

**FIGURE 1 - REGIONAL LOCATION
LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH**



Shire of Denmark
Town Planning Scheme No. 3
Amendment No. 148



19 September 2023 - Attachment 9.1.2b

SHIRE OF DENMARK
TOWN PLANNING SCHEME No. 3
AMENDMENT No. 148

File No:

Part of Agenda:

MINISTER FOR PLANNING

Proposal to amend a Local Planning Scheme

1.	Local Authority:	Shire of Denmark
2.	Description of Local Planning Scheme:	Town Planning Scheme No.3
3.	Type of Scheme:	District Zoning Scheme
4.	Serial No. of Amendment:	148
5.	Proposal:	<ul style="list-style-type: none">a) Rezoning No. 40 (Lot 305) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15)' zone.b) Inserting Tourist (T15) and associated provisions into Appendix XIII - Schedule of Tourist Zones of the Scheme Text;c) Introducing definitions 'Brewery' and 'Tourist Development'; andd) Amending the Scheme Map accordingly

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

Shire of Denmark
Local Planning Scheme No. 3
Amendment No. 148

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

- a) Rezoning No. 40 (Lot 305) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15)' zone.
- b) Inserting Tourist (T15) and associated provisions into Appendix XIII - Schedule of Tourist Zones of the Scheme Text;
- c) Introducing the definitions:
 - a. "Brewery" - means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;
 - b. "Tourist Development" - means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -
 - (i) short-term accommodation for guests; and
 - (ii) onsite facilities for the use of guests; and
 - (iii) facilities for the management of the development.
- d) Amending the Scheme Map accordingly

This Amendment is complex under the provisions of the Planning and Development (Local Planning Scheme) Regulations 2015.

Dated this day of 20....

.....
Chief Executive Officer

AMENDMENT REPORT

DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	26.10.2020	Draft	QA/Client	
B	29.10.2020	Final	Shire	Changes to Sec 3.2.3, Figures and AA land uses
C	1.7.2021	Final	Shire	Updated to respond to Shire comments
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Prepared by: SW

Reviewed by: DC

Date: 1 May 2023

Job Name: Lot 305 Wentworth Road, Ocean Beach

Version: E

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Scheme Map Amendment No. 148

1 INTRODUCTION

Scheme Amendment No. 148 proposes to rezone No. 40 (Lot 305) Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' under the Shire of Denmark's Town Planning Scheme No.3 (TPS3).

The site is located in the vicinity of William Bay, approximately 10 km west of the Denmark Town Centre via South Coast Highway and is deemed to be of high tourism value based on general location and site specific criteria. It is within close proximity to both major tourist attractions and activities, including; William Bay National Park, Elephant Rocks, Mad Fish Bay, Greens Pool, breweries/cideries/wineries, walk/bike trails and the Valley of the Giants.

The site comprises an area of around 26 hectares of general agricultural land, and is of an insufficient size to support traditional agricultural activities as a sustainable stand-alone operation. As such, the landowner has transitioned to what is effectively a tourist land use, by developing a boutique premium food and beverage tourism centre ("*tourist centre*"). Underpinning development of the tourist centre is the broad compatibility of the land use in this rural locality. The main opportunity for the site to support a viable stand-alone operation now rest with tourism in the form of expanding the tourist centre and providing a complementary tavern that will include a restaurant (café), bar, cellar sales (in association with an approved distillery), the sale of take away packaged alcohol and the hosting of events. This will be complemented by tourist accommodation and a spa retreat.

This will provide an opportunity for Denmark to attract more domestic and international visitors and increasing the overall appeal of the Shire as a tourist destination. Another significant outcome arising is an economic benefit provided to other local tourist businesses and operators, and opportunities to bring new investment and employment into the area.

This report provides additional detailed information in support of the amendment.

2 SITE CONTEXT AND BACKGROUND

2.1 LEGAL DESCRIPTION

Details of the landholding and ownership are contained in Table 1 below. A copy of the Certificate of Title is included at Appendix A.

Landowner	Lot No.	Vol/Folio	Plan/Diagram	Area (Ha)	Road Name/No.
K. Birkbeck	305	2809/900	P75450	26.8270	Wentworth Road/40

Table 1: Land and ownership details

2.2 LOCAL CONTEXT

The site is located in the vicinity of William Bay within the Shire of Denmark, approximately 10 km west of the Denmark Town Centre via South Coast Highway. It is within close proximity to William Bay National Park (~1km), Greens Pool (~4km), Elephant Rocks (~4km) and Mad Fish Bay (~4.5km). A location plan and site plan showing the regional and local context are provided in Figures 1 and 2.

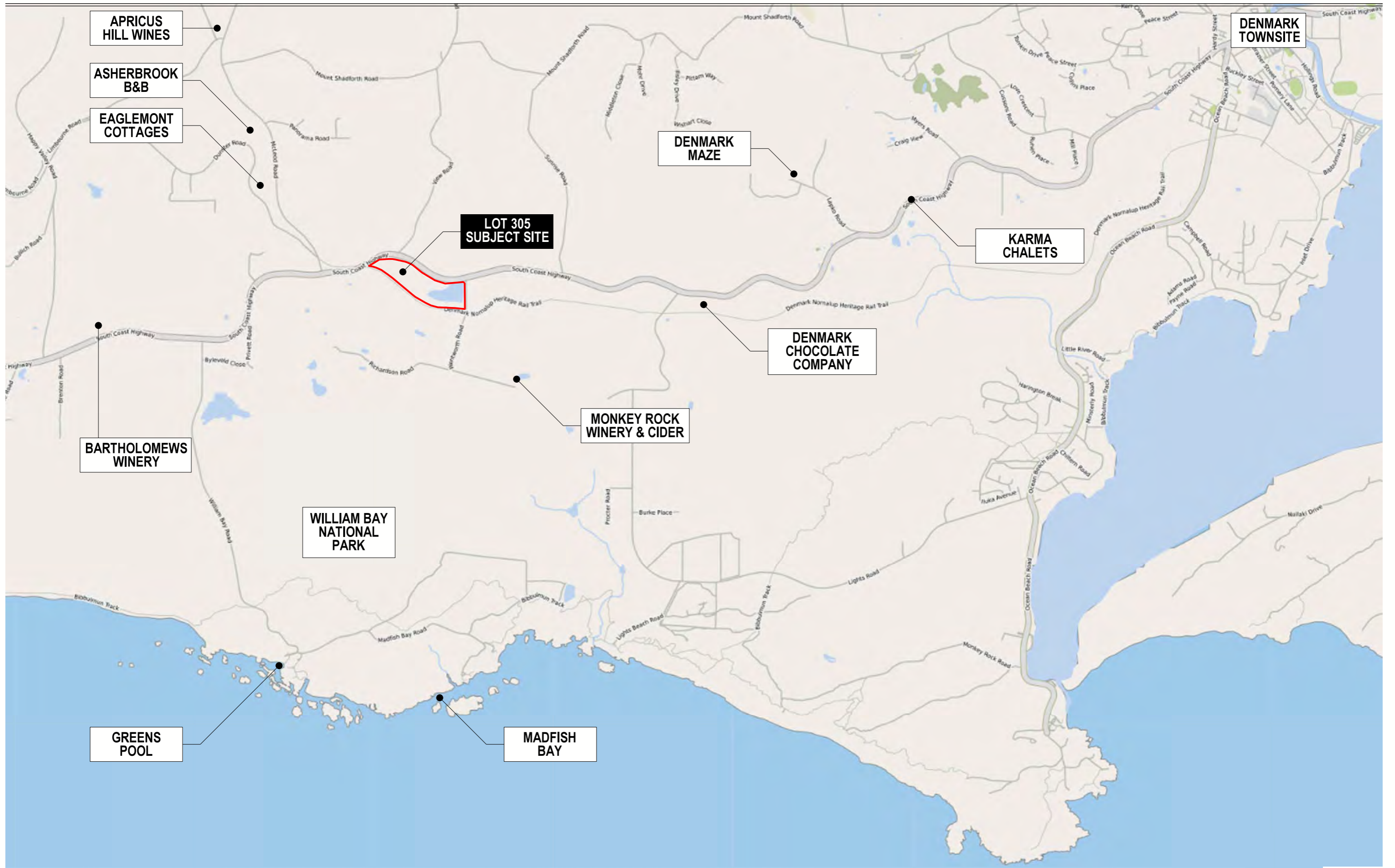
The site is located on the south west corner of the intersection of South Coast Highway and Wentworth Road in the locality of Ocean Beach, and has approximately 1.3km of frontage onto South Coast Highway and 400m of frontage onto Wentworth Road. The southern boundary of the site fronts onto the Denmark-Nornalup Heritage trail.

Primary access to the site is derived from Wentworth Road with a secondary access point provided onto South Coast Highway for use in the event of a bushfire emergency. Both existing access points will be retained accordingly.

Land immediately surrounding the site is zoned Rural with the exception of road reserves and the heritage trail. Approximately 500m east of the site house no. 2048 (Lot 550) South Coast Highway is dual zoned Tourist (T5) and LP2 (Rural Residential).

The nearest dwelling is located on Lot 908, approximately 220m from the northern boundary of the site on the opposite side of South Coast Highway.

The locality can be generally described as undulating, agrarian land with stands of mature karri trees and high scenic landscape qualities.



**FIGURE 1 - REGIONAL LOCATION
LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH**



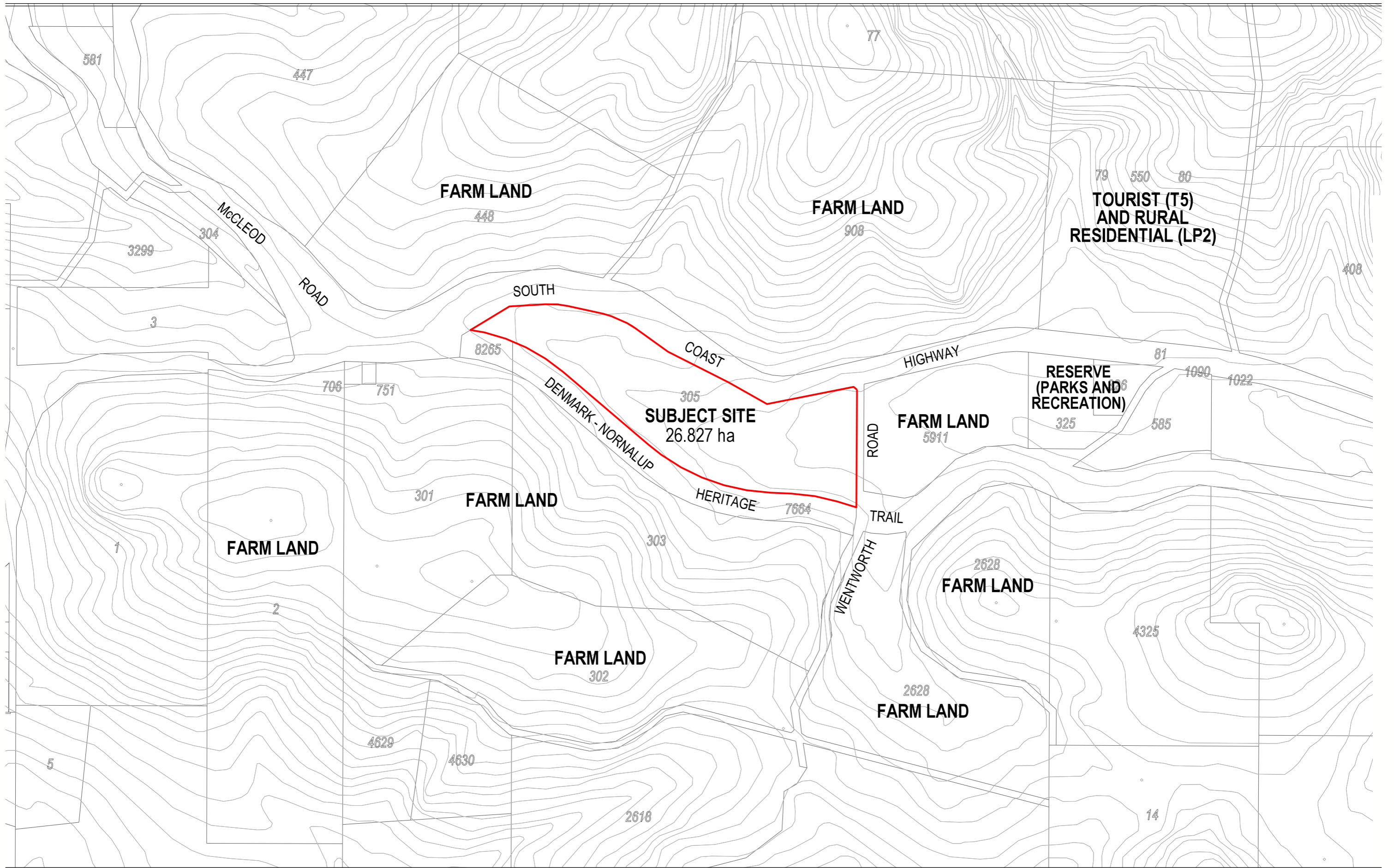


FIGURE 2 - SITE PLAN / LOCATION PLAN
LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH

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2.3 EXISTING DEVELOPMENT AND LAND USE

The eastern portion of the site contains a series of manmade dams which are interconnected via numerous embankments. A tourist centre is located adjacent to the dams. The premium food and beverage tourist centre has been constructed to accommodate the proposed tavern and associated uses. Through this amendment the landowner proposes to increase the capacity of the tourist centre. This will enable the landowner to attract corporate clients and private events from markets which they are currently unable to service due to constrained capacity. Tourist accommodation on the site will provide tourist centre guests with the ability to stay onsite overnight following an event. This is an important factor for many corporate and private events when deciding where to host an event.

Most of the site has been previously cleared to enable agriculture to occur. Cleared areas contain pastures and support grazing of a limited number of cattle.

Stands of mature karri trees have been retained in strategic areas to assist with environmental management, and to prevent alluvial soils being deposited in the dam. These trees also increase the rural character and ambiance of the site for tourist centre guests.

Photographs of the site are provided in Figures 3, 4 and 5.



Figure 3: Aerial photo of the site looking east towards Denmark town



Figure 4: Tourist Centre



Figure 5: Tourist Centre and Dams

2.4 OPPORTUNITIES AND CONSTRAINTS

The small size of the land holding restricts its capacity to support traditional agricultural activities as a sustainable stand-alone operation. As such, the landowner has diversified the uses occurring on the site by constructing a tourist centre overlooking a series of dams that may be used for marron farming and provide a source of water for a distillery.

The bucolic amenity and environmental features of the site have proven successful to support the development of a tourist centre and dams. As the site has a marginal ability to sustain productive agricultural activities, the main opportunity to support a viable stand-alone operation rests with tourism in the form of expanding the tourist centre and providing a complementary tavern including a restaurant (café), bar, cellar door sales (in association with the approved distillery), tourist accommodation and spa retreat.

The site is generally flat, sloping gently from approximately 110m in the west down to 70m in the east, with an average grade of 2 degrees. The site well drained and of a suitable size to support a tourist development. Given the site is in close proximity to unique tourist attractions and landmarks of both local and State significance (including William Bay, Greens Pool, and Elephant Rocks), its strategic proximity to walking and bike trails (including Denmark-Nornalup heritage trail, Munda Biddi trail and the Bibbulmun Track) and located adjacent a major tourist route (South Coast Highway), there is an opportunity to develop an intermodal tourist development catering for tourists travelling on foot, bike and in vehicles.

An intermodal tourist development on the site will provide tourists with the unique ability to access all track/trails from a single location, increasing track/trail usage and improve upon the overall tourism appeal of the Shire. This will provide an opportunity for Denmark to become a world class trails destination.

Various forms of tourist accommodation are proposed to accommodate the variety of tourists, including chalets and camping/glamping sites. Planning approval has already been obtained for a tavern, cellar door sales, restaurant, rural industries and marron dams, with the Rural zone having been maximised. The existing tourist centre presents an opportunity for its expansion and the complementary development of a tavern that will include a restaurant (café), bar, cellar sales (in association with an approved distillery), the sale of take away packaged alcohol and the hosting of events. This will provide a new tourist attraction to both guests and tourists visiting the Shire.

The series of dams located at the western end of the site will be retained as these provide increased amenity to tourists and guests. These dams also provide a suitable water source to support future land uses and development, as well as in the event of a bushfire emergency.

Any development within this locality should be suitably planned to protect the high scenic landscape value of the area. Accordingly, clustering of built-form around the dams is deemed preferable to ribbon development along the boundary, as this will minimise any potential visual

impacts to surrounding properties and people travelling on South Coast Highway. This area of the site also contains the highest level of tourism amenity, which is an important consideration when planning for tourism.

Higher elevated portions of the site containing pastures are more suited for “glamping sites” with the mature karri trees providing shade, screening and amenity to future sites. The temporal occupancy and low impact of “glamping” sites (including limited or controlled artificial light and noise intrusion) are well suited to the site.

A large stand of mature karri trees has been retained at the eastern end of the site, and centrally on an east-west axis where a gully channels winter rainfalls downhill and into the dams. This vegetation will be retained and protected through scheme provisions and a Local Development Plan to assist with environmental management of the holding. Retained vegetation constrains any form of development with the possible exception of walk trails, picnic tables or similar.

In addition to the above, the site is not:

- Located in a floodway or floodplain, or subject to seasonal inundation
- Registered on the contaminated soils database
- Registered on the local or State heritage register
- Subject to acid sulphate soils

There are not other known environmental constraints for the site or locality other than those detailed above.

As illustrated in an opportunities and constraints plan shown in Figure 6, the physical attributes of the site are suited to tourist development. The *Local Development Plan*, by designating and identifying developable areas, will ensure the long term protection of areas containing remnant vegetation and the environmental aspects they serve.

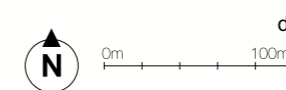


LEGEND

- SUBJECT SITE
- EXISTING VEGETATION
- EXISTING DAMS
- EXISTING BUILT FORM
- EXISTING ACCESS

**FIGURE 6 - OPPORTUNITIES AND CONSTRAINTS PLAN
LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH**

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3 PLANNING CONTEXT

3.1 STRATEGIC PLANNING CONTEXT

The following key Strategies form the relevant framework for the designation of Tourist zoning within the Shire of Denmark Town Planning Scheme No. 3:

- Lower Great Southern Planning Strategy; and
- Shire of Denmark Local Planning Strategy

3.1.1 LOWER GREAT SOUTHERN STRATEGY 2016 (LGSS)

The purpose of the LGSS is to guide land use planning and provide strategic direction for the Lower Great Southern over a 20 year timeframe. The LGSS address' land use, transport and infrastructure planning on a local and regional level, and provides specific direction to local governments when preparing more detailed local planning strategies and local planning schemes.

The LGSS acknowledges the importance of tourism in the region, with the key objective for tourism being as follows:

"Maximise opportunities for the development and growth of a sustainable tourism industry."

Section 2.13 of the LGSS identifies a range of actions that should be pursued by various government agencies in regards to tourist development, including:

- 1) *Update tourism components of local planning strategies as necessary to respond to changing needs of the tourism sector and take advantage of emerging markets.*
- 2) *Zone identified strategic tourism sites in endorsed local planning strategies solely for tourism development in local planning schemes, to protect them for that purpose.*
- 3) *Maintain and improve, where necessary, existing linkages to major tourism attractions and develop additional tourism routes in the Lower Great Southern.*
- 4) *Provide adequate and consistent signage to tourism destinations.*

Rezoning the site to Tourist in TPS3 supports the tourism objective of the LGSS. Tourism zoning over the site will promote further development and growth of a sustainable tourism industry within the Shire, and a land use that complements existing uses currently occurring on-site.

Underpinning development of the tourist centre is the broad compatibility of the land use in this rural locality. Expansion of the tourist centre and complementary tourist development will allow the landowner to market these services to a wider range of corporate clients and private events both domestic and internationally, and draw more

visitors and tourists to the Shire. Zoning the site Tourist in TPS3 will assist to protect the site for this purpose and facilitate further complementary tourist development in a strategic location in close proximity to existing tourist attractions.

Future tourist development on the site will improve upon existing tourist linkages to major tourism attractions by providing additional tourism experiences adjacent to a number of major tourist routes, including; South Coast Highway, Munda Biddi trail and Denmark-Nornalup heritage trail. Improving tourist linkages not only benefits other tourism operators and businesses, but positively contributes to the overall appeal and reputation of the Shire as a tourist destination.

3.1.2 SHIRE OF DENMARK LOCAL PLANNING STRATEGY (LPS)

The Shire's Local Planning Strategy (LPS) was adopted by Council at the Special Meeting of Council held on 4 October 2011 and endorsed by the Western Australian Planning commission on 22 May 2012. The LPS forms the basis for future land use, zoning, subdivision and development throughout the Shire, and is implemented through the statutory planning system, which includes amendments to the Scheme.

The site is designated in the Shire's LPS as 'General Agriculture' (refer to Figure 7), in recognition of the land not being identified as either having State, regional and/or local level significance for agricultural purposes.

Although the LPS is not a zoning plan and the site has not been identified as a 'Tourist Site' in the LPS, use of the site for tourist purposes is deemed appropriate given its close proximity to existing tourist attractions and landmarks, including:

- The tourist centre on-site (existing)
- The Tavern, (i.e. restaurant/café etc) proposed on-site
- The existing distillery and proposed tavern on-site
- The spa retreat proposed onsite
- William Bay National Park
- Greens Pool
- Elephant Rocks
- Mad Fish Bay
- Walk/bike/horse trails
- Wineries/Cideries/Breweries
- Denmark's town centre (shops, cafes, restaurants, etc)
- Denmark Chocolate Company
- Denmark Dinosaur World
- Valley of the Giants

Noting the sites close proximity to tourist attractions, its limited agricultural potential and the success of the tourist centre which effectively serves as a tourism use, the following provisions of the LPS are relevant to this amendment:

Objective - To encourage eco-tourism and facilitate new tourism developments and choices of tourist accommodation types to enhance the Denmark Shire as a destination of choice for visitors.

Strategy (b) - To retain the low key level and natural character of the 'natural environment' tourist sites.

Strategy (e) - Encourage new tourist developments to employ a sustainable approach with their developments and a desire to establish a tourism industry that supports and enhances the local community, protects its environment and generates economic benefit.

Strategy (f) - Embrace new tourism attractions and/or developments which achieve the objective above as they bring investment and employment into the area.

Strategy (g) - To consider low key, low density tourist accommodation proposals near to identified strategic tourism sites.

Implementation Point 3 - Council in considering development and/or subdivision applications for new tourist development, prior to the adoption of a Local Planning Strategy, give due regard to Planning Bulletin 83/2011: Planning for Tourism.

This amendment supports the above objective and strategies by providing an opportunity for the future development of a range of tourist accommodation types (chalets and camping/glamping sites) and new tourism facilities (tavern, restaurant, brewery, winery and spa retreat) that complement the tourist centre and the surrounding land holdings. This will assist with enhancing the Denmark Shire as a destination choice for visitors and events.

Tourism development suitably located on the site will ensure the rural character of the natural environment is retained and visual landscape qualities of the locality are protected. Further protection measures to retain the natural character of both the site and locality are proposed through site specific scheme provisions and a Local Development Plan to ensure future tourist development is screened from view and built-from materials used blend into the environment.

The proposed future tourist development underpinning this amendment will employ a sustainable approach in order to protect the environment and generate economic benefits. It is intended that the distillery will source local ingredients to produce alcoholic beverages with up to 98% local content, which will provide economic benefit to local producers. Further, an intermodal tourist development strategically located in a location where various major tourist routes intersect provides an opportunity for Denmark to become a world class trail destination, attracting more domestic and international visitors and increasing the overall appeal of the Shire as a tourist destination. A significant outcome arising from this is the economic benefit provided to other local tourist businesses and operators, and opportunities to bring new investment and employment into the area.

As established, future tourist development will be located in close proximity to existing tourist attractions and at the intersection of major tourist routes, which will assist to increase visitations to tourist attractions and usage of trails/tracks.

Enabling the site to be used for its highest and best use will also generate positive outcomes for the wider Denmark community by providing new employment opportunities associated with the establishment and ongoing management of the tourist development, in a location that is within close proximity to the Denmark town centre.

Heritage Place No. 44 is located on the northern side of South Coast Highway and relates to a stand of mature Karri trees located within the road reserve worthy of heritage protection.

The proposed development will not impact on this heritage site, as the Karri trees will be retained.

