

**SHIRE OF EXMOUTH**  
**TOWN PLANNING SCHEME NO.3**  
**AMENDMENT No.20**

SHIRE OF EXMOUTH			
FILE NO	8/1/8		
CEO	ACKNMENT	FILE	
M Corp	<b>23 NOV 2007</b> <b>DATE RECEIVED</b>	Planner	
MES		Building	
MDS		Accounts	
M Com		Rules	
MHES		Complaints	
PRESIDENT	Register Number		
COUNCILLORS			

**MINISTER FOR PLANNING AND INFRASTRUCTURE**

**PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

1. Local Authority: Shire of Exmouth
  
2. Description of Town Planning Scheme: Town Planning Scheme No 3
  
3. Type of Scheme: District Zoning
  
4. Serial No. of Amendment: 20
  
5. Proposal: To apply an 'Additional Use' of 'Dwelling' to a portion of Lot 715 Truscott Crescent, Exmouth.

**SCHEME AMENDMENT REPORT**

**CHAPPELL LAMBERT EVERETT  
TOWN PLANNING & URBAN DESIGN  
Level 2, 36 Rowland Street  
Subiaco WA 6008**

2039 Amdt11B PR-07

## SCHEME AMENDMENT REPORT

### Introduction

Lot 715 Truscott Crescent, Exmouth (known as the Norcape Lodge site) is located on the north east corner of Warne Street and Truscott Crescent, bordering the Indian Ocean (Exmouth Gulf) to the west (refer *Figure 1 – Location Plan*). The land is situated approximately 2 km north of the Exmouth Marina and 2.5km south of the Exmouth Town Centre. It has a total area of 3.4398ha.

The site is zoned 'Tourist' under Council's Town Planning Scheme No. 3 (TPS No. 3), and adjacent to other 'Tourist' zoned land, as well as land reserved for 'Parks and Recreation' (refer *Current Zoning plan at rear*), and it is included within the 'Town Beach Precinct'.

The site is vacant and relatively flat, with a minor fall towards Truscott Crescent (refer *Figure 2 – Orthophoto*). Following approval by the Department of Environment and Conservation, development approval was recently issued by the Shire for the clearing and earthworking of the site, to accommodate future development anticipated for the site.

A major redevelopment of the site is proposed, comprising a new tourist resort. Use of a small component of the site (to a maximum of 12.5%) for potential use for permanent residential accommodation is also proposed to provide for permanent and medium term stay, and to assist in funding infrastructure required for the resort. The purpose of this rezoning proposal is to enable the development and subdivision of the proposed residential component of the site.

### Background

The site is currently zoned 'Tourist' under the Shire of Exmouth Town Planning Scheme No. 3. The objectives of this zone are:

- *"To provide for a wide range of tourist facilities and accommodation;*
- *To protect and wherever possible enhance the special characteristics which attract tourists to the District;*
- *To ensure the town of Exmouth remains the principal place in the District for tourist services and facilities, including holiday accommodation;*
- *To facilitate access, especially within the town, for buses and caravans including provision of suitably located stopping places;*
- *To ensure the Council's facilities for tourists, and related services offered by the Council, are maintained at a high standard"* (CI 5.4.2)

The zone permits holiday accommodation and ancillary development to be developed, to a maximum height of two storeys unless otherwise approved by Council. Dwellings for permanent inhabitation are not permitted.

Whilst the site was originally acquired to house a new high quality tourist resort, investigation identified both the extent of head works required to facilitate this and the opportunity which exists to incorporate a component of permanent residential development to both assist in the funding of the headworks, to meet local demand and to complement the primary tourist function of the site.

The notion of partial residential development of the site was considered by Council on 15 July 2004, where officers recommended, *inter alia*, that the site owner be advised that:

- "Council hereby affirms that lot 715 Truscott Crescent Exmouth is a key tourism use site...;
- Desirably, the lot should accommodate higher-order tourism development – at an appropriate scale – in order to fulfil a major objective of the Carnarvon – Ningaloo Coast Regional Strategy...
- Notwithstanding (the) above, Council is prepared to favourably consider part of the lot being developed for single residential housing in line with the recommendations made in the report 'Investigations of the Impact of Combining Tourist and Permanent Residential Accommodation on Tourist Zoned Land and the Impact of Strata Titling' (Ministerial Taskforce, 2003), subject to a request being made to Council... to rezone the identified land from 'Tourist' to 'Residential'...
- The request...to rezone the land is to be accommodated by an Outline Development Plan (ODP) illustrating the proposed use / development of the lots as generally described in your letter..."

