

**FIGURE 1 - REGIONAL LOCATION**  
**LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY**



# Shire of Denmark Town Planning Scheme No. 3 Amendment No. 147



Williams Consulting – Town Planning and Project Management

P: 0418 116 216 E: [samwilliams@westnet.com.au](mailto:samwilliams@westnet.com.au)

M: PO Box 69, Denmark WA 6333

21 November 2023 - Attachment 9.1.2b

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***SHIRE OF DENMARK  
TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 147***

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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:	147
5.	Proposal:	<ol style="list-style-type: none"><li>1. Rezoning No. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to 'Tourist (T14)' zone.</li><li>2. Inserting Tourist (T14) and associated provisions into Appendix XIII - Schedule of Tourist Zones of the Scheme Text; and</li><li>3. Amending the Scheme Map accordingly.</li></ol>

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

Shire of Denmark  
Local Planning Scheme No. 3  
Amendment No. 147

**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. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to 'Tourist (T14)' zone.
- b) Inserting Tourist (T14) and associated provisions into Appendix XIII - Schedule of Tourist Zones of the Scheme Text;
- c) Introduce the following land use definitions into Appendix I - Interpretations - of the Scheme Text:  
*Agritourism* - means visiting a farm or rural food related business for enjoyment and education or to participate in activities or events.  
*Workforce Accommodation* - means premises, which may include modular or relocatable buildings, used -
  - (a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
  - (b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.
- d) Amending the Scheme Map accordingly.

This Amendment is complex under the provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 for the following reason(s):

- An amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

Dated this ..... day of ..... 20....

.....  
Chief Executive Officer

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## AMENDMENT REPORT

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### DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	25.09.2020	Draft	QA/Client	
B	28.10.2020	Final	Shire of Denmark	Updates to figure no.'s, sec(s) 3.2.3, 4.3.1, 5.1.2, 5.1.4 and conclusion.
C	1.6.2021	Final	Shire of Denmark	Updated to address preliminary comments received from Shire of Denmark
D	30.7.2022	Final	Shire of Denmark	Updated to incorporate LG comments

Prepared by: SW

Reviewed by: DC

Date: 30 July 2022

Job Name: Lot 3 South Coast Highway, William Bay

Version: D

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## **OTHER**

**Scheme Map Amendment No. 147**



# 1 INTRODUCTION

Scheme Amendment No. 147 proposes to rezone No. 2446 (Lot 3) South Coast Highway, William Bay (the 'site') from 'Rural' to 'Tourist' under the Shire of Denmark's Town Planning Scheme No.3 (TPS3).

The site is located in the William Bay locality approximately 13 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. The site is located on a major tourist route and 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 12 hectares of general agricultural land, and is of an insufficient size to support traditional agricultural activities as a sustainable stand-alone operation. The landowner has lodged a development application for the establishment of a shed (which will eventually become a café), orchard and aquaculture operation.

This amendment will allow for continued primary production to occur on the site, as well as the future development of a caravan park, the cafe and complementary agritourism (orchard and aquaculture tourism). Support for this amendment will enable the site to be used for its highest and best use, allow for continued agricultural production to occur on the site, provide new employment and investment opportunities within the Shire and deliver direct and indirect benefits to existing businesses, tourism operators and tourist attractions.

This report provides additional detailed information and technical analysis supporting 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.
JLP Superfund	3	1344/644	D44343	11.9873	South Coast Highway/2446

Table 1: Land and ownership details

### 2.2 LOCAL CONTEXT

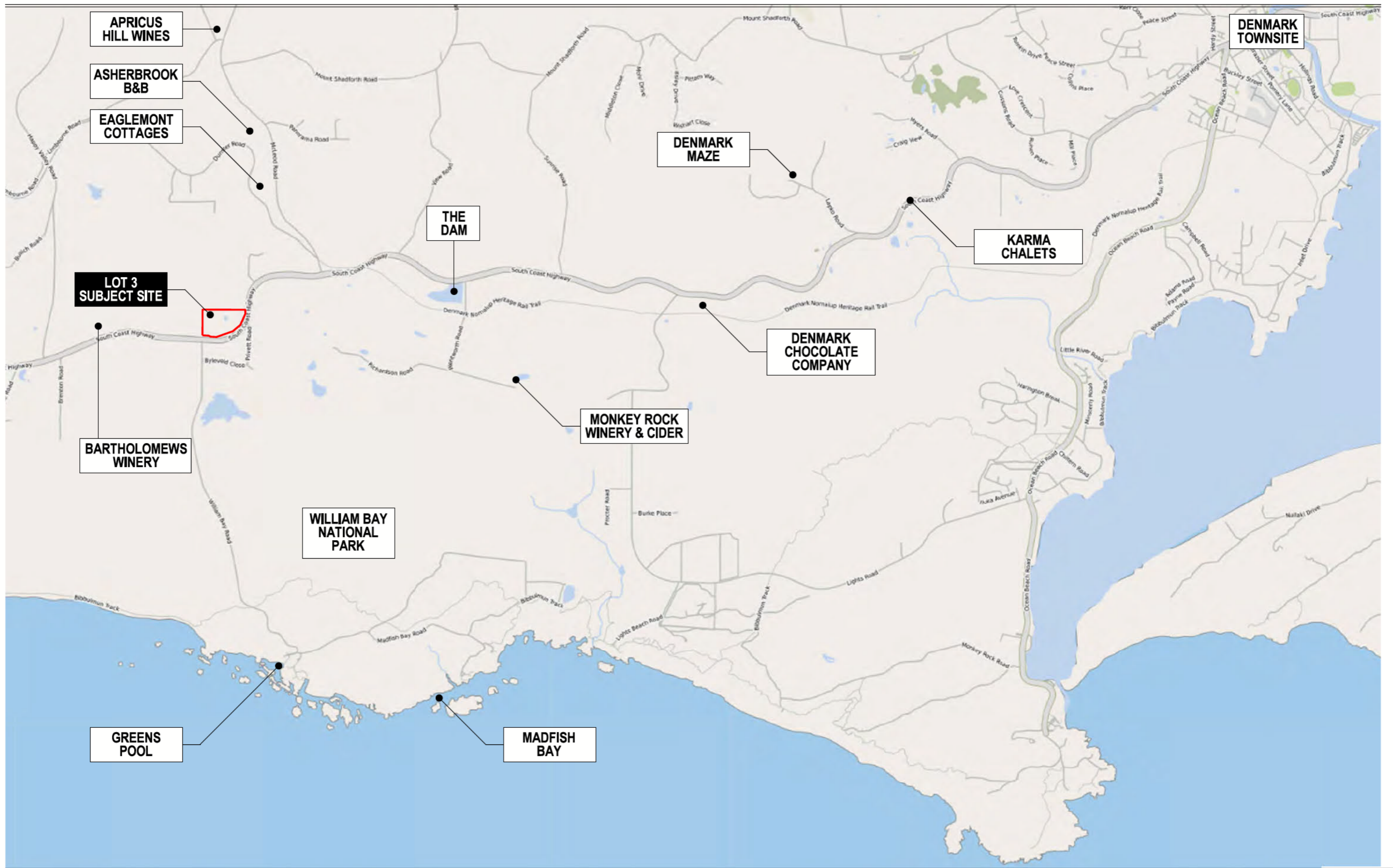
The site is located in the William Bay locality within the Shire of Denmark, approximately 13 km west of the Denmark Town Centre via South Coast Highway (a major tourist route). It is within close proximity to William Bay National Park (~1km), Greens Pool (~4km), Elephant Rocks (~4km) and Mad Fish Bay (~4.5km). A location plan and site plan showing the local context and zoning are provided in Figures 1 and 2.

The site is a quadrant shape with 650m (approx.) of frontage onto South Coast Highway. There is an existing single crossover providing access to/from the site located on the northern side of South Coast Highway, midway between Privett Road and William Bay Road. Current access to the site will be retained to service the existing dwelling and primary production, with a new access point proposed in a location with improved sightlines providing safe access/egress for tourists and the general public.

Land abutting the northern boundary of the site is zoned Rural Multiple Occupancy (R1), with most of the dwellings located on the northern portion of that holding, over 200m from the boundary of the site and separated by a large stand of mature karri trees.

To the south of the site, on the opposite side of South Coast Highway, land is zoned Special Rural (SR7) with most of the dwellings located more than 100m from the southern boundary of the site and separated by a stand of mature karri trees. Prevailing lot sizes in the SR7 zone range from 1.6ha to 4 ha.

Undulating land located to the west and east is zoned Rural and is currently utilised for conventional agricultural activities in particular broad acre farming (i.e. - grazing). These areas contain a mixture of cleared pastures and mature karri trees. The land to the south west comprises remnant native vegetation.



**FIGURE 1 - REGIONAL LOCATION  
LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY**



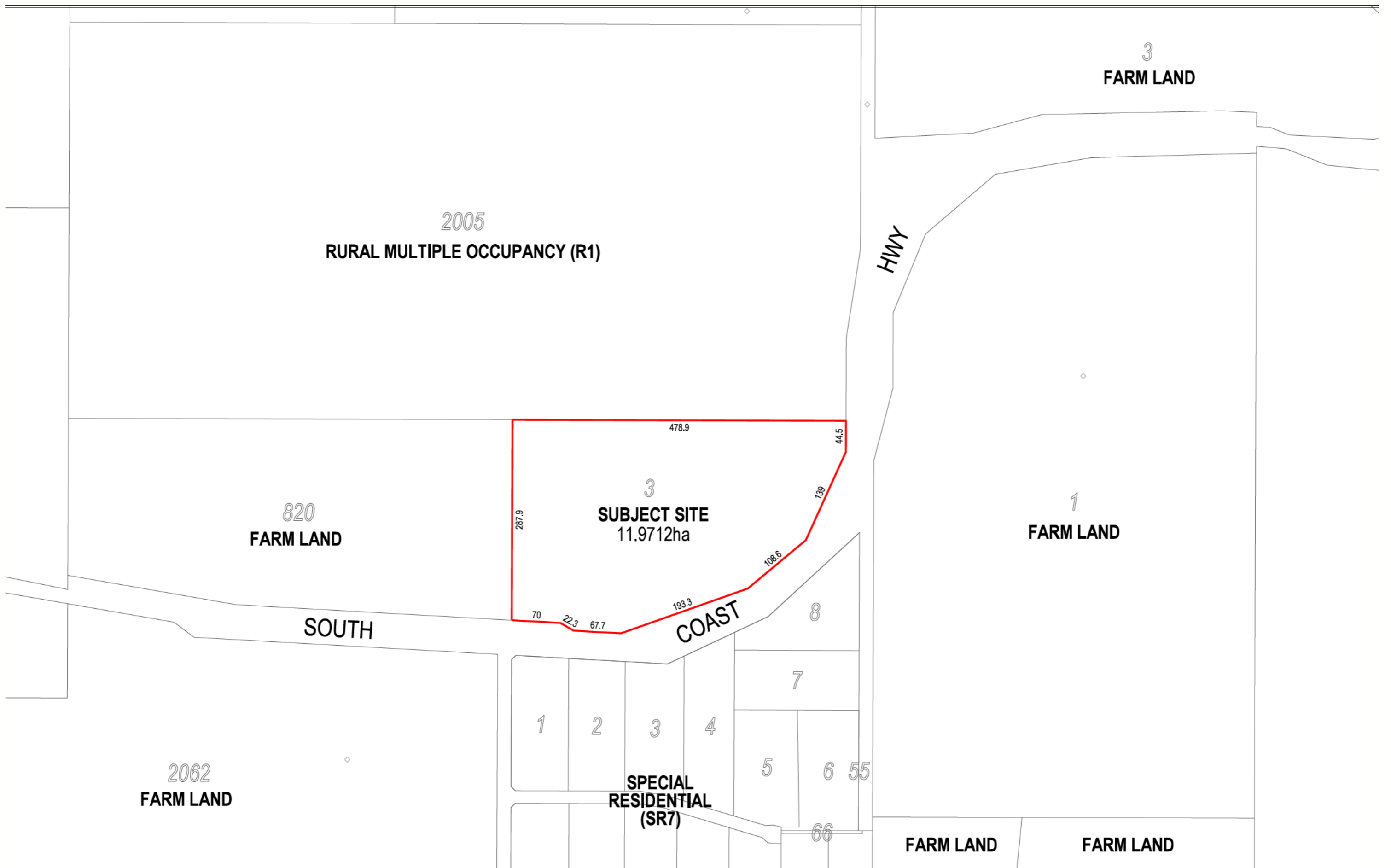
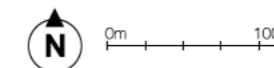


FIGURE 2 - SITE PLAN / LOCATION PLAN  
 LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY



## 2.3 EXISTING DEVELOPMENT AND LAND USE

The site contains a single dwelling and associated curtilage and was previously used by a limited number of livestock (cattle) for grazing. There are two dams located on the northern portion of the site providing water for livestock and also in the event of a bushfire emergency. A large stand of mature karri trees has been retained in the north-western portion of the site, with the balance of the landholding having been previously cleared to allow for agriculture to occur.

The western portion of the site is generally flat (i.e. -  $<2^\circ$  grade) and gently slopes upwards in an easterly direction. There are no significant environmental features on the site (e.g. - wetlands, water courses, etc) and it is not located in a floodway or subject to seasonal inundation.

Photographs of the site are provided in Figures 3, 4, 5, 6 and 7.



**Figure 3:** Proposed caravan park site looking NE



**Figure 4:** Proposed caravan park site looking NNE



**Figure 5:** Bottom of dam looking SW



**Figure 6:** Bottom of dam looking W



**Figure 7:** SW corner of site where new access on South Coast Hwy is proposed

## 2.4 OPPORTUNITIES AND CONSTRAINTS

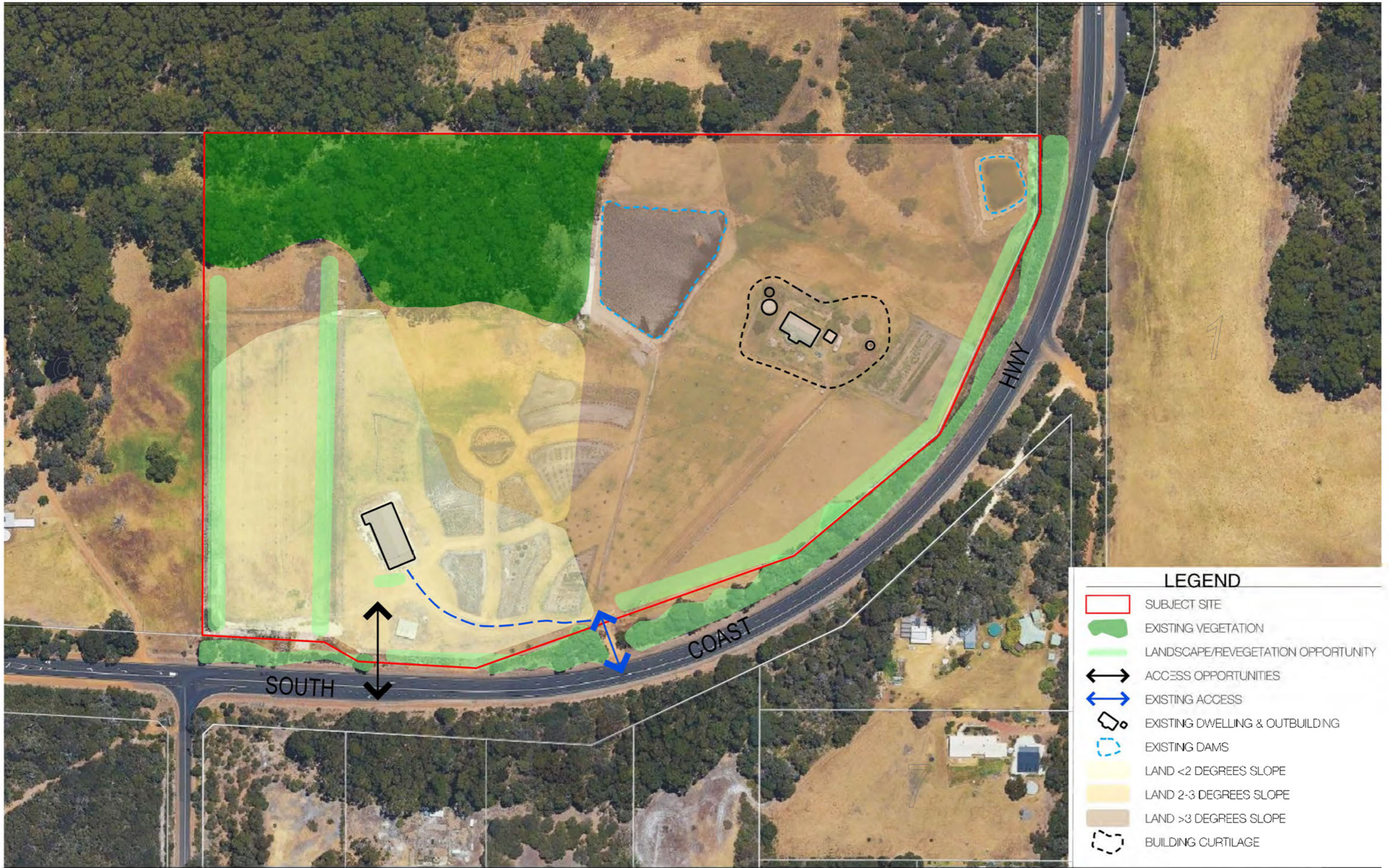
The site is limited in terms of its capacity to support traditional agricultural activities as a sustainable stand-alone operation primarily due to its relatively small lot size. As such, the main opportunities for development and use of the site are associated with diversified forms of agriculture, agritourism and tourist accommodation.

The western portion of the site is generally flat (<2° grade), well drained and of a suitable size for the development of a caravan park, café and gardens. The eastern portion of the site is gently sloping (>2° - 5° grade) and less suited to the development of any considerable built-form. However, this area is suited to continued primary production in the form of an orchard and an associated agritourism venture.

The north western portion of the site is constrained by a large stand of native karri trees, which are proposed to be retained to assist with environmental management of the landholding. The north eastern portion is the most elevated part of the site and contains two dams that provide a water source for agricultural activities. Expansion of the existing dams and the construction of a new dam in this area provide an opportunity to establish an aquaculture operation and associated agritourism venture.

Access to the site is provided by an existing crossover which services the dwelling and future primary production activities. Whilst the location of this crossover has proven safe to service the current development and activities occurring on the land, there is an opportunity to install a new crossover in a more suitable location to provide safe access for the general public. A new crossover will also provide a secondary point of access to the site in the event of a bushfire emergency.

As illustrated in **Figure 8**, the physical attributes of the site offer significant opportunities including on-site landscaping, and low key 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 function this part of the site currently serves.

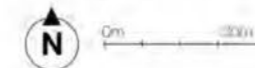


LEGEND	
	SUBJECT SITE
	EXISTING VEGETATION
	LANDSCAPE/REVEGETATION OPPORTUNITY
	ACCESS OPPORTUNITIES
	EXISTING ACCESS
	EXISTING DWELLING & OUTBUILDING
	EXISTING DAMS
	LAND <2 DEGREES SLOPE
	LAND 2-3 DEGREES SLOPE
	LAND >3 DEGREES SLOPE
	BUILDING CURTILAGE

FIGURE 8 - OPPORTUNITIES AND CONSTRAINTS PLAN  
LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY

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

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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.*

This amendment assists with achieving the tourism objective of the LGSS by zoning the site as Tourist in TPS3. This will provide an opportunity for the development and growth of a sustainable tourism industry including tourist accommodation, cafe, gardens and agritourism and aquaculture tours.

Further, this amendment responds to the changing needs of the tourism sector by providing opportunities for agritourism development to occur on the site. As consumers increasingly seek to better understand where their food comes from and learn how it is produced, agritourism is becoming an increasingly important sector to the Australian economy providing direct and indirect benefits to Australian agribusinesses and regional



economies. Between 2010/11 and 2015/16 the number of number of domestic tourists who visited a farm on their trip increased by 9% per annum on average, while the comparable number of international tourists increased by 11% per annum.<sup>1</sup>

Rezoning the site to Tourist in TPS3 will provide increased protection for the site to be used for this purpose. This will also enable tourist accommodation to be developed in close proximity to major tourist attractions, improve linkages to existing tourism attractions and provide a visitor drawcard from which other tourism businesses and experiences in the Lower Great Southern can benefit.

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

### 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 9**), in recognition of the land not being identified as either having State, regional and/or local level significance for agricultural purposes.

At the Ordinary Council Meeting held on 18 August 2020, the proponent of this amendment briefed the Council of the proposed amendment to identify any objections with the site being rezoned from Rural to Tourist. The inability for the site to support traditional agricultural activities as a viable and sustainable stand-alone operation, its strategic location adjacent a major tourist route, its close proximity to significant tourist destinations, and the opportunity for the site to be developed for tourist accommodation (caravan park), café, gardens and agritourism (orchard and aquaculture tours) was considered by Council who raised no objections to the proposed rezoning.

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

- 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 rural function and no objections raised by Council to rezone the site, 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.*

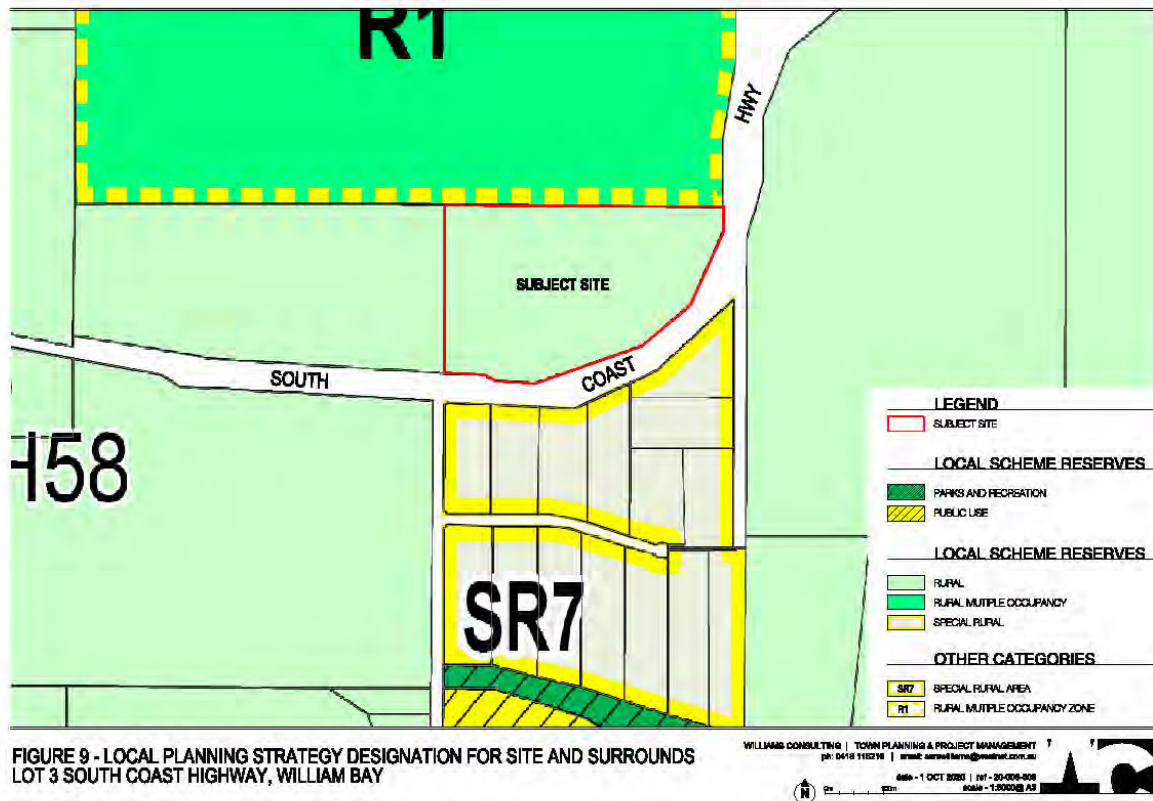
*Implementation Point 3 - Council in considering development and/or subdivision applications for new tourist development, prior to the adoption of a Local Planning Strategy, give due regard to Planning Bulletin 83/2011: Planning for Tourism.*

This amendment supports the objective and strategies listed above by providing an opportunity for a new tourism development in close proximity to existing tourist attractions, whilst retaining the bucolic character and ambiance of the natural environment. Enabling the site to be used for its highest and best use will generate positive outcomes for the wider Denmark community by providing new investment and employment opportunities associated with the establishment and ongoing management of tourist accommodation, café, gardens and orchard and aquaculture agritourism in a location within close proximity to the Denmark town centre.

The ultimate development of the site for tourist purposes will also assist with increased visitor interactions to other existing tourist developments (e.g. - Denmark Chocolate Factory, wineries, etc) and attractions (e.g. - William Bay National Park, Greens Pool, etc) and positively contribute to the overall appeal of the Shire's tourism industry.

This amendment supports and will improve upon existing tourist linkages to major tourism attractions by providing additional tourism experiences adjacent to a major tourist route. 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.

In the opinion of the local government, this amendment is a complex amendment.



## 3.2 STATE GOVERNMENT PLANNING CONTEXT

The following 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:

- SPP 2.5 - Rural Planning;
- SPP 3.7 - Planning in Bushfire Prone Areas;
- SPP 5.4 - Road and Rail Noise;
- Government Sewerage Policy 2019;
- Planning Bulletin 83/2013 - Planning for Tourism;
- Planning Bulletin 49/2014 - Caravan Parks; and
- Caravan Parks and Camping Grounds Regulations 1997

### 3.2.1 STATE PLANNING POLICY NO. 2.5 - RURAL PLANNING

State Planning Policy 2.5 Land Use Planning in Rural Areas (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 western portion of the site is flat, and of a sufficient size to accommodate a caravan park, café and gardens. The site slopes gently upwards from around 41 mAHD in the south west, up to 61mAHD in the north east. Portions of the site with >2° grade are suited to complementary uses including an orchard and aquaculture agritourism.
- (b) Environmental characteristics of the locality, including topography and retained remnant vegetation ensure that Tourist zoning over 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 conforms to the objectives and intent of SPP 2.5 as the lot is of a sufficient size and character to ensure investment security for continued and diversified primary production to occur (i.e. - orchard and aquaculture production). Development of a portion of the site for Tourist accommodation (i.e. - Caravan Park) will not increase the potential for land use conflict, as sufficient setbacks are available to neighboring dwellings and the existence of large stands of mature karri trees which provide visual and acoustic screening to future development.
- (ii) Management of impacts and/or mitigation approaches associated with rezoning the site have been substantially resolved with planning control measures proposed within Appendix 13 of TPS3 and supported by a Local Development Plan. Additional planning control measures may be provided through the development application

- process to ensure suitable social and environmental outcomes are achieved.
- (iii) This amendment supports the continuation of existing rural land uses in the locality, including surrounding primary production and rural living areas, and will not impact on those 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 existing stands of mature karri trees in the locality provide visual and acoustic screening to support the ultimate tourist development on the site.
  - (vi) The prevailing lot sizes, environmental characteristics and land uses occurring in the locality ensure that impacts from adjacent 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.*

### 3.2.2 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*'.

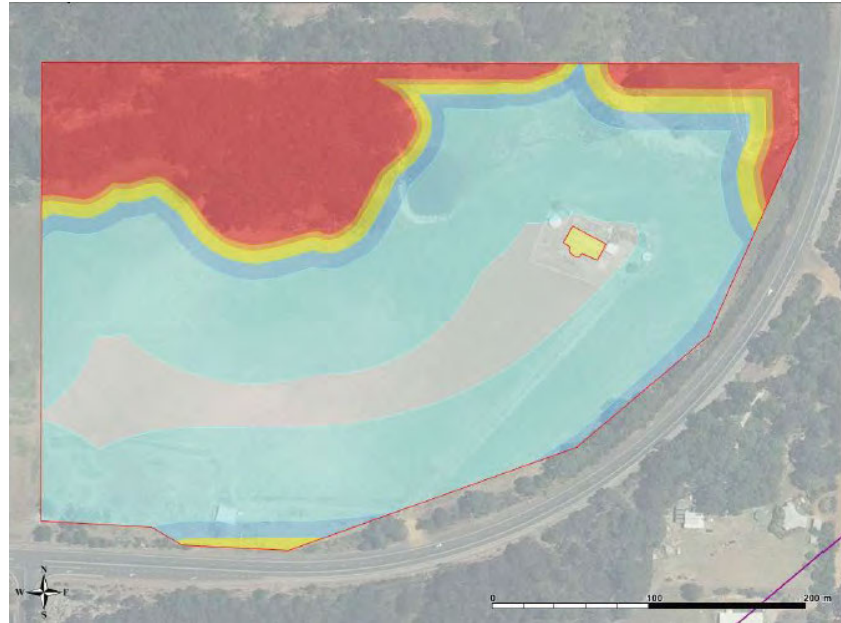
The site is partially designated as *bushfire prone* by the Commissioner of Fire and Emergency Services. It is intended that all future habitable buildings and tourist accommodation will be located in areas identified as BAL-19 or less.

A Bushfire Management Plan (BMP) has been prepared to support this amendment. The BMP confirms that ultimate development of the site for tourism purposes is able to conform to the provisions of SPP 3.7.

An extract of the BAL contour plan is provided below:

#### BAL Contour Map

- BAL-12.5
- BAL-19
- BAL-29
- BAL-40
- BAL-FZ
- BAL-Low



A copy of the BMP is included at **Appendix B**.

### 3.2.3 STATE PLANNING POLICY 5.4 - ROAD AND RAIL NOISE

The purpose of State Planning Policy 5.4 - Road and Rail Noise ('SPP 5.4') is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/ or development within 200 metres of 'significant freight/traffic routes', including the South Western Highway. As the site is partially located within this trigger distance, an acoustical assessment has been prepared by Herring Storer Acoustics.

The acoustical assessment addresses noise emissions associated with the proposed development, and noise ingress into the development from traffic on the South Coast Highway. The acoustical assessment confirms that noise emissions from the proposed development comply with the relevant assigned noise levels stipulated by the Environmental Protection (Noise) regulations 1997. Furthermore, the proposed accommodation area (i.e. - caravan sites) are located outside of the 55dB(A) noise target and are able to comply with the 'Noise Targets' outlined in SPP 5.4 without the need for acoustic attenuation measures.

A copy of the acoustical assessment is included at **Appendix C**.

### 3.2.4 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.

Department of Planning Lands and Heritage (DPLH) broad scale mapping shows that the site is located in a "sewage sensitive area" as it is within 1 kilometre of Lake William.

A Site and Soil Assessment has been undertaken by Aurora Environmental to determine the suitability for on-site effluent disposal to occur on the site, with the key findings being as follows:

- The proposed development is located within an area identified on DPLH mapping as sewage sensitive, however the site is not deemed sewage sensitive as the land is in a different catchment and does not drain into Lake William;
- Environmental characteristics of the site (including size, soil characteristics, geology, hydrology, slope and depth to groundwater) are suitable for onsite effluent disposal to occur;
- A secondary treatment system is recommended, due to separation distances required to water courses (30 m);
- A maximum area of 7,979 m<sup>2</sup> is required (and available) for irrigation of secondary treatment waste water, based on the land uses proposed in this amendment; and
- The proposed development is able to conform to the Government Sewerage Policy 2019 criteria for onsite effluent disposal.

It is recommended DPLH mapping of sewage sensitive areas be updated to reflect the above finding.

A copy of the Site and Soil Assessment is included at Appendix D.

### 3.2.5 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	<b>Accessibility</b> <i>The site has adequate existing or proposed transport links (such as major road or airport access).</i>	<b>Safe access can be provided to existing transport links.</b> <ul style="list-style-type: none"> <li>• Safe access to the site can be provided from South Coast Highway which is a sealed road maintained by MRWA to a high standard.</li> <li>• A new access point is proposed for tourists and the general public in a location with</li> </ul>	<p>✓</p> <p>✓</p>

		<p>improved sightlines and safety.</p> <ul style="list-style-type: none"> <li>The existing access to the site may need to be relocated to the satisfaction of Main Roads to provide access to the single dwelling and primary production, and serve as a secondary egress point for the general public in the event of a bushfire emergency.</li> </ul>	✓
2  2 (cont)	<p><b>Uniqueness</b> <i>The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.</i></p>	<p><b>The site is in the vicinity of unique attractions and landmarks of both local and State significance, including:</b></p> <ul style="list-style-type: none"> <li>William Bay National Park is an A-Class Reserve of State significance, and is ~1 km from the site.</li> <li>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.</li> <li>Future development of the site will integrate tourist accommodation, a café, gardens and complementary agritourism within a single landholding and provide an opportunity to benefit other tourism businesses and attractions.</li> </ul>	✓  ✓  ✓
3	<p><b>Setting</b> <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><b>The site is located in an area that supports tourist development, including:</b></p> <ul style="list-style-type: none"> <li>A bucolic area with natural ambience and highly valued landscape qualities.</li> <li>Close proximity to William Bay National Park (~1 km), Greens Pool (~4 km), Elephant Rocks (~4 km) and Mad Fish Bay (~4.5 km).</li> <li>Direct access onto South Coast Highway which is an established major tourist route.</li> </ul>	✓  ✓  ✓
	<p><b>Tourism activities and amenities</b></p>	<p><b>The site has convenient access to tourist activities and amenities, including:</b></p>	✓



4	<p>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, cafes, restaurants, shops and the like.</p>	<ul style="list-style-type: none"> <li>• Proposed Café, gardens and agritourism tours</li> <li>• Wineries/Cideries/Breweries</li> <li>• Denmark's town centre (shops cafes, restaurants, etc)</li> <li>• Walk/bike trails</li> <li>• Beaches</li> <li>• Denmark Chocolate Company</li> <li>• Denmark Dinosaur World</li> <li>• Valley of the Giants</li> <li>• The DAM</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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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  1 (cont)	<p><b>Suitability in a land use context</b></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 complementary surrounding land uses that integrate with the tourism character of the site. Low intensity tourist developments are broadly acknowledged 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>✓</p>
	<p><b>Capability</b></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</p>	<p>The site is capable of being developed for tourism purposes and associated services, without detracting from the landscape values, as follows:</p> <ul style="list-style-type: none"> <li>• Clearing of remnant vegetation is not required to support future tourist development.</li> <li>• Tourist development is able to conform to the provisions</li> </ul>	<p>✓</p> <p>✓</p>

2	<p>environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.</p>	<p>of SPP 3.7 - Planning in Bushfire Prone areas.</p> <ul style="list-style-type: none"> <li>• Tourist development is able to conform to the provisions of the Government Sewerage Policy.</li> <li>• A sufficient water and power supply is able to be provided to service future tourist development.</li> <li>• 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.</li> <li>• Agritourism is a unique sector of the tourism market and a compatible land use that intersects and integrates with the natural attributes of the site and locality.</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
3  3 (cont)	<p><b>Size</b> 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 accommodate an integrated and diversified tourism development including:</p> <ul style="list-style-type: none"> <li>• Caravan Park</li> <li>• Café and gardens</li> <li>• Agritourism (Orchard)</li> <li>• Agritourism (Aquaculture)</li> </ul> <p>Agritourism ensures that the continuation of primary production is able to occur on the site, whilst providing landowners with an opportunity to supplement their income and market their produce through alternative channels, whilst gathering valuable direct feedback from end consumers about their produce and emerging consumer preferences.</p> <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> <p>✓</p>

4	<p><b>Function</b></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 camps and Crown tourism leases.</p>	<p><b>The site is suitable for low impact tourism development, such as:</b></p> <ul style="list-style-type: none"> <li>• Caravan Park</li> <li>• Café</li> <li>• Gardens</li> <li>• Agritourism</li> </ul> <p>The site is not deemed suitable for high density tourism development such as motels, hotels or amusement and theme parks.</p>	<p>✓</p> <p>✓</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 decision makers when identifying suitable tourist sites in a local planning scheme.

### 3.2.6 PLANNING BULLETIN 49/2014 - CARAVAN PARKS

Planning Bulletin 49 (PB49) provides guidance on matters to be taken into consideration in planning for caravan parks, including the development of new parks.

Section 8 of PB49 establishes a set of criteria to be taken into account when planning for or assessing a new caravan park. **Table 4** provides a summary of the relevant criteria and site specific attributes relevant to the site.

Criteria of PB49	Site Specific Attributes	Acceptable
<p>Location and context</p> <ul style="list-style-type: none"> <li>Purpose and composition</li> <li>Details of land tenure and any lease agreements</li> </ul>	<p>This amendment proposes a destination caravan park that caters for short-stay tourists. Long-stay/permanent occupants are <u>not</u> proposed.</p> <p>The site is a freehold lot in private ownership, and is not impacted by any easements or lease agreements affecting future development.</p>	<p>✓</p> <p>✓</p>
<p>Topography, drainage, soils and vegetation</p> <ul style="list-style-type: none"> <li>Avoiding steep slopes</li> <li>Avoiding areas of potential risk from flooding and waterlogging</li> <li>Avoiding development on acid sulphate soils</li> <li>Minimise vegetation clearing</li> <li>Avoid Priority 1 and 2 water resource protection areas</li> </ul>	<p>The site is suitable to accommodate tourism development, as:</p> <ul style="list-style-type: none"> <li>The portion of the site identified for a caravan park is of a suitable size and generally flat (&lt;2° grade), with no potential for soil erosion or drainage problems typically associated with development on sloping land.</li> <li>The site is not prone to flooding, waterlogging or quagmires.</li> <li>Acid sulphate soils are not present.</li> <li>Clearing of vegetation is not required to support development.</li> <li>The site is not located in a Priority 1 or 2 water resource protection area.</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p>Coastal or fire hazards constraints</p> <ul style="list-style-type: none"> <li>Compliance with bushfire planning policy</li> </ul>	<p>The site is able to comply with SPP 3.7 - Planning in Bushfire Prone Areas (see section 3.2.2), with development occurring on a portion of the site identified as BAL-19.</p>	<p>✓</p>
<p>Visual Impact</p> <ul style="list-style-type: none"> <li>Consideration from scenic vantage points, public lookouts and tourist routes to reduce the minimisation of high value view sheds.</li> </ul>	<p>A visual impact assessment confirms views of a caravan park will be filtered by existing and proposed vegetation from scenic vantage points and South Coast Highway (see section 4.4). Future development of agritourism (orchard and aquaculture tours) is of a rural nature and complements the bucolic character and ambiance of the natural landscape.</p>	<p>✓</p>

<p>Internal design of</p> <ul style="list-style-type: none"> <li>• Separation accommodation types/purpose</li> <li>• Access suitability</li> <li>• Amenity</li> </ul>	<p>Internal design of the tourist development provides for:</p> <ul style="list-style-type: none"> <li>• A new crossover providing safe access to the site is proposed for the general public. Details of the internal road design will be refined through the development application process, ensuring suitable interaction between pedestrians and vehicles and adequate manoeuvring space for RV's and vehicles towing caravans.</li> <li>• Both the proposed landscape screening and existing vegetation will provide visual and acoustic screening to surrounding land uses, as well as providing shade that contributes to a desirable setting for a caravan park. Further planning control measures are proposed through scheme provisions to be introduced into Appendix 13 of TPS3 to ensure the built form is sympathetic to the surrounding landscape, and that any fencing is of a rural character.</li> </ul>	<p>✓</p> <p>✓</p>
<p>Capability</p> <ul style="list-style-type: none"> <li>• Utility services</li> <li>• On-site wastewater disposal to the satisfaction of the Health department</li> </ul>	<p>Suitable services are available to be provided to a future caravan park, including power, water and on-site wastewater disposal to the satisfaction of the Shire of Denmark and Department of Health (see section 4.3).</p>	<p>✓</p>

**Table 4:** Assessment of Caravan Park criteria

### 3.2.7 CARAVAN PARKS & CAMPING GROUNDS REGULATIONS 1997

The Caravan Parks and Camping Grounds Regulations 1997 (the 'CPCG Regulations') provides for the regulation, control, licence and standards of caravan parks and camping grounds in Western Australia.

A detailed design of the caravan park will be included within a development application demonstrating the proposed development is able to conform to the relevant provisions of

the CPCG Regulations. The development application will determine the number of caravan and camping sites, guest facilities and whether it will be a nature based park or 'traditional' caravan park.

### 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 a caravan park within the Rural zone, this amendment will facilitate the long term protection of the site for a range of tourism purposes (i.e. - agritourism) other than just a caravan park.

Agritourism (i.e. - aquaculture and orchard tours) does not fit neatly into the land use classes listed in TPS3. Council may consider agritourism as a 'use not listed' in which case consideration should be provided to the provisions of TPS3 to determine the suitability of this land use once the site is rezoned to Tourism. Consideration to the provisions of TPS3 is provided throughout this amendment.

This amendment supports the primary purpose and intent of the Tourism zone, with the ultimate tourist development able 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 introduced into Appendix 13 of TPS3 to ensure ultimate development of the Tourist zone 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 significant contributor to the local economy, and provides the second highest number of jobs next to agriculture. It also recognises the important role caravan parks 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 parks or camping grounds in 2003 and 2004.

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

- **Tourism routes** being South Coast Highway 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 proposed café and agritourism operations; 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:

<b>MINIMUM SETBACK</b>			
	<b>FRONT (m)</b>	<b>SIDE (m)</b>	<b>REAR (m)</b>
<b>TOURIST</b>	30	20	30

The proposed setbacks to be included in Appendix 13 of TPS 3 reflect the above, with no environmental, visual or other site specific characteristics present or requiring for increased setbacks.

### 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.



Key objectives and rural actions of Policy No. 29 relevant to this amendment include the following:

Objectives:

- *To ensure that productive rural land has the capacity to respond to changes in the economy.*
- *To ensure that proper rural land use planning and management are coordinated and are consistent with general environmental and catchment management principles.*

Rural actions:

- *Encourage alternative crops and other rural land uses.*
- *Encourage farmers to diversify farming and forestry activities, with an emphasis on value added products, and to participate in sharing arrangements with adjacent landowners.*
- *Land indentified for horticulture, viticulture and other intensive agricultural activities, should be provided for in local rural strategies taking into account the need for sustainable development, control of nutrient export, soil conservation and its impact on other uses and native flora and fauna.*

This policy also acknowledges *“with relatively small lot sizes, the overall long term sustainability of broadacre farming on individual lots may be marginal”*, and further that *“strategies for intensification and diversification need to be encouraged.”*

This amendment supports the key objectives and rural actions of Policy No. 29, as it encourages alternative crops and rural land uses that respond to changes in the economy. As the site is of an insufficient size to support broad acre farming as a sustainable and viable stand-alone operation, diversification of agricultural activities to support tourist development (including agritourism) is necessary to overcome the sites marginal agricultural productivity and enable it to become a sustainable stand-alone operation. Further support for the ultimate tourist development on the site is provided within this policy, which identifies the site being located within Policy Area 4 - Kordabup River Catchment and as having high capability for annual horticulture (i.e. - an orchard ).

This amendment recognises the compatibility of tourism and agriculture and provides suitable zoning to support tourist development (including agritourism).

