



## *Scheme Amendment Application*



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## 1.0 Introduction

This Application is made pursuant to Section 75 of the PLANNING AND DEVELOPMENT ACT 2005 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 and is submitted WITHOUT PREJUDICE by Wealth Balance Pty Ltd as trustee for the Cowin Paskett Family Trust the owner of Lots 1 and 2 on Plan D497 (18) Panmure Road, York known as Laurelville.

The Application seeks approval for a *standard amendment* of the PLANNING AND DEVELOPMENT ACT 2005 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 to vary Special Use Zone 7 as specified in the local planning scheme TPS2 in the Town of York from:

SU7	7	Lots 1 & 2 (18) Panmure Road (Laurelville Manor) - AMD 53 GG 20/3/15	Exhibition Centre Guest House Reception Centre Residential	<p>1. Notwithstanding anything else in the Scheme, all development on the site (including change of use) shall be subject to application to the local government for approval to commence development.</p> <p>2. The Local Government shall refer applications for planning consent to the Heritage Council of Western Australia and any other relevant authority for their comments and/or recommendations.</p> <p>3. Applications for planning consent shall be advertised in accordance with Clause 8.3.3 of the Scheme.</p> <p>4. Any application for planning consent for the site shall be accompanied by a site management plan that addresses amenity impacts, including, but not limited to:</p> <ul style="list-style-type: none"><li>▪ hours of operation;</li><li>▪ location of temporary structures;</li><li>▪ noise management (internal and external);</li><li>▪ complaints management procedure;</li><li>▪ traffic and parking management;</li><li>▪ landscaping and screening; and</li><li>▪ public health and safety.</li></ul>
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to:

	No	Particulars of Land	Special Use	Conditions
SU7	7	Lots 1 & 2 (18) Panmure Road (Laurelville Manor)	<ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Reception Centre</li> <li>• Guest house</li> <li>• Restaurant</li> <li>• Exhibition Centre</li> <li>• Shop</li> <li>• Ancillary Tourist Use</li> <li>• All land uses that are permissible within the Residential zone</li> </ul>	<p>The purpose of SU7 is to provide for a tourism facility with accommodation, a reception centre, relaxation services and facilities, and other incidental uses consistent with tourism.</p> <ol style="list-style-type: none"> <li>1. Notwithstanding anything else in the Scheme, all development on the site (including change of use) shall be subject to a development application being submitted to the local government for approval to commence development.</li> <li>2. Development is to be of an appropriate scale and design so as to maintain site amenity and the heritage significance of the manor building.</li> <li>3. A 'Shop' may only be considered for approval where the uses are consistent with the zone purpose, and are ancillary to the predominant use of the site.</li> <li>4. Applications for development approval shall be advertised in accordance with Clause 8.3.3 of the Scheme.</li> <li>5. Any application for development approval for the site may, at the Shire's discretion, be required to be accompanied by a site management plan that addresses amenity impacts, including, but not limited to: <ul style="list-style-type: none"> <li>• hours of operation;</li> <li>• location of temporary structures;</li> <li>• noise management (internal and external);</li> <li>• complaints management procedure;</li> <li>• traffic and parking management;</li> <li>• landscaping and screening; and</li> <li>• public health and safety.</li> </ul> </li> <li>6. The total number of guests for the Reception Centre and Restaurant combined is not to exceed 120 plus staff and contractors at any one time.</li> <li>7. The local government may, at its discretion, impose any conditions it considers necessary to manage amenity impacts.</li> <li>8. Development for Residential purposes shall be assessed in accordance with development standards of the Residential Design Codes of Western Australia that apply to a density coding of R2.5.</li> </ol>

Subject to the amendment also inserting the following definition into the scheme:

**Tourist development** means a building, group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -

- a) short-term accommodation for guests; and
- b) onsite facilities for the use of guests; and
- c) facilities for the management of the development.

## 2.0 Background

The property contains a heritage-listed dwelling that has historically been used as a guest house and as a venue for weddings since the late 1990s. The current owners have operated a 'reception centre' for weddings in accordance with the existing SU7 zoning.

The long term concept for the property known as Laurelville is similar to the iconic Lake House in Daylesford Victoria. The Lake House is a renowned reception centre, cooking school and day spa whose remarkable success and influence has established Daylesford, previously a depressed town in regional Victoria, as a premium spa town 80 minutes from Melbourne. Whilst this has been a thirty year journey for the Lake House, it is with this concept in mind that this Scheme Amendment Application is submitted to the Shire of York.

Diversification of uses as proposed in this application is intended to reduce the reliance on weddings and events with amplified music as the income generating activity of the business and provide a more regular rather than seasonal customer base for the owners. The uses proposed are appropriate for the location and will establish a sustainable business for the owners to maintain and enhance this locally important and historical place.

A Concept Development Plan for the long term development of the property is included as Attachment A.

The weddings and events at Laurelville make a significant contribution to the York economy. Guests stay at local accommodation, dine at local cafes and restaurants, purchase fuel and other sundries at local businesses. Caterers source ingredients from the local butcher and supermarket. The bus is operated by a local driver who also purchases fuel at the local service station. The owners hire local electricians, plumbers, gardeners and handymen and employ local persons as event staff and cleaners.

Comparable to the positive and continuing impacts of the Lake House to Daylesford economy, approval of this application will enable Laurelville to continue to be and increase the positive benefits to the community by continuing to attract outside visitors to York by attracting visitors to York in general and Laurelville specifically.

The purpose of this Application is to set out the relevant town planning considerations, to demonstrate that the proposal satisfies those considerations, and that approval can be granted.

## 3.0 Statutory Planning Context

### 3.1 Tourism Context

#### TOURISM DESTINATION

"A local tourism destination is a physical space in which a visitor spends at least one overnight. It includes tourism products such as support services and attractions, and tourism resources within one day's return travel time. It has physical and administrative boundaries defining its management, images and perceptions defining its market competitiveness. Local tourism destinations incorporate various stakeholders often including a host community, and can nest and network to form larger destinations."<sup>1</sup>

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<sup>1</sup> Ref. UN World Tourism Organisation

### 3.2 National and State Planning Framework - Tourism Planning Guidelines

Destination tourism offerings require significant capital investment. The *Department of Planning Tourism Planning Guidelines* recognises that expensive capital investments take a significant length of time to obtain a return on investment, and recommends consideration of incentives to assist a project being viable. The *National Tourism Planning Guide – a best practice approach* states that active planning measures can help address this issues as well as the provision of incentives through zoning and planning controls. Some examples of incentives include plot ratio bonuses, floors space and height inducements, exemptions from certain requirements, protective zoning and facilitation of mixed use outcomes, such as multi-use sites and venues, are desirable as co-location of attractions with tourist accommodation make for a more feasible development.

The *Department of Planning Tourism Planning Guidelines* also recognises that tourism developments must also be designed primarily to facilitate operational viability – and it is this objective in conjunction with the objective of improving the amenity to the surrounding residential areas that is core to this submission for a change of use.

The Concept Development Plan for Laurelville proposes significant capital investment – primarily, the construction of a purpose built function room which will significantly decrease amenity impacts for surrounding local residents whilst increasing the amenity for visiting users. Justification for this investment can be made if the function room can be multi-purposed as a restaurant when not in use for functions, and can be complemented by attracting additional visitors to a multi-use attraction.

