



Windy Harbour Management Plan 2007 - 2017

Volume 1 Report

November 2007

This Management Plan was endorsed by Council at
its Ordinary Meeting on 8 November 2007.

The Western Australian Planning Commission through the Coastal Management Plan Assistance Program, a component of the Coastal Planning Program, provided funding to prepare this coastal management plan.



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for, and subsequently modified by the

Shire of Manjimup

Volume 1

CONTENTS PAGE

PART 1	BACKGROUND	1
1.0	Introduction	1
1.1	Study Purpose and Objectives	1
1.2	Study Management and Methodology	1
1.3	Community Consultation	2
2.0	Previous Management Plans	3
2.1	1982 Management Plan	3
2.2	1999 Management Plan	3
3.0	Regional Overview	4
3.1	South West Region	4
3.2	Warren Blackwood Region	4
4.0	Existing Conditions	6
4.1	Natural Environment	6
4.2	Built Environment	9
4.3	Services	9
4.4	Social Environment	10
4.5	Administrative Environment	10
4.6	Management Responsibilities	11
5.0	Policy Framework	13
5.1	State Sustainability Policy	13
5.2	State Planning Framework	13
5.3	Warren Blackwood Regional Planning Strategy	13
5.4	Warren Blackwood Rural Strategy	14
5.5	SW Regional Strategy for Natural Resource Management	14
5.6	Coastal Planning Policy	15
5.7	Augusta – Walpole Coastal Strategy	15
5.8	Shannon – D’Entrecasteaux Management Plan	15
5.9	Shire of Manjimup Town Planning Scheme No 2	16
5.10	Shire of Manjimup Local Planning Strategy	16
5.11	Draft Shire of Manjimup Town Planning Scheme No 4	17
5.12	Council’s Strategic Plan	18
PART 2	CONSULTATION AND ISSUES	19
6.0	Consultation Measures	19
6.1	Overview	19
6.2	Survey	19
6.3	Workshop	19
6.4	Development Options	20
6.5	Public Advertising	21

7.0	Issue Identification	22
7.1	Review of 1999 Recommendations	22
7.2	Significant Changes Since 1999	22
7.3	Issues Summary	23
<hr/>		
PART 3	THE STRATEGY	27
8.0	Guiding Principles	27
8.1	Vision Statement	27
8.2	Sustainability	27
8.3	Sustainability Objectives	31
8.3.1	<i>Environmental</i>	31
8.3.2	<i>Economic</i>	32
8.3.3	<i>Social</i>	32
<hr/>		
9.0	Strategy Plan	32
10.0	Plan Statements	32
10.1	Role and Function	34
10.2	Management	35
10.2.1	<i>Tenure</i>	35
10.2.2	<i>Reserve Boundaries</i>	36
10.2.3	<i>Lease Boundaries</i>	36
10.2.4	<i>Additional Leases</i>	37
10.2.5	<i>Caretaker</i>	37
10.2.6	<i>Local Laws</i>	40
10.3	Infrastructure	40
10.3.1	<i>General</i>	41
10.3.2	<i>Water</i>	41
10.3.3	<i>Power</i>	42
10.3.4	<i>Drainage</i>	44
10.3.5	<i>Roads and Access</i>	45
10.3.6	<i>Parking</i>	47
10.3.7	<i>Boat Ramp</i>	47
10.3.8	<i>Effluent Disposal</i>	49
10.3.9	<i>Waste Disposal</i>	49
10.3.10	<i>Building Inspection Regime</i>	49
10.3.11	<i>Council Depot</i>	50
10.4	Environmental	50
10.4.1	<i>General</i>	50
10.4.2	<i>Weeds</i>	52
10.4.3	<i>Fire Management</i>	52
10.4.4	<i>Landscape</i>	53
10.5	Commercial Development	54
10.5.1	<i>Camping Ground</i>	54
10.5.2	<i>Professional Fishermen</i>	56
10.5.3	<i>Short Stay Accommodation</i>	57

10.5.4	<i>Other</i>	57
10.5.5	<i>Itinerant Traders</i>	58
10.6	Aboriginal Heritage	59
10.7	Development Control	60
10.7.1	<i>General</i>	60
10.7.2	<i>Design Guidelines</i>	60
10.8	Reserve Nelson Location 13304	61
10.9	Consultation	62
10.10	Other Matters	62
11.0	Implementation	64

	Table	Page No.
Table 1	Option Preference Totals	21
Table 2	Key Issues	25
Table 3	Sustainability Matrix	30
Table 4	Consolidated Plan Statements	67
Table 5	Draft Special Use Provisions	71

	Figure	Page No.
Figure 1	South West Region	5
Figure 2	Existing Conditions	7
Figure 3	Environmental Issues	8
Figure 4	Hierarchy of Management Responsibilities	12
Figure 5	Strategy Plan	33

Volume 2 - Appendices

Appendix 1	Environmental Review
Appendix 2	Synopsis of Public Consultation
Appendix 3	Questionnaire
Appendix 4	Summary of Questionnaire Responses
Appendix 5	Workshop Attendances
Appendix 6	Group Summaries
Appendix 7	Overall Summary
Appendix 8	1998 Workshop Comparison
Appendix 9	Options Brochure
Appendix 10	Summary of Brochure Responses
Appendix 11	Summary of Issues from Advertising January – April 2006
Appendix 12	Audit of 1999 Recommendations

PART 1 - BACKGROUND

1.0 Introduction

1.1 Study Purpose and Objectives

Windy Harbour is a unique holiday settlement consisting of approximately 220 cottages situated amongst 190 hectares of "A" Class Reserve and surrounded by National Park along an otherwise isolated section of the South Coast of Western Australia. The settlement was informally established in the early 1900's by local timber mill workers. Individual leasehold arrangements were formally established in 1957 and these have been maintained via a Management Order for the Reserve which is vested with the Shire of Manjimup. Intrinsic environmental qualities, a strong sense of community, seasonal occupation, an ad-hoc settlement pattern, a particular style and form of development (typical of random coastal holiday cottage development and leasehold tenure) have all contributed to the development of a settlement of distinctive character.

This document represents the completion of the Council's review of the 1999 Windy Harbour Management Plan.

The specific objectives for the review of the 1999 Windy Harbour Management Plan were:

1. To ensure that it meets sustainability objectives by integrating environmental, social and economic considerations.
2. To provide the opportunity for significant community input and ownership through consultation during the review process leading to a superseding Windy Harbour Management Plan that is acceptable and capable of early implementation.
3. To ensure that the review will reinforce the partnership between Council and the community with a clear commitment to a well considered planning framework for the ongoing and sustainable management, development and conservation of the Windy Harbour Reserve.
4. To determine if additional development at the settlement is desirable and sustainable and consistent with the overall objectives for the settlement.

The review had several major components including:

1. Assessing the appropriateness and the level of implementation of the recommendations in the 1999 Windy Harbour Management Plan and the extent of community acceptance of those original recommendations.
2. Identifying the major changes to the policy and regulatory framework that will affect the ongoing management of the settlement.
3. Undertake consultation with the community and liaison with identified stakeholders and relevant Government Departments.
4. Preparation of a Strategy Plan for Windy Harbour with associated policy recommendations (these have now become "Plan Statements").

1.2 Study Management and Methodology

The review was managed by the Shire of Manjimup with some grant funding provided by the Western Australian Planning Commission. As key stakeholders, both the former Windy Harbour Advisory Committee (now the Windy Harbour Leaseholders

Association) and the Department for Planning and Infrastructure's State Land Services (formerly Land Asset Management Section) undertook an active role in the direction and outcomes of the Study.

Due to the servicing and expansion pressures experienced at the settlement, along with changing community attitudes, public policies and the State Planning Framework, Council resolved to initiate a comprehensive review of the existing Windy Harbour Management Plan (1999).

In conjunction with these groups, the review examined the recommendations from the 1999 Management Plan and the changes to the strategic and statutory policy framework. This information was then married to the issues arising from the initial public consultation to prepare alternative development concepts.

In consideration of these issues, the strategy plan and policy framework were then developed.

The Management Plan report has been prepared in two Volumes. Volume 1 is the Management Plan Report and Volume 2 contains the Technical Appendices and background information prepared during the review process.

1.3 Community Consultation

The Shire of Manjimup committed to public consultation as part of this study. The objective was to achieve community support for, and ownership of, the endorsed version of the Windy Harbour Management Plan (WHMP) thus permitting associated implementation. Where further public consultation is required under the endorsed WHMP or where there are proposals that comprise significant departures from the WHMP, then further consultation will be undertaken.

The review of the 1999 Windy Harbour Management Plan provided the local community with an opportunity to influence the management and development of Windy Harbour through identification of the settlement's most valued qualities, the issues of most concern and the opportunities available. Exploration and articulation of these themes by the community has been a primary influence steering the broader direction that management and development of the settlement will take for the life-span of the endorsed WHMP 2007 - 2017. Opportunity for community and stakeholder input into the review process occurred a number of times through the preparation of the WHMP 2007 - 2017. This subject is more fully explored in Section 6.

2.0 Previous Management Plans

2.1 1982 Management Plan

The first formal Windy Harbour Management Plan was drafted by G.R. Crimp and Associates – Consultants in Town Planning and Urban Design on behalf of the Shire of Manjimup in 1982 (with further amendments in 1982 and 1989).

The 1982 Management Plan was drafted in the form of a Town Planning Scheme and dealt with various matters including:

- Zones
- Non-conforming uses
- Servicing constraints
- Building standards
- Environmental controls.

While Council endorsed the 1982 Management Plan, it has never undergone the statutory approval process for a Town Planning Scheme and, therefore, did not enjoy the full legal weight of a Scheme. Adherence to the Management Plan by individual lease holders was administered by way of a clause in each lease requiring compliance with the Management Plan. This unusual form of land use management resulted in a number of issues and problems.

With the above matters in mind, it is clear that an alternative method of tying together future planning, land use controls and other management matters needed to be explored.

2.2 1999 Management Plan

Thompson McRobert Urban and Rural Planning Consultants (now *Thompson McRobert Edgeloe*) were engaged by the Shire of Manjimup to conduct a formal review of the 1999 Windy Harbour Management Plan. The 1999 Management Plan was endorsed by Council in May 1999 and won an “Occasional Special Award” from the Royal Australian Planning Institute of Western Australia. The 1999 Management Plan had the following objective:

“To maintain the unique lifestyle and amenity of Windy Harbour as a largely self contained seaside holiday destination characterised by secure lease-hold tenure, limited servicing and strong community ties, while providing for the legitimate regional and district recreational needs of the wider community.”

The 1999 Management Plan was prepared in partnership with the leaseholders and the community. It contained over 50 recommendations that have been progressively addressed and implemented, wherever practicable, by Council. The key issues addressed in the management plan were:

- foreshore and coastal management;
- land use and management issues related to the D'Entrecasteaux National Park and its management by the then Department of Conservation and Land Management;
- determining the level of infrastructure servicing which is appropriate for the settlement and suggesting courses of action which will allow this to be achieved;

- the scale, type and location of future development which may be appropriate within the settlement;
- future land tenure options and security of tenure; and,
- the extent by which social behaviour can be adequately controlled through a management plan.

A review of the recommendations from the 1999 Management Plan are contained in Section 7.1

3.0 Regional Overview

3.1 South West Region

The South West Region of Western Australia is located in the South West corner of the State. The Region, for regional planning purposes, covers an area of 23,970 square kilometres and comprise 12 local government areas. The South West Region has the most diverse economy of Western Australia and is well positioned to capitalise on this diversity. It has abundant mineral deposits, rich hardwood forests and agricultural soils, as well as substantial manufacturing, commercial, retail and tourism industry sectors.

The region is shown in Figure 1.

The South West Region has the largest resident population of Western Australia's nine regions and in 2000 there were 126,889 people living in the region. The South West is projected to continue to be the State's most populous non-metropolitan region.

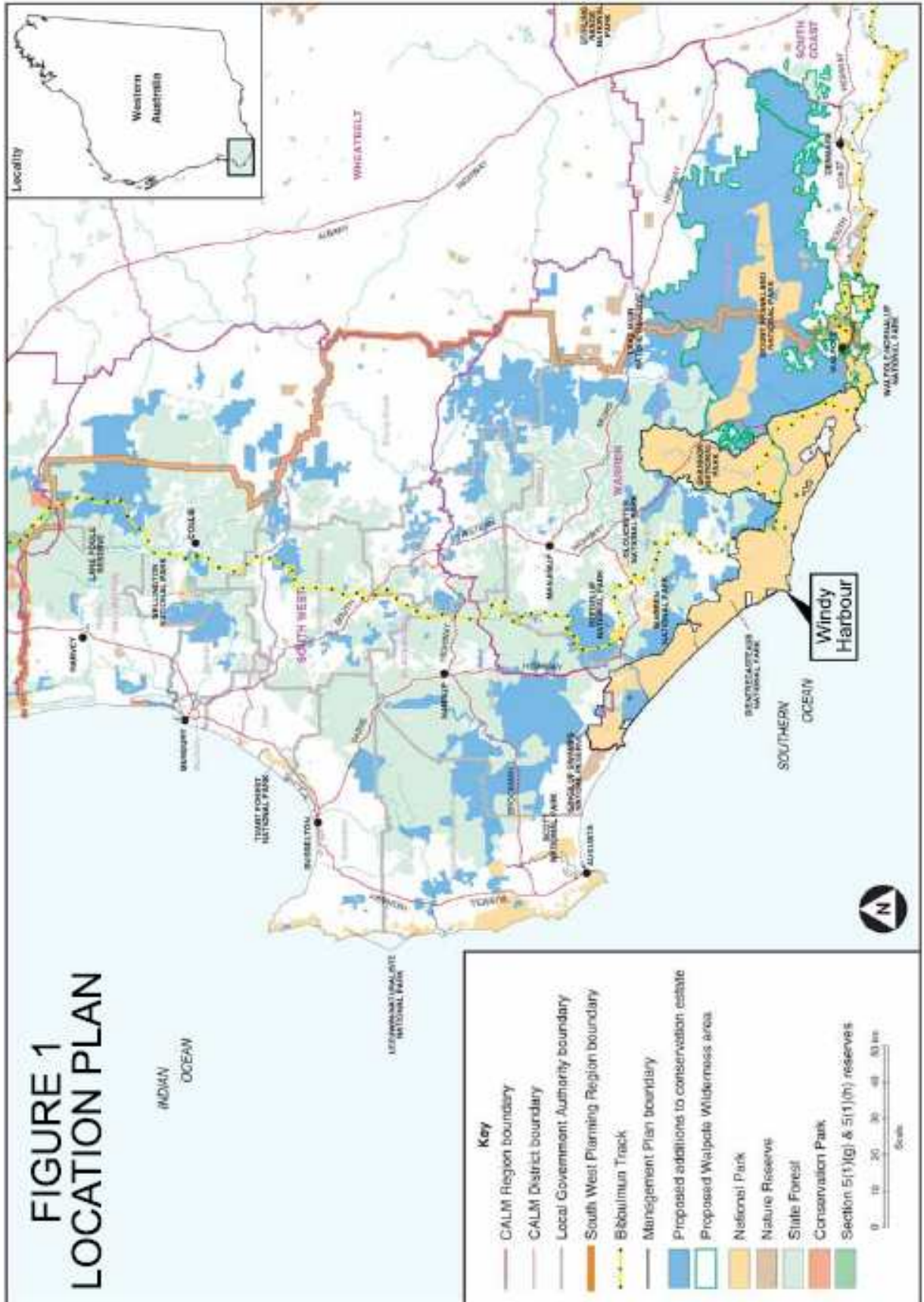
Within this area there are several sub-regions including the Greater Bunbury Urban area, the Collie Basin and Warren Blackwood Region.

3.2 Warren Blackwood Region

The Warren Blackwood Region is comprised of the Shires of Boyup Brook, Bridgetown – Greenbushes, Nannup and Manjimup. It is characterized by high rainfall, fertile soils and the economy is reliant mainly upon primary produce and non-processed goods. The Region has an area of 14,466 square kilometres with an estimated population of 18,300 persons (as at 2006).

Windy Harbour is the only settlement on the south coast between East Augusta and Walpole. It is situated immediately to the east of Point D'Entrecasteaux on the Western Australian south coast within the Shire of Manjimup and is accessed via the township of Northcliffe. The settlement is closely linked to Northcliffe, which acts as the local service centre for Windy Harbour, providing a range of services from medical facilities, commercial, post office, fire brigade and tourist operators etc.

The Windy Harbour settlement provides a seasonal holiday destination primarily for people living within the Shire of Manjimup. Windy Harbour is a district recreational facility in terms of the amount of accommodation and range of land activities, but is facing increasing pressure to function as a regional destination. The nature of the tenure of the Reserve with its Management Order and the level of service provision, however, mitigate against that outcome.