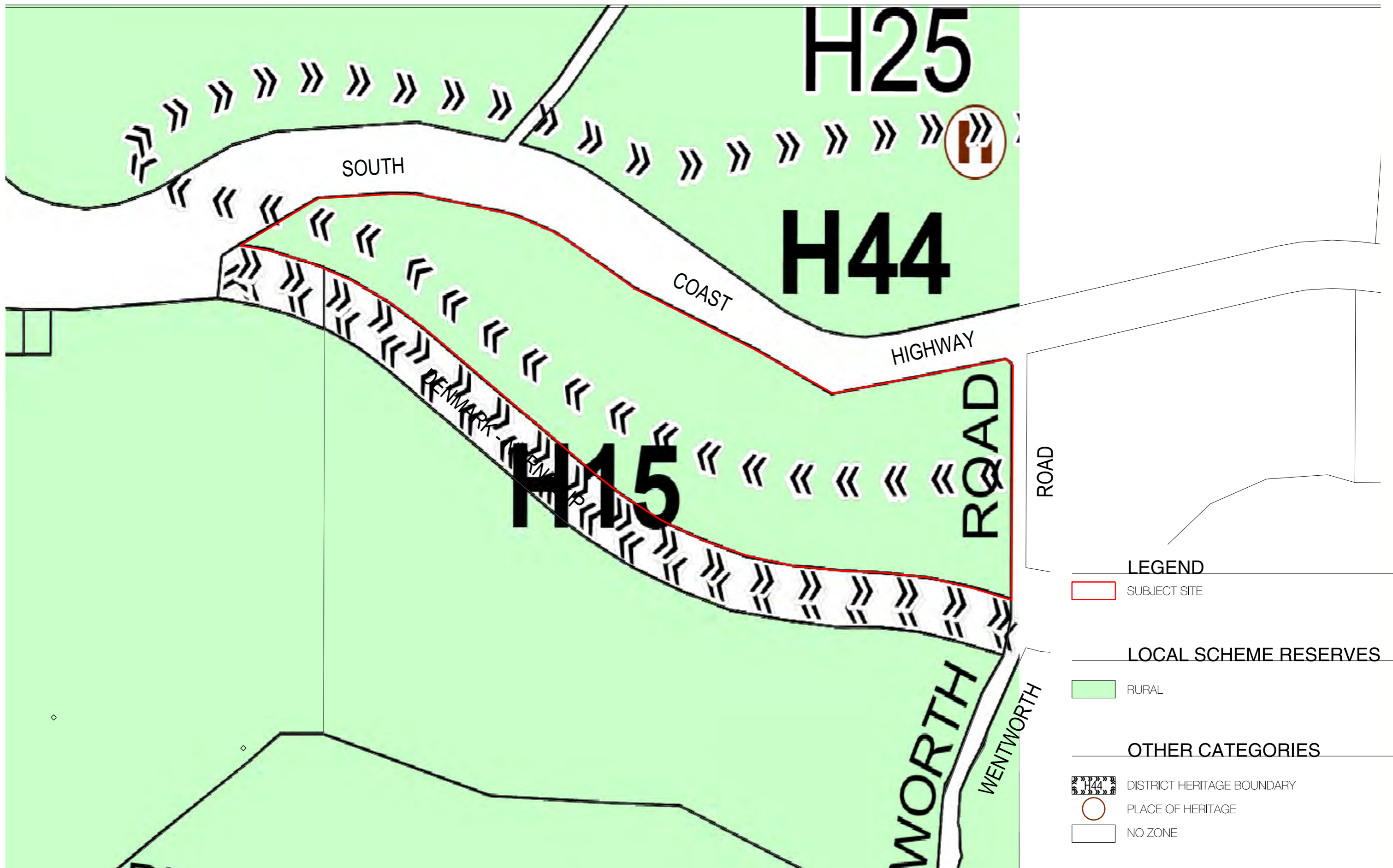


FIGURE 7 - LOCAL PLANNING STRATEGY DESIGNATION OF SITE AND SURROUNDS
 LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH



3.2 STATE GOVERNMENT PLANNING CONTEXT

The following Regulations and State Planning Policies and Bulletins form the relevant framework for the designation of Tourist zoning within the Shire of Denmark Town Planning Scheme No. 3:

- Caravan Park and Camping Grounds Regulations 1997
- SPP 2.5 - Rural Planning;
- SPP 3.7 - Planning in Bushfire Prone Areas;
- SPP5.4- Road and Rail Noise
- Government Sewerage Policy;
- Planning Bulletin 83/2013 - Planning for Tourism;

3.2.1 CARAVAN PARK AND CAMPING GROUNDS REGULATIONS 1997

The Caravan Park and Camping Grounds Regulations 1997 requires that all camping grounds in Western Australia be licensed by the local government.

Details of the facilities and content of the camping/glamping sites including (but not limited to) road widths, toilets, showers, and lighting will be identified through the development application and licensing process(s).

3.2.2 STATE PLANNING POLICY NO. 2.5 - RURAL PLANNING

State Planning Policy 2.5 - Rural Planning (SPP 2.5) seeks to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values, as well as to ensure broad compatibility with rural land uses.

One of the key elements in achieving these objectives is ensuring that zones and sites are suitable for their intended purpose. Clause 6.4 of SPP 2.5 identifies the following criteria to assist decision makers when contemplating zoning proposals or amendments affecting rural land:

- (a) the suitability of the site to be developed for the proposed use;*
- (b) the siting of the zone/land use in the context of surrounding zones/land uses (existing and proposed);*
- (c) the capacity of the site to accommodate the proposed zone/land use and associated impacts and:*
 - (i) only support proposals which are consistent with endorsed planning strategies, or in exceptional circumstances, where the proposal meets the objectives and intent of WAPC policy;*
 - (ii) only support the introduction of sensitive zones that may affect the existing and future operation of primary production where the management of impacts and/or mitigation approaches have been substantively resolved and are not wholly deferred to later stages of planning;*

- (iii) that the continuation of existing rural land uses are taken into account;
- (iv) ensure that lifting of urban deferred land in a region scheme is in accordance with clause 6.4 (b);
- (v) ensure that the sensitive zone does not overlap with any buffer determined to be necessary as a result of introducing the new zone, and the area within the buffer should retain its rural zoning until such time as the buffer is no longer required; and
- (vi) ensure that adequate land is identified to contain impacts from existing primary production, before introducing sensitive or industrial zones on rural land.

This amendment supports the above policy objectives and measures, as demonstrated in the following:

- (a) The site is of a suitable size and character to support Tourist zoning. The eastern portion of the site contains a tourist centre overlooking a series of dams, which effectively serves a tourism purpose. The site is generally flat and of an appropriate size for the development of tourist accommodation and complementary, tavern and spa retreat.
- (b) Environmental characteristics of the locality, including (but not limited to) its topography and retained remnant vegetation ensure that Tourist zoning of the site is able to integrate with the surrounding land uses. Large lot sizes and adequate separation distances to neighboring dwellings ensure compatibility between Tourist zoning and the surrounding zones and land uses.
- (c) (i) This amendment supports the objectives and intent of WAPC policy by introducing Tourist zoning in a locality that is compatible with its surrounding zoning and land use, and in close proximity to existing tourist attractions. Strategic placement of tourist infrastructure within the site reduces the potential for visual impacts on the landscape and assists in achieving suitable setbacks to neighboring dwellings and primary production activities. Existing stands of mature karri trees provide further visual and acoustic screening to the surrounding area.
 - (ii) Management of impacts and/or mitigation approaches associated with rezoning the site have been substantially resolved with a series of planning control measures proposed in the Local Development Plan and site specific provisions to be introduced into Appendix 13 of TPS3. Additional planning control measures are able to be provided through the development application process to ensure responsible social and environmental outcomes are achieved.
 - (iii) This amendment considers and supports the continuation of existing rural land uses in the locality and will not impact on these uses occurring in the future.
 - (iv) The site is not identified as urban deferred or subject to a region scheme.
 - (v) The site is not subject to any buffers; however South Coast Highway, Wentworth Road and the Denmark-Nornalup Heritage trail abutting the site provide increased separation and assist with buffering the site (and future development) from surrounding land uses.
 - (vi) The prevailing lot sizes, environmental characteristics and land uses occurring in the locality ensure that any potential impacts from existing primary production can be appropriately managed and will not impact on future tourist development.

Further support for this amendment is provided in clause 5.5 of SPP 2.5, which acknowledges the WAPC's policy is to:

- (c) *support small scale tourism opportunities such as bed and breakfast, holiday house, chalets, art gallery, micro-brewery and land uses associated with primary production, within the rural zone.*

3.2.3 STATE PLANNING POLICY NO. 3.7 - PLANNING IN BUSHFIRE PRONE AREAS

State Planning Policy 3.7 (SPP 3.7) establishes the foundation for land use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral agencies and landowners to help achieve acceptable bushfire protection outcomes in areas identified as 'bushfire prone'.

The site is designated as *bushfire prone* by the Commissioner of Fire and Emergency Services. As part of this application a suitable Bushfire Management Plan has been prepared (refer Appendix B).

As identified in the BMP and the supporting BAL contour plans, development is proposed to occur on a portion of the site identified as BAL-29 or lower; or with the appropriate performance criteria can be adequately sited. Furthermore the necessary requirements of SPP 3.7 have been adequately addressed.

3.2.4 STATE PLANNING POLICY NO. 5.4 -ROAD AND RAIL NOISE

The intent SPP 5.4 is to minimise the impact of road and rail noise on noise sensitive land uses. The site abuts South Coast Highway, which is classified as a Primary Road in Table 1 of SPP 5.4. As the trigger distance from a sensitive land use to a primary road is 300 metres, SPP 5.4 is applicable to the site.

In accordance with the Appended Noise Management Plan and Environmental Noise Assessment (refer Appendix C), with the application of the appropriate noise mitigation measures, the site can be developed in compliance with SPP 5.4.

3.2.5 GOVERNMENT SEWERAGE POLICY 2019

The Government Sewerage Policy 2019 is a whole of government policy promoting the use of reticulated sewerage, and setting out minimum standards to be achieved for onsite effluent disposal throughout the State. As the site is located outside of the Water Corporations' reticulated waste water network and unable to connect to deep sewerage, future Tourist development will require onsite effluent disposal, in a similar way to that associated with the tourist centre.

A Site and Soil Assessment (refer to Appendix D) undertaken for the site identifies effluent disposal is able to occur in accordance with the Government Sewerage Policy 2019.

3.2.6 PLANNING BULLETIN 83/2013 - PLANNING FOR TOURISM

PB83 sets out the policy position of the WAPC to guide decision making for subdivision, development and scheme amendment proposals for tourism purposes. PB83 also provides guidance to local government when planning for tourism development to be undertaken as part of the local planning strategy process.

PB83 notes a tourism site “should be assessed on its physical characteristics rather than existing built form or current zoning.” Furthermore:

“The identification of tourism sites does not imply that the site is suitable for immediate development or redevelopment. Sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for the development may not be reached for a number of years.”

PB83 establishes a number of general location criteria to determine the tourism value of a tourist site. Table 2 lists the policy criteria and site specific attributes for the site.

Criteria	PB83	Site Specific Attributes	Acceptable
1	<p>Accessibility</p> <p>The site has adequate existing or proposed transport links (such as major road or airport access).</p>	<p>Safe access can be provided to existing transport links.</p> <ul style="list-style-type: none"> • Safe access to the site is provided via Wentworth Road which is an unsealed road maintained to a high standard by the local government. This access will be retained to service future tourist development. • Secondary access is provided onto South Coast Highway and will be retained to provide a secondary access point in the event of a bushfire emergency. 	<p>✓</p> <p>✓</p>
2 2 (cont)	<p>Uniqueness</p> <p>The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.</p>	<p>The site is in the vicinity of unique attractions and landmarks of both local and State significance, including:</p> <ul style="list-style-type: none"> • William Bay National Park is an A-Class Reserve of State significance, and is located approximately 1 km from the site. • Denmark - Greens Pool walk trail, Denmark - Nornalup heritage trail, the Munda-Biddi bike trail and the Bibbulmun Track are all located within close proximity to the site. • Future development of the site will provide for tourist 	<p>✓</p> <p>✓</p> <p>✓</p>

		accommodation, distillery, tavern and spa retreat that complement the tourist centre and provide an opportunity for other tourism businesses and attractions to benefit from.	
3	<p><i>Setting</i></p> <p><i>The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).</i></p>	<p>The site is located in an area that supports tourist development, including:</p> <ul style="list-style-type: none"> • A bucolic area with natural ambience and highly valued landscape qualities. • Close proximity to William Bay National Park (~1 km), Greens Pool (~4 km), Elephant Rocks (~4 km) and Mad Fish Bay (~4.5 km). • Direct frontage to South Coast Highway which is an established major tourist route. • Direct frontage on to the Denmark-Nornalup Heritage trail. • Close proximity to the Munda Biddi trail. The landowner has donated land for the future realignment and linking of this track to the Bibbulmun Track. • Close proximity to the Bibbulmun Track. • The existing tourist centre and proposed tavern and spa retreat located on-site. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
4 4 (cont)	<p><i>Tourism activities and amenities</i></p> <p><i>The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation,</i></p>	<p>The site has convenient access to tourist activities and amenities, including:</p> <ul style="list-style-type: none"> • On-site tourist centre (existing) • On-site distillery (existing) • On-site tavern (proposed) • On-site spa retreat (proposed) • Wineries/Cideries/Breweries • Denmark's town centre (shops cafes, restaurants, etc) • Walk/bike/horse trails • Beaches • Denmark Chocolate Company • Denmark Dinosaur World 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	<i>cafes, restaurants, shops and the like.</i>	<ul style="list-style-type: none"> • Valley of the Giants 	
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Table 2: Assessment of general location criteria

PB83 lists various *site specific* criteria when determining the tourism value of a tourist site and provides guidance to decision makers in determining the strategic value of tourist sites. Table 3 lists the policy criteria and site specific attributes relevant to the site.

Criteria	PB83	Site Specific Attributes	Acceptable
1	<p><i>Suitability in a land use context</i></p> <p>The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).</p>	<p>The site is located within a bucolic area, with surrounding land uses that complementary the tourism use of the site. Tourist development is generally accepted as a compatible land use within rural areas, and an important part of the settlement pattern <i>“particularly within regional areas of the State.”</i></p> <p>Tourist development is proposed on a portion of the site that provides suitable setbacks to ensure potential visual impacts and land use conflict do not occur.</p>	✓
2	<p><i>Capability</i></p> <p>The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.</p>	<p>The site is capable of being developed for tourist purposes and associated services, without detracting from the natural attributes of the site or result in environmental degradation as follows:</p> <ul style="list-style-type: none"> • Clearing of remnant vegetation is not required to support tourist development. Existing stands of trees will be retained to assist with environmental management and provide shade and amenity to tourist accommodation. • Tourist development is able to conform to the provisions of SPP 3.7 - Planning in Bushfire Prone areas. • Tourist development is able to conform to the provisions of the Government Sewerage Policy. • A sufficient water and power supply is able to be provided to service future tourist development. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

		<ul style="list-style-type: none"> • Solid waste will be collected and stored in green wheeled garbage bins, and sent to the Denmark rubbish tip by the owner/operator on a regular basis. 	
3	<p><i>Size</i></p> <p>The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.</p>	<p>The site is of a sufficient size to support an integrated and diversified tourist development including:</p> <ul style="list-style-type: none"> • Tourist Centre (existing) • Distillery (existing) • Tavern (existing) • Shop (proposed) • Spa retreat (proposed) • Chalets (proposed) • Camping/glamping ground (proposed) • Winery (proposed) • Brewery (proposed) <p>Development of the site is able to occur without compromising the natural or cultural resources, including environmental and landscape qualities.</p>	<p>✓</p> <p>✓</p>
4	<p><i>Function</i></p> <p>The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday</p>	<p>The site is suitable for low intensity tourist development, including:</p> <ul style="list-style-type: none"> • Tourist Centre (existing) • Distillery (existing) • Tavern (proposed) • Shop (proposed) • Spa retreat (proposed) • Chalets (proposed) • Camping/glamping ground (proposed) • Winery (proposed) 	<p>✓</p>

	camps and Crown tourism leases.	<ul style="list-style-type: none"> • Brewery (proposed) <p>Tourist accommodation in the form of chalets and camping/glamping grounds provides a range of accommodation types to meet the needs of different tourists in this locality.</p> <p>The site is not deemed suitable for high intensity tourist development such as motels, hotels or amusement and theme parks.</p>	✓
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Table 3: Assessment of site specific criteria

The site is deemed to have a high tourism value based on location and site specific criteria that provide guidance to when identifying suitable tourist sites in a local planning scheme.

3.3 LOCAL GOVERNMENT PLANNING CONTEXT

The following local town planning scheme and policies form the relevant framework for the designation of Tourist zoning within the Shire of Denmark Town Planning Scheme No. 3:

- Shire of Denmark Town Planning Scheme No. 3;
- Denmark Tourism Planning Strategy (Stage 1);
- Policy No. 5 Minimum Setbacks;
- Policy No. 29 - Rural Settlement Strategy; and
- Policy 130201 - Tourism Policy

3.3.1 TOWN PLANNING SCHEME NO. 3

The site is currently zoned 'Rural' under the Shire of Denmark's TPS3, which acknowledges the purpose and intent of the Rural zone is to provide for a range of normal rural activities and to protect the land from inappropriate uses.

This amendment supports the rezoning of the site to Tourist. Clause 3.1.3 of TPS3 identifies the primary purpose and intent of the Tourist zone, as follows:

"For tourist accommodation and associated services."

Further, clause 5.33 of TPS3 establishes the following development provisions applicable to Tourist zones:

"All tourist zones shall require development to be in accordance with a Development Plan approved by Council and conditions of development shall be in accordance with Appendix 13 - Schedule of Tourist Zones."

Whilst TPS3 acknowledges the general compatibility of tourist accommodation and associated services within the Rural zone, this amendment will facilitate the long term protection of the site for tourist purposes and provide apt zoning to support future tourist development.

This amendment supports the primary purpose and intent of the Tourist zone, with the ultimate tourist development to occur in accordance with a Local Development Plan approved by the Council. A copy of the Local Development Plan is included at Appendix E.

A series of site specific planning control measures are proposed to be included in Appendix 13 of TPS3, to ensure the ultimate tourist development achieves suitable environmental, social and community outcomes.

3.3.2 DENMARK TOURISM PLANNING STRATEGY - STAGE 1

Stage 1 of the above Strategy provides a brief overview of the Shire's tourism profile. Stage 2 is yet to be prepared and will allow for the preparation of a comprehensive tourism strategy which will actively involve discourse with the tourism industry and local community.

The Strategy acknowledges that tourism is a significant contributor to the local economy, and provides the second highest number of jobs next to agriculture. It also recognises the important role camping grounds play within the Shire with an annual average of 16,500 (or

18% of all) domestic visitors, and 5,300 (or 46% of all) international visitors staying in caravan park or camping ground in 2003 and 2004.

Whilst the Strategy does not provide sufficient detail of visitor stays in caravan parks, camping grounds lodges or chalets, it does acknowledge that chalets are a form of accommodation often located in rural areas as well as in caravan parks and camping grounds. Therefore this statistic is considered to include people staying in chalets.

Clause 8.1.1 requires that a scheme amendment is required to rezone land to a dedicated tourist zone where more than eight chalet developments are proposed.

This amendment supports the findings of the Strategy by providing an important and popular accommodation type and attraction for tourists in a location within close proximity to areas of tourism significance, including:

- Tourism routes being South Coast Highway, William Bay Road and Scotsdale Road;
- National, marine and regional parks such as William Bay National Park, Owingup and Quarram Nature Reserves and Greens Pool;
- Attractions and amenities including Mad Fish Bay, Elephant Rocks, the Valley of the Giants, wineries/cideries/breweries and the existing tourist centre, distillery and proposed tavern; and
- Trails including the Denmark - Green Pools walk trail, Denmark - Nornalup heritage trail, the Munda-Biddi bike trail and the Bibbulmun track.

3.3.3 POLICY NO 5 - MINIMUM SETBACKS

Policy No. 5 establishes minimum setbacks for development within different zones, with those within the Tourist zone being as follows:

MINIMUM SETBACK			
	FRONT (m)	SIDE (m)	REAR (m)
TOURIST	30	20	30

The proposed setbacks to be included in Appendix 13 of TPS 3 reflect the above.

3.3.4 POLICY NO 29 - RURAL SETTLEMENT STRATEGY

Policy No. 29 was prepared in January 1999 and presents long term goals for land use, development and conservation of rural areas within the Shire. The strategy provides for a sustainable settlement pattern to accommodate growth over the Shire.

Strategy objectives relevant to this amendment include:

- Encourage limited tourist nodes based on existing development or features;

- Recognise the scenic importance of South Coast Highway and ensure development is suitably setback and screened. Uncontrolled linear sprawl will not be supported;
- Recognise use of setbacks and appropriate/sensitive screening techniques, which will retain views. Key tourist routes include Scotsdale Road, Mt Shadforth Road, William Bay Road, Parry Beach Road, McLeod Road, Peaceful Bay Road, Valley of the Giants Road and South Coast Highway; and
- Encourage appropriate bushfire management planning to be developed incorporated in development proposals.

This amendment supports the above policy objectives by rezoning the site to Tourist, which will encourage further tourist development that complements the existing tourist centre. As discussed later in Section 4.4, a number of measures are available to minimise visual impacts and protect scenic qualities including clustering of development centrally within the site, the use of building materials that are sympathetic to rural areas, suitable setbacks and the retention of existing vegetation to screen future tourist development from scenic vantage points, tourist routes and surrounding areas.

Section 5.3 acknowledges tourist accommodation can be provided in many different forms and scales and establishes a number of tourist nodes including William Bay, which is located 1 km (approx.) south of the site adjacent to other landholdings owned by the proponent and is subject to planning review to complement Lot 305. It notes when considering applications, Council will determine them to be either low impact or high impact based on their discretion. At the time of lodging this amendment it is unclear which category this amendment falls into, however it is acknowledged that small chalet developments may be considered over the entire Shire and high impact proposals will only be favoured in the rural nodes identified.

3.3.5 P130201: TOURISM POLICY

Council Policy P130201 identifies a range of initiative actions whereby progression of tourism ventures is to be supported and developed within the Shire. Denmark has a heavy reliance on tourism and associated ancillary activities, including the provision of high quality accommodation. The quality of product on offer reflects on the Shire overall, as well as the tourism attractiveness of the wider Great Southern Region.

Relevant Objectives and Guidelines, as they relate to this amendment are identified below:

Objectives

- To recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Denmark.*
- To foster and create a community awareness of the benefits of tourism within the Shire of Denmark.*
- To ensure that Council will guide and influence the development of tourism in the Shire of Denmark.*
- To provide the basic facilities and infrastructure sufficient to encourage development.*

- E. To ensure that facilities within the Shire are adequate to cater for visitors and residents.
- F. To ensure that the attributes of the natural environment within the Shire are managed sustainably so as to maintain and enhance the resource base on which the tourism industry relies.

Guidelines

1. Council will work closely with the Denmark Tourism Inc, Tourism WA, Australia's South West and regional industry associations in all aspects of tourism development.
2. Council will endeavour to provide an adequate budget allocation for tourism expenditure.
5. In the formulation of its planning regulations, Council will have regard to the requirements of tourism development.
 - a. Council, in its review of planning instruments, i.e. Strategic Plans, Town Plans and Development Central Plans, will take into consideration policies on tourism and other leisure related issues.
 - b. In the preparation of local laws and regulations, Council will have regard to their impact on tourism and balanced development within the Shire.
 - c. Council will encourage tourism product development and investment throughout the area and will facilitate the development application process.
 - d. Council will encourage a high standard of design and aesthetics in all forms of tourism development.
 - e. Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
 - f. When considering tourism developments, Council will consider the social, cultural, economic and environmental impact of the proposal within the area.
 - g. Council will ensure that where sensitive environmental, historic or cultural areas exist, these areas will be adequately protected in relation to development or usage.

The proposal is consistent with the intentions of the above Council Policy as follows:

- The site currently provides limited opportunity to derive an income from agriculture, as its size is insufficient to support primary production as a sustainable stand-alone operation.
- The development will provide additional short stay accommodation in the form of chalets and "glamping"/camping grounds, which have a proven track record of being an attractive and positive economic driver for small local communities which do not provide large scale employment opportunities.
- Tourist accommodation provides significant downstream benefits for local communities in terms of dollars spent, benefiting local tourist attractions, businesses and tourism

operators. These flow-on effects are critical to the viability and employment opportunities for many local residents.

- At a site-specific level, through the control of various proposed scheme provisions the site will contribute to and enhance Denmark's reputation as a quality and attractive tourist destination with quality facilities, amenities and tourism attractions.

3.3.6 SHIRE OF DENMARK SUSTAINABLE TOURISM STRATEGY

The Shire of Denmark has prepared a new tourism strategy to guide long term tourism management and growth in Denmark. Known as the Sustainable Tourism Strategy, the strategy aims to build on local industry strengths, to identify the social, economic and environmental impact of tourism on the community and to guide the development of a sustainable visitor servicing model for the future.

This Strategy acknowledges that tourism is an essential part of the local economy, supporting businesses that provide employment for a significant proportion of residents. It recognises that tourism depends on quality infrastructure to attract both visitors and investors, and that Council can encourage tourism investment that aligns with its tourism vision through strategic tourism planning that enables development and reduces red tape.

This amendment is consistent with the following vision of the strategy:

"Tourism respects, celebrates and enhances Denmark's culture, history and natural environment. The region offers opportunities for inspiring, immersive experiences; positive interactions between locals and visitors; and supports creativity and enterprise. We are all enriched by being part of this unique place."

4 PROPOSED DEVELOPMENT

4.1 BACKGROUND

Traditional broad acre farming on rural zoned lots increasingly requires larger landholdings to remain economically sustainable. Many small rural lots (including the subject site) are unable to sustain traditional farming practices as a viable stand-alone operation, and either need to adapt and diversify their activities or become quasi-lifestyle properties where primary income is generated off-site.

As discussed in Section 3.3.2, tourism is an important contributor to the local economy in Denmark and provides the second highest number of jobs next to agriculture. Caravan and camping grounds play an important role in accommodating tourists and visitors in the Shire, with an annual average of 16,500 (or 18% of all) domestic visitors, and 5,300 (or 46% of all) international visitors staying in a caravan park or camping ground in 2003 and 2004.

To address the limited agricultural function of the site, the landowner has transitioned to what is effectively a tourist land use, by developing a tourist centre that caters for the local community, tourists, farmers, Indigenous communities, corporate clients and private events. Underpinning development of the tourist centre is the broad compatibility of this land use in this rural locality.

Whilst the tourist centre effectively serves a tourist purpose, amending the sites zoning to Tourist will provide an opportunity for further complementary tourist development. This will enable the landowner to market their services to a wider range of corporate clients and private events, provide services and accommodation forms that meets the needs of a variety of tourist needs, draw more visitors to the Shire and increase visitor numbers to tourist attractions. This will also provide economic benefits to other tourism businesses and bring new job opportunities and investment into the Shire.