### 3.4 Local Planning Framework – Shire of York Local Planning Strategy

The Shire of York has identified (Tourism) Destination Management<sup>2</sup> as a key element of the Shire of York Local Planning Strategy, with a particular reference to increasing the tourist length of stay.

Tourism as one of the key pillars of the Town's economy and the Shire is committed to ensuring York regains its rightful place as one of Western Australia's pre-eminent tourism destinations. A key objective is to generate economic activity through actions aimed at attracting greater visitor numbers and overnight visitor expenditure growth.

Tourism injects direct expenditure into the York economy, supporting jobs (direct and indirect). Visitor expenditure also supports a range of infrastructure including restaurants, accommodation, transport and retail which actively contribute to sustaining York as a liveable community.

Heritage is also a key pillar of the Shire of York Local Planning Strategy – with the objective stated as 'Recognise the opportunity to protect and preserve the significant heritage values of York and promote new development that integrates and enhances these values'<sup>3</sup>

York's primary attraction for tourists is the heritage architecture of its buildings, constructed mainly over 100 years ago. Notwithstanding these objectives there has been little investment (private or public) in infrastructure of a destination tourism nature in York beyond these heritage buildings.

With the emergence of destination tourism locations and facilities in other areas of Western Australia (Margaret River, the Swan Valley, the Kimberley), and the loss of keynote events such as the Jazz Festival, visitor numbers in York have steadily declined from the peaks of the 1990's. Contraction of the heritage precincts within the town and deterioration of a number of the heritage buildings has seen a further decline in visitor numbers.

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<sup>2</sup> Section 4.5.6 Shire of York Local Planning Strategy

<sup>3</sup> Section 2.3.8 Shire of York Local Planning Strategy

With the exception of the remaining main street heritage buildings, Lavendale Farm (family farmstay attraction), Skydive The Beach and White Gum Farm (microlight flying school), facilities which could be considered as 'destination tourism' attractions within York are limited, making it difficult for York to compete effectively with the attractions of other destination tourism locations and their sophisticated, multi-layered tourism offerings.

The cost of maintaining heritage buildings is significant and thus establishing sympathetic uses for heritage buildings that enables the generation of adequate revenue streams for their upkeep is of primary importance if they are to be preserved for future generations.

The Concept Development Plan for Laurelville is consistent with the Shire of York Local Strategic Plan in that it proposes a destination tourism development of the property that:

- retains the Heritage building as the centrepiece of the property;
- creates a multi-layered, sophisticated destination tourism offering to attract a consistent volume of visitors to York;
- provides for increased length of visitor stays.
- provides attractive, low-key developments that generate the significant income stream required to preserve the heritage buildings and to justify the required capital investment;
- is more compatible with and reduces the overall impact to the existing surrounding residential areas.

### **3.5 Local Planning Framework – Shire of York Strategic Community Plan**

The themes of the Local Planning Strategy above are further reiterated in the Shire of York Strategic Community Plan, as thus:

“A vibrant and inviting agricultural, heritage and tourist town and Shire, and a community that is focussed on and works collaboratively to improve and promote the town and the Shire of York as a destination and wonderful place to live”.

As discussed in the previous section, this application is strongly aligned with these objectives.

### **3.6 Local Planning Framework – Local Planning Scheme (TPS2) Community Plan**

From a planning perspective, the local planning scheme (TPS2) incorporates some local heritage precincts (albeit the scope of the precincts has contracted over time). However, TPS2 does not have any specific tourism precincts. Instead, most tourism facilities have been addressed through the use of Special Use facilities or with approvals (or otherwise) for non-conforming uses (See Appendix 2 Audit of Existing Land Uses in York).

Laurelville currently operates with a Special Use (SU7) zoning within TPS2.

Whilst tourism precincts are likely to be under consideration for a major amendment to the town planning scheme, they are not yet in place and the major amendment is likely to take some time to be approved.

To enable Laurelville to achieve the objectives as expressed in the Concept Development Plan, it will be necessary to address the required zoning changes through this Scheme amendment application for a change to the Special Use provisions currently applied to the property.

## 4.0 Location & Surrounding Uses

The subject land is located on Panmure Road (also known as the Northam-York Rd) approximately 1 kilometre from the York town site on the main tourism and transport route into York from Northam in the Shire of York.

The property is located on a main road subject to use by heavy haulage vehicles mainly carrying grain. Surrounding uses are residential mainly consisting of single dwellings to the north, south and west. To the east are Mt Brown and a Water Corporation installation.

**Figure 1 – Location Plan**



The subject site is identified as Lots 1 and 2 on Plan D497 and has an area of 12,332m<sup>2</sup>, with frontage of 67.39m along Panmure Road. The registered owner of the land is the applicant and operator, Wealth Balance Pty Ltd.

The subject land is characterised by a steep rise in terrain from the frontage at Panmure Road to the rear (although the land has been terraced to provide level building and garden area over an extended period of time).



**Figure 2 – Aerial Photograph**

Note that the rear of the property, shown as bush in Figure 2, has been cleared for use as a car park and now has no remnant bush. Additionally the property to the right of Laurelville, on the boundary of Panmure Rd, has been demolished and is now vacant land with the exception of the rear storage shed, which has been leased by the Applicants for the purpose of storage.

The location of the property, being at the intersection of two main roads providing ingress and egress to the town of York (York-Northam Rd and Great Southern Highway) is ideally suited to a change in use to Tourism.

#### **4.1 Surrounding Uses**

The proposed change of use is expected to increase the use of the site for general tourism related activities and to reduce the reliance of use on outdoor events and thus is expected to improve the amenity of the surrounding residential use properties.

#### **4.2 Town Centre Impact**

As a tourism destination, whilst it is important that York ensures that its Town Centre is revitalised and vibrant, it is also important that York does not depend solely on its Town Centre to create the destination tourism products necessary to attract a volume of visitors. The Town Centre, while having the benefit of heritage architecture, provides little else in the way of destination tourism attractions, since the businesses that occupy the heritage buildings, with the exception of the Court House and the Motor Museum, primarily provide tourism amenities rather than experiences or attractions. Pre-eminent destinations such as Margaret River have recognised the value of nested and multilayered attractions and do not depend on their town centres alone to attract tourists. By incorporating destination tourism attractions such as that proposed in the Concept Development Plan, York can nest and network its attractions to form a multi functional destination preserving a strong heritage and agricultural brand.

Additionally, with the density of the buildings in the limited length and breadth of the Town Centre there are no landholdings with the capacity for development of a destination tourism facility such as has been proposed in this application.

Development of this facility in a non-Town Centre location is not expected to detract from the economic well-being of the Town Centre, or to draw Tourists away from the Town Centre. The experience being offered is significantly different from that in the Town Centre – it is designed as a high end, immersive, luxury experience with a heritage building focal point, whereas the Town Centre primarily provides overnight stays and food plus some heritage attractions. Conversely, it is expected to increase the overall visitor numbers to York since the luxury end of the market is significantly underserved. . More

specifically it is expected to increase those visitor numbers with a higher overall capacity for daily spend, since the intent is to attract visitors seeking a luxury tourism experience who will then also wish to visit the Town Centre to add value to their York visit experience. From this perspective, Laurelvile already provides a significant contribution to the economic well being of the Town Centre of York, as well as to surrounding accommodation venues. The changes proposed in this application seek to enhance that benefit since the further development of the site as a destination tourism facility is expected to provide a consistent and sustainable increase in the number of overnight visitors to York, thus further contributing to rather than detracting from the number of visitors to the Town Centre and complementing rather than detracting from the Town Centre itself.