The region is also characterised by the high proportion of land within the Crown Estate which is predominantly made up of State Forest and National Parks as shown in Figure 1. The State Government has increased the number of National Parks within the region thus strengthening the conservation role and function of the Department of Environment and Conservation (DEC) as a major land management agency. Consequently, the tourist strategy for the region promotes this environmental/conservation theme and the promotion of the National Parks and associated attractions increasing interstate and international visitors.

4.0 Existing Conditions

4.1 Natural Environment

The existing reserve and the surrounding land are shown in Figure 2.

The 1999 Management Plan contained a detailed description of the environment and a commentary on the environmental considerations at Windy Harbour. That section of the 1999 Report has been reproduced in Volume 2 and Appendix 1 - Environmental Report.

The concluding observations were:

- Vegetation stabilising the frontal dune zone and in the low lying area situated to the north east of the caravan park should be protected because of its importance to land stability, landscape values and biodiversity.
- The site contains splendid views particularly those toward Cathedral Rocks and the limestone cliffs at D'Entrecasteaux Point, views from Cathedral Rocks car park which encompass Cathedral Rocks themselves, nearby islands, limestone cliffs and east to Chatham Island, views from the inland dunes westward to the limestone bluff and inland toward Mt Chudalup.
- Portions of the coastal foreshore are undergoing both eroding and accreting processes. The stabilising influence of the Marram grass and Seagrass seasonally accumulating on the edges needs to be recognised and protected.
- Access to the coast through the fragile foredune should avoid an east-west or north-west/south-east orientation due to the risk of erosion and blow-outs from the predominantly dry easterly winds. Strong winds from the west and south-west are usually moist and therefore are less likely to lead to erosion.
- There is limited scope in physical terms to further urban expansion of Windy Harbour. The limit of development is effectively defined by the limestone plateau to the west, seasonally inundated wetlands to the north and less protection from the prevailing wind conditions to the east.
- Further development should avoid the sea facing slopes of dunes.
- Should high water tables become evident in any part of the settlement, effluent disposal systems and the refuse disposal site will need to be so sited so as not impact upon them.
- Observations on the site indicate that surface water and groundwater flow is southward and, therefore, any contaminated water from the settlement should not encroach on the National Park to the north but move through the local water courses to the ocean.



FIGURE 2 WINDY HARBOUR EXISTING CONDITIONS PLAN

PLAN A1	THIS PLAN IS THE PRELIMINARY PLAN FOR A WINDY HARBOUR MANAGEMENT PLAN. IT IS SUBJECT TO SURVEY, ENGINEERING, AND ARCHITECTURAL DESIGN. IT IS SUBJECT TO SURVEY, ENGINEERING, AND ARCHITECTURAL DESIGN. IT IS SUBJECT TO SURVEY, ENGINEERING, AND ARCHITECTURAL DESIGN.	PREPARED BY G. LUSH	APPROVED BY K. SHAW
		SCALE: A1 - 1:2000 A2 - 1:10000	DATE: 29/11/05
		PLAN NO. 03219p-04	

These issues are summarised in Figure 3 being the environmental plan from the 1999 Management Plan. Those environmental issues remain current today.

4.2 Built Environment

The built environment at Windy Harbour is characterised by holiday-cottage style housing with typically timber or fibreboard cladding and iron or fibre cement roof sheeting. The character of development in Windy Harbour has been engendered by a respect for the land-form, a sense of impermanency to buildings and a development type that “rests” on the land rather than moulding the land to accommodate buildings of particular designs.

The choice of materials and the typically “stumped” form of building construction has given Windy Harbour a character of its own and the appearance of the buildings can be said to have a “beach shack aesthetic”. Even though pressures may emerge for more permanent types of development, there is equally a desire to conserve and enhance the existing character of the settlement. To complement this Management Plan, Council anticipates preparing a Local Planning Policy to address development control standards for new, expanded or modified structures along with providing more detailed land use controls. If and when adopted, the Local Planning Policy will be complementary to the WHMP to address development control provisions.

The character of Windy Harbour is typified by “China Town” where the juxtaposition of buildings, road access and remnant vegetation have combined to create an informal character that is not typical of modern urban settlements. One part of China Town has a range of lots and dwellings set around a central open space feature.

The balance of the Windy Harbour settlement also has elements of this character, however, the greater separation between buildings, a more obvious lot layout and more extensive clearing are evident.

The overall character of the settlement is also reflective of the lack of services and the beach location with associated recreational activities.

The cottages being on leased land, as opposed to freehold lots, led to a more temporary form of development producing the unusual character evident today. Leaseholders own the buildings but they do not own the land. As the leases have traditionally only been for a single year, the cottages have always been built on stumps to allow for their removal.

With the formalisation of longer lease periods and re-surveying of the lot boundaries, it can be expected that there will be greater investment in buildings at Windy Harbour and pressure for continuing change to its built character and form.

4.3 Services

Major services are limited with no power or sewerage. There is a water supply service provided by the Council from bores in the adjoining National Park by arrangement with DEC. Water provided by this means is to potable standard, however the quantity of water provided through this reticulated system is limited.

Some lease holders have bores the water from which is used for non-potable domestic purposes and for gardens.

Septic effluent disposal is in most cases by septic tank and leach drains given the absence of a reticulated sewerage scheme. Such systems operate satisfactorily with no evidence to date of system failure. While the use of water from bores in the same area used by septic tanks and leach drains can potentially lead to contamination of the water extracted, no such problems have become apparent.

Electricity is generated by each lease holder by way of generators, solar panels or wind turbines. With the exception of solar panels, the other two options for power generation can be problematic. In particular, it can create noise with generators operating late at night being a source of nuisance and the wind turbines also generating noise and vibrations dependent upon wind speed and the age and state of repair of the unit in each case. Wind turbines also impact upon the appearance of the area and in proliferation could impact adversely upon the character of the settlement.

While connection of the settlement to the South West Grid has been contemplated in the past, the cost of providing such a service has generally now been accepted as being cost-prohibitive.

There is a telephone service to Windy Harbour but very limited mobile phone coverage.

The refuse disposal area is available to lease-holders and each is responsible for disposing of his/her own refuse, i.e. there is no refuse collection service. Council is considering the introduction of a waste transfer station facility to reduce the amount of refuse accumulating in the refuse disposal area.

4.4 Social Environment

The use of Windy Harbour is predominantly for seasonal holiday accommodation during the summer Christmas and autumn Easter holiday period and also over long weekends. There is a lower level of activity on weekends throughout the year by both leaseholders and day trippers. This includes the use of the camping ground.

The character of the settlement combined with its location, recreation theme and limited services reinforce a relaxed and informal social environment. The essence of the popularity of Windy Harbour is to be able to escape from normal urban pressures and unwind.

One key issue in managing the reserve is to preserve and enhance this social quality, while being faced with an increasing need for rules and regulations and formalisation/security of lease holders' property.

4.5 Administrative Environment

Windy Harbour is contained within Reserve 38881 comprising Nelson Locations 12439 and 13304 on Land Administration Plan 15937 and Land Administration Diagram 88657 the subject of Certificate of Crown Land Title Volume 3114 Folio 600.

The Reserve has an area of 189 hectares comprising Nelson Location 12439, having an area of 90.4305 hectares and Nelson Location 13304 with an area of 98.94 hectares. Reserve 38881 is an "A" Class Reserve with a Management Order to the Shire of Manjimup for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages".

The Council has the power to lease portions of the Reserve for a term not exceeding 21 years and subject to approval in writing from the Minister for Lands. The permitted purpose of any lease is for:

Holiday cottage including short term holiday accommodation for periods up to but not exceeding 6 months in any Rental Year.

Council is responsible for the daily management of the reserve and is supported by a newly formed Leaseholders Association which replaces the previous Advisory Committee.

There are no Local Laws specifically for Windy Harbour, however the Dog Local Law has special provisions for Windy Harbour including its application some 200 metres seaward from the reserve boundary.

4.6 Management Responsibilities

The management of Windy Harbour is primarily the responsibility of the Shire of Manjimup.

In addition to its specific management role, the Council also performs a range of other statutory functions and duties which impact upon Windy Harbour, including planning, building, animal, fire and health control.

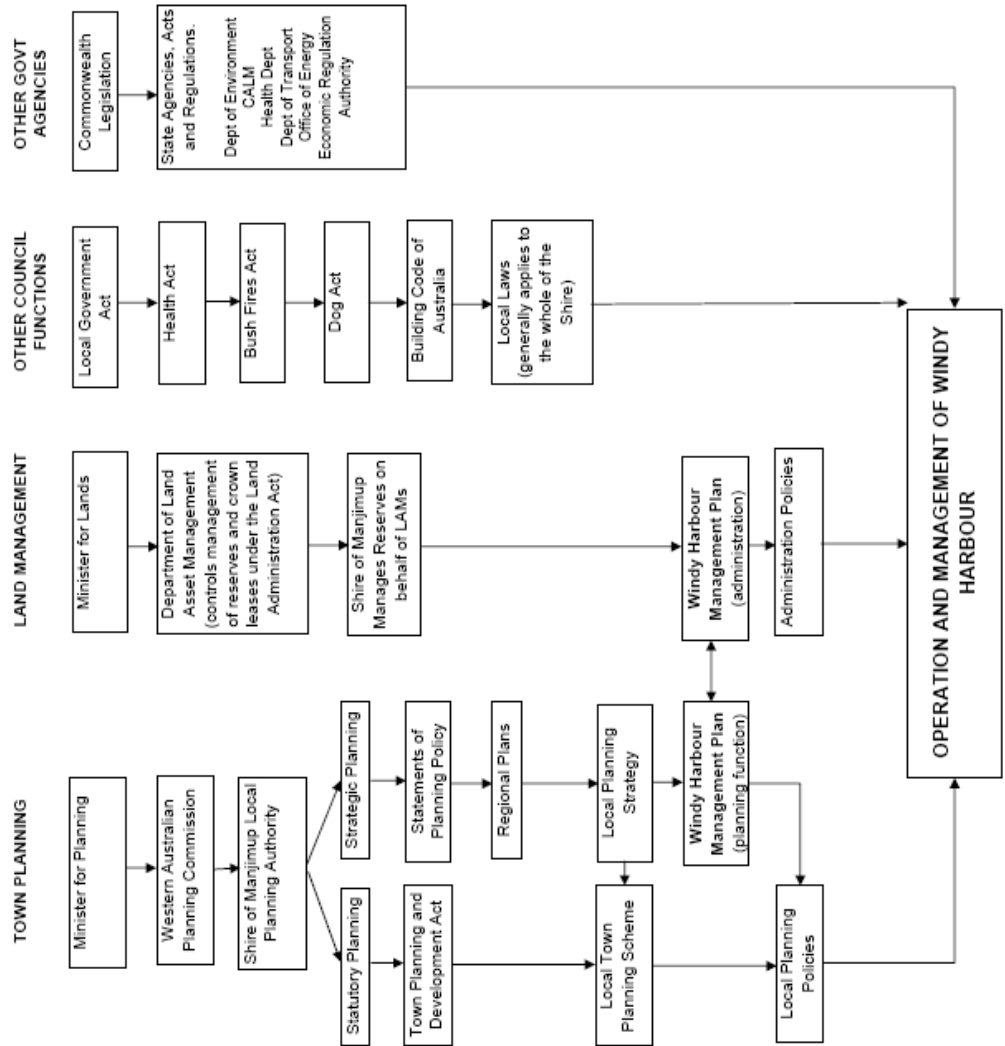
Similarly, there is a range of other government agencies that administer general statutory control as they do throughout the municipality. These statutes have various degrees of applicability and impact on the settlement.

Within this framework, there is a hierarchy of regulations and policies, which are either statutory or strategic in nature. This matrix is shown in Figure 4 and illustrates the relative distinction between Governing Acts and the operational management policies for Windy Harbour.

The WHMP seeks to closely align with Council's function as a Local Planning Authority. Additionally, the WHMP, insofar as it is appropriate to do so, is proposed to be incorporated by reference into proposed Town Planning Scheme No. 4. This will strengthen linkages between the WHMP and the Town Planning Scheme and assist in more effective implementation.

To provide the WHMP with an appropriate level of official status, the Council has endorsed the Management Plan and will also refer the WHMP to the Minister for Lands seeking the Minister's endorsement.

Figure 4 - Hierarchy of Management Responsibilities



5.0 Policy Framework

5.1 State Sustainability Strategy

The State Sustainability Strategy adopted by the Government in September 2003 defines sustainability as “meeting the needs of current and future generations through simultaneous environmental, social and economic improvement.”

The “foundation principles” from the State Sustainability Strategy address:

- long-term economic health;
- equity and human rights;
- biodiversity and ecological integrity;
- settlement efficiency and quality of life;
- community, regions, “sense of place” and heritage;
- net benefit from development; and
- common good from planning.

Sustainability requires that economic, social and environmental factors be integrated by simultaneous application of these principles, seeking mutually supportive benefits with minimal trade offs.

It also enunciates two principles; the first that where there are poorly understood risks of serious or irreversible damage to environmental, economic or social capital, a precautionary position should be adopted and the second that there should be settlement efficiency to reduce their ecological footprints.

5.2 State Planning Framework

The State Planning Framework provides general principles for land use and development and a listing of plans, policies and strategies. The general principles relate to:

- protection and enhancement of the environment;
- responding to social change and facilitating the creation of vibrant, safe and self-reliant communities;
- assist in economic growth in accordance with sustainable development principles;
- provision of efficient and equitable transport and public utilities; and
- accommodating the special assets and individual requirements of each region.

The Framework incorporates all the existing Statements of Planning Policies and relevant strategies including the State Planning Strategy. The State Planning Strategy promotes the sustainable use of land and integrated decision-making.

Statements of Planning Policy provide further guidance and those of particular relevance to Windy Harbour are SPP No. 2 – Environment and Natural Resources Policy; and SPP No. 2.6 – State Coastal Planning Policy.

5.3 Warren Blackwood Regional Planning Strategy

In December 1997, the Western Australian Planning Commission (WAPC) released the Warren-Blackwood Regional Planning Strategy. This plan is a non-statutory region plan identifying objectives and actions required to facilitate development within the Warren Blackwood Region. Within the Warren-Blackwood Regional Planning Strategy, various actions were relevant to the preparation of the WHMP 2007 - 2017.

The Regional Strategy addresses many issues and, in particular, raises the need for a revised Coastal Strategy with the following recommendations:

- Carry out a demand analysis to ascertain the current and future demand for tourism and recreational development in coastal settlements (DPI, LG, DEC, WATC).
- Assess the locational suitability of coastal settlements, in particular Windy Harbour, to accommodate future tourism/recreational development, with consideration being given to opportunities in adjoining regions (DPI, LG, DEC, WATC).
- Investigate the options for expansion of Windy Harbour, with particular attention being given to land tenure, servicing and retention of the settlement's existing character (Shire of Manjimup)
- Ensure that additional low key and small scale development related to tourism and recreation is located in existing settlements, such as Northcliffe, Walpole and Windy Harbour in lieu of private enclaves within the National Parks (LG, DPI, WATC).
- In conjunction with the preparation of the Regional Coastal Management Strategy, assess the demands and options for, and implication of an additional tourist and recreational node or nodes on or near the south coast in terms of location, access, servicing and land tenure (DPI, LG, DEC)

These matters will be addressed by the Windy Harbour Management Plan and the finalisation and implementation of the Augusta – Walpole Coastal Strategy.

5.4 Warren Blackwood Rural Strategy

Preparation of the Warren-Blackwood Rural Strategy was one of the key recommendations of the Warren-Blackwood Regional Planning Strategy. Its purpose is to provide a planning framework to address the rural land use, land management, agricultural productivity, environmental protection and resource rehabilitation issues that were unable to be resolved in the Regional Planning Strategy.

The main objective of the Strategy has been to introduce the principles of sustainability and natural resource management into the planning system and to attain an appropriate balance between enhancing productive capacity, protecting the environment and maximising community opportunity.

It recommends an assessment of the entire coastline in terms of coastal processes, tourism and recreational demands, access, development and settlement options, development trade-off and land swap options, tourist and recreational facilities and conservation and vesting, and develop an appropriate strategy. This is being done in the preparation of the Augusta Walpole Coastal Strategy.

It notes that there is very limited accommodation available along the coastal strip for either tourist or permanent residents. This accommodation is restricted to Windy Harbour and the freehold lots to the west of Black Point.

5.5 South West Regional Strategy for Natural Resource Management

The South West Regional Strategy for Natural Resource Management (2005) was prepared by the South West Catchment Council as a statement by the community, industry and government stakeholders of the value of the natural assets of the region. It provides an integrated framework for the management of the natural resources of the South West.

The Strategy has accreditation from the State and Federal Governments ensuring that regard will be given to it in the setting of priorities for the expenditure of public funds in the area. This further emphasises the need for Council to ensure that the management of Windy Harbour is based upon sustainability principles.