Following further discussions with the Shire, the Department for Planning and Infrastructure (DPI) and Tourism Western Australia (TWA), a draft concept plan for the site was prepared to demonstrate intended development as a resort and responding to key stakeholder requirements. This reduced the residential component from that originally considered. Amended concept plans *Figure 3* were subsequently prepared as site planning advanced, and an amendment initiated. Development of the resort proposal design and further development of funding stream opportunities lead to the current proposal *Figure 4* which proposes to rezone a smaller portion of the site again (approximately 12.5%) and to have this subdivided following development as part of a composite proposal for the whole site.

### **Overview of Proposal**

The proposal is to utilise a 3241m<sup>2</sup> portion of Lot 715 (being a total area of 3.4398ha) along Truscott Crescent for the creation of four two storey residential / short stay apartment buildings, with the remainder to be developed as a resort. This is proposed to include approximately 216 fully services holiday units, an ocean-view restaurant/licensed bar, kiosk, function and conference room facilities, swimming pool/spa, gymnasium and tennis courts. The resort is proposed to offer services and facilities in accordance with 4 to 4<sup>1/2</sup> AAA star rating standards, attracting a higher average room rate than is currently available within the Exmouth townsite.

The Shire's Town Planning Scheme No. 3 does not permit 'Dwelling' uses within the 'Tourist' zone, and as such, rezoning of the 4050m<sup>2</sup> portion of Lot 715 along Truscott Crescent to apply 'Dwelling' as an 'Additional Use' in Schedule 2 of the Scheme is sought (refer *Proposed Zoning* plan at rear), to enable its development, strata subdivision and potential use for permanent habitation. The application of an 'Additional Use' will allow the flexibility for these sites to be used for short, medium or long term tenure and is considered more appropriate than complete rezoning to residential for this reason, and also because it allows the application of conditions against the use.

## Key Issues

### Market Demand

To inform the development of the proposal and respond to stakeholder queries, Ray Bird and Associates was commissioned to prepare a Market Demand Study for the site in August 2004, focussing on the proposed resort. The study addressed such matters as the existing regional and district context with respect to tourism opportunities, the strengths, weaknesses, opportunities and threats for Exmouth as a visitor destination, market segments and key experiences in the region, accommodation trends and opportunities in the region, government and corporate requirements, and potential additional tourism/accommodation supplies, concluding with site-specific financial and market advice.

The Study noted that there is currently a shortage of quality resort-style accommodation and conference/function room facilities in Exmouth, which this site has the potential to address. The adjacent Exmouth Marina Village proposes the development of resort style accommodation, but it is considered that there will still be a need to provide further accommodation of this nature within the locality to cater for increased demand. The development of the subject site will assist in consolidating this locality as a tourism precinct by providing complementary accommodation options and associated tourism and conference/function centre uses, with the residential component assisting in facilitating this through improving its commercial viability without impinging on its primary function.

The study contains commercial in confidence information however additional information on any matters of interest or concern to the Council and the WAPC/DPI can be made available upon request.

### Tourism Planning Taskforce Report

Tourism Western Australia (TWA), in conjunction with the Department for Planning and Infrastructure (DPI), facilitated the preparation of a report entitled '*Tourism Planning Taskforce Report*', which was endorsed by Cabinet in January 2006. The purpose of the report was to investigate how planning provisions catered for the tourism industry and, of particular note, to consider the impact of residential development occurring in on tourism sites. The report, although non-statutory, made a number of recommendations on the planning and management of tourism sites, and included guidance and criteria on when permanent residential should be considered on these, and under what conditions.

Of specific relevance to the current proposal, the Report recommends:

- That where no specific planning strategy addressing identified tourism issues exists in a local government area, proposals for residential development of tourist zoned sites should address these issues;
- The definition of and process for identification of 'strategic tourism sites';
- That no permanent residential use is permitted on 'strategic tourism sites' but that up to 25% allocation of 'Non-Strategic Tourism Sites' may be supported under certain conditions; and
- Specific requirements for subdivision of tourist sites, to ensure their on-going viability for this use.

In summary, the Report identifies the potential to provide flexibility for residential uses on a portion of a tourist zoned site, while retaining the primary function and majority of site area for tourism purposes where these are identified as being non-strategic by the local authority and TWA, and where the site is in a suitable location and planning context to accommodate residential uses. This is considered to include sites that provide adequate access to residential services and amenities, while minimising excessive servicing or infrastructure costs.