### **4.3 Alignment with Existing Usage**

An analysis of the contextual setting for the development has been undertaken against an audit of existing land uses in York. Of these, the significant heritage buildings of similar scope to Laurelvile include Faversham House, The Mill and the Old Hospital.

The key elements of the proposed usage are consistent with zonings and usages applicable to these other significant heritage properties.

## **5.0 Servicing**

### **5.1 Roads**

The site is currently accessed from Panmure Road and has two (2) driveways (in and out) that enable egress in a forwards direction, particularly by small rigid vehicles and buses accessing the site. These points of access have been previously approved by Main Roads. No parking is permitted on the verge in accordance with a previous Main Roads recommendation.

### **5.2 Traffic**

Traffic volumes are not expected to exceed the existing peak event traffic volumes, since the proposed changes are designed to increase the spread of visitors rather than the event volume.

### **5.3 Car Parking**

As a guide, car parking requirements have been calculated using the requirements for a restaurant where eating areas requires one space for every 4 seats. There are a total of 50 on-site car parking spaces provided for the use of residents, guest house occupants, guests and event staff as follows:

1. The lower car park, on the northern side adjacent to the lawn – 5 bays including 1 disabled parking bay.
2. The mid-level car park, on the northern side adjacent to the house – 5 bays including 2 disabled parking bays for use by house guests.
3. At the rear of the house – 3 bays for use by house guests or owners.
4. The exit car park, on the southern side of the house – 4 bays for use by owners and staff.
5. The rear car park – 34 bays.

The number of car parks has previously been deemed sufficient for the existing uses. No additional car parks are currently required.

A Traffic Management Plan has previously been prepared, submitted and accepted by the Shire. No additional Traffic Management requirements should arise from the proposed changes, as the changes are designed to increase the spread rather than the point in time volume of traffic.

### **5.4 Power**

Existing services are adequate to service the development.

### **5.5 Water**

Scheme water is available to the site and is sufficient to cater for the needs of the development.

### **5.6 Communications**

Existing services are sufficient to cater for the development.

## 5.7 Effluent Disposal

The site is serviced by on-site sewage management systems (i.e. septic tanks) that are sufficient to cater for the existing residential, guest house and event uses. Any future accommodation developments will require approval of additional on-site waste management services.

## 6.0 Heritage

### 6.1 Heritage Listing

Laurelville is a private property and is not on the national or state heritage lists. It is however listed on the Shire of York's Municipal Heritage Inventory as a Category 3 place.

Although the original building was built in 1896 various additions and alterations following in the early 1900s and mid-1980s have altered the original building and therefore the authenticity of the place, hence the level of heritage listing.

When the property was acquired over 5 years ago by the current owners the building and gardens were in disrepair. Since that time the building has been refurbished and the gardens have been revitalized to the extent that scores of trees and over 1,500 rose bushes have been planted. An extensive landscape plan has been developed and is being progressively implemented. In 2011 Tourism WA rated Laurelville in the top 10 luxury experiences in Western Australia.

As a private property (currently open at the owner's discretion and by appointment only), the owners are not obligated to provide public access or visibility to the grounds or house. Notwithstanding this Laurelville recognises from a business and a general tourism perspective there is a benefit in establishing Laurelville as an iconic, historical property. With the main building set back from the road by a considerable way, viewing is only practicable on-site. The greater benefit is in attracting local people and general tourists to the town and onto the property itself, thus being able to experience the building and grounds first hand.

The conditions of the Special Use Zone 7 require planning approval for any development, including change of use, and that comments/recommendations from the State Heritage Office must be sought by the local government.

A Heritage Impact Assessment has been prepared to support the application for planning approval in accordance with the State Heritage Office Guidelines.

### 6.2 Heritage Impact Assessment

*The following aspects of the proposal respect or enhance the heritage significance of the place or area, for the following reasons:*

The development proposal will provide a long-term sustainable use for the building without any permanent impact to the fabric of the structure. It is imperative that heritage buildings have a use to provide security of income to enable the owner to carry out required maintenance, and eventually improvements to the place.

The current owners of Laurelville have spent significant funds in restoring the place to enable it to be used as a Guest House and as a venue for functions. However, the maintenance costs associated with such a large and historic dwelling are substantial.

With respect to heritage, the owners have a policy that respects the heritage value of the property and to make the property available to local and general tourist interest groups at the same time valuing the owner's privacy. Laurelville will acknowledge and work with local heritage groups to align points of mutual interest. As a matter of policy Laurelville will always consider and consult on heritage aspects when developing business proposals and plans.

In order to promote the heritage aspects of the property, access to the property and grounds to local and out-of-town heritage interest groups is on an appointment only basis, which will cater for genuine heritage interest and at the same time protect the owner's privacy.

To achieve this, the owners organise formal open days, afternoon teas, arranged tours, functions and continue to operate as a bed and breakfast.

The owners of Laurelvilla aim to promote the heritage aspects of the property and provide a sustainable use that will generate income to maintain the property by operating a 'guest house' and 'reception centre', which includes activities such as private functions and events; bed and breakfast stays; open days and afternoon teas for local and out-of-town tours (e.g. York Society see attached sample invitation, RAC Bus tours); and open days and afternoon teas for interest groups (e.g. Garden Clubs).

A gallery is proposed as part of the future development of the site that will be complementary to the existing uses and provide a place for local and visiting artists to display their works.

York is a town where a growing section of its economy is being invested in heritage tourism. Approval of the proposed changes will provide an adequate income stream that will enable Laurelvilla to continue to provide input into this section of the economy.

Previous consultation with the State Heritage Office indicated that they were supportive of the use to generate income to maintain the property to a high standard. They also supported the additional exposure the property and York receiving as a result of attraction of tourists to the property.

## 7.0 Conclusion

The Concept Development Plan accompanying this Application provides a long term vision for the property that demonstrates that it will increase visitor numbers to York whilst having minimal negative impact on surrounding amenity or traffic.

Use of the land in the manner proposed is considered to be consistent with the objectives and future direction of the Shire of York's Local Planning Strategy. Community Strategic Plan and Town Planning Scheme, the Department of Planning's Tourism Planning Guidelines and the National Tourism Planning Guide – A Best Practice Approach.

It will not detract from or compete with but rather enhance visitor numbers to the Town Centre by targeting an under serviced segment of the tourism market – those seeking a high end, luxury experience. Attracting high spending visitors will further contributing to the revitalisation of the Town Centre as these visitors will seek to complement their stay with the enjoyment of the architecture and amenities of the Town Centre.

It will further provide amenities that will enhance the lifestyle of York residents, making York a more desirable place to live.

The location of the property, being already surrounded by other tourism accommodation venues on the junction of main roads into and out of York means that it is ideally suited to a tourism zone.

The proposed uses will reduce the noise impacts to surrounding residential properties compared with the existing venue usage.

The key elements of the proposed usage are consistent with Special Use zonings already granted to other significant heritage properties in the area.

The proposed use of the land will not affect the residential or heritage character of the area and will provide a sustainable use for a significant historic property.