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### 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**

- A. To recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Denmark.*
- B. To foster and create a community awareness of the benefits of tourism within the Shire of Denmark.*
- C. To ensure that Council will guide and influence the development of tourism in the Shire of Denmark.*
- D. 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, as its size is insufficient to support primary production as a sustainable stand-alone operation.
- Tourist development will provide additional short stay accommodation in the form of a caravan park, which has 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 agritourism attractions.

## 4 PROPOSED DEVELOPMENT

### 4.1 BACKGROUND

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 Parks 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 caravan parks or camping grounds in 2003 and 2004.

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, and either need to adapt and diversify their activities or become quasi-lifestyle properties where primary income is generated off-site.

Agritourism, otherwise known as food tourism, encompasses a wide variety of activities where agriculture and tourism intersect, including; wine, craft beer and spirits, gourmet foods (cheese, olives, condiments and confectionary), fruit, vegetables, nuts, meat and seafood. 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.<sup>1</sup>

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 and natural resources (clean air, water and soils) and provides a tourism drawcard from which other regional tourism businesses and experiences can benefit.

This amendment provides an opportunity to responsibly integrate agriculture and tourist uses on the site. Support for this amendment will further assist with promoting Denmark as a desirable tourist destination and its reputation for producing high quality food and wines.

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

#### 4.1.1 EXISTING AND PROPOSED ZONING

As noted, the site is currently zoned *Rural* under TPS3 and this amendment proposes the site be rezoned to *Tourist*.

Importantly, this amendment does not seek to discontinue the use of the site for primary production, but rather to diversify and support the integration of agritourism and tourist accommodation on the same landholding. The ultimate tourist development will be co-ordinated and controlled through a Local Development Plan and site specific planning control measures proposed to be introduced into Appendix 13 of TPS3.

## 4.2 TOURISM DEVELOPMENT

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

- i. Caravan park, café and garden
- ii. Agritourism (Orchard)
- iii. Agritourism (Aquaculture)

Each of these is discussed in more detail in the following sections. An indicative Concept Plan showing the broad layout of the proposed tourism development is included in **Figure 10**.



**Figure 10:** Concept Plan

### 4.2.1 CARAVAN PARK, CAFÉ AND GARDENS

Around 50 percent of the site (~6 ha) is designated for the development of a caravan park, café and gardens. Access to the site for the general public will be provided via a new entry point onto South Coast Highway in consultation with MRWA and the Shire. General

public access is proposed in a location with improved sightlines to the existing access and supported by a traffic assessment included at **Appendix F**.

The caravan park will form an area of approximately 2 ha and provide for around 50 caravan and camping sites, ablution blocks and internal access roads in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*. The caravan park will be located on a portion of the site that is generally flat (<2°grade) and with other supporting environmental characteristics including soil characteristics and suitable drainage. The existing stand of karri trees located on the northern portion of the site will be retained, with additional trees plantings providing increased visual screening to the west, east and south.

A Local Development Plan has been prepared and included at **Appendix E** illustrating the location of the caravan park and its relationship with the proposed agritourism and surrounding areas. The final layout and detailed design of a caravan park will be refined at the development application stage.

A complementary café will be located to the east of the caravan park and will provide visitors and guests with the option of takeaway or dine-in beverages and meals. This location ensures suitable separation is provided between the caravan park and café.

An area of around 4 ha east of the caravan park will accommodate a garden area for tourists and visitors to enjoy passive recreation. This garden will also assist in serving as a buffer between the caravan park and agritourism operations.

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#### 4.2.2 AGRITOURISM (ORCHARD)

Around 10 percent of the site (~1 ha) is designated for an orchard on a gently sloping portion of the site (~2° - 5° grade) which is suitably setback from the caravan park and cafe so as to avoid any potential for land use conflict to occur.

This will allow for the continued use of the site for primary production whilst providing tourists and visitors with the opportunity for product tastings, farm tours, self-picking experiences and farm gate sales.

The Local Development Plan (refer to **Appendix E**) illustrates the location of the primary production (orchard) and its relationship with the caravan park, cafe and surrounding area.

Agritourism will provide a complementary tourism offering to tourists and Shire visitors and allow for other tourism businesses and attractions to benefit.

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#### 4.2.3 AGRITOURISM (AQUACULTURE)

Around 25 percent of the site (~2.5 ha) is designated for aquaculture production on the highest elevated portion of the site, which is suitably setback from the caravan park, cafe and neighbouring dwellings so as to avoid any potential for land use conflict to occur.

This will allow for the continued use of the site for primary production, whilst providing tourists and visitors with the opportunity to access high-quality seafood that supports and

encourages tourism. Tourists and visitors will be provided with an opportunity to take informative educative tours to observe how aquatic species are farmed, caught, packed and stored, and may include product tastings farm tours and farm gate sales.

The Local Development Plan (refer to **Appendix E**) illustrates the location of the primary production (aquaculture) and its relationship with the agritourism (orchard), caravan park, café, gardens and surrounding area.

Agritourism (aquaculture) will provide a complementary tourism offering to tourists and visitors and allow for other tourism businesses and attractions in the Shire to benefit.

## 4.3 SERVICING

### 4.3.1 ACCESS AND TRAFFIC

The existing crossover onto South Coast Highway is proposed to be retained and continue to service the single dwelling and primary production, subject to Main Roads approval. This access will also provide a secondary point of egress for caravan park and café guests in the event of a bushfire emergency. South Coast Highway is subject to a 90 kph speed limit adjacent to the site and beyond.

A new crossover on to South Coast Highway and internal road is proposed to provide access to the site for the general public. The proposed new access is located in an area with improved sight lines and safety. It is understood that Main Roads has visited the site and agreed to the location proposed, which has visibility greater than 500 metres to the west and about 240 metres to the east. Austroads advises a minimum visibility of 201 metres, with a desirable distance of 226 metres for roads operating at 90 kph.

The proposed crossover location is adjacent an overtaking lane and provides suitable sightlines and distances for slow accelerating vehicles towing caravans to safely enter and exit the site without impacting the safety of faster moving vehicles.

South Coast Highway is a well maintained road and a declared highway under responsibility of Main Roads WA (MRWA). As a primary distributor road, it has the capacity to carry up to 22,900 vpd. However, to provide a desirable operating environment a daily demand of 13,500 vpd would be considered more appropriate.

WAPC Transport Assessment Guidelines for Developments (volume 4) states that:

*Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact.” “For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10% of capacity. Therefore any section of road where traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”*

The expected traffic generated from the ultimate development of the site for tourist purposes is summarised below:

- AM peak <31
- PM peak <30
- Weekend 36

Based on the WAPC Transport Guidelines for Development there will be no material traffic impact.

A traffic assessment has been prepared to support this amendment and confirms traffic generated by the ultimate development is able to occur in a safe manner, without a significant increase in traffic to the locality.

It is acknowledged that for private cross overs visibility as per AS2890.1 is required to be provided. Austroads is used for intersections and is based on achieving uninterrupted flow on the major road and ensuring side road capacity.

Whilst it is always desirable to achieve as much visibility as possible, the minimum requirement is AS2890.1.

Where a large development (e.g. - shopping centres) generates significant peak demand, AS2890.1 advises that the access should be considered as an intersection and the requirements of Austroads should be applied. The proposed development does not generate significant peak movements.

There are no reasons to suspect that the proposed access would create a road safety issue for users and passing traffic. Further it is the traffic consultants understanding that the access location has been considered appropriate by Main Roads, who would not support the location if an unacceptable risk was considered to occur.

A copy of the traffic assessment is included at **Appendix F**.

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#### 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 to be provided at the development application stage.

The use of diesel generators is not proposed to ensure noise impacts on surrounding properties is minimised and to promote renewable energy.

---

#### 4.3.3 WATER SUPPLY

The site and surrounding land holdings are not connected to a reticulated water supply. 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.

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#### 4.3.4 STORMWATER DRAINAGE

Based on 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. Drainage can be appropriately managed without any adverse impact on the environment or surrounding land uses.

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

---

### 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.

A Site and Soil Assessment has been prepared to support this amendment which identifies that the ultimate tourism development is able to accommodate onsite effluent disposal in accordance with provisions of the Government Sewerage Policy. Onsite effluent disposal will occur through a secondary treatment unit (e.g. - ATU) with leach drains located more than 30 m from watercourses. Further discussion on effluent disposal is provided in **section 3.2.3**.

A copy of the Site and Soil Assessment is included at **Appendix D**.

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### 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 rubbish truck 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 11** 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 and surrounding residents are likely to be those who would most obviously notice the change in development intensity.

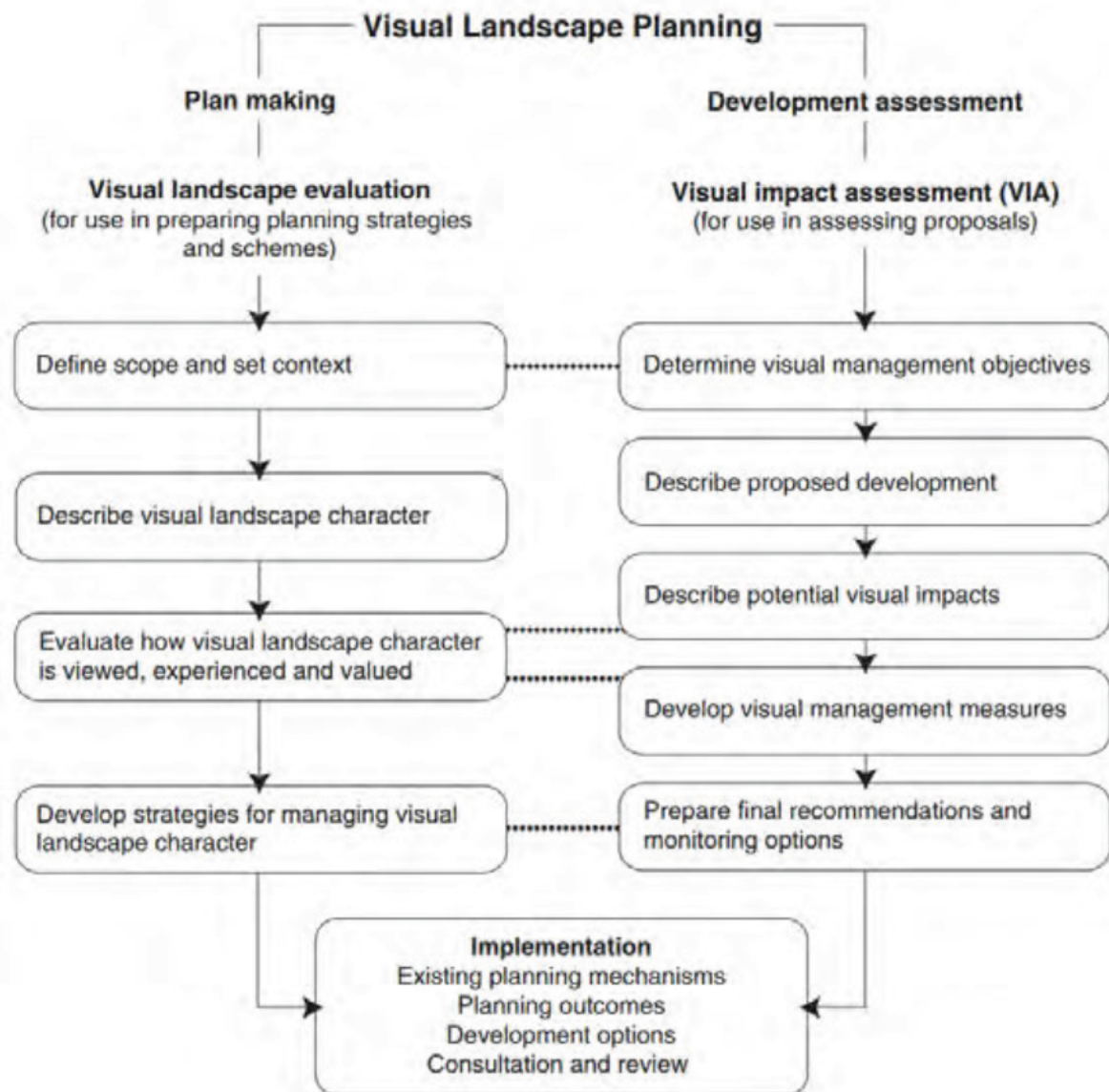


Figure 11: Visual Landscape Planning - Relationship

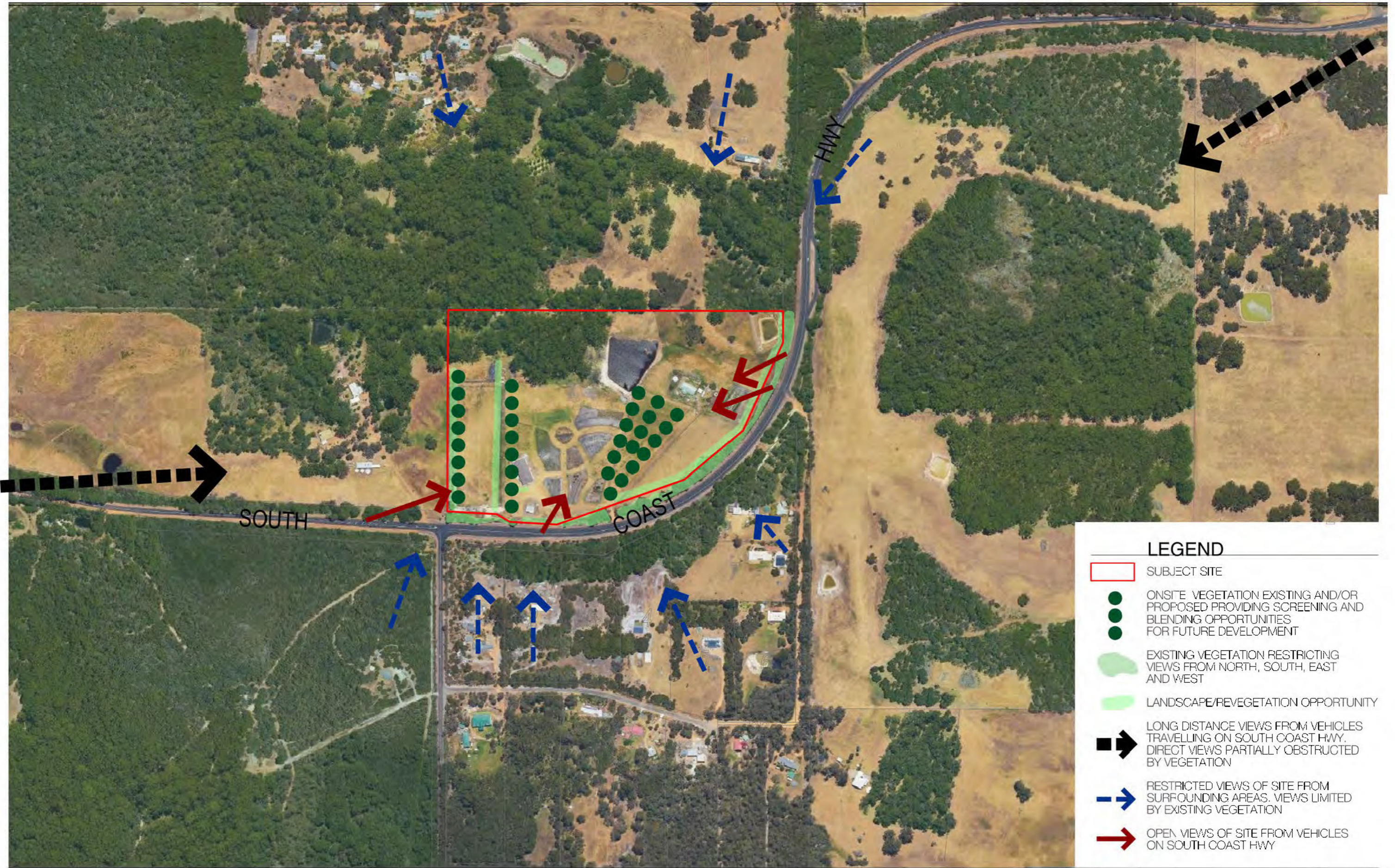
The key considerations have been reflected below, with specific comment provided in *italics* for ease of reference:

VISUAL LANDSCAPE EVALUATION	DEVELOPMENT ASSESSMENT
<p><b>Define scope and context:</b>  <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></p>	<p><b>Determine visual impact management objective:</b>  <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</i></p>

	<i>realm.</i>
<p><b>Describe visual landscape character:</b>  <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 rural setting.</i></p>	<p><b>Describe proposed development:</b>  <i>Refer to section 6 - “Local Development Plan” of this report.</i></p>
<p><b>Evaluate how visual landscape character is viewed, experienced and valued:</b>  <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><b>Describe potential visual impact:</b>  <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><b>Develop strategies for managing visual landscape character:</b>  <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><b>Develop visual management measures:</b>  <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"> <li><i>• Retain and protect existing on-site vegetation and consider strategic building placement to avoid tree removal/disturbance;</i></li> <li><i>• Undertake future on-site landscaping and vegetation screening;</i></li> <li><i>• Limitation on building colours, bulk and materials to ensure blending of built form into existing landform;</i></li> <li><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></li> <li><i>• Building setbacks from property boundary via the implementation of setbacks incorporated into the scheme provisions to increase distance and reduce visual dominance on surrounding lots.</i></li> </ul>
	<p><b>Prepare final recommendations and monitoring options:</b>  <i>Introduce relevant Scheme provisions within this amendment, to ensure the matters reflected above are adequately addressed</i></p>

	<p><i>and provided for the relevant future stage of development. Scheme provisions can include development exclusion areas (to protect existing vegetation) where appropriate, whilst development controls (colours, building materials etc) can be refined and approved at Development Application and Building Permit stage.</i></p>
<p><b>Implementation</b></p> <ul style="list-style-type: none"> <li>• Existing planning mechanisms</li> <li>• Planning outcomes</li> <li>• Development options</li> <li>• Consultation and review</li> </ul> <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 12**, which diagrammatically explains the context of potential visual impact and wider landscape implications.



**LEGEND**

- SUBJECT SITE
- ONSITE VEGETATION EXISTING AND/OR PROPOSED PROVIDING SCREENING AND BLENDING OPPORTUNITIES FOR FUTURE DEVELOPMENT
- EXISTING VEGETATION RESTRICTING VIEWS FROM NORTH, SOUTH, EAST AND WEST
- LANDSCAPE/REVEGETATION OPPORTUNITY
- LONG DISTANCE VIEWS FROM VEHICLES TRAVELLING ON SOUTH COAST HWY. DIRECT VIEWS PARTIALLY OBSTRUCTED BY VEGETATION
- RESTRICTED VIEWS OF SITE FROM SURROUNDING AREAS. VIEWS LIMITED BY EXISTING VEGETATION
- OPEN VIEWS OF SITE FROM VEHICLES ON SOUTH COAST HWY

FIGURE 12 - VISUAL LANDSCAPE PLANNING - MAP ANALYSIS  
 LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY



Figures 13 and 14 show vegetation screening of the proposed caravan site from key viewing points located on South Coast Highway adjacent to the site.

Screening adjacent to the street boundary will be provided with Peppermint trees, spaced at 10 metre intervals (approx.), to complement other vegetation in this locality. These trees are native to the south west and capable of growing 10-15 metres high.

Before



After



Figure(s) 13 - Vegetation screening (before/after) to street boundary

Before



After



**Figure(s) 14 - Vegetation screening before/after to western boundary**

Screening adjacent to the western boundary will be provided with Avocado trees, spaced at 10 metre intervals (approx.), to complement the orchard. These trees are generally grown to a height of 5-10 metres.





**Figure(s) 15** - Caravan Park when viewed from South Coast Highway before (top) and after (below)

## 5 ENVIRONMENTAL CONTEXT

Aurora Environmental carried out a Site and Soil Assessment on-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 to the north west (lowest point 48 mAHD) from the north eastern boundary (61 mAHD). Slope grades range from  $<2^\circ$  in the west,  $>2^\circ$  to  $<5^\circ$  in the east, to  $>5^\circ$  on the northern portion of the site.

#### 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.

A Site and Soil Assessment (refer to **Appendix D**) undertaken on-site confirms the above and identifies two key soil profiles; sandy loams and clay loams. These can be generally described as sandy topsoils overlaying loams and sandy top soils overlaying clay loams. Both profiles have high permeability and phosphorous retention properties, suitable for onsite drainage and waste water disposal.

#### 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 and an ephemeral creek line located on northern portion of the site which contains a stand of remnant vegetation.

The Site and Soil Assessment supporting this amendment (refer to **Appendix D**) identifies the highest late winter ground water levels occurring at 1.1 m and 0.66 m below ground level.

## 6 LOCAL DEVELOPMENT PLAN

A Local Development Plan has been prepared to support this amendment (refer **Appendix E**), and provides guidance to decision makers when considering an application for tourist development.

Key provisions of the Local Development Plan (LDP) include the following:

1. An indicative location for a **new access** to the site from South Coast Highway has been identified, providing the general public with safe access to the future tourist development. This location provides improved sightlines and safety when compared to the existing access. It is intended that the final location of this access point will be determined in consultation with the Shire of Denmark and MRWA. The current access will be retained and continue to service the existing dwelling and primary production, as well as providing a secondary point of egress to the site in the event of a bushfire emergency.
2. The LDP includes **internal access ways** and a car parking area. The existing access way servicing the dwelling will be retained, with an indicative internal access way and car parking area shown to service the caravan park, café and agritourism opportunities. Details of the final layout and car parking location will be refined through the development application process to ensure compliance with the *Caravan Park and Camping Grounds Regulations 1997*.
3. A location for a **café** is shown on the LPD on a portion of the site that is generally flat (<2° grade). This area is suitably setback from the caravan park and agritourism opportunities, and will overlook the gardens. This location also minimises vehicle interactions between caravan park patrons, café guests and agritourists, and ensures vehicle movements on-site are minimised.
4. A **caravan park** is identified on the western most portion of the site which is generally flat (<2° grade) and has been previously cleared to support agricultural activities. The caravan park will form an area of approximately 2 ha and provide for around 50 caravan sites, ablution blocks and internal access roads. The indicative caravan park location is setback 30 metres from the front boundary and 20 metres from the western boundary, and incorporates vegetation screening to minimise any potential visual impacts (including light emissions) on the adjoining property and surrounding area. The indicative caravan park is setback 140 metres (approx.) from the nearest off-site dwelling, providing sufficient separation to ensure neighbouring properties are not impacted by potential noise emissions. Details of the final caravan park layout will be refined through the development application process to ensure compliance with the *Caravan Parks and Camping Grounds Regulations 1997*.
5. **Landscape screening** is identified around the perimeter of the caravan park to assist with visual and acoustic screening of the caravan park from surrounding lots and when viewed from South Coast Highway. The location of landscape screening has been established through a visual impact assessment.

6. **Agritourism (aquaculture)** is restricted to approximately 2.5 ha of the site as demarcated on the LDP. The Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses No. 3* recommends a buffer of 100-300m (depending on the size of aquaculture proposed) between aquaculture and other sensitive land uses in order to avoid land use conflict.

Given the small scale of aquaculture activities proposed, the following setbacks/buffers (provided in the LPD) will ensure land use conflict does not occur:

- 140m (approx.) from the caravan park;
- 230m (approx.) from the nearest off-site dwelling;
- 180m (approx.) from the proposed café; and
- 50m (approx.) from the proposed orchard.

7. **Agritourism (orchard)** is restricted to approximately 1 ha of the site which is gently sloping (~2° - 5° grade) as demarcated on the LDP. The Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses No. 3* recommends a buffer of 500m between broad-scale orchards and other sensitive land uses in order to avoid land use conflict.

Given the small scale of the orchard proposed, the following setbacks/buffers (provided in the LPD) will ensure land use conflict does not occur:

- 40m (approx.) from the caravan park;
- 190m (approx.) from the nearest off-site dwelling;
- 10m (approx.) from the café; and
- 50m (approx.) from the proposed aquaculture.

In the event that the orchard does not incorporate organic practices, routine management of the orchard should adhere to responsible practices to ensure caravan park guests and aquaculture operations are not impacted by chemical spray drift. This may include delaying spraying until there are no guests, only spraying when favourable wind directions occur and/or locating guests on sites that are at the furthest distance to the orchard. It is anticipated appropriate control measures can be addressed as a condition of development approval.

The use of treated waste water for the irrigation of crops is a common occurrence in the agricultural industry, with a global agricultural move towards utilisation of treated wastewater for crop irrigation particularly in semi-arid environments. In Israel, for instance 32.7% of irrigation water in 2007 originated from treated waste water. Accordingly, treated waste water irrigation and orchard operations are compatible land uses, with any any health concerns such as risk of pathogen contamination being negligible.

8. Existing stands of mature karri trees located on the north-western portion of the site are to be retained and protected via the identification of a "**development exclusion area/tree retention area**" identified on the LPD. This will assist to with environmental management of the land, as well as protecting this portion of the site from potential built-form development from occurring. Area of vegetation serves not only to assist with environmental management of the land holding, but also provide important visual screening and setbacks to future tourist development. 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*.

## 7. CONCLUSION

This amendment seeks to rezone No. 2446 (Lot 3) South Coast Highway, William Bay from Rural to Tourist, and proposes 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 is of an insufficient size to support traditional agricultural activities as sustainable stand-alone operation. Planning instruments broadly acknowledge that such sites need to diversify their agricultural activities in order overcome this problem.
- Tourism is the second largest contributor to the Shire's economy, and an important contributor to local jobs. This amendment will positively contribute to the overall supply and variety of tourist accommodation and attractions whilst providing economic benefits and new employment and investment opportunities associated with agricultural production and tourism.
- This amendment recognises the compatibility between agriculture and tourism and provides an opportunity for the site to continue to be used for primary production, albeit of a diversified nature whilst leveraging on emerging tourism opportunities.
- The site is deemed to have a high tourism value and is located within close proximity to significant tourism attractions including William Bay National Park, Greens Pool, Elephant Rocks and Mad Fish Bay. This amendment provides an opportunity for new tourism development to occur in close proximity to existing tourist attractions, whilst retaining the bucolic character of the natural environment.
- Future tourist development on the site will improve upon existing tourist linkages to major tourism attractions by providing additional tourism experiences adjacent to a major tourist route. 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
- As consumers increasingly seek to better understand where their food comes from and learn how it is produced, agritourism is becoming an increasingly important sector providing direct and indirect benefits to regional economies. This amendment responds to the changing needs of the tourism sector by providing opportunities for tourist accommodation (i.e. - Caravan Park) and agritourism to occur on the site.
- Management of 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.

- Environmental characteristics of the locality, including topography and retained remnant vegetation ensure that Tourist zoning over the site is able to integrate with the surrounding land uses and not impact on primary production. The large lot sizes and adequate separation distances to neighbouring dwellings ensures compatibility between Tourist zoning and the surrounding zones and land uses.
- A traffic assessment has been prepared confirming traffic generated by the ultimate development is able to occur in a safe manner, and without resulting in a significant increase in traffic to the locality.
- Environmental characteristics of the site (including size, soil characteristics, geology, hydrology, slope and depth to groundwater) are suitable for onsite effluent disposal and drainage.
- A Bushfire Management Plan confirms that ultimate development of the site for tourism purposes is able to conform to the provisions of SPP 3.7.
- 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.

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



# PLANNING & DEVELOPMENT ACT 2005

## SHIRE OF DENMARK

### TOWN PLANNING SCHEME NO.3

### AMENDMENT NO.147

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. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to Tourist (T14)' zone and amending the Scheme Maps accordingly.
- b) Inserting Tourist T14 provisions in Appendix XIII - Schedule of Tourist zones as follows:

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T1 4	No. 2446 (Lot 3) South Coast Highway, William Bay.	Notwithstanding any other provisions of the scheme, the following sets out the permissibility of land uses: <ul style="list-style-type: none"> <li>• Aquaculture (AA)</li> <li>• Agritourism (AA)</li> <li>• Caravan Park (AA)</li> <li>• Caretakers Dwelling (P)</li> <li>• Horticulture (AA)</li> <li>• Microbrewery (AA)</li> <li>• Outbuilding (P)</li> <li>• Private Recreation (AA)</li> <li>• Restaurant (AA)</li> <li>• Rural Pursuit (P)</li> <li>• Shop (max. 150m<sup>2</sup> GLA) (AA)</li> <li>• Single House (P)</li> <li>• Workforce accommodation (AA)</li> </ul>	<ol style="list-style-type: none"> <li>i. Development shall generally be in accordance with the Local Development Plan (Ref: 20-008-004) dated 1 October 2020 or any minor variation to that plan approved by Council.</li> <li>ii. All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Health Department of WA and Council, and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system.</li> <li>iii. All new development including caravan bays shall be setback a minimum: <ul style="list-style-type: none"> <li>• 30 metres from South Coast Highway</li> <li>• 20 metres from all other boundaries</li> </ul> <p>Unless otherwise approved by Council.</p> </li> <li>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 Council. Zincalume, white and off-white colours are prohibited.</li> <li>v. All building heights are limited to single storey.</li> <li>vi. The development of all new</li> </ol>

			<p>buildings shall be undertaken to comply with the requirements of AS3959-2018 Construction of buildings in Bushfire Prone Areas (as amended).</p> <p>vii. No development shall be permitted within the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the Local Development Plan.</p> <p>viii. Any new vehicular access to the zone shall be limited to those nominated points as determined by Council in consultation with Main Roads Western Australia, excepting any additional egress requirements for fire management.</p> <p>ix. The proponent shall implement the recommendations of the Bushfire Management Plan dated 6.8.2020 (or any approved amended bushfire management plan) to the satisfaction of Council as a condition of development approval.</p> <p>x. The proponent shall prepare and implement the recommendations of a Bushfire Emergency Evacuation Plan to the satisfaction of the Council as a condition of development approval.</p> <p>xi. The proponent shall prepare and implement the recommendations of an approved Local Water Management Strategy to the satisfaction of Council as a condition of development approval.</p> <p>xii. The proponent shall prepare and implement the recommendations of an approved Landscape Management Plan to the satisfaction of Council as a condition of development approval. Matters that the landscaping plan is to specifically address include:</p> <ul style="list-style-type: none"> <li>• Future on-site landscaping to assist with screening the development from South Coast Highway.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Types of vegetation / species and density.</li> </ul> <p>xiii. All fencing (internal and boundary) shall be of a rural construction such as pine/steel posts and wire to the satisfaction of Council.</p> <p>xiv. The duration of permanent occupancy of any tourist accommodation shall be limited to a maximum of three (3) months in any twelve (12) month period.</p> <p>xv. All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council Approval.</p> <p>xvi. All signage to be subject to the prior approval of Council in accord with Scheme requirements and adopted policy.</p>
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c) Introduce the following land use definitions into Appendix I - Interpretations- of the Scheme Text:

***Agritourism*** - means visiting a farm or rural food related business for enjoyment and education or to participate in activities or events.

***Workforce Accommodation*** - means premises, which may include modular or relocatable buildings, used -

- (a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

d) Amending the Scheme Map accordingly

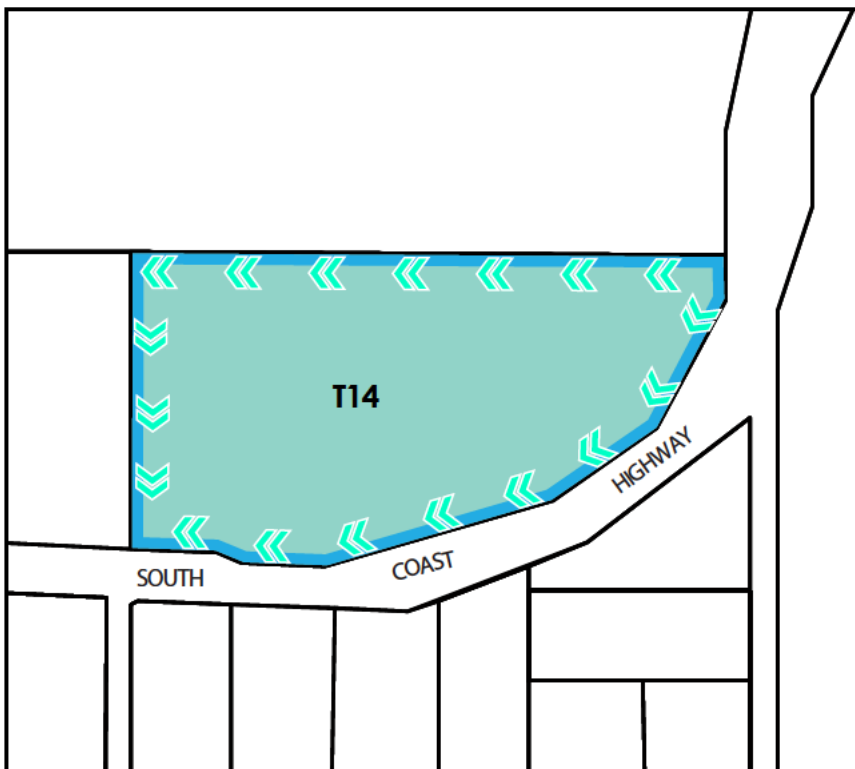
# SHIRE OF DENMARK

## Town Planning Scheme No.3

### Amendment No. 147







EXISTING ZONING



PROPOSED ZONING

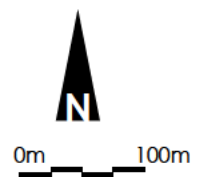
#### LEGEND

##### LOCAL SCHEME ZONES

-  RURAL MULTIPLE OCCUPANCY
-  RURAL
-  SPECIAL RURAL
-  TOURIST

##### OTHER CATEGORIES

-  SUBJECT SITE



OCTOBER 2020

TOWN PLANNING  
SCHEME NO.3

AMENDMENT NO. 147

**PLANNING AND DEVELOPMENT ACT 2005  
SHIRE OF DENMARK**

**TOWN PLANNING SCHEME NO.3**

**AMENDMENT NO.147**

**ADOPTION**

This Complex Amendment was adopted by resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the 16th day of February 2021.



.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

**COUNCIL RESOLUTION TO ADVERTISE**

By resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the 16th day of February 2021 proceed to advertise this Amendment.



.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

This Amendment is recommended \_\_\_\_\_ by resolution of the Shire of Denmark at the Ordinary Meeting of the Council held on the \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_ and the Common Seal of the Shire of Denmark was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

## Schedule of Modifications - Amendment 147 – No. 2446 (Lot 3) South Coast Highway, William Bay

Section	Comments
Proposal Page, Resolution Page	<ul style="list-style-type: none"> <li>Clarify if Tourist Zone No. 13 or No. 14.</li> <li>Introduce definitions of 'agritourism' (or a related Model Scheme Text use) and 'workforce accommodation'.</li> </ul>
Resolution Page	'Complex' amendment rather than a 'Standard' amendment given the Local Planning Strategy designates the site as General Agriculture.
Figure 8	Add landscape/revegetation opportunity near South Coast Highway and/or add sections of site which are visible from South Coast Highway.
3.1.2	Add it is a complex amendment.
3.2	Add Caravan Park Act & Regulations. Clarify if the site can meet the criteria for a nature based caravan park including being in a 'natural setting' given associated impacts of noise and artificial light, or whether a different form of licensing is expected.
Page 26	Query views will be obstructed.
3.3.3	Clarify given development (caravan bays) appear closer than 20 metres from the western boundary.
4.3.2	Add diesel generators are not proposed to reduce noise impacts on neighbours and to promote renewable energy.
4.3.6	Change 'Soild' to 'Solid'.
Page 39	There are no 'Development Exclusion Areas' shown on the Local Development Plan (LDP).
Figure 12	Change 'limited views' from south west corner to 'open view' or similar and add 'open view' or similar between existing and proposed crossover. Show additional landscaping adjoining the South Coast Highway frontage west of the current crossover.
5	Change 'Environmantal' to 'Environmental'.
Scheme provisions	<ul style="list-style-type: none"> <li>Review permissibility with most uses changed from 'P' to 'AA'.</li> <li>Introduce definitions of 'agritourism' (or a related Model Scheme Text use) and 'workforce accommodation'.</li> <li>Possibly add 'private recreation' as an AA use and Rural Pursuit and Outbuildings as a P use.</li> <li>Add to Condition iii that development includes caravan bays.</li> <li>Add to Condition xi including types of vegetation/species and density.</li> <li>Add conditions including: <ul style="list-style-type: none"> <li>Preparing and implementing a Bushfire Emergency Evacuation Plan and preparing and implementing a Bushfire Management Plan;</li> <li>Lighting and signage; and</li> <li>Limiting stay to 3 months in a 12 month period other than for the single house and caretaker's dwelling.</li> </ul> </li> </ul>
Appendix B	<ul style="list-style-type: none"> <li>Review setback from South Coast Highway with a goal of minimising visual impacts.</li> <li>Scale off caravan park area to provide at least 20m from side boundary and 30m from the front boundary.</li> </ul>

	<ul style="list-style-type: none"> <li>• Extend landscape screening between existing and proposed crossovers.</li> <li>• Show development footprint for the workforce accommodation, microbrewery and a shop (maximum gross leasable area of 150m<sup>2</sup>).</li> <li>• Update the LDP to address the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> including clause 48.</li> <li>• Add provisions to ensure the LDP is a 'standalone' document.</li> <li>• Add a signing box.</li> </ul>
Appendix D	Compatibility of sewerage irrigation area (SSE Attachment D) and orchard – comment on addressing health considerations.
Appendix E	<ul style="list-style-type: none"> <li>• It is understood that Main Roads measures Safe Intersection Sight Distance (SISD) in accordance with Austroads Guide to Road Design Part 4A. Main Roads standard is to design for 10km/hr over the posted speed limit to allow for speeding vehicles. This would give a SISD of 262m, plus an allowance for the down gradient.</li> <li>• Expand commentary on SISD with the consultant traffic engineer confirming they have inspected the site and confirm the proposed crossover is safe and suitable, or outline required mitigation measures.</li> <li>• Add comments regarding the suitability of slow accelerating vehicles towing caravans, entering and leaving the site, with faster moving highway traffic.</li> </ul>
<b>Other comments</b>	
Visual impact	<ul style="list-style-type: none"> <li>• The visual impact assessment to superimpose caravans and other proposed development from key viewing points from South Coast Highway adjacent to the site (such as using montages over photographs).</li> <li>• There may be a need for bunding near the South Coast Highway and the western boundary to assist with reducing visual impact and reducing noise impacts from the highway.</li> <li>• Discussion on timing to achieve effective and suitable screening.</li> <li>• Provide an indication of preferred landscaping theme, planting objectives, density and preferred species.</li> </ul>
Land use compatibility	<ul style="list-style-type: none"> <li>• Expand discussion on possible impacts to neighbouring properties including from noise and lighting from the caravan park and impacts from the aquaculture operation (including EPA separation distance guidance of 100 – 300 metres).</li> <li>• Suitability of a 20m buffer to the west.</li> <li>• Expand discussion to outline compatibility between the caravan park and the orchard such as a possible organic orchard or the careful use and application of chemicals etc.</li> </ul>
Acoustic assessment	Need a Noise Management Plan to address SPP 5.4 and consider impacts of noise from the caravan park, microbrewery and other uses on adjoining/nearby properties. As a minimum, suitable preliminary advice is provided pre-adoption of the amendment, with a more detailed assessment to support a Development Application.
Clarify process	Written support is required from the applicant to support the concurrent advertising of the LDP and amendment.

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

Our Ref: APP0000130  
Enquiries: Renee Blandin, 6364 6786  
Email: [renee.blandin@dwer.wa.gov.au](mailto:renee.blandin@dwer.wa.gov.au)

Dear Mr Schober

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

<b>SCHEME</b>	<b>Shire of Denmark Town Planning Scheme 3 Amendment 147</b>
<b>LOCATION</b>	<b>2446 (Lot 3) South Coast Highway, William Bay</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Denmark</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

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. I have also attached a copy of the Chair's determination of the scheme.

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 Chair's determination, this letter and the attached 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.

**Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
Chair

28 February 2023

Encl. Chair's Determination



GOVERNMENT OF  
WESTERN AUSTRALIA

S48A Referrals

# Environmental Protection Authority

**Title:** Shire of Denmark Town Planning Scheme 3 Amendment 147

**Location:** 2446 (Lot 3) South Coast Highway, William Bay

**Description:** The Shire of Denmark proposes to rezone Lot 3 South Coast Highway, William Bay from 'Rural' zone to 'Tourist (T14)' zone and amend the scheme map accordingly. Amendment 146 also proposes to modify the scheme text to insert Tourist T14 provisions for Lot 3 in Appendix XIII – Schedule of Tourist zones this will including setting out the permissibility of a number of land uses and introducing conditions. The scheme text is also proposed to be modified to introduce land use definitions into Appendix I – Interpretations for 'Agritourism' and 'Workforce Accommodation'.

**Ref ID:** APP0000130

**Date Received:** 16/11/2022

**Date Sufficient Information Received:** 06/02/2023

**Responsible Authority:** Shire of Denmark

**Contact:** William Hosken

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


**Potential Significant Effects:** Impact to native vegetation that is habitat for conservation significant fauna, impact to hydrology and water quality, impact to sensitive land uses from noise, dust and odour.

**Protection:** Impacts can be managed through the proposed scheme provisions. In addition, future planning processes will provide further management of potential impacts. EPA advice, including recommendations for additional scheme text, is also provided.

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

The 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: 28 February 2023

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

**Shire of Denmark Town Planning Scheme (TPS) 3 Amendment 147**

**Location: 2446 (Lot 3) South Coast Highway, William Bay**

**Determination: Scheme Not Assessed – Advice Given (Not Appealable)**

**Determination Published: 3 March 2023**

**Summary**

The Shire of Denmark proposes to rezone 2446 (Lot 3) South Coast Highway, William Bay from 'Rural' zone to 'Tourist (T14)' zone and amend the scheme map accordingly. Amendment 147 also proposes to modify the scheme text to insert Tourist T14 provisions for Lot 3 in Appendix XIII – Schedule of Tourist zones including setting out the permissibility of a number of land uses and introducing conditions. The scheme text is also proposed to be modified to introduce land use definitions into Appendix I – Interpretations for 'Agritourism' and 'Workforce 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 documentation provided by the Shire of Denmark. Having considered this matter, the following advice is provided.

**1. 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:

- Inland Waters.
- Flora and Vegetation.
- Terrestrial Fauna.
- Social Surroundings.

**2. Advice and Recommendations regarding Environmental Factors**

It is noted the proposed scheme text to be inserted into Tourist T14 provisions Appendix XIII – Schedule of Tourist zones includes condition i) Development shall generally be in accordance with the Local Development Plan (Ref: 20-008-004) dated 1 October 2020 or any minor variation to that plan approved by Council.

The Local Development Plan (LDP) includes land uses for a caravan park, café, gardens, aquaculture and orchard.

The Tourist T14 provisions also set out the permissibility of various land uses, including but not limited to Aquaculture (AA), Agritourism (AA), Caravan Park (AA), Horticulture (AA), Microbrewery (AA), Restaurant (AA), Rural Pursuit (P) and Workforce accommodation (AA).

## **Inland Waters**

An ephemeral creek runs east to west along the northern portion of the amendment area. The amendment area is part of the Parry Inlet-Kordabup River sub catchment but is a reasonable distance from the tributary to the west that drains into Parry Inlet.