4.1.1 EXISTING AND PROPOSED ZONING

The site is currently zoned Rural under TPS3. This amendment supports rezoning the site to a Tourist zone.

The ultimate tourist development will be co-ordinated and controlled through a Local Development Plan, site specific planning control measures proposed to be introduced into Appendix 13 of TPS3 and conditions of development approval.

4.2 PROPOSED TOURISM DEVELOPMENT

The ultimate tourist development will consist of three complementary and integrated uses:

- i. A Tourist Centre, comprising a Tavern, Shop, Restaurant, Winery, Distillery and Brewery.
- ii. Tourist accommodation.
- iii. Spa Retreat.

Each of the above is discussed in more detail in the following sections. As identified in Appendix E - Local Development Plan, the broad layout of the proposed tourist development is illustrated.

In accordance with recommendations of the various State planning for tourism policies and documents, any strata titling of tourism development would be restricted to built form strata (i.e. - survey strata or vacant strata should not be proposed or supported).

4.2.1 TOURIST ACCOMMODATION AND SPA RETREAT

A number of forms of tourist accommodation are proposed to cater for different tourist needs, including chalets and camping sites (i.e. "glamping").

A spa retreat is located adjacent to the lodge. This will provide, but not be limited to, massage therapy, holistic healing, beauty therapy and aromatherapy.

Chalets are proposed to be located to the north of the tourist centre and will overlook the dams. These chalets will provide for up to two guest beds and cater for small groups, families or corporate clients.

Camping/glamping sites are proposed to the west of the dams in areas that have been cleared and contain pastures. These sites will provide accommodation for backpackers, campers, as well as cyclists and hikers using the Munda Bididi trail, Bibbulmun Track and Denmark-Nornalup heritage trail.

A Local Development Plan has been prepared and included at Appendix E illustrating the location of the tourist accommodation and its relationship with other elements of the tourist development and surrounding areas. The final layout and detailed design of the tourist accommodation and camping/glamping sites will be determined through the development application process.

4.2.2 TOURIST CENTRE AND TAVERN

Future expansion of the tourist centre will incorporate a tavern that will include a restaurant (café), bar, cellar sales (in association with an approved distillery), the sale of take away packaged alcohol and the hosting of events and provide guests and visitors with another unique tourist attraction to visit. Many of these uses are already approved and have been developed.

The distillery, winery and brewery, which currently forms part of the tourist centre, will source local ingredients to produce alcoholic beverages with up to 98% local content.

Tourists and guests will be provided with an opportunity to take guided tours to better understand where their beverages come from and how they are produced. The tavern will provide opportunities for product sampling and “farm gate” sales in a new and exciting beverage category of low calorie/alcohol seltzers as well as traditional distillery outputs; gin, vodka and schnapps. A copy of the landowners Alcohol Management Plan is included at Appendix F.

Agritourism, otherwise known as food tourism, encompasses a wide variety of activities where agriculture and tourism intersect, including the production of wine, craft beer and spirits. This sector of tourism is becoming increasingly important to regional economies and for some regions (e.g. - Margaret River) agritourists contributes more to the local economy than agriculture.¹

Growth of the agritourism sector is forecast to continue as consumers and tourists increasingly seek to better understand where their food comes from, learn how it is produced and experience the ultimate in low food miles by enjoying produce where it is produced. Agritourism also allows regional economies to showcase what’s good about the region, its unique growing conditions, natural resources (clean air, water and soils) and provides a tourist drawcard from which other regional tourism businesses and experiences can benefit.

This amendment provides an opportunity to responsibly integrate different tourist uses on a single site. This will further assist with promoting Denmark as a desirable tourist destination, provide economic benefits to other tourism businesses and bring new job opportunities and investment into the Shire.

¹ <https://www2.deloitte.com/au/en/pages/consumer-industrial-products/articles/agritourism.html>

4.3 SERVICING

4.3.1 ACCESS

No changes to the existing site access are required to support this amendment. The existing crossover onto Wentworth Road will be retained and continue to serve as the primary access/egress to the site. Wentworth Road is a well maintained local distributor road (unsealed) under the responsibility of the Shire of Denmark.

The development approval issued in 2020 required the upgrade of Wentworth Road to a sealed standard to the satisfaction of the Shire of Denmark.

The existing crossover onto South Coast Highway will be retained and serve as a secondary access/egress in the event of a bushfire emergency. South Coast Highway is a well maintained road and a declared highway under responsibility of Main Roads WA (MRWA). South Coast Highway is subject to a 90 kph speed limit adjacent to the site and beyond.

As confirmed by the traffic assessment (refer to Appendix G) both crossovers are located in areas with good visibility and suitable sightlines to provide safe access to and from the site. Furthermore, the report confirms the South Coast Highway and Wentworth Road intersection is able to support any additional vehicles movements as proposed by this amendment.

4.3.2 POWER AND TELECOMMUNICATIONS SUPPLY

Reticulated power infrastructure is available and is currently connected to the site. It is anticipated that the ultimate tourist development will be connected to this power supply, with details of any upgrades and/or separate metering provided through the development application process. To reduce noise impacts on neighbouring properties and to promote renewable energy, the use of diesel generators is not proposed.

4.3.3 WATER SUPPLY

The site and surrounding land holdings are not connected to a reticulated water supply, with rainwater harvesting and storage a common occurrence in rural localities.

The existing dams have obtained the relevant approvals and provide a capacity of over 1 mega-litre and can provide a suitable water supply for the ultimate tourist development. The dams are fed by underground springs with a capacity of more than 125,000 mega litres of mineralised waters. Future development will require a potable water supply be provided from rainwater storage and/or the installation of a bore with water treated either via reverse osmosis or UV sterilization.

Mitigation measures to address safety to the dams will need to be addressed through the development application process.

4.3.4 STORMWATER DRAINAGE

Based on previous studies undertaken for the site relating to the hydrological and environmental nature, from an urban water management perspective, the site is not considered hydrologically constrained due to the slope, geology, separation to groundwater and lot size. It is considered that drainage can be appropriately managed without any adverse impact to the environment or surrounding land users.

A local water management strategy should be prepared at the development application stage, providing details of stormwater run-off, management and onsite containment.

Extensive primary, secondary and tertiary overflows have been designed and constructed in 2011 to withstand a 1:100 year event. In 2013 Lot 305 withstood more than 250 mm in 24 hours (1:100 year flood event). While many dams at the time had their walls breached, the site was able to withstand the flood utilizing its primary and secondary overflows.

4.3.5 EFFLUENT DISPOSAL

The site and surrounding land holdings are not connected to a reticulated sewerage service. Future development will require onsite effluent disposal to occur to the satisfaction of the Department of Health and Shire of Denmark, in a similar way to that associated with the tourist centre.

To mitigate site constraints and any potential risks associated with onsite waste water disposal impacting on the local water quality, as per the findings from the Site and Soil

Evaluation Report- Refer Appendix D; wastewater will be piped and disposed of on an adjacent portion of Lot 305

Key findings of the Site and Soil Evaluation report include:

- The site is not located within a Sewage Sensitive Area.
- The site contains a water way (Little River) and several dams, all of which are separated from RTE007 by at least 100m.
- Depth to groundwater during winter testing was at least 0.7m BGL.
- Phosphorus export risk is low, so a nutrient removing system is not likely to be required.
- A secondary treatment system is recommended. The largest concept of the proposed development will require an irrigation area of 7,510m². The area associated with RTE007 comprises 2ha.

4.3.6 SOLID WASTE MANAGEMENT

It is anticipated that solid waste associated with the ultimate tourism development will be collected daily in green wheeled garbage bins and stored in a large “skip style” rubbish bin onsite, before being sent to the Denmark refuse facility on a regular basis.

4.4 VISUAL IMPACT ASSESSMENT

A Visual Impact Assessment has been undertaken in accordance with the WAPC’s Visual Landscape Planning in WA - a manual for evaluation, assessment, siting and design. The assessment has been undertaken and demonstrated in accordance with Figure 8 and Table 5 over page.

The proposed development requires consideration of visual impacts on a local level, noting the sites visibility (in terms of the proposed developed area) does not extend significantly beyond a defined and localised area. Given existing landform and site conditions, people using South Coast Highway, scenic vantage points and surrounding residents are likely to be those who would most obviously notice the change in development intensity.

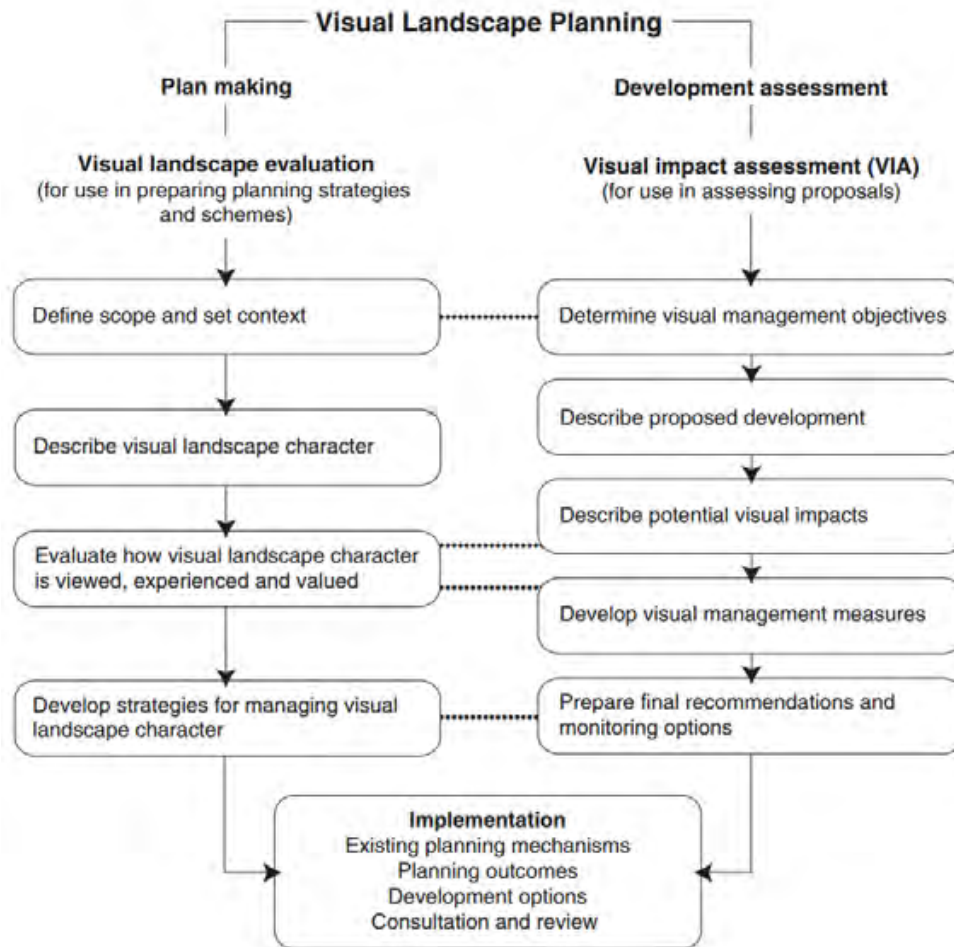


Figure 9: Visual Landscape Planning - Relationship

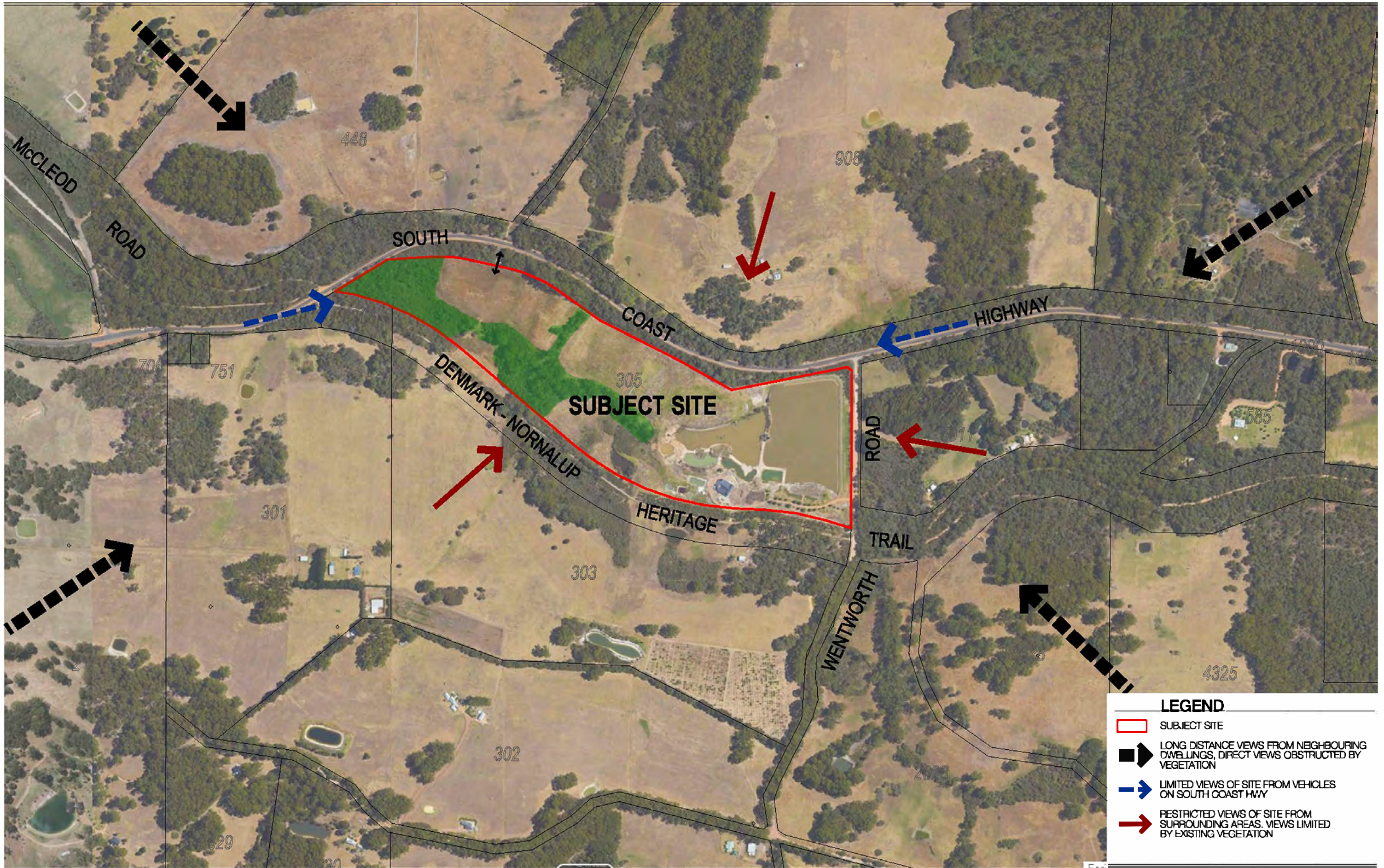
The key considerations have been reflected below, with specific comment provided in italics for ease of reference:

VISUAL LANDSCAPE EVALUATION	DEVELOPMENT ASSESSMENT
Define scope and context: <i>The scope and context of the landscape visual assessment relevant to this particular proposal, is typically defined as the area within a 1km radius when viewed from land.</i>	Determine visual impact management objective: <i>The objective for the proposed development and rezoning is to facilitate a built form outcome which seamlessly blends with the existing environment, which displays discrete qualities and retains high environmental values without being overly evident when viewed from the public realm.</i>
Describe visual landscape character: <i>The visual landscape character can currently be defined as one which demonstrates low development intensity, situated in an area of high environmental values generated as a result of the current rural setting.</i>	Describe proposed development: <i>Refer to Part 6 - "Local Development Plan" of this report.</i>

<p>Evaluate how visual landscape character is viewed, experienced and valued: <i>Landscape character is currently viewed, experienced and values by residents and visitors to the area, particularly users of South Coast Highway (from within a vehicle). There is a community expectation that development outcomes are of a high quality, and reflect the rural and environmental character of the locality.</i></p>	<p>Describe potential visual impact: <i>The potential visual impact will be most evident from people using South Coast Highway (within a vehicle). Limited views of the site and of future development will be evident from land to the west and north, given existing vegetation (proposed to be retained) and landform (which is not proposed to be modified).</i></p>
<p>Develop strategies for managing visual landscape character: <i>Where possible development should look to retain and enhance existing landscape values, particularly given the tourism function of the site. Tourists seek high quality settings, and this is expected to complement existing landscape values.</i></p>	<p>Develop visual management measures: <i>A number of potential visual management measures are proposed to minimise the potential visual impact on the existing environment and to ensure future development is harmonious with the receiving environment. Such measures focus not only on the visibility of the site from the public realm, but also protecting and improving existing landscape values which contribute to the setting and on-site amenity of the site. These include:</i></p> <ul style="list-style-type: none"> <i>• Retain and protect existing on-site vegetation and consider strategic building placement to avoid tree removal/disturbance (NB: planting of vegetation is not required given the significant vegetation planting undertaken on the site's boundary to South Coast Highway to date);</i> <i>• Support for additional landscaping adjoining the South Coast Highway frontage in relevant locations;</i> <i>• Limitation on building colours, bulk and materials to ensure blending of built form into existing landform;</i> <i>• Limitations on the fencing materials to ensure it is of a rural nature and blends in with the rural nature and characteristics of the locality;</i> <i>• Clustering of buildings away from the property boundary, so as to avoid ribbon development adjacent to a major tourist route.</i>
	<p>Prepare final recommendations and monitoring options: <i>Introduce relevant Scheme provisions within this amendment, to ensure the matters reflected above are adequately addressed and provided for at the relevant future stage of development. Development controls (colours, building materials etc) can be confirmed and approved at</i></p>

	Development Application and Building Permit stage.
<p>Implementation</p> <ul style="list-style-type: none"> • Existing planning mechanisms • Planning outcomes • Development options • Consultation and review <p><i>See above. Various Scheme provisions are proposed within this Amendment in order to minimise visual impacts on the localised receiving environment.</i></p>	

The above analysis is represented in Figure 8, which diagrammatically represents the context of potential visual impact and wider landscape implications.



**FIGURE 8 - VISUAL LANDSCAPE PLANNING - MAP ANALYSIS
LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH**

WILLIAMS CONSULTING | TOWN PLANNING & PROJECT MANAGEMENT
ph: 0418 116216 | email: samwilliams@westnet.com.au

date - 16 OCT 2020 | ref - 18-007-007
scale - 1:75 @ A3



0m 150m



5 ENVIRONMENTAL CONTEXT

Aurora Environmental carried out a Site and Soil Assessment of the site to identify the soil characteristics, late winter ground water levels and suitability for on-site effluent disposal. A copy of the Site and Soil Assessment is included at Appendix D, which confirms on-site effluent disposal is able to occur in accordance with provisions of the Government Sewerage Policy 2019.

5.1 LANDFORM

The site can be described as a gently undulating plateau, sloping gently upwards from around 110m AHD in the west down to 70m AHD in the east, with an average slope grade of ~2°.

5.1.1 SOIL CONDITIONS

Localised soils are free draining. The site does not contain any wetlands, quagmires and is not subject to seasonal inundation.

5.1.2 SOIL CHARACTERISTICS

Broad scale mapping from the Department of Primary Industries and Regional Development soil characteristics of south-west Western Australia identifies the soil types in the locality as *Gravels usually in a loamy matrix*. These include loamy gravels, commonly also duplexes and loamy earths.

This indicates that the dominate topsoil is loamy (a thin sandy surface may be present), with uniform loam or loam grading to clay loam or clay.

5.1.3 ACID SULPHATE SOILS

Limited datasets are available showing broad scale mapping of acid sulphate soils for the Denmark area. There is low probability of acid sulphate soils occurring on the site given the soil types in the locality and distance to known acid sulphate soils.

It is recommended that when the nature of ground disturbances are known (i.e. - cut fill, etc), then a Department of Environment and Regulation (DER) "ASS Self Assessment" form is completed, and if required, an ASS investigation and reporting occur as required by the DER. This could be undertaken as a condition of development approval.

5.1.4 SURFACE AND GROUNDWATER

There are no known surface and groundwater bodies, with the exception of the existing dams. A gully containing a stand of mature karri trees is located centrally on an east-west axis and channels winter rainfalls downhill into the dams.

6 LOCAL DEVELOPMENT PLAN

A Local Development Plan (LDP) has been prepared to support this amendment (refer Appendix E), and provide guidance to decision makers when considering an application for tourist development over the site. This LDP is a guide only and is subject to review independent of any formal Town Planning Scheme Amendment process.

Key provisions of the LDP include the following:

- Clustering of built-form centrally within the site, away from the property boundary, will assist to reduce any potential visual impacts from the public realm or surrounding properties. Clustering around the series of dams provides a high level of amenity and ensures that permanent structures are located on a portion of the site with the least bushfire risk.
- A tourist centre, restaurant, shop, distillery, brewery, winery and tavern are identified on a portion of the site where the existing tourist centre is located. Expansion of the tourist centre to include a tavern will overlook the series of dams and provide a high level of amenity. This location is also close to the primary access to the site, which will assist to minimise vehicle movements on-site and avoid vehicle interactions with camping/glamping and chalet guests.
- A spa retreat is located adjacent to the primary access to the site, overlooking the series of dams. This location provides a high level of amenity to guests and minimises vehicle movements on-site. It is also sufficiently setback from the tourist centre building to overcome potential noise impacts, but in close enough proximity to allow guests to walk to the tourist centre.
- Chalet sites are located around the tourist buildings overlooking the dams. It is anticipated the maximum number of guest vehicles using the chalets will be two per chalet. These locations provide a high level of amenity to guests and minimises vehicle interactions with the camp/glamping sites. It is also sufficiently setback from the tourist centre building to overcome potential noise impacts, but in close enough proximity to allow guests to walk to the tourist centre.
- Camping/Glamping sites are located west of the built-form development on areas of the site, which have been cleared and contain pastures. The final location of the camp/glamping sites will be determined at the Development Application stage. However, it is noted future sites will be sufficiently distanced from the built-form and each other to provide privacy and natural ambiance to guests. Future sites will be located adjacent to mature karri trees in order to provide screening from other land uses, help reduce visual and noise impacts, improve privacy and contribute to a desirable setting for camp users. Existing vegetation in the road reserve complemented with additional planting provides visual screening to the camp/glamping sites for vehicles travelling on South Coast Highway.
- Existing stands of mature karri trees located on the western and central portions of the site are to be retained and protected. This will assist with environmental management of the land, including preventing alluvial soils being deposited into the

dams, as well as protecting this portion of the site from future built-form development. These areas of vegetation serve not only to assist with environmental management of the land holding, but also provide important visual screening and setbacks to future tourist development from surrounding lots. Additional planning control measures are proposed within Appendix 13 of TPS 3 prohibiting development or clearing of vegetation in areas identified as *tree retention area*.

- The provision of a Residence or Residences to provide future accommodation options for staff to be located in Common Property in any future strata proposal.

7. CONCLUSION

This amendment proposes to rezone No. 40 (Lot 305) Wentworth Road, Ocean Beach from Rural to Tourist, and seeks to introduce a number of site specific planning control measures into Appendix 13 of TPS3.

The salient points of summary and support for this scheme amendment are:

- The site currently provides limited opportunity to derive an income from agriculture, as its size is insufficient to support primary production as a sustainable stand-alone operation. As such, the landowner has transitioned to what is effectively a tourist land use, by developing a tourist centre that caters for corporate clients and private events. Underpinning development of the tourist centre is the broad compatibility of the land use in this rural locality. The main opportunity to support a viable stand-alone operation for the site now rests with tourism in the form of expanding the tourist centre and providing a complementary tourism development.
- Expanding the tourist centre and providing a complementary tavern (and associated uses), spa retreat and tourist accommodation will enable the landowner to attract more corporate clients and private events from markets, which they are currently unable to service. Tourist accommodation on the site will provide tourist centre guests with the ability to stay onsite overnight following an event. This is an important factor for many corporate and private events when deciding where to host an event.
- The site is identified as being suitable for tourism development. Clustering of built-form centrally within the site will assist with screening and ensure that the rural character of the natural environment is retained, and visual landscape qualities of the locality are protected.
- The site is located in close proximity to unique tourist attractions and landmarks of both local and State significance including William Bay National Park (~1km), Greens Pool (~4km), Elephant Rocks (~4km) and Mad Fish Bay (~4.5km), and is deemed to have a high tourism value based on location and site specific criteria that provide guidance when identifying suitable tourist sites in a local planning scheme.
- The site is in close proximity to walking and bike trails (including Denmark-Nornalup heritage trail, Munda Biddi trail and the Bibbulmun Track) and located adjacent a major tourist route, providing an opportunity to develop an intermodal tourist development catering for tourists travelling on foot, bike and in vehicles. This will provide tourists with the unique ability to access all track/trails from a single location, increase track/trail usage and improve upon the overall tourism appeal of the Shire. This will also provide an opportunity for Denmark to become a world class trails destination, attracting more domestic and international visitors and increasing the overall appeal of the Shire as a tourist destination. A significant outcome arising from this is the economic benefit provided to other local tourist businesses and operators, and opportunities to bring new investment and employment into the area.
- Future tourist development on the site will improve upon existing tourist linkages to major tourism attractions by providing additional tourism experiences adjacent to a

number of major tourist routes, including; South Coast Highway, Munda Bididi trail and Denmark-Nornalup heritage trail. Improving tourist linkages not only benefits other tourism operators and businesses, but positively contributes to the overall appeal and reputation of the Shire as a tourist destination.

