



Ordinary Council Meeting

11 September 2019

LATE ITEM

REPORT

ITEM NO

SUBJECT

11.2.3

AMENDMENT 65 – WALLCLIFFE HOUSE – FOR INITIATION

LATE REPORT

11.2.3 AMENDMENT 65, WALLCLIFFE HOUSE, FOR INITIATION

LOCATION/ADDRESS	101 Wallcliffe Road, Margaret River
APPLICANT/LANDOWNER	Taylor Burrell Barnett Town Planning & Design
FILE REFERENCE	LND/1/65
REPORT AUTHOR	Matt Cuthbert, Strategic Project Officer
AUTHORISING OFFICER	Dale Putland, Director Sustainable Development

IN BRIEF

- The subject land is the location of the heritage listed 'Wallcliffe House'.
- Buildings on the site were significantly impacted upon by the 2011 bushfires however the surrounding gardens remain intact.
- The proposal is a scheme amendment which seeks to modify provisions relating specifically to the site, to allow for greater flexibility in land use and development.
- The proponent's intention is to expend significant resources in redeveloping the site for tourism purposes in a style consistent with its previous heritage qualities.
- This proposal is not a development application and the exact detail surrounding future built form will come by way of a development application in due course.

RECOMMENDATION

That Council initiate Amendment 65 to allow for consultation to commence, subject to modifications.

LOCATION

The subject land is Lot 101 Wallcliffe Road. It is 5.2ha in size and directly abuts the Margaret River. Access to the site is via a long driveway which forms part of the lot and connects the lot to Wallcliffe Road. Land to the south of the subject land is state reserve whilst to the east, Lot 102 is zoned 'chalet and camping'.

Vegetation on site is a combination of remnant native vegetation and formal manicured gardens.

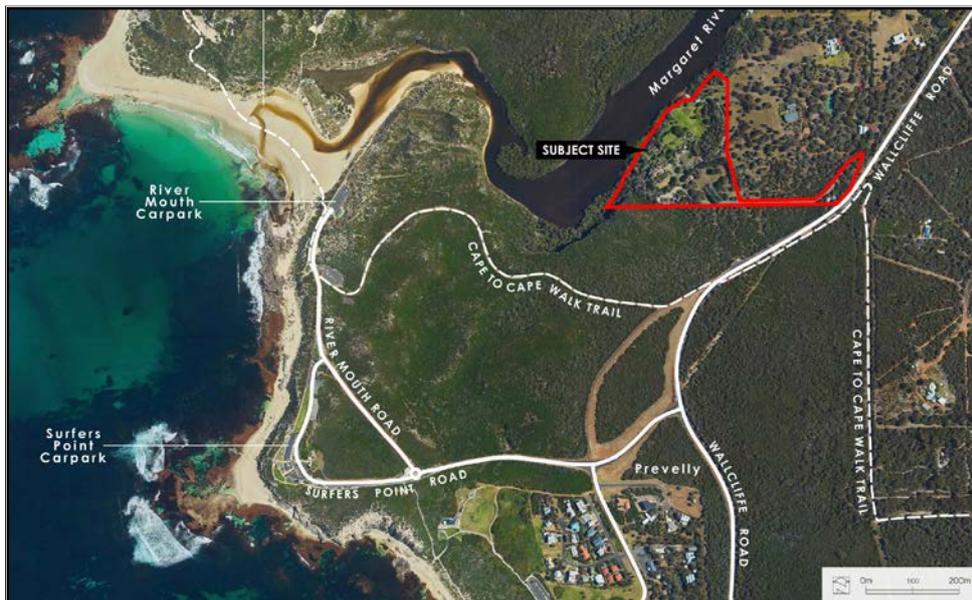


Figure 1 – Location Plan

TABLED ITEMS

Nil

BACKGROUND

Construction of Wallcliffe House was completed in 1865 at which time it was occupied by the Bussell Family. A second house was built on the site in 2001 and was commonly referred to as 'the Chaney House' after its then owners. In 2011, fire destroyed the aforementioned buildings and ancillary structure with the exception of a small boat shed adjoining the river foreshore. The extensive formal gardens which surround the houses have continued to be maintained and currently remain at a high standard.



Figure 2 – Wallcliffe House



Figure 3 - Boatshed

PLANNING FRAMEWORK

The subject land is zoned 'Tourism' and is designated as tourism site 'T5'. LPS1 contains provisions specifically related to T5 which the proponent requests be amended (see 'the proposal').

Wallcliffe House is listed on the State Register of Heritage Places. It is recognised by the Shire's Municipal Heritage Inventory and listed on the Shire's heritage list as having 'Exceptional' significance. It should be noted that this listing occurred after the 2011 fires and denotes Wallcliffe House as being "ruins". The effect of its inclusion on the Shire's heritage list is that the statutory heritage controls of LPS1 and State Planning Policy 3.5 (SPP 3.5) become applicable.