The proposed use will increase the exposure of one of York's key heritage properties and will provide an much needed destination tourism venue to attract additional visitors to York..Heritage tourism is an important part of York's economy and this venture through recognition such as by Tourism WA as one of WA's Top 10 Luxury Tourism experiences in 2011 is contributing to York's increasing profile as a heritage tourism destination.

Approval of the Application pursuant to the provisions of the Shire of York Town Planning Scheme No. 2 is therefore considered appropriate.

## **Attachment A – Concept Development Plan**

# Laurelville

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## Concept Development Plan



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# Laurelville

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*"The collective consciousness of a development resides in the continuity of its built environment. The instant precinct lacks charm. In an urban context, the thread of past occupation gives character and delight."*

Set on the side of Mt Brown in York and overlooking the Avon Valley, Laurelville is an intimate, romantic Edwardian manor that is part estate and part home away from home.

The long term concept for the property known as Laurelville is similar to the iconic Lake House in Daylesford Victoria. The Lake House is a renowned reception and function centre, restaurant, cooking school and day spa whose remarkable success and influence has established Daylesford, previously a depressed town in regional Victoria, as a premium spa town 80 minutes from Melbourne. Whilst this has been a thirty year journey for the Lake House, it is with this concept in mind that future development of Laurelville is proposed.

Diversification of uses is intended to enhance reputation of Laurelville as a destination in its own right (that is, visitors will come to Laurelville itself and then spill over to York rather than to York and then to Laurelville); to reduce the reliance on weddings and events with amplified music as the income generating activity of the business; and to provide a more regular rather than seasonal customer base. The uses proposed are appropriate for the location and will establish a sustainable business for the owners to maintain and enhance this locally important and historical place.

The weddings and events at Laurelville make a significant contribution to the York economy. Guests stay at local accommodation, dine at local cafes and restaurants, purchase fuel and other sundries at local businesses. Caterers source ingredients from the local butcher and supermarket. The bus is operated by a local driver who also purchases fuel at the local service station. The owners hire local electricians, plumbers, gardeners and handymen and employ local persons as event staff and cleaners.

Comparable to the positive and continuing impacts of the Lake House to Daylesford economy, further development will enable Laurelville to continue to be and increase the positive benefits to the community by continuing to attract outside visitors to York by attracting visitors to York in general and Laurelville specifically.

When the temporary approval was issued by Council it was on the understanding that the use would be on a trial basis to enable the owners, community and Council to determine if the use was appropriate. The trial has provided the owners the opportunity to fine tune their operation and management of the premises and the gazettal of Scheme Amendment 53 has confirmed the appropriateness of use by affording land use permissibility.

The longer term vision is to create Laurelville into a small luxury hotel of 35 rooms, suites and villas, with a ten treatment area Day Spa and a beautiful function and event room that can seat 150 people as well as housing a demonstration kitchen for Masterclasses with some of Australia's top chefs and

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a cellar houses up to 10,000 bottles. The restaurant will be the "beating heart" of the property. It will nail the sweet spot between formality and country hospitality, in a beautiful light and airy space overlooking the gardens filled with local greenery, flowers and artworks. It will be capable of serving up to 100 covers at a time complemented by a private room and aperitivo deck. The outdoor gardens will also be filled in warm weather with many more guests enjoying good food and wine. Investment funds permitting, additional land could be acquired to construct a lake and surrounding amphitheatre at the foot/on the side of Mount Brown.

**1. Stage 1 Manor Accommodation**

Just 90 minutes from Perth Laurelville has a small number of refined and private rooms. It is sited on a 3 acre estate where ancient peppercorn trees and over one thousand roses grace the grounds. Elegant furnishings, luxurious fabrics and linens and fresh flowers invite guests to relax. Friendly but unobtrusive staff share a dedication to providing a very high level of service.

**2. Stage 2 Lawn/Marquee Functions**

Laurelville currently has Shire approval for functions of up to 120 persons. Due to current infrastructure limitations these are currently mainly marquee functions conducted on the front horseshoe shaped lawn, however small functions of up to 42 persons (seated banquet style) can be accommodated in the back guest lounge.

Additional work is required to finalise noise management procedures for marquee functions, with the longer term objective being to phase out marquee events replacing them with a purpose built function room or with alternative services that will replace the revenue currently generated by these events.

**3. Stage 3 Gift and Produce Gallery**

Relocation of the office from inside the manor will allow the office space to be utilised for a small gift and produce gallery – initially for in-house guests only. Scheduled date 2016.

Gifts: Linens, luxury robes and nightwear, skincare.....

Produce: Small Laurelville produce eg Lemon Butter and Tomato Chutney

Local olive oils etc

**4. Stage 4 Intensify front garden development**

Intensify grounds planting in front gardens to enhance gardens as a focal point and ensure maturity of plantings in time for later stages of development.

**5. Stage 5 Major Cost Reduction and Efficiency Program:**

The three most significant variable costs for Laurelville are interest, water and power costs.

Sustainable water management.

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Changing the supply of water for garden maintenance purposes from scheme water to ground water could reduce water costs by at least 20%. Laurelville has an existing bore and pump so no outlay is required to implement this strategy. The costs to pump the water are much less significant than the cost of the water itself, so that even though the power costs would rise this would be less than the water use savings so a program of using partial ground water needs to be implemented.

Sustainable power management.

Similarly, solar power could be utilised to reduce power costs. This however will require a capital investment of approximately \$30,000. Funds are not currently available for this but it may be possible to obtain a finance package through a solar power supplier that will make this a viable option.

Scheduled date 2016-2017.

Loan refinancing or reduction.

The highest outlay for Laurelville is interest. There is significant scope to reduce costs by re-financing the existing Laurelville business loan/s (this would require a change of bank), and or reducing the size of the loans through an injection of capital (this would require sale of other assets by the owners).

Scheduled date 2016-2017.

Food/grocery deliveries.

The local supermarket (IGA) does not always have the quality and range of foods that meet the required standard for Laurelville. Food and groceries are therefore mainly sourced from Coles in Mundaring. The time and cost to source these from Mundaring are significant and if there is a reliable and cost effective delivery alternative this would be of significant benefit to the efficiency of operations at Laurelville.

Scheduled date 2016-2017.

#### **6. Stage 6 Small Executive Corporate Conferences:**

Laurelville is ideally suited for small executive corporate conferences providing exclusive venue use and personalised service a short distance from Perth. Corporate Conferences will increase mid-week occupancy and are a low-impact/high revenue form of in-house function which simply require packages and marketing. Scheduled date 2016.

#### **7. Stage 7 Day Spa with Outdoor Bath and Vichy Shower:**

Spa therapy rooms can be established in the cottage allowing for the establishment of both beauty and medi spa services – initially exclusive to in-house guests, onsite availability of a treatment at the spa will heighten the already relaxing surrounds of the estate. Scheduled date 2016.

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#### **8. Stage 8 Classes and Small Luxury Events Schedule**

An annual schedule of classes and other small luxury events to complement accommodation services to be a significant focus:

- high teas
- house parties
- dinners
- classes for art, flower arranging, garden design, rose pruning, calligraphy
- cooking school
- health and medi-spa weekends.

Scheduled date 2016.

#### **9. Stage 9 Liquor License**

This will enable an increase in revenue for the same service for functions. Scheduled date 2016.