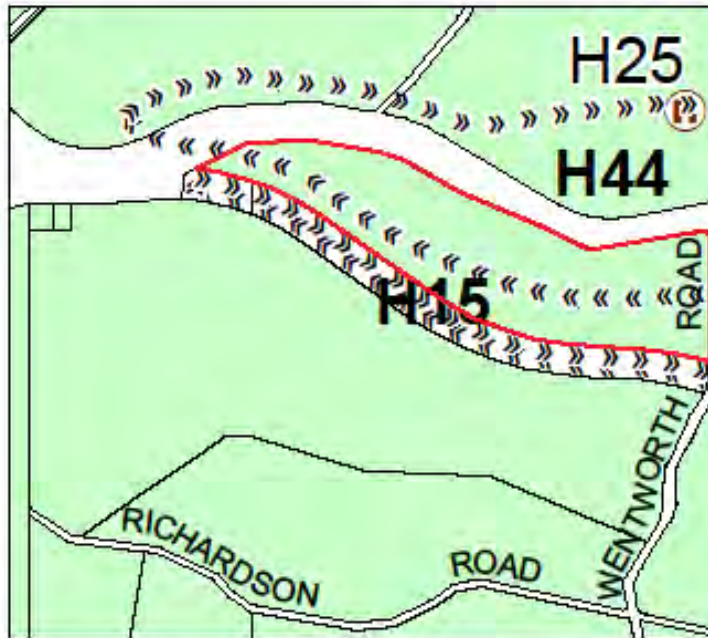
- This amendment supports the objectives and criteria of local and State Planning policies and strategies when planning for tourism, and will provide an opportunity for the future development of a range of tourist accommodation types (chalets and camping/glamping sites) and new tourism facilities (distillery and tavern) that complement the tourist centre and the surrounding land holdings.
- Management of potential impacts and/or mitigation approaches associated with rezoning the site to Tourist have been substantially resolved with planning control measures proposed within Appendix 13 of TPS3 and a Local Development Plan. Additional planning control measures are able to be provided through the development application process to ensure suitable social and environmental outcomes are achieved.
- There are no constraints to development of the site over and beyond the usual local conditions that can't be dealt with through appropriate development controls to be included in Appendix 13 of TPS3 and conditions of development approval.
- Zoning the site Tourist in TPS3 will assist to protect the site for this purpose and enable further complementary tourist development in a strategic location in close proximity to existing tourist attractions.

As a result of the above it is respectfully requested that the Shire of Denmark commence the statutory processes to enable the rezoning to proceed as per the *Scheme Amendment Map* overleaf.

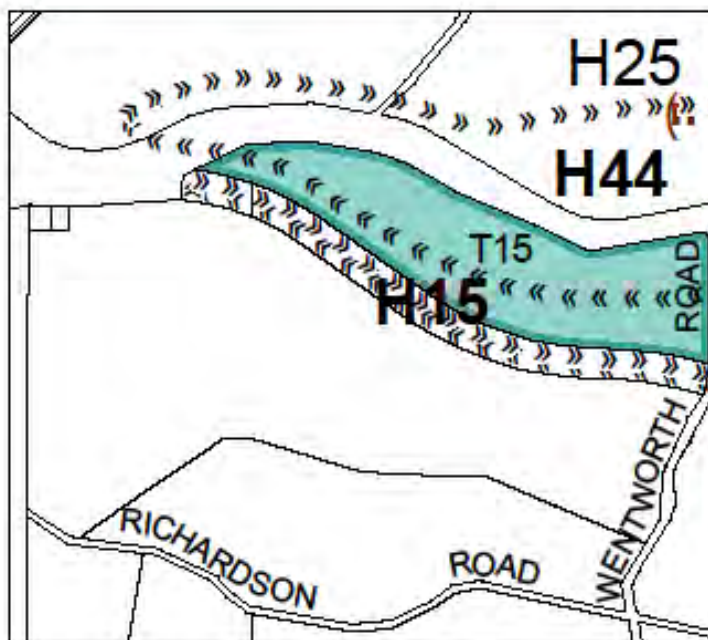
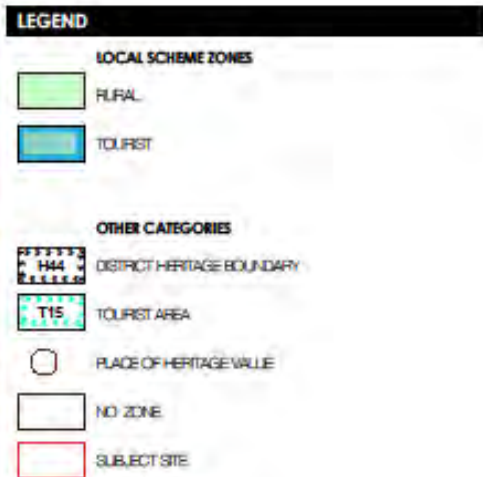
SHIRE OF DENMARK

Town Planning Scheme No.3

Amendment No. 148



EXISTING ZONING



PROPOSED ZONING



OCTOBER 2020

TOWN PLANNING
SCHEME NO.3

AMENDMENT NO. 148

Planning and Development Act 2005

Shire of Denmark

Town Planning Scheme No.3

Amendment No.148

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

- a) Rezoning No. 40 (Lot 305) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15)' zone.
- b) Introducing the definitions:
 - i. "Brewery" - means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;
 - ii. "Tourist Development" - means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -
 - (i) short-term accommodation for guests; and
 - (ii) onsite facilities for the use of guests; and
 - (iii) facilities for the management of the development.
- c) Amending the Scheme Map accordingly.
- d) Inserting Tourist (T15) and associated provisions into Appendix XIII - Schedule of Tourist Zones of the Scheme Text.

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 15	No. 40 (Lot 305) Wentworth Road, Ocean Beach	Notwithstanding any other provisions of the scheme, the following land uses and associated permissibility apply: <ul style="list-style-type: none"> • Brewery (AA) • Boarding House (AA) • Caravan Park (AA) • Caretaker's Dwellings (AA) • Holiday Accommodation (AA) • Tavern (AA) • Tourist Development (AA) 	<ol style="list-style-type: none"> i. Development shall generally be in accordance with a Local Development Plan approved by the local government. ii. All development shall be connected to a Secondary Treatment System (STS) approved by the Department of Health. A Secondary Treatment System with nutrient removal may be required. iii. All new development shall be setback a minimum: <ul style="list-style-type: none"> • 30 metres from South Coast Highway • 20 metres from all other boundaries <p>Unless otherwise approved by the local government</p> <ol style="list-style-type: none"> iv. All buildings within the zone shall be constructed to be sympathetic to the existing landscape in terms of colour finishes, location and height, to the satisfaction of the local government.

<p>T 15</p>		<ul style="list-style-type: none"> • Rural Pursuit (AA) • Restaurant (AA) • Shop (AA) • Single House (P) • Winery (AA) • Market (AA) • Private Recreation (AA) • Reception Centre (AA) 	<ul style="list-style-type: none"> v. The proponent shall implement the recommendations of a Bushfire Management Plan approved by the local government to the satisfaction of the local government as a condition of development approval. vi. The proponent shall prepare an Urban Water Management Plan to the satisfaction of the local government, which is to be implemented as a condition of development approval. vii. The proponent shall prepare and implement the recommendations of a Noise Management Plan and Environmental Noise Impact Assessment to the satisfaction of the local government as a condition of development approval. viii. The proponent shall prepare and implement a Landscape / Revegetation Plan ix. All fencing (internal and boundary) shall be of a rural construction such as pine/steel posts and wire to the satisfaction of the local government. x. The proponent shall prepare and implement a Bushfire Emergency Evacuation Plan and Bushfire Management Plan. xi. Accommodation is limited to a stay of 3 months in a 12 month period other than for a Residential Building (staff accommodation) and caretaker's dwelling(s). xii. Lighting and signage to be to the satisfaction of the local government. xiii. The proponent to upgrade and seal Wentworth Road between the entrance to the development site and South Coast Highway, with details to be addressed through a condition of development approval. xiv. All Holiday Accommodation are required to be managed and maintained by the strata company with no individual management or fit out permitted. Opting out of the central management by individual owners will not be permitted. xv. The following requirements will apply to the strata titling of the development: <ul style="list-style-type: none"> • Provision of strata by-laws for the strata scheme to provide for integrated common management of the strata lots as a tourism facility. Any
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			<p>changes to the strata by-laws require the approval of the WAPC and/or local government. The strata by-laws must bind successive owners.</p> <ul style="list-style-type: none"> • In the event of the staged development and strata titling of the property, local government may permit development of associated common property in stages. • The external form of development to be of uniform and complementary architectural theme, character, colours and materials. • Development is to be constructed to plate height before the local government will support strata titling.
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PLANNING AND DEVELOPMENT ACT 2005
SHIRE OF DENMARK

TOWN PLANNING SCHEME NO.3

AMENDMENT NO.148

Adoption:

Adopted by resolution of the Council of the Shire of Denmark at the meeting of the Council held on the day of 20....

.....
Shire President

.....
Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the Council of the Shire of Denmark at the meeting of the Council held on the day of 20.... and the Common Seal of the Shire was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
Shire President

.....
Chief Executive Officer

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
Delegated under S.16 of PD Act 2005

.....
Date

FINAL APPROVAL GRANTED

.....
Minister for Planning

.....
Date



Environmental Protection Authority

s.48A Referrals

Title: Shire of Denmark Town Planning Scheme 3 Amendment 148

Location: Lot 305 Wentworth Road, Ocean Beach

Description: The amendment proposes to rezone Lot 305 Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' and to introduce provisions at Appendix XIII of the Scheme. The proposed amendment is to provide for tourism activities and accommodation at the site.

Ref ID: APP-0000109

Date Received: 07-11-2022 **Date Sufficient Information Received:** 03-02-2023

Responsible Authority: Shire of Denmark, PO Box 183, DENMARK WA 6333

Contact: Craig Pursey

Preliminary Environmental Factors: Flora and Vegetation, Terrestrial Fauna, and Inland Waters.

Potential Significant Effects: Implementation of the scheme amendment may result in the discharge of contaminated or reduced water quality to the Wilson Inlet catchment, and indirect impacts to vegetation and fauna.

Protection: Future development should demonstrate consistency with the *Government Sewerage Policy 2019*. EPA advice is provided recommending actions to further protect environmental values and manage and mitigate potential environmental impacts.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme/Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials:

Date:

22 February 2023

Mr David Schober
Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA 6333

Our Ref: APP-0000109
Enquiries: Maddison Howard, 6364 6424
Email: maddison.howard@dwer.wa.gov.au

Dear Mr Schober

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	Shire of Denmark Town Planning Scheme 3 Amendment 148
LOCATION	Lot 305 Wentworth Road, Ocean Beach
RESPONSIBLE AUTHORITY	Shire of Denmark
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MAT TONTS', with a long horizontal flourish extending to the right.

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

22 February 2023

Encl. EPA Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Shire of Denmark Town Planning Scheme 3 Amendment 148

Location: Lot 305 Wentworth Road, Ocean Beach

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 27 February 2023

Summary

Amendment 148 proposes to rezone Lot 305 Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' and insert provisions at Appendix VIII of the Scheme. The proposed amendment is to facilitate the extension of existing tourism activities at the subject site, and to provide for the future development of tourism accommodation.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the original referral documentation, additional information provided by the Shire of Denmark (the Shire) to this amendment, and information obtained through its own enquiries. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area is largely cleared due to historical agricultural land uses. Stands of karri trees and remnant vegetation occur in the north western and central portions of the site. Remnant vegetation also occurs along all external site boundaries, and in patches to the east, west and south of the site. The vegetation within and surrounding the amendment area may provide habitat for threatened species of black cockatoo.

A Local Development Plan (prepared by Williams Consulting, dated 15 November 2022) was referred with the amendment, which identified the vegetated areas within Lot 305 for retention as part of future development plans for the site. The EPA supports the retention of the vegetation as identified in the Local Development Plan, however, the implementation of the proposed amendment may result in indirect impacts including noise, dust and/or light emissions to adjoining areas of native vegetation and fauna habitat, and potential disturbance to threatened fauna species residing in these areas.

Accordingly, the EPA provides the following additional advice to further mitigate potential impacts to vegetation and threatened fauna:

- That the remnant vegetation within the subdivided portion of the Lot to the south of the amendment area (subject to the current subdivision process) is also retained as potential black cockatoo habitat.
- That future development applications consider potential indirect impacts to vegetation and black cockatoo habitat, and identify relevant management and mitigatory measures (e.g. adequate setbacks from accommodation to surrounding vegetation and fauna habitat, reducing light emissions from developed areas of the site, fencing of vegetated areas during construction works).
- Future proposals that may impact threatened species of national environmental significance may require referral to the Commonwealth for consideration under the *Environment Protection and Biodiversity Conservation Act 1999*.

The EPA also notes the Shire has proposed provisions for insertion at Appendix VII of the Scheme to protect and manage potential impacts to environmental values within the amendment area. The EPA recommends that the proposed provisions are modified to either ensure reference to the most recent LDP (dated 15 November 2022) which identifies the vegetation within Lot 305 for retention, or insert a new provision to ensure retention of the vegetation.

Inland Waters

The amendment area is within the Wilson Inlet catchment. A tributary of the Little River runs east-west through the amendment area, and drains winter rainfalls towards a series of dams at the western end of the site. Groundwater flows generally northerly towards the large on-stream dam.

The referral documentation indicates that future expansion and development of the amendment area will require on-site effluent disposal. The EPA understands that establishment of a new land application area to accommodate an increased volume of wastewater output is required, and that the landowners of Lot 305 are currently progressing subdivision and amalgamation of a 13-hectare (ha) portion of the lot south of the amendment area to serve this purpose. It is noted that the proposed land application area is sited up-gradient from the amendment area.

The provided Site and Soil Evaluation (Aurora Environmental 2020) indicates that anticipated volumes of wastewater from future development within the amendment area could be adequately accommodated and absorbed within the proposed land application area. It is noted that this document was based on the results of limited testing. The EPA understands that this conclusion is based on estimated wastewater outputs from a 500-person restaurant, 100-person accommodation offering and maximum discharges of 80,000L/day of wastewater from distillery/brewery operations. The EPA notes that the number of proposed accommodation facilities within the amendment area has not been confirmed at this stage, and that the capacity of the proposed land application area to receive wastewater is likely to be a constraining factor on future development.

The EPA considers that implementation of the proposed amendment may result in reduced water quality discharging to the Wilson Inlet catchment from potentially inadequate wastewater management. The EPA notes that the Shire has proposed provisions for insertion at Appendix VII of the Scheme to manage wastewater within the amendment area, including requirements for future development to be connected to a secondary treatment system, and for the preparation and implementation of a Local Water Management Strategy (LWMS).

The EPA supports the insertion of the provisions to the Scheme and recommends that the Shire considers revising the proposed provisions to ensure greater protections for environmental values within the amendment area. The Shire should consider the following advice in modifying the provisions:

- Future development and associated wastewater disposal systems within the amendment area should demonstrate consistency with the *Government Sewerage Policy 2019* and consider appropriate setbacks from on-site waterways and dams.
- Future development should be connected to secondary treatment system approved by the Shire and the Department of Health, and with advice from the Department of Water and Environmental Regulation (DWER). A secondary system with nutrient removal may be required.
- An updated Site and Soil Evaluation, to the satisfaction of the City and DWER, may be required at a future development application stage to confirm the suitability of the entire land application area to absorb and manage wastewater. The revised evaluation may require testing at multiple locations within the proposed land application area and include consideration of the proposed siting of the land application area in relation to potential topographical constraints.
- The preparation and implementation of an LWMS for the amendment area should be to the satisfaction of DWER and the Shire and include consideration of the *Wilson Inlet Management Strategy 2013* (and/or superseding versions of the strategy).
- The EPA recognises the opportunity to enhance the environmental value and function of the Little River tributary as part of future development planning processes. Revegetation of the stream with riparian species may provide for improved water quality outcomes and assist with stormwater management.

The EPA also notes that should the distillery/brewery anticipate manufacturing in excess of 350 kilolitres of alcoholic beverages per year, it may qualify as a prescribed premises and an application for a works approval and licence under Part V of the EP Act may be required.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme provisions, and future planning requirements. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.

Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA 6333

Transmission via electronic mail to: enquiries@denmark.wa.gov.au

Dear Sir/Madam

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 148

The WAPC has examined the amendment under regulation 37(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and advises that it is suitable to be advertised once the following modifications have been undertaken.

The Shire are advised to advertise draft Amendment No. 148, upon completion of the modifications, in accordance with regulation 38 of the *Planning and Development (Local planning Schemes) Regulations 2015*.

The Shire is to consider whether single house as a permitted land use in the proposed Tourist Zone is appropriate.

While the WAPC has undertaken a preliminary assessment, this should not be construed as support for the amendment or that further modifications cannot be required following advertising.

The amendment is to be accompanied by sufficient information as detailed in regulation 44 when it is submitted to the WAPC following advertising. The attached local planning scheme amendment checklist assists local governments to ensure that the necessary information is provided.

Please direct any queries about this matter to localplanningschemes@dplh.wa.gov.au.

Yours sincerely



Ms Sam Fagan
Secretary
Western Australian Planning Commission

4/04/2023

19 September 2023 - Attachment 9.1.2d

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK TOWN PLANNING SCHEME NO.3
AMENDMENT NO.148**

No.	WAPC's Required Modifications	Reason
1.	Delete Resolution b) i. and renumber subsequently:	Consistency with model land uses. The Shire has previously approved a wellness centre for the same site and assessed the land use as 'private recreation' which is already listed in the Shire of Denmark Town Planning Scheme No.3 (TPS 3)
<u>On Resolution d) and Tourist Use column,</u>		
2.	Modify "Boarding House (Lodge) (AA)" to "Boarding House (AA)"	Removing "(Lodge)" as it is not a defined term in TPS 3, and for simplicity.
3.	Modify "Caravan Park (camping grounds) (AA)" to "Caravan Park (AA)"	Removing "(camping ground)" as it is not a defined term in TPS 3, and for simplicity.
4.	Delete "Residential Building (AA)" land use	"Residential Building" land use term is currently not defined under TPS 3 and also not a model land use term under LPS Regulations. The term currently as defined under the R-Codes would not be appropriate in a tourism zone due to its permanent residency nature, while the proposed land uses such as Tourist Development and Boarding House would be more appropriate in the Tourist zone.
5.	Delete "Chalet (AA)" land use	The existing land use term "holiday accommodation" in the local planning scheme would adequately cover the intent and nature of chalets.
6.	Delete "Dam and water features (AA)" land use	Dam is not a land use, and would be ancillary to other permitted land uses within the Tourist zone.
7.	Delete "Outbuilding (P)" land use	Outbuilding is not a land use, and would be ancillary to other permitted land uses within the Tourist zone.
8.	Delete "Spa Retreat (AA)" land use	As per Modification 1.

No.	WAPC's Required Modifications	Reason
<u>On Resolution d) and Conditions of Tourist Use column</u>		
9.	Modify i. to read: “Development shall generally be in accordance with a Local Development Plan approved by the local government.”	Local Development Plans are due regard and has limited valid period of 10 years under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , and the proposed future Local Development Plan does not necessarily bind future development, past the 10-year effective period.
10.	Modify ii. to read: “All development shall be connected to a Secondary Treatment System (STS) approved by the Department of Health. A Secondary Treatment System with nutrient removal may be required.”	In accordance with EPA’s advice. Consistency with Government Sewerage Policy where secondary treatment systems with nutrient removal may be required. To provide clarity for prospective purchasers or developers at development application stage.
11.	Delete v. and renumber subsequently	Bushfire construction requirements in accordance with AS 3959-2018 are outlined under the National Construction Code, which is not a planning requirement.
12.	Modify vii. to read: “The proponent shall prepare an Urban Water Management Plan to the satisfaction of the local government, which is to be implemented as a condition of development approval.”	Consistency with Better Urban Water Management 2009. Preparation of Local Water Management Strategy at development application stage is considered onerous given the nature and scale of development.
13.	Modify xvi. to read: “Provision of strata by-laws for the strata scheme to provide for integrated common management of the strata lots as a tourism facility. Any changes to the strata by-laws require the approval of the WAPC and/or the local government. The strata by-law must bind successive owners.”	Replacing “management statements” with “strata by-laws” in consistent with Strata Titles Act 1985 terminology. Added “and/or the local government” in consistent with s.22 of Strata Titles Act 1985.
14.	Change all references from ‘Council’ to ‘the local government’.	Refence to ‘Council’ implies that formal consideration or determination of a matter can only be undertaken by the Shire’s

No.	WAPC's Required Modifications	Reason
		Council, whereas the term 'local government' allows the exercise of any delegations provided by the Council or consideration by Council, as applicable.
<u>Amendment Report</u>		
15.	On Appendix E, modify the title of Local Development Plan (ref-18-007-005C) to read: "LOCAL DEVELOPMENT PLAN (INDICATIVE ONLY) LOT 305 SOUTH COAST HIGHWAY, OCEAN BEACH"	The Local Development Plan is only indicative at this stage and yet to be approved by the Shire, although it would provide a visual aid at public consultation stage to understand the extent of development that the proposed scheme amendment would help facilitate. It is understood the Local Development Plan will be submitted to the Shire for approval at a later date.

SCHEDULE OF SUBMISSIONS

Town Planning Scheme No.3 – Amendment No.148

Submissions Received from Public

Ref No.	Submitter Details	Verbatim Submission	Planning Services Comment
S1	<p>██████████</p> <p>██████████</p> <p>██████████</p> <p>██████</p> <p>████</p> <p>██████████</p> <p>██████████</p>	<p>Our interests as private citizens and as company directors would be positively impacted by this application.</p> <p>We'd like to provide a Letter of Support on behalf of the proposed amendment from "Rural" to "Tourist" zone. The proposed change of planning would enable an exciting new development for the Shire of Denmark, one that could be a potential game changer for guests seeking new medical and therapeutic treatments in a legal and professional setting.</p> <p>Denmark has always been known for its clean, nature-based tourism and now has an opportunity to support the next level of "therapeutic destination tourism " by supporting the Birkbeck's proposed development. We have found Steve Birkbeck and his family to be upstanding corporate and community citizens by their successful and professional agri-tourism venue, The Dam, not to mention their amazing support for the safety of our community during the devastating 2022 bushfires and ongoing sustainability initiatives. Their entrepreneurial spirit has been nothing short of impressive and they have already put Denmark firmly on the upscale tourism map . We are very lucky indeed to have this type of entrepreneurial spirit alive and well in our shire, especially in these economically challenging times . The Birkbeck family are fully prepared to invest and risk a sizeable investment to have their dream become a reality and our community stands to benefit greatly by increased employment opportunities and enhanced global reputation as this would be the "first of its kind" destination in Australia.</p> <p>The Shire of Denmark should embrace this proposal with their full support and backing and we trust you'll make every effort to ensure this opportunity comes to fruition for the future of our amazing town, region, state, and country!</p> <p>Disclaimers:</p> <p>██████████ are local founders of Artisan Brewing which supplies commercial products to The Dam. █████ is an active member of the Executive Committee of the Denmark Chamber of Commerce and Industry.</p>	Noted
S2	<p>██████████</p> <p>██████████</p> <p>██████████</p> <p>████</p>	<p>I wish to offer comments of support to the proposed development of Lot 305 Wentworth Road, Ocean Beach. The Birkbeck Family are to be congratulated on their determination to offer a fantastic new venture to Denmark. Their commitment to creating growth in our town is to be commended. We look forward to witnessing their future growth of their proposed development.</p>	Noted
S3	<p>██████████</p>	<p>Do you support the proposal?</p> <p>Yes</p>	Noted

	██████████ ██████████	<p>What are your questions, comments or concerns? We have returned back to Denmark September 2022 after being away for 6 years and were very impressed with the development that had taken place. Any additions to this Business would definitely be a benefit to the area in attracting more visitors to the region and helping to boost the local economy.</p>	
S4	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? Very supportive of this scheme amendment. As a regular visitor to Denmark, accommodation in close proximity to Greens Pool and Parrys will be a welcomed addition to the Shire's tourist accommodation offering.</p> <p>Do you want to be notified of the outcome of the application? Yes</p>	Noted
S5	██████████ ██████████ ██████████	<p>I'd like to show my support for the planned tourism rezone near The Dam.</p> <p>With kids of my own and so much gratitude for the precious environment we are lucky enough to call home in Denmark I think future focussed projects with a focus on renewables, decarbonisation initiatives and low cluster, eco-friendly accommodation should be prioritised.</p> <p>As someone who values the paddock to plate ethos in my own cooking, I support this project and what it can offer for setting a high standard for sustainability in food and tourism.</p> <p>I know first-hand how much strain there is on the housing market with the amount of Airbnbs and unused holiday homes. My understanding is that a portion of the proposed chalets would be for staff accommodation and their families and I think anything to relieve the strain on the rental market should be applauded.</p>	Noted
S6	██████████ ██████████	<p>██████████</p> <p>I am writing to express my unwavering support for the local accommodation development proposed in our community, with a strong focus on the urgent need for affordable housing options. As a passionate advocate for equitable living conditions, I firmly believe that this project will address a pressing issue faced by many residents in our town.</p> <p>Affordable housing is essential to ensure that individuals and families can access safe and decent accommodation without being burdened by excessive financial strain. Unfortunately, our community currently faces a shortage of affordable housing, making it difficult for many residents to secure suitable homes.</p> <p>The proposed development presents a unique opportunity to create affordable housing units for staff and build short term options to take pressure of air B & B in town.</p> <p>Moreover, the project's integration of affordable housing will foster social inclusivity and promote a sense of community cohesion. When individuals have access to affordable and stable housing options, they can actively participate in community life, contribute to local initiatives, and build meaningful connections with their neighbours.</p> <p>I urge the council to prioritize the provision of affordable caretaker / staff housing within this development and grant it the necessary approvals. By taking action now, we can make a significant difference in the lives of our residents and create a more equitable and inclusive community.</p>	<p>Noted</p> <p>Concerns with affordable housing are noted, however the proposed scheme amendment is concerned with zoning for a tourism product and residential options within the scheme amendment as proposed, are limited to a Single House and caretaker's dwellings.</p> <p>The Shire's draft Local</p>