In short, the statutory controls applicable require that the following be taken into account when assessing any development application:

- The level of heritage significance of the place, based on a relevant heritage assessment;
- Measures proposed to conserve the heritage significance of the place and its setting;
- The structural condition of the place, and whether the place is reasonably capable of conservation; and
- Whether the place is capable of adaptation to a new use which will enable its retention and conservation.

This will necessarily require the input of the Heritage Council of WA.

Relevant to the proposal at hand, SPP3.5 states that:

"In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases."

THE PROPOSAL

The subject amendment is put forward for the purposes of amending 4 of the 5 special provisions which relate to the land. Changes sought by the proponent are outlined below with ~~strike throughs~~ indicating deletions and underlining indicating the additions which are sought.

1. Development and land use of a ~~is limited to~~ single residential house and ancillary uses consistent with the heritage values of the land and its National Trust classification ~~unless otherwise may be approved~~ by the local government.

2. The local government may also approve applications for tourist type uses such as: hotel, resort, chalet, serviced apartment, guesthouse, exhibition centre, reception centre, café, small bar, spa, restaurant, tearooms and conference facilities, and activities related to public viewing of the buildings and grounds, provided such uses do not conflict with the heritage values of the land., and does not require a material change to the visual appearance and character of the site.
3. No development shall be approved by the local government unless it is: a) Consistent with the heritage values and integrity of the land; ~~and its buildings.~~ b) Consistent with the landscape significance and setting of the site; c) Appropriately sited and designed to ensure that fire mitigation measures do not compromise environmental and landscape values; and d) Facilitative of appropriate management and preservation of the values of the adjacent foreshore.
4. For the purpose of conditions 1 and 3 “development” includes buildings, fencing, driveway, walkways, landscaping, changes in the use of the land and buildings and changes in the structural integrity of the buildings.
5. Removal of existing vegetation is not permitted without the approval of local government.

DISCUSSION / OFFICER COMMENTS

Proposed Development

The proposal would add land uses to the list of those that may be developed on the site. They are listed below together with their definition:

Hotel - means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.

Resort - means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of 3 months in any 12-month period.

Chalet - means a self-contained accommodation unit (i.e. containing cooking, bathroom, sleeping and living area facilities) used for short term accommodation.

Serviced apartment - means units or apartments that provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of 3 months in any 12-month period.

Exhibition centre - means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.

Reception centre - means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.

Café - means premises similar to those of a restaurant but from which only snacks and light refreshments are served during normal working hours and the term includes premises referred to as tearooms.

Small bar - means premises licensed as a small bar under the *Liquor Control Act* and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120.

Spa – Not defined

There is no indication that all of the listed uses would be pursued and it is noted that some uses could be accommodated within the same buildings e.g temporary use of a hotel for exhibition and/or reception centre use. The proponent advises that *“most of these uses would be found in an integrated hotel/resort development. They have been specifically listed to enable one or more to occur even if a hotel or resort development does not proceed”*.

To provide an indication as to the built form ‘footprints’ and how they might be arranged on site, the proponent has provided a concept plan (see figure 4). It should be noted that this is preliminary only and does not limit or bind the proponent to this arrangement.



Figure 4 – Concept plan

Suitability of Uses

Consistent with SPP 3.5, a future development proposal would provide the impetus to restore the heritage elements of the site through repurposing the former Wallcliffe and Chaney Houses for tourism purposes. Given the magnitude of such a task, it would be extremely unlikely that such a project would be initiated without some prospect of an ultimate development form and type which could generate a financial return. Given the extremely limited nature of the uses currently allowed on site, this appears unlikely unless changes are made.

The proponent has provided Bushfire, Environmental, Water, Aboriginal and European Heritage, Transport and Engineering assessments, to demonstrate that there are no fundamental issues precluding development of the nature intended. Naturally, the suitability of future development will be a process of sensitive planning for the site involving the relevant professionals engaged by the proponent, the Shire and groups and individuals who can provide expert input such as Traditional Owners and the Heritage Council. Initiation of the Amendment will allow for a process of public consultation which will further inform the process.

Potential for offsite impacts

The land uses of 'hotel' and 'resort' if ultimately pursued by the owner by way of a development application will naturally bring more guests to the site as compared with that which could occur under the current limitations on the permissible scale of accommodation ('guesthouse'). The expected increased patronage gives rise to the potential for off-site impacts such as light, noise, visual disruption, use of the river and vehicle movements which if not carefully managed would have a negative impact on the surrounding ecosystem and the 'wildness' quality of the site, particularly when experienced from the river.

A response to these matters is informed by the Lower Margaret River Foreshore Action Plan (2018) which makes recommendations relevant to the proposal at hand such as:

- *12.9 Where subdivision and development occurs adjacent to the foreshore reserve it should, whenever possible, result in improvements to river foreshore condition.*
- *12.10 Much of the foreshore reserve is narrow and increasing the width of the reserve should be a priority through rezoning and subdivision processes.*

Further discussion as to opportunities for improvement of the foreshore adjacent to the subject site are discussed later in this report.