'Strategic Tourism Sites' are defined as "*those sites that are critical to the future growth and community benefit of tourism in the area and the State*". Lot 715 is one of 17 sites zoned 'Tourist' in the immediate locality, essentially forming the southern site in a 'precinct' of such sites just north of the Exmouth Marina. It is estimated to represent between 5 and 10% of the total land area of these. It is considered an important local site within the context of Exmouth, but in terms of size, attributes and scarcity, it not considered to be either regionally or strategically important, and its exclusive use for tourism is considered unnecessary to the success of the area's tourist industry. As such, it is not considered to be a 'Strategic Tourism Site' and the proposal to include a small (approximately 12.5%) component of residential may be considered.

In accordance with the recommendations of the TWA Report, the portion of the site proposed for residential is considered to be the least desirable from a tourism perspective, as it is furthest from the ocean, has limited views and is most affected by passing traffic. It also provides greatest access to existing residential services and amenities, resulting in minimised servicing and infrastructure costs. Its street frontage enables it to be inhabited relatively independently from the resort component, but in a complementary form, and with the potential for integration of those dwellings which may continue to be used for short and medium term stay with the resort. Given the minor nature and size of the portion of the site to be used for residential, it is clear that scale of the residential component is subsidiary to the tourism component, which remains the dominant focus, function and character of the land. The residential site is also the most appropriate transition zone between the tourism development and the surrounding marina and parks and recreation uses on the southern and western boundaries of the site.

Discussions with Tourism WA indicated tentative support for the use of this portion of the site for residential, subject to the satisfactory design, management and operation of the resort. Whilst early subdivision and sale of this portion of the site was originally proposed to assist in funding necessary headworks, following refusal of an application for subdivision by the Western Australian Planning Commission, development the subject portion of the site as a component of a composite development plan for this site then application of built strata is now proposed.

#### Residential Design, Integration & Management

In addition to being appropriately located to provide access to the resort, but independent use and operation, the residential component of the site will be designed and developed in a style to complement that of the resort, essentially as part of the resort. This will ensure that as well as visually integrating with the resort in seamless manner, issues such as access, parking and noise attenuation can be addressed as part of the development proposal.

The dwellings, which may be leased for short and medium stay, as well as permanently inhabited, will be offered the opportunity to lease through the resort and to utilise its facilities (for an appropriate annual fee). Notations of this will be provided to purchasers, who will also be specifically advised of the resort and its potential impact on amenity, to ensure common understanding of this. Notwithstanding this, the proposed centralised and professional management of the resort (details of which are emerging as the proposal is advanced) should minimise any potential land use conflicts.

In summary, the permanent residential land use in the configuration proposed and with the management measures recommended is expected to compliment rather than diminish or conflict with the tourist component.

#### Parking

Use of the dwellings for permanent inhabitation will require separate Council approval following finalisation of the change of zoning. Residential dwellings generally attract a higher parking demand than short stay use, with the design for the dwellings currently proposed generating a requirement for 34 bays (1812m<sup>2</sup> plot ratio floorspace x 0.015 plus 20 units x 0.35) in lieu of the 20 bays short stay use generates. In considering any application for use of the dwellings for permanent use, Council would need to be satisfied that the parking proposed is adequate for projected need, in accordance with the criteria specified in the Residential Design Codes. Given the overall scale of the development, it is felt that this will be achievable, with Council indicating its support of this in its approval of the current development plan. However, in order to ensure any unit purchaser is aware of the limited parking allocated to each unit, it is proposed that a Section 70A notification be placed on the titles of the units in question highlighting the allocation of parking, and emphasising the Council's prohibition of verge parking.

#### Site Suitability

The portion of the site for which the rezoning is sought is considered suitable for residential development in that it:

- Has good access from Truscott Crescent;
- Is located within easy distance of Exmouth and the range of employment, commercial, recreational and social opportunities this offers;
- Is capable of being serviced (see below); and
- Is already zoned for compatible and relatively similar development (ie tourist accommodation).

#### Service Provision

Discussions with service agencies regarding the servicing of the site have commenced, and confirm that the proposed development will require upgrade of water, power and sewage infrastructure. Each of the respective agencies have indicated the feasibility of this, and the requirement for developer contribution towards / pre-funding of necessary works. Whilst representing a substantial cost to the development (which the proposed residential development and this amendment seek to partially off-set), the discussions which have occurred to date confirm that service provision is not an impediment to the rezoning or development of the site.