			Planning Strategy has a number of actions aimed at housing affordability and availability, largely focussed on the opportunities in the Denmark townsite where appropriate services and infrastructure are available.
S7	██████████ ██████████████████ ████████████████████ ██████████ ██████████████████ ██████ ██████████████████	<p>I am writing to express my full support for the tourism amendment/rezoning application for Raintree Estate. I am a property owner in the Great Southern and my company is very active producing both boutique and major cultural events and hosting national and international artist groups around Australia. The Denmark region is one that I often spruik to artists, clients and colleagues. The combination of sustainability, accommodation, high quality produce, progressive agriculture, cultural opportunities, nature-based activities and modern hospitality offerings enabled by this proposal will perfectly capture the essence of all that is great about the Denmark region at the Raintree site. This project will be a great asset for the region and a great tool for me to attract artists, events and visitors to the region and offer them the premium Great Southern experience I've been looking for. I wish Steve and his team every success with this venture and look forward to this seeing this beautiful Raintree story continue.</p> <p>Western Australia needs more of these visionary tourism projects to ensure that the wonderful natural assets of the region are presented to the world in a modern, progressive and sophisticated way.</p>	Noted
S8	██████████ ██████████████████	<p>My husband and I love going to The Dam. We live very close to the property and me and many of the neighbours think the development has been such a positive thing. Owned by locals and loved by locals we love that they value sustainable food and tourism and support the low cluster chalet and health retreat proposal.</p> <p>I often go away with friend or my husband to places like Yallingup, Margs and Dunsborough where there's a variety of accommodation options and would support an option like the Dam are proposing, where you don't have to get in your car once you arrive and can simply unwind, take walks or bike ride around the property or to the beach, eat fresh food or have a relaxing massage.</p> <p>In contrast to the proposed Caravan park down the Road from The Dam, this development, from my understanding has taken into account environmental needs of the area and will place focus on the use of natural materials in the build, renewable power and sustainable use of the land and water.</p> <p>I support the proposed rezone.</p>	Noted
S9	██████████████████	Do you support the proposal?	Noted

	<p>[REDACTED]</p>	<p>Yes What are your questions, comments or concerns? What a wonderful development for Denmark, adding to the growth in employment for our local people. Giving Denmark more tourism venues makes us a place that people will keep coming back to visit Do you want to be notified of the outcome of the application? No</p>	
S10	<p>[REDACTED]</p>	<p>I'm writing to show my reason for support for the proposed Tourism Rezone of Lot 305, Wentworth Road, near The Dam.</p> <p>As someone who grew up in Denmark and returned home later in life to raise my children, I appreciate projects like this that focus on the future of our planet, our kids, the town and the community.</p> <p>Outlined below are just a few of the benefits I see the proposed Tourism Rezone 148 bringing:</p> <ul style="list-style-type: none"> • Environmental education on site for visitors to the proposed accommodation development • A reduction of traffic in the William Bay area by enabling visitors the opportunity to walk, ride and explore without getting in their car • Continued support for local music, talent, skilled and unskilled workforces • Regional development and innovation in the space of decarbonisation initiatives i.e carbon sequestration in agriculture • Affordable housing for staff – pending zoning approval and further building related approvals • Sustainable Tourism and the opportunities associated for the region with this sort of development <p>On a tourism level, this sort of low impact, renewably powered initiative is what the region should be focussing on. People from near and far want to disconnect, switch off and unwind and any way we can nurture this, whilst employing regional people, the better. Rather than just looking at how many people can be brought in to make the most dollars, this project is tailored, boutique and focussed on visitors immersing themselves in the environment and sharing a slice of Denmark's paradise in a sustainable and low impact way. I understand the rezone itself could allow for more than simply what is being proposed in the concept plans however, I have known, the family since I was a Denmark school kid and trust implicitly that this isn't a project with commercialisation the key focus but rather the creation of a site that future generations can be proud of and expand their opportunities and knowledge on in terms of food production and farming knowledge, regional innovation and deep connection to country and our environment.</p> <p>I have networks of friends and family around Australia and overseas and for them even coming to Denmark to stay in our house with three noise young kids and even then they say it's relaxing and helps bring them down to a level of relaxation and calm in a way they've never experienced before. Imagine if we could offer likeminded tourists this opportunity, to share in a peaceful and natural way, a health retreat and accommodation style offering where they can really embed themselves here and not have to leave. Same goes for me as a local – I'd love to come and stay and have a little holiday in my own town from time to time. There is nothing like this in Denmark and I think this would be a great thing for both locals and visitors!</p> <p>As a working Mum to three young kids I understand that Raintree (parent company of The Dam, The Temple, The Little Temple and CBD) is one of the largest employers of women, in the Great Southern. Not only to they employ women but as Mum's juggling life, they allow us to maintain a balance of work and family – something so hard to find, especially in regional WA.</p>	Noted

		Raintree and associated brands also offer a wider range of job roles from accounting, finance, marketing, through to research and development, distilling, hospitality, farming and more. The multi layered nature of the business and enormous potential it holds for sustainable economic growth with the environment at the core cannot be ignored. I appreciate your time reading my thoughts and look forward following the process over the coming years.	
S11	██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? A wonderful opportunity, for growth, opportunity and abundance!</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S12	██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? A fabulous way for everyone to see how far Denmark has come developmentally.</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S13	██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? An amazing opportunity to show off our fabulous region. We have been missing something like this for a long time now.</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S14	██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? Job opportunities will be great.</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S15	██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? This is an amazing upgrade, and something that has been long overdue in our region.</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S16	██████████ ██████████ ██████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? The jobs this would create will be a great opportunity for the region.</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S17	██████████	<p>Do you support the proposal?</p>	Noted

	<p>[REDACTED]</p>	<p>Yes What are your questions, comments or concerns? I believe this is a much needed development for our region! Do you want to be notified of the outcome of the application? No</p>	
<p>S18</p>	<p>[REDACTED]</p>	<p>I wish to offer comments of support to the rezoning of Lot 305 Wentworth Road, Ocean Beach. Denmark has been my home since I was 6 years old, I grew up experiencing most things that make Denmark. My family has also worked and been involved in bussiness since 1994 and brought numerous bussiness ventures to Denmark to support regional economic growth, this includes.</p> <ol style="list-style-type: none"> 1. Building and starting the Denmark Export Packing. This location is now [REDACTED] 2. Purchasing and redeveloping the Denmark Rivermouth Caravan Park <ul style="list-style-type: none"> •Involving the removal of evaporation style waste water ponds. Installing private deep sewer line to the water corporations waste water facility •Filled a large portion of site to resolve flooding issues •locally building 36 park accommodation units using local trades and hardware suppliers •upgraded power supply from 80kva to 640kva •back up generators •built new ablutions facilities and camp kitchens 3. Built a commercial tour boat, purchasing a 21 seat tour bus and starting Denmark Rivermouth Cruise and adventures. 4. Built a new commercial building at the Rivermouth as part of the denmark Rivermouth precinct for the purpose of a Cafe to encourage use of trails and showcase the historical aspects of denmark.(Reminisce Cafe) 5. Purchased 30 acres of land also currently in a rezoning process. <p>We have witnessed the pros and cons of most developments in regional areas. Some of the hardest items would be identifying locations suitable for development.</p> <p><u>Issues</u></p> <ul style="list-style-type: none"> •Correct zoning •Power Supply •Water supply •Water treatment •Development approval process •Physical time to coordinate trade , contractors and suppliers. <p>Our family intends to make Denmark home for future generations(I have 3 children and 5 nieces and nephews currently here), Denmark needs to be able to support them and the rapid increase in cost of living. Having a variety locations available Denmark with correct zoning allows this</p> <p>Knowing first hand the cost, time and effort in undertaking any large development and the positive effects it has on the economy of a community I support this rezoning and proposed land uses of lot 305 Wentworth road.</p> <p>The Birkbeck Family are to be congratulated on undertaking this rezoning process and their determination to offer a fantastic new venture to Denmark. Their commitment to creating growth in our town is to be commended. We look forward to witnessing their future growth of their proposed development.</p>	<p>Noted</p>

S19	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED] has been lucky enough to have formed a relationship with the Family beyond Raintree farm and The Dam venue since prior to opening its doors for the first time. It has always been an amazing site full of incredible people doing great things. As passionate industry people we love the offering and have enjoyed seeing the current offering continue to evolve and over deliver on experiences.</p> <p>We are excited by the recent Tourism Rezoning underway to further develop the site with eco accommodation and a day spa. We support the team behind the vision for Raintree Farm and are thrilled to see the next stage in creating a world-class tourism offering.</p> <p>[REDACTED] is a hotel management company and hospitality consultancy business that is currently developing the Rottnest Lodge. We believe the addition of accommodation and day spa will resonate with the local market, drawing visitors to the precinct and building upon Raintree farms vision.</p> <p>We look forward to seeing Raintree farm continue to evolve and be a true asset to Denmark and the greater Tourism area of Western Australia.</p>	Noted
S20	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>TPS3/SA148: Amendment 148 – Rezoning from Rural to Tourist (t15)</p> <p>I write in enthusiastic support for the application by the owners of The Dam to rezone Lot 305 Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15).'</p> <p>As the Shire will be aware, The Dam is already a considerable draw card for Denmark, with people coming from across WA, interstate, and internationally to enjoy the fine dining experience that the company offers. My wife and I have visited on occasion, but the one disadvantage we've found is the need to drive up and back in the same day, with little accommodation available in the area to facilitate a longer stay. The addition of short-term accommodation on site would not only short-circuit that issue, but would also allow for an immersion experience, where visitors could learn more about the wonderful ecological work being done on the site, to the benefit not only of The Dam itself, but also other hemp growers in the area.</p> <p>To say that we love what has already been achieved at The Dam would be an understatement, and we feel certain that, if granted, this application will allow for more local jobs, more local tourism, and a welcome boost to the economy of Denmark as a whole.</p>	Noted
S21	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>I'd like to lodge my support for: Tourism rezone Lot 305 Wentworth Road. (TPS3/SA148)</p> <p>I live close to the Dam and my family and I go there often. We have come to know the multiple generations of owners of the property and business and know that like us they want to create a sustainable future for their kids and grandkids.</p> <p>This sort of development that's low cluster and gives a place for locals like us to go for an anniversary weekend or for family to stay at when they're down and take pressure off the roads is a good thing! We have friends and family from the city who would love to come and stay and learn about sustainable farming or simply enjoy relaxing in nature without having to get in their car the whole stay if they didn't want to.</p> <p>The owners are keen to work with the community on this project and as a businessman myself (we repair their machinery on farm/site) I know this is important and hopefully we can see lots of people get on board with this one!</p>	Noted

S22	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>We wish to confirm our solid support for the proposed tourist development at Raintree Farm on the plans and proposals currently up for comment by your Shire.</p> <p>As you are aware the Birkbeck family has developed a world class tourist project that the Shire can be extremely proud of as a destination for not only locals and Perthites but interstate, and more importantly, international visitors to the Denmark Shire, with all its beauty and surroundings and in particular the adjacent extensive National Park which compliments this tourist proposal at a level very rarely seen within the world.</p> <p>I've been aware of the Birkbeck family's many tourist and business developments over the last 40 years and it is a credit to the quality, financial commitment, and energies that the family exhibit, not only at Raintree Farm but in all of the previous business entities that they have pioneered and successfully established significant tourist appeal in every case.</p> <p>The proposal to include on site accommodation to complement the existing tourist facilities will provide a much needed tourist home base for many visitors to the shire and will become a significant tourist destination in the South West.</p> <p>From our knowledge of other tourist projects such as the Bunker Bay Resort and Pinkies and other tourist resorts developed on Rottnest Island, the biggest commercial drawback is finding accommodation for on site workers who can readily move from shift to shift to satisfy the needs of tourists which vary throughout the day. We strongly recommend that the Shire Planners support the provision of onsite accommodation for workers to guarantee a high delivery of service to satisfy the expectations from International and Interstate tourists.</p>	<p>Noted.</p> <p>Regarding permitting onsite accommodation for workers, the scheme amendment documentation proposes the use classes Single House and Caretaker's Dwellings.</p> <p>A Single House is defined as: <i>"A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."</i></p> <p>The applicability of this land use would be limited to a single dwelling only and is questionable at all given the intention to built strata the development on this site.</p> <p>Caretaker's Dwellings are defined in the Scheme as: <i>"means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site."</i></p> <p>As the proposed Scheme provisions allow for more than one Caretaker's dwelling, the number and distribution of these will be subject to a subsequent planning process in the preparation of the Local Development Plan that is to guide the detailed planning for the site once zoned.</p>
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S23	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? My reasons for supporting this application are the following: I feel that the employment opportunities/careers especially for future generations of the Denmark region is vital. As a more mature person of the region I do honestly believe that we need to give our youth opportunities to remain in our local area. Ideally having mature and younger people working alongside is nothing but beneficial to each other and the community. The natural beauty of the Denmark region is outstanding. This development would compliment this type of environment, offering a special experience whilst supporting existing tourism operations. I feel this development will be a great addition to existing businesses and developments that are already in place. The location of this development will help enrich to the west of Denmark town. I fully support this application.</p> <p>Do you want to be notified of the outcome of the application? Yes</p>	Noted
S24	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>As a long-term visitor to Denmark, and to The Dam in particular, I write in support of the current application to rezone Lot 305 Wentworth Road, Ocean Beach, from Rural to Tourist, allowing the proponents to develop short-term accommodation on the site, in support of the outstanding work they already do to encourage eco-tourism across the Shire.</p> <p>In my view, expanding the tourist draw of The Dam by providing accommodation and support for guests, while highlighting the work undertaken on the adjacent farm, would be of benefit to the whole region, encouraging sustainable tourism, and economic growth.</p> <p>Hemp is one of the most talked-about building materials on the modern market, and an opportunity such as this, showcasing its growth and its many hundreds of potential applications, has the very real potential to make The Dam a national draw card. I cannot think of a better, more responsible business to undertake that role, and as such, I respectfully request that the Shire grant the rezoning application.</p>	Noted

S25

[Redacted]
[Redacted]
[Redacted]

I, [Redacted] support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark's image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children's future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:

Signed / Date: [Redacted] 26.6.23

Email / Contact Phone [Redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

Noted.
This an individually lodged template response prepared by the landowner.

The response to the individual issues raised are addressed elsewhere in this report.

support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark's image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children's future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:

Excellent for the economy & for overseas Travellers

Signed / Date: [Redacted] 22/6/23

Email / Contact Phone [Redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

Noted

I, [redacted] support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark’s image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children’s future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:
NIL

Signed / Date: [redacted] 2/ Jun / 2023

Email / Contact Phone: [redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

[Redacted]

I, [Redacted] support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark's image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children's future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:
Its an excellent draw card for the Denmark region and economy.

Signed / Date: [Redacted] 22/6/23

Email / Contact Phone [Redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

[Redacted]
[Redacted]
[Redacted]

I support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark’s image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children’s future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:

Good for economy and travelers to visit Denmark.

Signed / Date: [Redacted] *22/6/23*

Email / Contact Phone [Redacted] [Redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

I, [redacted] support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark’s image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children’s future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:

I am a big supporter of all the initiative
& the progressive nature to bring locals
& visitor to Denmark for the greater benefit
for all.

Signed / Date: [redacted] 27/7/23

Email / Contact Phone [redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

[Redacted]

I, [Redacted] support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].

I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:

- Reducing the regions carbon footprint
- Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more
- Supporting local talent and music
- Contributing to Denmark's image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children's future.
- Supporting regional innovation
- Environmental education and conservation
- Accommodation options for locals and visitors alike
- Affordable housing for staff
- Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area
- Enhancing Bushfire preparedness and emergency fighting capacity
- Other:

Comments:

This project is innovative and sustainable and would be a welcomed addition to not only Denmark but the entire Great Southern region. As a hospitality worker, providing more opportunities in this sector is also a welcomed advantage.

Signed / Date: [Redacted]

Email / Contact Phone [Redacted]

I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.

S26	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? I think responsible tourism should be encouraged, we have a beautiful state with a lot of potential.</p> <p>Do you want to be notified of the outcome of the application? Yes</p>	Noted
S27	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>I write in support of the tourism rezone amendment for Lot 503 Wentworth Road, Denmark WA.</p> <p>This development will allow for a world-class, luxury, sustainable, environmentally friendly, and educational offering to be built on the property.</p> <p>The Raintree Estate vision for the property is one that sets an example for everything WA Tourism providers should be striving for - a unique and signature experience that's sustainable, environmentally friendly and educational.</p> <p>This proposal will fulfill a need currently unmet in the region and also provide worker accommodation on site, taking pressure off the acute demand for housing in Denmark.</p> <p>Raintree and the Birkbeck family are recognised as regional innovators, providing tourism offerings that can be done in a low impact, sustainable and meaningful way as they have shown with The Dam restaurant.</p> <p>The rezoning proposal provides economic benefit by way of local Indigenous employment and regional visitation spend. It also provides environmental benefit in respect of its contribution to bushfire readiness in a low carbon environment.</p> <p>I fully support this quality development located between adjoining State National Parks with direct walk trail access for guests to and from world famous locations such as Green's Pool and Elephant Rocks.</p>	Noted
S28	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>We are aware of the proposed development of Tourism Accommodation and associated facilities mentioned in the reference above. The proposed development is one that we would certainly support with no hesitation. The development will provide a much needed boost to the accommodation stocks in Denmark and will have the ability to draw visitation not just from Perth but other origin markets on the East Coast of Australia and Internationally.</p> <p>The provision of the facility will also add to the tourism fabric of Denmark through the delivery of food and beverage outlets, again much needed in the Shire of Denmark. DTM Tourism has been engaged to work in the region on various projects over the past 8 years and this proposal is one that stands out as one of quality and sustainability and should be encouraged to proceed without delay.</p>	Noted
S29	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>As a resident and ratepayer of Denmark for nearly 12 years I support the Dam rezoning proposal for a number of reasons:</p> <ol style="list-style-type: none"> 1. The shortage of accommodation in Denmark, especially for workers 2. Holiday accommodation with walking/cycling access to William Bay NP will help with vehicles and parking issues in the NP 3. Holiday accommodation out of town spreads the love for other tourism businesses out of town 4. The Dam is using renewable energy and therefore reducing the carbon footprint of Denmark 5. Eco cabins with a health spa will be a fantastic addition to current accommodation options, 	Noted

		Everything the Dam has done to date has been done tastefully and will attract more visitors to Denmark. They deserve to get permission to build accommodation for staff and some eco-friendly accommodation for visitors.	
S30	██████████ ████████████████████ ██████████	<p>I refer Scheme Amendment 148 to the Shire of Denmark’s Town Planning Scheme No.3, which is currently being advertised for public comment. This correspondence is to voice my support for the Scheme Amendment. In disclosing, I am the town planner who prepared the Scheme Amendment document on behalf the proponent. This submission of support to the amendment is presented by myself, ██████████ a rate payer and resident within the Shire of Denmark, on the following grounds:</p> <ol style="list-style-type: none"> 1. Rezoning Lot 305 Wentworth Road (the site) to Tourist will provide the ability for additional tourist uses to be permitted on the property, not currently permitted under the site’s Rural zoning. 2. The Tourist zoning will enable the landowner’s vision for the property to be a tourist hub. This will provide significant employment and training opportunities within the Shire of Denmark. 3. The proponent/landowner, through his current track record with the successful development and operation of “The Dam” on site, has demonstrated the ability to provide a high end tourist product, which promotes Tourism within the Shire of Denmark. Given Tourism is a significant revenue earner, additional tourist uses on the site with a similar calibre to “The Dam” will be of further benefit to the Denmark tourism industry. 4. The site is perfectly suited for a tourist zoning, given its strategic siting in close proximity to William Bay National Park and the Council, in the draft 2022 Local Planning Scheme identifies the site as part of a Tourist Precinct. 5. Given the shortage of affordable housing within Denmark, the rezoning will provide an excellent opportunity for residential housing for essential workers. 	Noted
S31	██████████ ████████████████████ ██████████	<p>Do you support the proposal? Yes</p> <p>What are your questions, comments or concerns? I look forward to seeing this project going ahead, it will be a great asset to Denmark. Creating growth and job opportunities for our town</p> <p>Do you want to be notified of the outcome of the application? No</p>	Noted
S32	██████████ ████████████████████ ██████████	<p>I’m writing to show my support for TPS3/SA148 Tourism Rezone of Lot 305, Wentworth Road.</p> <p>I am the Distillery Manager at Cannabis Botanical Distillery out at Raintree farm, a parent of young child and a volunteer school board member. I support the Tourism amendment (148) and see firsthand each day out at The Dam how much demand there is for accommodation and the ability for people to stay on site, do farm and distillery tours and not have to leave the property.</p> <p>Other key reasons for support include but are not limited to:</p> <ul style="list-style-type: none"> • Less cars to the William Bay area by enabling visitors the opportunity to walk, ride and explore from the property • Continued support for local music, talent, skilled and unskilled workforces 	Noted

		<ul style="list-style-type: none"> • Accommodation on site for the safety of visitors (e.g. reduction in likelihood of visitors driving after drinks when attending events) • Having a multipurpose space for corporate, business, private and regional events with accommodation. Enticing opportunities for the Great Southern region from guests that wouldn't normally travel this far • Affordable housing for staff – pending zoning approval and further building related approvals • Sustainable Tourism and the opportunities associated for the region <p>Seeing the passion put into each and every part of this business to drive sustainability and best practice easily allows me to get behind and support the proposal. The inclusion of strata lots to be used for staff housing is a massive plus. Having personally struggled to secure long-term living arrangements in Denmark for the last three years, I cannot stress how important something like this is to allow workers to stay on the property and work, without taking away accommodation in other areas. The stress and anxiety that could be eliminated for many knowing a home is right there is fantastic. On the note of stress, having a health retreat in Denmark that is able to be used by not only guests at the property, but all of the residents of Denmark is an amazing opportunity. I have spoken to local people in town who are excited by the prospect of having therapies locally without the need to travel to Albany.</p> <p>Raintree also offers many employment opportunities in a diverse range of roles, from bar and restaurant staff, to farmers, accounting, finance, marketing and of course distilling, packaging, and marketing roles. I feel lucky to have the opportunity to work here and grow with the business and hope to see it thrive. All while offering local people and tourists alike a world class destination where they can enjoy amazing local food, locally made beverages, learn about sustainability in farming and hopefully being able to enjoy some health therapies while unwinding in a eco cabin after a nice long ride from William Bay, down the rail trail to town and back.</p> <p>Thanks for reading my submission and I look forward to seeing what amazing things can be done here for the benefit of everyone.</p>	
S33	<p>██████████ ██████████████████ ██████████</p>	<p>I am writing in support of Amendment 148 at LOT 305 Raintree farm.</p> <p>I support eco tourism projects for Denmark like this will use renewables and decarb initiatives to underpin their work with the community.</p> <p>It's an exciting opportunity for diverse accommodation options in town, environmental education and setting an example of how developments in small regional towns can be done in a low impact way with the environment at the core</p> <p>I look forward to seeing what opportunities this Tourism amendment could bring for the town in the right way and most importantly for the future generation of our planet and our kids.</p>	Noted
S34	<p>██████████ ██████████████████ ██</p>	<p>I would like to lodge my support for: Tourism rezone Lot 305 Wentworth road. (TPS3/SA148)</p> <p>The Dam is community focused in what they are creating and I wish to show my support for this. They provide great employment opportunities for locals and are a great supporter of local live music. I grew up in Denmark and I'm now raising my kids here and support projects like this that are community focused and give locals and visitors to the area something</p>	Noted

		<p>they can enjoy on this side of town. I live close to the Dam and appreciate the new concepts focus on walk and bike riding trails that will hopefully reduce some of the traffic impact on William bay national park in the summertime.</p>	
<p>S35</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>I support the proposed Tourism rezone Lot 305 Wentworth Road [TPS3/SA148].</p> <p>I see a positive impact to the town through the proposed low cluster, eco-development in the following areas – tick all that apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reducing the regions carbon footprint <input type="checkbox"/> Employing locals from the region in a range of roles from hospitality, production, tech, professional skills and more <input type="checkbox"/> Supporting local talent and music <input type="checkbox"/> Contributing to Denmark’s image as a town where eco-tourism is key and enhancing our natural surroundings without over-development is integral to our children’s future. <input type="checkbox"/> Supporting regional innovation <input type="checkbox"/> Environmental education and conservation <input type="checkbox"/> Accommodation options for locals and visitors alike <input type="checkbox"/> Affordable housing for staff <input type="checkbox"/> Development of low impact walk and e. bike trails to connect guests to William Bay National Park to help alleviate vehicle traffic in the area <input type="checkbox"/> Enhancing Bushfire preparedness and emergency fighting capacity <input type="checkbox"/> Other: <p>-----</p> <p>-----</p> <p>Comments: <i>All the above ✓</i></p> <p>-----</p> <p>-----</p> <p>Signed / Date: [REDACTED] <i>22.7.2023</i></p> <p>-----</p> <p>Email / Contact Phone [REDACTED] [REDACTED]</p> <p>-----</p> <p><input type="checkbox"/> I acknowledge this is a pre-printed template but all views expressed are my own and I intend for this to be submitted by Raintree Estate on my behalf to count as a letter of support for the proposed Tourism rezone at Lot 305 Wentworth Road.</p>	<p>Noted</p>