The amendment area is mapped as being within a sewage sensitive area as it is within 1 kilometre of the wetland Lake William. However, Lot 3 is in a different catchment and does not drain into Lake William. Given the buffer of vegetation around Lake William and distance (600 metres) from the site, future development is likely to be a low risk to the wetland.

Future development associated with the amendment has the potential to impact groundwater and surface water hydrology, quantity and quality of the local area, local creek and Parry Inlet. In particular there may be impact from nutrient runoff from aquaculture, agritourism and horticulture land uses, and from onsite effluent disposal systems associated with microbrewery, caravan park, and other tourism related land uses set out in the scheme text.

The Site and Soil Evaluation (SSE) report (Aurora Environmental 2020) suggests that onsite effluent disposal can be accommodated, with wastewater generated from the proposal site to be treated and disposed over a minimum 7979m<sup>2</sup> area. It is considered any area where wastewater is applied would require vegetation/plants with a high uptake of water to prevent pollutants entering the waterway through groundwater. Any proposed disposal area would need to also consider the water use requirements of the land use and the downstream environment (in this case the proposed caravan park). Appropriate methods of application of wastewater, such as subsurface irrigation, should also be considered, particularly where proposed for application on crops for human consumption.

Consideration should be given to the compatibility of the proposed land uses in the context of management of the disposal of wastewater in relation to the capacity of the receiving environment and the ability of future development to comply with *Government Sewerage Policy 2019, Draft State Planning Policy 2.9 Planning for Water, and Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*.

The EPA supports the Shire's proposed scheme text provisions associated with the Inland Waters factor including preparation of a Local Water Management Strategy (LWMS). The LWMS should demonstrate mitigation and management of impacts on the receiving hydrological environment. Water management planning should maintain or improve groundwater and surface water quality. Maintenance of pre-development hydrology should be considered at various stages as part of water management planning. Future development should also consider best practice management of stormwater, management of fertiliser use, and retention of native vegetation. Department of Water and Environmental Regulation (DWER) should be consulted regarding any future water management planning documents.

It is recommended the Shire consider modifying the proposed scheme provisions with reference to recommendations below to further protect and manage Inland Waters values:

- On site effluent disposal should be consistent with the *Government Sewerage Policy 2019* including the use of secondary treatment systems with nutrient removal where required. In addition to the Shire and the Department of Health, on site effluent disposal systems should be to the satisfaction of DWER.

- An addendum to the SSE (December 2020), should be prepared to inform the capability of the proposed land application area to manage on site effluent disposal. The SSE should be used to inform any modifications to the local development plan, development applications, proposed method of on-site effluent disposal, building envelopes, remediation works (where applicable). Advice should be sought on the adequacy of the revised SSE from DWER and Department of Health.
- Appropriate setbacks to waterways should be considered.
- Foreshore management should be considered including protection of vegetation and erosion control.
- Consideration should be given to limiting the scale of future aquaculture, agritourism and horticulture development.

### **Flora and Vegetation; Terrestrial Fauna**

The amendment area contains approximately 2.5 ha of native vegetation mapped as consisting of mainly jarrah and marri. The vegetation is potential habitat for threatened species of black cockatoo. Implementation of the scheme amendment may result in the clearing of native vegetation and fauna habitat and potential noise, dust and light impacts on fauna.

The EPA supports that the LDP (October 2022) proposes to retain the consolidated area of native vegetation. Retention and management of vegetation and fauna habitat should be considered as part of the future planning process.

Any clearing of conservation significant fauna habitat, in particular black cockatoo habitat, may require referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPA supports the Shire's proposed scheme provisions requiring development to be consistent with the LDP, no development being permitted within the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the LDP (October 2020), and the requirement for a Landscape Management Plan.

It is recommended the Shire consider modifying the proposed scheme provisions with reference to recommendations below to further protect and manage Flora and Vegetation and Terrestrial Fauna values:

- Fauna habitat management should be considered including protection of fauna habitat from edge effects, noise pollution and light spill. Lighting should incorporate dark sky principles as referenced in the WAPC's Position Statement '*Dark Sky and Astrotourism*' and the '*National Light Pollution Guidelines for Wildlife*' (as amended).
- A Landscape Management Plan should be prepared with reference to the LDP to address identification and protection of vegetation and trees to be retained, the protection of fauna habitat, a preference for use of locally indigenous native species in the proposed gardens, and fertilizer/ nutrient input particularly in areas where agritourism or horticulture land uses are proposed.

### **Social Surroundings**

Future development associated with the amendment has the potential to impact social amenity through spray drift and odour impacts caused by proposed land uses such as agritourism and horticulture being located nearby to proposed sensitive land uses such as a caravan park. The caravan park is also proposed to be located downstream of the proposed application area for treated wastewater.

It is understood that agritourism land uses such as an orchard and the aquaculture facility are proposed to be a low scale facilities enabling caravan park guests to harvest their own food.

It is recommended that as part of the development application process a suitable condition be imposed ensuring a limited scale operation for aquaculture and agritourism uses, with appropriate measures put in place to limit spray drift (such as spraying rates/volumes, times for spraying, and spraying limits based on wind forecast).

The EPA's *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* should be considered to advise decision making on computability of future land uses within the amendment area.

### **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the proposed scheme provisions. In addition, future planning processes and management measures can manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors.

## SCHEDULE OF GOVERNMENT AGENCY SUBMISSIONS

### Town Planning Scheme No.3 – Amendment No. 147

Ref No.	Submitter Details	Verbatim Submission	Planning Services Comment
G1	<p>Main Roads WA Chris Grant Network Operations Manager Main Roads Great Southern 98920555 gsreg@mainroads.wa.gov.au</p>	<p>Thank you for referring this matter to Main Roads.</p> <p>Main Roads offers the following comments on the proposed Scheme Amendment:</p> <ul style="list-style-type: none"> <li>• A new crossover access from 2446 (lot 3) SCH to South Coast Hwy in the vicinity of William Bay Rd has recently been constructed.</li> <li>• This crossover was acceptable on the condition that the existing access to the property must be closed, all access to the property is to be from a single crossover with internal roads providing access to the existing homestead.</li> </ul> <p>Main Roads does not support the keeping of the existing property access crossover as stated in the Amendment Report documentation.</p>	<p>Noted.</p> <p>Shire officers have subsequently discussed road safety concerns raised in public submissions with officers from Main Roads and come to an agreed position that a road safety traffic audit is appropriate to assess and provide direction for the resolution of any relevant issues.</p>
G2	<p>Department of Primary Industries and Regional Development Greg Doncon   Research Officer 90813117 greg.doncon@dpird.wa.gov.au</p>	<p>DPIRD has reviewed the proposed rezoning of No. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to 'Tourist (T14)' zone and offers the following comments.</p> <p><b>Agritourism</b></p> <p>The introduction of the definition of agritourism into the scheme raises a few questions. Is the definition restrictive? Should a term that is not defined in the model scheme text be brought into the scheme? The proposed definition “<i>visiting a farm or rural food related business for enjoyment and education or to participate in activities or events.</i>”</p> <p>At a recent Conference, a speaker highlighted 39 land uses that could be agritourism<sup>1</sup> including.</p> <ul style="list-style-type: none"> <li>• Farm stay accommodation, B&amp;B,</li> <li>• Cellar door premises, roadside stalls,</li> <li>• Food and drink premises, artisan food and drink industry,</li> <li>• Kiosks, markets, shops,</li> <li>• Caravan Park, camping ground,</li> <li>• Eco-tourist facilities, function centre,</li> <li>• Information and education facilities.</li> </ul>	<p>Noted, not supported. TPS 3 contains a range of land use classifications that relate to primary production, processing, sales, tourist accommodation and other land uses that may be undertaken within the Rural and Tourist zones. Agritourism is proposed as a land use to enable the establishment of businesses that are incidental to primary production, particularly related to produce tours and tasting, that may otherwise be subject to more</p>

		<p>Describing agritourism<sup>2</sup> as “a tourism-related experience or product that connects people to agricultural products, people or places through farm visits or stays.”</p> <p>If agritourism is added to the scheme, DPIRD suggests a broader definition is adopted. A review of the Zoning table suggests that the inclusion of agritourism in the scheme may result in inconsistencies and contradictions. A number of “Use Classes”, that could be considered agritourism, are already listed in the Zoning Table; Aquaculture, Cellar Sales, Horticulture, Market, Poultry, Public Amusement, Restaurant, Rural Pursuit, Shop, Winery DPIRD notes that both ‘Horticulture’ and ‘Rural Pursuit’ are defined as an X use in the Tourist zone.</p> <p>Due to the very wide encompassing nature of the term ‘agritourism’ and the inconsistencies that will arise if it was included, DPIRD recommends that this term should not be added to the scheme. DPIRD requests the council use its discretionary powers, to consider permitting appropriate additional other uses, some of which may not be defined in the zone table, for this Lot.</p> <p><b>Land Use Conflict</b></p> <p>The land located immediately to the west of the proposed caravan park is zoned Rural and, it is assumed, currently utilised for conventional agricultural activities.</p> <p><i>State Planning Policy 2.5 Rural planning</i><sup>3</sup> defines sensitive land use as ‘land uses that are residential or institutional in nature where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation ...’</p> <p>DPIRD considers a Caravan Park or workforce accommodation to be a sensitive land use. DPIRD suggests that vegetative buffer is established between the caravan park and the rural zone.</p> <p>DPIRD is aware that many tourists travel with pets. DPIRD is also aware situations where pets have been the cause of stock losses. DPIRD suggests a management plan is developed to prevent pets roaming to minimise land use conflict between the caravan park residents and neighbouring rural properties.</p> <p><b>Workforce Accommodation</b></p> <p>While DPIRD does not object to the introduction of ‘Workforce Accommodation’ to the scheme text, DPIRD does not support the establishment of permanent “Workforce Accommodation” facilities in the Rural landscape. As this ‘Tourist zone’ is located in a rural landscape and will have a permanent workforce, DPIRD would expect its ‘Workforce Accommodation’ to be located within a town boundary area.</p> <p>DPIRD does not expect the required workforce for this agritourist enterprise will be significant. This is supported by Appendix E: Local Development Plan which show a single building for the accommodation of the workforce. Traditionally, an agricultural workforce</p>	<p>onerous approval requirements.</p> <p>While officers recommend Agritourism is retained as a land use in this proposed amendment, officers will further consult with DPIRD as part of the preparation of Local Planning Scheme No. 4 to ensure these and other land use classifications are optimal to support the development of multi-faceted rural businesses while protecting primary production.</p> <p>Supported. The proposed scheme provisions and Local Development Plan provide for setbacks, buffering and revegetation to reduce potential conflicts between tourism and agricultural land uses.</p> <p>The Caravan Park Regulations provide for the strict management of pets within licensed facilities.</p> <p>Supported. The proposed rezoning does not support the development of permanent residential accommodation other than the Single House and Caretakers Dwelling land uses. The provision of Workforce Accommodation is</p>
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		<p>is accommodated using 'rural workers dwellings'; housing (usually permanent) that is provided on a farm on a year-round or seasonal basis for workers involved in agriculture. DPIRD suggests "Grouped Dwelling", which is a discretionary use in the Tourist Zone, would provide sufficient accommodation for this enterprise.</p> <p><b>Biosecurity and agritourism</b></p> <ul style="list-style-type: none"> <li>While tourism has a positive effect for the economy, in a rural landscape tourism is a pathway to a biosecurity incursion. In this situation, the risk relates to the orchard and aquaculture activities. The risks can be mitigated with good planning to ensure guests observe basic biosecurity protocols. DPIRD views this as an opportunity, where the proponents could assist to educate the public about their role in protecting the agricultural industry.</li> </ul>	<p>considered temporary development only and the Shire will not support on-going use.</p> <p>Noted, proponent to be advised.</p>
G3	<p>Department of Water &amp; Environmental Regulation Nicolie Sykora/ Alison Vangel <a href="mailto:nicolie.sykora@dwer.wa.gov.au">nicolie.sykora@dwer.wa.gov.au</a> <a href="mailto:alison.vangel@dwer.wa.gov.au">alison.vangel@dwer.wa.gov.au</a> 9841 0143</p>	<p>The Department has identified that the proposal has the potential for impact on environment and water resource values and/or management. Key issues and recommendations are provided below, and these matters should be addressed:</p> <p><b>Acoustic Assessment</b></p> <p>The Department has reviewed the report prepared by Herring Storer Acoustics (HSA). HSA has assessed the potential noise impact on the development site by the traffic noise, as well as the noise impact from the proposed café operation on the neighbouring noise sensitive premises.</p> <p>HSA's predicted traffic flows, traffic noise modelling and assessment seem correct and reliable, thus their conclusion that all sites on the development are outside the 55 dB(A) Target Noise as per State Planning Policy 5.4 and no acoustic considerations are required for the proposed development seems correct.</p> <p>Noise emissions from the operations of the proposed café activities on the development site include the background music and noise from the patrons. The methodology of the noise modelling and the predicted noise emission levels at the closest noise sensitive premises also seem reliable. Noise emissions from the daytime operation of the proposed café should be able to comply with the assigned noise levels at all neighbouring noise sensitive premises. While potentially marginal, no consideration was made of the noise associated with the caravan park, for example car movements, car doors closing and patron noise.</p> <p><b>Water resources</b></p>	<p>Noted. Officers consider the assessment of noise impacts provided by the proponent to be sufficient at this stage. The presence of sensitive land uses on the subject site reduces the likelihood of potential noise impacts on neighbouring landowners.</p>

		<p>An ephemeral creek runs east to west along the northern portion of the amendment area. The amendment area is part of the Parry Inlet-Kordabup River sub catchment but is a reasonable distance from the tributary to the west that drains into Parry Inlet.</p> <p>The site is within 1km of wetland Lake William and thus identified by the Government Sewerage Policy as a Sewerage Sensitive Area, and by draft State Planning Policy 2.9 as a Sensitive Water Resource Area, however it is agreed that the site is within a different catchment and does not drain into Lake William.</p> <p>Risks from the proposed development to groundwater and surface hydrology, quantity and quality of the local area, local creek and Parry Inlet include impacts from nutrient runoff from aquaculture, agritourism and horticulture land uses, and from onsite effluent disposal systems associated with microbrewery, caravan park, and other tourism related land uses permissible in the Local Planning Scheme.</p> <p>The EPA has provided advice in this regard and the Department reiterates and supports these recommendations.</p> <p><b>Site and Soil Evaluation</b></p> <p>Generally, the site has low land capability for tourism development based on the very low nutrient retention capability of the soils (254WhIKYs), sandy/clay loams with moderate permeability and high groundwater levels (JB001 – 1.1 m BGL, JB 002 – 0.66 m BGL and JB 003 1.1 m BGL).</p> <p>With the combination of non-intensive agricultural land use (orchards, aquaculture), tourism (caravan park), café and microbrewery these land use activities could potentially be non-compatible.</p> <p>The hydraulic loading on the saturated soils could be problematic and the different types of wastewater need to be separated (human and trade). As the soils are saturated from surface to depth there will be very low capacity for microbial purification or nutrient assimilation as these processes require non-saturated soil.</p> <p><b>Microbrewery land use not supported</b></p> <p>The Tourist T14 Scheme provisions for the site include a Microbrewery (AA). Insufficient information has been provided to enable the Department to properly assess the potential impacts of a proposed microbrewery on the site. Without this detailed information, a</p>	<p>Advice noted but recommendations not supported. EPA, DoH and DWER advice regarding the finalisation of the Site and Soil Evaluation and preparation of a Local Water Management Strategy will be forwarded to the proponent. The proponent will be required to demonstrate adequate wastewater treatment and disposal prior to the approval of any subsequent development application. Shire officers consider it premature for the proponent to be required to submit detailed and technical information (including production volumes) for a microbrewery land use prior to rezoning occurring. Similar to other breweries and distilleries, the treatment and disposal of trade wastes will be required to be demonstrated prior to the granting of development approval, noting that production volumes can be limited if required.</p>
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modification to delete 'Microbrewery' from the permissible uses is recommended. 'Brewery' and 'Distillery' land uses should generally only be permissible where trade waste management involves connection to reticulated sewer.

The Department's experience is that trade waste servicing is, in many cases, poorly considered through the development application assessment process, and there is a significant risk associated with unapproved 'production creep and diversification', compounding the risk of cumulative impacts on and around unsewered sites.

There is no indication of the potential production capacity that has been used to calculate the microbrewery waste volumes. The proposed permissible land uses, including 'Microbrewery' may not individually require works approval or licensing under Part V of the *Environmental Protection Act 1986* as 'Prescribed premises', but cumulatively may pose an environmental risk if not carefully assessed and managed at the earliest possible planning stage. This risk is heightened in areas such as the Shire of Denmark with relatively low pan evaporation rates.

The Government Sewerage Policy and Draft State Planning Policy 2.9 (dSPP2.9) requires water resources to be considered at the earliest possible stage of the planning process and all subsequent stages in accordance with the Guidelines. Cumulative impacts should also be considered.

The Site and Soil Evaluation provided indicates that trade waste from the microbrewery will combined with sewerage in one effluent disposal system. The estimated potential waste from the microbrewery has not been considered separately from other waste generated onsite. The total land application area appears to be based on conversion factors from AS 1547 (Table 8 of the SSE), and so do not properly consider appropriate treatment and disposal of brewery wastewater. Domestic wastewater treatment systems such as ATUs or leach drains are not suitable for trade waste and will fail. The soil profile (sand) and depth to groundwater (1.1 m bgl) is not appropriate for the discharge of trade waste due to the risks of groundwater contamination. The proposed microbrewery capacity, wastewater treatment system and disposal method is required for the Department to provide meaningful advice on the proposed 'Microbrewery' land use, including any proposed capacity limits which should be implemented through the 'T14' provisions.

dSPP 2.9 requires that (cl. 7.1 a) planning decisions (except development applications)

should consider cumulative impacts on water resources. Where the cumulative impact is considered significantly detrimental, the proposal should not be supported. A Local Water Management Report can be used to demonstrate 'proof of concept' and assess cumulative impacts on water resources, in accordance with cl. 7.1 a) and b) of dSPP 2.9.

The Department recommends that assessment of specific sites for where on-site trade waste disposal is proposed be undertaken by a suitably qualified soil scientist, with proven experience in wastewater management to support any proposed Scheme amendment.

This assessment should consider:

- Spatial, physical, environmental, and policy constraints that may limit areas suitable for waste disposal
- Outline assumptions made and what more detailed studies would be required at subsequent stages
- Provide an indication of the maximum volume of wastewater the site is likely to be able to managed, including winter storage needs if required.

Breweries and distillery sites are increasingly being proposed on unsewered sites as part of a tourist development, often identified because of the site's environmental aesthetics and sensitivity. The Department also recommends the Shire develop a Local Planning Policy on Breweries and beverage manufacturing and would be happy to assist the Shire in this regard. Attached is an "Advice note - trade waste considerations for beverage manufacturing in unsewered areas", which has been developed by a whole of government brewery working group (DWER, DoH, DPLH and DPIRD) to assist Local Governments. This approach is supported by draft State Planning Policy 2.9 objectives to:

- protect and improve the environmental, social, cultural and economic values of the State's water resources (cl.5.1) and
- minimise future costs and protect public health by ensuring that appropriate wastewater infrastructure is provided (cl. 5.6) .

#### **Recommendations**

- **Additional information, in the form of a Local Water Management Report, prepared in accordance with dSPP 2.9 is provided to enable the Department to assess and provide meaningful recommendations,**

(refer comments above)

		<p style="text-align: center;"><b>particularly on the proposed Microbrewery land use.</b></p> <ul style="list-style-type: none"> <li>• <b>In the absence of this information, the Microbrewery land use should be deleted from the T14 provisions.</b></li> </ul> <p>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.</p> <p>The Department should be notified of any modifications to the proposal that may have implications on aspects of environment and/or water management, to enable the implications to be assessed.</p>	
G4	<p>Department of Fire &amp; Emergency Services DFES Land Use Planning Michael Ball – Senior Land Use Planning Officer T: 08 9395 9819   E: <a href="mailto:advice@dfes.wa.gov.au">advice@dfes.wa.gov.au</a></p>	<p>I refer to your email dated 5 September 2023 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Working on Fire Planning dated 6 August 2020, for the above Scheme Amendment. DFES note that a BAL report has been included as appendix 4 to the BMP. This BAL report has been assessed as part of the proposal.</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><b>Assessment</b></p> <ul style="list-style-type: none"> <li>• It is noted the BMP has been prepared in accordance with Version 1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against Version 1.4 of the Guidelines.</li> <li>• Changes will be required to the assessment of Bushfire Protection Criteria in the BMP to reflect the updated requirements of Version 1.4 of the Guidelines.</li> <li>• DFES note that while the current proposal has addressed Elements 1-4 of the Guidelines, BMPs for future planning stages on the site will need to consider Element 5, as this element relates to tourism proposals. The supporting documents for a scheme amendment, specifically the BMP should consider how compliance with the bushfire protection criteria can be achieved at subsequent planning stages, so that land is not rezoned if it is not capable of compliance at later stages. DFES does not consider that this has been appropriately demonstrated with the information submitted.</li> </ul>	<p>Advice relating to updates and omissions from the Bushfire Management Plan are noted and will be forwarded to the proponent to be addressed, noting that additional details will be required prior to the approval of any subsequent application for a land use considered ‘vulnerable’ under the bushfire planning framework.</p> <p>Shire officers do not support DFES assessment of the Location criteria from the Bushfire Guidelines on the basis that the proposal has been supported by a Bushfire Management Plan that demonstrates compliance with the ‘acceptable solutions’ standard for location at Element 1 of the <i>Guidelines for Planning in Bushfire Prone Areas</i>. The Shire will request</p>

**1. Policy Measure 6.3 a) (ii) Results of a Bushfire Attack Level (BAL) Assessment**

- The submitted Vegetation/BAL Assessment Report (appendix 4 to the BMP) is not of a standard that would be expected to support a planning proposal. As such DFES have not been able to validate the BAL outputs provided in the BMP.
- DFES note that the submitted BAL report appears to be for the existing dwelling, and as such does not provide clear setbacks to each proposed use on the site (as part of the scheme amendment). As the proposal is for a Scheme Amendment, this approach is not acceptable as per the Guidelines 5.2.4.1 which state for Scheme Amendments in a bushfire prone area, that all rezoning amendments should be accompanied by a Bushfire Hazard Level Assessment or a BAL Contour Map which considers the proposed layout. Future BHL/BAL assessments for the proposal will need to clearly indicate the BHL/BAL level for the overall site, and surrounds.
- Photos are not provided for all areas, with two smaller maps provided detailing photo IDs. Photo IDs are required to ensure that the proposed plots provide an accurate representation of the overall area. However due to the lack of photos outside of the two smaller maps, it is unclear if this has occurred. The photo IDs appear to show the western side of the site only, and do not address the road reserve or exclusion areas on adjoining sites.
- A table of setbacks is provided to each vegetation type; however it appears that this setback is to the existing dwelling on the site, not the proposed development areas. DFES note that an updated table will be required to accurately assess the BAL rating of each area proposed for development.
- There is no supporting information provided to validate the exclusion of several areas including road reserves (with dense tree canopies abutting areas classified as Class A Forest), areas of grassland that are greater than 100mm in height or other areas within 150m of the site.
- The submitted BAL contour map (Figure 4) does not extend outside of the site as required by the Guidelines. The BAL contour/BHL assessment should cover a 100m and 150m band surrounding the development site.
- DFES requests that an updated vegetation assessment and BAL Contour Map is submitted addressing the requirements of Appendix 2 and/or 3 of the Guidelines.

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

Issue	Assessment	Action
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the proponent provide further contextual analysis in final bushfire reports and liaise with DFES as appropriate.

		<p><b>Location</b>    <b>Intent – does not comply</b></p> <p>The development is on a lot that is surrounded by an extreme hazard that, in the opinion of DFES, cannot be adequately managed. The development of a vulnerable land use at this location does not comply with the intent of Element 1 of the Guidelines.</p> <p>DFES notes that the site itself is mostly cleared, with the potential to provide compliant APZ's for future development, however the broader landscape surrounding the site creates an extreme hazard that should not be ignored when determining the suitability of a site for future vulnerable land uses.</p>	Does not comply.		
		<p><b>Siting and Design</b>    <b>A2.1 – not demonstrated</b></p> <p>The BAL ratings cannot be validated for the reasons outlined in section 1 above.</p>	Modification to the BMP is required.		
		<p><b>Recommendation – not compliant with intent, not compliant with acceptable solutions</b></p> <p>The Scheme Amendment is not compliant as it does not meet the intent of Element 1: Location. The application is proposing Vulnerable Land Uses in an area of extreme hazard, which cannot be addressed by management of the subject site only.</p> <p>Further, the BMP has not demonstrated that compliance can be achieved with Element 2.</p> <p>Notwithstanding the above, if the decision maker is of a mind to approve the proposal, it is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire in the context of its broader location.</p>			
G5	<p>Department of Health Environmental Health Directorate <a href="mailto:eh.esubmissions@health.wa.gov.au">eh.esubmissions@health.wa.gov.au</a> <a href="http://v.au">v.au</a></p> <p>Chris Hill / Yashvee Manrakhan- Field 9222 2000</p>	<p>The DoH provides the following comment in relation to this proposal:</p> <p><b>1. Chemical Hazards</b></p> <p>The DoH has concerns with the proposal to rezone the 12ha of general agricultural land for a broad scale orchard located within distances of less than 50% of the recommended buffer of 500m. The recommended buffer is to avoid impacts of spray drift to sensitive receptors in the proposed caravan park, café and part of the residential subdivision.</p> <p>The Environmental Protection Authority (EPA) (2005) document Separation distances between industrial and sensitive land uses (<a href="https://www.epa.wa.gov.au/policies-guidance/separation-distances-between-industrial-and-sensitive-land-uses-gs-3">https://www.epa.wa.gov.au/policies-guidance/separation-distances-between-industrial-and-sensitive-land-uses-gs-3</a>) recommends that where a development is proposed within the recommended default</p>			<p>The proposed gardens and orchards are of a limited scale and not proposed to be used for intensive commercial production, Shire officers consider that this can be managed within the site by the landowner in accordance with the</p>

		<p>separation distance, a site specific impact and risk assessment should be carried out to demonstrate that a lesser separation distance will not result in unacceptable impacts. In relation to impacts to the on-site café and proposed caravan site users, the proponent should consider advising café and caravan users in advance of commencing any impactful aqua- and agricultural activities; and to restrict such activities to periods of low occupancy/use. The proponent should provide further information as to whether the existing wooded area separating the site from the subdivision to the south meets the requirements of a vegetative buffer set out in DoH (2012).</p> <p>Guidelines for separation of agricultural and residential land uses - Establishment of buffer areas can be found here: <a href="https://www.health.wa.gov.au/Articles/F_I/Guidelines-for-separation-of-agricultural-and-residential-land-uses">https://www.health.wa.gov.au/Articles/F_I/Guidelines-for-separation-of-agricultural-and-residential-land-uses</a>.</p> <p>The EPA and DoH Guidelines should be considered in conjunction with the Western Australian Planning Committee (1997) Statement of Planning Policy 4.1 State Industrial Buffer Policy.</p> <p>The site has not been classified as a C-RR, CRU, RRU as recorded on Department of Water and Environmental Regulation's (DWER) Contaminated Sites database (CS Act 2003). Whilst this site does not appear on DWER's public access database, it may be subject to other important classifications not recorded on that 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 form can be found here:</p> <p><a href="https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form_2_June_2020.pdf">https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form_2_June_2020.pdf</a>.</p> <p><b>2. Water Supply and Wastewater Disposal</b></p> <p><i>Wastewater</i></p> <p>DoH is unable to fully assess or support the proposal in regard to the Government Sewerage Policy (GSP), due to a lack of relevant information.</p> <p>Further detail is requested to address the following concerns, including:</p> <ul style="list-style-type: none"> <li>• Although the report noted that the subject land is in a Sewage Sensitive Area, as per the GSP, a 1.5m separation should be achieved from the groundwater level. The report mentions that the groundwater is encountered at depths ranging from 0.6m to 1.1m, but it only specifies a 0.6m separation from the groundwater level.</li> <li>• A microbrewery is mentioned in the Site Soil Evaluation (SSE) report and on a label in a diagram, however, the commentary does not mention a microbrewery. If a microbrewery</li> </ul>	<p>guidance provided by the referral agencies. It is not considered likely that this will impact on adjoining landowners given that this issue will need to be managed within the site and the distance to residences on neighbouring properties.</p> <p>EPA, DoH and DWER advice regarding the finalisation of the Site and Soil Evaluation and preparation of a Local Water Management Strategy will be forwarded to the proponent. The proponent will be required to demonstrate adequate wastewater treatment and disposal (including separation of human and trade</p>
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<p>is proposed, more details are required, and a separate onsite wastewater system for the wastewater. The SSE has only considered one system for both human wastewater and microbrewery wastewater streams.</p> <ul style="list-style-type: none"> <li>• As per the SSE report, it shows that a 30m distance from the dam can be achieved. According to recent Google images, it appears the irrigation area is within 20m from the dam. According to the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>, a 30m setback is required from the dam to the irrigation area.</li> <li>• The SSE report did not include the soil borehole profile or the excavation depths.</li> </ul> <p><i>Drinking Water</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>.</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><b>3. Medical Entomology</b></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>The DoH recommends that any proposed site works do not create additional mosquito breeding habitat as follows:</p> <ul style="list-style-type: none"> <li>• Changes to topography resulting from earthworks must prevent run-off from creating surface ponding as it may become mosquito breeding habitat</li> <li>• Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding.</li> <li>• 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</li> <li>• Constructed water bodies must be located, designed and maintained so they do not create or contribute to mosquito breeding</li> </ul>	<p>wastes and clearance from groundwater) prior to the approval of any subsequent development application. Shire officers consider it premature for the proponent to be required to submit detailed and technical information (including production volumes) for a microbrewery land use prior to rezoning occurring.</p> <p>The proponent will be required to demonstrate adequate and safe potable water supplies prior to the approval of related development.</p> <p>Noted, proponent to be advised.</p>
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## SCHEDULE OF PUBLIC SUBMISSIONS (Support)

### Town Planning Scheme No.3 – Amendment No. 147

No.	Verbatim Submission	Planning Services Comment
S1	<p>I would like to lend my support to the Town Planning Scheme No.3 Amendment 147. Rezoning NO. 2446 (Lot3) South Coast Highway.</p> <p>It presents as a development with a variety of attractions and is close enough but far enough to Denmark to accommodate tourists/travellers without being a burden to the townsite per se.</p>	Support noted.
S2	<p>I am writing with regards to amendment 147, in regards to lot 2446.</p> <p>I ask that councillors use all due diligence to ensure the proposed use and development does not adversely impact the environment, neighbours and the access to William bay.</p> <p>This is a sensitive area and care must be taken.</p> <p>In general I'm not against camping sites as long as they are sensitive to the environment, fairly priced and not just a money making scheme. We need to remember, once established a certain way there is no going back.</p> <p>I'd encourage the shire to also support more natural camping like Parry Beach and some free or low fee camping areas further afield.</p>	<p>Comments noted.</p> <p>Concerns about environmental issues and potential impacts on neighbours are discussed in report, with proposed scheme provisions providing for these matters to be addressed before development approval is granted.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government.</p> <p>The Shire's Sustainable Tourism Strategy includes an assessment of accommodation types and market gaps, noting the need for additional low-cost accommodation and nature based camping.</p>
S3	<p>I am writing to support Tourism Amendment 147 in regard to the Shires proposed rezoning of this block of land to allow the development of short term, accommodation for the reasons outlined below in my capacity as an adjoining neighbour who has been trying to get support for developing a William Bay Tourism Precinct to compliment the iconic reputation and visitor demand for the William Bay National Park.</p> <p><b>Accommodation</b></p> <p>Denmark in wide ranging recent surveys is considered one West Australian's most desirable holiday locations. This demand is resulting in increased visitations but we do not have enough tourism infrastructure to cope with</p>	<p>Support noted.</p> <p>The Shire's Sustainable Tourism Strategy includes an assessment of accommodation types and market gaps, noting the need for additional low-cost accommodation and nature based camping.</p>

the influx. This is causing our community to have to deal with congestion of our beaches, but in spite of the influx of numbers we are losing the food, beverage and accommodation value added dollars to adjoining towns, as there is not enough short term and residential housing for tourists, staff and residents.

There is minimal planning approvals for additional short term and worker accommodation in the Shire of Denmark. We urgently need to address this imbalance as it is causing unsustainable demand for air B & B in town, increasing locals rent and reducing the availability of housing.

#### **GETTING WILLIAM BAY TOURISM PRECINCT TRAIL READY**

**Vehicle Congestion at Greens Pool has not been improved** in spite of + \$ 8,000,000 of State Government investment into roads, the site desperately needs bike and walking trails feeding into Greens Pool and William Bay national park. We have been trying to get Government and private sector support to link the Biblumun walk trail, Munda Biddi bike trail and Denmark to Nornalup Heritage walking and bike trails via an 8 km network through our farm and alongside William Bay Road and fire easement corridors of the Park since 2010.

RAINTREE ESTATE has been in active talks with TWA, DBCA, Main Roads and the Denmark Shire to create the RAINTREE link. The paper trial of this work goes back decades and we are now ready to donate over 2 km's of private land X 5 metres to link the three iconic regional trails. <sup>Appendix 1</sup>

In the coming month's we will be hosting workshops with the owners of 2446 South Coast Highway (driven by Paul Philips and his family) to support this pioneering work. I see a major opportunity to build strategic parking to feed into this loop trail network, eg by upgrading the existing picnic and photograph bay on the overtaking lane between the Caravan Park and Raintree's north west corner and creating two more Strategic Bays .

THE DAM is in discussions with the proposed Caravan Park to look at how we would co-invest in a fleet of electric bikes powered by renewables to assist reduce our regions footprint and the Greens Pool Traffic congestion. Map Attached to this email.

This opportunity will create new jobs in a green economy and may well support a local investor owner / operator to work with both emerging William Bay Tourism Enterprises to build the regions biggest fleet of electric bikes for hire (20-50) noting a precondition of THE DAM accommodation will be two complimentary bikes per Key.

**Albany has just won the WORLD TRAILS NETWORK conference 2026.**

**THE REGION NEEDS TO GET TRAIL READY BY 2026.**

Please see attached the full attachment of the TRAILS.

#### **Conclusion**

It is easy to find fault with development. In todays world I would far rather see homegrown investment from people that have lived in the district all their lives and have young children who one day will take over the family business than an outside (Eastern states or Perth) property developer.

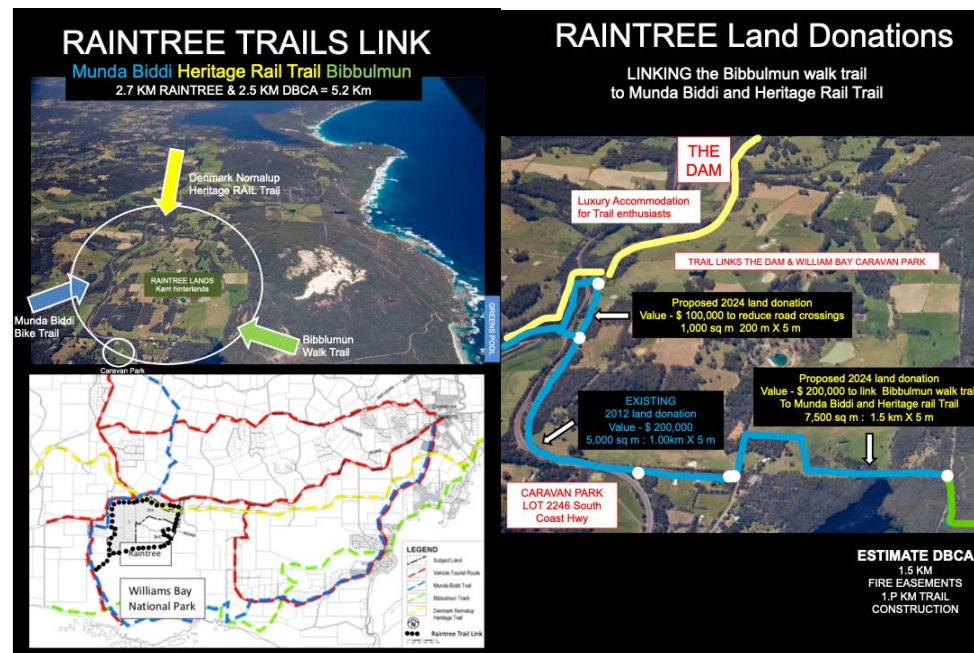
The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government.

In accordance with the Shire's adopted Sustainability Strategy all new commercial developments will be encouraged to demonstrate the adoption of sustainable practices as part of development and ongoing management.

With interest rates increasing and the 21<sup>st</sup> century cost of doing business going through the roof, we should be embracing this development.

Please could you use this letter and not the previous one as I found I had copied you into the earlier version of the Power point on trails (draft 1).

Draft 2 above is the final. It shows the trail land donations as a longer distance and locates the Caravan park so it's more relevant from a planning point of view.



S4 The proposal would provide a place to stay (with maintained facilities) on the doorstep of the iconic William Bay National Park with its annual and rapidly growing number of tourists. Improvements to the William Bay N. Park recently underscore the need to provide proper facilities and management so as to avoid random wear, tear and degradation of a beautiful natural park and avoid dangers inherent in random unmanaged camping/caravanning. The fact that this alternative to random stopovers can be provided by private investors rather than the cost to Shire of Denmark is a bonus. Tourists around the world are demanding better quality facilities and they will be here in greater numbers regardless of how random and comfortable it used to be. Let the Shire confirm this initiative and see visitors stay in a memorable low cost, low impact,

Support noted.

	<p>environmentally attractive farm style accommodation, adjacent to the Nationally famous William Bay National Park</p> <p>Declaring our interest: My wife and I are keen swimmers and would like to have a pool in Denmark, since that seems impossible, a spot where we can set up our camper near Greens Pool will save the drive to and from daily.</p> <p>We are also members of The William Bay National Park Assn Inc.</p>	
S5	<p>I am writing to provide principal support for the rezoning from Rural to Tourist (t14) for No. 2446 (lot3) South Coast Highway, William Bay, Shire reference TPS3/SA 147 which I understand is to be considered by your full council in the coming weeks.</p> <p>The Caravan Industry Association Western Australia is the peak industry body for the caravan and camping sector and represents members across all areas of the industry, such as tourist and residential caravan parks, caravan dealers, caravan manufacturers and industry service providers.</p> <p>It is well documented that there is a significant shortage of such facilities in Western Australia and the demand for caravan parks is increasing as can be shown by the growth of the manufacturing industry. Caravan parks and tourism are important economic drivers for local communities.</p> <p>The CIAWA is of the view that the rezoning from Rural to Tourist for No 2446 (Lot3) South Coast Highway, William Bay is well located, worthy of support and will contribute to the local economy.</p> <p>Should you require any further details please do not hesitate to contact CIAWA.</p>	Support noted.
S7	<p>Owner of land in Shire of Denmark</p> <p>I fully support the rezoning of this rural land into a tourist zone</p> <p>William Bay National Park is the main tourist attraction for the Shire of Denmark. This land is in an ideal location to service the needs of tourists visiting the area.</p>	Support noted.
S8	<p>As a regular visitor to Denmark I have had the opportunity to visit and inspect the above property and have the chance to discuss the proposed development with Noel Phillips. I am very impressed with the proposed plan and what it will offer caravaners in the way of a relaxed environment in a rural setting close to William Bay and many other beautiful parts of your area.</p> <p>In particular I was impressed with the site layout and openness the proposed park will offer its patrons. My wife and I hope the proposal is allowed to proceed as I am sure we and many others will certainly benefit on our future visits to the area.</p>	Support noted.
S10	<p>I wish to advise my support for the above amendment .</p> <p>As a permanent resident of the Rivermouth Caravan Park I wish to advise that this proposed development would be a great asset to our town.</p> <p>Speaking to holiday makers regularly throughout the tourist season for the past 10 years here at the Caravan</p>	Support noted.

	<p>Park, has given me great insight into the "pulse' of the Tourist (both state, inter-state, and international) I feel my personal insight into the "direction" of tourism in our town is valuable and sincerely feel this would be a very positive direction to rezone this area from 'Rural' to Tourist (T14).</p> <p>Having lived on the Gold Coast from the 1960's until the late 1990's enabled me to work within the Tourism industry and see the many successes and failures that Tourism had as an impact on the residents, the investors, the tourists and the environment etc.</p> <p>We live in an extremely unique and pristine environment. We have a unique opportunity to cultivate eco tourism that can be used as an example to other regions - if it is done right. Seeing the success that "The Dam" has spearheaded is both exciting and encouraging. The feedback from tourists is that they don't want to see "Another Margaret River" and mention their deep disappointment upon visiting.</p> <p>The Tourist is our towns greatest drawcard.</p>	
S15.1	<p>Wonderful opportunity for more employment in town. Great location to support Green's Pool – Food &amp; Accommodations. Need more caravan sites in town to support the school holidays!</p>	Support noted.
S15.2	<p>Having toured with a caravan the proposed location will provide an easy to access park central to a wide range of attractions both in Walpole and Denmark. Great high quality project.</p>	Support noted.
S15.3	<p>I support the proposal as it is a logical position for a caravan park, being adjacent to the access to Denmark's most popular beach. It will provide further employment opportunities for local youth. It will be a quality addition to Denmark tourist accommodation.</p>	Support noted.
S15.4	<p>Promoting tourism in the Shire of Denmark not only brings people to the area to spend money, it will create local jobs. More and more people are coming to our Shire and are looking for places to visit. We need to Promote Development and not put up Road Blocks!</p>	Support noted.
S15.5	<p>Great spot with all the tourists that head to William Bay. More accommodation is defiantly needed in Denmark region.</p>	Support noted.
S15.6	<p>Aqua Ice – Ice and Ice Cream Suppliers for Denmark and Walpole</p> <p>Be great for the area especially the tourism. More accommodation is needed.</p>	Support noted.
S15.7	<p>Right on the Highway – Great for a coffee for tourists and locals. Camping – food! – Playground etc available bike and walking distance to many tourist attractions in the William Bay area. This venue will be an added important extra along our SW Highway.</p>	Support noted.

	Hope with a caravan park it will stop caravans parking in paddocks around the area during holiday seasons. It will provide employment for the town. Great idea.	
S15.8	Tourist town needs more accommodation for tourists.	Support noted.
S15.9	I believe the rezoning of this property from rural to tourist is the right decision. There is a huge demand for tourist accommodation in this area.	Support noted.
S15.10	This caravan site is a very good idea as it will help reduce congestion in the townsite area. Greens Pool is a very popular tourist attraction and having a caravan park out there will reduce traffic congestion on South Coast Highway.	Support noted.
S15.11	We should be providing tourism in the shire. This development will bring people to the town who will spend money, creating jobs. It is a very tasteful development showcasing local produce and all the wonderful produce that is available in our area.  With the upgrade to the William Bay National Park at Greens Pool it is known that visitor numbers will increase. We need to ensure these visitors have a reason to return.	Support noted.
S15.12	Great Position for Tourist. I honestly feel – it is needed for tourists, as there is nothing between Northcliffe and Denmark – great interest for children play ground – could supply shuttle bus to Greens Pool – owing to shortage of parking at Greens Pool.	Support noted.  The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. The Shire supports the development of shuttle and transfer services by commercial operators.
S15.13	Great for employment. Yes.	Support noted.
S15.14	This will be a great asset for the shire and camping in the shire.	Support noted.
S15.15	We approve this submission.	Support noted.
S15.16	Great for the town. Tourism is very important for other businesses in Denmark. Employment for young adults with families to come to live in Denmark, local kids may stay in Denmark.	Support noted.
S15.17	I support this proposal as it provides employment for the youth in town as well as another venue between	Support noted.