#### Environmental Issues

The impact of the change in zoning sought, which is very minor, is considered unlikely to have any environmental impact: the site is already zoned for tourist development with the potential use of a portion of it for permanent residential unlikely to generate any additional environment impact.



The site was recently given approval by the Department of Environment and Conservation (DoEC) and the Shire for its clearance and modification of levels. As such, the majority of issues related to vegetation and land form have already been addressed.

The site has not been mapped for acid sulphate soil risk by the WAPC but is in a region not known for high risk. Additionally, the proposed rezoning does not represent an intensification of land and therefore does not require assessment of this factor, which would normally be further considered as part of the subdivision process.

## **Conclusion**

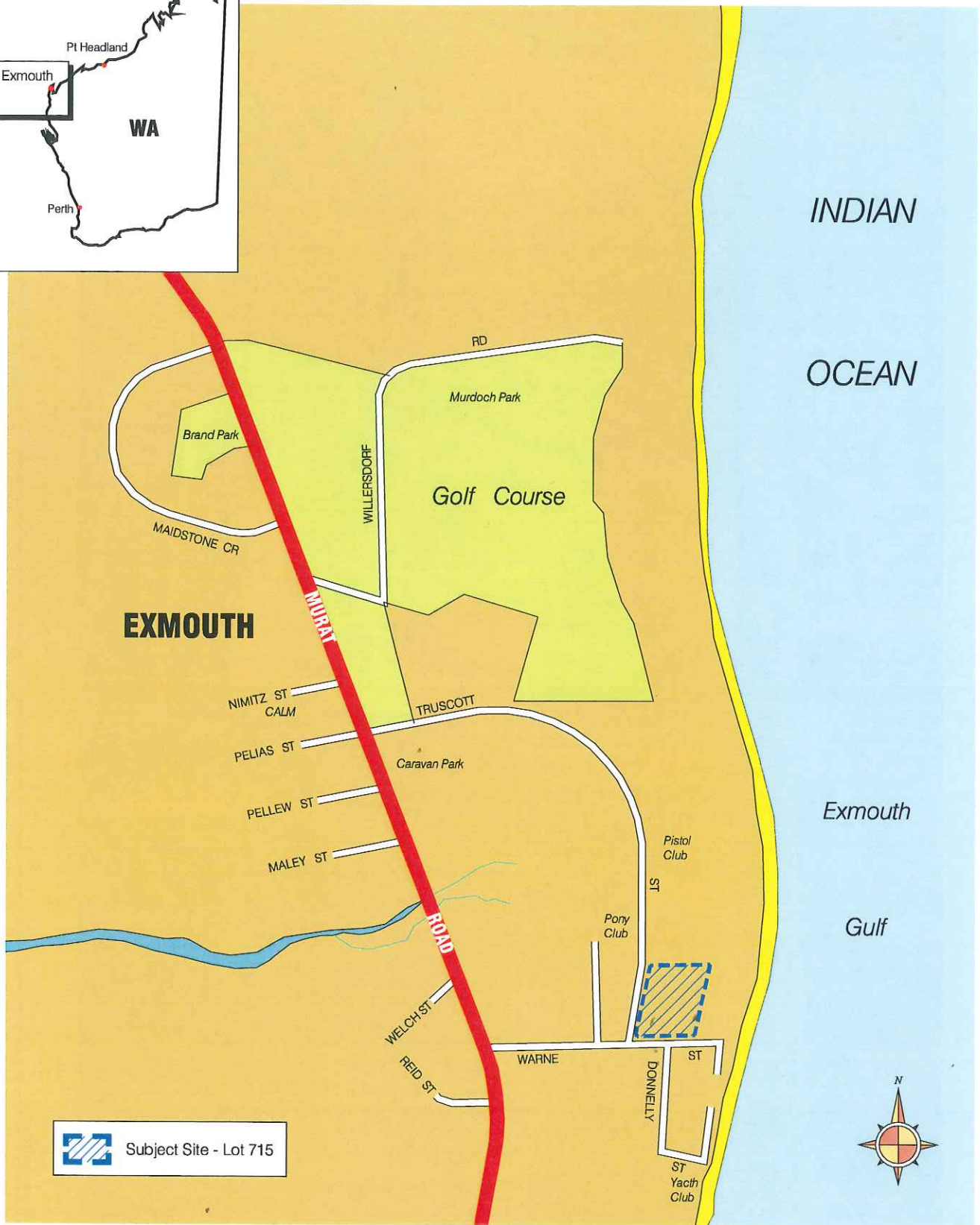
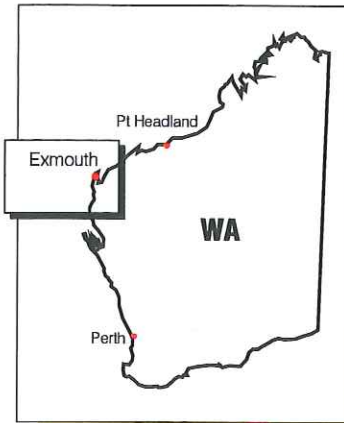
There is a strong demand for both resort-style holiday and permanent residential accommodation within the Exmouth locality. This proposal seeks to allow permanent and medium-term inhabitation of units as an 'additional use' to a small portion (12.5%) of the site which will both assist in meeting this demand, contribute towards funding necessary head works and thus facilitate to the early development of another much needed, high quality resort. The proposal responds well to state and local planning objectives, and has been formulated in consultation with stakeholders from both levels of government.