5.6 Coastal Planning Policy

The WAPC has two levels of policy control affecting the management of the coast being:

- Statement of Planning Policy (SPP) No 2.6 State Coastal Planning Policy; and
- DC Policy 6.1 – Country Planning Policy.

SPP 2.6 is a formally gazetted Policy, to which Council must have regard in the preparation of its Local Planning Strategy and Town Planning Scheme, including any subsequent amendments. It sets out objectives, policy measures, plan requirements and guidelines for coastal development setbacks.

The Country Planning Policy 1989 is an older operational policy of the Department. Similarly it deals with development principles, land tenure, land use, visual amenity, access etc. It contains a requirement that no buildings located within 500 metres of the coast shall exceed more than 12m in height unless approved by the WAPC. While the Country Planning Policy is only enforceable for those matters where the WAPC has jurisdiction, it does provide relevant guidelines.

5.7 Augusta - Walpole Coastal Strategy

The Augusta-Walpole Coastal Strategy is being prepared by the WAPC as a framework for planning within the area for the next 15 years. The Strategy is in response to increasing pressures for recreation and development and is the result of recommendations made in two former strategies both of which recognised the unique, essentially wilderness nature of the coastline between Augusta and Walpole.

It is considering such issues as, coastal processes, tenure, access, recreational uses, Indigenous and European heritage, coastal hazards, vegetation and landform and the suitability for the area in the long-term for various types of development.

The Augusta Walpole Coastal Strategy will provide the regional context within which the WHMP will operate.

The Strategy acknowledges the unique characteristics of Windy Harbour and the issues raised in the review and endorsement of the WHMP.

The Strategy is currently out for public comment.

5.8 Shannon – D'Entrecasteaux Management Plan

The Shannon-D'Entrecasteaux National Park Management Plan 1987-1997 is presently under review by DEC following public consultation in 2005.

The previous Plan recognised Windy Harbour and commented on specific matters including fire protection, water supply, rubbish disposal etc.

The large area that the Shannon-D'Entrecasteaux National Park Management Plan covers is shown in Figure 1 and the relative significance of Windy Harbour in relation to this is clear. However this relevance is increased significantly when it is understood that Windy Harbour and the adjoining Shannon Beach will remain the main 2WD

access points to the coast. The only other 2WD access is the unsealed access to Mandalay Beach.

Windy Harbour has the only boat launching facilities.

The Plan also notes on page 78 that:

Salmon Beach Road/Point D'Entrecasteaux had the highest recorded visitation within the parks in the 2003 to 2004 year which is to be expected as it is two-wheel drive accessible, has a high level of facilities (Windy Harbour townsite and Point D'Entrecasteaux Lookout) and the area is very scenic and attractive to visitors.

And in regard to the function of the Windy Harbour Road it notes on page 84 that:

Windy Harbour Road (also a local authority road and approximately 5.3 metres wide) is proposed to be upgraded to a Type 4 sealed road (6 metre seal width) to facilitate and encourage further tourism in the area, and to ensure adequate capacity and road safety.

With regard to the water supply, the Plan notes on page 131 that:

The Shire of Manjimup obtains water for Windy Harbour townsite from groundwater bores within D'Entrecasteaux National Park near Salmon Beach Road. The Water and Rivers Commission, as yet, do not require the Shire to obtain a licence for this activity as it is in a non-proclaimed area. The Shire of Manjimup has indicated that it [they] would like to obtain security with regards to this water extraction activity.

(It should be noted that the Shire of Manjimup has negotiated, and is about to finalise a formal arrangement with DEC covering the bores providing the greater security recommended. The new bores now provide a potable water source to buildings in the settlement.)

It recommends that DEC will liaise with Shire of Manjimup and Water and Rivers Commission (now the Department of Water) to ensure that water extraction for Windy Harbour is sustainable and does not impact on Park values. This has now been undertaken.

5.9 Shire of Manjimup Town Planning Scheme No. 2

Within this Scheme, the land comprised in the subject Reserves is classified "Parks & Recreation Area Reserve" providing virtually no guidance to Council as to how to approach the planning and development control within the settlement.

Development of any kind requires planning approval under this Scheme, but Council is only required to have regard to the ultimate purpose of the reserve before granting planning approval under that Scheme. This is considered to be an unsatisfactory situation that should be redressed in the review that has been undertaken by the preparation and endorsement of the Local Planning Strategy and the preparation of Draft Town Planning Scheme No. 4 both of which are discussed below.

5.10 Shire of Manjimup Local Planning Strategy

The Shire of Manjimup Local Planning Strategy (2003 – 2013) recommends in relation to Windy Harbour that:

- Council encourage the continuation use of Windy Harbour predominantly for holidaymakers rather than for permanent residents, in accordance with objective of the current Windy Harbour Management Plan.
- Council support 20 year leases for all leaseholders.
- That, pending the completion of the Warren Blackwood Regional Strategy and Augusta-Walpole Coastal Strategy, and the review of the Windy Harbour Management Plan (1999), the creation of any additional leases should be directed towards low-key tourist accommodation rather than for single holiday homes.
- Council seek a change to the vesting and purpose of Nelson Location 13304 as an additional option for future land requirements for the Windy Harbour settlement.
- In the new Scheme Council will present an appropriate zone, such as a “Development” zone to facilitate future development.

The future of Windy Harbour arose as a major issue during the advertising of the Draft Local Planning Strategy and as a result of this, the Strategy noted that the review of the WHMP should consider the following matters:

- the creation of a new entry road to the settlement to avoid China Town;
- maintaining the use of Windy Harbour predominantly for holiday makers;
- the identification and development of a possible service area / depot;
- the identification and development of an appropriate area for small scale commercial facilities;
- the identification of appropriate locations for tourist activities;
- the active involvement of the Windy Harbour Advisory Committee, the Windy Harbour Development Group and the residents those community associations represent; and
- the preservation and retention of those buffer areas between the existing professional fishing lease areas and the balance of the Windy Harbour settlement development; to reduce any potential for inappropriate encroachment and / or land use conflicts.

(In connection with the penultimate dot point, it will be noted that liaison will now be undertaken with the Leaseholders’ Association.)

5.11 Draft Shire of Manjimup Town Planning Scheme No. 4

As noted above in section 5.9, present planning controls are considered to be inadequate and that some recognition should be given to the existence of Windy Harbour as a settlement albeit specialised in the sense that permanent residency is not permitted.

In Draft Town Planning Scheme No 4, which will be shortly advertised for public comment, it is proposed to include the settlement within a “Special Development Zone” on the Scheme Map complemented by Special Development Zone provisions within a Schedule of the Scheme Text. These Scheme Text provisions make reference to the WHMP, thus providing it with legal recognition.

The provisions of the Scheme Text also set out the permitted uses within the settlement. Details of these provisions are set out at Table 5.

5.12 Council's Strategic Plan 2007 - 2017

In April 2007, Council adopted the "Strategic Plan - 2007 and Beyond" which provides broad direction for the Council including how Council intends to put those strategic directions into practice. A key component of the plan is striving for sustainability.

PART 2 - CONSULTATION AND ISSUES

6.0 Consultation Measures

6.1 Overview

The review of the 1999 Management Plan has included extensive and detailed consultation with the leaseholders and other interested groups. This process is summarised in Appendix 2 and primarily consisted of:

- an initial Council questionnaire distributed to all leaseholders;
- a workshop held at Windy Harbour;
- preparation and distribution to all leaseholders and key stakeholders inviting comment on a brochure documenting three possible development options for the settlement; and
- public comment in January – April 2006 on the Draft WHMP.

6.2 Survey

Council distributed a questionnaire (as contained in Appendix 3) to all leaseholders as a precursor to the workshop. The summary of the responses to the questionnaire are contained in Appendix 4.

The responses are diverse but with an underlying theme of maintaining the existing qualities that people associate with and enjoy about the settlement. This included a general concern with how the potential increase of tourists can be managed without eroding those qualities that attract them and the leaseholders to the settlement.

The length of time that people have held leases at Windy Harbour is substantial and this reflects the strong association and community ties to the settlement.

6.3 Workshop

A public workshop was held at Windy Harbour on the 24th April 2004. This was attended by approximately 50 persons and their details are contained in Appendix 5.

The workshop was limited to two hours and this was a source of concern to most people that attended. Despite this, the workshop still gave a useful insight into the complexity of issues concerning leaseholders at the settlement.

The Individual Group Summaries are contained as Appendix 6 and the overall summary as Appendix 7. For comparative purposes, a review was done of this workshop against the original 1998 workshop and the results of this are contained in Appendix 8. While there was no major shift in the community's overall identification of the settlement's qualities, issues or opportunities, there was a wider variety of points of view compared to in 1998. This may be a reflection of the settlement being faced with more diverse problems, or reflective of the wider community becoming more diverse in its views on general issues.

From this the following key factors were identified:

- Sustainability is the key issue.

- More focus on environmental constraints, considerations and impacts (both in maintaining the status quo and in making any changes).
- More focus on obtaining quality information upon which to base decision-making.
- Shift from Council to DEC as “Big Brother” (i.e. policing and distrust issues).
- Identified need for effective working relationships between the community, Council and DEC to obtain goals.
- Identified need for additional community consultation.
- Feeling of more value for money being provided (i.e. DEC providing walkways etc and employment of full time resident caretaker).
- Residents still want to maintain the settlement for their exclusive use (i.e. keep strangers out).
- Most residents still want improved facilities and services, without providing funding through increases in lease fees/release of more sites or without compromising the “sense of place” values (i.e. wilderness, serenity, peacefulness with nature etc) or without giving development a “springboard” or “opening the door” for development.
- Residents recognise continual increasing pressure on facilities/environment and likelihood of further increased pressure with increase in regional/State tourism/recreation demands – but do not feel that they should have to sacrifice their community to facilitate this demand.
- Most residents did not want the settlement’s “sense of place” to change.
- Most residents want improved coastal access and infrastructure (in particular boat ramp and associated parking facilities) implemented in an environmentally friendly manner.
- Professional fishermen seek greater acceptance by the community.
- Community identified need to influence regional/district planning.

6.4 Development Options

As a result of concern expressed at the workshop that there was:

- insufficient information available for leaseholders to make decisions; and
- insufficient time at the workshop to consider the implications and options for the settlement;

it was agreed to prepare three potential development scenarios for the reserve ranging from no major change through to promoting the settlement as a significant regional/district tourism destination.

These were prepared with indicative costings associated with the development of services for each option. A brief outline of the “Need” and “Extent” of each service was provided along with generalised information pertaining to the Review.

The options are contained in Appendix 9 and consist of:

- | | |
|----------|--|
| Option 1 | Minor settlement enhancement including some changes to roads and other infrastructure but no additional lease areas. |
| Option 2 | Sustainable development option including additional lease areas, road and other infrastructure improvements. |

Option 3 Regional tourist node option with additional lease areas, extensive infrastructure upgrades and tourist /accommodation development to the east of the settlement.

The options were referred to all leaseholders and also advertised to the wider community. The summary of the 123 responses received from this advertising is contained in Appendix 10. The responses are also summarised in Table 1 and while it appears that there was overwhelming support for Option 1, there was also strong support for improved services and facilities at the settlement, but without additional lease areas being provided.

It was also noted that the issue of reticulated power supplies seemed to have lost support, while there were clear concerns over the future of the boat ramp.

Table 1 – Options Preference Totals

	OPTION 1	OPTION 2	OPTION 3	OTHER	TOTAL
SUB-TOTAL	74 (60%)	27 (22%)	10 (8%)	12 (10%)	123 (100%)

6.5 Public Advertising

Advertising of the Draft WHMP occurred in January – April 2006 and there was wide-spread consultation which sought to obtain comment from the community and stakeholders through the following approaches:

- the Shire administration writing to and inviting comments from a wide-ranging number of stakeholders including all leaseholders;
- placing public notices and details in the “Shire Scene” in local papers on multiple occasions;
- placing details on the Shire’s website and on TME’s website;
- information available at local public libraries, at the Shire’s Customer Service Centre and at the caretaker’s office in Windy Harbour; and
- undertaking an information session in Manjimup.

One hundred (100) submissions were received, with approximately half from leaseholders, around 40% from visitors and the remainder from locals (non-leaseholders and government agencies).

Of the submissions, approximately 70% sought no change at Windy Harbour (or the former Option 1), however there was a general push for improved infrastructure and services. While these views are somewhat at “cross-purposes”, they are understandable from those who currently hold a lease at Windy Harbour. It is highlighted that Council also has a role to consider the needs of all Shire residents, including Windy Harbour leaseholders and other stakeholders, to balance community, economic and environmental considerations, to seek to be pro-active (wherever possible) and to ensure that it operates in accordance with legislation.

The key issues arising from the submissions with the response from the Council are contained in Appendix 11.

7.0 Issue Identification

7.1 Review of the 1999 Recommendations

The 1999 Management Plan contained 53 recommendations relating to management, tenure, servicing and environmental issues. The majority of these and in particular the Tenure Recommendations have been progressively implemented by Council.

Contained as Appendix 12 is a review of the recommendations indicating the progress which has been made and whether the recommendation is still relevant. Many of these recommendations are still relevant today and were used in the formulation of the Policy Statements and the strategic direction of the Plan.

7.2 Significant Changes Since 1999

The preparation of the 1999 Management Plan was done in consideration of the issues and the policy framework which existed at that time.

Change is a normal process in all communities and it is the nature and pace of the change that can affect a community's reaction. This can be either:

- an evolutionary type of change, that has no clear beginning or end; or
- a dramatic change associated with a particular event or proposal.

Changes that have been occurring within the Region since 1999 include:

- restructuring of the native timber industry;
- increase in plantation development;
- declining reliance upon traditional farming, dairy and horticulture;
- increase in viticulture;
- changing population base;
- increasing awareness of residents rights and demands to participate in processes;
- decline of the traditional farming family;
- broader awareness of the scenic and quality of life attributes of the Region;
- increase in tourism; and
- increase in lifestyle developments.

The broader influence of these changes has affected the values and relevance of the issues that are addressed in the WHMP.

The following are considered to be specific changes that have affected the review and the endorsed version of the WHMP:

- Introduction of 20 year leases. This has created more security leading to greater expectations, investment in cottages and demands. It has highlighted issues such as boundary demarcations and permanent occupancy of the cottages.
- Upgrading of the reticulated water supply to a potable standard. This was required to ensure the sustainable management of the settlement.
- Gazettal of the region under the Water Servicing Licensing Act 1995 as a supply district. This is creating significant issues for Council regarding the on-going supply of potable water to individual leases.
- Introduction of the State Sustainability Strategy. This promotes an integrated decision-making process providing a balance between environmental, economic and social

factors. It will become increasingly important as a tool for measuring the impact and importance of the settlement.

- Preparation of the Augusta-Walpole Coastal Strategy. This Strategy will set the regional context for the Windy Harbour Management Plan and justify the regional importance of the settlement.
- The Department of Health has given approval to locate septic tanks systems outside of individual lease boundaries and specific clauses relating to this have been included in the 20 year leases. This provides greater flexibility in addressing and resolving wastewater disposal problems.
- Approval of Council's Local Planning Strategy which provides a framework for development within the Shire.
- Introduction of the Residential Planning Codes into the buildings guidelines. These have been incorporated by reference with detailed provisions or description, thus leaving it open to interpretation, which has created administration difficulties for Council.
- The development and promotion of additional National Parks within the region, which place further pressure on Windy Harbour as one of the main public focus points within the Park system.
- The recent abandonment of the Windy Harbour Advisory Committee as a committee of Council due to conflict with the financial interest provisions of the Local Government Act.

There are various indirect financial implications resulting from DEC's current and proposed management of the National Parks that could place significant and unbudgeted pressure on the Shire of Manjimup. A key issue, for instance, is the encouragement of visitors to regional/State attractions such as Point D'Entrecasteaux and the pressure on limited Council funding to meet traffic impacts from non-local usage.

By way of illustration of the above issue, vehicular access to locations such as Point D'Entrecasteaux use roads managed by the Shire of Manjimup such as Wheatley Coast Road and Windy Harbour Road. A significant proportion of traffic on Wheatley Coast Road and Windy Harbour Road is of a regional nature which is accessing the National Park and is non-local in origin. Both of these roads are recognised as roads of regional significance by the State Government and are eligible for grant funding (two thirds of costs) under the State Regional Roads Programme.

Additional indirect financial impacts to the Shire of Manjimup occur through DEC having limited amenities, including ablutions/water and rubbish collection, at Point D'Entrecasteaux with the result that visitors tend to use Shire facilities at Windy Harbour.

The development and promotion of DEC sites without adequate consideration of the capacity of supporting local infrastructure is a concern to the Council. Council believes that this has been inadequate and that greater funding support should be provided from DEC and the State Government to assist in maintaining such infrastructure.