	Denmark and Walpole.	
S15.18	I support this proposal which will provide much needed employment and an extra venue for services in the area between Denmark and Walpole.	Support noted.
S15.19	Adding to the employment and opportunities for youth and businesses of Denmark.	Support noted.
S15.20	<p>Will be a great attraction for local Denmark citizens, their friends and family and also those who visit Denmark.</p> <p>This will bring something new to the town which people will then want to come and stay. This development will be a great family run business with huge amount of ideas which gives people the chance to experience something new.</p> <p>I am in full support and am excited to see this plan go ahead and what it brings.</p>	Support noted.
S15.21	<p>Great idea. Denmark needs more facilities for tourists, especially during the busy season.</p> <p>Great location, William Bay gets hammered and great to supply facilities for people out there.</p>	Support noted.
S15.22	I support the rezoning of the above property from rural to tourist zone. This would allow for greater growth for tourists, visitors in this area.	Support noted.
S15.23	Denmark needs more caravan parks and this area will be ideal, close to all attractions.	Support noted.
S15.24	Good idea.	Support noted.
S15.25	<p>This beautiful place Denmark has many people travelling here to relax enjoy the place by sight see, walking and taking in the winery, beaches and meals. The other caravan parks are full most holidays and have to drive elsewhere to stay or park on the side of the road.</p> <p>2446 (Lot 3) South Coast Highway, William Bay. This is a amazing pretty area where people are close to or a short drive from tourist destination. The new caravan park is hoping to have food, entertainment for children and a quiet place for travelling people to take sometime out of there busy lifes.</p> <p>Lets encourage people, there family's and friend to relax in the beauty of the very old town and area, so they can learn, rest and support Denmark as a spectacularly tourist place with an amazing environment.</p>	Support noted.
S15.26	We think this is a great idea. Create more jobs for the locals.	Support noted.



S15.27	<p>This private family project should be totally supported by the Denmark Shire. It will be a great asset to this district. You need people with foresight to make this district great.</p> <p>Red tape is killing investments everywhere. So I support this project immensely for the future, also to keep this family's offspring to stay in this district.</p>	Support noted.
S15.28	Think it is a brilliant idea employment and we need places for caravan's.	Support noted.
S15.29	Yes for Caravan Park.	Support noted.
S15.30	Yes it will be great for the region (Denmark). It will also help with the tourists to Denmark for accommodation.	Support noted.
S15.31	Great for Denmark and Tourism.	Support noted.
S15.32	My only comment is needed and a beautiful situation.	Support noted.
S15.33	We have been holidaying in Denmark district for many years with our caravan. The addition of a new caravan park at the William Bay turnoff will provide an essential service to promote tourism in the area and I wholeheartedly support the proposal.	Support noted.
S15.34	I support the proposed caravan park as it will provide an essential service to promote tourism in the area.	Support noted.
S15.35	I think this is a good idea.	Support noted.
S15.36	Yes great idea.	Support noted.
S15.37	Go for it. Another tourist magnet.	Support noted.
S15.38	All good for caravans.	Support noted.
S15.39	I am in favour of this property being approved as a convenient place for a caravan park as Denmark is fast becoming a tourist town, especially favoured by tourists who travel with their caravans. These type of tourists would enjoy being able to stay so close to the beaches and also our lovely town and I think should be welcomed. Although we already have great caravan parks there is need for another good one.	Support noted.
S15.40	[no comments made]	Support noted.
S15.41	As a life long resident of Denmark we feel anyone willing to provide a service to tourism and locals should be	Support noted.

	encouraged to do so. Our town swells to breaking point during holiday season. As I leave work early in the morning I see lots of overflow campers/vans etc. poked into parking bays etc. as all campsites are full. People travelling should be encouraged to stop and spend there money in Denmark.	
S15.42	This proposal is an excellent idea. Having a caravan park located close to the William Bay National Park with Greens Pool and Elephant Rocks is ideal and will attract visitors to stay in the area instead of just a quick stop. It will also help lessen the congestion in the town centre with parking issues when visitors first arrive with caravans in tow. Employment opportunities for locals is vital to keep families to reside in the area. Other local tourism businesses will also benefit from more visitors exploring all the diverse range of experiences that Denmark has to offer.	Support noted.
S15.43	Creates employment and drives economy of Denmark. Don't become like Pemberton.	Support noted.
S15.44	I think it's a great idea.	Support noted.
S15.45	Yes. Yes.	Support noted.
S15.46	Marvelous tourist aid with minimum disturbance.	Support noted.
S15.47	It will benefit the whole of the shire at no cost to the shire. I believe it being a prime location to attract more visitors to our local area. On the door step of one of the shires great attractions Greens Pool. A positive result to benefit the community.	Support noted.
S15.48	I SUPPORT THE APPLICATION to change this property rezoning from "Rural" to "Tourist". The planned tourist facilities on this site are really interesting and exciting and will be of much interest to those planning to visit the Denmark area. Already there are some beautifully designed and executed changes in the landscape and the planned facilities will seem most attractive and easily seen from the road. I can see these proposed changes as being a big plus for Denmark.	Support noted.
S15.49	The amendment of the above will be advantageous to many. This project will be great for Denmark, something new and inventive. It will provide employment both through the development of it and running of it. Great for tourism and local alike.	Support noted.
S15.50	I commend the application of amendment 147 TP3 to Lot 3 South Coast Hwy William Bay. It is novel and demand warranted, because of its location would encourage pedestrian and bicycle traffic to William Bay/Greens Pool area and therefore reduce vehicle traffic and parking pressure to this area.	Support noted.

S15.51	Good place close to beach. Town needs more holiday accom.	Support noted.
S15.52	Another caravan park would be welcomed by tourists.	Support noted.
S15.53	Think it is a very positive move to put more tourist accommodation in Denmark. Close to William Bay beach is a great spot.	Support noted.
S15.54	Yes	Support noted.
S15.55	A great proposed project and will be a great tourist venue and for the local residents also.	Support noted.
S15.56	<p>I support the application for rezoning of No. 2446 (Lot 3) South Coast Highway, William Bay from 'Rural' to 'Tourist' (T14) zone.</p> <p>The applicant is well experienced in the tourist business in Denmark and has successfully operated the Rivermouth Caravan Park at No. 1 Inlet Drive, Denmark for many years as a welcome improvement to Denmarks tourist facilities. The proposed development at No. 2446 (Lot 3) South Coast Hwy, William Bay will be a welcome further tourist attraction improvement.</p>	Support noted.
S15.57	Good idea need more for tourist. Yes.	Support noted.
S15.58	Yes	Support noted.
S15.59	About time there was more accommodation around Denmark.	Support noted.
S15.60	Great idea somewhere to stay out of town.	Support noted.
S15.61	Yes	Support noted.
S15.62	I believe this is a good thing that the tourist precinct is being developed as there is not enough accommodation, especially at Easter and Christmas periods.	Support noted.
S15.63	Yes	Support noted.
S15.64	Great idea! Fantastic for anyone going to Greens Pool.	Support noted.
S15.65	A good decision for Tourism in the area. I fully support this application for the property to be zoned for Tourism. Such a rezoning can only be good for the William Bay/Denmark area.	Support noted.

S15.66	Yes	Support noted.
S15.67	This is a much needed development in the William Bay district. This area has world class tourist attractions. Eg. Greens Pool, Elephant Rocks and Madfish Bay. But visitors cannot get any food or refreshments. The café in this development will solve this problem. Also having a caravan park so close to these attractions will be a real bonus for travellers.	Support noted.
S15.68	We would enjoy a great place to visit after going to the beach. Yes we support this.	Support noted.
S15.69	Great for local tourism, Greens Pool close. Parking great for big rigs, buses. Full Support.	Support noted.
S15.70	As a resident of Denmark for 40+ years, we agree to the proposal on Scheme Amendment 147 (Caravan Park) at William Bay. We think the benefits coming from tourism, employment opportunities and additional accommodation, particularly in peak tourist times will be beneficial for the overall growth of the shire and Denmark community.	Support noted.
S15.71	Yes please would be great. It would be great to have a place to go to after having gone to the beach.	Support noted.
S15.72	I fully support the caravan park going out near William Bay. Great for tourism, ideal for local's to call into for takeaways for a beach trip to William Bay, Parry's etc. Its an ideal location.	Support noted.
S15.73	I think it is a great idea for Denmark and I agree fully to change from Rural to Tourist project.	Support noted.
S15.74	Totally agree with proposal from Rural to Tourism. I believe it is a great for tourism and locals visiting William Bay, Parry, etc.	Support noted.
S15.75	Great idea for visitors to stay near William Bay and a nice meal out of Denmark. Think this is a great idea.	Support noted.
S15.76	I support the proposal as it will allow business/es to create a tourism hub in the Shire of Denmark. I support any proposal that encourages economic growth.	Support noted.
S15.77	We are in full support of the proposal for a new caravan park. The benefit to our town is priceless. Extra holiday accommodation, jobs for our town folk plus many many benefits for our beautiful town.	Support noted.
S15.78	I fully support this submission.	Support noted.
S15.79	Good Idea.	Support noted.

S15.80	Yes great idea.	Support noted.
S15.81	The provision of a caravan park and camping grounds close to the renowned Greens Pool and Elephant Rocks is long overdue for the large number of tourists who wish to enjoy this region. As is the provision for a café/coffee shop. Both of these have long been a necessity to improve and enhance this important region for Denmark.	Support noted.
S15.82	Great place for accommodation. Hopefully this will stop travellers camping in laybys and the bins overflowing. The town is in desperate need for more tourist accommodation and accommodation for the staff.	Support noted.
S15.83	Yes	Support noted.
S15.84	I see no reason to prevent the development. However, I would note they provide a shuttle bus service into the park.	Support noted. The Shire supports the development of shuttle and transfer services by commercial operators.
S15.85	Yes I think it would be good. More places to stay in a good area.	Support noted.
S15.86	The town of Denmark need more places for tourists to occupy away from town and to be nearer to the tourist venues such as beaches, honey, toffee factory.	Support noted.
S15.87	Wonderful idea for tourists and locals as well.	Support noted.
S15.88	I support the development of this property to ne rezoned from "Rural to Tourism" to enable the proprietors to prove a complex for tourists (and locals) to enjoy. As there are several other tourist businesses along the highway in that area, this development will enhance the tourism aspect there.	Support noted.
S15.89	As a rate payer of Denmark, I agree with this proposal to go ahead from rural to tourism. I support the Phillips family in their adventure.	Support noted.
S15.90	I support this development. I think it would add to the community.	Support noted.
S15.91	I agree with proposal to go from rural to tourism.	Support noted.
S15.92	Denmark needs tourism.	Support noted.
S15.93	Excellent idea. Assist tourism in town.	Support noted.

S15.94	Great Idea.	Support noted.
S15.95	I am in support of the proposed development. It brings more accommodation for tourists and creates more local job opportunities. It is another location for our locals to enjoy and close to Greens Pool in peak times this will be a great attraction spot for a bite to eat! More accommodation options is definitely needed for our growing tourist town.	Support noted.
S15.96	I am in support for the proposed caravan park/restaurant. Denmark being a tourist town has no accommodation at its peak times, which encourages illegal camping throughout the district.  Having another place to go out and have meals is one thing this place is lacking. More local businesses equals more jobs for locals and brings more money to the town and surrounding shires.	Support noted.
S15.97	Great for employment. Great idea.	Support noted.
S15.98	I am in support of this amendment 147. Creating more businesses in our community. (Can only benefit Denmark). This will provide growth in Denmark for future generations.	Support noted.
S15.99	Great for the town. Great for employment and good for the district. Loc S C H – 11km from Dnk. Perfect position for park. Work for locals. Convenient for all in that setting.	Support noted.
S15.100	All good.	Support noted.
S15.101	I feel as a Denmark community member it will bring tourists and attract interest in Denmark. <ul style="list-style-type: none"> <li>• Will bring more people to Denmark.</li> <li>• It will provide a great place to visit, re – café, etc.</li> <li>• It will provide more accommodation that is necessary in Denmark.</li> <li>• The owners of the property are community orientated and very supportive to all.</li> </ul>	Support noted.
S15.102	Employment opportunities. Growth of town.	Support noted.
S15.103	I am supportive of a caravan park in this location. <ul style="list-style-type: none"> <li>• Allows tourists to stay closer to attractions, relieving parking issues at hot spots.</li> <li>• Local hard work family employs locals including our youth, creates employment.</li> <li>• Unique style and plan creates an attraction in itself, keeps travellers in our shire longer meaning the money stays within our town, stop them just driving through.</li> </ul>	Support noted.
S15.104	Having toured around Australia with caravan in tow, I consider the proposed tourist development at Lot 3	Support noted.

	South Coast Highway William Bay to be in a perfect location as a base to explore all the local attractions both east and west. The site is easy to find and access with beautiful surrounds.	
A15.105	Increase in tourism accommodation options; positive impact on town. I think this is a great spot for a caravan park and needed on the west side of town. As a previous owner of a caravan park, I am well informed as to the serious lack of accommodation options for caravan and families in peak season in Denmark. This is an asset to Denmark and I wholeheartedly support the development of the site for the purpose.	Support noted.
S15.106	Support proposal. Provides employment to our citizens. Keeps the tourist in town longer, stops then driving through. It will provide better access to our Greens Pool icon, with pathways and bus shuttles, dog/animal caring kept out of national park. Denmark needs another caravan park option.	Support noted.
S15.107	Facilities and infrastructure are vital to the town of Denmark for future sustainable growth. Agritourism promotes better understanding of where our food comes from and what makes Denmark and districts so special.	Support noted.
S21	<b>Do you support the proposal?</b> Yes <b>What are your questions, comments or concerns?</b> Due to its size the said land is not viable for rural pursuits. Activities permitted under a Tourist Zoning will compliment existing Tourism activities along South Coast Highway, in the vicinity. Facilities proposed on the Lot will give visitors to the William Bay precinct additional options and experience.	Support noted. There are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.
S38	<b>Do you support the proposal?</b> Yes <b>What are your questions, comments or concerns?</b> Fully support the proposal. Location ideal for tourists and will provide employment opportunities for locals.	Support noted.
S39	<b>Do you support the proposal?</b> Yes <b>What are your questions, comments or concerns?</b> Fully support proposal. Will be perfect location for tourists to stay and will provide tourist opportunities for locals of Denmark	Support noted.
S40	<b>Do you support the proposal?</b> Yes <b>What are your questions, comments or concerns?</b> Fully support the proposal. Ideal location to service tourists and will provide employment opportunities for locals.	Support noted.

S52	<p><b>Do you support the proposal?</b> Yes</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Fully support the proposal. Ideal location for tourists and will provide employment opportunities for locals</p>	Support noted.
S53	<p><b>Do you support the proposal?</b> Yes</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Fully support the proposal. Location is ideal to service needs of tourists and will provide employment opportunities for locals of Denmark. It will be an asset to the town.</p>	Support noted.
S54	<p><b>Do you support the proposal?</b> Yes</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Fully support proposal. Perfect location to service needs of tourists and will provide employment opportunities for locals</p>	Support noted.
S55	<p><b>Do you support the proposal?</b> Yes</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Fully support the proposal. Ideal location to service the needs of tourists and provide employment opportunities for locals.</p>	Support noted.



## SCHEDULE OF PUBLIC SUBMISSIONS (Objections)

### Town Planning Scheme No.3 – Amendment No. 147

Ref No.	Verbatim Submission	Planning Services Comment
S6	<p>In reference to the planning application, as an adjacent land owner I would like to state the following. We are not opposed to the concept as it makes sense to allow tourist development as close to William Bay and Greens Pool as practical. However, while we are not opposed to the application we are vehemently opposed to the applicant.</p> <p>He has no regard for neighbouring properties which he has displayed in volume since purchasing the land. There has been 24hr noise pollution which council has been made aware of by numerous neighbours. He has poisoned mature Karri Trees. He lied to Main Roads about the sighting distance. He has illegally discharged high power rifles on numerous occasions (reported to police who investigated). The owners family announced their arrival by running a social gathering of friends and kids with 2 stroke motorcycles for four days, 10 hours a day in a show of blatant disregard for the neighbours.</p> <p>I could go on but please note that I will hold council responsible if they don't police this development (if it proceeds) regarding the impact on neighbours via light, noise pollution and traffic congestion. The access and egress proposed will result in a massive escalation of risk regarding the potential for traffic accidents over the busy summer tourist period.</p>	<p>Concerns about illegal or anti-social activities should be reported to WA Police.</p> <p>Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations.</p> <p>Concerns about illegal removal of vegetation should be reported to the Department of Water &amp; Environmental Regulation.</p> <p>The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>
S9 & S12	<p>As property owners of 40 Byleveld Close, William Bay, we would like to <b>strongly object</b> to the rezoning of the above on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The South Coastal Highway at the entry to this property is not adequate to cater for towing vehicles and could become very dangerous to all road users at access points. This particular area has lots of hills and bends, and the speed limit is 100km/h.</li> <li>2. The multiple intersections, eg P Bay, Williams Bay road, and Privett Rd combined with the overtaking lane is already a dangerous section of road of which we have often witnessed near accidents.... hard breaking etc etc.</li> <li>3. We are not currently serviced for rubbish or water. This would surely be problematic for a caravan park, not to mention increased use of Greens Pool and Elephant Rocks - also no rubbish facilities.</li> </ol>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>Any tourism development on the subject site will be required to provide a sufficient potable water supply and provide for waste collection.</p> <p>Competition between operators is not a relevant planning consideration.</p> <p>South Coast Highway and William Bay Road form part of the</p>

4. There are already sufficient caravan parks in the close vicinity of the Denmark area (Parrys, Ocean Beach Caravan Park, Riverbend Caravan Park, Boat Harbour Caravan Park, Peaceful Bay Caravan Park and Walpole Caravan Parks), we feel this would impact on these tourism owners who provide similar accommodation.

5. It will increase foot and bike traffic along Williams Bay Road, which does not cater for either!! The national park areas of Greens Pool and Elephant Rocks have already been upgraded, yet still struggle during peak periods for parking and facilities.

6. An increase in traffic, noise and people to this area at all times of the day is something we strongly oppose. We live in this spot because there isn't excess noise, traffic, people - or a CARAVAN PARK!!

We would appreciate you responding to how each of our concerns will be addressed when considering this rezoning. We know we share the views of many local residents, and we put faith in this process and hope the profits and networks of one business/land owner doesn't overshadow the livelihoods and lives of many.

In addition to this, we would be very interested as to why property owners have already made significant changes/financial commitment to their property (e.g. adding infrastructure, planting up trees etc) BEFORE the shire has approved the re-zoning. I feel they are already confident of the outcome and this makes us very concerned.

#### Further comments submitted (S12):

##### 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.
JLP Superfund	3	1344/644	D44343	11.9873	South Coast Highway/2446

**Table 1:** Land and ownership details

JLP Superfund resembles the same initials as Shire Councillor Janine Phillips. Please supply certificate of title. If the land is owned by Janine Phillips should this not be disclosed within the proposal or at least the public notified? What has the Shire done to ensure that the Shires Codes of Conduct have not been breached?

How many caravan sites are proposed? No mention in report - sketch indicates up to 61 sites (which further questions the traffic counts proposed). What's stopping the developer increasing

Munda Bididi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions, but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

The certificate of title was provided with all amendment report attachments and reads as per this description. Any conflict of interest held by a Shire Councillor is required to be declared when the Council considers this matter in accordance with the requirements of the Local Government Act. Oversight is a matter for the Department of Local Government.

The proponent has indicated an intention to develop a caravan park of approximately 50 sites (amendment report page 36-37) but the number and layout of this will be subject to a development application should the proposed rezoning proceed.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is

this, perhaps developing in the "garden area"? This affects all other factors listed in the proposal, traffic, waste, noise etc. Please confirm site numbers and restrictions.

*The site is limited in terms of its capacity to support traditional agricultural activities as a sustainable stand-alone operation primarily due to its relatively small lot size.*

This is not a justification or supporting reason to approve the proposal, more an oversight of the purchaser? Please respond with how this factor is relevant in supporting this proposal?

*its strategic location adjacent a major tourist route, its close proximity to significant tourist destinations*

As originally highlighted, there are already multiple caravan parks in strategic locations; Parrys, Ocean Beach Caravan Park, Riverbend Caravan Park, Boat Harbour Caravan Park, Peaceful Bay Caravan Park and Walpole Caravan

The current crossover may have proven safe, this may be due to the current traffic numbers and vehicle types being significantly less and shorter in length than those of a caravan park.

Familiarity with the roads and traffic would also be a factor, as opposed to tourist who would not know the road network and dangers/risks i.e. HVs travelling down the hill at 90km p/hr

As a civil engineer I am very familiar with MRWA intersection requirements and in my opinion I do not agree that the new crossover will not comply with MRWA criteria. Any such pre approval is flawed. The introduction of a 3rd intersection within close proximity to Williams Bay Road, with an overtaking lane, and a steep down hill approach at 90km p/hr to the east will certainly create traffic accidents in future. Please provide the MRWA new crossover approval or guidance documents which state compliance with sight distances. The attached MRWA vegetation plan indicates different sight distance figures than that noted in the report.

Caravan site sketch indicates 61 sites. If so the Traffic numbers generated from caravan park noted within the report (31 AM and 30 PM) looks to assume only half the guests come and go once throughout the day? This is not a realistic figure given tourists generally come and go from accommodation several times a day. Do the numbers include the "Solid Waste Management" which has rubbish being removed daily, i.e. 2x HV movements per day. Traffic assessment issued under the proposal is flawed. Do the numbers include the work force or staff coming and going?

Sustainable Tourism. Would this not also apply to sustaining the Williams Bay National Park. Any increase in patronage due to the new caravan park will put further strain on the national park. Increase in traffic, increase in waste, increase in noise, increase in pollution. The new caravan park would also negatively affect the revenue of current accommodation facilities which are all in close proximity but not located adjacent a world class national park.

Visual Impact - there are no caravan parks which can be seen as you drive on the South Western

very difficult to reverse.

Competition between operators is not a relevant planning consideration.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.

A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site.

Hwy (H9). How will this caravan park not alter that fact.

Bushfire management. More people will result in a greater risk of accidental fires, in particular fires within the Williams Bay national park.

As also mentioned in the initial email. Why has so much work been completed on the property to prepare it to be run as a caravan park without town approval? Why does the landowner/councilor have such confidence their request will be approved?



S11 I am writing to you to address an issue with regard to the above development.

Having lived in the immediate vicinity for near on 30 years and having been an early morning swimmer at Green's Pool for all of those years I see an imminent, dangerous, traffic issue with this development's location.

The William Bay road and the South Coast Highway intersection is the area of

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.

	<p>contention. From both directions vehicles hurtle down these roads and one doesn't see them till they are on you, as the speed limit is 90 klms per hour. A Caravan or RV can not pull out quickly onto the highway if travelling in either direction.</p> <p>The proposed development includes 50 caravan sites, cafe (sporting functions) agritourism, workforce accommodation {relocatable buildings,} This equates to a serious lot of vehicular movement onto and off the Highway.</p> <p>There is also a lot of concern by people who frequent and live in the local area, about the road issue, In regard to the proposed development.</p> <p>Being a distinct risk to road safety, should this Amendment be approved, I implore your better judgement and not approve this development.</p>	
S13	<p>We live directly across the road from the proposed rezoning No. 2446 and we do have concerns about this development being that of what we have stated and asked below.</p> <ol style="list-style-type: none"> <li>1. How is this proposal going to effect the neighbouring land owners regarding value of there land, noise, traffic and neighbouring roads such as South Coast Highway, William Bay Road, Privit Road, Byleveld Close?</li> <li>2. Our biggest concern would be the location of the Entry and Exit onto South Coast Highway: The current Entry and Exit is in close proximate with a T Junction coming out of William Bay Road and South Coast Highway.</li> </ol> <p>There has been (over the years) numerous accidents regarding mostly blind spots created when cars, caravans and trucks accessing William Bay Road as to vehicles entering William Bay Road off South Coast Hwy etc. Exiting is an issue as well with cars and trucks traffic moving at the speed to negotiate the upcoming (8 mile) hill also Trucks will forced into lower gears dangerously and noisily as the air brakes are in use coming down the hill, they will need to negotiate not only William Bay traffic but cars with caravans, general public etc exiting the proposed caravan park.</p> <p>William Bay Road is narrow and will become a traffic problem with vehicles and caravans missing the turn off, as there is no turn around, we already have a problem with traffic entering Byleveld Close through to Privet Road using it as a way round and visa versa. Byleveld Close is a no through road not an all through road, as to Privit Road.</p> <p>Then pedestrians, bike riders etc staying at the proposed rezoning property No 2446, Access to bike trails and William Bay is a total hazard crossing the angled south coast highway, Any</p>	<p>Private property values are not a relevant planning consideration.</p> <p>Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>South Coast Highway and William Bay Road form part of the Munda Bididi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail. The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site.</p> <p>The proponent will be required to provide a hydrological assessment before developing any additional dams on site, which will then be sent to the Department of Water &amp;</p>

	<p>thoughts on that?</p> <p>As work has been carried out now with already on the Property for a fair time now with no consideration to neighbouring residents, whats it going to be like with all this volume of proposals in full swing? We already have seen an indication to what the headlights create looking as they are exiting the property, which is inconsiderate.</p> <p>3. What about Fire Control in the event, as we all know we had a fire this way last year, traffic was hectic and before being controlled. What fire plans will be in place regarding property for the guests, whether it be caravans, guests at restaurant, shop etc.</p> <p>4. Environmental -What effect is all the water being used (bores if in used etc) on Lake Byleveld, we don't think the dams cant be used for watering all those grounds Plus Aquaculture or can they? What impact will it have on the environment out at Lake Byleveld?</p>	<p>Environmental Regulation (DWER) for assessment.</p> <p>The proponent will be required to contact DWER regarding licensing requirements for any proposed groundwater abstraction (bores).</p> <p>Advice from EPA and DWER does not suggest concerns for potential impacts on Lake Byleveld, noting that Lake Byleveld is in a separate surface water catchment.</p>
S14	<p>I have been a resident since 1980 on The Wolery Ecological Community, the rural multiple occupancy property adjacent to the north of the proposed re-zoning (Plantaganet Loc.2005). I have watched and participated in the development of Denmark over 43 years and will be impacted by what eventuates, and I have the following observations and comments to make:</p> <p>As someone who fell in love with all the natural attractions Denmark and surrounds have on offer I understand why tourists want to come here. I am not ideologically opposed to tourism. However I am concerned we do our best to maintain the integrity of the natural places tourists come to visit, and that we consider the impact of tourism on the lives of local residents.</p> <p>The site is strategically located about as close as could be to William Bay National Park, arguably Denmark's biggest draw card and one of WA's most beautiful swimming spots. On their William Bay website, DBCA say there are over 300,000 visits to the Park each year and they expect numbers to grow.</p> <p>In the peak of summer local caravan parks are often bursting at the seams, so a new one is arguably desirable, and being so close to the National Park would be a winner for the proponents. Day visitors to the National Park could also go to the proposed Tourism Zone for a beer, a meal, and other attractions. (Though there are already other similar day visitor venues nearby, The Dam at Raintree, The Meadery, The Toffee Factory, etc.)</p> <p><b>I HAVE FOUR AREAS OF CONCERN</b></p> <ol style="list-style-type: none"> <li>1. Road Safety</li> <li>2. Extra Pressure on William Bay National Park</li> </ol>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation &amp; Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.</p> <p>The proposed amendment includes a special provision limiting the occupancy of any tourist accommodation to a maximum length of stay of 3 months in any 12 month period.</p> <p>Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is generally a matter to be resolved between landowners. Concerns about trespass or other illegal or anti-social activities should be reported to</p>

3. Impact on The Wolery as next door neighbours
4. Overall policing of the proposal should it proceed.

### **1. MOST IMPORTANT OF THESE IS ROAD SAFETY**

We have heard by casual word of mouth the proponents have already consulted with Main Roads about their vehicular entrance/exit points onto South Coast Highway and have been told the safety of these isn't optimum, but good enough.

**As a local resident with 43 years experience driving, walking and bicycling that stretch of road I would totally dispute that. If this is Main Roads verdict, can we please see an official detailed written assessment from them that considers and replies to the safety issues outlined below. I honestly believe lives could be at risk if this proceeds as is.**

I strongly urge planners and Shire Councillors to visit the site and consider how traffic will work on a busy summer's day.

Many visitors can be totally new to the area, from overseas or interstate, or simply their first time there. If they have a caravan, heading to the proposed Tourism Zone from Denmark, they are legally doing 90KPH, coming down a very steep hill and bend. They can't see the proposed entrance until they are around the bend. Then within tens of meters (maybe 60?) they will need to quickly slow almost to a stop to make a right hand turn into the proposed Tourism Zone. On their right are two lanes of oncoming traffic, on their left the turn-off lane to William Bay (which is strictly a turn-off lane, not an overtaking lane).

Can they see when to start signalling they intend turning right? If they have to stop to allow oncoming traffic to pass, another heavy vehicle coming around the almost blind bend behind them at 90KPH has an even shorter distance/time to stop. Should there be more traffic speeding down the hill behind them (eg motor bikes), the problem compounds.

### **HOW CAN THIS BE DEEMED SAFE?**

Approaching this spot coming from the west there is a dip in the road that obliterates your view ahead for a few seconds. Again, dangerous if slow vehicles are pulling out of the National Park, crossing the Highway to the proposed Tourism Zone opposite, or are wanting to cross the opposite way.

**Indeed how do vehicles safely cross the Highway from the proposed Tourism Zone into the National Park?** To me the wriggle room appears to make that almost impossible, but surely caravan drivers will want to do this. That is, cross over three lanes to reach the left hand turn lane then turn right into the lane pulling a caravan so they can then turn left in about 15? meters. I haven't actually measured it, that's Main Roads job.

How do cyclists and pedestrians safely cross the Highway to and from the Tourist Zone in a 90

WA Police.

Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times, in accordance with the Caravan Park Regulations. Any concerns regarding the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and direct a response as appropriate.

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

Any concerns regarding building or planning compliance should be reported to the Shire for actioning as appropriate. The Shire's Development Services team responds to and investigates compliance matters on a priority basis, according to available resources.

KPH zone? Surely if it is a caravan park, then residents will want to explore local surroundings by foot or cycle. This is not a pedestrian friendly zone.

At the very least if this proposal is approved, I urge that the speed limit for this section of road is significantly reduced, and of course signage on the Highway indicating an upcoming tourism turnoff would be essential for traffic coming from both directions.

## **2. PRESSURE ON WILLIAM BAY NATIONAL PARK**

It really is hard finding a parking spot down there in summer school holidays, even with the new parking areas put in recently, many visitors end up parking anywhere they can along the entrance road because allocated parking is already full.

This is where locals really are inconvenienced. Denmark children have had swimming lessons at Green's Pool for generations and I know swimming teachers struggle to find parking to offload gear for lessons even quite early in the day. By mid-morning, which is when as an elderly resident I prefer to swim, I find trying to park near Green's Pool is almost impossible, so I usually try my luck further down at Madfish, or Waterfall, and even they can be overcrowded for parking with cars parked in odd places along the roadside. Sometimes I go home to try another time.

Surely this proposal will only add to parking issues. Do we need to rethink or just let this problem keep growing? Can parking be elsewhere closer to town with a regular shuttle bus service during summer? Isn't there an upcoming review of Denmark's tourism strategy? **Should these larger picture tourism questions be addressed before this particular significant development proceeds?**

## **3. LIVING NEXT TO A CARAVAN PARK**

As a next door neighbour I am not keen on it being a caravan park. That adds quite a different dimension of semi-permanent residents and more constant activity 24 hours a day 365 days a year than a simple restaurant or brewery that shuts after ordinary business hours.

I am concerned that curious visitor/residents (allowed to stay up to three months) would be tempted to cross our boundary fence and explore our rural property, making security for us a bigger issue in various ways (theft, fire, vandalism) than it has ever been in the past. We have 14 dwellings, gardens, dams, a workshop, horses, camels, stored building materials, etc.

Our Community (The Wolery) also has a no dogs or cats policy to avoid predation on native animals on our land. We have a history since 1978 of trying to manage our land along environmentally friendly lines. Weeds are particularly difficult to stop spreading and we often have work bees devoted to weeding. Hence we are concerned that the proponents don't allow introduced animals or plants to escape onto our property.

Unfortunately we have already had an issue with the proponents over Maremma sheep dogs



	<p>they have on their property. The dogs could be heard barking a lot night and day to begin with and on several occasions got out and aggressively chased adult Wolery members cycling past on the Highway bike lane. <b>So I expect the proponents to maintain sound fencing at their expense along our common fence line to keep out intruders and dogs. And I expect them to keep their dogs under control.</b></p> <p>As someone who loves observing the stars above on a clear night, I hope there won't be light pollution at night. I notice Conditions of Tourist Use item xv specifies subdued lighting "with any variations requiring Council Approval". So I am pleased this is specified and hope it is adhered to.</p> <p><b>4. POLICING IF PROPOSAL APPROVED</b></p> <p>I am somewhat concerned that it appears the proponent has already commenced development of a Tourism Precinct on the land since he purchased it.</p> <p>I have been reassured that all that has been done so far complies with Rural Zoning requirements, so nothing untoward has happened.</p> <p>The Shire can at times be short staffed and planning officers can be stretched. Frankly it feels to me this proposal is being pushed, maybe to avoid close scrutiny. Who checks that the proponent abides by prescribed conditions? Who polices what happens at this site in the long run?</p> <p>I PARTICULARLY WANT TO SEE A DETAILED REPORT ON ROAD SAFETY ISSUES FROM MAIN ROADS BEFORE REZONING OCCURS</p>	
S16	<p>I would like to express my concern regarding this Amendment.</p> <p>I would like to state that I have lived on a neighbouring property for 23 years, I am a regular visitor to William Bay National Park and a current volunteer with the William Bay National Parks Association. I am very familiar with the proposed amendment location and its relationship to surrounding areas.</p> <p>I am particularly concerned about the creation of a traffic "Black Spot" at this intersection where 400,000 people exit and enter the Greens Pool Rd onto a major highway. I am concerned for my own safety but also for the thousands of tourists who are not pre-warned that this is a complex crossing. Adding slow moving vehicles pulling caravans and extra traffic volume to this situation will be a disaster waiting to happen.</p> <p>I understand that Main Roads optimum sight distances are not met. The sight lines on exiting the property are under 200mtrs and actually 265Mtrs is the minimum recommended for 90kph Hwy. The 500Mtr sight line to the West, stated by the proponent is incorrect as it is under 200mtrs when measured by a surveyor's wheel.</p> <p>I also understand that Main Roads based their decision on incomplete information regarding the</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report.</p> <p>The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the</p>

potential scale of the proposal.

In addition to the concern regarding traffic, I have concerns that this development doesn't seem to fit into any Shire Tourist Strategy that I have read.

The Shire's Sustainable Tourism Strategy and its Strategic Plan requires our landscape and natural environment to be protected for current and future generations to enjoy. It recognises that our rural landscapes and vistas are an important part of Denmark's attraction to visitors. The Tourism Strategy identifies current concern that our iconic attractions - Greens Pool and Elephant Rocks - are over promoted. It finds this is contributing to congestion, poor dispersal and may lead to environmental degradation and visitor dissatisfaction due to over tourism. Putting a caravan park, micro brewery, restaurant etc across from the entry point to Greens and Elephant Rocks will only exacerbate the existing problems.

The Strategy is to disperse tourists across the Shire to spread the benefits of tourism and reduce seasonal impacts. High end accommodation, all-weather tourism products and experiences, opportunities to provide visitors with insights into our region's history, culture and biodiversity, Noongar culture and heritage and more opportunity for nature based camping are needed. The tourist development at Lot 3 will answer none of these needs. The difficulty of screening the site is already evident. A caravan park situated so close to a busy noisy highway does not make sense.

Despite the claims made by the owner, Lot 3 has poor access to nearby tourist sites unless you drive a motor vehicle. Access to tourist tracks and trails for people who prefer walking and cycling, is difficult. This site is enclosed by private property and unless you are keen, fit and don't mind using the Highway or a major road that has no foot or bike paths, there is nowhere to walk or ride.

I have major concerns about environmental issue with this amendment, which is also compounded by the fact that none of the EPA recommendations published in March, appear to have been addressed or its recommendations for the proposed tourist development adopted.

The owner's environmental assessment leads one to believe that there are no environmental issue of concern.

Based on the Shire's referral of the proposed rezoning amendment, the EPA declined to make a formal assessment. But the EPA did provide four pages of advice and recommendations to the Shire with respect to the tourist development proposal, sounding warnings with regard to environmental management and impact. Amongst other things, the EPA says that:

- future development has potential to impact the quality and quantity of local ground and surface water, including the creek running through the property and as far as Parry Inlet. In particular it warns of impact from nutrient run off;
- it has concerns and recommendations about wastewater treatment and disposal,

surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy, as is required prior to development by the proposed scheme provisions.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is

particularly as the owner proposes to use it in crops for human consumption;

- it issues a warning that consideration needs to be given to the compatibility of site's proposed uses along with its ability to comply with Government sewerage policy and recommends the proposed scheme be modified to protect and manage inland waters;
- it warns about clearing of conservation habitat, particularly for the black cockatoos,
- it calls for dark sky principles to be incorporated in the development proposal in line with dark sky and astrotourism,
- it wants a detailed Landscape Management Plan to identify and protect fauna habitat, trees to be retained; to use locally indigenous native species in proposed gardens; to manage fertiliser and nutrient input,
- it calls for conditions to be imposed to limit the scale of agritourism and aquaculture and to limit spray drift,
- it notes spray drifts and odour impacts caused by proposed horticulture and agritourism will be located near the caravan park - and that the caravan park is located downstream of the proposed application area for treated wastewater as are the marron dams and other tourist facilities; doubts are expressed about adequate separation of industrial and sensitive land uses, eg the caravan park.

The proposal's environmental credentials are further called into question by the owner already having removed mature karris to build a third dam, removed understory and damaged other trees in the proposed retention area to remove large rocks to line his driveway.

The owner's acoustic assessment ignores or is unaware that the proposed development is subject to State Planning Policy 5.4 - Road and Rail Noise. It falls within an area subject to significant road noise as identified by the Department of Planning, Lands and Heritage. Contrary to the proponent's assessment, caravan park guests and visitors to the site can expect to be subjected to unwelcome noise levels from the South Coast Highway - not conducive to a pleasant tourism experience.

The buffer on the western boundary is ten metres rather than the 20 meters stated in the proposal. It consists of a single line planting of avocados. Other plantings in garden areas are of introduced species rather than the locally indigenous native species called for by the EPA.

The caravan park sites are waterlogged in winter - also not conducive to a pleasant tourism experience or for that matter the dispersal of treated waste water.

On the grounds of at least:

- increased risk for major traffic accidents at the intersection of South Coast Highway,

not considered likely to impact on adjoining landowners.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

Concerns about illegal removal of vegetation should be reported to the Department of Water & Environmental Regulation.

The proponent's noise modelling has been reviewed and supported by the Department of Water & Environmental Regulation relative to the land uses proposed.

The proposed scheme provisions include a 20m side boundary setback which will be enforced through the Local Development Plan and development approval process (should rezoning proceed).

Existing planting along the western boundary of this site includes productive trees that could ordinarily be expected to be present on rural land.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.