#### **10. Stage 10 Additional Hire Services**

Laurelville has extensive function and styling resources. Additional revenue can be achieved by hiring the styling resources to existing Laurelville wedding clients (these resources are currently provided free of charge) and by hiring all resources to external hirers when not in use at Laurelville. Scheduled date 2016.

#### **11. Stage 11 Bathrooms Upgrade**

Create a new bathroom on the upstairs balcony, this will create an additional room available for guest accommodation.

Create a new private bathroom in the private veranda room, this will release the billiard room bathroom for guest use only.

#### **12. Stage 12 Extend Grounds Upgrade**

Extend gardens so that given the opportunity to explore the grounds, guests will come upon the Kitchen Garden planted out with herbs and edible flowers. Orchard areas extended to include the citrus walk, figs, stone fruits and quince. Planting of trees in rear car park. Construction of front boundary wall. Verge planting with white jacarandas and magnolia under planted with variegated jasmine. Scheduled date 2017.

#### **13. Stage 13 Purpose built function room/restaurant/spa/restrooms:**

This will be a major capital investment that will extend the operating season for functions (currently limited largely to Autumn and Spring due to weather), reduce noise impacts on surrounding areas, reduce operating costs for functions (by eliminating the full set up and strip down components

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currently required for each function), enhance the facilities available for functions, reduce reliance on weddings and enable the opening of the restaurant, purpose built cooking school and spa. It is at this point that Laurelville becomes a comprehensive destination tourism location in its own right.

Scheduled date TBA subject to financial viability analysis and Shire development application approval.

**14. Stage 14 – Significant roads and gardens upgrade:**

Fountain works, sealing of access roads and car parks and exterior walls undertaken in conjunction with major capital works to establish Laurelville's gardens as a major attraction.

Scheduled date TBA subject to financial viability analysis and Shire development application approval of Stage 13.

**15. Stage 16 – Managers Residence:**

Develop a separate manager's residence to provide separation of business and personal space.

Scheduled date 2020.

Scheduled date TBA subject to financial viability analysis and Shire development application approval of Stages 13, 14 and 15.

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***SY137-11/16 - Scheme Amendment No. 54 – Request for Amendment to Special Use Zone No. 7 (Laurelville Manor)***

**FILE REFERENCE:** PS.TPS.54  
**APPLICANT OR PROPONENT(S):** P Cowin & S Paskett  
**AUTHORS NAME & POSITION:** Carly Rundle, Senior Planner  
**PREVIOUSLY BEFORE COUNCIL:** No  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** A – Scheme Amendment Documentation

**Nature of Council's Role in the Matter:**  
 Quasi-judicial.

**Purpose of the Report:**

A Scheme Amendment request (Received on 2 November 2016) to Shire of York Town Planning Scheme No.2 has been received seeking to:

- Modify text associated with Schedule 3 - Special Use Zone No.7 (SU7); and
- Insert the land use definition of 'Tourist Accommodation' as outlined in the Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* into Schedule 1 – Interpretations.

The intent of the proposal is to modify SU7 text to include a number of additional tourist orientated land uses, as well as requesting a reinsertion of the land uses 'Restaurant' and 'Tourist Accommodation'. Both of these land uses were previously supported on the property by Council as part of Amendment 50 and 53, although removed via modification by the Minister prior to gazettal. The associated conditions of the SU7 have also been updated to reflect the additional land uses and align with current planning practice.

A copy of the Scheme Amendment report submitted by the applicant is attached at **Appendix A**.

Council is requested to consider whether to initiate the scheme amendment as outlined in **Appendix A**; determine the amendment type via resolution; to request permission from the Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC) to advertise the proposed scheme amendment; and following receipt of permission to advertise, publically advertise the proposed scheme amendment.

Following advertising, a further report will be put to Council to resolve whether to finally adopt the proposed scheme amendment.

**Background:**

Lots 1 and 2 (Hse 18) Panmure Road, York (referred herein as the property) are located approximately 1km east of the York Town Centre and accessed directly from Panmure Road, located in proximity to the intersection with Balladong Street (both under the control of Main Roads Western Australia).

The property contains an existing dwelling (Laurelville Manor), which is located over Lots 1 and 2 and is listed on the Shire's Municipal Heritage Inventory as a Category 2 heritage building.

The property is currently zoned Special Use, with reference to Special Use No. 7 (Laurelville Manor) on the Scheme Maps by Shire of York Town Planning Scheme No.2 (Scheme).

Clause 3.4 of the Scheme relating to Special Use zones, outlines that they are to be used in accordance with the purpose set out in Schedule 3, and subject to any conditions specified with respect to that land. Schedule 3, relating to Special Use No. 7 (SU7) currently identifies the following land uses as able (subject to the granting of planning consent) to be carried out on the property; 'Reception Centre', 'Exhibition Centre', 'Guest House' and 'Residential'.

The SU7 zone associated with the property was initially proposed as part of Omnibus Scheme Amendment No. 50 prepared by Officers, initiated by Council 19 November 2012 and finally adopted by Council 15 April 2013. Omnibus Scheme Amendment No. 50 was delayed pending the outcome of the proposed Allawuna Landfill and is currently yet to be gazetted. To assist with ensuring timely approval for affected landowners, the Shire then created a separate Scheme Amendment No. 53 which progressed four rezoning proposals, formerly contained in Scheme Amendment No. 50.

Scheme Amendment No. 53 in relation to Lots 1 & 2 (18) Panmure Road, York (Laurelville Manor) proposed a rezoning of the property from 'Residential' with a density coding of 'R2.5' to 'Special Use No. 7' which would allow for a range of tourist orientated land uses to be operated on the property (subject to the issuing of planning consent). At the time of the proposed amendment the property was already approved for use as a residence, bed and breakfast, lodging house and reception centre approved on a temporary basis for weddings.

The amendment was supported by Council, with the intent to:

- Identify existing land uses on the site within the Special Use zone to facilitate orderly and proper planning within the Shire;
- Identify further land uses to be listed in the Special Use zone which would complement the existing tourist related uses occurring on the site and which would be consistent with maintaining the amenity of surrounding residential land uses;
- Allow tourist orientated land uses similar to the Special Use zones for Faversham House and the Old York Hospital; and
- To support the protection and sustainability of heritage places, which are heavily reliant on the financial capability of the landowner to maintain and develop the place. It was intended that the rezoning and introduction of tourist orientated land uses would assist with the conservation of the building.

Council resolved to adopt Scheme Amendment No. 53 at ordinary Council Meeting 15 September 2014, with the amendment relating to this property as follows:

"Inserting 'Special Use Zone No. 7' as follows to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU7	7	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	<p>All development (including change of use) shall be subject to application for planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).</p> <p>The Local Government may refer applications for planning consent to any relevant authority for their comments and/or recommendations.</p> <p>Applications for planning consent will be advertised for a minimum period of 14 days.</p>

				<p>When assessing an application for planning consent, in addition to the provisions of Clause 8.5 of the Scheme, the Local Government will also give consideration to the following issues;</p> <ul style="list-style-type: none"> <li>• Hours of operation;</li> <li>• Impact to amenity; and</li> <li>• Traffic and parking management.</li> </ul> <p>Prior to determining an application for planning consent, Council will require comments from the Heritage Council of Western Australian, and that an approved conservation plan be in place for the building.</p>
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The adopted Scheme Amendment was sent through to the WAPC for review, and the amendment was approved by the Minister for Planning subject to modifications. The modifications included the removal of the land use 'Restaurant', and amended land uses, such as 'Short Term Accommodation' to 'Guest House' which in effect has changed what developments can occur on site, other than what was originally intended by the applicant.