7.3 Issues Summary

Based on consultation results and an assessment of issues, the review of the 1999 Management Plan summarised and structured the main issues. The range of issues is complex and it is unlikely that there will be agreement on the priority for these.

In this regard, it would seem that the introductory statement on page 3 of the 1999 Management Plan is still relevant today. It states that:

The participating consultants recognise that the unique character and amenity of Windy Harbour needs to be preserved as it is one of the few communities which provides true variety in lifestyle choice. It is equally apparent that the community will experience increasing pressure to accommodate more permanent residents, additional day trippers and larger scale resort development. The management plan review is about determining the scale of development which is appropriate for the Windy Harbour settlement and how it should be managed (page 3).

The key issues are categorised in Table 2. To structure these, each issue has been considered in terms of the broader category that it may influence in terms of:

- Environment;
- Social;
- Economic;
- Land Use;
- Servicing;
- Tenure; and
- Pre-Planning.

These categories are used to frame the Plan Statements. They also reflect the need to adopt an integrated decision-making framework reflecting sustainability principles.

Table 2 Key Issues

SPECIFIC ISSUES	Environmental	Social	Economic	Land Use	Servicing	Tenure	Pre-Planning
Sustainability – over-riding issue.	✓	✓	✓	✓	✓	✓	✓
Regional function and demand on settlement (recreation, tourism etc) – what level should be promoted or managed?	?	✓	✓	✓	✓	?	?
Holiday destination – should settlement be promoted as holiday destination – short term, long term or other?	?	✓	✓	✓	✓	✓	?
Community benefit from any further works/management needs to be rationalised and evidenced.	?	✓	✓	?	✓	?	?
Extent and type of services provided needs to be closely considered: <ul style="list-style-type: none"> • Power • Potable Water • Roads • Telecommunications • Access (footpaths, cycle-ways, access to beach, access to DEC land • Drainage • Boat ramp 	✓	✓	✓	✓	✓	?	?
Level and siting of amenities: <ul style="list-style-type: none"> • Public toilets • Small shop • Motorbike/boat/fishing hire • Camping/caravan bookings 	✓	✓	✓	✓	✓	?	?
Ongoing tenure of leases is settled – does it need to be reviewed?	X	X	X	X	X	✓	X
Financial considerations for all stakeholders need to be considered, including: <ul style="list-style-type: none"> • Lease fees • Rating • Shire contributions • Govt agency contributions/ funding 	X	✓	✓	X	✓	✓	X
Development guidelines – these need to consider strong leaseholder desire for equity and maintenance of current settlement character and form.	✓	✓	X	✓	X	X	?
Land Uses – various existing and any proposed land uses need to be appropriately selected, sited and sized including: <ul style="list-style-type: none"> • Further standard leasehold lots • Caravan park 	✓	✓	✓	✓	✓	✓	✓

SPECIFIC ISSUES	Environmental	Social	Economic	Land Use	Servicing	Tenure	Pre-Planning
<ul style="list-style-type: none"> • Short term accommodation • Fisherman's leases • Waste disposal • Recreation • Conservation Etc...							
Environmental – consideration of various environmental issues must be given, including: <ul style="list-style-type: none"> • Coastal foreshore – dunes, weeds, seaweed, accretion • Vegetation/fauna • Waste management • Pets • Fire management Etc...	✓	?	?	✓	?	X	✓
Professional fisherman – lease and land use impacts must be adequately and appropriately buffered from surrounding land uses.	?	✓	?	✓	?	✓	✓
Health, safety and quality of life – must be pivotal in consideration of all issues and any future development: <ul style="list-style-type: none"> • Traffic calming – speed controls • Vehicle beach access • Australian Drinking Water Guidelines 2004 	?	✓	?	?	✓	X	X
Expansion and development areas must be suitably identified and assessed for impacts.	✓	✓	✓	✓	?	?	✓
Waste management – a more sustainable and environmentally acceptable system needs to be developed.	✓	?	?	✓	✓	?	?
Caretaker's role – requirements and function of the caretaker need to be closely considered – is not to be perceived as law enforcer.	?	✓	?	?	?	?	?
Lack of various detailed information – inhibits decision making (precautionary principle): <ul style="list-style-type: none"> • lack of surveying – feature surveying, topographical, detailed cadastral • land capability • vegetation/flora surveys 	X	X	?	X	X	X	✓
Management – ongoing management of the settlement is labour/resource intensive and involves multiple agencies and committees.	X	X	✓	X	?	X	X

- ✓ Relevant
- ? Small or arguable degree of relevance
- X Not relevant

PART 3 THE STRATEGY

8.0 Guiding Principles

8.1 Vision Statement

The original vision statement captured the essence of Windy Harbour in 1999 as a reflection of the issues that were being faced at that time. The key issue at that time related to the tenure of the settlement and the debate over freehold development.

This has now shifted to concerns as to how the settlement will be managed in the face of increasing pressure for regional recreation. In consideration of this, the following revised Vision Statement reflects the current situation:

To manage Windy Harbour as a district and regional coastal holiday and recreation destination, while recognising limited servicing, strong community associations, cultural heritage, specific character and environmental context.

In this context, “district” means the local area as typified by the Warren Blackwood Region and in particular the Shire of Manjimup. “Regional” means the South West Region and further afield.

Plan Statement 1 - Vision

The management, use and development of the Reserve will be undertaken having regard to the following Vision Statement:

- a) To manage Windy Harbour as a district and regional coastal holiday and recreation destination, while recognising limited servicing, strong community associations, cultural heritage, specific character and environmental context.

and

- b) The Reserve Purpose as stated within the Management Order, namely for “Recreation, Camping, Caravan Park and Holiday Cottages”.

8.2 Sustainability

Managing Windy Harbour in a sustainable manner is a key objective for the settlement. Sustainability is a major guiding principle that is reflected throughout the Plan Statements.

The State Sustainability Strategy (2003), defines sustainability as “meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.”

The Environmental Protection Authority Position Paper No 6 “Towards Sustainability” (March 2002) describes sustainability as:

“At a simple level, sustainability means what we expect the word to mean – an ability to be sustained, kept going, maintained at an acceptable standard – recognising that the definition of this standard is itself problematic. When we talk about a sustainable business, we mean one that seems likely to keep going for the foreseeable future. Some people talk about a sustainable weight, one that they believe can be maintained. In the last twenty years, ‘sustainability’ and ‘sustainable development’ have become part of the political dialogue as a result of a growing awareness that some activities were not sustainable.”

The State Planning Strategy advocates integration between the following dimensions of sustainability:

- Environmental Protection;
- Social Advancement; and
- Economic Prosperity;

which are commonly referred to as the “triple bottom line” to produce community health, sense of place and ecological economics with the overall objective of sustainability. It suggests, however, that the principles of sustainability go beyond the triple bottom line through emphasising the importance of integration between these factors and achieving them synergistically.

The State Sustainability Strategy then sets out “foundation principles” which address:

- Long-term economic health
- Equity and human rights
- Biodiversity and ecological integrity
- Settlement efficiency and quality of life
- Community, regions, “sense of place” and heritage
- Net benefit from development
- Common good from planning.

There is now a clear obligation on organisations to incorporate sustainability objectives and measures within their operations. Often this is done by describing sustainability as the “triple bottom line”, to reflect not only the importance of environmental, social and economic elements as components of decision-making but to examine their interaction in any given circumstance to determine whether there will be a sustainable outcome.

Recently, the Department of Planning and Infrastructure released for Public Comment a Draft Sustainability Checklist which are being used by a number of Councils for use in assessing development applications. The use of the sustainability checklist is likewise adopted for Windy Harbour to assist in:

- ensuring the long term sustainable management of the settlement; and
- assessing future proposals and issues which may or may not be specifically addressed in the Management Plan.

By agreeing on the general criteria, the Management Plan will become more robust and able to deal with changes in the future.

To illustrate this, Table 3 contains extracts from the DPI discussion paper that are considered relevant to Windy Harbour. The sustainability matrix suggests that, for each relevant question, consideration be given to whether or not a proposal meets the

minimum current practice standard, is best practice or is innovative. This will assist in determining if a proposal is moving towards more sustainable outcomes. It is highlighted that not all questions set out in the sustainability matrix will be applicable in all circumstances at Windy Harbour.

Table 3 Sustainability Matrix

Sustainability Goal – Social Advancement Will the proposal.....?	Current Practice	Best Practice	Innovation
Improve community safety and security			
Establish a socially diverse community			
Support indigenous communities			
Prevent co location of incompatible land uses			
Provide open space that complies with the principles of universal design			
Provide recreation areas that comply with the principles of universal design			
Provide community facilities that comply with the principles of universal design			
Improve community health outcomes			
Identify, acknowledge, protect, enhance, manage and promote indigenous heritage			
Identify, acknowledge, protect, enhance, manage and promote cultural heritage			
Identify, acknowledge, protect, enhance, manage and promote natural heritage			
Establish community networks			
Form partnerships with the community			
Support community creativity and vitality			
Facilitate visual amenity			
Facilitate amenity and a 'sense of place'			

Sustainability Goal – Economic Prosperity Will the proposal.....?	Current Practice	Best Practice	Innovation
Increase revenue flow (direct and indirect) to State and local government			
Balance capital expenditure between State and local government and the private sector			
Limit operating costs			
Deliver more benefits than costs (including environmental and social benefits and costs)			
Avoid risk of damage from physical processes			
Promote sustainability through the use of economic instruments.			

Sustainability Goal – Environmental Protection Will the proposal.....?	Current Practice	Best Practice	Innovation
Decrease potable water consumption			
Reduce energy use from non-renewable resources			

Reduce greenhouse gas emissions			
Rehabilitate or remediate degraded land for appropriate future use			
Reduce waste disposal to landfill			
Reduce negative impacts of light spill			
Protect or enhance the noise environment			
Reduce emissions of air pollutants			
Prevent the export of pollutants to receiving waters			
Promote natural flow regimes for water resources			
Protect flora, fauna and fisheries			
Avoid permanent negative changes to coastal processes			
Safeguard high value landscapes and seascapes			
Maintain essential ecological functions			

Sustainability Goal – Good Governance Will the proposal.....?	Current Practice	Best Practice	Innovation
Encourage the community to be engaged actively in decision making			
Ensure genuine opportunities for consultation and feedback			
Recognise community concerns			
Encourage increased levels of participation of historically disadvantaged communities			
Ensure accountability			
Employ decision making processes which are open and transparent			
Ensure that financial resources are managed and properly audited			
Ensure that decisions are implemented			
Ensure policy, legislation, regulation and practice meet sustainability goals			

8.3 Sustainability Objectives

Based on the above sections, the following sustainability objectives are outlined for Windy Harbour.

8.3.1 Environmental

1. Ongoing management of the reserve will be undertaken in a sustainable manner while accommodating as far as practicable district and regional level recreation demands.
2. Environmental management will recognise the context and function of the settlement within the broader natural environment and its relationship to the D'Entrecasteaux National Park.

3. Development of whatever kind should comply with the overriding consideration that the general form, character and appearance of the settlement should be conserved.

8.3.2 Economic

1. Funding of principal recurrent operations should be sourced from a combination of user pays, municipal resources and external sources and should not significantly disadvantage other ratepayers within the municipality.
2. At every opportunity, non-recurrent local projects should be funded externally to Council's general revenue.
3. Regional non-recurrent projects should be treated on a case-by-case basis and may involve State and Federal assistance.

8.3.3 Social

1. On-going management of the reserve will recognise that Windy Harbour is predominantly a family holiday and recreation destination.
2. The on-going management will predominantly focus on district demands, while ensuring regional demands do not erode the essential attractive characteristics of the area.
3. Development standards should recognise the "informal" holiday and recreation functions of the area, as distinct from traditional urban areas.

Plan Statement 2 – Sustainability Objectives

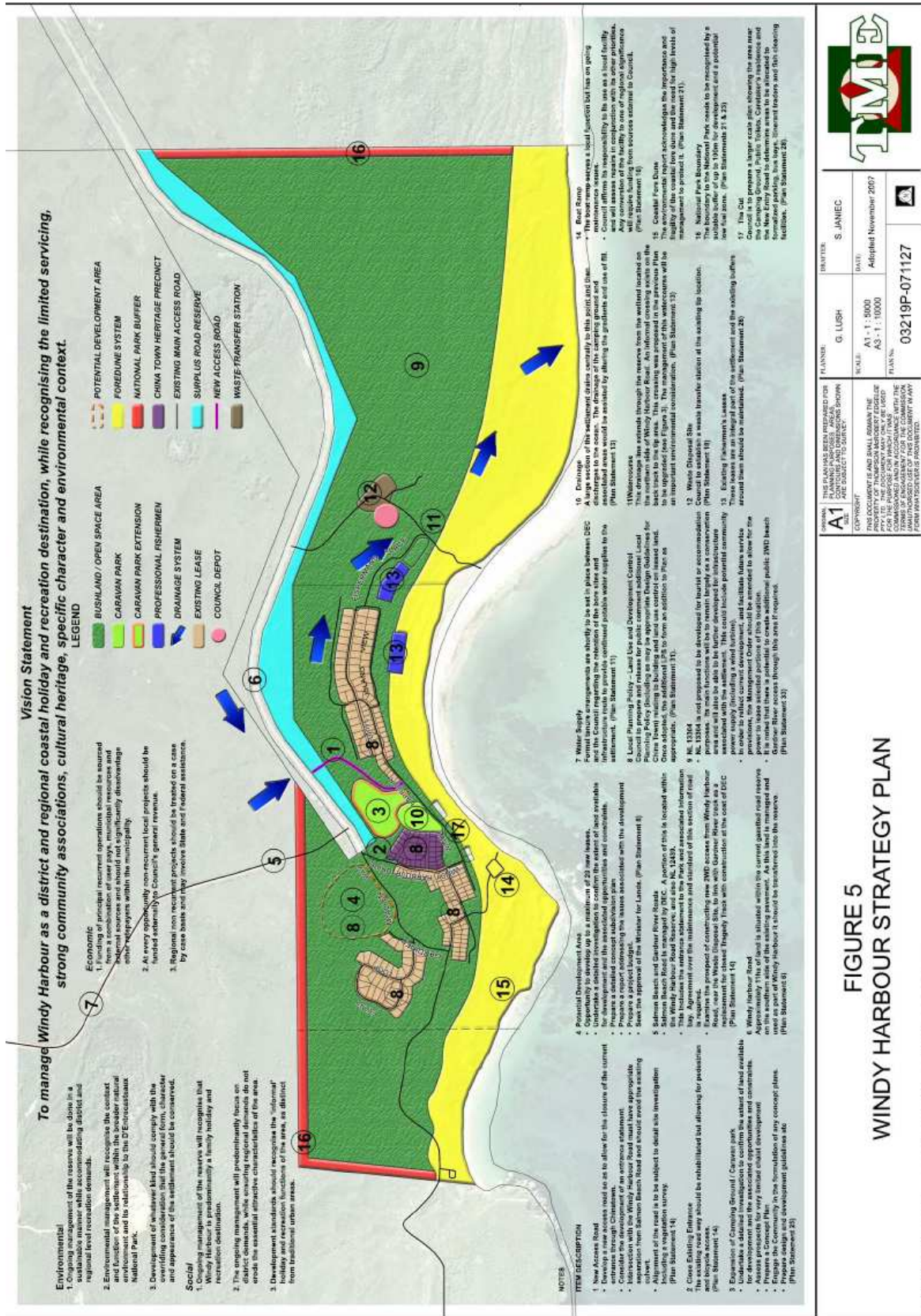
The fundamental assessment of the appropriateness of management measures, land use or development proposals will be that the measure or proposal is ancillary or beneficial to the primary purpose of the Reserve as stated within the Management Order for "Recreation, Camping, Caravan Park and Holiday Cottages" having regard to the above objectives and having regard to the Sustainability Matrix set out in Table 3 as considered appropriate.

9.0 Strategy Plan

The Strategy Plan is included as Figure 5 which shows the entire Reserve Area within its setting and depicts the key issues identified in this Management Plan. This also provides a pictorial representation of the plan statements and proposals which seek to achieve sustainable development.

10.0 Plan Statements

The following plan statements have been prepared having regard to the issues and aspirations raised by the community; the legal/policy framework and the regional context. They reflect a balance between environmental, economic and social opportunities and constraints.



PREPARED BY	G. LUSH	DATE	Adopted November 2007
SCALE	A3 - 1:5000	PLANNING	03219P-071127
APPROVED BY	S. JAMIEC	DATE	

THE PLAN HAS BEEN PREPARED FOR THE COUNCIL AND IS SUBJECT TO SURVEY.

THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO SURVEY.

THE PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO SURVEY.

FIGURE 5
WINDY HARBOUR STRATEGY PLAN

The plan statements are not intended to cover all issues at Windy Harbour. The plan statements address the main factors which have been identified and which are considered relevant to the sustainable management of the reserve.