S36	<p>██████████ ██████████ ██████████ ██████████</p>	<p>The █████ met yesterday afternoon, and we agreed that we did not have any issue with this development.</p>	<p>Noted</p>
S37	<p>██████████ ██████████ ██████████ ██████████</p>	<p>We support the application for change of use & rezoning. We feel it is something that Denmark has been lacking having owned property since 1980 in Wentworth Road it is good to see that someone is & has the ability to put money where their mouth is. It is sad to see start up business fail in a short period of time. The investment as proposed is potentially long term for the benefit of both locals & the important tourists to the Denmark area.</p>	<p>Noted</p>
S38	<p>██████████ ██████████</p>	<p><i>The landowner has lodged the results of their own consultation process undertaken in parallel with the Shire of Denmark statutory consultation process. The executive summary of this consultation process is provided below.</i></p> <p><i>A full copy of the Raintree submission is attached to the officer report which includes a response to the government agency submissions from the landowner’s planning consultant, the EPA response to the Amendment and comment from the landowner to the Denmark Environment Centre.</i></p> <p><i>A copy of each individual 590 submissions collated by the landowner are available on request.</i></p> <p>Executive Summary</p> <p>Raintree executed a multilayered, in-depth community consultation and feedback period over the past two months and intended from the get-go to work with the community every step along the way should the amendment be passed and development phase progress.</p> <p>The purpose of showcasing early-stage plans was to:</p> <ol style="list-style-type: none"> i. Communicate at a local and State level the plans and what the Amendment means. ii. Assess levels of support/concern for the proposed Tourism Rezone on the property and; iii. The associated concept plans should the rezone amendment be approved. iv. Listen to the community and understand areas of concern that can be addressed and overcome early on, to get to a concept plan both locals and visitors can be proud of. v. Understand and begin to explore pathways for collaboration and shared opportunities’ that exist at a community, local government, and ministerial level. <p>Results</p> <p>A total of 626 public submissions and 6 Government submissions were received between June 1 and August 1 – 632 in total. To Raintree’s knowledge The Denmark Shire has never received such a groundswell of support for a private development in both numbers and positive sentiment expressed to date.</p>	<p>Noted</p> <p>The separate consultation process undertaken by the landowner appears to show strong support for the idea of developing the site for tourism purposes.</p> <p>Planning matters that affect the consideration of the proposed rezoning from Rural to the Tourist zone include discussion on workers accommodation and affordable housing which are further explored in the body of the Council report.</p>

		<p>More than 99% of respondents wrote in favour of the proposed rezone while less than 1% indicated concerns.</p> <ul style="list-style-type: none">• 625 of the public wrote in favour of the proposed rezoning.• 1 wrote against it citing indicated concerns surrounding the construction of The Dam and water disposal.• 6 responses from government bodies were received and will be reviewed and workshopped at the Development Phase of this project – should the Tourism Rezone go through. Noting that Government Red tape continues to be the biggest threat to this project going forward, as it is low cluster and does not have the ability to absorb much more on roads, water and massive public works as this is not a property development whereby the lands are sold and the scale can support a large Government wish list. <i>See appendix I.</i> <p>Highlight letters of support for the rezone and associated Raintree ventures at the property were compiled in a long form report submitted to Shire from the likes of the United Nations, Tina Arena, Rebecca Stephens MP, Roger Cooke and more.</p> <p>About Raintree Farm</p> <p>Home to The Dam, CBD distilleries, CO2 reducing hemp-fed marron, wagyu, and soon to be Denmark's first whisky distillery, the property is already an icon for sustainable production and regional innovation.</p> <p>If the rezone is approved, the venture is set to put Denmark on the map as an eco-tourism project like nothing the town has ever seen before - incorporating a paddock to plate, sustainable food ethos and an insight into how produce is grown, cultivated and shared as a finished product - be it a CBD beverage or a once in a lifetime meal.</p> <p>Raintree's ability to listen to what people want, understand it and create it, in harmony with social and environmental spaces has contributed the unanimous community support to date.</p>	
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G1	Department of Planning, Lands and Heritage [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	<p>Thank you for your letter of 1 June 2023 regarding the draft amendment No.148 to Local Planning Scheme No.3, which was referred to the Heritage Council under the provisions of Section 79 of the <i>Planning and Development Act 2005</i>.</p> <p>The proposed amendment has been considered for its potential impact on heritage places within the amendment area and the following advice is given:</p> <ul style="list-style-type: none"> • It is noted that the following local heritage survey places P14405 Karri Trees and P14320 House are in the vicinity of the scheme amendment area. • As there are no heritage protected places within or around the amendment area, there is no objection to the proposal from a historic heritage perspective. <p>We hope that these comments are of value in the development of the proposed amendment.</p>	Noted
G2	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS [REDACTED] [REDACTED] [REDACTED] [REDACTED]	<p>Thank you for your letter regarding TPS 3/148.</p> <p>Parks and Wildlife Service has no objections or further comments to make on this proposal.</p>	Noted
G3	[REDACTED] Dept of Health [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	<p>REZONING NO.40 (LOT 305) WENTWORTH ROAD, OCEAN BEACH, FROM RURAL TO TOURIST</p> <p>Thank you for your letter of 1 June 2023, requesting comments from the Department of Health (DoH) on the above proposal.</p> <p>The DoH provides the following comments:</p> <p>1. Water Supply and Wastewater Disposal</p> <p><i>Wastewater Management</i></p> <p>Subject to the Department of Water and Environmental Regulation confirming that the proposal complies with State Planning Policy 2.7, the proposal is required to comply with the requirements of the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> (the Regulations).</p> <p>Further information is required prior to DoH supporting the proposal. In particular:</p> <ol style="list-style-type: none"> 1. A site-specific Site and Soil Evaluation is to be undertaken by a qualified consultant during the wettest seasonal time of the year (mid-July/August), not mid-October on a different lot, as per AS/NZS 1547:2012. 2. The wastewater will require separate wastewater treatment systems for the brewery, winery, chalets, restaurant and distillery upgrade. Industrial wastewater systems will need to be engineer certified to demonstrate the performance criteria that will be achieved. It is strongly recommended the proponent consults with the Department of Water and Environmental Regulation (DWER) who may require a 	<p>Comments noted.</p> <p>A Site and Soil Evaluation report is found at Appendix D of the scheme amendment report. Further onsite testing will be required as part of the preparation of the Local Development Plan and/or individual development applications as required by the Government Sewerage Policy 2019.</p> <p>Considerations relating to minimising the potential for mosquito breeding will need to be addressed through the</p>

	<p>Works Approval for beverage manufacture.</p> <p>3. In accordance with the Regulations an ‘<i>Application to Construct or Install an Apparatus for the Treatment of Sewage</i>’ is required to be submitted to the local government for each wastewater system. As this proposal is viewed as commercial/industrial, the applications are required to be forwarded to the DoH for assessment.</p> <p>4. Detailed plans showing the proposed building envelopes, existing onsite wastewater systems, all trafficable areas, parking bays and land application area/s including setback distances, exclusion zones and measurements are required to be submitted with the applications.</p> <p><i>Drinking Water Management</i></p> <p>All drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the <i>Australian Drinking Water Quality Guidelines 2011</i>. These are highlighted in principle in the following link: https://www.health.wa.gov.au/Articles/J_M/Mine-sites-and-exploration-camps .</p> <p>Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements.</p> <p>2. Chemical Hazards</p> <p>The site has not been classified as recorded on DWER’s Contaminated Sites database (<i>Contaminated Sites Act 2003</i>). Whilst this site does not appear on DWER’s public access database, it may be subject to other important classifications not recorded on the database. The proponent should obtain a Basic Summary of Records relating to the land and its surroundings to complete their assessment of the site’s suitability for a rezoning to a more sensitive land use the following link: https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form_2_June_2020.pdf.</p> <p>The site has been used for the intensive agricultural uses (i.e., commercial production of hemp/cannabis) which is a potentially contaminating land use as set out in DWER’s “Assessment and management of contaminated sites” (DWER Nov 2021) Appendix B. As such the site should be subject to a site investigation to ensure it is suitable for its intended purpose.</p> <p>The site lies within low-lying land within a floodplain and the impacts and public health risks from flooding, now and into the future, should be considered</p> <p>3. Medical Entomology</p> <p>The subject land is in a region that is not currently known to experience significant problems with nuisance and disease carrying mosquitoes or other insects. However, any future development needs to avoid the creation of additional mosquito breeding habitats.</p> <p>It is the recommendation of the DoH that any proposed site works do not create additional mosquito breeding habitat as follows:</p> <ul style="list-style-type: none"> • Changes to topography resulting from earthworks must prevent run-off from creating surface ponding as it may become mosquito breeding habitat • Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. 	<p>stormwater and drainage design phase.</p>
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		<ul style="list-style-type: none"> • Waste items should be filled with sand/soil, kept undercover or punctured to reduce the chances of these items holding water and becoming mosquito breeding habitat • Constructed water bodies must be located, designed and maintained so they do not create or contribute to mosquito breeding <p>██</p> <p>██</p> <p>██</p> <p>██</p> <p>██</p> <p>██</p>	
G4	Main Roads ██████████ ████████████████████ ██████████ ████████████████████ ██████████ ████████████████████ ██████████ ████████████████████ ██████████ ████████████████████ ██████████ ████████████████████ ██████████	<p>As discussed today Main Roads has the following comments / requirements relating to the above Scheme Amendment and future applications relating to this development:</p> <ul style="list-style-type: none"> • Access to all stages of the proposed development is to be from Wentworth Rd only: <ul style="list-style-type: none"> ○ As the development progresses to stage 2 Main Roads will seek a minimum intersection treatment of a right turn auxiliary lane on South Coast Hwy for vehicles entering Wentworth Rd, we await the stage 2 traffic impact study from the developer to evaluate if further treatments are required. ○ All costs associated with the above intersection treatments shall be at the proponents cost. ○ The farm access to Lot 305 located (452.55slk) 830 metres west of Wentworth Rd is acceptable for an emergency egress path only if required, it has inadequate intersection sight distances and will not be considered for a formal access to the development. Main Roads has ongoing concerns related to the management and enforcement regarding improper use of emergency accesses. ○ We note that aerial photography indicates that the stage one development (restaurant / tavern building and associated infrastructure) may have caused a “pinch point” for access from Wentworth Road to the western portion of Lot 305, Main Roads does not consider this an impairment to access from Wentworth Road and awaits design solutions from the proponent for access from Wentworth Road. • Main Roads does not support the proposed access to the proposed development from South Coast Highway via Lot 304 (Denmark – Nornalup Heritage Trail access) due to: <ul style="list-style-type: none"> ○ Access to the development is to be from Wentworth Rd only. ○ Inadequate safe intersection sight distances at this location. ○ Access is through a separate title. ○ Access crosses a public reserve. ○ The location may be acceptable as emergency access point only if required, Main Roads has ongoing concerns related to the management and enforcement regarding improper use of emergency accesses. 	<p>Comments noted.</p> <p>Main Roads WA are the decision maker in regard to access points to highways.</p> <p>A secondary access/egress point is required from Lot 305 for emergency services purposes only to comply with the requirements of the Bushfire Planning Framework.</p> <p>It is anticipated that the upgrading of the Wentworth Road/South Coast Highway intersection will be required by the Shire of Denmark at the recommendation of Main Roads WA when traffic generated by the development on Lot 305 warrants it.</p>

G5	<p>Department of Water and Environmental Regulation</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Thank you for providing the above proposal for the Department of Water and Environmental Regulation (Department) to consider.</p> <p>The Department has identified that the proposal has the potential for impact on environment and water resource values.</p> <p>The stated purpose of Scheme Amendment 148 can be summarised as follows:</p> <ul style="list-style-type: none"> • Rezoning No.40 (Lot 305) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15)'; • Introducing the land use definitions for "Brewery" and "Tourist Development"; and • Inserting 'Tourist (T15)' and associated Special Provisions into Appendix XIII – Schedule of Tourist Zones of the Scheme text. <p>Key issues and recommendations are provided below and these matters should be addressed:</p> <p>Native Vegetation</p> <p>The Department notes that the Environmental Protection Authority (EPA) has considered the Scheme Amendment and Local Development Plan (Williams Consulting, 15 November 2022).</p> <p>The Department acknowledges that native vegetation will be retained and protected through scheme provisions and a Local Development Plan however that EPA recommendations have been provided to further mitigate potential impacts to vegetation and threatened fauna in relation to scheme provisions and future development applications.</p> <p>The EPA's recommendations include a recommendation that the proposed provisions are modified to either ensure reference to the most recent Local Development Plan (dated 15 November 2022) which identifies the vegetation within Lot 305 for retention, or insert a new provision to ensure retention of the vegetation. Revegetation should enhance the environmental value and function of the Little River tributary.</p> <p>It is noted that the Bushfire Management Plan states that 'no revegetation is required / planned at the site' which is contrary to scheme provisions for preparation and implementation of a Landscape / Revegetation Plan.</p> <p>Wilson Inlet Catchment</p> <p>The amendment area is located within the declared Wilson Inlet Management Area under the <i>Waterways Conservation Act 1976</i>.</p> <p>The site is not located within a Sewerage Sensitive Area under the Government Sewerage Policy 2019.</p> <p>The area is not located within a surface water or groundwater area proclaimed under the <i>Rights in Water and Irrigation Act</i>.</p> <p>Little River</p> <p>The proposed site is within the upper catchment of Little River a significant, perennial stream which flows into Wilson Inlet. Wilson Inlet is a high value waterway. Nutrient reduction programs within the catchment to protect the health of the Inlet are a high state government priority and include Healthy Estuaries WA.</p> <p>Existing dams on the site flow into Little River. Overflow from the main dam occurs and flows are released in summer months to downstream users including the environment. Low flows outside winter periods need to be maintained.</p> <p>Wastewater Management</p> <p>The proposed amendment has the potential to result in reduced water quality discharging into the Wilson Inlet</p>	<p>Comments Noted, modification recommended.</p> <p>Retention of the roadside vegetation and the vegetation in the Nornalup Heritage Trail has some protection afforded to it by being a Place of Heritage Value in the Scheme.</p> <p>An earlier version of the indicative Local Development Plan (LDP) provided at Appendix E of the amendment documentation had clearly shown retention of existing vegetation on Lot 305. However, the latest version seems to have deleted this.</p> <p>It is recommended that clause viii of the 'conditions of Tourist Use' be modified to include protection of existing remnant vegetation, accommodation of black cockatoo habitat and revegetation of water courses.</p> <p><u>Wastewater Management</u></p> <p>There is an existing, approved distillery on site that has a wastewater system approved by the Department of Health in conjunction with the Shire</p>
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<p>from inadequate wastewater management. This is on the basis that the proposed tourist centre and tourism accommodation facilities within the amendment area have not been confirmed and the capacity of the proposed land application area to receive wastewater is likely to be a constraining factor on future development.</p> <p>Although the Shire has proposed provisions for insertion at Appendix VIII of the Scheme to manage wastewater within the amendment area, including requirements for future development to be connected to a secondary treatment system, the provision is limited to consideration of on-site domestic wastewater and not trade waste.</p> <p>The 'Site and Soil Evaluation (Aurora, 2022)' has been provided to support the site's capability to accommodate proposed wastewater needs however these assessments are confined to domestic wastewater. The Department would expect that on-site disposal of wastewater for the proposal would need to be supported by a Water Management Report such as a Local Water Management Strategy (LWMS) given the scale of development and location of sensitive water resources.</p> <p>It is significant that it is proposed to expand the proposed tavern facility to accommodate 250 persons in addition to the existing restaurant.</p> <p>As the SSE states 'groundwater is likely to be seasonal in this area, with perching on clays and granite during wet seasons with a flow direction towards the Little River'; and given that refusal of an auger occurred at 0.7 m depth, it is questionable whether the proposed disposal irrigation field can accommodate the necessary hydraulic loading without off-site impacts.</p> <p>Information on the quantity and quality of wastewater and disposal options needs to be provided at the Development Application Stage. An appropriate Water Management Report provides the framework for the application of total water cycle management for development proposals and should be provided at this stage. This is consistent with the Department of Water and Environmental Regulation (DWER) principles of Water Sensitive Urban Design (WSUD) described in the Stormwater Management Manual (DWER, 2007).</p> <p>Information from the SSE on hydraulic loading needs to be assessed against water balance and usage figures from a Water Management Plan/Report. Calculations to determine the final construction should be undertaken by a suitably qualified consultant (specialist in wastewater systems) once design and locations of the land application systems have been finalised following lot or site-specific geotechnical investigations.</p> <p>It should be noted that the full areas of Lot 305 being available for wastewater apparatus and land application areas needs to be provided.</p> <p>The SSE provided is not considered to be adequate for addressing land capability or measures required to mitigate site constraints and any potential risks associated with on-site wastewater disposal impacting on local water quality. For instance, results of the piezometer test show low separation to groundwater at 0.7 m BGL. This may indicate that winter storage of wastewater is required as it may not be possible to irrigate year-round. This is particularly the case given the high rainfall area, confining layers (refusal with coffee rock reported in the SSE) and potential to result in perched groundwater.</p> <p>An Emerson Aggregate Test was not undertaken as part of the SSE although given the soil types (Category 3 loam), low permeability soils may restrict flow of effluent through soil resulting in surface ponding on or subsurface saturation of the disposal area.</p> <p>Furthermore, there is no discussion/guidance in the SSE on the Land Application System with respect to site, soil and climatic factors. The SSE does not provide any details regarding the irrigation method or recommendations on</p>	<p>of Denmark which shows that the site has potential to accommodate the proposed brewery and distillery land uses.</p> <p>Since the initiation of Scheme Amendment 148, a 9.3ha portion of Lot 304 has been amalgamated into Lot 305 for the express purpose of accommodating effluent disposal.</p> <p>It is acknowledged that land capability and space for effluent disposal may be a limiting factor on the amount of development possible in the proposed Tourist zone. All land uses in the zone are 'AA' (approved at the discretion of the Local Government) and therefore need to be supported by appropriate wastewater management systems and site and soil assessments at the development stage.</p> <p>Therefore, it is recommended that the scheme amendment may progress as the issues raised may be addressed at subsequent stages of the planning process.</p>
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whether this would be via surface or sub-surface irrigation. It is recommended that groundwater monitoring piezometers should be installed and groundwater monitoring be undertaken for at least one winter wet period to determine maximum groundwater levels across the proposed land application area.

A water balance model and water management of all sources of wastewater is required. An urban water management plan is not considered appropriate for the land use or zoning. It is recommended that preparation and implementation of a Water Management Plan/Report to the satisfaction of the Shire and the Department occurs.

In summary, a reduced area to dispose of wastewater in the form of trade waste may inhibit the possibilities of establishing the beverage manufacturing industry, hence the permitted uses in Amendment 148 may be misleading.

The Department considers that unreasonable expectations will be created at the amendment stage and the matter of wastewater (trade waste) generated from the proposed activities needs to be addressed as early as possible in the planning process.

Wastewater Management Plan

An overall Wastewater Management Plan should be required as part of any non-domestic wastewater application. The Department would not support the proposed introduction of brewery or winery into the scheme amendment for Lot 305, as there is no supporting evidence that trade waste can be included within the same wastewater system.

It should be noted that as this is a staged development early consideration of the long-term regulatory requirements, as the systems are scaled up, is recommended. This will mitigate any complications and potentially expensive retrofitting at later stages.

While this is a proposed scheme amendment and more detail will follow at subsequent stages, to ensure there are no fatal flaws and/or that the proposal complies with statutory requirements the following should be considered.

Depending on the capacity of the wastewater system the site may be categorised as a Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations 1987*. If the system capacity does not result in the site being categorised as Prescribed Premises, a Wastewater Management Plan will be required.

The Department recommends that a Water Management Plan/Report and Wastewater Management Plan are required to inform site specific planning control measures proposed to be introduced into Appendix 13 of TPS 3 and conditions of development approval.

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event that the applicant determines that a works approval or licence application is required under Part V of the *Environmental Protection Act 1986* (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

		Should you require any further information on the comments please contact me.	
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G6	DFES Land Use Planning [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	<p>RE: PROPOSED SCHEME AMENDMENT NO. 148 – NUMBER 40 (LOT 305) WENTWORTH ROAD, OCEAN BEACH</p> <p>I refer to your letter dated 1 June 2023 regarding the submission of a Bushfire Management Plan (BMP) (Version 2.0), prepared by Bushfire Works dated 21 May 2021 for the above Scheme Amendment.</p> <p>This advice relates only to <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p>Assessment</p> <ul style="list-style-type: none"> • DFES notes that the submitted bushfire management plan does not present the vegetation assessment as required by the Guidelines appendix three. Specifically: <ul style="list-style-type: none"> o multiple plots provided with no photo evidence, o information provided across multiple figures (e.g. vegetation classification, slopes, photo ID points) leaving it difficult to determine if the vegetation assessment is accurate, o Photos are not labelled to detail the vegetation classification. • Additionally, the assessment against the Acceptable Solutions (AS) states ‘meets intent’ of the element, rather than confirming compliance with the AS. On this basis it is unclear if the proposal is compliant with the AS or not. • It is noted the BMP has been prepared in accordance with v1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against version 1.4 of the Guidelines. <ul style="list-style-type: none"> • The submitted BMP has been prepared by a Level 2 Practitioner. As the proposal relates purely to Tourism (Vulnerable) land uses, a Level 3 may be more appropriate, and will be required for any future Tourism developments. • A previous application has been reviewed on the site (DFES Ref D13479) with similar comments relating to Vehicular Access provided below. • Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below. 	<p>Noted.</p> <p>Although there are shortcomings with the Bushfire Management Plan lodged with the amendment documentation, no fatal flaw is identified.</p> <p>A revised and updated BMP will be required with the next stage of the planning process; the preparation of a LDP.</p>
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1. Policy Measure 6.3 a) (i) Results of a Bushfire Hazard Level (BHL) Assessment

Issue	Assessment	Action
Vegetation Exclusion	<p>All vegetation on the development site other than the Class A Forest has been excluded in the post-development BAL contour map. It is unclear why this vegetation has been excluded.</p> <p>Comments in the BMP note that the vegetation will <u>continue</u> to be actively managed, however it does not appear that these areas are currently managed and there is a lack of photographic evidence to validate this. It is not considered that use for grazing presents a suitable standalone management technique for achieving a low threat standard in perpetuity.</p> <p>The BMP should be updated to ensure that all vegetation is accurately classified for the post-development BAL contour map.</p>	Modification to the BMP is required.
Vegetation classification	<p>Evidence to support the exclusion of Plot 4 as managed to low threat in accordance with AS3959 is required. The submitted photos to justify the exclusion detail areas of grassland or vegetated areas with no confirmation of the management.</p> <p>While it is noted that Plot 4, and the wider area referenced in the above comment, are within the site, an enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable.</p> <p>If unsubstantiated, the vegetation classification should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.
Vegetation classification	Vegetation plots 3 and 5-8 cannot be substantiated with the limited information and photographic evidence available as no photos have been provided to validate the classifications.	Modification to the BMP is required.
Administrative errors	<p>The following errors have been noted in addition to the issues raised earlier in the assessment:</p> <ul style="list-style-type: none"> o Photo IDs 7 and 10 do not appear to be in the correct location/orientation. o The Table 2 output for Plot 3 is not correct. It is assumed that Bal-29 should read BAL-19 consistent with other entries. 	Modification to the BMP is required.

2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria

Issue	Assessment	Action
Location and Siting and Design	<p>A1.1 – not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p> <p>It's acknowledged that an APZ is provided for the existing building on site, however the BMP is silent on the establishment and maintenance of APZs for future developments on the site. A mechanism should be put in place to ensure that any future development enabled by the current proposal will be provided with a suitable APZ.</p> <p>The BMP does not provide certainty that all future developments will be provided with compliant APZs.</p>	Modification required.
Vehicular Access	<p>A 3.1 and 3.2a – not demonstrated</p> <p>The BMP notes that primary access is provided on Wentworth Road, however the driveway is located 280m down a no through road. Comments have previously been provided regarding Wentworth Road , noting that a 6m wide trafficable carriageway and additional 6m horizontal clearance have not been provided for the length of the road.</p> <p>The BMP notes that secondary access is provided directly onto South Coast Highway, however this appears to only be provided in an emergency situation. It is noted that the BMP does not provide evidence to confirm that access is permitted onto South Coast Highway. DFES recommends that a clear diagram is provided detailing how all proposed strata lots can provide direct access onto South Coast Highway, to ensure that the application complies with the acceptable solutions of 3.1 and 3.2a.</p>	Modification required. Please demonstrate compliance, or provide substantiated evidence of a performance principle-based solution.
Vehicular Access	<p>A3.6 – comment only</p> <p>The BMP notes compliance with the above element (however references the v1.3 requirements). The BMP does not provide sufficient detail to confirm if the internal driveway will comply with the relevant standards of the Guidelines. While internal driveways are not assessed at the strategic stage, the applicant should ensure that a suitable internal driveway (including passing bays and turning areas) will be provided through the site at future stages.</p>	Comment only
Water	<p>A4.2 – not demonstrated</p> <p>The BMP provides comments regarding use of 6 dams on the site, however then states that 10kL tanks will be provided with each future strata lots to comply with the standards. The BMP should be updated to clearly demonstrate that tanks are</p>	Modification to the BMP is required.

<p>G7</p>	<p>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Department of Primary Industries and Regional Development [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>Thank you for the opportunity to comment on Town Planning Scheme No. 3 Amendment 148 to rezone Lot 305 (40) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist'.</p> <p>The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed rezoning of the abovementioned lot from 'Rural' to 'Tourist' but would like to provide the following comments:</p> <ul style="list-style-type: none"> • DPIRD generally does not support the ad hoc rezoning of agricultural land. DPIRD does not object to this rezoning as this lot is relatively small and already has significant tourism related developments. • The lot is separated from surrounding agricultural land by the South Coast Highway to the north, Wentworth Road to the east and the Denmark-Nornalup Heritage Trail to the south and west. Most of the lot boundaries are vegetated. • The effluent irrigation area is via an easement across the Denmark-Nornalup Heritage Trail to Lot 304 and DPIRD recommends that this easement and effluent irrigation area be noted on the title of Lot 304. • In the application it is mentioned that the distillery on the site is already approved. The application does not contain any detail regarding the treatment and disposal of wastewater generated by the distillery. It is important that the wastewater is managed in an environmentally responsible manner. More information regarding the management of trade waste is available in the <i>attached document: Advice note - trade waste considerations for beverage manufacturing in unsewered areas.</i> <p>Advice note - trade waste considerations for beverage manufacturing in unsewered areas</p>	<p>Noted.</p> <p>As stated above, effluent disposal will be assessed in detail at the development application stage.</p> <p>It is possible to dispose of trade waste and effluent, the quantity is the only matter in question. Therefore the scheme amendment should progress but the landowner needs to acknowledge that it may limit the development potential of the site.</p>
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RAINTREE

DENMARK · WESTERN AUSTRALIA

Community Consultation Summary Report 2023
Raintree Tourism Amendment 148



EXECUTIVE SUMMARY

The Denmark Shire, Raintree and associated businesses - The Temple, The Little Temple and The Dam - have received a groundswell of support for the proposed Tourism Rezone, Amendment 148 at LOT 305, Wentworth Road.