It is understood that the removal of these land uses by the Minister was based on the following rationale:

- Concerns regarding the impact of land uses on residential amenity of surrounding landowners;
- Over-intensification of development on site, and potential impact on amenity; and
- The potential for the 'Restaurant' land use to detract from the town centre.

Scheme Amendment No. 53 was gazetted to form part of the Scheme on March 20, 2015 and the final version of SU7 is contained within **Appendix A**.

It is the applicant's intent in respect of this proposed scheme amendment to now request the reinsertion of the land uses of 'Restaurant' and 'Tourist Accommodation' addressing concerns raised as previous reasons for removal by the WAPC and inserting further ancillary tourist uses that would ordinarily be appropriate on a tourist orientated site, although not able to be considered due to the current restrictive nature of the SU7 zone. The associated conditions have also been updated to reflect current planning practice.

#### **Comments and details:**

The purpose of the amendment is to allow a wider range of tourist orientated land uses to be considered on the property.

The amendment involves inserting a number of land uses which were previously supported by Council as part of Amendment No. 50 and Amendment No. 53 such as Restaurant and Tourist Accommodation (previously referred to as Short Stay Accommodation) to be included as part of Special Use No.7 and inserting a number of ancillary tourist uses. The proponent has provided further justification within the Scheme Amendment documentation and within SU7 provisions to address concerns raised by the Commission during Amendment 53.

The introduction of the SU7 zone on the site was previously supported by Council to facilitate the development of tourist orientated uses on site and the current proposed amendment is essentially a re-application to insert provisions that weren't supported at a WAPC level. It is considered that the Shire's reasons (listed above) for supporting the introduction of these land uses has not changed. The introduction of further ancillary tourist uses is also considered complementary to existing and proposed land uses on site and is appropriate.

The location of the proposed land uses within a predominantly residential area will however, require additional consideration at the development application stage to ensure that development does not have a detrimental impact on the amenity of adjoining landowners or the locality (which may be done through conditions on operation and management plans) and is of an appropriate scale so it does not detract from the heritage values of the property. These considerations for development have been clearly outlined as relevant considerations to be assessed and managed through the development application process.

Council should note that the reason for the proposed amendment is also linked to the conditional approval of the 'Reception Centre'. Due to its operation in close proximity to adjoining dwellings, it was a condition of approval that an acoustic report, noise management plan and complaints procedure be prepared and implemented to manage noise at a level which will maintain amenity of adjoining landowners. The Management Plan was approved at Ordinary Council Meeting 27 June 2016.

Whilst the proposed amendment will not remove any requirement for the 'Reception Centre' to comply with the approved Noise Management Plan or requirement for existing or future land uses on the site to comply with the Environmental Protection (Noise) Regulations 1997, the proponents have suggested that the proposed scheme amendment, (which will provide more flexibility with regards to tourist orientated uses) would mean they are able to diversify and place less reliance on the holding of reception events. The ability to operate a restaurant (albeit subject to receiving planning consent) would also make the proposal to construct a purpose built function room more feasible to the proponent. The purpose built function room was identified as a long term structural measure in the approved Noise Management Plan, which could assist (through design) in containing noise emissions from reception events, providing more certainty of compliance with the Noise Regulations, improve amenity of adjoining landowners (from noise) and potentially place less reliance on the current management measures of the Noise Management Plan.

On this basis Officers are supportive of the proposed scheme amendment and recommend Council initiates the scheme amendment process.

#### **Implications to Consider:**

##### **Consultative:**

Standard scheme amendments are required to be advertised for public comment for a minimum period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The public advertising period commences once the scheme amendment has been initiated by Council, consent to advertise is received from the EPA and WAPC, and a notice is published in local press.

Following advertising of the proposal, a further report, outlining any submissions received will be presented to Council to consider.

##### **Policy Implication:**

The proposed Scheme Amendment is not affected by an existing planning policies and will not result in any policy implications for the Shire.

##### **Financial Implications:**

The applicable fees for Scheme Amendment applications are outlined in the *Planning and Development Regulations 2009*. On receipt of a request for a Scheme Amendment, the local government may impose a fee for processing the amendment by giving the applicant an estimate in a specified form of the hours that it anticipates will be spent by staff dealing with the request, and the total fee (i.e based on an hourly rate) for dealing with the request. The hourly rate is to be determined by the local government and the maximum hourly rate specified within the Regulations.

Any monies paid by the applicant, not expended at the end of the amendment process would be refunded to the applicant. In accordance with Schedule 3, and based on the maximum hourly rate in the *Planning and Development Regulations 2009* (the Regulations), the estimated fee would be approximately \$1,665 (exclusive of advertising fees etc). Section 49 of the Regulations provides that costs and expenses incurred by the local government in providing that service are payable by the applicant, which will involve direct costs such as public advertising in a newspaper.

The proponent has requested that no fees be imposed for the processing of the Scheme Amendment application. Legislative power not to impose a fee is provided for in the Regulations and Section 6.47 of the *Local Government Act 1995*.

*Planning and Development Regulations 2009*

*52. Local government may waive or refund fee*

*A local government may waive or refund, in whole or part, payment of a fee for a planning service.*

*Local Government Act 1995*

*Section 6.47 Concessions*

*Subject to the Rates and Charges (Rebates and Deferrals) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive \* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\*Absolute majority required*

This is the third Scheme Amendment application by this applicant being progressed with the intent of inserting the land uses of 'Restaurant' and 'Tourist Accommodation'. Both previous scheme amendment proposals relating to this property were considered and supported by Council and the above key land uses removed via modifications by the Minister of Planning. Given that this proposal is essentially a re-application of the previous amendments, it is considered that there is merit to support the request not to impose application fees, in this instance only. This would provide the applicant the ability to further justify the proposal and address the concerns raised by the WAPC during the previous amendment. However, it is recommended that the applicant be required to meet direct costs (as specified within section 49 of the Regulations) that would be incurred by the Shire to progress the amendment, such as advertising costs.

Council should however note that both previous Scheme Amendments were created and initiated by the Shire on behalf of private landowners and did not involve the payment of fees at previous stages. Officers consider this is a unique situation given the previous applications made and are therefore recommending Council does not impose fees relating to the charging of Officers' time in this instance.

Officers are proposing that standard planning processes should be followed in the future whereby the applicant prepares the amendment document. This would mean the Shire would no longer prepare the documentation and initiate amendments to the scheme on behalf of private applicants as is standard practice in most local government authorities.

**Strategic Implications:**

The proposal is broadly consistent with the objectives of the Shire of York Strategic Community Plan, and in particular:

Theme 2: A Leader in Cultural Heritage and Environment

To be a place which is renowned for its cultural heritage and the quality of its natural environment and for the care taken by the community of both

### Theme 3: Driving the York Economy Forward

To have a vibrant, diverse and prosperous local economy which is sustainable in the long term, makes sustainable use of its natural and built heritage and community assets and delivers benefit in the form of local jobs, business opportunities and a positive image for the Shire.