The implementation of the plan statements is in all cases the responsibility of the Shire of Manjimup to at least initiate the required action. While there is no priority set out against the plan statements, the need for certain matters to be addressed in the short, medium and long term is discussed further in Section 11.0.

10.1 Role and Function

Windy Harbour has three levels of functions being:

- a day recreation centre;
- as a District holiday and recreation destination; and
- as a Regional tourist centre.

Its function as a day recreation centre is to cater for the informal (often sightseers) day tripper and visitors. This function is already being well provided for with the current levels of facilities through the provision of:

- beach access;
- public toilets; and
- walking trails and information;

although car parking accommodation is deficient at peak periods.

Windy Harbour is currently functioning as a District holiday and recreation destination. This includes holiday cottage area and the ancillary activities of the camping ground and commercial fishermen. Northcliffe will continue to function as the local service centre and "gateway" to the D'Entrecasteaux National Park. However, Northcliffe does not offer a short stay coastal experience which is the key attraction of Windy Harbour.

Windy Harbour also functions as a Regional tourist centre which overlaps with the above functions but also needs to cater more specifically for:

- bus traffic;
- increased boat launching;
- increased visitor numbers;
- a greater range of tourist accommodation and for longer periods; and
- potential commercial facilities i.e. shop and tourist commercial ventures.

Although Windy Harbour is not a formal townsite, many of the issues are similar to those that would be experienced in a normal townsite and this comparison can be used to consider the approach to many issues.

It is recognised that to ensure its sustainability, the settlement should remain relatively low-key (predominantly as a holiday cottage centre) to minimise development impacts, to allow for better management and to retain its informal character. This is based on the following matters:

- retaining the special qualities and character of the settlement;
- the need to ensure the environment and key natural resources (such as water) are being conserved and enhanced where possible and practical;

- services, at a limited scale, to be delivered appropriately;
- recognition that the settlement also functions at a regional level and accordingly should embrace opportunities for additional day visitation and a range of increased short-stay (visitor) accommodation but consistent with the low-key image of the settlement;
- financial considerations that recognise the Council's budget is limited and that required improvements to Windy Harbour need to be appropriately identified and funded; and
- the views of the clear majority of stakeholders.

Plan Statement 3 – Role and Function of Settlement

- A The role and function of Windy Harbour is recognised predominantly as a District holiday and day recreation area.
- B Due to the expected growth in both the region and the State generally, with resultant regional pressures from increased visitor numbers and the absence of other accessible areas along the South Coast, it is acknowledged that Windy Harbour will have a role as a Regional tourist centre. This role should remain ancillary to the above role and not detract from the essential character and attractiveness of the settlement.

10.2 Management**10.2.1 Tenure**

As indicated in Section 4.5, Windy Harbour is Crown Land and included within an "A" Class Reserve with the designation of "Recreation, Camping, Caravan Park and Holiday Cottages". The "A" Class Reserve classification is used almost exclusively to protect areas of high conservation or high community value. The underlying status of the reserve, is that it is public land with high community value and it is unusual for land within such a reserve to be leased to private individuals. The existence of such an arrangement can be considered as an unusual privilege providing recognition to past actions in developing the settlement.

The "A" Class designation affords the greatest degree of protection for reserved lands, requiring approval of Parliament to amend the reserve's purpose or area, or to cancel the reservation. The Minister for Lands may require a management body to prepare a suitable management plan to the Minister's satisfaction in relation to reserved land. In the present case, the Minister has devolved responsibility for the care, control and management of the Reserve to the Council by way of a Management Order and Council has prepared this Management Plan to enable it to discharge its obligations under the Management Order.

Plan Statement 4 - Tenure

- A A Crown Land reserve with leases, rather than freehold lots, remains the most appropriate form of land tenure at Windy Harbour.
- B As the underlying tenure of the reserve is public land, its management must provide for access by the wider community.

10.2.2 Reserve Boundaries

Reserve 38881 (consisting of Nelson Location 12439 and 13304) currently extends to the high water mark, thereby leaving the section to low water mark as Unallocated Crown land. The foreshore area is a sensitive environment and the focus for recreation activities; hence they require a high level of management.

To assist in effective management, the Council is seeking the agreement of the State Government to extend Nelson Location 12439 and 13304 from the high water mark to the low water mark and accordingly vest this additional land in the Shire. This will bring this land into conformity with the extent of the adjoining parts of the National Park.

Plan Statement 5 – Reserve Boundaries

The Council will pursue action already taken to seek approval from the State Government to extend the boundaries of Reserve 38881 (Nelson Location 12439 and 13304) to the low water mark.

The Windy Harbour Road reserve has a variable width of between 100 and 250 metres adjacent to Reserve 38881. This road reserve width is not required for the function of the road and should be reduced. The road reserve may impinge on the southern side into an area that is traditionally associated with Windy Harbour by up to 100 metres. This includes the old fisherman's camp site. The reserve also includes a section of the Salmon Beach Road and the associated information bay.

Plan Statement 6 – Width of Windy Harbour Road Reserve

A reduction in the width of the southern side of the Windy Harbour Road Reserve will be sought to reflect the current alignment of the road pavement with conventional road verges and that the surplus land be incorporated into Nelson Location 38881 to reflect its current usage.

10.2.3 Lease Boundaries

The survey and rationalisation of lease boundaries was nominated in the 1999 Management Plan as a prerequisite to longer leases being issued. This has been conducted and specific lease boundaries have been established by survey to:

- provide security for lessees;
- provide accurate information for the planning of services at the settlement; and
- allow for appropriate planning guidelines to be formulated having regard to the different lease sizes and existing building conditions.

Leaseholder acceptance of the survey has been sought with finalised boundaries being incorporated into the State Cadastral Network with any subsequent modification or adjustments requiring action by a licensed surveyor appointed by the Department for Planning & Infrastructure – State Land Services - to re-peg the boundary at the expense of the lease holder.

In addition, a survey compiled network (which includes AHD) has recently been installed at Windy Harbour.

Another unique feature of Windy Harbour is that traditionally leaseholders have a right of access across other leases. This is predominantly for pedestrian access although there are some leases which do not have any road frontage. This right to access over boundaries is acknowledged in the conditions of the Lease.

Plan Statement 7 – Lease Boundaries

- A The survey of the lease boundaries is to be completed as a matter of urgency.
- B No fencing is permitted on lease boundaries or in other areas which unreasonably restrict access to or between leases, impact upon the visual and residential amenity of the settlement or change the intrinsic character of the settlement.

10.2.4 Additional Leases

The creation of additional lease sites at Windy Harbour is a matter of considerable contention with polarised views. Some argue that no additional lease sites should be created to the prospect that new lease sites should be created with the revenue created (if available to Council) being used to improve facilities within the settlement. The Council has taken the view that unless there are additional lease sites created and the money applied to improve facilities, there is unlikely to be any major change to the present level of facilities provided at Windy Harbour given the financial resources available to the Council would permit little more than maintenance of the status quo.

Based on the above, the Management Plan, shows a Potential Development Area (Annotated 4 on the Plan) which, subject to detailed assessment, could support the creation of approximately 20 new lease sites. Also, as a result of the survey of the existing lease boundaries, it is expected that there will be surplus areas identified that are not currently used. Provided that these are of sufficient size and meet agreed criteria, such areas could be developed as “infill” leases. It is not expected that this will exceed 20 new leases over the settlement and the procedure for creating them should generally be the same as for the Potential Development Area but with an emphasis on consulting adjoining and nearby lease holders.

The approval of the Hon Minister for Lands will be necessary to the creation of any new lease sites. As the reserve is Crown Land, any revenue derived from the creation and sale of further lease sites will revert to the Crown and not to Council. It is open to the Crown to agree that, if the monies so derived are applied to functions and facilities benefiting the Windy Harbour settlement, then the proceeds of sales could be made available to Council for those purposes. Initial enquiries of the State Land Services section of the Department for Planning and Infrastructure indicate that such an approach could be viewed favourably.

Plan Statement 8 – Additional Leases

- A Council will seek advice from the Hon Minister for Lands as to whether the creation of new leases in the area shown on the Management Plan and/or “infill” sites to create new leases adjoining existing leases, if deemed appropriate, will be approved.
- B If a favourable response is received to the creation of new lease sites, Council will seek an arrangement with the State Government whereby any funds generated from the potential sale of new leases will, after defraying any infrastructure and development costs, be used to develop and advance the interests of the Windy Harbour settlement.
- C As appropriate, Council will undertake an investigation of the Potential Development Area identified on the Strategy Plan to confirm the extent of land available for development and the opportunities and constraints having regard to:
- soil capability;
 - site survey;
 - vegetation:
 - Aboriginal heritage;
 - service provisions;
 - setbacks from the National Park; and
 - landscape values.
- D Council will prepare, as appropriate, a detailed concept lease plan that incorporates:
- proposed number of leases and sizes thereof;
 - details of any excavation, fill or earthworks in excess of 300 mm above the existing ground level;
 - any alterations to an existing drainage system and/or methods of dealing with stormwater drainage;
 - availability of services such as water, sewer, electricity;
 - road design and layout;

- environmental features that may affect the proposal including native vegetation, rivers and watercourses, wetlands and catchments;
 - details of any proposed staging of subdivision of the land;
 - information concerning how any conditions resulting from formal environmental assessment of the subject land will be addressed; and
 - any other matters relevant to the proposal.
- E Council will prepare a report, as appropriate, addressing (but not necessarily limited to) the following:
- current use of site and adjoining land, and structures/services on and near the site;
 - a detailed survey to AHD datum;
 - biological features – including vegetation units/ecological communities (including any threatened ecological communities), flora and fauna (including any threatened or unusual species), vegetation condition (based on a recognised methodology), fauna habitat, weeds and pests, diseases (for example, dieback);
 - soils and their characteristics, including land capability;
 - hydrology, including the surface drainage and groundwater regime;
 - a vegetation survey consistent with the advice in Environmental Protection Authority Guidance Statement No. 51;
 - landscape analysis;
 - fire hazard analysis;
 - an assessment of traffic implications arising from the development of the site (both vehicular and pedestrian);
 - a community impact statement examining the perceived positive and negative effects of the development on the existing users of Windy Harbour; and
 - any other relevant issues.
- F Regarding possible infill sites within established leaseholder areas, Council will prepare a plan showing the location of proposed new lease sites, after having undertaken such of the foregoing analyses as are appropriate to determine the suitability and capability of the land for that purpose, and consult with the public in accordance with the procedures set out in paragraph 10.9.
- G A project budget identifying the expected development costs, lease fees and intended use of any surplus funds generated by the proposal.
- H Improved servicing infrastructure (as outlined in Section 10.3 and especially Plan Statements 11 to 18) to be provided either before or at the same time as the development of any additional leases.

I Council will engage in public consultation with respect to the concept lease plan in accordance with the principles set out in paragraph 10.9.

10.2.5 Caretaker

Council provides a caretaker at the settlement who has a number of diverse duties including:

- infrastructure maintenance;
- provision of water;
- management of the camping ground;
- rubbish collection;
- fire management; and
- enforcement of local laws.

This is considered appropriate given the need for a high level of management of the reserve and its distance from any other settlement. However, in the event that the camping ground becomes a separate commercial operation, then it will be necessary to distinguish those roles that must be performed by a Council employee. Similarly, should the existing cottages be leased out to third parties, the caretaker may have a role in providing keys etc.

The Council may need to provide increased ranger and/or support services in busier periods as the settlement attracts more visitors, but this will need careful consideration to determine how to best utilise and police limited resources.

The enforcement component of the caretaker's role should not impinge on matters which in a normal townsite would be under the jurisdiction of the Police Service.

Plan Statement 9 – Camping Ground and Role of Caretaker

In the event of commercial leasing of the camping ground, the role and function of the caretaker will be reviewed by Council to identify the most appropriate form of service provision.

10.2.6 Local Laws

The Council has general competency powers under the Local Government Act to prepare Local Laws. The issue is whether specific laws are required for Windy Harbour or whether the issues that they deal with apply across the municipality.

Previously, it was identified that the following matters may require Local Laws:

- depositing and removal of refuse, rubbish and disused materials;
- dogs;
- management of reserves and beaches and specifically such matters as vehicular access, operation of jet skis, management of fragile dune areas etc;
- control of vehicles including parking, use, speed etc;
- management of the camping area; and
- unacceptable social behaviour.

It is noted that a Dogs Local Law has been introduced and Council is reviewing the need for other control on the beach areas.

The issue of the extent of Council jurisdiction to the high water, rather than the low-water mark impinges on the degree of control Council has on beach usage. The Dogs Local Law applies to an area 200 metres seaward of the edge of the Reserves.

Plan Statement 10 – Local Laws

Local Laws will only be prepared exclusive to Windy Harbour if specific matters arise which do not apply to the balance or other parts of the Shire.

10.3 Infrastructure

10.3.1 General

Infrastructure costs are high and very few of the service infrastructure costs identified in this Management Plan will be capable of delivery without a significant injection of funds from sources other than Council's normal rating and grant income. The only source of any such abnormal income that can be identified at present, is the prospect that additional lease sites be created and sold and the income so generated directed with Ministerial approval to the infrastructural needs of the settlement. One of the pre-requisites to creating any new leased sites is that Council pre-funds the development works and then gains reimbursement from the proceeds of sales. Whatever new leased land is created, there is likely to be some shortfall that will mean that some aspects of this Management Plan will need to be staged and/or placed on hold. Additionally, there are likely to be competing demands for limited funds and Council will need to prioritise infrastructure commitments.

10.3.2 Water

Potable drinking water at Windy Harbour is provided by Council via an existing reticulated water system. The source is from groundwater borefields located in the adjacent D'Entrecasteaux National Park which pump to high level tanks also located in the National Park. This is supplemented by rainwater tanks within the leases. Some properties have individual private bores the water from which is used for non-potable purposes including some irrigation of garden areas.

It is noted that:

- a sufficient supply of potable water must be available for all premises at Windy Harbour;
- Council has recently obtained an exemption to the Water Services Licensing Act 1995. As part of the exemption process, Council is required to comply with the Australian Drinking Water Guidelines 2004 for the provision of potable water to the settlement. Compliance with the requirements are scrutinised by the Department of Water and the Department of Health and could incur significant cost to Council;
- the current borefields and infrastructure located in the D'Entrecasteaux National Park have no formal tenure approval from the controlling authority, DEC, however there have been previous informal agreements between Council and DEC to allow the water system to exist. Council is well advanced with a proposal to obtain long term tenure;

- alternate sources of potable water, including provision of rainwater tanks of sufficient capacity to sustain the use of leasehold premises, may be difficult due to the size of some leases. Council will encourage alternative sources where this is practical;
- Council is examining the possibility of installing water meters at Windy Harbour as a method to encourage sustainability and to measure water consumption as part of a general water management regime within the settlement. While it may be desirable for rainwater tanks to be installed for drinking water and other purposes, it may not always be practicable due to the limited areas within which to place them having regard to building and planning requirements and the size of some of the lease sites; and
- private bores on individual leases are potentially prone to contamination from leach drains. Water extracted from private bores could be contaminated and as such presents a public health risk to leaseholders and the general public. Private bores also detract from accurate quantification to be made of water use within the settlement. Given the above, Council has adopted a risk minimisation policy with respect to private bores.

Plan Statement 11 – Infrastructure (Water)

- A Council will continue to provide reticulated potable water to the Windy Harbour settlement in accordance with legislative requirements.
- B As part of the commitment to provide water to the Windy Harbour settlement, Council will seek to finalise an appropriate tenure arrangement from the Department of Environment and Conservation for the borefield and all water system infrastructure in the D'Entrecasteaux National Park.
- C Council will continue with, and further refine a program to encourage sustainable water usage.
- D Council will develop a risk minimisation policy to protect public health with respect to the use of private bores.
- E The use of rainwater tanks is encouraged subject to compliance with planning, health and building requirements.

10.3.3 Power

While there are a number of solar systems providing power to individual lease holdings, diesel or petrol generators are in common use. Issues with the latter forms of power generation include:

- duration of operation especially in the evening;
- potential for more conflicts between lessees as more formalised occupancy occurs; and
- availability of more sustainable options.

In the early to mid 1990's, Western Power was commissioned to investigate transmission of grid electricity from Northcliffe to Windy Harbour. Western Power had

previously concluded that grid electricity supply to Windy Harbour was economically unviable as it would require an underground connection as an overhead line was unacceptable through the National Park. Support for connection of the settlement to the electricity grid has declined in the light of the knowledge that it is cost-prohibitive. Further, it is considered that any such provision may encourage permanent occupancy of dwellings in conflict with the purpose for which the land is reserved.

In comparison to the unlikely connection to the grid in the foreseeable future, the Council considers that a more realistic option for Windy Harbour is an alternative power scheme/s. Alternative power schemes, whether individual or collective are supported in principle by Council given they:

- are more likely to be economically feasible;
- offer the potential for environmental benefits; and
- are likely to have less visual impacts compared to an overhead line through the National Park.