The Foreshore Action Plan identifies land adjoining the subject site to the west as being one of 5 areas which display high 'wildness qualities'. Applicable recommendations are:

- *12.12 The human footprint in areas with high 'wildness quality' to be restricted. This includes constructed walking/cycling/vehicle tracks, signs or other infrastructure.*
- *Activities, including services and infrastructure, adjacent to areas of high 'wildness quality' that may impact on landscape values and/or otherwise degrade the quality of such areas should be avoided where possible. Such activities should not be permitted within areas of high 'wildness quality'.*

The proponent has suggested that options to avoid offsite impacts will be pursued and these will be outlined in an addendum to this report.

If the amendment is initiated, comments will be sought from state government agencies with responsibilities for the terrestrial and riverine environment, not for profit groups such as Nature Conservation Margaret River and the general public. This will provide council with a greater body of knowledge regarding perceived impacts and methods which might be employed to address them. If warranted, changes to the proposed Scheme text could be made to embed development standards which would then apply to any future development application.

Foreshore reserve

The State owned land which abuts the subject site is currently not vested for any particular purpose and is "Unallocated Crown Land" (UCL). It does however serve as a public foreshore reserve. An anomaly exists in that for a 30m section of the river frontage, no foreshore reserve exists and the subject land directly abuts the river.

Whilst the initiation of this amendment is not a suitable opportunity to rectify this situation, the proponent should nonetheless be made aware of Council's expectations regarding resolution of the matter in due course. This would logically necessitate further discussions with the proponent and relevant state government agencies. Future discussions and investigations would establish whether or not there is a statutory basis for the ceding of the foreshore, whether the proponent would be prepared to cede the land in any event, the proponent's intentions for this land, responsibilities for ongoing management of the overall foreshore reserve and other such matters. Outcomes in this regard should be informed by the Lower Margaret River Foreshore Action Plan (2018).

Aboriginal Heritage

The Aboriginal Heritage Enquiry System administered by the Department for Planning, Lands and Heritage, maps the coordinates of two heritage sites intersecting with the subject land, being those associated with the Margaret River and Wallcliffe cliffs. The mapped coordinates extend well beyond the actual heritage features and serve to flag the necessity to undertake consultation and referral to the DPLH as part of any development proposal. There is at this stage, no indication that any heritage sites would be impacted upon by the future development. The proponent has advised that preliminary consultation with Traditional Owners has commenced.

European Heritage

The sites listing on the State Heritage register, provides a high degree of protection for the heritage elements of the site which include both the buildings and surrounding grounds.

The 'statement of significance' recorded on the register explains that both Wallcliffe House and its natural surrounds are equally important. It states:

"Wallcliffe House & Landscape, consisting of Wallcliffe House, a two storey stone, shingle and corrugated iron homestead designed in the Victorian Georgian style, remaining outbuildings and designed landscape setting, together with the adjacent Bushland, Wallcliffe Cliffs, Wallcliffe Cave and the Bushland Scarp on the northern side of Margaret River which represents the original view from the property, has cultural heritage significance"

Clause 79 of the *Planning and Development Act 2005*, requires that a local government "in preparing or amending a local planning scheme —

(a) is to refer the proposed scheme or amendment to the Heritage Council for advice in so far as any proposal under that scheme or amendment affects or may affect any such land or waters; and

(b) is to have regard to any advice given; and

(c) is not to proceed, without the consent of the Minister, with the proposal unless or until that advice has been received.

This statutory process will ensure that Council are fully apprised of the views of the Heritage Council when making a decision as to whether or not to support the amendment post advertising.

CONSULTATION AND ADVICE

If the subject amendment is initiated by Council it will be subject to a consultation process in accordance with the Planning and development (Local Planning Scheme) Regulations 2015.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2019-2023

Key Result Area 3: Ensuring sustainable development

Community Outcome 1: Clearly defined areas for growth, renewal and protection.

Strategic Response: Ensure structure plans are designed to preserve and enhance the unique character and sustainability of centres, towns and villages

FINANCIAL IMPLICATIONS

The proponent has paid the required fee for processing of the Amendment.

SUSTAINABILITY IMPLICATIONS

Environmental

The site contains areas of remnant vegetation which will not be impacted upon as a direct result of the subject proposal. Future development of the site provides an opportunity to create a continuous foreshore as it abuts the subject land.

Social

Redevelopment of the site provides an opportunity to restore buildings of significant heritage importance and provide for greater community access. An important consideration for future development will be the compatibility with Aboriginal heritage elements.

Economic

Redevelopment of the site will require significant resources which if sourced locally will have a positive impact on the local economy.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, amend Local Planning Scheme No. 1 by modifying text included in Schedule 12 'Special Conditions Relating to Tourist Zones' applicable to site No. 'T5' for the purposes of expanding the suite of discretionary land uses allowable on the site, subject to:
 - a) The document entitled 'Volume 1 – Planning Report' being modified such that it may serve as an 'amendment document' inclusive of WAPC Form 2A.
2. Determines that the Amendment is 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 as it is:
"an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;"
3. Requests that staff liaise with the proponent and relevant State Government agencies to address the lack of a foreshore reserve fronting a 30m (approx.) section of the Margaret River abutting the subject land.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

Nil