The proposed amendment is also considered consistent with the Shire of York Local Planning Strategy. Although the creation of tourist sites associated with heritage buildings is not addressed in detail in the Shire of York Local Planning Strategy, it is considered that the proposal is broadly consistent with the long term objectives and strategies of the Shire which place an emphasis on:

- encouraging and promoting viable tourism that is complimentary to the character of the Shire and compatible with the lifestyle and aspirations of the community; and
- protecting and preserving the significant heritage and cultural values of the Shire and promote new development that respects, integrates and enhances these values.

### Legal and Statutory

Proposals to amend a Town Planning Scheme are required to be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proposed Scheme Amendment report will need to be referred to the Environmental Protection Authority (EPA) and Western Australian Planning Commission for consent to publicly advertise the proposal. Once received public advertising is required to be undertaken for a period of 42 days.

Once public advertising has concluded, a report with a schedule of submissions will be presented to Council for consideration, and should Council resolve to finally adopt the scheme amendment, the documentation, together with the schedule of submissions and Council's resolution is required to be referred to the Western Australian Planning Commission for its endorsement and to the minister of Planning for final approval and gazettal.

The Shire is required to identify via resolution the amendment type in accordance with Clause 34 of the Regulations. It is considered that the amendment is consistent with the definition of a standard amendment as it is:

*(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

*(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

*(g) any other amendment that is not a complex or basic amendment.*

Preliminary consultation with the WAPC has indicated that the proposed amendment would be classified as a 'standard' amendment.

### Risk related

The main risks associated with the proposal are related to the potential impact on amenity of adjoining landowners. It is considered that all land uses could be operated on the site in a manner which would maintain the amenity of adjoining landowners, and can be managed through the development application process.

### Voting Requirements:

**Absolute Majority Required:**            Yes

**RESOLUTION  
021116**

**Moved: Cr Randell**

**Seconded: Cr Ferro**

***That Council:***

1. *In accordance with the Planning and Development Act and the Planning and Development (Local Planning Schemes) Regulations 2015, initiates and adopts for the purpose of public advertising Scheme Amendment No. 54 to the Shire of York Town Planning Scheme No. 2 by amending Scheme text in the table under Schedule 3 – Special Use Zone at No.7 under the column headings of Special Use and Conditions columns; and inserting the definition of 'Tourist Accommodation' in Schedule 1 - Interpretations of the Scheme; as depicted on page 4 of the scheme amendment report in Appendix A.*
2. *Determines that Scheme Amendment No. 54 is a 'standard' amendment under clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
  - (a) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
  - (b) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
  - (c) any other amendment that is not a complex or basic amendment.*
3. *Requests the CEO to:*
  - (a) Refer a copy of the proposed Scheme Amendment Documentation outlined in Appendix A to the Environmental Protection Authority and Western Australian Planning Commission for consent to advertise.*
  - (b) Subject to formal assessment not being required by the Environmental Protection Authority (EPA), refer a copy of the proposed Scheme Amendment Documentation to relevant public authorities for consideration and comment, and publicly advertise the proposal over a submission period of not less than 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*
4. *Not impose an application fee in respect of Scheme Amendment No.54, with the exception that the applicant be required to pay direct costs incurred by the Shire in accordance with section 49 of the Planning and Development Regulations 2009."*

**CARRIED: 6/0  
WITH ABSOLUTE MAJORITY**



## SCHEDULE OF SUBMISSIONS

### Scheme Amendment No. 54

No.	Name	Date Submission Received	Property Affected	Summary of Submission	Officer's Comment
1.	Western Australian Planning Commission	23 Jan 2017	N/A	Acknowledgment letter, and checklist sent through for when Scheme Amendment is formally referred to the WAPC for consideration.	Noted.
2.	Telstra	24 Jan 2017	N/A	No objections.	Noted.
3.	Department of Water	31 Jan 2017	N/A	No comments to provide	Noted.
4.	Water Corporation	1 Feb 2017	N/A	<p><u>Water</u> Reticulated water is currently available to the subject Lot, and is supplied from a 25mm water metre located on Lot No.2. The proposed increase in the use of groundwater as outlined in the application is supported.</p> <p><u>Wastewater</u> Reticulated sewerage is not immediately available to serve the subject Lot. The increase in on-site disposal will need to be approved by the local authority and the health department.</p> <p><u>General Comments</u> Building works associated with this proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p>	<p>General information for development.</p> <p>Noted.</p>
5.	Main Roads WA	3 Feb 2017	N/A	<p>Support the proposal subject to the following:</p> <ol style="list-style-type: none"> <li>We note that the proponent presently has access to MRWA network and the current land use has been considered as not having a major impact on our network. The potential impacts of entering and exiting vehicle movements to and from the site via dedicated access/egress ways on high traffic needs to be carefully considered in the event of any future development on the site.</li> <li>Given the significant number and type of anticipated vehicle movements using the proposed accesses, MRWA will require the development to undertake a Traffic Impact Statement (TIS) to define the necessary access improvements that will be required to safely accommodate the requirement vehicle movements.</li> <li>Applicant will be required to update and reconfigure current accesses to the satisfaction of the MRWA to facilitate safe entry/exit movements depending on the outcome of the TIS.</li> </ol>	<p>Noted.</p> <p>The requirement for a Traffic Impact Statement will be assessed at the time of development and using guidance of the Transport Impact Assessment Guidelines (August 2016) prepared by the Department of Planning.</p> <p>In accordance with these guidelines, scale, size and anticipated vehicular movements are the guiding factors as to what level of information is required to support a proposal. It is considered that access will be able to be appropriately managed and planned at the development stage and is already listed as a requirement of the special use provisions to address traffic and parking management. No further provisions regarding the level of information for traffic are recommended to be specified within the Special Use conditions.</p>



## SCHEDULE OF SUBMISSIONS

### Scheme Amendment No. 54

				4. All design drawings and details for the access improvements shall be completed and submitted to MRWA for review and approval.	
6.	Department of Aboriginal Affairs (DAA)	7 Feb 2017	N/A	<p>There are no known Aboriginal heritage places within Laurelvile Manor, and based on the information held by DAA no approvals under the Aboriginal Heritage Act 1972 (AHA) are required.</p> <p>Recommended that the proponent takes into consideration the DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments associated with development proposals, which have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present.</p> <p>1. Waste Supply and Waste Water Disposal The proposed development is required to connect to scheme water, reticulated sewerage and be in accordance with the draft Country Sewerage Policy. The proponents should be advised that approval is required for any onsite waste water treatment process (by DoH of local government) with such proposals being in accordance with DoH publications.</p> <p>2. Food Act Requirements All food related aspects to comply with the provision of the Food Act 2008 and related code, regulations and guidelines.</p> <p>3. Health Act Requirements All public access related developments (conference facilities, function rooms, etc) to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911, related regulations and guidelines and in particular Part VI – Public Buildings and the Aquatic Facilities regulations (Spa facilities).</p>	<p>Noted.</p> <p>The draft Country Sewerage Policy (2003) provides Department of Health guidance on the provision of water water disposal. It requires reticulated sewer to be provided for all subdivision or development, except where certain discretionary provisions may apply. Discretionary provisions are listed for commercial developments, except for towns listed in Schedule 1 which represents those where a reticulated sewerage connection is available. Schedule 1 includes the York townsite and the draft policy therefore recommends provision of a reticulated sewer service as outlined by DoH.</p> <p>A reticulated sewerage service is approximately 260m from the property, and 370m if the service were to be extended to the property via the public road network only. The requirement for extension of the reticulated sewer for further development is likely to be cost prohibitive making further development on the site unfeasible. It is also considered that the draft policy does not reasonably recognise that only a small portion of the York townsite is actually connected to reticulated sewer and that discretionary provisions should apply to other sections which cannot reasonably connect.</p> <p>The Shire's Environmental Health Officer has provided that the property is capable of achieving further development as contemplated by the scheme amendment through the provision of an onsite effluent system (although will require further consideration in terms of scale at the development application stage). It is also noted that the recently released draft Government Sewerage Policy 2016 for comment on behalf of the DoH, Department of Planning and Department of Water lists exemptions that can apply to development applications and non-residential subdivision and allows for these types of developments to be assessed on a case by case basis.</p> <p>Food and Health related requirements will be addressed at the development stage.</p> <p>A site was conducted to view existing vegetation and slope in proximity to the site and potential locations for further development. It is considered that development can occur on the property in a manner that will avoid any increase</p>
7.	Department of Health	21 Feb 2017	N/A		
8.	Department of Fire and Emergency	27 Feb 2017	N/A	Acknowledges that the primary purpose of the amendment is the rationalisation of future tourist development at this site. Whilst the proposal outlines development intent, which represents an	