While noting this, there are various issues to address to the satisfaction of Council and some of these issues are outlined below.

The use of alternative forms of power generation also focuses whether this should be provided as a community scheme or on an individual basis.

The Council and the community can monitor opportunities for community power provided it is cost effective including addressing upfront capital costs, on-going operating costs and replacement costs and any potential requirements of the Economic Regulatory Authority. The development of any community power scheme would be a major undertaking by Council and would require not only strong support from leaseholders but also finance considerations.

There is potential to use Nelson Location 13304 to locate a community power scheme including wind turbines. This may, however, impact on the visual elements of the adjoining National Park.

The provision of community power scheme may also have implications on the character of the settlement, including a propensity to more frequent permanent occupancy. It is noted that the conditions of the Lease specifically provide for the possible provision of a reticulated power supply and other services by Council and require the connection of such a supply by the lessee with an appropriate standard of internal wiring.

On a related matter, the Office of Energy can offer rebates for the introduction of renewable energy options but this rebate is only available where the houses are occupied for more than three months in any one year.

The use of wind turbines on individual leases has the potential to be noisy and visually intrusive with adverse impact on the visual and residential amenity of the settlement and so the use of solar panels is favoured above this form of supply. Both methods of power generation are consistent with the sustainability "ethos" of the settlement.

It is noted that the conditions of the leases expressly prohibit the use of any plant or machinery which through noise, odour, vibration or otherwise is, or may grow to be an annoyance, nuisance, grievance, or disturbance or be damaging to any person. This

condition may influence not only the use of generators, but also potentially the use of wind turbines.

Plan Statement 12 – Infrastructure (Power)

- A In the absence of a reticulated power system that is connected to the grid, Council supports in principle alternative power supplies whether individual or collective subject to addressing matters including amenity, character, noise, landscape values, management, financing and statutory approvals.
- B All power supply systems should be designed and managed to not detract from the amenity and character of the area particularly in terms of noise and landscape values. Examples of this may be from generators operating late at night or the noise and appearance of multiple wind turbines.
- C Council will introduce provisions relating to individual power generation systems within a proposed Local Planning Policy and, if considered necessary, will examine the introduction of a Local Law to address development and management of power supplies.
- D If any potential community power scheme is contemplated, Nelson Location 13304 is considered to be a potential location for the infrastructure.

10.3.4 Drainage

A preliminary drainage plan was prepared for Windy Harbour in 2004. The drainage plan was preliminary in terms of its content due to the lack of contour information, infiltration capability of the ground and winter water table levels. It contained a number of recommendations which are supported and incorporated into the Plan Statements.

Plan Statement 13 – Infrastructure (Drainage)

- A Detailed Survey
A survey will be undertaken, as resources and finances permit, to provide spot heights and 0.5 metre contour intervals to the settlement and its immediate surrounds. This will provide valuable information to be used for designing drainage improvements, road re-sheets and analysing off-site drainage potential.
- B Drainage Basins
That the design and location of drainage basins will be undertaken once the above survey and catchment calculations are completed.
- C Roads
Windy Harbour roads are to be incorporated into the Council's Road Programme, with incremental resheeting as finances and priorities permit. It is proposed that roads are to be prepared prior to re-sheeting to ensure that their runoff will drain into designated infiltration basin areas.

D Drainage

A Minor Drainage Infrastructure Programme i.e. culverts and swales, will be developed in conjunction with the Road Preservation Program to facilitate construction of drainage infrastructure ahead of re-sheet works.

Infiltration basins, complete with any culverts, stoned pitched channels (to prevent erosion), silt traps and rehabilitation measures would form the minor storm (5 year recurrence) system in the upper reaches of the settlement.

E Fill

Should Council wish to utilise the camp site area during the wet months, fill will be required to raise its level above the high water table level (a provisional fill depth of 0.5 meters is envisaged). Swales should be left adjacent to the road connecting to the outfall pipe into the sea.

Fill to the eastern precinct, at the back of lots facing swales, will cover the exposed water table and reclaim some land. A narrower central swale could be left to drain surface water. Once a detailed survey is carried out, it could be determined whether it is possible to move this water on to a more appropriate location.

F Maintenance

All swales, basins, culverts and pipes will require ongoing maintenance to ensure that they operate to their maximum potential.

The outfall pipe onto the beach will be appropriately maintained given it is the only outlet for the lower reaches of the settlement.

10.3.5 Roads and Access

The roads at Windy Harbour do not meet the normal subdivision standards as would be required for new residential developments. However, the current standard of the roads in terms of gravel, limestone and sand construction and narrow widths contribute to the informal holiday character of the settlement.

The roads have an important social function within the settlement acting as communal open space with a strong emphasis on pedestrian movements and a low-speed environment for vehicles. There may be opportunities to improve pedestrian safety in the vicinity of "The Cut" by better managing the combined vehicle and pedestrian access to the beach.

Opportunities for improved access, which are compatible with the area's character and which are economically sustainable, will be investigated. Further, there may be opportunities to formalise vehicular access to the beach in the eastern portions of the reserve.

It should be noted, however, that there are obvious difficulties in providing all year coastal access for people who are aged or who have disabilities.

It is noted that both the Salmon Beach and Gardner River Roads encroach into the reserve and these roads are maintained by DEC. DEC has however introduced the

notion that the Gardner River Road be connected to the road leading to the refuse disposal site to operate as an alternative to Tragedy Track. Tragedy Track has been closed indefinitely due to its propensity to inundation during wet conditions.

Windy Harbour Road, while being a Council Road, also clearly serves regional needs and provides benefits beyond just access to Windy Harbour as it is also the primary access for DEC to the National Park and its attractions. It is a recognised regional road and its maintenance and repair should be jointly funded by the State Government and the Council.

The need to develop a new alignment for the main access road has been identified to provide more direct access to the main beach area. The proposed alignment of this is shown on the Strategy Plan. Construction of this new access would facilitate opportunities to re-configure the alignment of the principle access into the settlement with a view to decreasing the volumes of traffic using Gardner McAllen Way and potentially closing off Windy Harbour Drive at its junction with that road to reduce traffic impacts on the dwellings in China Town.

The standard of construction for the proposed new road into Windy Harbour is likely to be for a fully formed and sealed road given the concentration of traffic that is likely to occur along its length and the focus of activity at its terminus.

Plan Statement 14 – Infrastructure (Roads and Access)

- A The new access road into the settlement be realigned subject to:
- road design parameters;
 - level of construction:
 - soil capability;
 - site survey;
 - vegetation:
 - Aboriginal heritage;
 - service provisions;
 - landscape values;
 - financial capacity to construct; and
 - community consultation.
- B The design will need to recognise and provide for:
- potential access into the expansion area for the camping ground;
 - appropriate separation distance from Salmon Beach Road; and
 - the general view that the road may well need to be sealed to sustain the likely levels of traffic use.
- C Council will consider the design of a new entrance statement on Windy Harbour Road.

- D The community will be consulted in the design and approval of the road alignment, entrance statement and rehabilitation of the existing entrance.
- E Council will negotiate with the Department of Environment and Conservation a suitable agreement regarding the tenure and maintenance responsibilities for those portions of Salmon Beach Road and Gardner River Road which are located within the reserve boundaries.
- F The standard for the local road network is to remain 'low key' with a low speed environment, emphasis on pedestrian movement and safety and controlled traffic management consistent with the informal character of the settlement.
- G Council will investigate, in consultation with the community, means to improve pedestrian safety in the vicinity of "The Cut" and also possible access points into the eastern portion of the reserve.

10.3.6 Parking

Parking in the vicinity of both the "The Cut" and the boat ramp is ill-defined, unstructured and at times inadequate. This Management Plan envisages an extension to, and formal configuration of parking at both locations which will ensure the best possible use is made of existing space together with an expansion of the land areas set aside for this purpose as demand increases.

Plan Statement 15 - Infrastructure (Parking)

Detailed plans will be prepared showing the formalised use of, and possible extensions to the areas of existing car parking facilities in the vicinities of "The Cut" and the boat ramp to be implemented as and when funding is available and this will be subject to community consultation.

10.3.7 Boat Ramp

The status and function of the existing boat ramp has been raised in the consultation process as being one of significant community concern.

The current condition of the ramp is poor and seasonally affected by sand drift and seaweed. It should desirably be repaired to a standard commensurate with its design function – that is for vessels up to approximately 6 metres in length. Significantly, no monies have been allocated for any such work on the basis that there are higher priorities on the Council's finances. It is also the case that many, if not most, boat launches occur from the beach and not the boat ramp indicating a perceived inadequacy in the condition and form of the boat ramp.

It is also evident that the boat ramp is used for boats much larger in size than the design capacity of the ramp and this trend is likely to continue given increased community affluence and population increases that can be expected in the near future. Volumes of traffic on the ramp and in the adjoining car/trailer parking area are likewise likely to increase.

Any attempt to increase the design capacity of the boat ramp would require massive expenditure on studies into the ocean regime at that point, rock blasting, possible need for groyne development and extensions to the surfaced area of the ramp itself. Such costs would be well beyond the capacity of the Council to contemplate.

There is much debate over how the boat ramp should be managed and if it should be improved. The Council is responsible for the maintenance of the ramp but not for upgrading it to meet regional needs. While there is doubtless a level of support for maintenance of the current boat ramp, undertaking the necessary repairs may simply promote greater usage and larger boats bringing even greater pressure to bear on what is in effect a very limited boat launching facility.

The boat ramp is the only ocean access point between Augusta and Walpole and also has an important regional function for search and rescue. As such, an argument can be mounted for its further development and use as a regional facility, but if anything greater than simple maintenance is contemplated, the responsibility for any such development works should be borne by the State Government.

The car/trailer park at the head of the ramp is used in an unstructured way resulting in inefficiencies in its use. This area could be expanded to the west as necessary and the area formalised by the use of barrier railing with some encouragement given to ramp users to park cars and trailers in an orderly fashion to maximise its capacity.

Plan Statement 16 – Infrastructure (Boat Ramp)

- A Council affirms that its responsibility for the boat ramp extends only to the maintenance of the existing facility and disclaims any responsibility for any upgrading of the ramp to that of a regional facility. It will, however, discuss the prospect of the provision of a regional facility with the relevant authorities to secure funding.
- B Council will examine the costs of maintaining and restoring the ramp to its design standard with a view to budgeting for the work as soon as priorities allow.
- C Council will review the use and extent of the car/trailer parking area with a view to designing a formalised arrangement for parking of cars and trailers together with access to the ramp including an extension of the area to the west to expand the capacity of the parking area as necessary. Funding will be examined against other priorities in future budgets.

10.3.8 Effluent Disposal

Traditional waste water treatment systems have operated normally within the settlement with no significant cause for concern. The Department of Health has also given approval for leach drain systems to be located outside individual lease boundaries, which provides more potential for siting in difficult locations. The Lease conditions include requirements for the management of waste water systems.

The use of some alternative wastewater treatment systems presents difficulties because of the absence of a reticulated power supply and insufficient room within the leases. Pre-existing leach drains outside of lease boundaries will need to be rectified over time.

Plan Statement 17 – Infrastructure (Effluent Disposal)

The maintenance of appropriate waste water treatment systems is a primary servicing consideration for both existing and proposed development for public health and environmental reasons. Proposals for development may be required to be complemented by geo-technical reports on soil capability to ensure site suitability for the installation of appropriate systems. Existing leach drains outside lease boundaries will need to be rectified over time.

10.3.9 Waste Disposal

The existing solid waste disposal site is operated by Council in accordance with the conditions of an Environmental Protection Authority Licence and associated Health Regulations. It forms part of the Shire's Waste Management Strategy that promotes a centralised facility located at Manjimup with transfer stations in outlying settlements.

The development of a transfer station at Windy Harbour would assist in the management of the waste disposal site and reduce its impacts on the environment and amenity of the area. It is also noted that the Council is proposing to develop a fish offal collection / disposal facility.

Plan Statement 18 - Infrastructure (Waste Disposal)

In order to meet the sustainability objective, Council will establish a waste transfer station at the existing tip location.

10.3.10 Building Inspection Regime

Council is obligated to ensure that all buildings comply, as far as practicable, with the appropriate provisions of the Building Code of Australia and the Health Act especially those dealing with residential dwellings. For instance, the Building Code of Australia requires cooking, shower, toilet and laundry facilities.

An inspection regime is currently in place, which is proposed to continue with regular inspections.

Plan Statement 19 – Building Inspection Regime

Council will continue to monitor the condition of buildings within the settlement to ensure initial and on-going compliance with the Building Code of Australia and the Health Act.

10.3.11 Council Depot

The caretaker's residence has developed as the central focus of Council's operations at Windy Harbour. This includes the storage and garaging of plant and equipment such as a backhoe, slip-on fire unit and associated equipment. While this is convenient, it does not present well at this focal point of the settlement.

The development of the new access road will promote the importance of the caretaker's residence for visitors. Consequently, relocation of storage equipment to create a Council Depot at the tip site would be most desirable and becomes more feasible with the creation of a waste transfer station on the site. There are however issues to address over security of such a facility which is divorced from direct supervision.

This proposal would, however, improve the attractiveness of the location to visitors and also provide additional land to potentially develop further community facilities associated with the camping ground etc. It will also allow for increased space for parking and other activities near "The Cut" for the convenience of visitors to the settlement wishing to access the beach.

Storage space for lease holders has been raised as an issue that should be addressed and in this connection, it is considered that a range of storage units for hire could be constructed near the Council depot site to cater to this need.

Plan Statement 20 – Council Depot

- A Council will investigate the relocation of the existing storage and equipment building near the caretaker's dwelling to an appropriate location in proximity to the tip as a precursor to the development of a Council depot.
- B Council will investigate the prospect that a number of self-store storage units be built in the vicinity of the proposed Council depot for hire by lease-holders.

10.4 Environmental**10.4.1 General**

The importance of the sensitive environment within which Windy Harbour is located is emphasised in Section 4.1. This is not only due to the coastal location but also the due to the surrounding National Park.

While environmental protection is one of the three key factors of sustainability of particular importance to the ongoing management of the reserve, consideration of new proposals is to have regard to the relevant biophysical and pollution management issues.

Biophysical factors as defined by the EPA include; biodiversity and conservation values, native terrestrial vegetation and flora, wetlands and waterways, public drinking water sources, degradation, landscape and landforms. Pollution management factors include air quality, water management, noise and vibration, light radiation, contaminated sites and waste management.

While these factors are generally administered at the State level, the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 also provides an additional level of protection for any “threatened ecological community”.

Recent amendments to the Environmental Protection Legislation, in particular the introduction of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, have also modified the requirements and procedures for obtaining approval for the removal of remnant native vegetation. These provisions must be considered in relation to any major development proposals.

Council, as the manager of Reserve 38881 and as the responsible planning authority, will need to prepare and implement vegetation management guidelines as part of the on-going control over development and its management of activities conducted and permitted within the settlement.

The adjoining D’Entrecasteaux National Park and its associated Management Plan must also be considered in the management of Windy Harbour. The relationship of the settlement to the National Park places higher than usual management obligations on Council.

In the climate of increasing public concern with physical environmental matters, Council will adopt proactive strategies for the management of the reserve and the settlement (within the limits of resource and budget constraints).

Plan Statement 21 – Environment (Management)

- A Council will seek to ensure that the management of the reserve and the settlement promote environmentally sustainable principles.
- B The recommendations of the Environmental Report (Summarised in Appendix 1 and Figure 3) and the Sustainability Matrix (Table 3) will be considered and applied, where determined appropriate by Council, in determining the suitability of any proposal in the reserve.
- C Council will have regard to the relationship of Windy Harbour to the adjoining D’Entrecasteaux National Park, especially its conservation values, in the management of Reserve 38881.

10.4.2 Weeds

The Environmental Report (Appendix 1) identified a number of invasive introduced plants being present in the settlement including, kikuyu/buffalo grass; Victorian Tea Tree; Pelagonium; Onion Weed and annual grasses. Most of these are present in settlements throughout the region.

The Shannon - D'Entrecasteaux National Park Management Plan notes that the most significant of these is Victorian Tea Tree which has been used for windbreaks but spreads rapidly into disturbed areas. The particular concern is with the potential spread of weeds into the National Park and DEC is currently liaising with the Shire of Manjimup to encourage the removal of this species and replanting with native species.

Council promotes the use of the following plants within the reserve:

Primary dune / foreshore (first 25 metres from beach):

Calocephalus brownii (cushion bush)
Carpobrotus virescens (pig face)
Olearia axillaris (native rosemary)
Spinifex hirsutus (hairy spinifex)
Gahnia trifida (coastal saw-sedge)
Isolepis nodosa (knotted club rush)

Primary dune (2nd area typically 25-30 metres from beach):

Acacia cyclops
Acacia littorea
Clematis pubescens
Rhagodia baccata (seaberry salt bush)
Scaevola crassifolia (thick leaved fan flower)
Spyridium globulosum
Muehlenbeckia adpressa (climbing lignum)

Plan Statement 22 - Environmental (Weeds)

A weed management program be implemented in liaison with the Department of Environment and Conservation and other community groups regarding weed control at the settlement within the limits of resource and budget constraints.