The site is considered suitable to accommodate a residential component, in addition to its primary function tourist node, due to:

- its excellent access;
- its proximity to existing commercial facilities, recreation opportunities and the coast, all of which provide good amenity for the site;
- its capacity to be suitably serviced; and
- the ability for the residential component to complement rather than conflict with the primary tourist function of the site.

The support of Council for this proposal is therefore requested through initiation of an Amendment to its Scheme to apply an 'Additional Use' of 'Dwelling' to a 4040m<sup>2</sup> (approximately 12.5%) portion of Lots 715 Truscott Crescent, Exmouth.

Development of the subject portion of the site as a stage of the overall site's development will ensure a seamless integration between the area the subject of the additional use and the parent lot. Application of further controls on the operation and maintenance of the dwellings should ensure their successful operation as a component of the resort.



 Subject Site - Lot 715

**NORCAPE LODGE REDEVELOPMENT - LOCALITY PLAN**

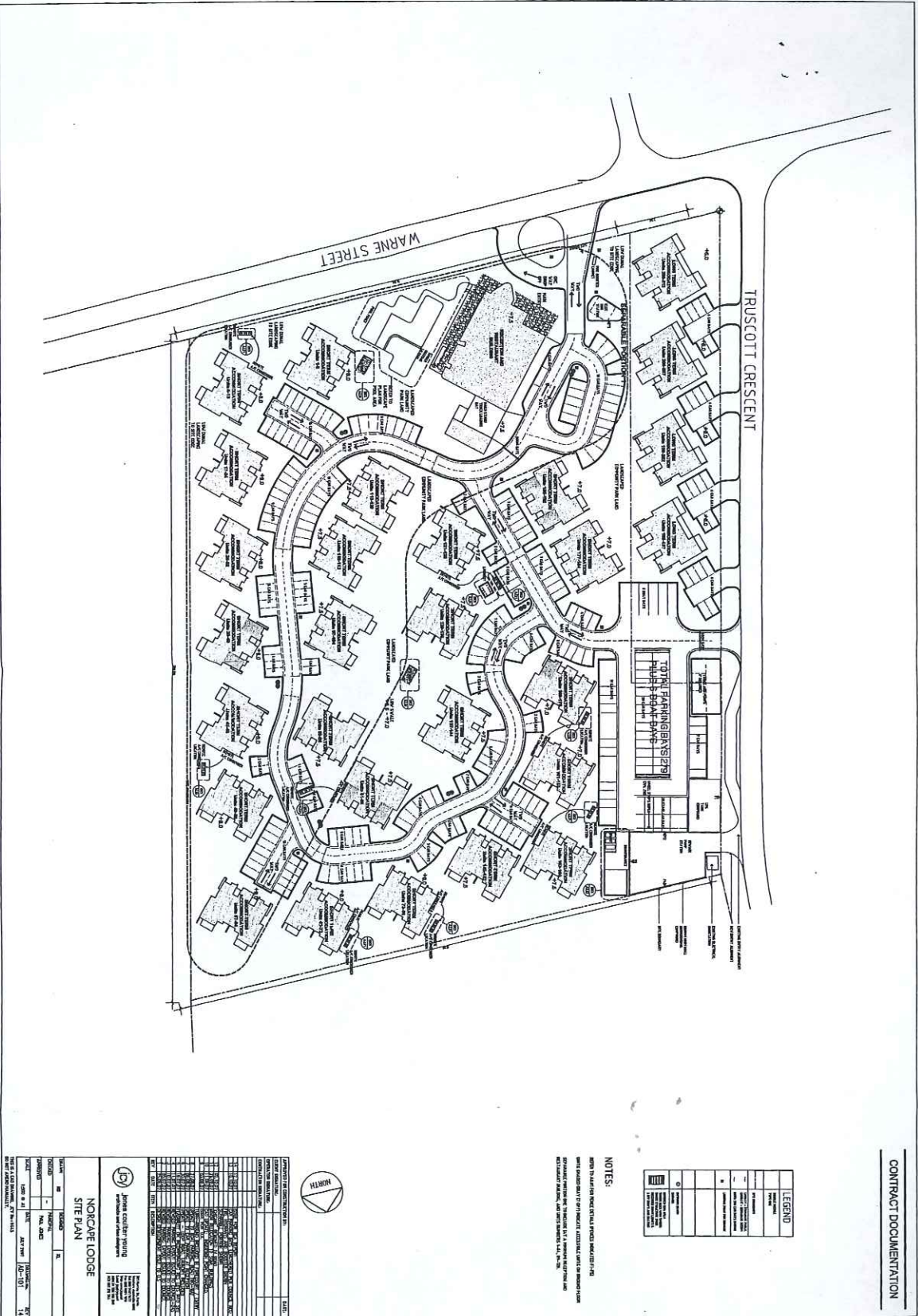


NORCAPE LODGE REDEVELOPMENT - ORTHOPHOTO

Figure 2



NORCAPE LODGE REDEVELOPMENT - CONCEPT PLAN TWO  
Figure 3



NORCAPE LODGE REDEVELOPMENT - DEVELOPMENT PLAN

Figure 4

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF EXMOUTH