	<p>William Bay Road and the tourist development driveway,</p> <ul style="list-style-type: none"> <li>• environmental management and risks,</li> <li>• the unsuitability of the site for the development proposed</li> </ul> <p>The Shire of Denmark should not re-zone Lot 3 South Coast Highway, William Bay from 'Rural' to 'Tourist'.</p> <p>I would like the Denmark Shire to disallow the amendment process. These issues require further investigation.</p>	
S17	<p>As an owner of property directly opposite this proposed site I am in strong opposition to it. I offer brief comments about my concerns with regard to the proposed amendment.</p> <p>Of particular concern is the creation of a traffic "Black Spot" at the intersection of William Bay Road and South Coast Highway. Currently about 400,000 people, including families with young children, navigate this intersection annually. Turning right from William Bay Road onto the Highway means navigating four lanes of traffic: west bound, a through lane and a left turning slip lane; east bound, a right turning lane which becomes an overtaking lane, plus a through lane. About 25% of vehicles exceed the speed limit on this stretch of highway. If this amendment succeeds, this complex intersection will have the added risks associated with the very close proximity of slow moving caravans and extra traffic entering and exiting the site.</p> <p>Thousand of tourists unprepared for this complex intersection and increased volumes of traffic from the tourist site will result in major traffic incidents involving high speed collisions. I understand that basic requirements like Main Roads' safe intersection sight distances are not being met and that Main Roads itself considers the ability of the tourist site to safely enable traffic to enter and leave is sub-optimal.</p> <p>There are environmental concerns: waste water management; effluent disposal; native vegetation and habitat for animals and birds (especially black cockatoos); safe co-location of agricultural industry with sensitive land usage like the proposed caravan park; Lot 203 is identified by the Department of Planning, Lands and Heritage as being within an area subject to significant road noise - and on go the problems. EPA recommendations do not seem to have been considered or included in the proposed amendment.</p> <p>In addition to these concerns, the development appears to sit outside the Shire's Sustainable Tourism Strategy and its Strategic Plan. For example, concentrating a large number of tourists close to already over-stretched Greens Pool and Elephant Rocks, not including climate change and environmental sustainability strategies, the high visibility of the site from the Highway - these don't seem to fit with where the Shire and the community say we want to head.</p> <p>Please do not allow this development to proceed. If you do you will be responsible for a very</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy, as is required prior to development by the proposed scheme provisions.</p> <p>Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products</p>

	<p>dangerous traffic situation which would clearly endanger lives especially during peak times, additional environmental impact and a massive over load on an already tourist heavy area of our beautiful region.</p>	<p>and destinations. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand.</p> <p>The proponent will be encouraged to provide further information on water and waste minimisation strategies, the potential for alternative modes of transport to service the site and other sustainable practices that are to be incorporated into both building and management processes.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.</p>
S18	<p>I wish to comment on the proposed amendment 147 to Town Planning Scheme 3 with regard to the proposed reasoning of 2446 (lot 3) South Coast Highway from 'Rural' to 'Tourist ( T14)' zone.</p> <p>Traffic Issues</p> <p>The entry and exit currently proposed for 2446 South Coast Highway creates a potentially serious hazard for motorists exiting the facility, exiting William Bay Rd and for motorists approaching what will essentially be an intersection from either direction. Currently a high proportion of drivers ( estimated at around 25 percent) exceed the speed limit along this section of the Highway, making the turn from William Bay Rd more than usually difficult to exit than most country roads.</p> <p>The intersection of William Bay Rd and South Coast Highway not infrequently sees bewildered tourists stalled while they decide which way to go or accidentally aiming for the wrong side of the road. In Summer, the influx of cars causes confusion and occasional road rage. Adding another traffic ingress/ egress point to this makes no sense from a safety perspective.</p> <p>Environment</p> <p>While there are other businesses in the vicinity, each of them is well-hidden from the Highway, allowing the environment to appear rural still. This is an important reason why tourists, visitors</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p>

	<p>and locals value what we have - an essentially attractive rural space.</p> <p>It is difficult to imagine an aquaculture facility, proposed orchard, caravan park, worker accommodation, cafe and microbrewery on the site appearing anything other than an intrusion on the landscape.</p> <p>I strongly object to the proposed rezoning of this piece of land for the stated purposes.</p>	
S19	<p>I wish to lodge my strong objection to amendment 147 in relation to the rezoning of lot 3 South Coast Highway from rural to tourist.</p> <p>Greens Pool is currently a nightmare in the summertime in regards to traffic and tourist numbers - it is being stressed to the maximum by far too many people and cars visiting this once pristine jewel. Most locals are forced to seek another beach due to the sheer volume of tourist numbers and parking is a nightmare with vegetation being damaged and trampled, the mix of foot traffic and varying vehicles is incredibly dangerous, and the beach itself is far too overcrowded.</p> <p>The Shire's insistence on catering to tourism and its resultant demands is allowing the very things this area is valued and loved for to be overrun and degraded, and tourism demands are taking precedence over the needs and wishes of ratepayers and those who live and work here.</p> <p>We certainly do not want or need a proposal of this sort adding to the pressure on the William Bay National Park and its small but significant attractions.</p> <p>We certainly do not want or need the added traffic pressure on South Coast Highway in the vicinity of the Green's Pool turn off.</p> <p>It's busy enough now and adding caravans into the mix of vehicles entering and exiting Green's Pool road with a caravan park, and a brewery (!) opposite, and a passing lane on a highway is a recipe for disaster, and i would imagine a great deal of road rage. What about folk living in the caravan park perhaps wanting to walk, or bike ride to Green's Pool. How could that desire possibly be safely realised from this site?! How is it proposed to safeguard children staying in the caravan park - this is a major, busy road with many drivers already exceeding the speed limit - kids play and wander and they simply cannot be overseen by adults every second, particularly when on holidays.</p> <p>Then there are those folk living in this beautiful rural environment. To have bought their properties in a rural area, and then to find the noise, dust, traffic, and the right to the peaceful enjoyment of their homes encroached upon by a random and inappropriate rezoning allowing a multi use Tourism complex to be built on their doorsteps is a betrayal of the Shire's remit of sustainability and strategic planning.</p> <p>It's an appalling proposal for that site. I ask you to please reconsider.</p>	<p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation &amp; Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.</p> <p>Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).</p> <p>No dust concerns have been identified with the proposed land uses. Rural land uses under the existing zoning may be more likely to generate dust issues.</p> <p>The Sustainable Tourism Strategy and Draft Local Planning</p>

		Strategy support the development of tourism precincts to enable the co-location of attractions, accommodation, activities, etc. as part of creating successful tourism products and destinations.
S20	<p>I am writing to you about my concerns on the safety on South Coast Highway and the proposed Caravan Park entrance.</p> <p>I trust you will take into account it will become a potential 'Black Spot' endangering lives of tourists and Denmark families travelling to and from Denmark.</p> <p>'Greens Pool' is Denmarks swimming pool and already there have been wispers of restricting numbers into the Pool during the peak season.</p> <p>The cost of solving the highway problems would be huge for all parties. We have lived in Bell Road for 15 years and have been morning swimmers in the Pool during that time. During those years we have been active members of William Bay National Park Ass. And have worked closely with the Dept of Biodiversity caring for the park.</p> <p>Vehicles into the park in 2022/23 99,318 and in 2021/22 118,026 mostly during the holiday season. Added pressure of people and bikes and cars crossing the highway is not a good outcome. Even though we live at the end of Bell Road the proposed caravan park doesn't directly effect us but a dangerous road will effect us all.</p> <p>I trust you will give this due consideration.</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation &amp; Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.</p>
S22	<p>The following comments are made with regard to the proposed amendment 147 to Town Planning Scheme 3 and the rezoning of no 2446 (Lot 3) South Coast Highway from 'Rural' to 'Tourist (T14)' zone:</p> <p><b>Traffic Assessment</b></p> <p>In its traffic assesssment for the proponent, Riley Consulting states that traffic generated by the site will have no material impact and that it understands Main Roads has inspected the location of a new access and provided "in principle" support.</p> <p>In fact Main Roads assessed the original access situation and required the landowner to relocate the crossover further to the west to maximise available sight distance for vehicles exiting from the property. This resulted in the crossover being constructed closer to the William Bay Road intersection. Main Roads states:</p> <p><i>Albeit this is not an ideal situation it was considered the most practicable outcome that minimises the potential for high speed right angle crashes in the vicinity. (See attached email from Main Roads)</i></p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.</p> <p>The Shire has not received complaints or other reports of vehicles using Privett or Byleveld Roads as through-roads and notes that each currently have appropriate signage to reduce instances of this occurring.</p> <p>The Sustainable Tourism Strategy and Draft Local Planning Strategy support the development of tourism precincts to</p>

Riley Consulting notes that visibility to the east is about 240 metres, 22 metres short of that which Main Roads has advised for safe intersection site distance. The consultant advises the owner could undertake further land clearing to ensure appropriate levels of visibility are achieved.

Note that the consultant does not advise that the owner *will* undertake further land clearing to ensure appropriate levels of visibility are achieved. Note also that the owner has given undertakings in his proposal to *increase* rather than decrease screening from the road, which conflicts with what is required for safe intersection sight distance.

The consultant goes on to say that Main Roads will need to remove the double white line at the access to the tourist development.

The consultant also recommends that the east bound overtaking section of South Coast Highway be relocated further east, beyond the tourist development's crossover, to improve safety at the William Bay Road intersection by preventing overtaking in close proximity to the intersection and providing a single east bound lane. The consultant suggests that the surplus traffic lane could be used as a right turn pocket.

These are significant, disruptive and highly costly roadworks. Would they be undertaken by the proponent or at partial or total public expense? The proponent would be the material beneficiary. That would not be a fair or responsible expenditure of public monies, particularly as this would not be necessary under the current Rural zoning for Lot 3 South Coast Highway.

While they do not consider there is a significant safety issue with the proponent's proposal due to low traffic demands on the South Coast Highway, Riley Consulting further recommends longer term planning to amend the road be undertaken by Main Roads to accommodate increased tourist traffic. Who will pay? If all or part were publicly funded it would be an imposition on taxpayers; ratepayers too if the Shire was also required to contribute. The material beneficiary would be the proponent. There is no evidence offered as to why this expenditure would be required in the absence of rezoning from Rural to Tourist.

Contrary to Riley Consulting, regular users of the South Coast Highway and William Bay Road junction, of which I am one, do consider the matter to be a significant safety issue. We already navigate four lanes of traffic when turning east from William Bay Road onto South Coast Highway. We are deeply concerned at the added risk to road users at this intersection caused by the extremely close proximity of additional tourist traffic. This includes vehicles travelling east and west, towing caravans and trailers, plus visitors to the restaurant, shop, micro brewery and other tourist activities planned for the site, as they enter and exit the tourist development.

The consultant for the proponent states that no data is available on William Bay Road road usage and visitor numbers to Greens Pool. This data is in fact freely available from the Department of

enable the co-location of attractions, accommodation, activities, etc. as part of creating successful tourism products and destinations. The Strategic Plan 'Our Future 2033' identifies community support for removing barriers to business investment. In assessing this amendment Shire officers have sought a balanced approach that includes appropriate safeguards to recognise the community's environmental and other concerns while also responding to the community's desire to support local businesses.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

The proponent will be encouraged to provide further information on water and waste minimisation strategies, the potential for alternative modes of transport to service the site and other sustainable practices that are to be incorporated into both building and management processes.

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy, as is required prior to development by the proposed scheme



Biodiversity, Conservation and Attractions and is routinely collected by them.

The notional figure cited by the consultant is higher than current levels. However actual data brings a reality to the current situation. Current data from the William Bay Road tracker, supplied by Biodiversity, Conservation and Attractions, shows that in 2022/2023 there were 99,318 vehicles recorded on the William Bay Road and in 2021/2022 there were 118,026. The Department equates this to 389,328 visitors to Greens Pool in 2022/2023 and 410,037 in the preceding year. (See attached email from the Department of Biodiversity, Conservation and Attractions).

This is a lot of people to expose to an increased risk of major traffic accident through allowing an already complex and busy T-junction to be effectively turned into an intersection, with vehicles towing caravans and trailers plus additional tourist and other traffic entering and exiting the tourist site. To be explicit, access and egress to/from the tourist site will be across a major road, the South Coast Highway, which at that point consists of four lanes of traffic. West bound there is a left turn lane into William Bay Road and a through lane. East bound there is a through lane and a right turn lane into William Bay Road. The right turning lane extends into an overtaking lane so road users also contend with traffic speeding up at that point.

Statistics from Main Roads show that 25% of all vehicles travelling in both directions exceed the speed limit of 90 kilometers per hour at that section of the South Coast Highway.

Already, small numbers of people are avoiding the William Bay Road junction with South Coast Highway by turning right into Byleveld Close and exiting onto the Highway from Privett Road. It is reasonable to conclude that with additional tourist traffic, more people will take the detour to save queueing or avoid the increased risk at the William Bay Road intersection, especially at busy times - from spring and particularly through summer to late autumn.

This is not fair to the residents of those two streets who took up special rural blocks presumably seeking a quiet, peaceful rural lifestyle away from the impact of tourism and tourists. Neither is it fair on ratepayers and the Shire of Denmark who are likely to be responsible for the cost of increased road maintenance and upgrades to Byleveld and Privett roads.

#### **Tourism Fit**

It is recognised that tourism is an important contributor to the Denmark Shire's economy and that it is a means of enabling many people to experience one of the world's most beautiful places. The challenge is to keep it beautiful and worth experiencing.

When this rezoning for tourist development proposal is looked at in the context of the Shire of Denmark's Sustainable Tourism Strategy and the new Strategic Plan, it raises some difficulties.

Community input to the Strategic Plan shows that we like and value our natural beauty and bushland. There was a pastoral beauty to Lot 3 South Coast Highway before development

provisions.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

The proponent will be required to provide a hydrological assessment before developing any additional dams on site, which will then be sent to the Department of Water & Environmental Regulation for assessment. The proponent will be required to contact DWER regarding licensing requirements for any proposed groundwater abstraction (bores). Advice from EPA and DWER does not suggest concerns for potential impacts on Lake Byleveld, noting that Lake Byleveld is in a separate surface water catchment.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proponent may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is not considered likely to impact on adjoining landowners.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

activities commenced. With the plethora of activity proposed for the site, the 'front and centre' location of the cafe/restaurant, a shop, brewery and caravan park, plus worker and other accommodation and a caretaker residence it is difficult to see how it will be naturally beautiful or eye pleasing again.

Denmark people want a "visionary town planning scheme", one that is carefully thought out, maintains the beauty of our natural and rural settings, avoids placing obtrusive tourism locations in rural and urban settings. Shire of Denmark has done a good job to date, by and large avoiding ad hoc rezoning decisions or approval of tourism excesses like for example, those that have compromised the beauty of the drive along Bussell Highway from beyond Busselton to Margaret River. Our tourist sites along South Coast Highway are mostly set well back, hidden by bush, forest and farmlands, gentle on the eye and with safe entry and exit. I can't think of any in such a problematic or irresponsible location as the proposed tourism development at Lot 3 South Coast Highway.

The Sustainable Tourism Strategy requires good environmental stewardship: the Shire's landscape and natural environment are to be protected for current and future generations to enjoy. It states that the Shire's rural landscapes and vistas are an important part of Denmark's attraction to visitors.

The Shire needs to lead by example to give meaning to the foregoing words. We are currently watching what was a bucolic rural landscape, fittingly opposite the entry to William Bay Road with the National Park, Greens Pool and Elephant Rocks beckoning, being destroyed with a development proposal that has and will further mar the landscape.

The Sustainable Tourism Strategy seeks to disperse visitors across the Shire to spread the benefits of tourism and reduce impacts of seasonality, not locate them opposite a major drawcard. Environmental stewardship within the Strategy identifies that coastal areas, particularly William Bay National Park, are under pressure from increasing visitor numbers at peak periods.

The Marketing and Promotion section of the Strategy identifies current concern that the Shire's iconic attractions - Greens Pool and Elephant Rocks - are over promoted. It finds that this contributes to congestion, poor dispersal and may lead to environmental degradation and visitor dissatisfaction due to over tourism.

If you have tried to use Greens Pool and Elephant Rocks during the summer months after 7.00am and before 4.30pm you will probably have had difficulty parking and have noticed cars parked beyond the Bibbulmun track on both sides of the road. Rezoning Lot 3 South Coast Highway for the proposed tourism development will add to this congestion, assuming as the proponent does, that the fifty caravan sites and other activities will be attractive to tourists because of their vicinity to Greens Pool and Elephant Rocks. We do not need a tourist development in such close proximity to these sites, adding to environmental pressures and adversely affecting visitors'

With the exception of the Denmark townsite there are currently limited tourism sites that are connected by alternative modes of transport; however, the development of tourism precincts in highly accessible locations is a key component of enabling this to occur in future.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site.

The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in the district while providing for the Shire to ensure the

experiences.

Importantly, the Shire's Strategic Plan in its Objectives, also calls for the natural environment to be preserved and protected. It calls for human impact on natural resources to be reduced, for waste to be reduced and renewable energy to be utilised.

Amendment 147 if passed will not facilitate the achievement of these objectives. Rather than reduce human impact, it will add to the over-pressure on Greens, Elephant Rocks and other natural resources targeted within William Bay National Park. There is no proposal for the development to be off grid or to utilise renewable energy and its solid waste disposal is as usual and reliant on Shire services.

In its response to the proposal, the EPA cautions with regard to the compatibility of the proposed uses of the site and its proposed management of waste water, its effluent disposal and ability to comply with sewerage requirements as well as other environmental protection concerns. In no sense can this proposal be said to reflect a visionary or a compliant, in terms of Shire strategy, approach to tourism. It's been done before.

Contrary to the assertions in the proponent's proposal, the development site is not well located for access to local tourist attractions - unless you use a motor vehicle. The major tourist attractions listed, which include William Bay National Park, Elephant Rocks, Mad Fish Bay, Greens Pool, breweries/cideries/wineries, walk/bike trails and the Valley of the Giants are not within walking distance. To get to Greens Pool requires a vehicle, unless one is a keen walker who doesn't mind walking along a major road without a walking (or bike) path. Even a visit to the meadery would require a motor vehicle unless one is prepared to walk or bike ride along the South Coast Highway without the benefit of a walk or bike path. Other walk trails within relatively easy walking distance are either on private land or are accessed through private land.

The Tourism Strategy is clear that in terms of product and tourism experience, our biggest drawcard is our natural environment and biodiversity supported by a range of other things, including our rural landscapes and vistas. It identifies a need for all-weather tourism products and experiences especially in inclement weather. It states that there are few opportunities to provide visitors with insights into the region's history, culture and biodiversity, Noongar culture and heritage. It identifies a lack of four star and above properties. We only have one nature based campground. It is hard to see how the proposed rezoning amendment 147 and tourist development addresses these issues in any meaningful way.

What the Tourism Strategy is highlighting is that we do not particularly need more caravan parks with associated cafe, shop, brewery and farming-for-tourists activity. What the people of Denmark and the Strategy are calling for is vision, for proposals that educate people in resource sustainability and appreciation and protection of the natural environment. We are looking for

community's objectives are met at each stage of this approvals process. It is also appropriate for the proponent to be required to provide greater details at subsequent stages to rezoning.

The proposed scheme provisions require the preparation of a Landscape Management Plan to detail revegetation and buffers. Existing planting along the western boundary of this site includes productive trees that could ordinarily be expected to be present on rural land.

The proposed scheme provisions include a 20m side boundary setback which will be enforced through the Local Development Plan and development approval process (should rezoning proceed).

The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning.

The extent of development and land uses is primarily a matter for a Local Development Plan and subsequent development assessment. Introducing overly restrictive Scheme provisions can create unnecessary 'red tape' – for example, should the landowner elect not to develop a Caravan Park, it would be unnecessarily cumbersome to have Scheme provisions restricting the extent of horticulture on the property. These matters can be appropriately dealt with as part of development assessment, incorporating the advice of referral agencies as appropriate.

Council to make well considered, consistent, aligned decisions in this as in other matters.

Tourism in the Shire needs to be closely and carefully managed. The Shire has direction from the Strategic Plan and Sustainable Tourism Strategy. To approve the rezoning sought smacks in this context of killing or at least shortening the life of the tourism geese that lay the golden eggs.

### **Environmental Considerations**

The Shire of Denmark referred the proposed amendment 147 to Town Planning Scheme 3 to the Environmental Protection Authority (EPA). The EPA responded in a letter (Ref: APP0000130) dated 28 February 2023, finding that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part 1V of the EP Act, based on the information provided by the Shire. Nevertheless, having considered the matter, the EPA does provide four pages of advice and recommendations to the Shire. The advice and recommendations are cautionary and sound a warning with regard to management and environmental impact if the proposed amendment goes ahead.

The EPA identifies preliminary environmental factors relevant to the proposed Scheme amendment. They are inland waters, flora and vegetation, terrestrial fauna and social surroundings. In so doing it highlights existing difficulties with and threats from the proponent's proposal as it stands.

**Inland Waters** with regard to this, the EPA has a lot to say. It states that future development associated with amendment 147 has the potential to impact groundwater and surface water hydrology, quantity and quality of the local area and the local creek running through the northern portion of Lot 3 South Coast Highway, as well as Parry Inlet. In particular it warns of impact from nutrient run off from aquaculture, agritourism and horticultural uses as well as from onsite effluent disposal systems associated with the proposed microbrewery, caravan park and other tourism land uses.

EPA says that the Site and Soil Evaluation Report contained in the proposal suggests that onsite effluent disposal can be accommodated, with wastewater to be treated and disposed over a minimum 7979 square metre area. EPA goes on to say that any area where wastewater is applied would require vegetation and plants with a high uptake of water to prevent pollutants entering the waterways through groundwater. They say that any proposed disposal area would need to also consider the water use requirements of the proposed land use and the downstream environment, namely the caravan park. According to the EPA, appropriate methods of application of waste water, such as subsurface irrigation, should also be considered, particularly where proposed for use on crops for human consumption.

There is clear warning in the EPA's report and a call for consideration to be given to the compatibility of the proposed land uses with respect to managing and disposing of wastewater in

relation to the capacity of the receiving environment. It questions the ability of the future development to comply with Government sewerage policy. This includes the use of secondary treatment systems with nutrient removal where required, planning policy for water and separation distances between industrial and sensitive land uses.

EPA recommends the proposed scheme provisions be modified to further protect and manage inland waters values. The advice includes additional safeguards to be adopted with respect to inland waters.

**Flora, Vegetation and Fauna:** the EPA points out that any clearing of conservation significant habitat, in particular black cockatoo habitat, may require referral under the Environment, Protection and Biodiversity Conservation Act 1999. The EPA confirms the need for no development to occur within the development exclusion and tree retention areas as shown on the Local Development Plan from October 2020. Note that in the tree retention area, a number of trees have been removed since then for dam construction and others along with understory have been damaged or removed by earthworks.

Along with other recommendations relevant to flora, fauna and vegetation, the EPA recommends that fauna habitat management should be included, incorporating protection of habitat from noise pollution and light spill. They say that dark sky principles in line with the WA Planning Commission's position on dark sky and astrotourism and the National Light Pollution Guidelines for Wildlife should be included.

The EPA also calls for a Landscape Management Plan to address:

- identification and protection of trees to be retained,
- the protection of fauna habitat,
- a preference for use of locally indigenous native species in proposed gardens (already compromised by the proponent's plantings), and
- fertiliser/nutrient input particularly in areas where agritourism or horticultural land uses are proposed.

**Social Surroundings:** EPA finds that future development proposed in the amendment has potential to impact social amenity through spray drifts and odour impacts caused by proposed horticulture and agritourism uses being located nearby to proposed sensitive land uses such as the caravan park. EPA notes that the caravan park is also proposed to be located downstream of the proposed application area for treated wastewater.

The EPA understand the proponent intends the orchard and aquaculture facilities to be used by caravan guests to harvest their own food. Again, EPA recommends that a condition be imposed

to ensure a limited scale operation for aquaculture and agritourism uses, with appropriate measures in place to limit spray drift. EPA states that its Guidance Statement on the separation of industrial and sensitive land uses should be used to advise decision making on the compatibility of land uses within Lot 3 South Coast Highway.

It appears that the recommendations of the EPA have not yet been incorporated or acted upon. The EPA's report has concerning implications for the well being of the environment of Lot 3 and further afield, as well as that of the people using it. It casts doubt on the viability of the proposal as it stands, given the competing and incompatible uses and activities proposed for the site.

**Additional comments:**

The proponent claims that Lot 3 South Coast Highway is of insufficient size to support traditional agricultural industry as a stand alone operation. That seems a weak proposition given that:

- the previous owner grazed cattle and horses and maintained a well kept, prosperous property;
- Denmark has many small rural holdings and there are now many choices for such land use that evidently support productive, pleasant and healthy lifestyles;
- Denmark is not recognised for broad acre farming, its history is one of small rural holdings and that should be acknowledged and preserved - the Shire's Sustainable Tourism Strategy notes that our rural landscapes and vistas are an important part of Denmark's attraction to visitors;
- prior to the change in ownership and the development work already undertaken, Lot 3 South Coast Highway was one such, presenting an attractive, peaceful rural landscape, flanked by bushland and forest;
- as opposed to being of insufficient size for agriculture and therefore not appropriate for rural zoning, the EPA Report (p4 **Environmental Considerations** above) casts doubt that Lot 3 is of sufficient size or suitable for the range of activities that the proponent of the rezoning amendment and tourism development is proposing.

The Acoustic Assessment, Appendix C to the development proposal, appears unaware or ignores that the proposed development is subject to State Planning Policy 5.4 - Road and Rail Noise. This proposed development is within an area subject to significant road noise as identified by the Department of Planning, Lands and Heritage. Contrary to the proponent's assessment, caravan park guests and visitors to the site can expect to be subjected to unwelcome noise levels from the South Coast Highway, not conducive to a pleasant stay.

The Bushfire Management Plan, Appendix B to the development proposal has its Risk

Assessment, including preparation and awareness and evacuation procedures, still in draft form. This is not a satisfactory basis for Council decision making in favour of Amendment 147. Note there are other elements of the proponent's proposal lacking in detail pending further planning and development.

Reliance on Development Controls: mitigation and management of the impacts associated with rezoning is to be resolved by planning control measures and a Local Development Plan, according to the proponent. Additional planning and control measures will come through the development application process, thus ensuring suitable social and environmental outcomes are achieved. This is not safe. Council is being asked to approve a rezoning amendment without clear knowledge of what those rezoning outcomes will actually be and their implications. With traffic safety, environmental considerations and tourism implications alone, the amendment sought is too important for Council to proceed with in the absence of sufficient knowledge and understanding of what is proposed.

The proponent has reneged on a number of undertakings and has made undertakings not consistent with external requirements. For example:

- the proposed plan states that there will be a 20 metre buffer on the western boundary - a 10 metre buffer has been created with a single row of avocado planted (not local indigenous native species as called for by the EPA) and these are unlikely to survive, with previous attempts to grow them in the vicinity unsuccessful;
- the bush habitat to be retained alongside the northern boundary of Lot 3 outlined in the proponent's proposal, has already been reduced by felling of mature karri trees for dam construction. Other karris and understory have been damaged or removed due to earthworks to remove large rocks to line the proponent's entry drive;
- the vegetation buffer along the South Coast Highway will be compromised if Main Roads' requirements for safe intersection sight distance is to be achieved to the east of the entry. If the proponent does replace any screening vegetation so removed by plantings on his own property, he is likely to further compromise his waste water disposal facilities. If he doesn't, the removal of vegetation will compromise screening of the development from the Highway which he has undertaken to provide. This is another example of the difficulties and incompatibilities associated with the proposal for the site.

The above matters add to questions about the reliability of the proponent's proposal and the suitability of the site for the proposed purposes.

Shire of Denmark has an obligation under its 2011 Local Planning Strategy and under State Planning Policy to

*ensure that zones and sites are suitable for their intended purpose.*

On road safety and environmental grounds, as well as the requirements of its own Sustainable Tourism Strategy and Strategic Plan, the Shire of Denmark should not change the zoning of Lot 3 South Coast Highway from Rural to Tourist. This site is not suitable for tourism purposes and the development as proposed by Amendment 147.

**ATTACHMENT: Email from Main Roads re SA 147, Lot 3 South Coast Highway William Bay**

From: Steve Pickin <steve.pickin@mainroads.wa.gov.au>

Date: On Thursday, August 24th, 2023 at 5:16 PM

Subject: RE: CM: 2446 (Lot 3) South Coast Highway, William Bay - entry from and exit to South Coast Highway

To: [REDACTED] >

Hi [REDACTED]

Thank you for taking my call on Tuesday and the subsequent email you sent yesterday.

In regard to your questions about Main Roads involvement to date, I can offer:-

Main Roads has previously responded to a request from the landowner to Amend an Existing Crossover. Main Roads was informed the owner was planning to develop the land and this planned development was likely to result in an increased use of the existing crossover. Main Roads assessed the current access situation and required the landowner to relocate the crossover further to the West. This maximised the available sight distance for those vehicles entering the highway from the property and resulted in the crossover being constructed closer to the William Bay Rd intersection. Albeit this is not an ideal situation it was considered the most practicable outcome that minimises the potential for high speed right angle crashes in the vicinity.

Your current concerns about the proposed development are better directed to the Shire of Denmark, they are the authority responsible for managing local development proposals. Should the Shire consider it necessary to seek Main Roads involvement that invitation would come from the Shire during the planning assessment phase.

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[REDACTED]  
**Sent:** Wednesday, 23 August 2023 12:59 PM

**To:** Steve Pickin <steve.pickin@mainroads.wa.gov.au>  
[REDACTED]



<andrew.duffield@mainroads.wa.gov.au>

**Subject:** CM: 2446 (Lot 3) South Coast Highway, William Bay - entry from and exit to South Coast Highway

Dear Mr Pickin

Denmark Shire Council is considering amending its Town Planning Scheme to rezone 2446 South Coast Highway William Bay from Rural to Tourist. The owner of the aforementioned property proposes to develop 50 caravan and camping sites, cafe and gardens, aqua and agri tourist facilities and activities, a micro brewery, caretaker residence and workers' accommodation.

In the Traffic Statement provided by Riley Consulting to the owner and proponent of the development proposal, the consultant states, with regard to the new access proposed to the South Coast Highway by way of the driveway for the tourist development "it is understood that Main Roads has inspected the location and provided in principle support".

The consultant notes that visibility to the east is about 240 metres, 22 metres short of that which Main Roads has advised for the safe intersection site distance but that the owner could undertake further land clearing to ensure appropriate levels of visibility are achieved.

The consultant goes on to say that Main Roads will need to remove the double white line at the access to the tourist development and to recommend that the east bound overtaking section be relocated further east to improve safety at the William Bay Road intersection by preventing overtaking in close proximity to the intersection and providing a single eastbound lane beyond the subject land access, suggesting that the surplus traffic lane could be used as a right turn pocket.

While stating that due to low traffic demands on the South Coast Highway, the consultant does not consider the above to be a significant safety issue, Riley Consulting recommends that longer term planning to amend the road be undertaken by Main Roads to accommodate increased tourist traffic. Note that there has been some increase in traffic volume reported by Main Roads in the ten months since the consultant's report issued.

Contrary to Riley Consulting, regular users of the South Coast Highway / William Bay Road junction do consider the matter to be a significant safety issue. We already navigate four lanes of traffic when turning east from William Bay Road onto South Coast Highway and are deeply concerned at the added risk to road users at this intersection caused by the close proximity of tourist traffic, including vehicles towing

	<p>caravans and trailers, entering and exiting the tourist development.</p> <p>Given the vague terms used in the proponent's proposal and the consultant's advice with regard to Main Roads' "in principle" approval plus their recommendations for further road changes to be undertaken by Main Roads, we seek clarity as to Main Roads' actual position and advice with regard to a tourist development in such a location, the siting of its entry/exit and the recommendations for alterations to the South Coast Highway to be undertaken by Main Roads.</p> <p>Just as Main Roads have met with the proponent of the tourist development, we also ask for a meeting on site with Main Roads representative(s) so that the day to day experience and concerns of regular William Bay Road and South Coast Highway junction users can be made known.</p> <p><b><u>ATTACHMENT: Email from Department of Biodiversity, Conservation and Attractions re SA 147, Lot 3 South Coast Highway William Bay</u></b></p> <p>Original Message -----  On Tuesday, August 22nd, 2023 at 11:44 AM, Julie Ewing &lt;julie.ewing@dbca.wa.gov.au&gt; wrote:</p> <p>Hi [REDACTED],</p> <p>I have had a look at the visitation figures from the traffic counter installed on William Bay Road for the last 2 years. In 2022/2023 there were 99 318 vehicles and in 2021/22 there were 118 026. This equated to visitation figures of 389 328 in 2022/23 and 410 037 in 2021/22.</p> <p>I hope this helps.</p>	
S23	<p>I am writing in regards to Town planning scheme No 3, Proposed Rezoning Amendment 147 as I am concerned re road safety and environmental impact of the proposed 50 bay caravan park, aquaculture, agriculture, microbrewery, cafe, accommodation for workers and single residence.</p> <p>The location of the driveway for the tourist development is very close to the William Bay T junction, effectively creating an intersection. Currently there are four lanes of traffic with a speed limit of 90km/ hr on the South Coast Highway that motorists entering and leaving William Bay Road have to contend with, including a right turn lane into William Bay which becomes an overtaking lane extending up the hill. As a T junction it requires caution as it's dangerous, As a Registered nurse who has attended to families who have lost loved ones in car accidents I am seriously concerned. In the summer the volume of traffic increases and with vacation swimming at Greens Pool families will be put at risk at this intersection. Having heard the screams of anguish and heart felt cries of people who have experienced road trauma I wish for this development to be reconsidered. As councillors whose shire strategic plan nominates safety as a</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The Shire supports efforts to improve infrastructure within</p>

key point consider how you are putting your family and friends at risk.

The Shire's Sustainable Tourism Strategy and its Strategic Plan requires our landscape and natural environment to be protected for current and future generations to enjoy. It recognises that our rural landscapes and vistas are an important part of Denmark's attraction to visitors. The Tourism Strategy identifies current concern that our iconic attractions - Greens Pool and Elephant Rocks - are over promoted. It finds this is contributing to congestion, poor dispersal and may lead to environmental degradation and visitor dissatisfaction due to over tourism. Putting a caravan park, micro brewery, restaurant etc across from the entry point to Greens and Elephant Rocks will only exacerbate the existing problems. There are less parking spaces at Greens pool, there is no public transport to alleviate this problem and as caravan owners may have to wait to get into the development they will want to wait at Williams bay.

Despite the claims made by the owner, Lot 3 has poor access to nearby tourist sites unless you drive a motor vehicle. Access to tourist tracks and trails for people who prefer walking and cycling is difficult. This site is enclosed by private property and unless you are keen, fit and don't mind using the Highway or a major road that has no foot or bike paths, there is nowhere to walk or ride.

We need the Shire to be consistent in its approach and decisions. The new Town Planning Scheme 4 should be finalised to reflect changing community and visitor needs and values. It and a comprehensive Tourism Strategy should be aligned before major rezoning decisions are made.

The owner's environmental assessment leads one to believe that there are no problems here. Based on the Shire's referral of the proposed rezoning amendment, the EPA declined to make a formal assessment. But the EPA did provide four pages of advice and recommendations to the Shire with respect to the tourist development proposal, sounding warnings with regard to environmental management and impact. Amongst other things, the EPA says that:

- future development has potential to impact the quality and quantity of local ground and surface water, including the creek running through the property and as far as Parry Inlet. In particular it warns of impact from nutrient run off;
- it has concerns and recommendations about wastewater treatment and disposal, particularly as the owner proposes to use it on crops for human consumption;
- it issues a warning that consideration needs to be given to the compatibility of the site's proposed uses along with its ability to comply with Government sewerage policy and recommends the proposed scheme be modified to protect and manage inland waters;
- it warns about clearing of conservation habitat , particularly for the black cockatoos,
- it calls for dark sky principles to be incorporated in the development proposal in line with dark sky and astrotourism. People travel and live where they wish to see the stars for example the Wolery community

and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The Draft Local Planning Strategy 2022 provides direction for the preparation of a new local planning scheme and adopts the direction proposed in the Sustainable Tourism Strategy.

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy, as is required prior to development by the proposed scheme provisions.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

Remnant vegetation on the site is protected through the

- it wants a detailed Landscape Management Plan to identify and protect fauna habitat, trees to be retained; to use locally indigenous native species in proposed gardens; to manage fertiliser and nutrient input. I am concerned that in the future with the run off from the development the water I swim in and inhale will be contaminated with sewage and nutrient run off.

- it calls for conditions to be imposed to limit the scale of agritourism and aquaculture and to limit spray drift,

- it notes spray drifts and odour impacts caused by proposed horticulture and agritourism will be located near the caravan park - and that the caravan park is located downstream of the proposed application area for treated wastewater as are the marron dams and other tourist facilities; doubts are expressed about adequate separation of industrial and sensitive land uses eg the caravan park.

To date none of the EPA's concerns, published in March, appear to have been addressed or its recommendations for the proposed tourist development adopted. The proposal's environmental credentials are further called into question by the owner already having removed mature karris to build a third dam, removed understory and damaged other trees in the proposed retention area to remove large rocks to line his driveway.

The owner's acoustic assessment ignores or is unaware that the proposed development is subject to State Planning Policy 5.4 - Road and Rail Noise. It falls within an area subject to significant road noise as identified by the Department of Planning, Lands and Heritage. Contrary to the proponent's assessment, caravan park guests and visitors to the site can expect to be subjected to unwelcome noise levels from the South Coast Highway -not conducive to a pleasant tourism experience .

The caravan park sites are waterlogged in winter - also not conducive to a pleasant tourism experience or for that matter the dispersal of treated waste water.

The buffer on the western boundary is ten metres rather than the 20 meters stated in the proposal. It consists of a single line planting of avocados. Other plantings in garden areas are of introduced species rather than the locally indigenous native species called for by the EPA.

Shire of Denmark should not re-zone Lot 3 South Coast Highway, William Bay from 'Rural' to 'Tourist'. Please can the Shire consider the ramifications of this development to safety of our people and environment. I moved to this community as I love the pristine beaches and precious bush land it is vital tyo my well being and others that this is protected. Is this development going to jeopardise what makes Denmark worth visiting? Williams Bay is a unique space to be treasured. Will this sacred space disappear as business is put before the future environment and people

Thankyou for considering this submission

identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is not considered likely to impact on adjoining landowners.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

The proponent may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

The proposed scheme provisions include a 20m side boundary setback which will be enforced through the Local Development Plan and development approval process (should rezoning proceed).

Existing planting along the western boundary of this site includes productive trees that could ordinarily be expected to be present on rural land.

The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.

S24	<p>1. COMMUNICATIONS:</p> <p><a href="https://www.denmark.wa.gov.au/search/?input=Caravan%20Park%20proposal">https://www.denmark.wa.gov.au/search/?input=Caravan%20Park%20proposal</a> appears not to have considered:</p> <ol style="list-style-type: none"> <li>a. management the dismal provision of landline telephone services maintained by Telstra.</li> <li>b. solutions to the totally unreliable provision of mobile telephony coverage to this non-coastal William Bay zone.</li> </ol> <p>2. <b>THAT</b> T-JUNCTION (now to become a double T-junction)</p> <p><a href="https://www.denmark.wa.gov.au/search/?input=Caravan%20Park%20proposal">https://www.denmark.wa.gov.au/search/?input=Caravan%20Park%20proposal</a> appears not to have considered:</p> <ol style="list-style-type: none"> <li>(a) the very poor line of sight for traffic going west from Denmark when turning left into William Bay Road from South Coast Highway. <ol style="list-style-type: none"> <li>a. 5 cars lined up in the turn-off lane to go to William Bay blocks the view of vehicles intent on driving past that road from the view for vehicles wanting to leave William Bay Road to go towards Denmark.</li> <li>b. Navigating crossing over three lanes from William Bay Road onto South Coast Highway with vehicles on all sides already problematic.</li> </ol> </li> <li>(b) the difficulty already experienced by residents attempting to navigate the existing T-Junction. The proposed crossover location is adjacent an overtaking lane but contrary to the proposal's claim does NOT provide "suitable sightlines and distances for slow accelerating vehicles towing caravans to safely enter and exit the site without impacting the safety of faster moving vehicles." (p38)</li> <li>(c) the seasonality of the documented anticipated 300,000 visitations to Green Pool in relation to (a) and (b) (<a href="https://www.abc.net.au/news/2022-12-16/wa-tourist-hotspot-keeping-paramedics-busy/101777514">https://www.abc.net.au/news/2022-12-16/wa-tourist-hotspot-keeping-paramedics-busy/101777514</a>) Greens Pool expected to keep paramedics busy this summer as dangerous tourist hotspot, ABC Great Southern.</li> </ol> <p>3. EMERGENCY EVACUATION</p> <ol style="list-style-type: none"> <li>(a) the unmet need for the development of a notional bushfire evacuation plan shared between residents of the broader William Bay zone, DBCA, the caravan park and the Shire.</li> </ol> <p>4. THE BUCHOLIC CHARACTER – the proposal fails to scope a clear commitment towards this thematic goal because:</p>	<p>The provision of telephone services is outside of the scope of this amendment proposal. Concerns may be raised with a telecommunications provider or the industry ombudsman.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site. The development of evacuation procedures for the William Bay National Park is the responsibility of the Department of Biodiversity, Conservation &amp; Attractions. The Shire facilitates and encourages all local residents and landowners to join a local 'bushfire ready' group to coordinate neighbourhood level responses to bushfire preparedness.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The management of wildlife and horticultural practices is a rural land use management issue and exists prior to the proposed rezoning of the property.</p> <p>Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).</p>
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- a. the relatively small size this new tourism project is hardly conducive to supporting development of a “bucolic character and ambiance of the natural environment”,
- b. the proposal does not determine the project proponents will or will not commit to organic practice.
- c. there is no reference to bird impacts on orchard production.
- d. the proposal makes no reference to the integration of kangaroos into the “ambiance of the natural environment”



#### **Australian bucolic character**

FROM <https://theonewhotravelled.com/2022/01/17/denmark/>

5. POWER BLACKOUTS/BROWNOUTS – the proposal appears not to have considered
  - a. management/control over caravan guests using their own generators in these (very regular) circumstances, restrictions designed to “ensure noise impacts on surrounding properties is minimised.”.
6. RISK MANAGEMENT FOR COUNCIL – proposal over promises, under delivers
  - a. How does Council sustain AND improve on this?
  - b. <https://www.big4.com.au/caravan-parks/wa/south-west/denmark-ocean-beach-holiday-park/whats-local/greens-pool-56b26791d5f1565045daac04> “Greens Pool was voted 4th place in the Top 10 Beaches in the South Pacific in Tripadvisor's recent 2022 Traveller's Choice Awards - with Western Australia

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail. Feedback on potential improvements to the trail should be provided to the Department of Biodiversity, Conservation & Attractions.

The Shire has not received complaints or other reports of vehicles using Privett or Byleveld Roads as through-roads and notes that each currently have appropriate signage to reduce instances of this occurring.

The definition of Workforce Accommodation is consistent with the model provisions of the Planning and Development Regulations.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

	<p>taking out more awards than any other state in Australia!”</p> <p>c. Costs of additional infrastructure? Eg</p> <p>i. Bicycle path to Green Pool</p> <p>ii. Traffic flow control infrastructure for Byleveld Close/Privett Road</p> <p>7. WORKFORCE ACCOMMODATION –modular or relocatable buildings, but few details are available, significantly the lack of:</p> <p>a. definition of “on a temporary basis”;</p> <p>b. description of “any associated catering, sporting and recreation facilities for the occupants and authorised visitors”.</p> <p>The proposal will go ahead. The proponents have invested heavily in the infrastructure.</p> <p>But there may be opportunities to put in place now, strategies to addresses omissions overlooked by the consultants.</p>	
S25	<p>We are not in favor of rezoning this area, this is a lovely quiet Rural area close to William Bay and our National Park.</p> <p>There are a lot of ways this development would harm this area.</p> <p>We all use ground water to survive! And there are already huge dams on the proposed sight draining the water, let it open as a Caravan Park and it will run us dry.</p> <p>Sewerage.</p> <p>Lights and noise 24 hours a day.</p> <p>People walking from the Caravan Park can only come and go on a Highway no entry to walk paths at all.</p> <p>Main worry is entry, Driveway opposite Greens Pool! Thousands of cars coming and going, we have accidents there every year, add Caravans turning on the Caravan Park driveway and there will be deaths there, and also huge trucks coming and going on the Highway all year.</p> <p>PLEASE reconsider this disaster!</p>	<p>The proponent will be required to provide a hydrological assessment before developing any additional dams on site, which will then be sent to the Department of Water &amp; Environmental Regulation for assessment. The proponent will be required to contact DWER regarding licensing requirements for any proposed groundwater abstraction (bores).</p> <p>The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p> <p>The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.</p> <p>Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist</p>

		<p>accommodation).</p> <p>South Coast Highway and William Bay Road form part of the Munda Bididi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>
S26	<p>Council will receive many eloquent submissions questioning the development proposals outlined in amendment No. 147.</p> <p>Many will focus on the innappropriateness of the site for the planned business activities;</p> <ul style="list-style-type: none"> <li>-the high risk traffic access on to a complex and busy section of highway for commercial and towing vehicles;</li> <li>-the environmental impact of such intensive activity on a small rural land holding and adjacent National Park;</li> <li>-and perhaps the lack of a Shire Tourism Strategy to guide the location and operation of such enterprises.</li> </ul> <p>Acknowledging the importance of all of the above considerations, this submission will focus specifically on the behaviour of the proponents to date, from the perspective of immediate neighbours and long term residents, and suggest ways to move through the conflicts.</p> <p>The land was acquired by the Phillips family in 2019, from Ross and Bev Blechynden who had farmed the block for 30 years, and were valued members of the William Bay community. Without going into details of the transaction, it was disturbing to witness how this elderly couple were treated by the proponents and real estate agents. The land was significantly undervalued and the sale rushed through. An early agreement that the Blechynden's would be able to remain in their home as tenants until their retirement unit in Albany was built, was reneged upon soon after settlement, and Ross and Bev were given short notice to vacate. They had to resort to staying at their daughter's place for some months, and double handling their possessions through short term storage.</p> <p>Noel Phillips' explanation for this abhorrent behaviour was that he required the house for worker accommodation, but in reality the beautiful old homestead has sat empty for most of the last 3 years, with a couple of distressed Marema dogs left alone there for days at a time, barking</p>	<p>Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations.</p> <p>Any concerns regarding the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and direct a response as appropriate.</p> <p>The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>The proponent may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.</p> <p>Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.</p> <p>The planning approval process considers each proposal on its merits and does not consider anecdotal reports of neighbourhood disputes. Concerns about trespass, illegal or anti-social activities should be reported to WA Police.</p> <p>The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when</p>



throughout the night in protest at the situation. This disregard for others has put the new owners off side with the majority of nearby residents, who witnessed the eviction of the Blechyndens, and have had to live with the incessant noise since. To make matters worse, the Maremas have numerous times gone wandering on adjacent blocks, with some circumstantial evidence of kangaroo kills on a neighbouring property and aggressive behaviour towards people walking on their own land.