The world-first proposal - linking land to sea through trails, taking cars off the road and bringing a state-of-the-art tourism concept to life will be aligned with Shire, Ministerial and Federal Government strategies in key focus areas including but not limited to:

1. Decarbonisation and Renewable energy
2. Sustainable tourism, Regional Innovation and Technology in Agribusiness, food and beverage production
3. Housing, employment and economic development

It's worth noting, the concepts surrounding the low cluster, health retreat are visionary and the maximum scale Raintree would consider on this lot. Even then, the development in current form is considered low cluster. At the Development Application phase concepts will be refined in consultation with town planning, relevant government bodies, environmental consultants and community.

Raintree Estate has invested over \$ 700,000 in compliance with Local and State authorities and essential services (roads, water, power & effluent treatment) to this stage. This has been spent on sealing public roads, roads, renewable 3 phase power, water treatment, bush fire emergency fighting and compliance, building retrospective compliance, environmental and risk assessment studies.

Community Response – Tourism Rezone 148

Raintree executed a multilayered, in-depth community consultation and feedback period over the past two months and intended from the get-go to work with the community every step along the way should the amendment be passed and development phase progress.

The purpose of showcasing early-stage plans was to:

- i. Communicate at a local and State level the plans and what the Amendment means.
- ii. Assess levels of support/concern for the proposed Tourism Rezone on the property and;
- iii. The associated concept plans should the rezone amendment be approved.
- iv. Listen to the community and understand areas of concern that can be addressed and overcome early on, to get to a concept plan both locals and visitors can be proud of.
- v. Understand and begin to explore pathways for collaboration and shared opportunities' that exist at a community, local government, and ministerial level.

Results

A total of 626 public submissions and 6 Government submissions were received between June 1 and August 1 – 632 in total. To Raintree's knowledge The Denmark Shire has never received such a groundswell of support for a private development in both numbers and positive sentiment expressed to date.

More than 99% of respondents wrote in favour of the proposed rezone while less than 1% indicated concerns.

- 625 of the public wrote in favour of the proposed rezoning.
- 1 wrote against it citing indicated concerns surrounding the construction of The Dam and water disposal.
- 6 responses from government bodies were received and will be reviewed and workshopped at the Development Phase of this project – should the Tourism Rezone go through. Noting that Government Red tape continues to be the biggest threat to this project going forward, as it is low cluster and does not have the ability to absorb much more on roads, water and massive public works as this is not a property development whereby the lands are sold and the scale can support a large Government wish list. *See appendix I.*

Highlight letters of support for the rezone and associated Raintree ventures at the property were compiled in a long form report submitted to Shire from the likes of the United Nations, Tina Arena, Rebecca Stephens MP, Roger Cooke and more.

About Raintree Farm

Home to The Dam, CBD distilleries, CO2 reducing hemp-fed marron, wagyu, and soon to be Denmark's first whisky distillery, the property is already an icon for sustainable production and regional innovation.

If the rezone is approved, the venture is set to put Denmark on the map as an eco-tourism project like nothing the town has ever seen before - incorporating a paddock to plate, sustainable food ethos and an insight into how produce is grown, cultivated and shared as a finished product - be it a CBD beverage or a once in a lifetime meal.

Raintree's ability to listen to what people want, understand it and create it, in harmony with social and environmental spaces has contributed the unanimous community support to date.



"We're continuously striving to learn, evolve and sustainably innovate to create a future our children and grandchildren can be proud of. The community support for the Tourism Rezone has been overwhelming and exciting – we're ready to listen, adapt and create a first for WA. Putting Denmark on the map, in the right way."

The Birkbeck, Beaton, Lane and Jenkin family.

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- I. Sam Williams correspondence + EPA sign off documentation
- II. Notes on data
- III. Letter from Birkbeck Family

MEDIA & COMMUNITY CONSULTATION

Raintree undertook a multilayered communications plan surrounding the advertised Tourism Amendment 148 and the proposed concept.

Reaching an estimated 10 million readers, viewers and listeners from June – August across mainstream media, advertising and digital channels.

It's worth noting, ABC, Channel 9 and 6PR had talk back style segments or opportunity for producer feedback and producers of all three stations let us know responses were positive in tone with not one negative piece of listener or viewer feedback, demonstrating an appetite for this kind of development on a national scale.

In all messaging our key goals were to communicate:

1. What the Tourism amendment 148 means overall
2. What Raintree envision for the site if the Amendment is approved.
3. We want community feedback to help shape the plans.

Community forum consultation

A **community forum** was held on June 30th, 2023, to share concept imagery and plans behind a low cluster health retreat and accommodation offering. Advertising was taken out in local papers to communicate this session and provide a point of contact for anyone unable to attend.

Community members joined the Birkbeck family and lead architect CBD Architect's Lead Designer, Roberto Forgione, to discuss the plans and hear community feedback to feed into future planning.

Raintree held the advertised community consultation plus weekly 2-hour time slots every Friday for community **one on one meetings** to voice concerns or share ideas, throughout the months of June and July 2023.



DENMARK'S POT OF GOLD?

Proposed cannabis retreat gets community seal of approval

EXCLUSIVE KIM MACDONALD

A Scandinavian-inspired cannabis retreat in the South West has received almost unanimous support from the community, as never-before-seen before images of the development were released.

With the exception of just one, the 632 community submissions in the recently-closed consultation period staged by the Denmark Shire Council were all in support of rezoning farmland to allow the unusual tourism venture.

The company behind the proposal, Raintree Farm, is

seeking to extend its existing restaurant and distillery, adding a \$5 million complex that includes a day spa offering medicinal cannabis treatment.

The proposed complex would also include a reception, a lodge, half a dozen two-bedroom chalets and six "off-grid" eco-huts.

The treatments would be legal under existing legislation, with medicinal cannabis already available in Australia on prescription.

The medicine does not contain the mind-altering component of marijuana called THC.

Raintree Farm director, Ste-

phen Birkbeck, said he envisaged that visitors at the day spa would use telehealth appointments with a local doctor to get prescriptions for medicinal cannabis, which would then be administered at the facility.

Mr Birkbeck said support came from a broad cross-section of society — from Indigenous elders to tourism operators — and he claims one of the most supportive cohorts were older locals, who were interested in using the facility for pain relief.

He said he knew from his own cancer fight how valuable pain relief was against the

symptoms of the disease and also the effects of chemotherapy, among numerous other health conditions.

"I just think it is something that we really, really need in this State," he said.

The new buildings would sit alongside the existing restaurant and distillery, which already serves cannabis-infused alcohol, again without the mind-altering THC.

Concept plans have been released by architect Roberto Forgione, who said the design was based on contemporary Scandinavian architecture.

The retreat plans to be envi-

ronmentally friendly, using solar and renewable energy.

Mr Forgione will create more detailed designs when the venture seeks development approval. If green lit, the venture would open in about two years time.

The first application regarding rezoning involves 40ha of Mr Birkbeck's 360ha farm, which had taken his family 25 years to acquire.

The complex includes several walking and cycle tracks which would be available to visitors and is flanked by tourism drawcards Green's Pool and William Bay National Park.

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EXCLUSIVE

Scandinavian-inspired cannabis retreat in Great Southern receives overwhelming support after images released



Kim Macdonald | The West Australian

Mon, 14 August 2023 2:00AM | [Comments](#) | [+](#)

[Kim Macdonald](#)



Plus, some incredibly slick eco-accommodation options too that will allow guests to truly immerse themselves in nature.

Working with CBD Architect's Lead Designer, Roberto Forgion, the proposed \$5 million retreat will feature a reception, lodge, six two-bedroom chalets and six off-grid eco-huts, all underpinned by sustainable Scandi design principles and renewable energy practices.

Submissions for the proposed tourism rezone needed for the development to go ahead have now closed, but it's looking pretty promising. The development was widely well-received across the board, with locals, Indigenous elders, environmentalists, politicians, national icons and more all showing their support.

A report has now been submitted to the Shire, including letters of support highlights from the likes of Tina Arena, Rebecca Stephens MP, Roger Cooke and more. If approved, Raintree Farm will be one step closer to bringing its trail-blazing vision to life.

Local news, events and advertising

Current edition

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Support for health spa plan ‘overwhelming’

A \$5 MILLION proposed luxury health spa at Raintree Farm on Wentworth Road has received 625 submissions in support of a tourism rezoning for the project.

The proposal includes medicinal cannabis treatments, a reception, a lodge, six two-bedroom chalets and six off-grid eco-huts on land owned by the Birkbeck family adjoining The Dam restaurant.

Raintree director Steve Birkbeck was overwhelmed by the support and says that to his knowledge the Shire of Denmark has never received such a groundswell of support for a private development.

That was in terms of the numbers and positive sentiment expressed.

Also home to cannabidiol distilleries, carbon dioxide reducing hemp-fed marron, wagyu and soon to be Denmark’s first whisky distillery, the property is renowned for sustainable production and regional innovation.

Mr Birkbeck said that if the rezoning were approved, the venture would put Denmark on the map as an eco-tourism project like nothing the town has seen before.

It would incorporate a paddock to plate, sustainable food ethos



STAR SUPPORT: Tina Arena. Picture: Facebook

and an insight into how produce is grown, cultivated and shared as a finished product, be it a CBD beverage or a once in a lifetime meal.

Raintree had conducted a multilayered community consultation with initial concept plans discussed at a community forum for the low cluster, eco-tourism retreat and health spa.

Mr Birkbeck looked forward to working with local government, Tourism WA and the community to enhance walk trails, reduce traffic, increase discussion and action around decarb initiatives and to provide platforms for regional innovation, if the amendment were to succeed.

Altogether 625 submissions were in favour of the proposed rezoning while only one was against.

That one outlined concerns surrounding the construction of the dam and traffic on the horse trail.

“We welcome feedback, good and bad and from the start set out to work with our community every step of the way,” Mr Birkbeck said.

“The more feedback we get, the more forward planning we can do with you our community to ensure this is a venture we can all be proud of and benefit from.”

Letters of support for the rezoning and associated Raintree ventures at the property were compiled in a report submitted to Shire from the likes of the United Nations, Tina Arena, Albany MLA Rebecca Stephens, WA Premier Roger Cooke and more.



The West Australian ^{for 190 Years}



A cannabis health retreat has been proposed for Denmark



NEWS

By [Sally Hall](#) Published Jun 1

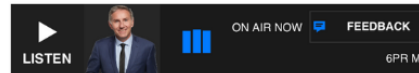


Plans for Raintree Estate in Denmark Credit: Yvonne Marianna Photography/Yvonne Marianna Photography

Plans for WA's first cannabis health retreat in Denmark revealed

Andrei Harmsworth | PerthNow
June 1, 2023 2:00AM

Comments



Wrong Fuel Rescue
Petrol in Diesel Engine -Perth

Home / News / High holiday: State's first..

High holiday: State's first cannabis retreat revealed

01/06/2023 SHARE ARTICLE



Denmark will potentially be home to WA's first "cannabis retreat" if an application put forward to government goes ahead.

Raintree Estate may be granted the right to incorporate cannabis treatments into their luxury day spa if state laws change to allow more cannabis-based products.

Raintree chairman Stephen Birkbeck told Gary Adshead on *6PR Mornings* the spa would be a health retreat first and foremost.

"With cannabis treatments under today's law – with

INTERNATIONAL & LOCAL SUPPORT HIGHLIGHTS

"Thank you for your letter dated 22 December 2021 regarding your development proposal for Raintree Estate (Raintree) ... Congratulations on the recent opening of The Dam, which I understand has added a new and exciting tourism and hospitality venue to the region... The Government welcomes approaches from operators to establish new tourism product that will enhance the States tourism offering and make it a more attractive destination, particularly in regional WA. I acknowledge the potential benefits of your proposed development on the local economy and broader tourism industry."

Hon. Roger Cook, Premier of Western Australia

"My dear friend Olivia Newton John is walking living proof of the benefits of Cannabis treatments. The vision of this investment will not only serve those seeking a healthier alternative, but it will also incorporate a genuine curiosity for people to visit this exquisite region, and its surrounding areas, and of course never forgetting that this is a first of its kind : uniquely Western Australian. This dream requires a boldness on behalf of yourself, and the Government so that it can become a reality. This project is so noble ..." **Tina Arena**

"This proposal has my support on the basis that it will fulfill a need currently unmet in the region, that being an outstanding tourism offering of low cluster accommodation that sets a high bar in respect of design and thoughtfulness of scope, particularly in relation to proposed walk trail access to Green's Pool and Elephant Rocks."

Rebecca Stephens MLA Member for Albany

"I write in support of the current application to rezone Lot 305 Wentworth Road Ocean Beach from Rural to Tourist, allowing the proponents to develop short term accommodation on the site, in support of the outstanding work they already do to encourage eco-tourism across the Shire."

Dr Brian Walker MLC Leader of Cannabis Reform party Western Australia.

"Raintree Solutions is a friend and asset through its capacity to provide advanced research and development skills to impoverished Indigenous communities that are trying to regain custodianship over their traditional lands. Tribal Link supports the Raintree Development application to continue to research and develop unique processes and products for the benefit of Indigenous people through designing Nature Based Solutions to complex climate change issues."

Pamela Kraft Founder and Executive Director, Tribal Links New York UNDP NGO

"Stephen was the inaugural Chairman of UWA's Albany Foundation. He is one of Australia's most decorated exporters and remains a trusted confidante of the Indigenous world as an architect of a new nature based economic approach to regional development. In 2008 Stephen conceptualized and co-founded the prestigious Paris based Presidents Circle (NRSC). In 2011 he was nominated by the French Government as an Australian Institute of Export (AIE) 2011 Export Hero for contributions to the national reputation of Australia."

Australian Institute of Exports

"For 40 years (1980-2020) Stephen has championed WA Indigenous nature based solutions, and in July 2019 was honoured by the Birriliburu people in a traditional ceremony and formally named TJAMU (Grandfather) with whom he has a unique and profound 40 year relationship with the Muntiljarra tribe of the Birriliburu people of the MARTU First Nation of Australia and in 2019 co-ordinated a UNDP submission that won new business of the year in New York at the N AGM (UNDP Equator Awards).

David Hircock, Estee Lauder Watchdog and UNDP New York Advisor.

"Over the years, Stephen Birkbeck has successfully built a strong working relationship with our City and the broader global perfume sector, assisting us in promoting a new way of doing business, particular with local communities and indigenous populations."

Jean- Pierre Leleux, Senator-Major of Grasse

"I appreciate the central role the NRSC has played in promoting sustainable practices within the beauty industry, and I particularly grateful for your dedication to vetiver farmers in Haiti..... I commend your strong commitment to Haiti's future, and I look forward to working with you to identify new opportunities for growth and development.

William Jefferson Clinton 42nd President of the United States

DTM Tourism has been engaged to work in the region on various projects over the past 8 years and this proposal is one that stands out as one of quality and sustainability and should be encouraged to proceed without delay." **Bernard Whewell, Director DTM Tourism**

...Raintree Companies has a proven track record of dedication, passion, and expertise. Their commitment to excellence and their deep understanding of the market makes them highly qualified to execute this expansion project successfully. Their expansion plans align with the goals and values of our community, and I firmly believe that their success will have a positive impact on the entire region. **David King CEO Denmark Shire**

Following the completion of your \$8000 donation to install a hydrant on Wentworth Road as a Strategic Water Point, I would like to say a heartfelt thank you from myself as Chief Bush Fire Control Officer for the Shire of Denmark, and I speak also on behalf of our Volunteer Fire Brigades and members across the Shire. The support and fund-raising efforts that you guys have given towards our Denmark community is truly amazing and greatly appreciated. **Lez Baines CBFCO Denmark**

Denmark has always been known for its clean, nature-based tourism and now has an opportunity to support the next level of "therapeutic destination tourism" by supporting the Birkbeck's proposed development. We have found Steve Birkbeck and his family to be upstanding corporate and community citizens by their successful and professional agri-tourism venue, The Dam, not to mention their amazing support for the safety of our community during the devastating 2022 bushfires and ongoing sustainability initiatives. Their entrepreneurial spirit has been nothing short of impressive and they have already put Denmark firmly on the upscale tourism map... our community stands to benefit greatly by increased employment opportunities and enhanced global reputation as this would be the "first of its kind" destination in Australia. **Julia and Brian Fitzgerald, Artisan Brewers**

AWARDS / ACHIEVEMENTS IN NOVEL AGRI-BIOTECH

EMU OIL FOR COSMETICS AND MEDICAL USE

1996

WA New Exporter of The Year, first Australian Exports of cosmetics to France

SANDALWOOD OIL & EXTRACTS FOR PERUMERY AND MEDICAL USE

1999

WA Design of The Year, WA Industry & Export Awards

2001

WA Sir David Brand Tourism Award, Mt Romance, WA's most significant Regional Attraction

2002

WA Regional Exporter of the Year

2003

Australian Small to Medium Manufacturer of the Year

WA Regional Exporter of the Year

WA Small to Medium Exporter of the Year

WA Premier's Award for Excellence

Forestry IFWA Excellence in Marketing Initiative

Forestry IFWA Excellence in Innovation Native Hardwood

2004

Australian Regional Exporter of the Year

WA Regional Exporter of the Year

WA Small to Medium Manufacturer of the Year

WA Ernst Young BIO-Tech Entrepreneur of the Year

2005

WA Inaugural Hall of Fame (*Rio Tinto was the second inductee in 2006*)

2006

UN Inaugural Winner of the Cradle to Grave Award, Bonne Germany.

GENERAL EXPORT REPUTATION AUSTRALIA

2011

AIS EXPORT HERO, Brisbane - Nominated by the French Government for contributions to Australia's export reputation

2012

Roosevelt Environmental Award, Night of Stars, New York

PEARLS FOR COSMECEUTICAL & NUTRACEUTICAL'S

2014

WA Agri-business of The Year, Atlas Pearls and Perfumes

WA New Exporter of The Year, Atlas Pearls and Perfumes

ESSENTIAL OILS FOR FOOD FLAVOURS

2017

Tasmanian Agri-business of the Year (*Essential Oils of Tasmania that we owned*)

Tasmanian Premiers Award for Excellence (*Essential Oils of Tasmania that we owned*)

WELL BEING SERVICES

WA The Temple Small Business of the Year (*Carlyssa Birkbeck*)

Great Southern Young Business Woman of the Year (*Carlyssa Birkbeck*)

TRADITIONAL INDIGENOUS ENTERPRISES

2018

WA Small Business of the Year

Australian Small Business of the Year

2019

WA Exporter of the Year

Australian Exporter of the year

UNITED NATIONS – Dutjahn / New Nature Based Economy. New York City Hall. *Dutjahn*

SEDEX Supply Chain Collaboration, London. *Dutjahn*

CANNABIS FOR PERFUMERY, COSMETICS, FOOD, WELLBEING & MEDICAL USE

2022

Drink Easy Awards 'Hard Seltzers' Category Winner – CBD

Drink Easy Awards 'Hard Seltzers' Finalist – CBD

Drink Easy Awards 'RTDs' Category Finalist – CBD

Drink Easy Awards 'Vodkas' Category Finalist #2 – CBD Sativa Vodka

Drink Easy Awards 'Australia's Top Alternative Drinks' Finalist – CBD

Drink Easy Awards 'Australia's Best Alternative Drinks' Finalist #2 - CBD Pineapple Passion Seltzer

Drink Easy Awards 'Australia's Best Alternative Drinks' Finalist #4 - CBD Citrus Zing Seltzer

Drink Easy Awards 'Australia's Best Alternative Drinks' Finalist #10 - CBD Ginger Beer

Drink Easy Awards 'Australia's Best Alternative Drinks' Finalist #2 - CBD Pineapple Passion Seltzer

'Royal Melbourne Australian Distilled Spirit Awards' Silver – CBD Re-Gin
'Royal Melbourne Australian Distilled Spirit Awards' Bronze – CBD Sativa Vodka
AGDA Awards 'Merit for Design for Good' – CBD Re-Gin for Regeneration

2023

Australian Web Awards 'Small to Medium Business Site of the Year' Category Winner -
cannabisbotanical.com

COMMUNITY HIGHLIGHTS

"As an Albany local, I feel like this development is pivotal to the growth of tourism in the region while at the same time having a positive impact on the environment."

"As someone who grew up in Denmark and returned home later in life to raise my children, I appreciate projects like this that focus on the future of our planet, our kids, the town and the community, whilst supporting a huge portion of working Mum's in the region with flexible work options."

"Daily I hear people ask if The Dam be looking into accommodation in the future as they'd love the ability to stay longer and learn more about the farm to plate ethos. We have 80,000 through our doors each year and there is huge demand for what the Rezone will offer."

"As a local, I know all too well how expensive it is to buy or rent a house in this area. It's forcing some people to leave which is not good for our community and businesses. People need affordable places to stay. This submission can only benefit the residents and visitors to our area."

"Future development with companies dedicated to sustainable building and agricultural practices is a net positive from economics to local training and building with constant cost of living constraints. This rezone will allow a new flow of building, housing, construction and skill development of all residents and workers alike, plus provide additional new jobs for locals who otherwise might not be able to live and work locally."

"The region needs to evolve with the times to maintain a space in the tourism window. The Denmark area is becoming somewhat stale and boring - nothing to attract new and old to the region (one we have lived in for over 7 years). This is a perfect opportunity to grow and blend."

"The proposed change of planning would enable an exciting new development for the Shire of Denmark, one that could be a potential game changer for guests seeking new medical and therapeutic treatments in a legal and professional setting."

"The proponent/landowner, through his current track record with the successful development and operation of "The Dam" on site, has demonstrated the ability to provide a high-end tourist product, which promotes Tourism within the Shire of Denmark."

"When we established South Coast Hemp Foods Steve and the team at The Dam were incredible support to us. They took on our products to be both stocked in their store at The Dam and for use in their restaurant. The Dam had options for the products they were to use but supported us because we were local and residing in the Denmark Shire. We consider the team at The Dam to be a greatest asset to The Shire and the region."

CONCLUSION

Raintree is setting a precedent for Tourism operators in pristine country towns like Denmark, across Australia, by showing that tourism projects can be:

1. World-class draw cards for the region by providing a true insight for visitors into sustainable business and farming, in harmony with nature.
2. Low impact and environmentally friendly
3. Done without overdeveloping, mass clearing or damaging waterways.
4. A solution (in part) to issues in the regions such as demand for affordable housing or the need for variety when it comes to accommodation choices.
5. An incubator and showcase for regional innovation and attracting talent and skill to the region.
6. Renewably powered and decarb focussed.
7. In part, the answer to relieving traffic by incorporating walk and bike trails connecting accommodation to; food and dining options, local beaches, forests and more so that visitors can arrive and not have to get back in their cars if they want to unwind, unplug, and immerse themselves in Denmark's spectacular surrounds.

Above are just some of the ways the rezone will help the region and as this vision evolves, more branches of opportunity will grow and be added to this list.

Raintree appreciates the time taken to understand this report and review the weighty amount of positive community feedback.

An estimated 25% of the overall Denmark community took their time to show their support and we look forward to engaging the wider community as plans evolve and creating a world class sustainable tourism vision the town, the State and the Nation can be proud of!

APPENDIX I.
SAM WILLIAMS CORRESPONDENCE + EPA SIGN OFF
DOCUMENTATION

From: Sam Williams <sam@williamsconsulting.page>
Sent: Thursday, 17 August 2023 3:14 PM
To: Craig Pursey <craig.pursey@denmark.wa.gov.au>
Cc: Stephen Birkbeck <stephen@raintree.com.au>; Ruby Tchan <pr@raintree.com.au>
Subject: Amendment 148 to TPS 3- Response to Government Department Submissions

Dear Craig,

Thank you for providing the opportunity to respond to the relevant government authority submissions received during the advertising period of Amendment 148 to TPS 3. I have reviewed these submissions and whilst noting the comments raised, do not see any significant concerns that would inhibit the use of Lot 305 Wentworth Road (the site) for Tourism purposes, as per the request comprising Amendment 148.

With respect to each of the government authority submissions, I provide the following comments:

Dept. Primary Industries and Regional Development (DPIRD)

It is noted DPIRD does not object to the site being rezoned to Tourist under TPS3, with the point made the Tourism zoning will not impact of the agricultural viability of the locality and the rezoning complements the existing tourism development.

The land identified for effluent disposal on Lot 304 is being incorporated into Lot 305 via an approved subdivision boundary realignment. Given this, the notification on title for Lot 304 is not considered necessary.

Details on the treatment and disposal of waste water for the existing distillery on site has not been included in the Amendment document/application as it is not considered the relevant document for this. As part of the landowner's extensive approval process for the existing beverage manufacture (distillery), the treatment of waste water was addressed in detail, with the necessary approvals received from the relevant government departments.

Furthermore, since the commencement of operation of the distillery, the installed waste water system has been operating as designed and there have been no failures with the system or effluent spillage.

The advice note regarding trade waste for beverage manufacturing is noted. As part of any future development applications for expansion of the current beverage manufacturing, the owner will address the requirements accordingly.