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO.

**RESOLVED** that the Shire of Exmouth in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

- (i) Applying an 'Additional Use' of 'Dwelling' to a portion of Lot 715 Truscott Crescent, Exmouth;
- (ii) Amending the Scheme Map accordingly.

Dated this fourteenth day of December 2007



CHIEF EXECUTIVE OFFICER

**PLANNING AND DEVELOPMENT ACT 2005**

**SHIRE OF EXMOUTH**

**TOWN PLANNING SCHEME NO. 3**

**AMENDMENT NO.**

The Shire of Exmouth under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

- (i) Modifying 'Schedule 2 – Additional Uses' to include a portion of Lot 715 Truscott Crescent, Exmouth as follows:

<b>No.</b>	<b>Particulars of Land</b>	<b>Additional Use</b>	<b>Conditions</b>
1	Lot 715 Truscott Crescent, Exmouth	Dwelling	1.1 The site the subject of the 'Additional Use' to be developed in accordance with a plan approved by the Council prior to subdivision. 1.2 The applicable R-Coding and design and development standards to be determined as part of the development application for the site. Development to harmonise with the design of the development for the remainder of the site. 1.3 Created lots to have a deed of agreement with Lot 715 Truscott Crescent, Exmouth addressing (but not limited to) the following: a Dwelling owners of the lots the subject of the additional use may