## SCHEDULE OF SUBMISSIONS

### Scheme Amendment No. 54

	Services (DFES)			intensification of land use, no spatial planning has been undertaken and therefore the bushfire risk cannot be understood for this site.  Please note that at this level the decision maker should be satisfied that Policy Objectives of State Planning Policy 3.7 – Planning in Bushfire Prone Areas can be met, including avoiding any increase in the threat of bushfire to people, property and infrastructure.	in the threat of bushfire to people, property and infrastructure and development will be able to achieve compliance with SPP3.7 if necessary at a future development stage.  Further consideration to bushfire will be required at the development stage, when there is detail submitted regarding the location of development on site.
9.	Western Power	20 Jan 2017	N/A	Acknowledgement of request for comment request and that the proposal was being reviewed. No further comments were received.	A follow up phone call with Western Power 9 March 2017 advised that they did not have any comments to make.  The property has an electricity connection through overhead power lines on Panmure Road servicing the property.
10.	Shire of York Heritage Advisor	21 Feb 2017	N/A	The place is listed in the Shire of York's Municipal Heritage Inventory and Heritage List. Despite changes that have occurred over time, Laurelvale still has a level of heritage significance that warrants its inclusion within the Heritage List.  The Heritage Impact Statement reiterates the situation but does not address the specifics as guided by the format for Heritage Impact Statements available on the State Heritage Office's website.  A Conservation Management Strategy would be an appropriate means to ensure conservation for the future and identify issues that may impact the heritage value of the place.	It is a proposed condition of SU7 that development is to be of an appropriate scale and design so as to maintain site amenity and the heritage significance of the manor. A Conservation Management Strategy would assist in guidance future development on the site in a manner to maintain the heritage significance.  The Regulations allow a local government to require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area for a place entered on the heritage list, and can be addressed at development stage. A Conservation Management Strategy was also not required by Scheme Amendment No. 50 and No. 53 by Council.
Public Submissions					
11.	-	17 Feb 2017	N/A	Support for the intent to improve tourist facilities in York, although have current concerns regarding the operation of outdoor functions, and the current management of noise emissions under the approved Noise Management Plan. The submission lists a number of issues with the current noise management plan and use including:  <ul style="list-style-type: none"> <li>The Records and Review sections of the Management Plan Discussion Draft 2016 are identified as containing unresolved noise management issues. In particular the statement that the "Plan would be reviewed (and if required, updated) at least annually is not acceptable. More frequent reviews on the basis of noise emissions exceeding acceptable levels is recommended.</li> <li>There has not been any attempt to follow up with residents who have been affected by the inadequate Noise Management measures undertaken in November –</li> </ul>	The submission raises a number of concerns in relation to the current outdoor functions occurring on the site and noise emissions. In particular it raises specific issues regarding provisions of the Noise Management Plan, as well as its implementation.  The Noise Management Plan was approved at Ordinary Council Meeting 27 June 2016 to satisfy condition 8 of the planning consent issued for a Reception Centre on the property 13 August 2015 (and as amended by SAT Orders DR No. 322 of 2015 dated 2 March 2016).  The purpose of Scheme Amendment No. 54 proposes to insert additional tourist related land uses into Special Use No. 7, allowing the landowner to apply for further alternative land uses through the process of a development application. Scheme Amendment No. 54 will not directly affect the existing approved uses on site, or the Noise Management Plan. The concerns raised relate to an existing separate approval, and will therefore be addressed as compliance matters separately to the Scheme Amendment proposal.  The applicant has provided that part of the reason for the Scheme Amendment is



## SCHEDULE OF SUBMISSIONS

### Scheme Amendment No. 54

			<p>December 2016. Laurelvile acknowledges the issues of controlling noise emissions within their submission.</p> <ul style="list-style-type: none"> <li>Appendix A – Concept Development Plan no. 2 provides that additional work is required to finalise noise management procedures for marquee functions. Noise Management procedures were only introduced by Laurelvile mid – 2016. It is still seen as work in progress, and our concern is the lack of specific timeframes for these procedures.</li> </ul>	<p>to diversify uses on the property to place less reliance on the holding of events, and by allowing a restaurant on the property may assist in an alternate use of a future purpose built function centre making the long term noise mitigation measures financially viable.</p> <p>The Concept Development Plan is an attachment to the Scheme Amendment report and refers to the construction of a purpose built marquee. This is also noted as a long term structural measure in the Noise Management Plan. The Shire does not have ability to mandate times for construction.</p>
12.	M. Fleay	24 Feb 2017	View Street, York	Noted.
13.	J. Linto	20 Feb 2017	31 Panmure Road, York	<p>See comments above regarding the existing 'Reception Centre' and noise management plan.</p> <p>The land use of a 'Restaurant' is defined as <i>"means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licenced restaurant"</i>.</p> <p>Omnibus Amendment 50 proposes to amend the definition of 'Restaurant' to <i>"'Restaurant/Café' means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988."</i></p> <p>Therefore the use of a Restaurant on the property is required to primarily involve the sale and servicing of food and drinks to seated customers. The nature of a 'Restaurant' land use does not ordinarily involve the playing of loud music, nor is it required, and any noise emissions will be required to comply with the Environmental Protection (Noise) Regulations 1992. It is considered that noise emissions associated with a typical Restaurant land use can be easily managed to comply with the Regulations.</p> <p>The holding of events could occur within a 'Restaurant', although will need to give consideration to the existing 'Reception Centre' approval and conditions that already apply to the holding of functions on the property. The use of a Restaurant for hosted functions can also be limited through conditions of approval in a similar manner to the current 'Reception Centre' to address concerns regarding noise emissions.</p> <p>Proposed conditions of the Special Use No. 7 have included a proposed provision to limit guests for the Restaurant and Reception Centre combined not to exceed 120 plus staff and contractors at any one time to address concerns about intensification of use on the site and subsequent increase in noise emissions.</p>