WAPC

Discussion has been entered into with the Shire (and WAPC) regarding the inclusion of the term single house. As per the email correspondence with the Craig Pursey at the Shire of Denmark dated 4 April 2023, the WAPC advised advertising could commence with the inclusion of a "Single House" as a use considered for approval in the Tourism Zone. I am not aware of any objections regarding this during the advertising period. Furthermore, the use of a Single House should be considered for any future built strata applications over the site.

Dept. Planning Lands and Heritage (DPLH)

Support from DPLH for Amendment 148 is noted.

Dept. Water Environment and Environmental Regulation (DWER)

The EPA's recommendation, supported by DWER, for reference to preserve remnant vegetation through an approved Local Development Plan is noted.

Any revegetation on the site will be undertaken in accordance with appropriate bushfire requirements.

Whilst the owner manages the release of water for Little River and the importance of this is understood, as the dam is existing and not impacting the rezoning of the site for Tourism purposes, this comment is noted with no further action considered necessary at this stage.

With the boundary realignment of the site to include the northern portion of Lot 304 for effluent disposal, the site is capable of addressing waste water for the scale of development proposed in the tourism zoning. Furthermore, it appears from the correspondence, DWER may not be aware the site is currently being used for beverage manufacturing using a treatment system approved by the Shire. This demonstrates its current capability for the uses considered as part of Amendment 148.

At the time of lodgement for any expansion of (i.e., beverage manufacture, accommodation, etc) the owner will submit the necessary documentation to demonstrate the treatment and irrigation area will be sufficient and that allowances are made for winter when there could be perched water.

EPA

The vegetation on site will be protected via Appendix VII and the appropriate provisions of TPS 3.

The requirement for expansion of waste water facilities for additional development will be addressed via any future development application.

Overall, the EPA's advice not to assess the scheme under Part iv Division 3 of the Environmental Protection Act 1986, prior to commencement of advertising must be acknowledged.

Main Roads

The Tourism Amendment for the site does not rely on direct vehicle access to South Coast Highway for "everyday" operation. Furthermore, it is proposed internal access roads for the ultimate development will lead to Wentworth Road, as this will facilitate the visitor experience envisaged for the ultimate development of the site.

It is acknowledged emergency egress is proposed in the location where the Nornalup Rail Trail intersects with South Coast Highway. Whilst this location provides legal road frontage to Lot 304 and is currently utilised on a daily basis by the owner of Lot 304 (also the owner of the site) for private access, access to this egress point from the site will be restricted.

The consideration for additional intersection treatments onto South Coast Highway at

Wentworth Road can be addressed at the time of any development application for the site. It is envisaged any development application will comprise a detailed traffic engineering assessment supporting the intersection (existing or proposed) and any treatment required.

It is requested the Scheme provisions for this Amendment do not include any restrictions on South Coast Highway intersection location or treatments.

Dpt. of Health (DoH)

All comments from the DoH are noted. These comments do not impact the Shire's ability issue final approval of the Amendment. As per the item above re DWER/DPIRD, issues regarding waste water disposal, the additional DoH requirements for drinking water, chemical hazards and medical entomology can be addressed during the development application phase.

Dpt. Fire Emergency Services (DFES)

The comments I have made above relating to the current rezoning proposal being for the suitability of the site for a tourist are also applicable to DFES' comments. The DFES submission has identified shortcomings in the BMP submitted with the scheme amendment but has not objected to the proposal. However, in responding to DFES' concerns, the following comments are made:

1. Vegetation Exclusion- this is a minor change, not influencing the ability to rezone the site and the BMP can be amended accordingly.
2. Vegetation Classification(1)- this modification to the BMP can be undertaken and does not influence the ability for the site to be rezoned.
3. Vegetation Classification(2)- the additional imagery for the BMP can be undertaken and does not influence the ability for the site to be rezoned.
4. Administrative errors- these errors can be amended and they do not influence the ability for the site to be rezoned.
5. Location Siting and Design- this additional information can be provided. Irrespective, the requirement for APZs for any new developments can be addressed at the development application stage. The siting and location for development is not being considered as part of this rezoning request.
6. Vehicular Access- Wentworth Road access, this has been constructed and sealed at the owner's expense and is understood to meet the accessway requirements.
7. Vehicular Access- secondary access in the case of emergency is proposed to South Coast Highway and Main Roads does not object to this. With respect to details on strata lots etc, this is not necessary at this stage and will be addressed through the lodgement of any future built strata application.
8. Vehicular Access- all internal driveways will be constructed to the appropriate standards at the time of lodgement of future development application.
9. Water- requirements for suitable water provision can be provided for firefighting purposes and will be demonstrated at the time of lodgement of any future development application.

Summary

The submissions received do not present any justification restricting the ability for the site to be zoned Tourism. Where comments have been made relating to any future or intended uses, these can be addressed at the next stage in the planning process (i.e., during the preparation of a Local Development Plan, lodgement of a development application or built strata application). Where commentary has been made on the suitability of the site to accommodate waste water from commercial beverage manufacture, it appears the respondents may not be aware the site is currently operating a commercial beverage manufacture with all waste water treatment methods approved by the Shire of Denmark.

Any future expansion of the existing beverage manufacture and additional uses will be accompanied by the relevant supporting documentation within the appropriate town planning document.

Thank you Craig. Should you have any questions regarding this or want to discuss, please don't hesitate to contact me.

Regards,
Sam

Williams Consulting

Town Planning and Project Management

0418 116 216 sam@williamsconsulting.page PO Box 69 DENMARK, WA 6333



Environmental Protection Authority

s.48A Referrals

Title: Shire of Denmark Town Planning Scheme 3 Amendment 148

Location: Lot 305 Wentworth Road, Ocean Beach

Description: The amendment proposes to rezone Lot 305 Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' and to introduce provisions at Appendix XIII of the Scheme. The proposed amendment is to provide for tourism activities and accommodation at the site.

Ref ID: APP-0000109

Date Received: 07-11-2022 **Date Sufficient Information Received:** 03-02-2023

Responsible Authority: Shire of Denmark, PO Box 183, DENMARK WA 6333

Contact: Craig Pursey

Preliminary Environmental Factors: Flora and Vegetation, Terrestrial Fauna, and Inland Waters.

Potential Significant Effects: Implementation of the scheme amendment may result in the discharge of contaminated or reduced water quality to the Wilson Inlet catchment, and indirect impacts to vegetation and fauna.

Protection: Future development should demonstrate consistency with the *Government Sewerage Policy 2019*. EPA advice is provided recommending actions to further protect environmental values and manage and mitigate potential environmental impacts.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme/Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials:

Date:

22 February 2023

Mr David Schober
Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA 6333

Our Ref: APP-0000109
Enquiries: Maddison Howard, 6364 6424
Email: maddison.howard@dwer.wa.gov.au

Dear Mr Schober

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	Shire of Denmark Town Planning Scheme 3 Amendment 148
LOCATION	Lot 305 Wentworth Road, Ocean Beach
RESPONSIBLE AUTHORITY	Shire of Denmark
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MAT TONTS', with a long horizontal flourish extending to the right.

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

22 February 2023

Encl. EPA Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Shire of Denmark Town Planning Scheme 3 Amendment 148

Location: Lot 305 Wentworth Road, Ocean Beach

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 27 February 2023

Summary

Amendment 148 proposes to rezone Lot 305 Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' and insert provisions at Appendix VIII of the Scheme. The proposed amendment is to facilitate the extension of existing tourism activities at the subject site, and to provide for the future development of tourism accommodation.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the original referral documentation, additional information provided by the Shire of Denmark (the Shire) to this amendment, and information obtained through its own enquiries. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area is largely cleared due to historical agricultural land uses. Stands of karri trees and remnant vegetation occur in the north western and central portions of the site. Remnant vegetation also occurs along all external site boundaries, and in patches to the east, west and south of the site. The vegetation within and surrounding the amendment area may provide habitat for threatened species of black cockatoo.

A Local Development Plan (prepared by Williams Consulting, dated 15 November 2022) was referred with the amendment, which identified the vegetated areas within Lot 305 for retention as part of future development plans for the site. The EPA supports the retention of the vegetation as identified in the Local Development Plan, however, the implementation of the proposed amendment may result in indirect impacts including noise, dust and/or light emissions to adjoining areas of native vegetation and fauna habitat, and potential disturbance to threatened fauna species residing in these areas.

Accordingly, the EPA provides the following additional advice to further mitigate potential impacts to vegetation and threatened fauna:

- That the remnant vegetation within the subdivided portion of the Lot to the south of the amendment area (subject to the current subdivision process) is also retained as potential black cockatoo habitat.
- That future development applications consider potential indirect impacts to vegetation and black cockatoo habitat, and identify relevant management and mitigatory measures (e.g. adequate setbacks from accommodation to surrounding vegetation and fauna habitat, reducing light emissions from developed areas of the site, fencing of vegetated areas during construction works).
- Future proposals that may impact threatened species of national environmental significance may require referral to the Commonwealth for consideration under the *Environment Protection and Biodiversity Conservation Act 1999*.

The EPA also notes the Shire has proposed provisions for insertion at Appendix VII of the Scheme to protect and manage potential impacts to environmental values within the amendment area. The EPA recommends that the proposed provisions are modified to either ensure reference to the most recent LDP (dated 15 November 2022) which identifies the vegetation within Lot 305 for retention, or insert a new provision to ensure retention of the vegetation.

Inland Waters

The amendment area is within the Wilson Inlet catchment. A tributary of the Little River runs east-west through the amendment area, and drains winter rainfalls towards a series of dams at the western end of the site. Groundwater flows generally northerly towards the large on-stream dam.

The referral documentation indicates that future expansion and development of the amendment area will require on-site effluent disposal. The EPA understands that establishment of a new land application area to accommodate an increased volume of wastewater output is required, and that the landowners of Lot 305 are currently progressing subdivision and amalgamation of a 13-hectare (ha) portion of the lot south of the amendment area to serve this purpose. It is noted that the proposed land application area is sited up-gradient from the amendment area.

The provided Site and Soil Evaluation (Aurora Environmental 2020) indicates that anticipated volumes of wastewater from future development within the amendment area could be adequately accommodated and absorbed within the proposed land application area. It is noted that this document was based on the results of limited testing. The EPA understands that this conclusion is based on estimated wastewater outputs from a 500-person restaurant, 100-person accommodation offering and maximum discharges of 80,000L/day of wastewater from distillery/brewery operations. The EPA notes that the number of proposed accommodation facilities within the amendment area has not been confirmed at this stage, and that the capacity of the proposed land application area to receive wastewater is likely to be a constraining factor on future development.

The EPA considers that implementation of the proposed amendment may result in reduced water quality discharging to the Wilson Inlet catchment from potentially inadequate wastewater management. The EPA notes that the Shire has proposed provisions for insertion at Appendix VII of the Scheme to manage wastewater within the amendment area, including requirements for future development to be connected to a secondary treatment system, and for the preparation and implementation of a Local Water Management Strategy (LWMS).

The EPA supports the insertion of the provisions to the Scheme and recommends that the Shire considers revising the proposed provisions to ensure greater protections for environmental values within the amendment area. The Shire should consider the following advice in modifying the provisions:

- Future development and associated wastewater disposal systems within the amendment area should demonstrate consistency with the *Government Sewerage Policy 2019* and consider appropriate setbacks from on-site waterways and dams.
- Future development should be connected to secondary treatment system approved by the Shire and the Department of Health, and with advice from the Department of Water and Environmental Regulation (DWER). A secondary system with nutrient removal may be required.
- An updated Site and Soil Evaluation, to the satisfaction of the City and DWER, may be required at a future development application stage to confirm the suitability of the entire land application area to absorb and manage wastewater. The revised evaluation may require testing at multiple locations within the proposed land application area and include consideration of the proposed siting of the land application area in relation to potential topographical constraints.
- The preparation and implementation of an LWMS for the amendment area should be to the satisfaction of DWER and the Shire and include consideration of the *Wilson Inlet Management Strategy 2013* (and/or superseding versions of the strategy).
- The EPA recognises the opportunity to enhance the environmental value and function of the Little River tributary as part of future development planning processes. Revegetation of the stream with riparian species may provide for improved water quality outcomes and assist with stormwater management.

The EPA also notes that should the distillery/brewery anticipate manufacturing in excess of 350 kilolitres of alcoholic beverages per year, it may qualify as a prescribed premises and an application for a works approval and licence under Part V of the EP Act may be required.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme provisions, and future planning requirements. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.



Your Ref : Wentworth Road

South Pride Pty Ltd
PO Box 69
DENMARK WA 6333

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 162745

Planning and Development Act 2005

Applicant	:	South Pride Pty Ltd PO Box 69 DENMARK WA 6333
Owner	:	Karen Birkbeck PO Box 322 DENMARK WA 6333
Application Receipt	:	25 August 2022

Lot Number	:	304, 305
Diagram / Plan	:	75450
Location	:	-
C/T Volume/Folio	:	2809/899, 2809/900
Street Address	:	Lot 304, 305 South Coast Highway, Ocean Beach
Local Government	:	Shire of Denmark

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **25 August 2022** once the condition(s) set out have been fulfilled.

This decision is valid for **three years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **21 November 2025** or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.dplh.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.dplh.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S):

1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended). (Local Government)



Ms Sam Fagan
Secretary
Western Australian Planning Commission
21 November 2022

Enquiries : Martin Hughes (Ph 9791 0572)

Denmark Environment Centre,

REFERENCE – RAINTREE ESTATE PLAN TO BUILD TOURISM ACCOMMODATION

Dear Members,

Following our last meeting in June with the DEC at THE DAM, I have had five community information sessions between 3.00 - 5.00 pm, where I have made available the Rezoning Amendment, maps and plans. Throughout the process we have been very invested in taking the time and putting in the effort to ensure there is transparency in the concepts put forward and any concerns raised can be addressed, in a productive way.

On Friday the 14th a neighbour raised the issue of water quality and how our rezoning and subsequent development may impact the Wilson Inlet Catchment, noting we are currently licensed by DOH to disperse up to 8,900 litres per day since opening in October 2021 that can cope with a 500-person venue and 6 chalets.

As this overview demonstrates, by gaining an Easement through DPLH and approval for a subdivision through WAPC this adds 13 Ha, allowing Lot 305 to disperse very large volumes of treated water to the satisfaction of DEWR and the EPA. This is done by providing an additional 10 ha of well drained deep loam and sands that is set south of the Denmark Nornalup Heritage Trail, located on a northern slope 40 metres above THE DAM water level and + 400 m from the dams edge and + 500 m from the nearest water course.

This increases the capacity to disperse water from the existing 10,000 litres to estimated 364,900 litres a day noting a 1-bedroom chalet requires an allowance of only 180 litres per day per person. Therefore 364,900 litres is vastly more than our existing use and the needs of any long term development.

Context

- Lot 305 under the *Government Sewerage Policy 2019* is not located within a Sewage Sensitive Area under DEWR and DOH policy.
- A review of site characteristics by Aurora Environment demonstrated was the basis to the systems constructed to exceed State Standards (DOH & DEWR).
- Lot 305 (27 Ha) north of the horse trail is currently licensed for on-site effluent disposal of 8,900 litres of treated effluent per day.
- The RAINTREE catchment is the Little River Catchment that is zoned predominantly as general agriculture and this catchment is not a gazetted water catchment for human drinking purposes. Research indicates the greatest burden on the inlet from this catchment is excessive use of fertilisers.
- The Department of Health has approved for THE DAM an anerobic environmental system.
- Our extensive land holdings have complimentary higher land (+ 30-45 m) south of the Horse Trail, that is deep well drained karri loam soils that has been added to the development to disperse any additional treated water.

Government Constraints Requiring Action in Relation to this Weakness

- Effluent and / or treated effluent is not permitted to be transferred across the Denmark – Nornalup Heritage Trail without a formal easement approved by the Department of Planning Land and Heritage (DPLH).
- Even with a DPLH Easement, effluent and / or treated effluent is not permitted by the Department of Health to be transferred between two lots even if both lots are owned by the same person / entity.

Action Taken to Increase Capacity to disperse Treated water 2020 - 2023

- The Department of Health has approved for THE DAM an anerobic environmental system installed by RAIN TREE in 2021. This is an expensive anaerobic water treatment system at scale (source Taylex NSW) for THE DAM, rather than a cheaper conventional septic system that our neighbourhood typically deploys.
- We did not have to invest in this expensive method of primary water treatment as the watercourse is not a gazetted water course. We did this because THE DAM is a pristine spring fed water body of over 100,000,000 litres that is our greatest asset. We test and maintain this water resource to human drinking standards and use it in our beverages.
- The sites limiting factor on growth is not treating water, it is to disperse treated water. We are licensed to disperse 8,900 litres and have buffer storage for 10,000 litres.
- Over the last two years even at peak capacity (400 people X 11 hours open) the site has not generated more than 4,000 litres per day (in peak summer loads) of treated water for dispersal.
- Based on extensive planning (2007-2019) ratified by an Aurora Environment's water analysis report (in the Shires Amendment 148 & on display at THE DAM) we identified the lack of soil permeability on the low lying land north of the Denmark Heritage Horse Trail.
- With the support of the Denmark Shire, we worked with DPLH to formalize our prior and existing land use across the Trail - in the form of an easement - for our treated water to be dispersed on the higher well drained ground.
- The landholder Karen Birkbeck submitted a plan in August 2022 to amalgamate 13 ha (130,000 sq m) of Lot 304 onto Lot 305.
- Subdivision Approval Reference 162745 to amalgamate an 13 Ha from Lot 304 to increase overall lot size of Lot 305 to 39.891 Ha was submitted.
- WAPC approved this sub-division on the 21/11/22. There is an estimated 100,000 Sq m on this site suitable for dispersal of treated water, that on a basic sprinkler / drip irrigation system can discharge an enormous amount of water, that combined with current 8,900 litres of licensed discharge capacity on Lot 305 provides for up to 364,900 litres per day !
- This is much higher than any long-term development would require for this 40 Ha lot noting there is an additional 292 Ha of family owned land that can be used to ensure this land is not overused.

Conclusion

I am available to discuss these matters further as advertised on Friday afternoons between 3 pm and 5 pm. The last two sessions are on the 21st and 28th of July.

Yours Sincerely,

Steve Birkbeck.

17/7/2023.

APP-0000109

ADVICE UNDER SECTION 48A(1)(a) ENVIRONMENTAL PROTECTION ACT 1986

**Shire of Denmark Town Planning Scheme 3 Amendment 148 Location: Lot 305
Wentworth Road, Ocean Beach**

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 27 February 2023

Summary

Amendment 148 proposes to rezone Lot 305 Wentworth Road, Ocean Beach from 'Rural' to 'Tourist' and insert provisions at Appendix VIII of the Scheme. The proposed amendment is to facilitate the extension of existing tourism activities at the subject site, and to provide for the future development of tourism accommodation.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.

DECISION UNDER SECTION 48A(1)(a) Environmental Protection Act 1986

**Shire of Denmark Town Planning Scheme 3 Amendment 148
Lot 305 Wentworth Road, Ocean Beach
Shire of Denmark**

DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)
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Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.
Date: 22 February 2023

The EPA also notes that should the distillery/brewery anticipate manufacturing in excess of 350 kilolitres of alcoholic beverages per year, it may qualify as a prescribed premises and an application for a works approval and licence under Part V of the EP Act may be required.

APPENDIX II.
NOTES ON DATA

NOTES

- Ongoing communication and planning will be workshopped with The Denmark Shire, Main Roads, DWER and other bodies at the appropriate time as DA is submitted. The current concepts are initial and flexible. At this early rezone stage, development concepts are a helpful guide but details won't be finalised until a DA is submitted to the Denmark Shire, should the Rezone be approved.
- It's worth noting we refer to 'affordable housing' as an area we hope to assist alleviate through the following potential means:
 1. Increasing the supply of short-term accommodation at Raintree we will take pressure of demand for Air B & B in the town.
 2. Offering worker caretaker accommodation to reduce the loss of existing staff who are unable to find or afford accommodation that otherwise are or will be forced to leave Denmark.
 3. Offering worker caretaker accommodation for unskilled casual workers.
 4. Offering worker caretaker accommodation for skilled management that can add skills, training, and
 5. Improve our regions productivity.
- Note on assessing location: We had a strong response from people from WA, the Great Southern and Denmark locals, however half (300) didn't specify where they were from. Of those that did specify, 238 were from Denmark and the Great Southern and 46 from WA. If we apply the same proportions to those who did not specify a location, then we can assume around 500 were from around the region and 100 from WA in total.
- Attached in the Appendix of the full form document, submitted to Shire are examples of + 70 letters of support not attached or included in the count for reasons outlined below that are split into three categories.
 1. The Cannabis Botanical Distillery had 10 regional letters of support that are in the Appendix
 2. We have attached examples of letters showing historic support for development of Lot 305 that have been submitted to ourselves/Shire over the last three years eg from the likes of Premier Cook, Tina Arena and Indigenous elders.
 3. We also included some historic examples of international letters of support and thanks for the global impact of our footprint eg the French Government, The United Nations NGO Tribal Links (NY) & Bill Clinton. While these examples of the broad level of support will be included in the appendix they are not included in the count as they don't relate specifically to this project.

APPENDIX III.
LETTER FROM BIRKBECK FAMILY

August 1, 2023

To Whom It May Concern:

We are writing to you as a family of regional innovators, business owners, Directors, executive managers, landholders and most importantly the farmers, grandparents, Mums and Dads of Raintree farm.

The rezoning of Karen Birkbeck's land (our families matriarch), reference Lot 305 is supported by a cluster of 10 independently owned companies based on the 880-acre property and are engaged in agricultural research, well-being and tourism. Our business activities in the region are based on 7 farms (including Lot 305) and two-day spas operating in Albany and Denmark. The co-operative represents 6 companies and 4 trading entities that are owned by 13 (soon to be 14) family members that employ over 80 people that in turn support their families in the district as well as a wide range of local suppliers and contractors and most importantly our guests and loyal customer base that visit and support us.

We first tabled a vision for the William Bay district to be recognised as a tourism precinct over a quarter of a century ago. The rezoning of Lot 305 will have a significantly positive impact on eco-friendly regional tourism and a new decarb. approach to agriculture, technology, food and drink production. The attached overview tables comments and letters from our neighbours, community, region and State totalling 591 submissions.

Locals, out of towners, national icons, politicians, Indigenous Elders, environmentalists, regional innovators, farmers, hospitality staff, local business owners and more have written in with strong and authentic support and a real buzz for what this sort of vision could do for our town and region.

The breadth of work opportunities, we offer with all we do at Raintree extends from agriculture, hospitality, wellbeing, beauty (cosmetic's perfumery) research and development, technology, science, extractive sciences (e.g., distilling) sales, distribution logistics, marketing, finance and so much more. In our appendix you can understand a little more about how our business is structured, how we are the largest private business employer of women in the region and the work we are doing to future proof our land and water resources for the next generation.

The benefits already flowing from Lot 305 regarding bushfire protection and management, through the donation of land for the purpose of linking three regional trails and supporting a wide range of community projects in need is well known through the Great Southern.

Rezoning will build momentum aligned with local, State and Federal strategic objectives around the need to mitigate adapt and resist climate change. Locally the William Bay National Park is bursting at the seams and there is a need to reduce traffic congestion to Greens pool by linking walk and e-bike trails to the national park. We look forward to working closely with Tourism WA, local groups and DBCA should the rezone be approved, ahead of the 2026 World Trails conference to be held in Albany.

Community support hasn't been about who we know, but *how* we are executing our visions, carrying out consultation and listening, ready to adapt and create a first for WA. Putting Denmark on the map, in the right way.

We're continuously striving to learn, evolve and sustainably innovate to create a future our children and grandchildren can be proud of and are pleased to share with you the following analysis and findings. We look forward to working with The Shire and community as this process continues.

Kind regards,

The family, landholders and neighbours.

Karen Birkbeck, Chelsea Beaton, Carly Lane-Birkbeck, Kristie Jenkin. Mat Beaton, Rowan Jenkin and Steve Birkbeck

- Trading Entities of the RAINTREE WILLIAM BAY CO-OPERATIVE CLUSTER
- Karen Birkbeck. Sole Trader.
- RAINTREE Pearls & Perfumes Pty Ltd.
- RAINTREE Estate Pty Ltd.
- Cannabis Botanical Distillery Pty Ltd.
- THE DAM, Denmark.
- THE TEMPLE Albany.
- THE TEMPLE Denmark.
- S & S France Pty Ltd.
- SP & K Birkbeck Pty Ltd.
- Karen Birkbeck & Daughters Pty Ltd.



RAINTREE

DENMARK · WESTERN AUSTRALIA

SCHEDULE OF MODIFICATIONS - TPS 3 - Amendment 148

	Recommended Modification	Reason
Updates to Resolution		
1.	Amend clause viii of the 'conditions of Tourist Use' to include protection of existing remnant vegetation, recognition and protection of black cockatoo habitat and revegetation of water courses in the landscape/revegetation plan.	<ul style="list-style-type: none"> • To accord with EPA suggested modification.
2.	Delete clause v of the 'conditions of Tourist Use' and renumber accordingly.	<ul style="list-style-type: none"> • The clause is poorly worded and is replicated at clause x.
3.	Delete 'Single House' from the list of permissible land uses in Tourist Zone 15.	<ul style="list-style-type: none"> • Single House is a residential use that is inappropriate in a Tourist zone and incapable of being developed on a site that will be strata titled with common property. • Residential accommodation should be in the form of Caretakers Dwellings that are associated with the tourist land uses.
4.	Amend clause xi. to remove reference to 'Residential Building'.	<ul style="list-style-type: none"> • WAPC required that the Residential Building land use be deleted from the scheme amendment prior to advertising as it was not appropriate in the Tourist zone due to its permanent residential nature.

Note: *The proposed modifications do not substantially change the Amendment as advertised and are intended to address submissions received during the consultation process and WAPC advice. Additional advertising has not been recommended.*