Early dam works on the acquired property resulted in the death of a significant number of long necked turtles, as well as the demise of mature character karri trees. Landscaping works have seen some healthy native habitat devastated in the quest for rocks and dirt, and significant erosion and topsoil run off. Only time will tell what the consequences will be of extensive herbicide use during wet weather.

There has been an incident where young members of the Phillips family (primary school aged children) were shooting rifles along our shared boundary line on a weekend, while a neighbour was walking the firebreak. Photographs show the child pointing the gun directly at the resident holding a phone/camera.

These are just anecdotal stories to illustrate some of the experiences we have been subject to since the sale of Lot 2446. I understand that such tales do not count as reasons to reject a rezoning/development proposal, however I believe that it is important that this impact is documented as a part of the story. Arrogance and bullying are perhaps not considered criteria for objection, but the experience of them profoundly affects the social fabric of a local neighbourhood.

The William Bay community has been a friendly and delightful place to live for a long time. Residents here are bonded in the shared care of our homelands and love of our environment. To have a commercial enterprise barge their way into a very visual part of the landscape, and then treat the locals with utter disrespect and indifference, is simply not okay. To allow this proposal to go ahead without referencing the shadowy behaviour of the proponents, would be negligent to the values of basic humanity, and out of line with the reasons that most Denmarkians choose to live here.

I am aware that it is not the Denmark Shire's responsibility to control the behaviour of its residents, but community cohesion is a fundamental tenet of local government functions. To reward bullying and power play with an easy approvals process would set poor precedents, and alienate many residents and ratepayers from the decision makers.

So how do we move forward...? The neighbourhood has already changed, and like people the world over, we learn to adapt. The Phillips family are our new neighbours, and I hope that we are able establish friendlier relations in years to come. They have certainly made their intentions clearly known, and have already invested heavily on the block, so it would seem unlikely that we

development approval is sought.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations.

It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is a matter to be resolved between landowners.

	<p>can turn back the tide.</p> <p>I have one very clear point to make however, in terms of practical submission to the proposal. I can see that the retail and agritourism ventures will very likely go ahead, even without rezoning from rural to tourist. I honestly wish the proponents all the best with their business.</p> <p><u>However, the caravan park aspect of their plans is fraught with numerous issues and impacts, and I request strongly that this land use not be approved by the Shire of Denmark.</u></p> <p>The 24/7 nature of such a business operating nearby will have an unacceptable level of impact on existing long term residents, especially those across the highway in the Byleveld subdivision. We will learn to live with it during business hours, but to have the commercial activity and lighting going on into the evenings would be unbearable for some, who would most likely choose to leave.</p> <p>Another important reason to reject the caravan park part of the proposal is that the site is totally inappropriate for the purpose. At this time of year that patch of ground is heavily inundated and exposed to southerly winds. Even in summer, it would not offer a pleasant camp site. Being in full view of the highway with the noise of heavy traffic up and down the William Bay hill doesn't sound like the best Denmark experience we can offer to visitors. The site has no access to trails, so campers will need to drive out to experience anything beyond the shop.</p> <p>Which raises a large concern for us as neighbours, that we are likely to see people wandering onto our land. The existing fencing is only adequate for stock, and if you do decide to give the caravan park the go ahead, <u>we request that the proponent be required to suitably fence their enterprise.</u></p> <p>Primarily we pray that you can see, that to allow a caravan park in that location would be a mistake with serious long term consequences for the area, and ask that appropriate limits be set in place for commercial activity next door.</p> <p>Wishing you all wisdom.</p>	
S27	<p>I would like to express my concern regarding this Amendment.</p> <p>I am particularly concerned about the creation of a traffic "Black Spot" at this intersection where 400,000 people exit and enter the Greens Pool Rd. I am concerned for my own safety but also for the thousands of tourists who are not pre-warned that this is a complex crossing. Adding slow moving vehicles pulling caravans and extra traffic volume to this situation will be a disaster waiting to happen. I understand that Main Roads optimum sight distances are not met.</p> <p>In addition to the concern regarding traffic, the high visibility of the site from a major Hwy doesn't seem to fit into any Shire Tourist Strategy that I have read. The difficulty of screening the site is already evident.</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility</p>

	<p>Addressing the EPA recommendations doesn't appear to have been included in the report attached to the amendment.</p> <p>I would like the Denmark Shire to disallow the amendment process. These issues require further investigation.</p>	<p>of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.</p>
S28	<p>Thank you for the opportunity to express my opposition to TPS3/SA147</p> <p>The process remains a mystery after I have spent days of research, talked to people in the Denmark Shire Planning Department and other people who have an interest in this application.</p> <p>We have a 190 page document which was produced on 28 Oct 2020. The document is full of mistakes and omissions, and hasn't addressed the concerns of the EPA regarding specific aspects. It is supposedly not what we are writing a submission about because the specific details of what is going to be developed for tourists is not the subject of the Amendment.</p> <p>I can't help presuming that this application is the easy way for the proponent to achieve an easier path to doing what he wants with the least oversight possible.</p> <p>It is impossible to submit comments on the Amendment without also commenting on the 190pg plan.</p> <p>In overall terms we have a mishmash of land uses and tourist "attractions" squashed onto a 12Ha property that is overseen by a noisy major tourist route. It is hard to screen from the road and adjoining properties and has a death trap of an entry/exit from Highway 1. The proponent has made it obvious from the work he has completed on the site that the planning waffle in the document will be ignored where possible and policing of commitments like those regarding lighting, noise, wastewater, tree protection zones, setbacks from waterways will be ignored once this staged planning process has been snuck through Council.</p> <p>Keeping in mind that this amendment 147 will make future applications for aspects of the overall plan easier (eg the Caravan Park) I will address a few of the problems with the plan below.</p> <p>The EPA letter of 28<sup>th</sup> Feb 2023 has not been addressed by the proponent. The EPA, guided by the mistake of the Environmental Consultant in the report, continues the confusion of Lake William</p>	<p>The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in the district while providing for the Shire to ensure the community's objectives are met at each stage of this approvals process. It is also appropriate for the proponent to be required to provide greater details at subsequent stages to rezoning.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p> <p>Advice from EPA and DWER does not suggest concerns for potential impacts on Lake Byleveld, noting that Lake Byleveld</p>

with Lake Byleveld. This basic geographical mistake raises questions for me regarding the detail in the proponents report. The next four paragraphs of the EPA report show its concern that the area for sewage treatment is inadequate given the various aspects of the proposal and finishes by saying that *“Consideration should be given to limiting the scale of future aquaculture, agritourism and horticulture development.”*

The EPA thinks that the plan is flawed in the above aspect.

The EPA suggests that:- *Flora and Vegetation; Terrestrial Fauna The amendment area contains approximately 2.5 ha of native vegetation mapped as consisting of mainly jarrah and marri. The vegetation is potential habitat for threatened species of black cockatoo. Implementation of the scheme amendment may result in the clearing of native vegetation and fauna habitat and potential noise, dust and light impacts on fauna. The EPA supports that the LDP (October 2022) proposes to retain the consolidated area of native vegetation. Retention and management of vegetation and fauna habitat should be considered as part of the future planning process. Any clearing of conservation significant fauna habitat, in particular black cockatoo habitat, may require referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).*

The proponent killed three cockatoo habitat trees(200 year old Karri) when building his marron dam. More recently he has taken an excavator into the LPD to dig up the rocks for the driveway. The sincerity of the proponent regarding the planning document is again bought into question.

The EPA also suggest:-*A Landscape Management Plan should be prepared with reference to the LDP to address identification and protection of vegetation and trees to be retained, the protection of fauna habitat, a preference for use of locally indigenous native species in the proposed gardens, and fertilizer/ nutrient input particularly in areas where agritourism or horticulture land uses are proposed.*

I haven't observed a single endemic plant in the landscape planting to date. Roses, Conifer, Palms yes. Whilst the EPA suggests that environmental concerns can be managed through the scheme provisions it takes work by Council Officers to police these provisions and the proponent shows no sign of being compliant in managing the above issues that the EPA have raised.

I am sure that many residents that live in close proximity to No 2446 (Lot 3) have mentioned the social issues that the EPA mentions - the lighting, noise and loss of rural amenity. What I will concentrate on is the danger that will be created by the access road/crossover.

In section 8. VEHICLE ACCESS the proponent states *“Visibility greater than 500 metres is achieved to the west and about 240 metres to the east (within the road reservation) Austroads advises a minimum visibility of 201 metres, with a desirable distance of 226 metres for roads operating at 90kph. Appropriate visibility is achieved.”*

is in a separate surface water catchment.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proponent may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

The preparation of a Landscape Management Plan is a requirement of the proposed scheme provisions.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land. Existing planting on the site includes productive trees that could ordinarily be expected to be present on rural land.

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed. This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.

Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.

In fact neither direction has an unobstructed sight line longer than 200mtrs – see pictures below.



*Above the first view glimpse as approaching proposed entrance from the East – less than 200 mtrs – picture taken from left hand lane travelling west*



*Above the first glimpse as approaching proposed entrance from the West – less than 200 mtrs*

Steve Picking from Main Roads stated that an on site visit was attended by the Main Roads Network Operations Manager Chris Grant. Steve said that the entrance is “sub-optimal” when judged by Main Roads preferred sight lines guidelines. The access was however still assessed as just adequate for a road that has a 90Km an hour speed limit.

In our communication with Main Roads it was suggested that Shire Officers should initiate further discussion with Main Roads. Steve Picking also indicated that the full range of detail for the

	<p>project on Loc. 2446(Lot 3) was not divulged at the meeting with Main Roads.</p> <p>The Greens Pool turn off and new access driveway combine to create a dangerous intersection. The road down the hill to the east of this site has limited visibility, cars are dividing into two lanes in order to access the Greens Pool turn off, or continue West to Walpole.</p> <p>South Coast Hwy to the East of the proposed entrance also divides into two lanes, one for cars continuing East and the other for cars turning to Greens Pool. The road then changes into a two lane easterly flow with one lane for overtaking. Any car exiting the site has the confusion of cars choosing the different directions with limited sight lines.</p> <p>The chance of caravans safely exiting the site in a westerly direction, crossing three lanes, including an overtaking lane – all with limited sight lines and a slow moving car towing a van, is poor especially at peak traffic times. To enter the proposed tourist site when approaching from the East, cars and caravans will have to cross an overtaking lane at slow speed to access the site.</p> <p>Main Roads data from Traffic Map shows that in 2022/23 an average of 2,776 vehicles, travelling in both directions used that part of the Sth Coast Highway on a daily basis and that from 4.00am to 11.00pm 25% of those vehicles were speeding. Visitation to the National Park via the Greens Pool Rd is continuing to grow with 99,318 vehicles in 2021/22 and 118, 026 vehicles in 2022/23. All these vehicles will be negotiating the new intersection if this project is allowed.</p> <p>The cost of improving the site lines (if possible) would be huge, not borne by the proponent but by the Western Australian tax payer. A crash of some severity is virtually inevitable within the first season of operation. This is an outcome that nobody wants to happen, or to witness. I wonder who will accept responsibility for death and injury at this black spot? The Main Roads have hand balled to the Shire and yet the Shire told me it is Hwy 1 – Main Roads responsibility.</p> <p>I finish my submission with the sobering prospect of a death that “nobody sees coming except Blind Freddy” and hope that this accident black spot is one of the main reasons for Council refusing this Amendment.</p>	
S29	<p>We are submitting our opposition to the adoption of Town Planning Scheme No3 Amendment No.147, and also provide comment on the document prepared by Williams Consulting which accompanies the Amendment request.</p> <p>We think that ratification of this Amendment by Council will result in many aspects of the full plan not being subjected to rigorous scrutiny when presented in future.</p> <p>The Amendment sits uncomfortably within the Shires Tourism Strategy and many aspects of the proposed development including dangerous vehicle access, waste water issues and poor visual screening are not resolved by this application. It appears that the proponent may be taking a</p>	<p>The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in the district while providing for the Shire to ensure the community’s objectives are met at each stage of this approvals process. It is also appropriate for the proponent to be required to provide greater details at subsequent stages to rezoning.</p> <p>The proposed amendment has been assessed against relevant</p>

staged approach to planning permissions in order to avoid a high level of scrutiny of individual aspects of the proposed development.

It has been confusing for people commenting on this scheme amendment. Are we commenting on a simple change of zoning or a complex 190 page document. How can we discuss one without the other.

**There are many weaknesses in Town Planning Scheme No3 Amendment No.147, notably:-**

- **A major tourism development in conflict with the Shire Tourism Strategy.**
- **Unsafe access onto a major Hwy – Main Roads based their assessment on incomplete information regarding the potential scale of the proposal and state that the access is “sub-optimal”.**
- **Significant issues in the Environmental section**
- **Poor guidance for the EPA to approach an assessment**
- **No changes to the plan after the EPA’s strong suggestions**
- **Noisy highway site, unpleasant for tourists**
- **Poor assessment of visual sight lines and inadequate buffers**

In the introduction of the Amendment there are many statements about the suitability of the site (No. 2446 (Lot 3) South Coast Highway, William Bay) for Tourism. The truth of these statements is not informed by assessment of the site’s suitability when judged against the Shires Sustainable Tourism Strategy.

The Shire adopted a Sustainable Tourism Strategy 2021-2025 which rightly identifies that -

***“tourism that is poorly planned and managed can generate negative impacts on the environment, on the health and wellbeing of communities and on economic outcomes.”***

In the section of the Planning document titled:- **1 STRATEGIC PLANNING CONTEXT**

the proponent continues to argue that the site fits all the criteria necessary for rezoning, including accessibility of the site (including egress), Accessibility on foot and by bicycle to areas of interest, ability to screen the development from major Highway, and the potential comfort of the site for tourists.

In fact the site has very poor accessibility, including access for people who would like to enjoy recreation without their car. Pedestrians would have to cross four lanes of quite confusing and fast traffic movement and walk down the busy Greens Pool Road before coming to the

strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand.- The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed. This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.

Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.

Bibbulmun or coastal trails. The same access problems would apply to cyclists.

The whole of the proposed development is identified by DPLH as within an area that is subject to significant road noise. The noise from the Hwy can be significant even early in the day (5am). Trucks hauling chips to and from Albany use air brakes on the descent of the hill adjacent to the proposed caravan park site and grind their way up when hauling a full load.

The proponent states that *“Environmental characteristics of the locality, including topography and retained remnant vegetation ensure that Tourist zoning over the site is able to integrate with the surrounding land uses. Large lot sizes and adequate separation distances to neighbouring dwellings ensure compatibility between Tourist zoning and the surrounding zones and land uses”*.

The photo below illustrates the challenges of screening from the road.



*Visual dominance from the road will be very difficult to adequately screen*

There are beautiful vistas from South Coast Hwy. They will not be enhanced by a highly visible site with shops, car parks and caravans. The site cannot be screened adequately from the road. Passing cars can see the mature Karri trees that the proponent has killed whilst constructing the first dam. The shed and proposed caravan sites are also clearly visible. The separation distances mentioned in the report have not been adequate to stop the two dogs owned by the owners of No. 2446 (Lot 3) from ranging around our property and Bell Road. Some of our members are now too afraid to walk alone in the bush along our south boundary fire break. Something that they've been doing for 45 years! Those that still walk our southern boundary are obliged to carry a stick for self defence. We feel this negative effect of proximity may be a taste of things to come if the development proceeds.

Likewise the audibility of the two barking dogs on the property indicates a lack of acoustic screening, contrary to the proponents statement that *“The site is not subject to any buffers;*

The landowner may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations.

Any concerns regarding the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and direct a response as appropriate.

Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is generally a matter to be resolved between landowners. Concerns about illegal or anti-social activities should be reported to WA Police.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).

Advice from EPA and DWER does not suggest concerns for potential impacts on Lake Byleveld, noting that Lake Byleveld is in a separate surface water catchment. The proponent will be required to provide a hydrological assessment before developing any additional dams on site, which will then be sent to the Department of Water & Environmental Regulation



*however existing strands(sic) of mature karri trees in the locality provide visual and acoustic screening to support the ultimate tourist development on the site.”*

The report states *“Existing stands of mature karri trees located on the north-western portion of the site are to be retained and protected via the identification of a development exclusion area/tree retention area, (LPD)”*

The LPD shown on the development proposal has been severely damaged by the proponents since the development application was submitted! This small LPD has been recently dissected by wide tracks and a stone quarry has been dug within the LPD near our boundary fence.

Aurora Environmental, the authors of the Environmental Context section of the document, seem to be struggling with the geography that they are talking about. Whilst referencing Lake William they were probably talking about surface water flow into the adjacent Lake Byleveld which we agree would not occur. Lake Williams is 6km from the site. The consultants didn't consider that ground water moves separate from surface flow and since the ground water is driven by the elevation of the nearby hills (Mount Shadforth and Mount Mcleod), it could conceivably flow into Lake Byleveld. This was not tested.

The area for grey water dispersal is above the Marron Dams, Horticulture and Planned Tourist areas. The EPA raised concerns regarding the ability of the proponent to manage this landuse conflict within the current plan.

In section 8. VEHICLE ACCESS the proponent states *“Visibility greater than 500 metres is achieved to the west and about 240 metres to the east (within the road reservation) Austroads advises a minimum visibility of 201 metres, with a desirable distance of 226 metres for roads operating at 90kph. Appropriate visibility is achieved.”*

**In fact neither direction has an unobstructed sight line longer than 200mtrs – see pictures below.**

for assessment. The proponent will be required to contact DWER regarding licensing requirements for any proposed groundwater abstraction (bores).

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.



*Above the first view glimpse as approaching proposed entrance from the East – less than 200 mtrs – picture taken from left hand lane travelling west*



*Above the first glimpse as approaching proposed entrance from the West – less than 200 mtrs*

Steve Picking from Main Roads stated that an on site visit was attended by the Main Roads Network Operations Manager Chris Grant. Steve said that the entrance is “sub-optimal” when judged by Main Roads preferred sight lines guidelines. The access was however still assessed as just adequate for a road that has a 90Km an hour speed limit.

In our communication with Main Roads it was suggested that Shire Officers should initiate further discussion with Main Roads. Steve Picking also indicated that the full range of detail for

	<p>the project on Loc. 2446(Lot 3) was not divulged at the meeting with Main Roads.</p> <p>The Greens Pool turn off and new access driveway combine to create a dangerous intersection. The road down the hill to the east of this site has limited visibility, cars are dividing into two lanes in order to access the Greens Pool turn off, or continue West to Walpole.</p> <p>South Coast Hwy to the East of the proposed entrance also divides into two lanes, one for cars continuing East and the other for cars turning to Greens Pool. The road then changes into a two lane easterly flow with one lane for overtaking. Any car exiting the site has the confusion of cars choosing the different directions with limited sight lines.</p> <p>The chance of caravans safely exiting the site in a westerly direction, crossing three lanes, including an overtaking lane – all with limited sight lines and a slow moving car towing a van, is poor especially at peak traffic times. To enter the proposed tourist site when approaching from the East, cars and caravans will have to cross an overtaking lane at slow speed to access the site.</p> <p>Main Roads data from Traffic Map shows that in 2022/23 an average of 2,776 vehicles, travelling in both directions used that part of the Sth Coast Highway on a daily basis and that from 4.00am to 11.00pm 25% of those vehicles were speeding. Visitation to the National Park via the Greens Pool Rd is continuing to grow with 99,318 vehicles in 2021/22 and 118, 026 vehicles in 2022/23. All these vehicles will be negotiating the new intersection if this project is allowed.</p> <p>The cost of improving the site lines (if possible) would be huge, not borne by the proponent but by the Western Australian tax payer. A crash of some severity is virtually inevitable within the first season of operation. This is an outcome that none of us want to happen, or to witness.</p> <p>We hope the Denmark Shire can avoid these outcomes by not agreeing to TPS3/SA147).</p>	
S30	<p><b>Do you support the proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Unsafe access to and from a main road and a very busy intersection.</p> <p>Unpleasant place to stay (noise from trucks and cars; no walking or bike trails accessible from site, only car access; waterlogged site).</p> <p>Environmental concerns (separation of sewage treatment and horticulture activities; damage to existing bush).</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4</p>

		<p>– Road and Rail Noise. This modelling has been assessed and supported by DWER.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p>
S31	<p><b>Do you support the proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>I have lived on the neighbouring property to the proposed development for twelve and a half years, and have been a resident of William Bay for twenty-eight years.</p> <p>Traffic concerns</p> <p>I do not accept the assessments regarding the safety of the access for the general public to the proposed development, and the impact on the turnoff to Greens Pool. This whole section of road is dangerous during peak summer period, and there have already been accidents at the turnoff during the time I have lived across the road. Traffic coming down the hill between Bell Rd and the turn-off has a tendency to gain speed, and it can be quite unsafe trying to slow down to turn right into the general access driveway if a car is right behind you. I have experienced this personally on many occasions. Impatient drivers sometimes attempt to overtake, mistaking the left turnoff lane to Greens Pool for a double lane. Traffic leaving the proposed development site and wishing to head towards Walpole or Greens Pool would have to negotiate a very busy and at times unpredictable turnoff during peak summer. The general access point for the cafe/brewery/50-bay caravan park being so close to the turnoff is difficult to fathom. The combination of traffic attempting to enter and leave the site, to and from multiple directions, doesn't seem to have been thought through. Add into the mix someone having had a drink or two at the Brewery, not to mention all the heavy vehicles and extra carriage many tourists bring with them, and it has the makings of a disaster waiting to happen. Whose responsibility will it be when a serious accident happens? The Philips family or the Shire of Denmark?</p> <p>Bushfire Management</p> <p>Given the above, I find it hard to imagine the scenario if a bushfire were threatening the William Bay district during the peak holiday season. All the pages of information about BAL ratings look good on paper, however consider the reality of a large number of vehicles attempting to leave the proposed site, combined with the volume of traffic attempting to flee overcrowded Greens</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site.</p> <p>The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p> <p>The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity,</p>

	<p>Pool and other local tourist sites, all having to negotiate that dangerous turnoff. The evacuation procedures in the proposal are completely inadequate to deal with such a situation. 15 minutes to evacuate to offsite refuge? “Ensure all occupants are accounted for as they leave the facility”? Really?</p> <p>Sewerage/Waterway Integrity</p> <p>I have a deep concern for the integrity of the small creek that flows from the block of the proposed development through the neighbouring property belonging to the Matthews. It is difficult to believe that, longterm, the on-site effluent disposal system will not have an impact on the water quality in this “sewerage sensitive area”, regardless of what the environmental consultancy may say. Water is life, and those living downstream would have to live with the impacts of this large-scale development in an, until now, undisturbed rural setting.</p> <p>The ‘Bucolic’ Nature of the William Bay District and Tourism The development proposal makes several mentions of the ‘bucolic’ nature of the William Bay rural area. The blending of rural properties and bush environments in a rolling landscape has indeed been one of the great joys of the district, whether one lives here or is passing through. But the most negative impact I have seen in the years I have lived in William Bay is the ugly development that has begun to take shape since the Philips took over the property in question, all of it visible from the highway. It is completely out of synch with the character of the area and, unlike other local tourist operators, they have shown no respect for long term residents or their values. The main interest of the developers appears to be making big money for their own family, without any regard for the aesthetic values of the area. They have pushed ahead with building and reshaping the landscape from the moment they acquired the land, as if they assume that they are entitled to go ahead with the development. Just build, it seems, and assume that the Shire will then have no choice but to approve. The arrogance of their approach has been breathtaking.</p> <p>A rezoning of this property from ‘rural’ to ‘tourist’ will be the thin end of the wedge for William Bay. Greens Pool is already unable to accommodate the number of tourists during summer, and as a local I now avoid it during the summer months. It’s enjoyment for locals has been diminished through over-promotion and poor planning. There are ample tourist venues close by, as shown on the map in the proposal. They are modest and blend with the local environment, being back off the main highway and hidden away.</p> <p>In my view, a Brewery and a 50 site caravan park, along with the so-called ‘agritourism’ orchard, are completely unsuited to the site; the development as proposed is ugly and will only diminish the values of the place we all know and love as William Bay.</p>	<p>Conservation &amp; Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.</p>
S32	<p><b>I oppose the rezoning of No2446 (Lot 3) to Tourism unless the following issues can be addressed.</b></p>	<p>Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations. Any concerns regarding</p>

Text in italics are quotes from the application

***Dog proof fencing on boundary to The Wolery***

The Philips 2 large guard dogs have got through the existing standard farm fence a number of times over the last 2 years, they have

- pushed through the existing fence and harassed our horses,
- breached the existing fence and aggressively chased us within the Wolery when we were walking in our SE paddock
- threatened and growled at us when we walk along our south fire break.

**We fear for the safety of our small children who have up to now been free to walk along our south boundary. 2 large guard dogs could easily kill a child.**

For the last couple of years since the Philips have owned these 2 dogs some of our members are now too afraid to walk alone in the bush along our south boundary fire break. Something that they've been doing for 45 years!

Those that still do walk the fire break feel obliged to optimistically carry a stick for self defence.

**We have asked Noel Philips to upgrade his north boundary fence. He has improved part of the 1.1m existing rural fence but refuses to do the whole boundary.**

Their large guard dogs have scrambled over their farmhouse 1.1m fence in the past. For us to feel safe on our own property we really need a higher wire mesh fence.

NOTE: I have met the dogs at the Philips farmhouse, they are friendly and lovely pets in their own territory. It's hard for the owners to appreciate how dangerous they can be when they are 'protecting their own territory.'

**We therefore ask that if rezoning to Tourist is approved the Council includes the following condition,**

- **The Philips north boundary fence be upgraded to deer fencing using fabricated hinge joint mesh for the length of the North boundary.**
  - This type of fencing has no barbed wire, is visually more acceptable than farm fencing, will not injure dogs and is designed as a rural dog and deer barrier. The large mesh size will not restrict the movement of quendas and reptiles and other small native animals.

Example of deer fencing near Albany.

the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and direct a response as appropriate.

Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is generally a matter to be resolved between landowners.

The type, number and placement of trees to form part of revegetation and buffers is to be detailed in a Landscape Management Plan, which is a requirement of the proposed scheme provisions.

The closest residence on 9 Bell Rd is over 280m from the lot boundary, screened by existing vegetation, and an additional distance from buildings proposed on the subject site. Officers suggest that a requirement for additional screening on the northern lot boundary would be excessive. It is noted that development of the site for rural land uses may occur under the current zoning, and rural land uses comprise the majority of the site even under the proposed rezoning.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The landowner may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proposed scheme provisions include a requirement to



### **Vegetation screening on the Wolery boundary**

*quote p45,46 'Extract Figures 13 and 14 show vegetation screening of the proposed caravan site from key viewing points located on South Coast Highway adjacent to the site. Screening adjacent to the street boundary will be provided with Peppermint trees, spaced at 10 metre intervals (approx.), to complement other vegetation in this locality. These trees are native to the south west and capable of growing 10-15 metres high.'*

Peppermint and avocado trees should be spaced at a minimum of 6m intervals for effective screening.

**There is no mention of screening on the North boundary with The Wolery.**

Our SE paddock overlooks the proposed development.

***We ask that north boundary screening also be included in the conditions***

### **Developments Access to tourist attractions**

*quote p8 Introduction '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, cafes, restaurants, shops and the like. • Proposed Café, gardens and agritourism tours • Wineries/Cideries/Breweries • Denmark's town centre (shops cafes, restaurants, etc) • Walk/bike trails • Beaches • Denmark Chocolate Company • Denmark Dinosaur World • Valley of the Giants • The DAM '*

This statement ignores the fact that all the listed attractions are only vehicle accessible.

With the busy highway frontage there is no 'easy access' via walk or cycle trails without crossing

minimise light spill and this will be assessed if/when development approval is sought.

	<p>the 4 lane National Highway No1.</p> <p><b>Development exclusion zone, (p52 para 8, Local Development Plan)</b></p> <p><i>quote 'Existing stands of mature karri trees located on the north-western portion of the site are to be retained and protected via the identification of a development exclusion area/tree retention area</i></p> <p>The Development Exclusion Zone on the development proposal has been severely damaged by the proponents in contravention of their own development application!</p> <p>1. This small area has been recently dissected by wide tracks</p> <p>The EPA supports the Shire's proposed scheme provisions requiring development to be consistent with the LDP, no development being permitted within the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the LDP (October 2020), and the requirement for a Landscape Management Plan.</p> <p>2. a st o n</p> <p>e quarry has begun within the area next to our boundary fence</p> <p>The damage to this Development Exclusion zone also contravenes the Advice given by the EPA in its letter to the council. Snapshot from the EPA letter of advice to council 3 March 2023 states,</p> <p><b><i>We request that as a condition of approval the proponents repair the damage they've done to this small but important tree protection area.</i></b></p> <p><b>External lighting</b></p> <p>(quote p59 Condition of Tourist Use) 'xv. All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council Approval.'</p> <p>Fauna habitat values. Fauna habitat management should be considered including protection of fauna habitat from edge effects, noise pollution and light spill. Lighting should incorporate dark sky principles as referenced in the WAPC's Position Statement 'Dark Sky and Astro tourism' and the 'National Light Pollution Guidelines for Wildlife' (as amended). A Landscape Management Plan should be prepared with reference to the LDP to</p> <p>snapshot from EPA letter of advice to Council 3 March 2023 p3</p> <p><b>We support this statement and beseech the council to diligently enforce this advice as our dark southern sky is currently free of artificial light pollution</b></p>	
S33	<p><b>Do you support the proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>I am concerned about the location of the property and traffic entering and exiting the property. The property is located on an existing section of road where the speed is 90 kms and where double white lines exist. Visibility pulling out onto on coming traffic towing a caravan would</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>



	<p>seem to be hazardous . When the proposed caravan park has 50 caravan bays the potential for traffic accidents would seem to be of concern. With additional traffic and people visiting the area it is concerning that the towns emergency services are reliant on volunteers to run them and respond to all calls for assistance. The existing medical services are limited in their ability to respond and during the summer months are already busy. The location and the additional traffic in an area that is already busy seems concerning.</p>	
S34	<p><b>Do you support the proposal?</b> Undecided</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Regarding proposed Amendment 147: I am perplexed about the proposal amendment to have temporary workers accommodation. Why is this necessary? If a caravan park is approved then why cant the temporary workers stay on-site in caravans? If caravan park is not approved but other activities like the cafe are, then why cant the temporary workers stay in town or at one of the already approve caravan parks in Denmark? There is also already and unoccupied 3 bedroom house on site. The establishment of temporary workers accommodation suggest that they are not thinking of employing locals to do the work. How would temporary accommodation comply with Shire of Denmark Guildlines for chalets in the shire, Town Planning Scheme policy No 7 ?...or does this proposal seek to bypass requirement that other temporary accommodation like chalets need to adhere to. eg.1) water storage capacity of 92000 litre per chalet, 2) not impinge on the amenity or character of the area. 3) if warranted, a deceleration lane on the public road to enhance traffic safety.</p> <p>Regarding the whole proposal of this development : Rezoning no. 2446 (lot 3) South Coast Highway I am concerned about the number of activities that are proposed on this site. Cafe, Micro-Brewery, Caravan Park, Aquaculture, Agriculture and now workers accommodation. The site is to small, to visually exposed and has less than idea safe road access for this over ambitious proposal that seems to want to be able to do everything.</p> <p>Shire of Denmark Town Planning Scheme policy No 7 states if warranted, a deceleration lane on the public road is required to enhance traffic safety. How is this road safety measure being applied to access to the site from the South Coast Highway when the Main Roads are proposing to for-shorten the passing lane that is there now? Also there does not appear to be possibility for a deceleration lane for traffic from the west along the highway who want to access the site. The visibility of the site entrance is not ideal and the Main Roads consultant advises that the owner should undertake further land clearing to improve sight line. This would then visually exposes the development to the Highway which contradicts the requirement for the site to have visual roadside buffers. There is increased likelihood of a traffic accident as now there is effectively a intersection on the highway with caravans and cars turning and crossing over the highway. There would seemingly be a need for a major redesigning of the road to accommodate traffic slowing</p>	<p>Workforce Accommodation is a land use that provides for temporary accommodation only and any associated development should not remain for an extended period of time. This may exceed 3 months, so is distinct from accommodation for tourism purposes.</p> <p>Provision for a Caretakers Dwelling accommodates staff involved in the ongoing management of a tourism or agricultural enterprise.</p> <p>Local Planning Policy 7 applies to Rural zoned land and will no longer be relevant to the subject site if the proposed rezoning proceeds.</p> <p>The proposed zoning allows for a range of land uses and the layout of development is to be guided by a Local Development Plan.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away</p>

to turn into the site, the neighbouring property driveway and into the road to Greens Pool. There area is devoid of walking and cycle paths so would require a car journey to get to places of interest.

The likelihood of people staying in the caravan park trespassing on neighbouring properties to access forested areas is also a possibility and this will imping of the feeling safety and comfort of neighbouring properties. Avocado trees planted on the West boundary are not suitable vegetation for screening as this area is windy and unprotected from Southerly winds. Avocado trees will grow but will be scrawny and unproductive because Avocado trees are easily damaged by storms and chronic recurring winds, that being the case in this area during the winter and spring. There is also little or no screening of the Caravan Park site from the South (especially from the Greens Pool turn off) or travelling from the West along the highway.

The EPA report mentions the preservation of the native flora and fauna on the site and to date the expansion of the dam has killed several old Karri tress and while digging the dam there was the willful destruction and subsequent killing of many long neck turtles that lived there. Turtles been buried and smashed into the clay with the digger equipment. There has been recent rock quarrying in the 'protected/preserved native vegetation area' that has diminished the native vegetation there. There are number of conifers planted that can be a fire hazard.

I not supportive of 50 bay Caravan Park as this sits right on our property boundary and deminishes our right to a rural lifestyle. The land allocated to house 50 Caravans is too small to accommodate that many vans and it is alarmingly close to our abode. Having so many caravans packed in to the site with an average of 2 - 4 persons would inevitably create noise and light pollution for us and the area. This land is also waterlogged (a quagmire in fact) and unsuitable for vehicle movement in the winter. The amount of sewage and waste water produced by 50 caravans, a large capacity Cafe, a micro brewery are also a great concern.

The dam at 2474 South Coast Hwy (next door)has already been adversely affected by the ground disturbance carried out on the site. How is it proposed to supply enough water to service all these activities? How many large water tanks would be required? If the proposal is to tap into ground water, what effect does this have on the ground water levels of neighbouring land holders

There also appears to be that a children's playground is to be created on the site. The equipment for this is already on site and consists of brightly coloured plastic hardware. How does this comply with the shires objective to maintain the beauty of our natural and rural environment? All other playground in the shire are of consideration to the natural and rural environment of the Shire and the intended playground set up would be an eyesore and will not add any aesthetic value to the site.

Overall I am very concerned about the size of the project and its impact on the safety, beauty

from significant viewpoints.

Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is generally a matter to be resolved between landowners. Concerns about trespass or other illegal or anti-social activities should be reported to WA Police.

The establishment of planted screening/ buffers is to be determined through the preparation of a Landscape Management Plan as required by the proposed scheme provisions.

The proposed scheme provisions include a minimum 20m setback to the western boundary of the site, being approximately 140m from the nearest residence on the adjoining property.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself due to proposed sensitive land uses (residential and tourist accommodation).

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The proponent will be required to provide a hydrological assessment before developing any additional dams on site, which will then be sent to the Department of Water & Environmental Regulation for assessment. The proponent will be required to contact DWER regarding licensing requirements for any proposed groundwater abstraction (bores). The proponent will be required to demonstrate an adequate potable water supply to service any proposed development.

	<p>and tranquility of the area. I am concerned about the traffic and pedestrian safety on the road and I am concerned about the disturbance this over ambitious development will have on a have the peace and wellbeing of those of us who live in the area. It is not a small proposal but one that is set to fundamentally change those things that this community and shire of Denmark hold dear.</p> 	<p>The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p> <p>If the proposed rezoning proceeds, the proponent will be required to prepare a final Local Development Plan and apply for development approval prior to the establishment of tourism-related land uses.</p>
S35	<p>I offer brief comments about my concerns with regard to the proposed amendment.</p> <p>Of particular concern is the creation of a traffic “Black Spot” at the intersection of William Bay Road and South Coast Highway. Currently about 400,000 people, including families with young children, navigate this intersection annually. Turning right from William Bay Road onto the Highway means navigating four lanes of traffic: west bound, a through lane and a left turning slip lane; east bound, a right turning lane which becomes an overtaking lane, plus a through lane. About 25% of vehicles exceed the speed limit on this stretch of highway.</p> <p>If this amendment succeeds, this complex intersection will have the added risks associated with the very close proximity of slow moving caravans and extra traffic entering and exiting the site.</p> <p>It is not just my safety that concerns me. Thousand of tourists unprepared for this complex intersection and increased volumes of traffic from the tourist site will result in major traffic incidents involving high speed collisions. I understand that basic requirements like Main Roads' safe intersection sight distances are not being met and that Main Roads itself considers the ability of the tourist site to safely enable traffic to enter and leave is sub-optimal.</p> <p>There are environmental concerns: waste water management; effluent disposal; native vegetation and habitat for animals and birds (especially black cockatoos); co-location of</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p> <p>The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p> <p>Remnant vegetation on the site is protected through the</p>

	<p>agricultural industry with sensitive land usage like the proposed caravan park; Lot 203 is identified by the Department of Planning, Lands and Heritage as being within an area subject to significant road noise - and on go the problems. EPA recommendations do not seem to have been considered or included in the proposed amendment.</p> <p>In addition to these concerns, the development appears to sit outside the Shire's Sustainable Tourism Strategy and its Strategic Plan. For example, concentrating a large number of tourists close to already over-stretched Greens Pool and Elephant Rocks, not including climate change and environmental sustainability strategies, the high visibility of the site from the Highway - these don't seem to fit with where the Shire and the community say we want to head.</p> <p>I would like the Denmark Shire to disallow the amendment. Much more work is needed to prevent town planning mistakes in a Shire that's done pretty well to date.</p>	<p>identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.</p> <p>The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is not considered likely to impact on adjoining landowners.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.</p>
S36	<p><b>In summary</b></p> <ul style="list-style-type: none"> <li>• The proposal does not fit with the values and intention of the Sustainable Tourism Strategy and the policy framework does not exist that identifies that this proposal and all its elements are 'needed' in Denmark</li> <li>• There are alternatives to providing further caravan and camping facilities through the Local Planning Policy for Caravan Parks and Camping Grounds that are in keeping with Denmark's character and the Sustainable Tourism Strategy</li> <li>• The location of the proposed development will add to the already high risk of road accident – a potential black spot in the making</li> <li>• There is a real loss of amenity for neighbours, locals and a poor experience for tourists</li> </ul>	<p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand, and does not indicate a need or seek to cap the number of available caravan and camping sites. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>LPP 51 provides an assessment framework that provides for a range of caravan park and camping ground proposal – it does</p>

- Inadequate assessment of the 12 ha site's capacity to manage black and grey water gives no confidence that this proposal has been developed in good faith to meet high environmental standards.

#### Recommendation

- The proposed rezoning from rural to tourism be deferred pending assessment of
  - Whether there is a real need for more larger caravan parks or an additional microbrewery most attractive at the peak visitation period
  - The potential impact of additional road traffic and the risk of creating a black spot at the intersection with the Highway, intersection with the National Park road and the dual carriage way
  - More serious consideration of the impact on the neighbours to the north, south and west of the site.

#### Overall planning for Sustainable Tourism in Denmark

The Shire adopted and Sustainable Tourism Strategy 2021-2025 which rightly identifies that

*“tourism that is poorly planned and managed can generate negative impacts on the environment, on the health and wellbeing of communities and on economic outcomes.”*

I have been a strong supporter of sustainable tourism in Denmark since I arrived in 1986. I have both opposed developments that I and others considered to be inappropriate to the character of Denmark and had potential to threaten the environment and the social fabric of the community and have initiated and run sustainable tourism ventures such as the Centre for Sustainable Living that contributed positively. Proposals such as the 5 Star “Eco” Hotel perched on top of the Nullaki Peninsula, the proposal for a canal development on Wilson Inlet near Ocean beach with a permanent opening to the bar have all been seriously proposed by developers keen to meet what they see as having potential that could result in successful financial returns. The financial success of an individual business needs to be weighed up against the implications on the health and wellbeing on the community and our environment. Project proposals should demonstrate that their services are ‘needed’ in the community and do not impact negatively on the environment and wellbeing of the community.

The Shire has recently adopted the Local Planning Policy for Caravan Parks and Camping Grounds provided opportunity for the development of small dispersed caravan parks in rural zones in natural settings. There already exist examples of such caravan parks that are not visible from the main highway, are based on sustainable tourism and provide rural/nature based/low impact experiences and with low risk entry/exist points to the highway. This policy is in line with the

not indicate a preference for one form or another.

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.

This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.

Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.

Remnant vegetation on the site is protected through the identification of a ‘Development Exclusion/ Tree Preservation Area’ and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

Existing planting on the subject site includes productive trees that could ordinarily be expected to be present on rural land.

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval.

Sustainable Tourism Strategy and with the delivery of tourism in Denmark being predominantly run by small businesses, in dispersed locations featuring the natural environment. Such dispersed tourism also spreads the economic return across our community.

Businesses responding to the community consultation as part of the Sustainable Tourism Strategy indicated that they do not want more visitors in the peak season.

*“Most businesses want to see visitor numbers maintained at current levels during the peak season but grow in the shoulder and off-peak periods.”*

The proposed caravan park and associated ventures is at the entry point to the National Park. It is placed to take advantage of the popularity of the National Park which is therefore likely to add to peak season numbers and to the pressure on the already inadequate Park capacity during the peak season.

When residents were asked which aspects of tourism they would like to see lessened as part of the development of the Sustainable Tourism Strategy the findings were that ‘traffic management at peak periods’ was in the most significant responses.

This proposal directly adds to issues of traffic management and tourism numbers at peak periods.

Visitation to the National Park is already at its maximum for peak periods but is continuing to grow with 99 318 vehicles in 2021/22 and 118 026 vehicles in 2022/23 representing an estimated 389 328 visitors in 2022/23 and 410 037 in 2021/22. Most of this traffic is at peak congestion times 10am to 4pm coinciding with the times for caravan traffic leaving and entering caravan parks for the day.