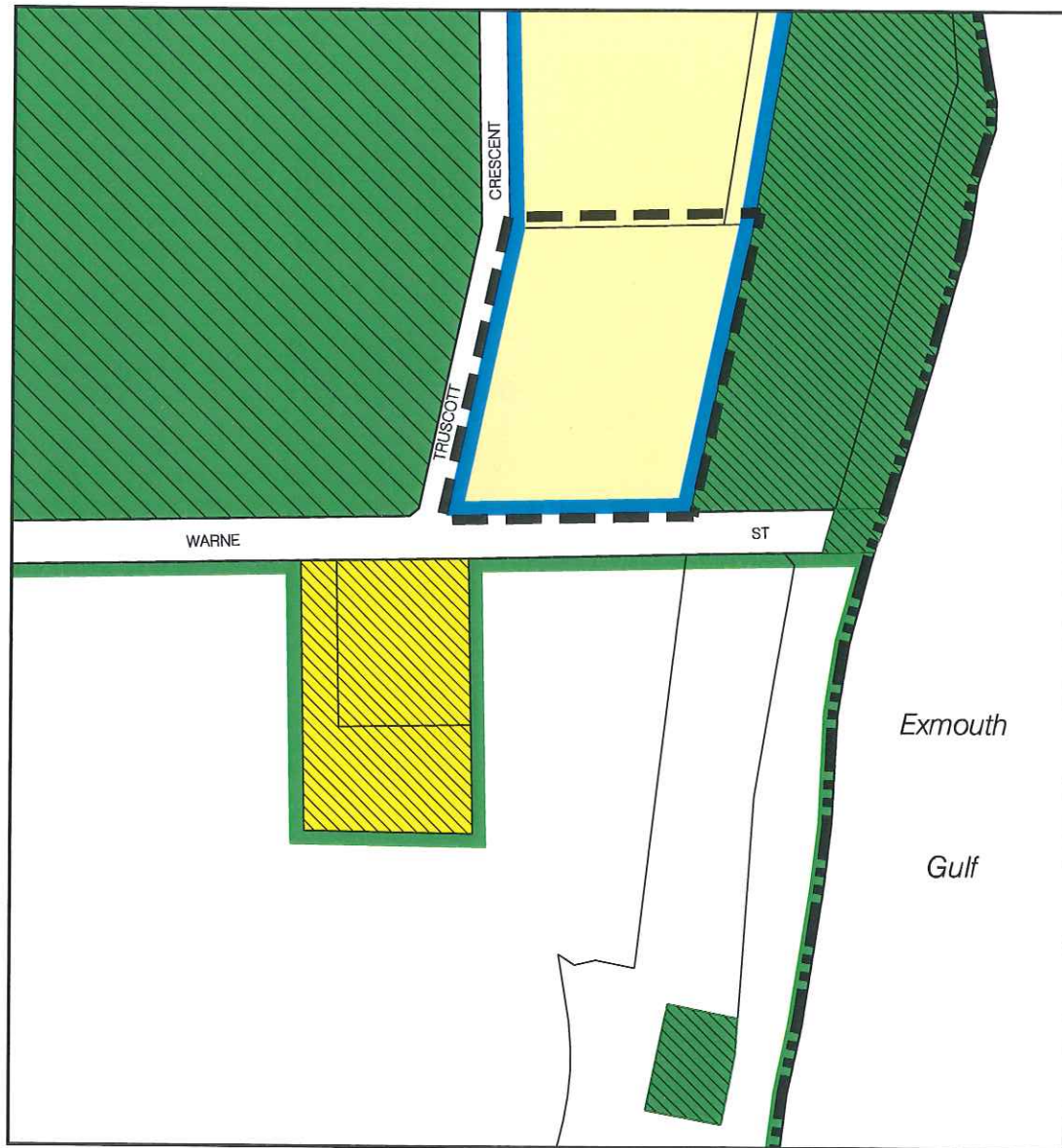
			<p>nominate availability of the dwelling for short term leasing through the resort only;</p> <p>b Dwelling owners of the lots may nominate the resort facilities they wish to utilise, at a nominated cost;</p> <p>c Dwelling owners of the lots shall maintain their properties including gardens to standards acceptable to the resort manager. The management agreement to detail a resolution procedure should the resort management believe that the properties are not being maintained to an acceptable standard.</p>
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(ii) Amending the Scheme Map to annotate the Additional Use accordingly.

.....  
  
**SHIRE PRESIDENT**  
  
 .....

**CHIEF EXECUTIVE OFFICER**








EXISTING ZONING

METROPOLITAN REGION



LOCAL SCHEME RESERVES:

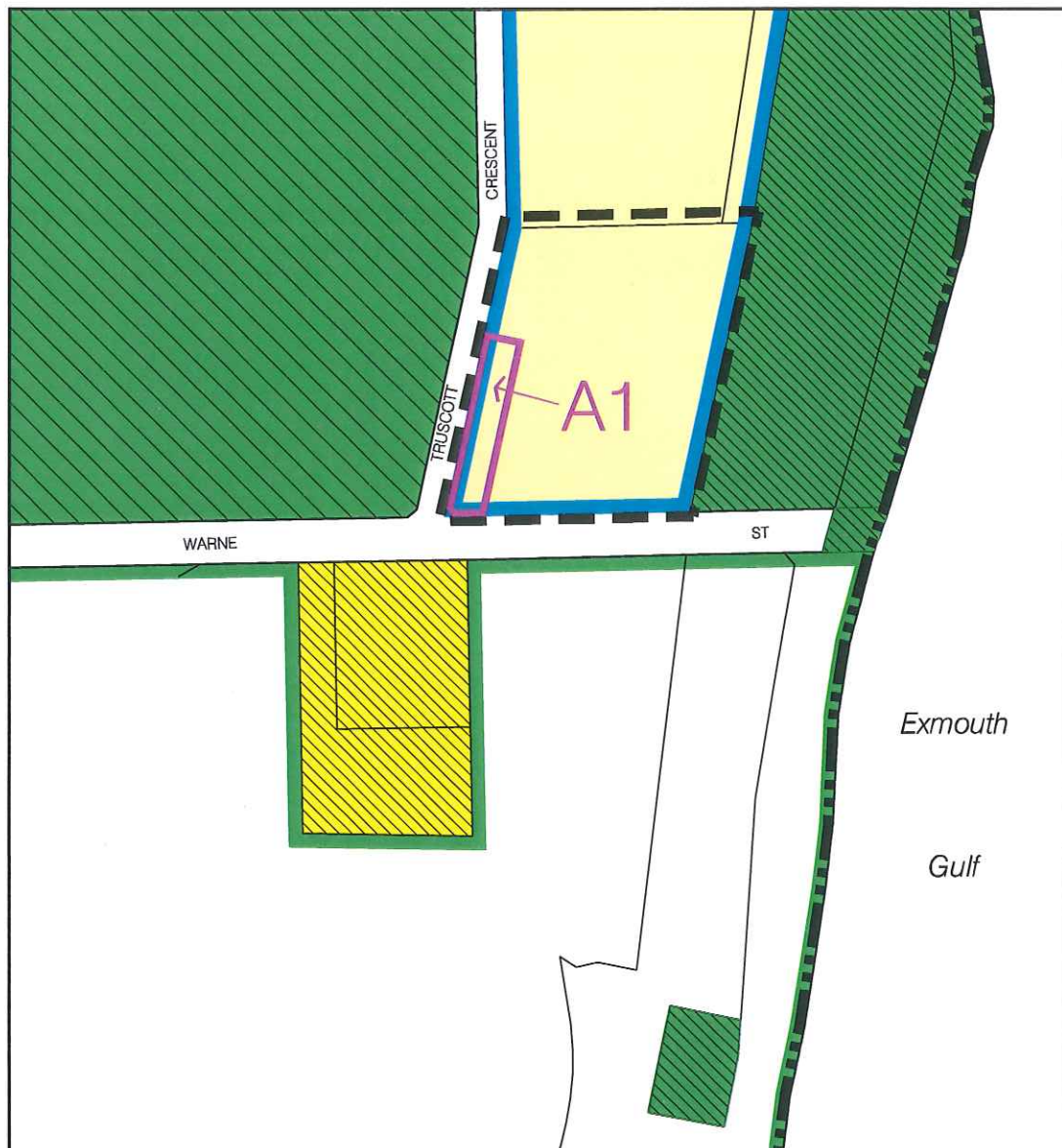
-  RECREATION AND OPEN SPACE
-  PUBLIC PURPOSES
-  ROAD

ZONES:

-  TOURIST
-  MARINA

OTHER:




-  SUBJECT SITE
-  SCHEME BOUNDARY



## PROPOSED ZONING

### METROPOLITAN REGION



#### LOCAL SCHEME RESERVES:

-  RECREATION AND OPEN SPACE
-  PUBLIC PURPOSES
-  ROAD

#### ZONES:

-  TOURIST
-  MARINA
-  ADDITIONAL USE

#### OTHER:

-  SUBJECT SITE
-  SCHEME BOUNDARY

ADOPTION

Adopted by resolution of the Shire of Exmouth at the Ordinary Council Meeting of  
the Council held on the 19<sup>th</sup> day of April 20 07



SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Exmouth at the Ordinary Council Meeting of the Council held on the .....<sup>19<sup>th</sup></sup> day of June 20 08 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:



.....  
*W. Steay*

**SHIRE PRESIDENT**

.....  
*Angela*

**CHIEF EXECUTIVE OFFICER**

Recommended/ Submitted for Final Approval:

.....

**DELEGATED UNDER S.16 OF PD ACT 2005**

Date: .....

Final Approval granted:

.....

**MINISTER FOR PLANNING**

It is hereby certified that this is a true copy of the ~~Scheme~~ Amendment, final approval to which was endorsed by the Minister for Planning on 23/2/09.

Date: .....

Certified by *[Signature]* .....

Officer of the Commission Duly authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 22(3) of the Town Planning Regulations 1967.