10.4.3 Fire Management

The threat from fires is a major issue and risk to rural communities. This is exacerbated by the fact that the Windy Harbour settlement is enveloped by National Park and the Reserve is well vegetated. The isolation of Windy Harbour from other settlements and resources also serves to heighten concerns about fire.

The Shire of Manjimup has the principle responsibility for fire management at Windy Harbour and this is coordinated through its Fire and Equipment Strategy. There is a local brigade at Windy Harbour with a basic level of equipment which can be supported by the Northcliffe Bush Fire Brigade and DEC. There is no dedicated "urban" brigade to deal with structural fires.

There are a range of fire management measures at the settlement including a fire unit, standpipes and strategic fire breaks. In recent years, there has been public debate over the merits of prescribed burning versus environmental management and vegetation protection. The completion of a vegetation survey for the reserve will assist in defining areas for protection.

The Draft Shannon D'Entrecasteaux National Park Management Plan (2005) documents, at Figure 7, the fire history of the land surrounding Windy Harbour. The land to the east and west was subject to a prescribed burn 6 – 10 years ago. The land to the north of the settlement was subject to a prescribed burn within the past 5 years.

There should be a cooperative approach between Council and DEC to ensure that the proposed Windy Harbour Fire Management Plan and the D'Entrecasteaux Master Burn Plan are complementary and provide strategic protection to the settlement, conservation values, community and private assets in the area.

Plan Statement 23 - Environmental (Fire)

A formal Fire Management Plan will be prepared for the settlement in accordance with Planning for Bush Fire Protection (FESA) 2001.

10.4.4 Landscape

The Plan has previously identified the following visual and scenic values:

- Cathedral Rocks and the high limestone cliffs of D'Entrecasteaux Point;
- views from the foredune crestline above Cathedral Rock Bay of the nearby islands, the limestone cliffs, and eastward to Chatham Island; and
- views seaward from the back dune convexities of the Limestone Bluff and escarpment, and inland towards Mt. Chudalup.

It is acknowledged that there will be on-going changes to the landscape features at Windy Harbour, both from natural and man made sources. These may be beneficial or negative depending upon the elements that the community associate with the values of the area. Similarly there may be concern that major changes to landscape values might have a negative impact on the adjacent National Park.

Plan Statement 24 - Environmental (Landscape)

- A Consideration will be given, within the limitation of resources and finance, to the preparation of Landscape Management Guidelines (in conjunction with possible future building guidelines) protecting those landscape elements that contribute to the “sense of place” at Windy Harbour.
- B In the interim, Council will have regard to the following desirable outcomes that:
- alterations to the existing landscape should be subtle, not detracting from the existing identifiable elements;

- areas of degraded landscapes should be rehabilitated;
- road design and construction should utilise minimum design standards, limited cuts and fills, minimum clearing width, undulating edges, sensitive alignment and revegetation of disturbed areas;
- the design of structures should take account of the important landscape elements; and
- where practicable, firebreaks and service corridors should follow natural landform, vegetation or land use patterns/breaks.

10.5 Commercial Development

10.5.1 Camping Ground

The 1999 Windy Harbour Management Plan envisaged a potential expansion of what is now known as the Camping Ground and the creation of a commercial lease for its operation. Precedents for this exist on other coastal reserves and should provide for increased tourist accommodation while not affecting the character of the settlement.

The normal development of a holiday park would be expected to include a component of chalets and park homes in addition to traditional camping areas. Windy Harbour, however, is distinguishable from those other settlements by the fact that its function is not one where permanent residency is permitted, so that there is no economic base from a source of that kind to provide support for commercial activity (for example).

The character and form of development within the settlement and its current low-key levels of activity suggests that any extension of camping ground facilities should likewise be low-key with chalet or other more formalised forms of accommodation remaining an ancillary feature.

The potential camping ground/caravan park expansion area, in conjunction with the alignment of the new access road, offers an opportunity to redefine the entrance to the settlement.

Plan Statement 25 – Camping Ground

- A Funds generated from the potential commercial leasing of the Camping Ground should, subject to approval of the Hon Minister for Lands, be substantially used for community (regional) purposes at Windy Harbour.
- B As resources and finance permit, a detailed investigation of the area identified on the Strategy Plan will be undertaken having regard to:
- soil capability;
 - site survey;
 - vegetation;
 - Aboriginal heritage;
 - service provisions; and
 - landscape values.

- C Prior to any development, by way of an extension to the camping ground, a concept development plan is to be prepared showing as appropriate:
- the proposed number of caravan bays, camping areas and chalets;
 - a detailed survey to AHD datum;
 - details of any excavation, fill or earthworks in excess of 300mm above the existing ground level;
 - any alterations to an existing drainage system and/or methods of dealing with stormwater drainage;
 - availability of services such as water, electricity, telecommunications;
 - road design and layout;
 - environmental features that may affect the proposal including native vegetation, rivers and watercourses, wetlands and catchments;
 - proposed service provision and waste disposal;
 - compliance with current legislation; and
 - any other matters relevant to the proposal.
- D A report is also to be prepared addressing (but not necessarily limited to) the following:
- description of the proposal including the range and mixture of accommodation types;
 - a review of service provisions and the settlement including the role and function of the caretaker;
 - the proposed method of waste and stormwater disposal having regard to the local soils and their characteristics, including land capability;
 - management of the hydrology, including the surface drainage and groundwater regime;
 - a vegetation survey consistent with the advice in Environmental Protection Authority Guidance Statement No. 51;
 - a landscape analysis and rehabilitation measures;
 - a fire hazard analysis;
 - an assessment of traffic implications arising from the development of the site (both vehicular and pedestrian);
 - a community impact statement examining the perceived positive and negatives effects of the development on the existing users of Windy Harbour; and
 - any other relevant issues.
- E Public comment will be sought on the Plan and Report referred to in paragraphs C and D above.

- F A project budget identifying the expected development costs, commercial return and intended use of any surplus funds generated by the proposal.
- G Should the camping area be expanded, then consideration will be given to incorporating appropriate public open space areas which should be effectively drained enabling use throughout the year.
- H The approval of the Hon Minister for Lands to the above will need to be obtained before calling for any expression of interest from the private sector.

10.5.2 Professional Fishermen

Commercial fishing operations have existed at Windy Harbour for many years and can be considered an integral, although ancillary, component of the settlement. Windy Harbour has several overlapping fisheries including:

- Windy Harbour/Augusta Rock Lobster (two licences);
- South Coast Abalone;
- WA Salmon Fishery;
- South Coast Purse Seine; and
- Southern Demersal Gillnet and Demersal Longline Fishery.

All major fisheries are subject to individual management plans, the number of participants and gear or total catch limits e.g. quotas. It is standard industry practice for the holder of the commercial fishing licence to sub-lease all or part of that licence to an operating fisherman.

There are currently seven specific leases for accommodating commercial fishermen located in two separate areas of the reserve. Other fishermen have day-based operations with no permanent land component. The commercial fishermen's leases are generally larger than the other leases and are located close to the fore-dune system, enjoying a more prominent position than most other leases.

There is no processing of fish at the settlement other than "icing" of fish for transport. However, due to the hours of operation of generators, vehicles general storage and transport requirements, there is the potential for land use conflict although, as the holiday cottages are located more than 70 metres from the fishermen's buildings, there is an effective buffer which can continue to be managed.

The Local Planning Strategy had suggested the development of a service area within Nelson Location 13304 as a means of addressing this and providing scope for the development of other businesses. While there was concern that this may not be practical for the current operators, there is also concern that the development of such an area could become a semi-industrial area, which is not considered appropriate or beneficial to the primary function of Windy Harbour.

Given the structural reform within the industry, including a reduction in the number of professional fishermen's licences to take fish combined with attempts by Government to conserve fish stocks, it seems unlikely that there will be a need for additional commercial leases in the future. In the unlikely event that any additional leases are

required, then these should preferably be located in proximity to the existing leases within Nelson Location 13304 to allow for better precinct planning and management.

Plan Statement 26 – Fishermen’s Leases

- A The operations of the professional fisherman will continue as an ancillary component of the settlement.
- B Existing buffers around the leases will be maintained and managed to ensure that there is no land use conflict.
- C In the event that there is any demand for additional leases, then the same processes as contained in Plan Statement 8 will be undertaken.

10.5.3 Short Stay Accommodation

The principle form of accommodation at Windy Harbour is the holiday cottages, while the only accommodation for the wider community is the camping ground. The current leases also allow short term holiday accommodation for periods not exceeding 6 months in any year with the approval of the Minister and some leaseholders have gained approval for holiday accommodation use of their cottage.

While there is a clear need for Windy Harbour to promote its district role and pressure for it to accommodate a regional role, this should not detract from its principle function and character. The lack of accommodation within the region and in particular in areas adjacent to the National Park is not justification for excessive development at Windy Harbour. This is further emphasised by the rejection of Option 3 (Appendices 9 and 10) by the community. The potential expansion of the camping ground, with the introduction of a minor component of chalet accommodation along with holiday use of cottages, is considered an appropriate response.

Plan Statement 27 – Short Stay Accommodation

The following arrangements for holiday accommodation at Windy Harbour are supported:

- leasehold cottages will provide the opportunity for short term rental as provided for in the lease conditions;
- the camping ground will provide for visitor accommodation for campers and caravans; and
- a minor component for chalets and/or park homes may be provided within the proposed extension to the camping ground.

10.5.4 Other

There will be a range of other commercial activities which Council will have to consider at various times. The Management Plan cannot predict or make recommendations for

individual uses, but rather must provide a framework for the consideration of potential activities. This framework is provided for in the Policy Statements and Objectives within Section 8.0.

A unique feature of Windy Harbour is that all the current commercial operations i.e. the camping ground, shop and commercial fisherman all have associated residences. Hence the development of a commercial enterprise without a residence would be out of character. Nor is it appropriate for commercial uses to occur within the existing holiday leases. Accordingly, other permanent commercial uses should not be permitted at the settlement.

Temporary or transient uses may be considered in terms of the benefits and potential issues that they create with further details in Section 10.5.5. For instance, beach uses may appear benign, but their presence may erode the wider enjoyment of the beach by the community. Alternatively, they may add vibrancy and enhance the holiday enjoyment of the locality.

It is noted that the area around the caretaker's residence has developed as an informal depot, housing plant and equipment used in the maintenance of the settlement. As this location will become more prominent with the creation of the new access road, it is appropriate to consider relocating at least the service building to a more suitable location such as near the tip area. The land made available by this relocation could be used for activities related to the visitor regime within the settlement such as additional parking, bus bays, itinerant traders etc.

Plan Statement 28 – Commercial Activities, Relocation of Depot and Replanning of area near “The Cut”

- A There is a presumption against commercial development (buildings) except in conjunction with the Nature Based Camping Ground.
- B Subject to implementation of Plan Statement 20A, the land either side of the caretaker's residence may be made available for additional public facilities such as parking areas, bus bays and for itinerant traders. Prior to any decision, the matter will be subject to public consultation.
- C More detailed planning for the area to be vacated by the caretaker's storage building will be undertaken when the removal of that building is imminent and when the position of the point of emergence of the proposed new entry road to the area is established.

10.5.5 Itinerant Traders

Given the remote location from other settlements and the expectations of those visiting a coast-side settlement, there is reasonable prospect that itinerant traders will wish to commence operations at Windy Harbour. Such activities may well enhance the holiday experience at the settlement and, to that extent, should not be discouraged, if appropriately located and managed.

The degree to which such traders interact with the functions of the camping ground needs to be considered and controlled.

With the removal of the caretaker's storage building to another location, the space opened up for coast-side land uses presents opportunities. Either this space or the area close to "The Cut" could well accommodate this form of activity. Furthermore, with a new approach road to the settlement terminating in the same area, there will be a strong activity focus at that point.

Licences for such traders should be for short term periods.

Plan Statement 29 – Itinerant Traders

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| <p>A Council will adopt a positive attitude towards itinerant traders seeking licences to operate from a designated area(s) in the vicinity of the caretaker's residence for short term periods.</p> <p>B In granting licences for such traders, Council will have regard for the overall impact that such traders will have on the holiday experience to be gained at Windy Harbour and the degree to which the trader's activity will complement that experience at the same time not detracting from services provided on a more permanent basis within the settlement.</p> |
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10.6 Aboriginal Heritage

The Department for Indigenous Affairs previously advised that there are three registered Aboriginal sites within the vicinity of Windy Harbour. As a result, a working paper was prepared for the Warren Blackwood Regional Planning Study by McDonald Hales & Associates (1995) which identified a number of significant sites in the area around Windy Harbour. None of the sites are located within the Windy Harbour reserve.

Preliminary anecdotal evidence is that further development at Windy Harbour may encroach upon Aboriginal beliefs, customs and sites of significance.

The Aboriginal Heritage Act 1972 protects and preserves Aboriginal Heritage and culture including any site or object that is of significance to Aboriginal people. The Act protects Aboriginal sites irrespective of whether they have been recorded or not. It is an offence under the Act to excavate, destroy, damage, conceal or otherwise alter an Aboriginal site unless authorised to do so.

The Department of Indigenous Affairs recommends that developers undertake the following procedures prior to commencing work:

- consult with the Department to identify heritage sites and values;
- undertake Aboriginal heritage survey including consultation with the local Aboriginal community;
- undertake an archaeological survey prior to commencing works; and
- ensure that project staff undertake an introduction to Aboriginal Heritage so that they can recognise material and objects.

Plan Statement 30 – Aboriginal Heritage

Prior to developing undisturbed areas, an ethnographic and archaeological survey will be undertaken.

10.7 Development Control**10.7.1 General**

Building development within the settlement, including excavation, fence construction and the removal of vegetation, has the potential to affect, for better or worse, the character and sense of place that has been established at Windy Harbour. The established character is seen to be of paramount importance, requiring conservation and enhancement where practicable.

To achieve these objectives, new development and/or re-development of land within the settlement needs to be guided and carefully managed and controlled.

All development within the settlement requires the prior approval of Council before any works are undertaken. "Development" for this purpose includes, but is not limited to, the construction, reconstruction, alteration to or adaptation of any building, the carrying out of any earthworks on any land, the removal of any vegetation from land and the construction of any retaining walls or the installation of any fence. The approvals of Council, if granted, will be issued in both its capacity as the responsible planning authority and as lessor.

It is Council's intention to prepare a Local Planning Policy dealing with land use and development control (such as building height, extent and type) to complement this Management Plan. The principles of the Management Plan will be used to provide guidance to the preparation of the Local Planning Policy.

A pre-requisite to the adoption of any Local Planning Policy is a period of public consultation, with Council taking into account the issues raised as a result of that process before considering whether or not to adopt the final version (with or without modifications).

Plan Statement 31 – Land Use and Development Control

- A Development applications will be dealt by Council as both a lessor and as responsible authority under legislation.
- B Council will prepare a Local Planning Policy addressing the issues of land use and development control within the settlement, in respect of which the Council will engage in public consultation before finally adopting any such Policy.

10.7.2 Design Guidelines

Elsewhere, design guidelines are used in conjunction with "development standards" to enhance or conserve a specific character of an area. Design guidelines normally relate

to the bulk, form, appearance, colour and materials of a building. Most commonly, they are used in heritage precincts and the most detailed design guidelines in the Shire of Manjimup relate to the mill houses in Pemberton. If considered appropriate and the character of the settlement is seen to be such that the form of the development is of heritage value, a similar approach could be taken at Windy Harbour.

At this stage, such a level of heritage character is not seen to be reflected in the approach to development at Windy Harbour, but should that become of increasing community importance, then it is open for a set of design guidelines to be prepared and implemented.

Plan Statement 32 – Design Guidelines

If seen to be necessary, Council will address the preparation of design guidelines in partnership with the community as a key method of enhancing the character of Windy Harbour and in particular for the China Town precinct.

10.8 Nelson Location 13304

While the eastern portion of Reserve 38881, being Nelson Location 13304, is also reserved for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages," there is no power to lease land within this area, except for the current professional fisherman's leases. Development of this area is restricted to infrastructure and / or recreation which may be ancillary to the primary purpose of the reserve. Potential uses may include a water supply or a community power scheme i.e. a wind turbine.

With the closure of Tragedy Track, DEC is seeking a connection from the road leading from Windy Harbour Road to the waste disposal site across Nelson Location 13304 to link up with the track leading to Gardner River. Such a proposal is seen to be desirable as such a connection, if established, will take pressure of "The Cut" and the beach which are used for this purpose at present.