The proponent report to the zone amendment suggests that

*this amendment will enable the site to be used for its highest and best use, allow for continued agricultural production to occur on the site, provide new employment and investment opportunities within the Shire and deliver direct and indirect benefits to existing businesses, tourism operators and tourist attractions.*

These claims are unsubstantiated and are contrary to the feedback from businesses above.

The Local Planning Policy on small scale caravan parks and campgrounds provide the basis for an alternative to the current proposal. Two or three small, discreet developments across the Shire providing a nature based experience, contributing financially to three businesses and not creating a traffic hotspot could be considered. The Phillips proposal does not fit with this Planning Policy and there is no Policy that describes how the Shire is Planning overall for projected visitor numbers, caravan park needs or for that matter another alcohol outlet and tourism shop outlet, and how best to meet those needs that is consistent with the Sustainable

Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other proposed scheme provisions.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.

Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations. Any concerns regarding the behaviour or welfare of animals should be reported to the Shire’s Ranger Services team who can assess and direct a response as appropriate.

Noise associated with potential future tourism activities will be required to comply with the Environmental Health Regulations. It is considered unlikely that the development enabled by this amendment would generate noise additional to that which might ordinarily be expected from rural land uses, and noise is likely to be managed within the site itself

Tourism Strategy. The proponent suggests that the 12ha is insufficient for traditional agricultural activities, yet there are other viticulture and horticulture businesses that run on less. The land was purchased as a rural block and the argument that it is not feasible as such is no justification for considering a change of zoning.

#### Location of the Phillips property potential road black spot

Locals well know that the current entry and exit from the William Bay Road is already very dangerous with limited sight lines leaving the Park and onto the Highway particularly to the west and with the dual carriage way also heightening current risk on that stretch of road. To significantly increase the risk of severe vehicle accidents by the addition of a caravan park, shop, restaurant, micro-brewery and other potential ventures is of major concern to local landholders (some of whom have already the experience of call outs to accidents on that stretch of road) and of major concern to local users to the National Park.

The sight lines from the proposed exit from the Phillips property are under 200mtrs when 265mtrs is the minimum recommended for a 90kph Hwy (MRD personal communication). Additionally Main Roads data from their Traffic Map shows that in 2022/2023 a daily average of 2,776 vehicles, travelling in both directions on the section of South Coast Highway around the exit/entry from the Phillips property and that from 4.00am to 11.00pm a quarter of those vehicles were speeding. This means that the sight lines of 264mtrs would be inadequate.

We absolutely do not want to have increased risk of serious accidents on this road.

The MRD has assessed the proposed driveway as marginal which is already unacceptable to me as a risk assessment for the site, but their assessment did not consider all the ancillary activities being proposed that increase the traffic numbers significantly. It is important that the MRD reassess the proposal in light of the full potential extent of the developments on the property.

The Phillips proposal also suggests that Caravan Park users could bike to William Bay particularly once the Munda Biddi provided space on the Park's access road. I am fully supportive of people using bikes to access the National Park but this needs to have safety concerns at the forefront. The idea of people on bikes, including family groups, navigating the Highway between Highway traffic, vehicles turning in and out of the National Park, mixed with the dual carriage way and caravans and cars entering and leaving the proposed development is of deep concern.

#### Loss of Amenity for Neighbours, Locals and a poor experience for Tourists

The Phillips location is located on a busy highway opposite a high tourism site, it is a visually exposed site with the first building erected on the site in no way designed and located to minimise visibility off site. This is poor comfort for anticipating future buildings.

The site characteristics do not lend themselves to a quality setting for visitors, for the property neighbours or the community as a whole. The property has very little remnant vegetation and

due to proposed sensitive land uses (residential and tourist accommodation).

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning.

The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is not considered likely to impact on adjoining landowners.

The proposed amendment includes a special provision limiting the occupancy of any tourist accommodation to a maximum length of stay of 3 months in any 12 month period.

Workforce Accommodation is a land use that provides for temporary accommodation only and any associated development should not remain for an extended period of time. This may exceed 3 months, so is distinct from accommodation for tourism purposes.

Provision for a Caretakers Dwelling accommodates staff involved in the ongoing management of a tourism or agricultural enterprise.

The establishment of additional permanent residential accommodation is not enabled by this amendment, supported by the Draft Local Planning Strategy, or consistent with the position of the WA Planning Commission.

what little exists has been parkland cleared so that there is no screening from neighbours. Plantings on the property have been designed to provide shade for a proposed caravan park, gardens and for future ventures. Much of what has been planted is exotic and will not provide screening from any direction. There is no direct access to walk trails. The property is on the edge of a Highway with regular chip trucks and other heavy vehicles grinding up the hill and braking down it.

The Wolery and neighbours from Byleveld Close, Bell Road, Happy Valley Road, nearby on the Highway have met to express their common concern about the high likelihood on loss of amenity and the traffic danger. Many of us have lived here for decades and have contributed to the fabric of the Denmark community. The area is a low density rural area that this proposal will change fore ever. Do current landholders have any rights to be able continue their enjoyment without loss of amenity? The Phillips proposal has already impacted with increased noise due to considerable on site development, the clearing of understory from remnant vegetation close to the Wolery boundary, dogs barking through the night despite complaints being made to the Phillips and to the Shire, the dogs escaping from the property and chasing bike riders on the road and wildlife.

The EPA letter specifically mentioned the need to retain and manage vegetation and fauna habitat. Habitat has already been degraded.

*The EPA supports that the LDP (October 2022) proposes to retain the consolidated area of native vegetation. Retention and management of vegetation and fauna habitat should be considered as part of the future planning process.*

The current negative experience does not auger well for impacts from the proposed caravan park and proposed considerable associated businesses. Noise travels with the wind from the valley and it is likely that there will be significant noise from the caravan park and the microbrewery.

While there are noise and light guidelines it is clear from other businesses including The Dam that lighting will be significant and impact on neighbours. A key pleasure of living rurally is seeing the night sky in the quiet of the evening, it is very painful to anticipate that spill light and noise from this proposal will impact on this joy. Already the frequent barking dogs are disturbing this enjoyment. There has been no suggestion that pets would not be allowed to the caravan park which means that there is the potential for dozens of dogs contributing to this.

The Wolery Ecological community has operated on minimising impacts on the environment and improving ecological function of the natural areas. The EPA report has recommended that aquaculture and agritourism proposals are limited in scale and refers to spray drift from application of chemicals. This is of serious concern to me and to the Wolery community.

The proponent suggests that the Amendment to a tourism Zone is “*providing an opportunity for*



*a new tourism development in close proximity to existing tourist attractions, whilst retaining the bucolic character and ambiance of the natural environment.”*

Yes it is creating a tourism development right on the road to a main tourism attraction, William Bay National Park, which already does not cope with peak season visitation. It will substantially increase the risk to an already high risk intersection. It has very little natural environment and between the caravan park, micro brewery, workers accommodation, café, aquaculture and horticulture there is no intention of protecting and extending the natural environment. With all that activity you would be stretching the imagination to refer to the experience for neighbours as bucolic!

#### Unsuitability of the Site for onsite waste water treatment

While the EPA has not deemed it necessary to conduct a full formal assessment of the proposed development they once again did not have sufficient detail to assess the cumulative impacts of the range of possible land uses. The reference to Lake William by the proponent is puzzling as we are nowhere near Lake William. This calls into question the level of accuracy in the proponent’s proposal provided to the Shire.

Even with the limited information provided the issue of black and grey wastewater management on a small 12 ha property was raised.

*Future development associated with the amendment has the potential to impact groundwater and surface water hydrology, quantity and quality of the local area, local creek and Parry Inlet. In particular there may be impact from nutrient runoff from aquaculture, agritourism and horticulture land uses, and from onsite effluent disposal systems associated with microbrewery, caravan park, and other tourism related land uses set out in the scheme text.*

Anecdotally, the property owners have been heard to say that due to waterlogging on the site it is unsuitable for use as a caravan park during the winter months. The neighbour to the Phillips property has confirmed that the landform in the valley has clay close to the surface that creates a barrier to water penetration causing water pooling. This is a very poor scenario for onsite wastewater dispersal even in the drier months.

There are individual properties along the edge of Wilson Inlet with similar characteristics and some individual Aerobic Treatment Units have dispersal fields unable to deal with the amount of discharge for much of the year and there is leaching of nutrients into the Inlet. Leaching into the local creek and groundwater from this proposal could pose contamination onsite, to neighbours and the local environment.

The Phillips proposal includes worker accommodation, micro brewery, shop and other ventures this would require year round waste water dispersal.

	<p>The Site and Soil Evaluation (SSE) report (Aurora Environmental 2020) suggests that onsite effluent disposal can be accommodated, with wastewater generated from the proposal site to be treated and disposed over a minimum 7979m<sup>2</sup> area. This is only an indicative disposal area that does not take into account details of what may end up being on the property. It is a small property for the range of suggested activities and much of the land will be dedicated to the caravan park, aquaculture and horticulture ventures and more. The proposed wastewater disposal site is above the proposed marron dams, horticulture and planned tourist areas. The EPA raised concerns regarding the ability to manage this landuse conflict and I strongly agree.</p> <p>Is the proposal for workers accommodation cover for a longer term proposal to install lifestyle homes as has occurred at the Rivermouth Caravan Park? It is understandable that accommodation for workers is difficult to secure in Denmark during the peak season but we do not need more caravan parks and businesses at peak season. Businesses and the community are clear that we are already over visited during the summer holidays and spreading visitation during the year is better economically, for the community and for the environment.</p> <p>More details on the waste water disposal demands and suitability and area available to meet the needs of the caravan park and for each subsequent element of the proposal is needed to fully assess the suitability of the site for safe, reticulated disposal. This level of detail is needed now at the stage of assessing suitability of the property for a change in zoning from rural to tourism.</p>	
S37	<p>I offer brief comments about my concerns with regard to the proposed amendment.</p> <p>Of particular concern is the creation of a traffic “Black Spot” at the intersection of William Bay Road and South Coast Highway. Currently about 400,000 people, including families with young children, navigate this intersection annually. Turning right from William Bay Road onto the Highway means navigating four lanes of traffic: west bound, a through lane and a left turning slip lane; east bound, a right turning lane which becomes an overtaking lane, plus a through lane. About 25% of vehicles exceed the speed limit on this stretch of highway.</p> <p>If this amendment succeeds, this complex intersection will have the added risks associated with the very close proximity of slow-moving caravans and extra traffic entering and exiting the site.</p> <p>It is not just my safety that concerns me. Thousands of tourists unprepared for this complex intersection and increased volumes of traffic from the tourist site will result in major traffic incidents involving high speed collisions. I understand that basic requirements like Main Roads' safe intersection sight distances are not being met and that Main Roads itself considers the ability of the tourist site to safely enable traffic to enter and leave is sub-optimal.</p> <p>There is also a question of consistency. I was, until very recently, owner of the land at the corner of South Coast Highway and William Bay Road. When we sought to subdivide our land <b>we were not allowed to retain the entrance to our rural property at the intersection of those two roads</b></p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The location of access and crossovers to the South Coast Highway is a matter for Main Roads WA, who have advised that the crossover recently established for the subject site is in the safest possible location.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot ‘disallow’ the proposed amendment.</p>

	<p><b>on road safety concerns</b> and yet this proposal includes a far more complex and dangerous additional entry.</p> <p>I urge the Council to disallow this proposal on the grounds of traffic safety.</p>	
S41	<p>This proposed amendment is to rezone Lot 3 South Coast Highway, William Bay from 'Rural' to 'Tourist'. The proposed tourist development includes 50 caravan bays, a restaurant, shop, micro brewery, worker accommodation, caretaker residence and agri and aqua tourism activities. The site is located opposite the junction of William Bay Road and South Coast Highway.</p> <p>There are a number of difficulties with this proposal:</p> <p><b>Road Safety</b></p> <p>The location of the driveway for the tourist development is very close to the William Bay T junction, effectively creating an intersection. Currently there are four lanes of traffic on the South Coast Highway that motorists entering and leaving William Bay Road have to contend with, including a right turn lane into William Bay which becomes an overtaking lane extending up the hill. As a T-junction it requires caution and care. As an intersection it's dangerous.</p> <p>The traffic consultant for the owner of Lot 3 doesn't see any significant safety issue with the addition of extra tourist traffic, including slow moving caravans and trailers, from the caravan park, micro brewery, restaurant etc into this complex junction. They say that they understand Main Roads has agreed in principle to the location of the driveway. Main Roads in fact says that the location is not ideal but that it is the most practicable option in preventing high speed right angle crashes in that vicinity.</p> <p>In 2021/22 410,000 people visited Greens Pool. The number for 2022/23 is 389,330 visitors. That's a lot of people, families, to expose to increased risk of a major traffic accident.</p> <p>The re-development of Lot 3 does not meet Main Roads' minimum safe intersection sight lines for 90kph highways. The 500 metre sight-line to the west, stated in the proposal, is a fantasy – it is under 200 meters. To the east, the owner would have to clear additional vegetation (this would add to visibility of the tourist development which is supposed to be screened from the Highway). Currently about 2,776 vehicles, travelling in both directions, use that part of the Sth Coast Highway daily and about 25% of those vehicles speed. Arguably sightlines should be longer.</p> <p>The owner's consultant recommends that Main Roads relocate the overtaking lane further east along the highway and turn the existing overtaking lane into a right turn pocket - significant, disruptive, big ticket roadworks. We taxpayers would pay the bill for the material advantage of the owner of Lot 3.</p> <p>If the site retains its Rural zoning there would not be an increased risk and major roadworks and</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.</p> <p>Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions. Advice from</p>

associated expenditure would not be necessary.

### **Suitability of Site for Tourist Development**

The Shire's Sustainable Tourism Strategy and its Strategic Plan requires our landscape and natural environment to be protected for current and future generations to enjoy. It recognises that our rural landscapes and vistas are an important part of Denmark's attraction to visitors.

The Tourism Strategy identifies current concern that our iconic attractions - Greens Pool and Elephant Rocks - are over promoted. It finds this is contributing to congestion, poor dispersal and may lead to environmental degradation and visitor dissatisfaction due to over tourism. Putting a caravan park, micro brewery, restaurant etc across from the entry point to Greens and Elephant Rocks will only exacerbate the existing problems.

The Strategy is to disperse tourists across the Shire to spread the benefits of tourism and reduce seasonal impacts. High end accommodation, all-weather tourism products and experiences, opportunities to provide visitors with insights into our region's history, culture and biodiversity, Noongar culture and heritage and more opportunity for nature based camping are needed. The tourist development at Lot 3 will answer none of these needs.

Despite the claims made by the owner, Lot 3 has poor access to nearby tourist sites unless you drive a motor vehicle. Access to tourist tracks and trails for people who prefer walking and cycling is difficult. This site is enclosed by private property and unless you are keen, fit and don't mind using the Highway or a major road that has no foot or bike paths, there is nowhere to walk or ride.

We need the Shire to be consistent in its approach and decisions. The new Town Planning Scheme 4 should be finalised to reflect changing community and visitor needs and values. It and a comprehensive Tourism Strategy should be aligned before major rezoning decisions are made.

### **Environmental Concerns**

The owner's environmental assessment leads one to believe that there are no problems here. Based on the Shire's referral of the proposed rezoning amendment, the EPA declined to make a formal assessment. But the EPA did provide four pages of advice and recommendations to the Shire with respect to the tourist development proposal, sounding warnings with regard to environmental management and impact. Amongst other things, the EPA says that:

- future development has potential to impact the quality and quantity of local ground and surface water, including the creek running through the property and as far as Parry Inlet. In particular it warns of impact from nutrient run off;
- it has concerns and recommendations about wastewater treatment and disposal, particularly as the owner proposes to use it in crops for human consumption;

EPA and DWER does not suggest concerns for potential impacts on Lake Byleveld, noting that Lake Byleveld is in a separate surface water catchment.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

A Landscape Management Plan is a requirement of the proposed scheme provisions.

The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning. The use of fertilisers and other chemicals in the management of gardens and orchards relative to other sensitive land uses on the site can be managed within the property itself and is not considered likely to impact on adjoining landowners.

The landowner may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

The proposed amendment has been supported by a noise

- it issues a warning that consideration needs to be given to the compatibility of site's proposed uses along with its ability to comply with Government sewerage policy and recommends the proposed scheme be modified to protect and manage inland waters;
- it warns about clearing of conservation habitat , particularly for the black cockatoos,
- it calls for dark sky principles to be incorporated in the development proposal in line with dark sky and astrotourism,
- it wants a detailed Landscape Management Plan to identify and protect fauna habitat, trees to be retained; to use locally indigenous native species in proposed gardens; to manage fertiliser and nutrient input,
- it calls for conditions to be imposed to limit the scale of agritourism and aquaculture and to limit spray drift,
- it notes spray drifts and odour impacts caused by proposed horticulture and agritourism will be located near the caravan park - and that the caravan park is located downstream of the proposed application area for treated wastewater as are the marron dams and other tourist facilities; doubts are expressed about adequate separation of industrial and sensitive land uses, eg the caravan park.

To date none of the EPA's concerns, published in March, appear to have been addressed or its recommendations for the proposed tourist development adopted.

The proposal's environmental credentials are further called into question by the owner already having removed mature karris to build a third dam, removed understory and damaged other trees in the proposed retention area to remove large rocks to line his driveway.

The owner's acoustic assessment ignores or is unaware that the proposed development is subject to State Planning Policy 5.4 - Road and Rail Noise. It falls within an area subject to significant road noise as identified by the Department of Planning, Lands and Heritage. Contrary to the proponent's assessment, caravan park guests and visitors to the site can expect to be subjected to unwelcome noise levels from the South Coast Highway -not conducive to a pleasant tourism experience .

The buffer on the western boundary is ten metres rather than the 20 meters stated in the proposal. It consists of a single line planting of avocados. Other plantings in garden areas are of introduced species rather than the locally indigenous native species called for by the EPA.

The caravan park sites are waterlogged in winter - also not conducive to a pleasant tourism experience or for that matter the dispersal of treated waste water.

#### **Other Factors**

assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

The proposed scheme provisions include a 20m side boundary setback which will be enforced through the Local Development Plan and development approval process (should rezoning proceed). Existing planting along the western boundary of this site includes productive trees that could ordinarily be expected to be present on rural land.

The proponent will be required to demonstrate through the Local Development Plan and subsequent development applications that the site can appropriately accommodate the proposed land uses.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.

A Bushfire Management Plan and Emergency Evacuation Plan will be required in accordance with relevant state planning requirements prior to the approval of any ‘vulnerable’ land uses (eg. tourist accommodation) on the site.

The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in the district while providing for the Shire to ensure the community’s objectives are met at each stage of this approvals process. It is also appropriate for the proponent to be required to provide greater details at subsequent stages to rezoning.

The Council can provide a recommendation to the WA Planning Commission but cannot ‘disallow’ the proposed

	<p>There are other factors worth raising, for example:</p> <ul style="list-style-type: none"> <li>• The owner's claim that the site is not suitable for traditional agricultural activity - it ignores the fact that it was a pleasant, peaceful, well kept grazing property, entirely suitable to be at the gateway to William Bay National Park; there are now many options for primary industry on small lots; Denmark has a history of small holdings which should be acknowledged and respected; not forgetting the recognised benefit these add to our tourism industry.</li> <li>• A key part of the Bushfire Management Plan, its risk assessment, is still in draft form. Other aspects of the proposal are in draft or missing to be detailed at the development application stage.</li> <li>• There is a heavy reliance in the proposal on planning control measures and a Local Development Plan which at best is incomplete, to manage and mitigate impacts associated with the rezoning. According to the owner, additional planning and control measures will come through the development application process to ensure suitable social and environmental outcomes are achieved. In the context of this proposed amendment to rezone the site from 'Rural' to 'Tourist' it's akin to shutting the stable door after the horse has bolted.</li> </ul> <p>On the grounds of at least:</p> <ul style="list-style-type: none"> <li>• increased risk for major traffic accidents at the intersection of South Coast Highway, William Bay Road and the tourist development driveway,</li> <li>• environmental management and risks,</li> <li>• the unsuitability of the site for the development proposed, and</li> <li>• the poor quality of the proposal with its gaps and reliance on future planning and controls to resolve issues</li> </ul> <p>Shire of Denmark <b>should not</b> re-zone Lot 3 South Coast Highway, William Bay from 'Rural' to 'Tourist'.</p>	<p>amendment.</p>
S42	<p><b>Do you support the proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>The proposed development provides not only a caravan park and restaurant but yet another brewery opening onto South Coast Highway very close to another major intersection. A similar facility involving sales of alcohol and food, less than 3.5kms east of this proposal on the South Coast Highway, has been approved with a change to the rezoning granted last month. The Dam development ( including a distillery) at the corner of South Coast Highway and Wentworth Rd, is</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products</p>

	<p>a potentially dangerous point for drivers who have been drinking alcohol to enter a busy road. Surely there is no need for another restaurant and brewery to be approved in such close proximity to the Dam?</p> <p>The current proposed development of a caravan park, brewery, restaurant etc has the potential to cause a "Black Spot" on the section of the highway almost opposite the William Bay Road, which often has many drivers wishing to turn right onto South Coast Highway. The Highway has heavy traffic, particularly in holiday seasons, which includes caravans and other slow moving vehicles, unfamiliar with the terrain and the traffic. There is an expectation from drivers on South Coast Highway at that point that they are heading onto a clear stretch of highway, not expecting to encounter impatient traffic waiting to enter the highway from William Bay Rd. As with the "The Dam" approval, this involves an anarchic approach to development by the proponents: as with the Dam, the proponents have chosen to build first on land that is not zoned for that purpose and then seek retrospective approval. It would not be good governance for the Shire of Denmark to approve under those circumstances. After all, why have zonings and regulations in place if all it takes for a developer is to build something and get the rules changed afterwards? Has The Dam created a dangerous precedent? The "farm dam" that didn't need approval 20 years ago, turned out to be the size of several Olympic Swimming Pools.</p> <p>Contrary to statements at the time, the dam was not intended "to feed a family" but was a long vision by the developer for a growing enterprise, all of which has subsequently been approved retrospectively, in direct contravention of the Strategic plan for Denmark to not have developments on the southern side of South Coast Highway. As with the Dam development, there are environmental concerns with this new proposed development: waste water management; effluent disposal; native vegetation and habitat for animals and birds (especially black cockatoos); safe co-location of agricultural industry with sensitive land usage like the proposed caravan park; Lot 203 is identified by the Department of Planning, Lands and Heritage as being within an area subject to significant road noise - and on go the problems. EPA recommendations do not seem to have been considered or included in the proposed amendment. Please ask more questions, do more studies and avoid another mistake that could involve tragic road accidents, set yet another precedent and spoil the pristine nature and relatively quiet and safe roads of which Denmark Shire can be justly proud.</p>	<p>and destinations. Competition between commercial operators is not a land use planning consideration.</p> <p>The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>In 2009 the Council adopted a policy for dams that provides direction for proposals to establish new dams. The construction of dams on the site that is the subject of this amendment will require Shire approval and advice will be sought from the Department of Water &amp; Environmental Regulation.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p> <p>The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.</p>
S43	<p>I am writing to object the Rezoning of Lot 3 South Coast Highway, William Bay. The development of the rural property into a tourist zoning at this site poses a very real safety risk for a traffic accident to occur on South Coast Hwy. The William Bay National park is a major tourist draw card with over 389328 visitors to the national park in 2022/23.</p> <p>The redevelopment of the Lot 3 South Coast Hwy properties access to the South Coast Hwy creates an accident black spot. The property has already built and entry exit point to the</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of</p>

	<p>highway, which backs onto four lanes of traffic, the start of an overtaking lane, and a turn off to Greens Pool. The addition of more traffic at this dangerous road spot with slow moving caravans exiting the proposed development, poses a real safety risk to the community. The sight lines on exiting the property are under 200mtrs (265Mtrs is the minimum recommended for 90kph Hwy). These reduced sight lines make it difficult for drivers to make accurate judgements of the traffic conditions in area.</p> <p>The development of a tourist site opposite the William National park will create a black spot on the South coast hwy and poses an unacceptable safety risk for our community.</p> <p>In addition to the safety risk I feel that the development which has been undertaken without Shire approval is not in keeping with the natural beauty of the William Bay National Park. Instead the property has already been planted out with non-native species, and with building structures which do not compliment the aesthetic of the area.</p> <p>I do hope that the Shire takes these safety and aesthetic considerations into account and object to the rezoning of Lot 3 South Coast Hwy.</p>	<p>visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant viewpoints.</p>
S44	<p>I would like to lodge my concerns for tourism rezone No 2446 (Lot 3) South coast hwy William bay from "rural" to "tourist" (T14) zone. This site is unsuitable as a caravan park for several reasons.</p> <p>During summertime the South coast Hwy is extremely busy with car traffic including big trucks using air brakes to navigate the hill and it would be very noisy and disruptive to tourists trying to camp here. In winter this site would be waterlogged and the tourists would find it very unpleasant.</p> <p>The other two main concerns I have for the development of this site are to do with environmental management and road safety.</p> <p>The environment sector of the report leaves a lot to be desired. If in fact this site is going to be used for aquaculture and a micro brewery as mentioned that is going to produce a significant amount of waste water and I'm concerned about the management of this and the potential nutrient run off from this into parry inlet which is an important migratory bird site and adjacent to William bay national park. This site just doesn't seem big enough to accommodate the adequate grey water and waste water systems needed for a caravan park, micro brewery, aquaculture and fruit orchard.</p> <p>With regards to road safety I'm extremely worried that the entry and exit point to this property is a potential traffic accident waiting to happen. The highway is a multi lane with the turn off to the highly trafficked William bay national park so close and visibility being low due to the fall of the land, partner this with extremely slow vehicles turning out of the caravan park towing caravans and it's a disaster.</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proponent will be required to demonstrate that the land area identified to each use can be appropriately developed and managed for the intended purpose.</p> <p>The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p>



	Thankyou got your time and hearing my concerns	
S45	<p>As a long term resident of William Bay I want to express my concern about the proposed rezoning, potentially allowing a Caravan Park development opposite William Bay Road.</p> <p>This would cause a very worrying traffic hazard for the very many Park users and casual visitors at the entrance to the Greens Pool turn off on South Coast Highway.</p> <p>There would also be significant noise, congestion and loss of visual amenity for near neighbours and ratepayers.</p> <p>If this is permissible under the Planning Regulations then they need to be revised. If this development is approved it would mean Council's not meeting their responsibilities under the Local Government Act. That is, to ensure safety for ratepayers and sustainability for an iconic and much-loved National Park.</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p>
S46	<p><b>Do you support the proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>I feel a caravan park in this location is a death trap waiting to happen at that intersection. Unless major road modifications are done, like installing traffic lights I can't see how anyone could feel that it would be safe for a caravan to pull out to the west from this intersection. As someone that goes to William Bay NP on a weekly basis I have witnessed many near misses at this intersection over the summer/Easter period and this is without people trying to get in and out of a caravan park towing trailers.</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>
S47	<p>I would like to express my concern regarding this Amendment. The site of this rezoning is fundamentally flawed for a number of reasons, primarily that it will create hazardous conditions for locals, road transport users and visitors alike.</p> <p>Greens Pool is already considered an isolated and "dangerous" tourist hotspot*. As local resident, it's not uncommon to hear sirens going in the direction of Green's Pool during the summer months.</p> <p>As such, I believe that the creation of a new exit onto the south coast highway for caravans – very close to the intersection used by over 300,000* people visiting Greens Pool every year – has the potential to be deadly for visitors to Greens Pool, the caravan park, and commuters on the highway. I am concerned that the thousands of tourists who visit Greens Pool every summer have little to no warning that this is a complex crossing. Introducing slow-moving vehicles towing caravans and extra traffic to this scenario could add to the tragedies that have already occurred at that intersection*. This could also introduce dangerous congestion onto the south coast highway. Additionally, I understand that the recommended sight distances set by Main Roads are</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation &amp; Attractions.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for</p>

	<p>not being met.</p> <p>I am also concerned about the high visibility of the site from a major Highway. The placement of the site makes it nigh impossible to successfully screen from the view of travellers and neighbours alike.</p> <p>It seems that the EPA’s recommendations haven’t been addressed in the report attached to the amendment.</p> <p>I would like the Denmark Shire to disallow the amendment process. These issues require further investigation.</p>	<p>rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot ‘disallow’ the proposed amendment.</p>
S48	<p>Loss of amenity for all in region.</p> <p>Submission represents stealth high - density long term accommodation in completely unsuitable site – underlining existing attributes that attract tourists to this area. Dark sky astro-tourism opportunities will be destroyed along with nature and eco-tourism ventures.</p> <p>Do not allow such selfish development to undermine our natural assets.</p>	<p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p> <p>The proposed amendment does not include the ability for any permanent residential accommodation above what could potentially be approved on the site under the current Rural zoning. This includes a special provision limiting the occupancy of any tourist accommodation to a maximum length of stay of 3 months in any 12 month period.</p> <p>The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.</p>
S49	<p><b>Do you support the proposal?</b> No</p> <p>At this critical juncture in time, it is important that Denmark looks carefully at the sort of town it wishes to be. There is a way of doing tourism which is more closely aligned with ‘geo-tourism’ than with the notion of ‘destination tourism’. The former is defined as “tourism that sustains or enhances the distinctive geographical character of a place—its environment, heritage, aesthetics, culture, and the well-being of its residents”<sup>1</sup>. The latter is akin to ‘sell whatever you can about</p>	<p>The development of the Shire’s Sustainable Tourism Strategy and other relevant strategic plans has been developed to reflect the wide range of community and business perspectives that were put forward.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report.</p>

<p>the place to whoever wants to buy it’.</p> <p>With geo-tourism, you take into account the environment, underlying culture and the various stories that make a place. If this lens were being applied, then the sort of tourism we’d be wishing to foster would be focused on showing people the great beauty and diversity of nature and the stories from here – the very old and the newer. This would include Noongar cultural tours, environmental tours, arts experiences. It would encourage people to take time, to be modest in what they wished to experience, and in rhythm with the natural world. It would offer visitors an experience that was inspiring and gave them the chance to see how a community cares for its people and its land. In short, a tourism aligned with a way to conserve the beauty we have, rather than to capitalise from it in ways that will end up destroying it, as has been the case for so many other places in the world.</p> <p>This is not the sort of tourism that is being offered by a caravan park promising yet more alcohol, perched on a dangerous intersection, near an already overstretched ‘iconic-sacrificial’ place of beauty. The sort of tourism offered by the proposed caravan park is along the lines of: ‘drop money with me, be near greens pool and go’.</p> <p>The approach taken by the caravan park to date is very telling: removal of significant stones from a site (marked by them as ‘will not touch’) to create an embarrassingly artificial ‘entrance driveway’, large dogs chasing kangaroos and people, no consultation with neighbours, palm trees (for goodness sakes) and a cowboy attitude of ‘I’ll do what I want and then apply to do it because I know it will get through anyway’.</p> <p>It has been extraordinary to witness the process of development-prior-to-approval that has occurred, and equally extraordinary that the Shire has not intervened in this. At the very least, any tourism venture in Denmark should be assessed by a number of measures regarding light pollution, sound pollution, social impact, environmental impact, traffic safety, affect on national parks, plan to protect natural resources, climate impact etc.</p> <p>Denmark has the potential to remain a town which is exemplary in its care for culture, environment and all its residents, whether wealthy or not. Do we want to be any other town pushing our wares to the cost of the environment, or do we want to step out as offering something that is unique, and carefully considered from the perspective of custodianship which puts not the wealth of a few citizens, but the health of the whole first?</p> <p>1 (ref. National Geographic. The principals of geotourism are: integrity of a place, international codes, community involvement, community benefit, tourist satisfaction, conservation of resources, protection and enhancement of destination appeal, planning, land use, market diversity, interactive interpretation, market selectivity, evaluation).</p>	<p>The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>The planning process, including this amendment, provides multiple opportunities for members of the public to provide feedback on land use and development proposals. Concerns raised by neighbours and others have been assessed as part of this amendment process and responses are referenced in the officer report to Council.</p> <p>The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>The landowner may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>	
S50	As Denmark Shire ratepayers, residents since 1979 and bordering neighbour, we need to raise	The landowner has made improvements to the property

<p>objection to this tourism development and rezoning application.</p> <p>We have watched the proponent’s push to develop this site with the assumption that approvals will just fall into place.</p> <p>We share concern with numerous surrounding neighbours on a number of aspects of this proposal that we regard as poorly conceived. These include:</p> <p>A major tourism development in the absence of a Shire Tourism Strategy</p> <p>Unsafe access onto a major highway</p> <p>Unpleasantly noisy highway site</p> <p>In this submission we will address the issue of access.</p> <p>As cyclists we regularly ride Denmark Shire roads, including the South Coast Hwy. and William Bay Road. In it’s current state, the intersection of these two roads is one of the most dangerous sections of road in the region. It is marked by :</p> <p style="padding-left: 40px;">A high volume of vehicles ( cars, trucks, caravans, road trains )</p> <p style="padding-left: 40px;">Excessive speeds ( 90 km/hr limit and above ! )</p> <p style="padding-left: 40px;">Vehicles in turning lanes into National Park as other vehicles continue west or east into passing lane</p> <p style="padding-left: 40px;">Extremely Poor line of site to the west when leaving William Bay Rd.</p> <p>The proposed ( but already constructed ! ) caravan park entrance/exit adds a whole new potentially lethal dimension. It’s position is part of this messy intersection as it faces four lanes of traffic ( east lane, east passing lane, west lane, west turning lane )</p> <p>The prospect of slow moving or stopped towed caravans moving through or blocking these four lanes in front of vehicles moving at high speed is frightening. It is already being labelled an “Instant Black Spot”</p> <p>The proponent of this caravan park development has implied that he has the approval of Main Roads for this access point.</p> <p>As concerned ratepayers and road users we would expect the Shire of Denmark to have this “approval” in writing and available for public comment. Please let us know when this is likely to occur.</p> <p>We will leave other points of concern to other submissions.</p>	<p>commensurate with the current Rural zoning of the land.</p> <p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.</p> <p>Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.</p> <p>Main Roads WA has provided the landowner with advice as to the safest possible position for a crossover onto the subject site.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.</p>
<p>S51 <b>Do you support the proposal?</b> No</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is</p>

**What are your questions, comments or concerns?**

As stated in the documents supplied the development is inappropriate and dangerous for a busy intersection. The development would be a blight on the entrance to one of the major tourist attractions in the area. The fact that the owner has gone ahead with developing the block prior to approval suggests that he has been told that it was a fait accompli.

I offer brief comments about my concerns with regard to the proposed amendment.

Of particular concern is the creation of a traffic “Black Spot” at the intersection of William Bay Road and South Coast Highway. Currently about 400,000 people, including families with young children, navigate this intersection annually. Turning right from William Bay Road onto the Highway means navigating four lanes of traffic: west bound, a through lane and a left slip lane; east bound, a right turning lane which becomes an overtaking lane, plus a through lane. About 25% of vehicles exceed the speed limit on this stretch of highway. If this amendment succeeds, this complex intersection will have the added risks associated with the very close proximity of slow moving caravans and extra traffic entering and exiting the site.

It is not just my safety that concerns me. Thousands of tourists unprepared for this complex intersection and increased volumes of traffic from the tourist site will result in major traffic incidents involving high speed collisions. I understand that basic requirements like Main Roads safe intersection sight distances are not being met and that Main Roads itself considered the ability of the tourist site to safely enable traffic to enter and leave is sub-optimal.

There are environmental concerns : waste water management; effluent disposal; native vegetation and habitat for animals and birds (especially black cockatoos); safe co-location of agricultural industry with sensitive land usage like the proposed caravan park; Lot 203 is identified by the Department of Planning, Lands and Heritage as being within an area subject to significant road noise – and on go the problems. EPA recommendations do not seem to have been considered or included in the proposed amendment.

In addition to these concerns, the development appears to sit outside the Shire’s Sustainable Tourism Strategy and its Strategy Plan. For example, concentrating a large number of tourists close to already over-stretched Greens Pool and Elephant Rocks, not including climate change and environmental sustainability strategies, the high visibility of the site from the Highway – these don’t seem to fit with where the Shire and the community say we want to head.

It’s nonsense to claim that Lot 3 needs to be rezoned from Rural to Tourist. Previously cattle and horses grazed happily there. Like many rural holdings in Denmark, it is small. This is part of our history and heritage and it should be acknowledged and respected. We now have many variable options for agriculture that don’t involve traditional practices or require large acreage. The beauty of our rural landscapes add to Denmark’s attraction. Don’t destroy it, as we see

recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.

The landowner has made improvements to the property commensurate with the current Rural zoning of the land.

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.

Remnant vegetation on the site is protected through the identification of a ‘Development Exclusion/ Tree Preservation Area’ and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful

	<p>happening at Lot 3.</p> <p>I would like Denmark Shire Council to disallow the amendment. Much more work is needed to prevent town planning mistakes in the Shire that's done pretty well to date.</p>	<p>tourism products and destinations.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p> <p>Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.</p> <p>The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.</p>
S56	<p>I am concerned about the proposed rezoning of the above property from Rural to Tourist.</p> <p>The justification used by the present owner that the land is not suitable for or has limited rural function does not hold up. The previous owners successfully used the property for grazing cattle. As farmers we have many options for agricultural use on small holdings. There always has been viable small holdings in our community. These small lots contribute to our peaceful rural vistas, which attract many of our visitors. Retaining Rural zoning at Lot 3 is an ideal introduction to William Bay National Park and its attractions. A busy tourist site is not.</p> <p>The addition of extra traffic in and out of Lot 3, including slow moving caravans very close to the junction of William Bay Road will create a black spot if the rezoning goes ahead. It is difficult now for vehicles turning on and off the Highway, especially during peak visitor times. Traffic speeds up at that section, visibility is not that good, worse when coupled with speeding cars, trucks and buses. Main Roads says that the location of the site's driveway is sub-optimal but the most practical available in trying to prevent high speed right angle crashes. Not reassuring, not good enough. It was not a problem when the driveway was located further east from William Bay Road and was only used for farm traffic.</p> <p>We know that visitor numbers to Greens Pool are running at about 400,000 people per year. Greens and Elephant Rocks have been under increasing pressure for some years. During peak</p>	<p>Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>Main Roads WA has provided the landowner with advice as to the safest possible position for a crossover onto the subject site.</p> <p>The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the</p>

season parking is often not available unless you are there before 7.00am or after 4.00pm. Early morning swimmers hold car bays for family and friends with children who have vac swim to ensure the children can get to their lessons. The beach is packed. Many visitors do not get a good experience, having to walk further and further up the beach to get a spot or crowd in near others. It is not made better by having to park beyond designated parking areas and walk to the beach. It is not the sort of experience most visitors come expecting. Many have no choice but to drive away.

These are fragile natural resources that are under increasing threat from too many visitors. We see evidence of degradation occurring particularly during the summer and autumn tourist peaks. We want visitors to keep coming. If it's not well managed people will decide that the experience is not worth the effort and take their tourist dollars elsewhere. Adding 50 caravan sites and other accommodation and tourist activity at Lot 3 South Coast Highway will only worsen existing problems.

Along with environmental concerns about over use of Greens and Elephant Rocks, there are other environmental issues that will result from rezoning. Such as too many activities proposed that are incompatible so close to each other. There are concerns about waste water treatment/dispersal, sewerage treatment/effluent disposal close to sensitive areas like caravan sites and agriculture and aquaculture meant for human consumption. Lot 3 is not big enough. Habitat has already been destroyed where trees were meant to be retained.

It's hard to see tourists having a good experience in that location. The area is identified as being subject to significant road noise by the Department of Planning, Lands and Heritage. You can't walk or cycle to any of the attractions the owner promotes as being close by unless you're happy to venture along the Highway or William Bay Road (after crossing four lanes of traffic) without the benefit of walk or bike paths. Other walk trails are not accessible being on or through private land. You'll have to be early to enjoy Greens or Elephant Rocks at your leisure. The development so far is unsightly, difficult to screen and clearly visible from the Highway.

There are concerns about loss of amenity for neighbours. Adding a micro brewery to the mix doesn't help.

Denmark Shire should reject the rezoning amendment and associated proposal for Lot 3 South Coast Highway. The site is not suitable and further tourist development in this locale is not warranted.

Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

The landowner may undertake clearing in accordance with development approvals obtained, approvals for clearing granted by DWER, or clearing works that are exempt under the relevant State environmental legislation. Concerns relating to unauthorised clearing should be reported to DWER for further investigation.

Remnant vegetation on the site is protected through the identification of a 'Development Exclusion/ Tree Preservation Area' and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

South Coast Highway and William Bay Road form part of the Munda Biddi cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider pedestrian movements between the subject site and the trail.

Concerns raised by neighbours and others have been assessed as part of this amendment process and responses are referenced in the officer report to Council.

