4 of this schedule). xii. The developer will be responsible for minimising impacts during the construction process. Council will monitor the situation to manage impacts. xiii. Western Power has been consulted and will be responsible for managing any impacts. xiv. The developers will be requested to notify landowners during works that may impact. xv. Any impact on private property is a private issue between the developer and landowner. All works should be within the development site only, and any entry onto private land should be with prior permission only. See comment above. xvi. The conservation lots will have a building envelope xvii.
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		xii. buildings on our lot? Will the developer incur the costs of this significant work? What plans are in place to protect our privacy, condition of living and exposure to various forms of pollution during the process? Obviously, we are in the middle of the planned development area. xiii. To what extent will our power supply be impacted on during the building/development process? xiv. What plans are in place to protect the well-being of our horses whilst the development process is occurring? xv. To what extent are the developers responsible for any damage that may occur to any part/parts of our property or land? xvi. As the Development plan impacts directly on fencing, current mains water supply and buildings both on our land and the developer's, what plans and laws are existing to proceed with development in a just and efficient manner that is acceptable to both we, as existing landowners, and the developer? How will shared fences surrounding our property be constructed and what cost – sharing and consultation is planned? xvii. What does the term 'Lifestyle Conservation Lots' actually mean in practice? To what extent will the development of these lots impact on the natural environment on Mt Bakewell escarpment? xviii. We currently have right of way access to the original drive way (easement) of the property area. What plans are in place for us, as current landowners, in terms of entry and exit to our property? xix. What quality controls are in place to ensure correct, safe and acceptable development of the road and utility development in and around the planned development?	imposed and no buildings or clearing will be permitted outside the building envelope. xviii. Easements cannot be extinguished without both land owners consent or without direction from a Court. xix. Roads will be constructed to the satisfaction of Council. xx. See comments earlier regarding land ownership. xxi. See comments earlier regarding land ownership. xxii. See comments earlier regarding land ownership. The reference to single ownership is in regards to the construction of the subdivision and eliminates the need for a staging or implementation plan and cost distribution, etc.
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			xx. The Development plan area does contain multiple land owners (more than one). Can the statement; 'It is considered that costs associated with roads, drainage and infrastructure can be adequately dealt with via a sub-division condition on a conditional approval to sub-divide' be specifically clarified? xxi. It needs to be acknowledged, with reference to the new subdivision application (Ref 146943), that our lot, Lot 507, exists within the area planned for development. Surely, with plans for smaller sub-division of lots, we have a right to be considered and notified, as this will threaten the pristine nature of the area. Smaller sub-division will surely, too, threaten the quality and purpose of the planned precinct (most people purchasing land to pursue equestrian activity would need at least 5 acres). Has this been considered by the Shire and relevant authorities? xxii. As current residents and owners within the prescribed area of planned development, the idea of a "Coordinated and integrated development to occur in a single stage" conjures up almost frightening images of mass activity and disruption. It infers significant earthworks and disruption to the landscape and immediate area in question. How can this occur without the clear communication and consultation with us, the only residents in the prescribed area at present? Our submission raises a series of issues for discussion and questions for clarification. We are not opposed to the concept at all, but have a deep concern that the natural essence and beauty of this significant area of York is protected. We also want our privacy, property and quality of life protected too.	
3.	York Racing Inc.	York Racecourse	The Committee of York Racing Inc. fully supports this proposal.	Noted.

4.	Water Corporation	N/a	The Corporation has no objections to the ODP. The following advice is provided in relation to water servicing arrangements and required upgrades. The existing 100mm water main in North Road is connected through a section of smaller (58mm) main which is supplied directly off the main supply to York further to the east. The 2km section of 58AC main serving this area will need to be upgraded by the proponent to a larger main in order to sustain the required level of supply and adequate pressures to be proposed lots. This water supply system can only provide a supply to a maximum ground level of 221m AHD, which will preclude supply to the larger 6-7ha lots. In view of the size of the proposed lots, it is anticipated that wastewater services will not be required.	Noted. Proponent advised of water servicing upgrade requirements previously as part of subdivision application process.
5.	Western Power	N/a	Western Power wishes to advise there are no objections to the above proposal, however, as there are overhead powerlines and/or underground cables, adjacent to or traversing the property the following should be considered, prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.	Noted.
6.	Department of Health	N/a	DoH has no objection to the Outline Development Plan subject to capability of the land to dispose wastewater being demonstrated at subdivision application stage.	Noted.