Plan Statement 33 – Use of Nelson Location 13304

- A Nelson Location 13304 is recognised as an area for the provision of infrastructure for the management of the reserve.
- B In order to reflect current development, and facilitate future service provisions, the Council will seek an amendment to the Management Order to allow for the power to lease selected portions of this location.
- C Consideration will be given to the development of a second 2WD access to the beach through this area connecting the track to Gardner River with Windy Harbour Road, with construction and maintenance responsibility lying with the Department of Environment and Conservation.

10.9 Consultation

This Management Plan is intended to establish a basis for decision-making by Council on a range of issues and, where the intention of the Management Plan is clear and there is available financial and human resources, it will be implemented accordingly.

Proposals that represent a departure from the Management Plan or where it has been identified as being subject to further study, additional plans or more detailed assessment, then additional consultation as judged by Council to be appropriate in each case will occur in accordance with the following general principles:

- for proposals that have limited impact and are likely to affect only adjoining properties, Council will consult the lessees of those affected properties;
- for proposals having wider impact, a larger number of lease holders will be notified and the Council may also utilise other methods for consultation, including advice where details can be inspected and by what date submissions can be lodged; and
- for proposals potentially affecting the entire settlement, Council will determine the manner of consultation which may include lease-holder notification, signs on the site, newspaper advertisements or arrangement of public meetings as the circumstance may demand.

Plan Statement 34 - Consultation

- A Council will undertake consultation on issues relating to Windy Harbour in accordance with foregoing principles to ensure that opportunity for public comment is afforded dependent upon the respective level of importance of the matter under consideration.
- B Council will take into account the issues raised in any submissions before adopting any new plan or policy or approving any new development affecting land within the settlement.

10.10 Other Matters

This Management Plan cannot address in a prescriptive manner all the issues which will be encountered at Windy Harbour. Its objective is to provide a framework for the continued evolution and management of the reserve. The Management Plan cannot be static, as there is continual change in the community and in the policy/legal framework which governs the management of the reserve.

Council has a general function and responsibility under the Local Government Act to provide good government meaning to provide good management of Windy Harbour. Good decision-making requires matters to be considered on their merits having regard to the relevant policies including the Plan Statements of this Management Plan.

Plan Statement 35 – Matters not Detailed in Management Plan.

- A In considering an issue or proposal for which there is no Policy Statement, the Council as appropriate will have regard to:
- the primary purpose of the reserve and the Vision Statement;
 - the provisions of and compliance with relevant legislation;
 - whether the proposal is beneficial and ancillary to the purpose of the reserve for as a holiday and recreation area;
 - the environmental, economic and social objectives;
 - the sustainability of the proposal and its impact on the sustainable management of the reserve;
 - the compatibility of a use or development with its setting;
 - any social issues that have an effect on the amenity of the locality;
 - the cultural significance of any place or area affected by the development;
 - the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
 - the preservation of the amenity of the locality;
 - the relationship of the proposal to development on adjoining land;
 - the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the local road system and the probable effect on traffic flow and safety;
 - whether services are available and adequate for the proposal;
 - whether adequate provision has been made for access for pedestrians and cyclists;
 - whether adequate provision has been made for access by disabled persons;
 - whether adequate provision has been made for the landscaping of the land to which the proposal relates and whether any vegetation on the land should be preserved;
 - whether the proposal is likely to cause soil erosion or land degradation;
 - any potential community benefit resulting from the proposal; and
 - any other matter considered relevant by the Council.
- B Council will engage in public consultation in accordance with Clause 10.9 and Plan Statement No 34.

11.0 Implementation

There is a clear community expectation (both from leaseholders and the general public) that there needs to be improved services and facilities at Windy Harbour. This is also reflected in the changing requirements and regulations of various Government Agencies. Community expectations can only be realised with the availability of finance to undertake the various actions contained in the Plan Statements and implementation of the Management Plan will be subject to those constraints.

The Plan Statements were formulated having regard to this changing expectation, which are reflected in the environmental, economic and social objectives. For reference purposes, a consolidated summary of the Plan Statements are contained in Table 4 at the rear of this report.

The priority for the implementation of Plan Statements is to meet the overall sustainability objective in the management, development and use of the reserve. The Plan Statements deal with both operational matters and capital works. There is a need to undertake progressive improvements to infrastructure which can be sustainably afforded by Council.

There are several key Plan Statements relating to basic information which is needed for the completion of other Plan Statements. Examples of these include:

- a cadastral survey for the lease boundaries and the southern boundary of the Windy Harbour Road reserve;
- a topographical survey; and
- a vegetation survey.

The interdependence between these Plan Statements can be seen from the following:

The survey of the lease boundaries is required for:

- ⇒ the identification of potential additional lease areas;
- ⇒ the design of services such as water and drainage; and
- ⇒ the review of development standards.

The topographical survey is required for:

- ⇒ the design of services such as water and drainage;
- ⇒ the design of the new access road;
- ⇒ the investigation and design of any new lease areas;
- ⇒ the investigation and preparation of a development plan for the extension of the camping ground;
- ⇒ the review of building height controls; and
- ⇒ the preparation of a landscape assessment.

The vegetation survey is required to:

- ⇒ investigate the additional lease areas;
- ⇒ identify the alignment of the new access road;
- ⇒ conduct a landscape assessment;
- ⇒ prepare a fire management plan; and

⇒ locate areas within Nelson Location 13304 for future infrastructure.

The following are critical factors:

- the vegetation survey must be conducted in spring;
- construction works should avoid the peak holiday periods; and
- construction works may not be practical in the winter months.

The key issue, in order to improve the services and facilities, is additional funding above what is presently available which needs to be sourced. The Council considers that this realistically will come from:

- a relatively small number of additional leases being created;
- the camping ground being commercially leased as means of generating revenue for the benefit of the wider community using Windy Harbour; and
- various grants at a State and Federal level including such programs as the Natural Heritage Trust and Regional Headworks schemes (this is likely to be the main source of possible funding).

Key servicing infrastructure should be provided either before or at the same time as undertaking any additional development at the settlement.

Figure 4 shows the hierarchy of management responsibilities at the settlement and in particular the relationship of the Management Plan to Council's Town Planning Scheme. As it is recommended that the Management Plan be incorporated into the proposed Town Planning Scheme No. 4 by reference and that there be a separate zone within the Scheme for Windy Harbour, a set of draft development provisions have been prepared in Table 5. These provisions will be subject to advertising and specific adoption (with or without modifications) by Council as part of the new Town Planning Scheme.

Plan Statement 36 - Implementation

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| <p>A The priority for the reserve will focus on those matters required to ensure the sustainable management of Windy Harbour and in particular the provision of essential services such as the water supply, drainage and waste disposal.</p> <p>B Where the benefit of, or impact from a project is created from non-leaseholders, then the funding for this should come from non-leaseholder sources. Where the benefit/impact is predominantly for leaseholders, the funding (or a proportion thereof) should come leaseholders being either current leaseholders or from the proceeds of selling new leases.</p> <p>C The most important pre-requisite to allow for the design of services and development guidelines are to:</p> <ul style="list-style-type: none">(i) finalise the survey of lease boundaries; and(ii) prepare a topographical survey for the settlement. |
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- D To reflect its unique values and characteristics, the Windy Harbour reserve should be included in a single Special Development Zone in Council's Town Planning Scheme No. 4 as generally set out in the version of that Scheme submitted by Council to the Western Australian Planning Commission in September 2006 requesting consent to advertise.
- E The Management Plan is to be referred to the Minister for Lands for endorsement pursuant to Section 49(1) of the Land Administration Act 1997 as a formal Management Plan for an A Class Reserve.

Table 4 Consolidated List of Plan Statements

No		Summary
1		Vision
		Vision Statement
2		Sustainability Objectives
3		Role & Function of Settlement
	A	Local role of the settlement as holiday cottage and day recreation area
	B	Regional tourism role must not detract from character
4		Tenure
	A	Retain leases as the most appropriate form of tenure
	B	Acknowledge wider community access to the reserve as public land
5		Reserve Boundaries
		Extend reserve boundaries to the low water mark
6		Width of Windy Harbour Road Reserve
7		Lease Boundaries
	A	Cadastral and topographical survey
	B	Presumption against fencing
8		Additional Leases
	A	Ministerial advice to be sought as to whether new leases are likely to be approved
	B	Funds from new leases if approved to be directed with Ministerial approval to community development and advancement.
	C	Potential Development Area investigation
	D	Preparation of concept subdivision/lease plan
	E	Prepare a development report and community impact statement for new leases
	F	Prepare concept plan of any proposed lease infill releases
	G	Prepare a development budget for new leases
	H	Improve infrastructure in conjunction with the development of new leases
	I	Consultation to be undertaken on concept plans prepared for new lease areas.
9		Camping Ground and Role of Caretaker
		In the event of the camping ground being leased, review caretaker's role
10		Local Laws
		Specific local laws for Windy Harbour only in special circumstances
11		Infrastructure (Water)
	A	Commitment to continue to provide potable water
	B	Finalise tenure over existing bore and infrastructure within National Park
	C	Continue and refine sustainable water use program
	D	Prepare risk minimisation policy to protect public health
	E	Encourage the use of rain water tanks
12		Infrastructure (Power)
	A	In principle support for alternative power
	B	Supply systems must have regard to the amenity of the area
	C	Development Control provisions and consider a local law or policy

No		Summary
		to manage supply systems
	D	Consider Nelson Location 13304 as a location for any community power scheme
13		Infrastructure (Drainage)
	A	Detailed survey required to prepare drainage plans
	B	The location of drainage basins be done after the survey has been completed
	C	Prepare a road preservation programme (RPP).
	D	Prepare minor drainage programme in conjunction with RPP
	E	Fill camping ground to provide better drainage
	F	Prepare on going maintenance programme
14		Infrastructure (Roads and Access)
	A	Investigate the alignment of the new access road
	B	Have regard to the proposed expansion of the camping ground
	C	Consider a new entrance statement for the settlement
	D	Consult the community on the proposed alignment and design
	E	Negotiate maintenance agreement with DEC for parts of Salmon Beach & Gardner River Roads within Reserve boundaries
	F	Local roads to be maintained as low key - low speed roads
	G	Improve pedestrian safety at "The Cut"
15		Infrastructure (Parking)
		Plans of parking areas near the boat ramp and "The Cut" to be prepared
16		Infrastructure (Boat Ramp)
	A	Council is responsible for maintenance and not upgrading
	B	Cost of restoring facility to its designed purpose to be undertaken
	C	Review of Parking area near boat ramp to improve its use and extent
17		Infrastructure (Effluent Disposal)
		Importance of maintaining waste water treatment systems correctly
18		Infrastructure (Waste Disposal)
		Establish a transfer station
19		Building Inspection Regime
		Condition of buildings within the settlement to be monitored
20		Council Depot
	A	Relocate caretaker's yard to site near the Waste Disposal Area
	B	Investigate the prospect of development self-store facilities in proximity to proposed new depot site.
21		Environment (Management)
	A	Promote sustainability principles
	B	Have regard to recommendations from the environmental report
	C	Have regard to the relationship to the D'Entrecasteaux National Park
22		Environment (Weeds)
		Continue weed management in association with DEC and other parties
23		Environment (Fire)
		Prepare a fire management plan
24		Environment (Landscape)
	A	Prepare a landscape assessment in conjunction with the

No		Summary
		community
	B	In the interim have regard to certain landscape features
25		Camping Ground
	A	Funds from lease of the camping ground should be used for community purposes
	B	Investigate potential development of camping ground
	C	Prepare a concept plan
	D	Prepare a development report and community impact statement
	E	Public comment to be sought on Plans prepared
	F	Prepare a development budget for extension
	G	Expansion of camping area to incorporate public open space
	H	Approval of Minister for Lands for new leases needs to be obtained
26		Fishermen's Leases
	A	Recognise Professional Fisherman as an ancillary part of the settlement
	B	Maintain existing buffers around their leases
	C	Development of any new leases to follow the procedures in Plan Statement No 8
27		Short Stay Accommodation
		Maintain current form of accommodation with the addition of a very small number of chalets in the camping ground
28		Commercial Activities, Relocation of Depot and Replanning of Area near "The Cut".
	A	A presumption against commercial development at the settlement
	B	Consider establishing a Council Depot near the tip
	C	Re-plan area near "The Cut" following relocation of the Council service building to the proposed depot
29		Itinerant Traders
	A	These traders are encouraged to operate under licence from designated areas within the settlement
	B	In granting licences, Council will have regard to impact on amenity and the complement to the holiday experience at the same time ensuring the viability of any business within the Camping Ground is not jeopardised.
30		Aboriginal Heritage
		Carry out ethnographic and archaeological survey
31		Land Use and Development Control
	A	Development applications to be dealt by Council as lessor and as responsible authority under legislation
	B	Draft Land Use and Development Local Planning Policy is to be prepared and made available for public comment before adoption to set out the desirable development controls that should be applied within the settlement.
32		Design Guidelines
		If necessary, prepare design guidelines for the entire settlement or more specifically for China Town.
33		Use of Reserve 13304
	A	Use NL 13304 for infrastructure
	B	Seek the power to lease
	C	Provide for future access road to Gardner River

No		Summary
34		Consultation
	A	Council will consult in accordance with the principles set out in Clause 10.9
	B	Council will take submissions into account before making decisions with respect to development applications, changes in policy or adopting new plans.
35		Matters not Detailed in Management Plan
	A	Considering matters not covered by a Policy Statement
	B	Consultation will occur where issues have not previously arisen in accordance with Plan Statement 34
36		Implementation
	A	Priority is for essential services
	B	Funding for projects should reflect who receives the benefit
	C	Importance of surveys needed for other projects
	D	Maintain Windy Harbour in a Special Development Zone in Draft Town Planning Scheme No 4 as set out in Table No 5.
	E	Endorse the Management Plan under the Land Administration Act

Table 5 - Special Development Zone Provisions as included in Draft Shire of Manjimup Town Planning Scheme No. 4

No.	Description of Land	Only Use(s) Permitted	Conditions
1	Windy Harbour being Reserve No 38881 comprising of NL 12439 and NL 13304.	<ul style="list-style-type: none"> ▪ Holiday Cottages ▪ Holiday Accommodation ▪ Public Recreation ▪ Public Utility ▪ Ancillary Uses (as determined by Council). 	<p>1 Unless otherwise provided for the use and development of the site is to conform with the Windy Harbour Management Plan (WHMP) 2007 – 2017 which shall be read in conjunction with the Scheme.</p> <p>2 The overall objective (Vision Statement) for Windy Harbour is to:</p> <p><i>To manage Windy Harbour as a district and regional coastal holiday and recreation destination, while recognising limited servicing, strong community associations, cultural heritage and environmental context.</i></p> <p>3 The environmental objectives for Windy Harbour are that:</p> <ul style="list-style-type: none"> ▪ Ongoing management of the reserve will be done in a sustainable manner while accommodating district and regional level recreation demands. ▪ Environmental management will recognise the context and function of the settlement within the broader natural environment and its relationship to the D'Entrecasteaux National Park. <p>4 The economic objectives for Windy Harbour are that:</p> <ul style="list-style-type: none"> ▪ Funding of principal recurrent operations should be sourced from a combination of user pays, municipal resources and external sources and should not significantly disadvantage other ratepayers within the municipality. ▪ At every opportunity non-recurrent local projects should be funded externally to Council's general revenue. ▪ Regional non recurrent projects should be treated on a case by case basis and may involve State and Federal assistance. <p>5 The social objectives for Windy Harbour are that:</p> <ul style="list-style-type: none"> ▪ Ongoing management of the reserve will recognise that Windy Harbour is predominantly a family holiday and recreation destination. ▪ The ongoing management will predominantly focus on district demands,

			<p>while ensuring regional demands do not erode the essential attractive characteristics of the area.</p> <ul style="list-style-type: none"> ▪ Development standards should recognise the 'informal' holiday and recreation functions of the area, as distinct from traditional urban areas. <p>6 All use and development shall require the approval of Council.</p> <p>7 The Council may prepare and adopt Local Planning Policies for Windy Harbour including guidelines for development standards, design and landscape guidelines. These Policies shall be prepared and approved in accordance with Clause 2.4 of the Scheme. The policies shall be read in conjunction with the WHMP.</p> <p>8 In determining any application at Windy Harbour the Council is to have regard to:</p> <ul style="list-style-type: none"> ▪ The requirements of the WHMP; ▪ The provisions of the Residential Designs Codes of WA (as amended); ▪ Any associated local planning policies; and ▪ The matters contained in Clause 10.2 of the Scheme. <p>9 Council may approve other minor uses and development at the site provided that it is satisfied that that uses or development are:</p> <ul style="list-style-type: none"> ▪ Ancillary and beneficial to the settlement; and ▪ Consistent with the above objectives. <p>10 Where there is any inconsistency between the WHMP and the Scheme provisions, the Scheme provisions shall apply.</p>
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