The Council can provide a recommendation to the WA

		Planning Commission but cannot 'disallow' the proposed amendment.
S57	<p>As a William Bay resident I urge the Shire to reject the rezoning amendment - to prevent the development of a major new caravan park on South Coast Highway.</p> <p>Yes, I am a resident of the Wolery community next door and so have the usual concerns of a neighbour re noise, light pollution etc. To date, in the pre-approval phase of this development, dogs belonging to the Phillips family (or their caretakers) have escaped multiple times into our property and chased cyclists from the Wolery towards the William Bay turnoff, children have been seen - and heard - using shotguns and noisy trail bikes have been a factor. It has not been a promising start! I appreciate however that the immediate concerns of neighbours don't necessarily carry much weight.</p> <p>Most importantly I believe that the Shire would be complicit in creating a serious traffic Black Spot, if it allows this proposal to go ahead. Sight lines are only about 200m in either direction, especially as Main Roads data from their Traffic Map shows that in 2022/23 an average of 2,776 vehicles used that part of the Sth Coast Hwy every day.) This number is obviously multiplied MANYfold in school holidays!) and 25% of those vehicles were speeding - so sight lines should be considerably longer. Speeders in this area mostly have city numberplates - drivers probably believing the speed limit is 110km everywhere beyond the metro area, except for towns. For very good reasons, we have varying speed limits between William Bay and Denmark Town - but such drivers often ignore them.</p> <p>Added to this the Phillips' proposal for a micro-brewery and this increases the risk due to sub-par driving judgement skills, even after just a couple of ales.</p> <p>If Council does not see fit to reject this application in its entirety, then limiting (maybe halving) the number of caravan bays, and requiring that alcohol not be available during daylight hours, would go some way to ameliorating the potential danger.</p> <p>Thank you for considering my concerns.</p>	<p>Concerns raised by neighbours and other members of the public have been assessed as part of this amendment process and responses are referenced in the officer report to Council.</p> <p>Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations. Any concerns regarding the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and direct a response as appropriate.</p> <p>Concerns relating to trespassing and biosecurity can be addressed through the provision of improved boundary fencing and appropriate signage, which is generally a matter to be resolved between landowners. Concerns about illegal or anti-social activities should be reported to WA Police.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p>
S58	<p><b>I wish to submit my <u>opposition</u> to the rezoning of No 2446 (Lot 3) South Coast Highway, William Bay (the 'site'), From Rural to Tourist Zone. Here are a few of the reasons for my objection:</b></p> <ol style="list-style-type: none"> <li>1. The Shire adopted a Sustainable Tourism Strategy 2021-2025 which rightly identifies that – <i>“tourism that is poorly planned and managed can generate negative impacts on the environment, on the health and wellbeing of communities and on economic outcomes.”</i> This begs the question “Why are we having to comment on a rezoning application from a rural property (the 'site') to a Tourist Zone before the completion of Stage 2 of the Denmark Sustainable Tourism Strategy? (<b><i>“Stage 2 is yet to be prepared and will allow</i></b></li> </ol>	<p>This proposed amendment was commenced in February 2021 prior to the adoption of the Sustainable Tourism Strategy. The Council considers proposals put before it based on the strategic plans that are in place at the time.</p> <p>The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in the district while providing for the Shire to ensure the community's objectives are met at each stage of this</p>



***for the preparation of a comprehensive tourism strategy which will actively involve discourse with the tourism industry and local community.”)***

2. I have found the Amendment Report, on the Shire website, relating to Amendment 147 – Rezoning Rural to Tourist, very confusing. This 60 page document appears to also include an application from the developer for a tourist development, and yet we are only being asked to comment on a rezoning amendment. It was clarified and confirmed to me, by one of your shire officers, that as yet, the developer has not put in an application for a tourist development (‘site’). So why has it been included as part of the Amendment 147 – Rezoning Rural to Tourist document?
3. A rezoning of this ‘site’ from Rural to Tourist Zone will allow a set of “permissible land uses” to take place, some of which may (or may not have to) be subjected to public comment. The list of “permissible land uses” (on the document supplied by the shire to the Wolery in the letter dated 29 June 2023), includes a number of land uses with (AA) next to them. I understand that this means public comment must be allowed before these uses can be approved. In some cases though, the Denmark Shire Council can use it’s discretion to approve them without allowing public comment. As some of the (AA) land uses have already been initiated by the developer on the ‘site’ before a formal application has been submitted to council, I fear it possible that other (AA) land uses will occur without approval. I am also concerned that if this ‘site’ becomes a Tourist Zone, there may not be an opportunity for the public to comment on things like a Caravan Park, Microbrewery, Private Recreation to name a few.
4. Artificial lighting will be detrimental for the health and well being of many of the residents, including myself, living in close proximity to the ‘site’. It would also have a detrimental impact on our native nocturnal fauna. The neighbouring properties do not have street lights or artificial lighting on all night. “Night Skies” are a tourist attraction. Tourists come from near and far to enjoy our beautiful, clear, unpolluted starry nights. We should promote them like other towns in WA do, not destroy them. (<https://astrotourismwa.com.au/towns>) Among other things, the EPA report “calls for dark sky principles to be incorporated in the development proposal in line with dark sky and astrotourism”.
5. This ‘site’ falls within an area subject to significant road noise as identified by the Department of Planning, Lands and Heritage. South Coast Highway curls around the whole East and South boundaries of this property. This is an incredibly noisy highway, especially in peak tourist seasons like Easter and the summer holiday period. I know this, as I can hear the roar of the traffic from my house approx. 600 metres to the north/north west of the highway, and it is very unpleasant sitting outside because of the noise. Especially when the prevailing summer, often very strong, south easterly wind is

approvals process. The proponent has provided a draft Local Development Plan at the rezoning stage to help illustrate how development of the site may occur. It is appropriate for the proponent to be required to provide greater details at subsequent approval stages following rezoning.

The majority of the land uses that are enabled by this proposed amendment are discretionary (‘AA’ land uses), necessitating development approval prior to commencement. The Shire can exercise judgement to advertise or refer applications for discretionary land uses, but it is expected that the advertising of a Local Development Plan for the site will reduce the need for this to occur. Officers do not recommend mandating advertising/ referral for the proposed land uses as this can result in unnecessary processing in some circumstances (for example, for a minor change to plans that does not materially affect neighbours).

The proposed scheme provisions include a requirement to minimise light spill and this will be assessed if/when development approval is sought.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.

Main Roads WA has provided the landowner with advice as to the safest possible position for a crossover onto the subject site.

South Coast Highway and William Bay Road form part of the Munda Bidli cycle trail and the use of these roads for this purpose is sanctioned. A road safety audit will consider

blowing! Definitely not conducive to sitting around a camp site!

6. All access (by potential guests and caravaners) to and from the 'site' is via South Coast Highway, which runs the length of its entire southern boundary, The access point is very close to the very busy intersection and turn off into William Bay Road. The speed limit in both directions is 90kph. There are two lanes heading east at this point, and two heading west, one being the turning lane into William Bay National Park, one continuing west. It's a very busy, and often dangerous intersection. From the William Bay Road intersection, the view of traffic to the west is extremely poor. It takes six (6) seconds for a car to reappear out of the "road dip," ie it looks like there is nothing coming! Six seconds doesn't sound like a long time to wait before making a safe entry onto the highway, but being a frequent user of William Bay National Park, I know first hand how impatient other drivers can be – especially tourists for some reason. Steve Pickering from Main Roads stated that an on site visit was attended by the Main Roads Network Operations Manager Chris Grant, and that although the entrance to the 'site' is sub-optimal when judged by Main Roads preferred sight lines guidelines, it was still assessed as just adequate for a road that has a 90kph speed limit. He also indicated that the full range of detail for the proposed tourist development (Lot 3) was not divulged at the meeting with Main Roads.
7. The 'site' is surrounded by private property, both rural and special rural residential properties. It has poor access to nearby tourist attractions unless you drive a motor vehicle. Access to tourist tracks and trails for people who prefer walking and cycling is difficult. This 'site' is enclosed by private property and unless you are keen, fit and don't mind using the highway or a major road that has no foot or bike paths, there is nowhere to walk or ride. If you do venture out onto the highway, on foot or bike, you will, more often than not, encounter fuel tankers, wood chip trucks, logging trucks, earth moving trucks, the milk tanker, caravans, school buses, tourist buses, and, lots more caravans and campervans in the tourist season. I have stopped cycling to Greens Pool in the peak tourist periods as its too dangerous.
8. William Bay National Park is a Denmark icon and in close proximity to the 'site'. The Denmark Shire's Sustainable Tourism Strategy identifies current concern that our iconic attractions – Greens Pool and Elephant Rocks – are over promoted. It finds this is contributing to congestion, poor dispersal and may lead to environmental degradation and visitor dissatisfaction due to over tourism. During peak tourist periods, parking is a problem within the park. Greens Pool and Elephant Rocks car parks are full and overflowing onto the newly planted road verges. Local volunteers lovingly propagated, planted and landscaped these areas. Due to the parking problems caused by over promotion of our popular beaches, local

pedestrian movements between the subject site and the trail.

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

Dogs brought into a licensed caravan park are required to be on a leash on in an enclosed area at all times in accordance with the Caravan Park Regulations. Any concerns regarding the behaviour or welfare of animals should be reported to the Shire's Ranger Services team who can assess and respond as appropriate.

	<p>families are having to head to the beach early, or later in the evening just to be able to park, missing out on the long awaited, warm, summer days at the beach. And families enrolled in VacSwim classes are often late for the lessons because of the parking problem.</p> <p>The proposed tourist development (the 'site') which includes a 50 bay caravan park, will only increase the congestion at these beaches during the peak tourist seasons.</p> <p>9. As part of the Conditions of Tourist Use "All fencing (internal and boundary) shall be of a rural construction such as pine/steel posts and wire to the satisfaction of Council."</p> <p>This is a totally inadequate barrier to dogs. They do not respect boundaries, especially untrained guard dogs!</p> <p>I have lived on the Wolery for 45 years. I never encountered dogs on our property until the land in question (the 'site') changed hands a few years ago. Since then, I have been traumatised by the dogs on numerous occasions, both on our property and on the highway. I am now too scared to walk in the southern area of our property in case the dogs are out. And I can no longer ride my bike on the highway on the south side of the property in question, (the 'site'), after a very terrifying and dangerous chase by one of the dogs, down the highway at high speed. The fear of encountering the dogs again, and the totally inadequate rural style fencing, has altered my life style to such a degree that both my mental and physical health have suffered. To make matters worse, the contact with the land owner at the time of these traumatising events, has been disrespectful and flippant.</p> <p>In conclusion, I am <b>against the rezoning</b> of No 2446 (Lot 3) South Coast Highway William Bay (the 'site'), From Rural to Tourist Zone. I think that ratification of this Amendment by Council could result in many aspects of the (proposed) full plan, not being subjected to rigorous scrutiny when presented in future.</p>	
S59	<p>We are very concerned about the proposed changes to zoning to encompass a caravan park at Lot 3 South Coast Highway. The locality is totally unsuited for a caravan park. Due to the awkward configuration of roads from William Bay and the highway itself, it would be impossible to accommodate the queues of traffic usually seen outside of caravan parks during busy periods. Traffic risks on this busy stretch of highway would also be exacerbated by slowing caravans.</p> <p>The site would be incredibly noisy for a caravan park. Unlike city developments that have the advantage of white noise to muffle traffic, on the South Coast Highway cars and trucks can be heard kilometres away -especially as they accelerate to climb hills.</p> <p>The Amenity of Greens Pool is already over stretched during holiday periods. A large caravan park nearby would greatly increase this pressure. It would also be an eyesore on the landscape in an area that has always been and continues to be known for its attractiveness. This proposal</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.</p> <p>The Shire supports efforts to improve infrastructure within</p>

	<p>totally goes against Councils Strategic Plan: to avoid large scale developments and to maintain the districts rural integrity.</p>	<p>and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation &amp; Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p>
S60	<p>Submission in Opposition to the Proposal to change the zoning of the Phillips property from Rural to Tourism</p> <p>The proposal does not fit with the values and intention of the Sustainable Tourism Strategy and the policy framework does not exist that identifies that this proposal and all its elements are 'needed' in Denmark.</p> <ul style="list-style-type: none"> <li>• There are alternatives to providing further caravan and camping facilities through the Local Planning Policy for Caravan Parks and Camping Grounds that are in keeping with Denmark's character and the Sustainable Tourism Strategy</li> <li>• The location of the proposed development will add to the already high risk of road accident – a potential black spot in the making?</li> <li>• There is a real loss of amenity for neighbours, locals and a poor experience for tourists – right on the highway!</li> <li>• Inadequate assessment of the 12 ha site's capacity to manage black and grey water gives no confidence that this proposal has been developed in good faith to meet high environmental standards.</li> <li>• There is confusion as to what this approval actually covers – is it a simple TPS amendment to tourism or is it actually a pre-assessment of the proposals for the site which appear to include a caravan park.</li> <li>• I oppose this change in zoning.</li> </ul>	<p>The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.</p> <p>LPP 51 provides an assessment framework that provides for a range of caravan park and camping ground proposal – it does not indicate a preference for one form or another.</p> <p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>Amenity concerns raised by neighbours and other members of the public have been assessed as part of this amendment process and responses are referenced in the officer report to Council.</p> <p>The proponent will be required to demonstrate effective</p>

		<p>wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.</p> <p>The proposed scheme amendment is to rezone the land, enabling an identified range of land uses and setting conditions for subsequent stages of the approval process. The proposed scheme provisions require the preparation of a Local Development Plan and subsequent development application/s. The proponent has provided a draft Local Development Plan with the proposed scheme amendment. This process is consistent with the establishment of other tourism sites in the district and provides for assessment to occur at each stage of the approvals process.</p>
S61	<p>Planning Solutions acts on behalf of Scott Swingler and 2547 South Coast Pty Ltd, the registered proprietors of Lot22 (2547) South Coast Highway, William Bay.</p> <p>We take this opportunity to make a submission in relation to proposed Amendment No.147 (<b>scheme amendment</b>) to the Shire of Denmark (<b>Shire</b>) Town Planning Scheme No.3 (<b>TPS3</b>), released for public comment until 30 August 2023.</p> <p>On behalf of our client, we do not support the principle of Amendment No.147. We acknowledge there is a need to provide a greater level of tourism opportunities and offerings within the Shire. However, <b>we do not support the extent of tourism intensification and commercialisation that the scheme amendment seeks to facilitate.</b> We consider there are ample opportunities for the subject site to accommodate meaningful tourism related development and land uses that co-exist with the rural locality within its existing Rural zoning. We urge the Shire to dismiss the proposal presented and explore alternatives which facilitate a more appropriate outcome given the location and high profile of the location in question.</p> <p>The scheme amendment is premature in the absence of an updated (and endorsed) local planning strategy. Many of the proposed land uses facilitated by the scheme amendment are already capable of being approved on the subject site and low-key tourism can still be considered within a Rural zoning without the need to rezone subject site to 'Tourist (T14)'.</p> <p>Our client has serious concerns with likely outcomes associated with the proposed scheme amendment. We are strongly opposed to the proposed changes in the zoning and land use permissibility for the subject site which will result in a significant intensification of tourism related land uses that will degrade the rural amenity and fabric of the locality.</p> <p><b>SCHEME AMENDMENT NO.147</b></p>	<p>The Council can provide a recommendation to the WA Planning Commission but cannot 'disallow' the proposed amendment.</p> <p>The proposed amendment was initiated in February 2021 and assessed under the Local Planning Strategy 2011. The proposed amendment may now be assessed under the Draft Local Planning Strategy 2022. All planning proposals are assessed under the strategic, legislative and policy framework that is applicable at the time.</p> <p>Certain tourism uses can be under the existing Rural zoning. This scheme amendment has been put forward by the proponent to extend the range of tourism-related land uses that are permissible on the site. It is also proposed to change the primary land use from rural to tourism and it is therefore appropriate to rezone the land.</p> <p>The use of a rezoning process, Local Development Plan and subsequent development assessment has successfully supported the establishment of a number of tourism sites in</p>

Scheme Amendment No.147 proposes to:

- i. Rezone Lot 3 (2446) South Coast Highway, William Bay (**subject site**) from the 'Rural' zone to the 'Tourist (T14)' zone.
- ii. Modify the TPS3 text to insert Tourist T14 provisions into Appendix XIII - Schedule of Tourist zones, including providing the permissibility of a number of land uses and introducing conditions.
- iii. Modify the TPS3 to introduce land use definitions into Appendix I - Interpretations for 'Agritourism' and 'Workforce Accommodation'.

The subject site comprises approximately 12 hectares of general agricultural land and is a familiar and admired feature of the Great Southern, in particular tourists and those residing in the area. The location of the subject site will result in a significant adverse impact on the adjoining tourist route as well as the rural and natural amenity of the area. The scheme amendment report states the subject site is an insufficient size to support traditional agricultural activities as a sustainable stand-alone operation.

We reject this assertion and query why a scheme amendment is required in this instance, when many of the proposed land uses are already capable of approval on the subject site under the current Rural zoning. To approach the amendment of TPS3 in this manner is ad hoc and inconsistent with the orderly and proper planning of the locality. It will result in a adverse and unacceptable precedent which will likely be followed by others seeking to opportunistically develop in the region.

#### ANALYSIS OF STATUTORY PLANNING FRAMEWORK

##### Land use permissibility within Town Planning Scheme No.3

The land use permissibility of the current Rural zoning of the subject site, the Tourist zone and the proposed Tourist (T14) zoning is provided in **Table 1** below.

**Table 1: Land use permissibility**

Land use	Rural zone permissibility	Tourist zone permissibility	T14 permissibility
Aquaculture	AA	AA	AA
Agritourism	New use	New use	AA
Caravan Park	SA	AA	AA
Caretaker's Dwelling	AA	AA	p
Horticulture	AA	Not permitted	AA

the district while providing for the Shire to ensure the community's objectives are met at each stage of this approvals process.

Microbrewery	New use	New use	AA
Outbuilding	New use	New use	p
Private Recreation	AA	p	AA
Restaurant	AA	AA	AA
Rural Pursuit	p	Not permitted	p
Shop (max. 150m <sup>2</sup> )	Not Permitted	AA	AA
Single House	p	p	p
Workforce Accommodation	New Use	New use	AA

'P' means that the use is permitted in the zone provided the relevant standards and requirements of TPS3 are complied with.

'AA' means that the Council may, at its discretion, permit the use in the zone.

'SA' means that the Council may, at its discretion, permit the use in the zone after giving notice of application in accordance with Clause 6.4.

As seen in Table 1 above, most of the land uses included as part of the scheme amendment are already capable of being approved within the Rural zone at the discretion of the Shire, with or without mandatory public advertising. It is unclear why a rezoning is being sought or required to facilitate the development of land uses that are already legally capable of being approval on the subject site. These land uses are Aquaculture, Caravan Park, Caretaker's Dwelling, Horticulture, Private Recreation, Restaurant, Rural Pursuit and Single House. Only a Shop is currently not permitted.

Agritourism, Microbrewery, Outbuilding and Workforce Accommodation, although new uses, are also capable of being approved as 'Unlisted Uses'. In accordance with Clause 3.2.5 of TPS3:

*If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

*a) determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*

*b) determine by absolute majority that the proposed use may be consistent with*

As above – the process being applied to this scheme amendment proposal is consistent with other established tourism sites and reflects the requested extension of land use permissibility and conversion of the primary use of the land from rural to tourism-related land uses.

*the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

There is no need for a scheme amendment to embed land use permissibility within special provisions of a scheme for a selected tourist site, when the land uses are already capable of being approved on the subject site. It's an unnecessary duplication of process and convoluted of the planning framework.

A Local Development Plan (**LOP**) has been prepared for the subject site in support of the scheme amendment, depicting a layout of the various land uses (caravan park, cafe, gardens, aquaculture and orchard). We query why a microbrewery is not shown. Subject to endorsement, the built form and general layout of the subject site is guided by the provisions of the LOP, with those land uses shown already capable of approval. Again, it appears to be an entirely unnecessary and is an unreasonable duplication of process to undergo a spot rezoning of the subject site when the land uses can be facilitated by current Rural zone permissibility, development applications and/or an LOP.

#### **Requested changes to Amendment No.147 and use permissibility**

We provide the following comments and express the following concerns regarding the proposed modifications to land use permissibility contained in **Table 1** above and the modified TPS3 text, and request the following changes:

- The permissibility of a **Caravan Park should remain an SA land use** on the subject site, requiring public advertising of any associated development application.
- The permissibility of a Microbrewery, a new land use being introduced into TPS3, should be an SA land use on the subject site, requiring public advertising of any associated development application. This is particularly the case given the potential and probable scale of any Microbrewery development that may be developed given the size and location of the subject site.
- A Shop land use, previously not permitted on the subject site by the Rural zoning, should be an SA land use on the subject site, requiring public advertising of any associated development application. Different types of Shops generate different levels of traffic generation. Given this busy portion of South Coast Highway, it would be logical to require any future development application for a Shop to be publicly advertised.
- The proposed land use of 'Agritourism' is not included within Division 2 - Land use terms used in Scheme of the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is therefore considered inappropriate to amend TPS3 to include this new land use definition when it can be classified as a 'use not listed' or incorporated into other land use definitions.
- A limit should be placed on the number of caravan bays and/or patrons of the caravan park and the permitted length of stay. Ideally this would be incorporated into the T14 conditions or alternatively imposed on any condition of development approval. This is an important issue,

The proponent has provided a draft Local Development Plan in support of the amendment to demonstrate how the proposed land uses may be laid out. This Local Development Plan will be required to be finalised, including details of the proposed Microbrewery/Brewery, should rezoning proceed.

The majority of the land uses that are enabled by this proposed amendment are discretionary ('AA' land uses), necessitating development approval prior to commencement. The Shire can exercise discretion to advertise or refer applications for discretionary land uses, but it is expected that the advertising of a Local Development Plan for the site will reduce the need for this to occur. Officers do not recommend mandating advertising/ referral for the proposed land uses as this can result in unnecessary processing in some circumstances (for example, for a minor change to plans that does not materially affect neighbours).

The model provisions of the Regulations are designed to achieve consistency for the most common types of land uses but are not intended to encompass every possible land use. Agritourism is a land use distinct to rural and regional locations and the Shire has had numerous proposals and enquiries that would be ably captured by this land use class/ definition. TPS 3 contains a range of land use classifications that relate to primary production, processing, sales, tourist accommodation and other land uses that may be undertaken within the Rural and Tourist zones. Agritourism is proposed as a land use to enable the establishment of businesses that are incidental to primary production, particularly related to produce tours and tasting, that may otherwise be subject to



given a caravan park must in fact be used for tourist purposes and not become a quasi-suburb. If it becomes a park occupied by permanent occupants, it may become a ghetto and a significant blight on the region.

It appears the proposed land use permissibility is seeking to exclude the community of the Shire of Denmark from being able to fairly engage and consult on the future development of the subject site. There are many examples within the Shire where an Additional Use classification has been a sufficient instrument to facilitate tourism uses on Rural zoned land. It is unclear why a rezoning is required for this particular site, other than potentially increasing the value of the land, and to sideline the due process of proper community consultation and inputs when significant proposals are developed.

### **State Planning Policy 2.5 Rural Planning**

The proponent has made it clear (in their opinion) that the subject site is too small to accommodate meaningful primary agricultural production. Accordingly, we have reviewed the provisions of State Planning Policy 2.5 Rural Planning (**SPP2.5**) which applied to rural zoned land and 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.

Clause 5.5 of SPP2.5 contains provisions relating to regional variation, economic opportunities and regional development, including the following relating to tourism:

***(C) SUPPORT SMALL SCALE TOURISM OPPORTUNITIES, SUCH AS BED AND BREAKFAST, HOLIDAY HOUSE, CHALET, ART GALLERY, MICRO-BREWERY AND LAND USES ASSOCIATED WITH PRIMARY PRODUCTION, WITHIN THE RURAL ZONE; AND***

The existing state planning framework already makes provision for the development of tourism within rural zones. The location of the site provides for very real opportunities mentioned in SPP2.5 to be achieved. There is no obvious need for the proposed scheme amendment and it cannot reasonably be justified on the facts presented in the proponent's submission.

### **INCONSISTENCY WITH STRATEGIC PLANNING FRAMEWORK**

#### **Our Future 2033 Shire of Denmark Strategic Community Plan**

The Future 2033 Shire of Denmark Strategic Community Plan is the Shire's highest-level planning document that guides Council's strategic priorities and direction over the next ten years.

The proposed scheme amendment and the level of tourism intensification does little to respect many of the priorities identified in the community feedback. An over-commercialisation of the subject site, located within 1.2km of the William Bay National Park is irresponsible and nonsensical. Action on climate change and investment in renewable energy is not encouraged or promoted by this proposal, nor are improved recycling and waste options.

This is a proposed commercial/tourist operation that seeks to maximise the subject site for private

more onerous approval requirements as a 'use not listed'.

The number of caravan/ camping bays will be the subject of application and will be required to be supported by appropriate infrastructure and services. It is likely that the number of bays will be limited according to infrastructure constraints, but as there is nothing in the Shire's strategic framework seeking to limit the number of caravan/camping sites it is not considered appropriate to include any such limitation in the proposed scheme provisions.

The proposed amendment includes a special provision limiting the occupancy of any tourist accommodation to a maximum length of stay of 3 months in any 12 month period.

The rezoning, Local Development Plan and development application processes provide multiple opportunities for community feedback, as opposed to a single 'use not listed' development application.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.

The proponent will be encouraged to provide further information on water and waste minimisation strategies, the potential for alternative modes of transport to service the site and other sustainable practices that are to be incorporated into both building and management processes.

economic benefit. From the information available, the caravan park component does not encourage sustainable modes of transport and typically generates waste that remains on site and is required to be removed by the landowner or Shire's waste contractors. From a high-level overview, the proposed scheme amendment is inconsistent with the key priorities of the Community Plan.

SHIRE OF DENMARK LOCAL PLANNING STRATEGY (2011)

Clause 4.4 of the Shire's Local Planning Strategy (2011) has the objective of encouraging 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. The following strategies relate to tourism:

- a. *To prepare and adopt a Local Tourism Strategy which addressed the issues identified in WAPC's Planning Bulletin 83/2011: Planning for Tourism as appropriate.*
- b. **To retain the low key level and natural character of the 'natural environment' tourist sites.**
- c. *Support the **protection of National Parks and eco-tourist style developments** which introduce natural environment interaction and learning, in a similar manner as the Tree Top Walk.*
- d. **ACCESS TO DENMARK'S ICONIC TOURIST LOCATIONS VIA THE PROVISION OF GOOD ROADS AS OUTLINED IN TOURISM WA'S TOURISM DEVELOPMENT PRIORITIES. IN ASSOCIATION WITH WELL-MAINTAINED ROADS, TOURISTS NEED TO BE GUIDED VIA THE PROVISION OF APPROPRIATELY LOCATED, CLEAR AND VISIBLE SIGNAGE.**
- 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.
- f. *Embrace new tourism attractions and/or developments which achieve the objective above as they bring investment and employment into the area.*
- g. *To protect the longevity of tourist uses through appropriately zoned sites which contain flexibility for new development or extensions of existing developments to proceed.*
- h. **To consider low key, low density tourist accommodation proposals near to identified strategic tourism sites.**
- i. *To maintain the ability under the town centre zoning for appropriate tourist uses and tourist accommodation to locate in the town centre.*

*The outcomes of the Local Tourism Strategy shall include the Objectives and Strategies as stated above.*

Within the strategies above, there are key themes of low key, sustainable eco-tourism opportunities that retain the natural character and environment of tourist sites. Although the strategy is outdated (hence the current preparation of a draft strategy) the scheme amendment disregards the relevant strategies by proposing an over commercialisation of the subject site and intensive tourism

The extent of tourism-related land uses on the subject site is to be resolved as part of finalisation of a Local Development Plan as well as the resolution of servicing infrastructure.

development. The proposal is inconsistent with the Shire's endorsed strategic direction and will set an undesirable precedent for the establishment of other undesirable developments in similar locations throughout the district.

#### **Shire of Denmark Sustainable Tourism Strategy**

The purpose of the Sustainable Tourism Strategy is to guide the Shire to develop actions, policies and procedures that will enable and support the Shire to become a sustainable tourism destination. The proposed scheme amendment does not reflect this intent.

The Sustainable Tourism Strategy acknowledges the advantages of tourism, as well as its negative impacts such as peak period congestion, and additional load placed on waste management and essential services. William Bay National Park is already under pressure from increasing visitor numbers at peak periods, which is likely to be amplified by the proposed intensification of the subject site.

The Sustainable Tourism Strategy identifies the lack of 4 star (and above) accommodation options, with a significant proportion of the accommodation supply ageing, and the risk that the poor quality of some properties will negatively impact on the reputation of Denmark as a tourist destination. The Shire is well serviced with formalised options for caravan parks and camping grounds across the municipality, providing ample opportunities for tourists seeking this form of accommodation in more appropriate locations.

#### **Draft Local Planning Strategy 2022**

The Shire's draft Local Planning Strategy 2022 (**draft strategy**) was initiated at the 20 September 2022 Council meeting and is currently undergoing modifications following its presentation to the Western Australian Planning Commission's Statutory Planning Committee meeting on 18 July 2023.

Relevant to Amendment No.147, the aims of the draft strategy are to:

- *Retain rural areas for agricultural production.*
- *Promote opportunities to increase the sustainability of tourism land use and development.*
- *Minimise the risk to life, property and service delivery from natural hazards.*
- *Support a safe and well-connected movement network.*

The draft strategy identifies tourism precincts where new tourism sites may be supported, subject to the initiation of rezoning by the landowner and the resolution of relevant planning issues such as bushfire risk, visual landscape values and environmental impacts. We understand these tourism precincts have either substantial existing tourism infrastructure or demonstrate the qualities and attributes of a strategically significant site for tourism and are therefore zoned to facilitate their preservation for tourism purposes in the future.

**Issues and concerns regarding visual landscape values, environmental impacts and bushfire risks are**

The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.

The proposed scheme amendment is consistent with the strategies and actions identified in the Draft Local Planning Strategy 2022.

A Bushfire Management Plan and Emergency Evacuation Plan

**yet to be resolved.** Within approximately 1km of the subject site (to the north east) was the epicentre of the February 2022 bushfires. The current bushfire reporting fails to address the ongoing issue of bushfire risk and safety and does not appear to have been informed by detailed plans of the proposal.

Although the draft Strategy classifies the subject site within the boundaries of the William Bay Tourist Precinct, the aims of the draft strategy are somewhat undermined by the proposed rezoning of the subject site. The draft strategy states that the Shire's rural areas

***"SHOULD GENERALLY BE USED FOR AGRICULTURAL PRODUCTION, WHILE PROVIDING FOR A RANGE OF RURAL PURSUITS WHICH ARE COMPATIBLE WITH THE CAPABILITY OF THE LAND AND WHICH ALSO RETAIN THE RURAL CHARACTER AND AMENITY OF THE LOCALITY. IN THE APPROPRIATE CIRCUMSTANCES, RURAL AREAS CAN ALSO PROVIDE OPPORTUNITIES FOR NON-AGRICULTURAL LAND USES WHICH ARE NOT DETRIMENTAL TO AGRICULTURAL PRODUCTIVITY, LANDSCAPE VALUES, OR ENVIRONMENTAL CONSERVATION".***

The current planning framework and zoning does not prevent the subject site from being used for agriculture, rural pursuits or non-agricultural land uses. Instead, the scheme amendment has the potential to facilitate a level and intensity of development that would undermine the rural character and amenity of the locality, including landscape values.

The draft strategy acknowledges that a range of other enterprises have been established in the Shire's rural areas to take advantage of the scenic qualities and land availability, including tourism and hospitality land uses such as restaurants, breweries, art galleries and tourist accommodation. The rezoning is not required for this to continue.

The draft strategy specifically states that for lots containing tourist accommodation (i.e. the caravan park component) increased setbacks and buffers are supported to preserve the capacity for productive agriculture on adjoining rural land. This is ignored by the 30m front setback to South Coast Highway and 20m setback to side boundaries proposed by the scheme amendment.

The proposed scheme amendment is premature and inconsistent with orderly and proper planning. Once the new local planning strategy is endorsed, only then would the Shire normally prepare a new Local Planning Scheme that would presumably incorporate the proposed scheme amendment. The scheme amendment should not be adopted by the Shire until the draft strategy is endorsed by the WAPC.

**Local Planning Scheme Policy No. 51: Caravan Parks & Camping Grounds**

The Shire's Local Planning Scheme Policy No. 51: Caravan Parks & Camping Grounds (**Caravan Policy**) was adopted by Council on 20 June 2023 and provides guidance for applications for Caravan Parks in the Rural and Tourist zones. The Caravan Policy aims to identify standards for the development of caravan parks and camping grounds in the Rural Zone and enable the approval of small-scale caravan parks and camping grounds in appropriate circumstances.

will be required in accordance with relevant state planning requirements prior to the approval of any 'vulnerable' land uses (eg. tourist accommodation) on the site.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.

As above, the amendment proposes to extend the range of permissible tourism-related land uses beyond what is currently permitted in the Rural Zone as well as changing the primary use of the site.

The proposed setback to South Coast Highway is not relevant to preserving primary production. The proposed setback of 20m to the western lot boundary is greater than the 15m required by the Rural Zone. The establishment of vegetated buffers is also a relevant consideration.

As above, the proposed amendment was initiated in February 2021 and is assessed under the relevant strategic, legislative and policy framework applicable at the time. The finalisation of this and other outstanding amendments will enable the Shire to prepare a new local planning scheme.

LPP 51 provides an assessment framework that provides for a range of caravan park and camping ground proposal – it does not indicate a preference for one form or another.

The proposed rezoning will see setbacks applied as per the Tourist Zone.

Clause 5.1.1 stipulates that Caravan Parks should be located and developed to **avoid impacting on landscape values**. This includes avoiding ridge lines, escarpments or **visually exposed sites**, being **situated where screening by vegetation or landform can be utilised**, and having buildings developed with a design, materials and colours that minimise visibility from off site. Clause 5.1.4 stipulates that within the Rural zone a **minimum 50m setback** should be maintained from caravan/campingsites and common infrastructure to all neighbouring property boundaries.

Caravan Parks with up to 20 sites may be supported within the Rural Zone where a property is also identified 'Tourism Precinct' within the Local Planning Strategy. The draft strategy already identifies the site as a Tourism Precinct. It is unclear why the proponent, as we understand it, is seeking to develop an excessive 50 caravan park sites.

The Shire should not be supporting a scheme amendment which inherently undermines the recently adopted Caravan Policy. The subject site is highly visually exposed, is of high landscape value and is not screened by vegetation or landforms. The proposed caravan park setbacks are insufficient withing a highly visible location.

#### ESTABLISHED AND FUTURE AMENITY

##### **Insufficient Visual Landscape Assessment**

With respect to amenity, our key concerns relate to visual impacts and the impact of visitors and their movements to and from the subject site and future development, as facilitated by the scheme amendment.

When driving westbound on South Coast Highway, south of Bell Road and north of Privett Road, motorists are afforded an exceptional outlook and vista of William Bay National Park, the Southern Ocean and surrounding rural properties. We understand the established locals refer to this location, as you come over the crest from the east the '12 Mile Hill'. This is the point where the Southern Ocean reveals itself across the pastured rural foreground. It is one of the most majestic and memorable moments for locals and tourists alike to experience as they traverse many of Denmark's tourist drives (i.e. Scotsdale Road and Mount Shadforth Road).

The subject site is currently viewed as one such rural property with green pastures and minimal structures. However, as facilitated by Amendment No.147, the subject site is at risk of resulting in adverse amenity impacts. Instead of viewing the natural beauty of the environment, the plethora of tourism related uses and over-commercialisation, including unsightly caravans, is likely to be a distraction for passing motorists. It will also seriously detract from the aesthetic amenity due to visual impact. The fact this shall impact on a tourist route of regional significance should form the foundation for serious consideration and rejection of the proposal without satisfactorily addressing the visual impact of the development on the district and the major highway routes.

We submit the proponent of the scheme amendment has not evaluated how, or the extent to which,

The proposed scheme amendment is consistent with the framework established by LPP 51.

The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.

The proposed scheme provisions include the requirement for a Landscape Management Plan which will incorporate requirements for revegetation and screening across the site to mitigate potential impacts on visual amenity.

the future development facilitated by the scheme amendment will affect the existing amenity of the locality, whether it be the amenity of privately owned rural dwellings or the amenity of the public. The proposal will result in adverse impacts on the locality in various forms. To have a caravan park and other commercial activities visually polluting the foreground of the 12 Mile Hill view would be a travesty. A memorable tourism experience will be lost forever.

#### **Impact on William Bay National Park (Greens Pool and Elephant Rocks)**

The location of the subject site in proximity to William Bay National Park and several of the proposed land uses is entirely inappropriate.

Greens Pool already has limited car parking availability during the peak season (generally over the summer months) and on select public holiday weekends. The subject site and its associated land uses, specifically the caravan park, will amplify the existing car parking shortfall during these peak times. The proximity of the caravan park at the William Bay Road intersection allows for patrons of the caravan park to drive to Greens Pool at the earliest opportunity, potentially denying other tourists the opportunity to park their vehicles.

The rezoning of the subject site to Tourist will add to this congestion given its proximity to Greens Pool, adding to environmental pressures and adversely affecting visitors' experiences.

#### **Insufficient setbacks and comparison with other tourist sites**

The subject site is insufficiently sized or has the depth to support its intensification without having significantly adverse amenity impacts on the locality. The scheme amendment report notes existing tourism development fronting South Coast Highway. In this regard, we note the following facilities and their respective setbacks to South Coast Highway:

- The Dam - set back approximately 236m<sup>2</sup> from the South Coast Highway carriageway.
- Elephant Rocks Cider Company - set back approximately 236m<sup>2</sup> from the South Coast Highway carriageway and largely screened by a 60m wide densely vegetated portion of road reserve.
- Bartholemews Meadery- set back approximately 80m<sup>2</sup> from the South Coast Highway carriageway and screened by dense vegetation.

The depth of the subject site is only approximately 288m, and with the separations required to comply with bushfire requirements, habitable buildings and the caravan park will be required to provide a greater separation from the fuel load to the rear, pushing development towards South Coast Highway. Without having seen any detailed development plans, we anticipate the southernmost caravan site will be within 30m of the South Coast Highway carriageway. This is confirmed by Condition iii stipulating:

*All new development including caravan bays shall be setback a minimum:*

The Shire supports efforts to improve infrastructure within and access to the William Bay National Park, noting that the Park is managed by the State Government. No comments were received from the Department of Biodiversity, Conservation & Attractions but Shire officers understand that the Department generally supports the development of accommodation on private land adjacent to public reserves to reduce instances of illegal camping and pressure to develop facilities within reserves.

Setbacks are determined relative to the minimum requirements for the applicable zone and the conditions of the site, including consideration of the preservation of natural waterways and remnant vegetation. Unlike the other sites mentioned, the subject site has water and vegetation at the rear of the property.

Screening vegetation can be maintained to be compatible with bushfire protection requirements – this will be required to be detailed in the Landscape Management Plan.

- 30 metres from South Coast Highway
- 20 metres from all other boundaries

*Unless otherwise approved by Council.*

Due to the likely required asset protection zones for bushfire protection, we don't anticipate a sufficient level of screening vegetation will be able to be implemented to avoid an adverse visual amenity impact. The 20m setback to side boundaries is also of concern and has the potential for adverse amenity impacts on Lot 800 (2474) South Coast Highway, William Bay, which adjoins the subject site as its western lot boundary.

The specific location of the subject site is particularly unique, given its proximity to the William Bay Road/ South Coast Highway intersection. Of note is the number of vehicles William Bay Road carries with visitors to Greens Pool and Elephant Rocks. No other tourist facility in Denmark has the same context. We note Boston Brewery is set back approximately 40m from the road carriageway, however, it differs significantly as it is not located at an intersection to one of the most popular tourist destinations in the Great Southern, being William Bay National Bay. Also by comparison, The Dam is not accessed directly from South Coast Highway, nor does Wentworth Road carry the number of vehicle movements that south coast highway or William Bay Road does.

#### **Insufficient Traffic reporting and demonstration of safety**

Our client justifiably has significant concerns about traffic and safety. The location of the proposed crossover for the subject site is closer to the William Bay Road intersection with South Coast Highway than the existing crossover. Although not technically subject to the proposed scheme amendment, we have significant concerns with the proposed access location and the potential increased risk of a major traffic accident.

The existing four lanes of traffic on South Coast Highway is already a precarious situation, with several crashes occurring. Eastbound vehicles are often still speeding from the higher speed zone as they come over the crest towards the William Bay Road intersection. Westbound vehicles are also often speeding as they come down the hill and are often not paying full attention to the road as they take in views of the Southern Ocean and observe signage for Greens Pool. This is the existing situation, with the subject occupied by a rural dwelling only, and not intensive tourist developments.

The '12 Mile Hill' view is already distracting, and when combined with the location of the subject site on a bend of a Primary Regional Road, in the location of an overtaking lane and adjacent to one of the locality's busiest intersections, safety concerns are rightfully questioned. The reality of up to 50 caravans (with limited visibility) and microbrewery patrons being added to this location does not appear to be sound from a traffic safety perspective. The traffic report commissioned by the proponent refers to Main Road WA providing 'in principle' support for the new crossover location. We are yet to be provided with any evidence of this support. Just because the amount of traffic generated by a proposal doesn't

Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.

This audit is to consider the most recent traffic data available, peak/ full development of the site and detail any potential road traffic improvements that are necessary to improve road safety as they relate to the proposed development.

Should this audit determine that road safety improvements are required as a direct result of development of the site the proponent will be required to consult with Main Roads WA regarding the implementation of these works.

Main Roads WA has provided the landowner with advice as to the safest possible position for a crossover onto the subject site.

meet the threshold considered to have a material impact on the road network doesn't necessarily mean that safety isn't compromised.

We note that no crash data is provided within the traffic report. Main Roads WA Crash Information (last 5 years) has recorded a right-angle crash at the intersection of South Coast Highway and William Bay Road on 29 December 2018, with 'hospital' severity.

To suggest that William Bay Road has the capacity to carry up to 22,900 vehicles per day or a more appropriate 13,500 vehicles per day is fundamentally flawed when considering the context and environmental sensitivity of the locality. The traffic report states that no data is available for William Bay Road. This is largely untrue, given there is publicly available Main Roads WA data available for Madfish Bay Road (east of Elephant Road) for 2020/21 providing that an average of 408 vehicles per day use this road. To access Madfish Bay Road, cars would have had to have driven on William Bay Road.

We consider the traffic report is deficient in that it only assesses the camp/caravan park site and its ancillary cafe. None of the other commercial uses are assessed. Accordingly, we consider the proposed scheme amendment could facilitate significantly more than 288 vehicle trips per day. In addition, the types of vehicles and the movement requirements have not been addressed as part of the submission. It is our strong opinion, this information is fundamental to any rezoning, without which it should not be contemplated.

#### **Insufficient environmental reporting**

In its advice of 28 February 2023, the Environmental Protection Authority (**EPA**) made recommendations relating to Inland Waters, Flora and Vegetation, Terrestrial Fauna and Social Surroundings.

The EPA recommended the Shire considers modifying the proposed scheme provisions to further protect and manage Inland Waters values with respect to effluent. The on-site vegetation is also potential habitat for threatened species of black cockatoo and that the implementation of the scheme amendment may result in the clearing of native vegetation and fauna habitat and potential noise, dust and light impacts on fauna.

We are instructed that the current level of environmental reporting undertaken is insufficient. It is concerning that the Site and Soil Evaluation detected groundwater at 1.1m and 0.66m below ground level when the proposed caravan park intends to dispose of effluent on site. We expect any leach drains would be located at the level of groundwater. We understand the adjoining property to the west shows evidence of surface water during the winter months because of the already high groundwater table. We question the suitability of this often waterlogged land for caravans and camping. Issues around mosquitoes should also be addressed given the health issues associated with such locations.

The reporting highlights that the proposal is within a Sewage Sensitive Area, with a secondary treatment system recommended due to required separation distances to water courses. The secondary treatment of wastewater requires a large 7,979m<sup>2</sup> area for irrigation. We consider such a large area may result in spray

The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.

The proponent will be required to demonstrate effective wastewater disposal can be achieved on site prior to commencing development and has been provided with the advice received from the EPA, DWER and DoH.

DoH has not raised concerns with the presence or prevalence of mosquitos.

Leach drains will dispose of treated wastewater at or below ground level and will therefore not result in spray drift.



drift.

Given the William Bay Road Lake (South Coast Significant Wetlands DBCA-018) is located only 550m to the south of the subject site, we respectfully request that a sufficient environmental reporting be prepared (i.e. a Environmental Assessment Report and/or Flora and Fauna assessment) to investigate and confirm on-site conditions. Although we understand negligible amounts of native vegetation is being cleared, the intensification of development on the subject site may result in environmental impacts.

### CONCLUSION

We acknowledge the importance of the tourism sector as a contributor to the Shire's economy and provider of local jobs. However, we reaffirm our objection to Scheme Amendment No.147 in its current form, given its fundamental flaws. The main points of objections are:

1. This amendment will not positively contribute to the overall supply and variety of tourist accommodation within the Shire of Denmark. The draft Local Planning Strategy (2022) clearly outlines that there is an oversupply of caravan parks within the Shire of Denmark. The Sustainable Tourism Strategy is calling for more sustainable, high quality eco-tourism options. There is so much opportunity for a different type of accommodation on the doorstep of Greens Pool, which could be marketed towards a different clientele.
2. There is no obvious reason why the current Rural zoning and its associated land use permissibility can't provide economic benefits, new employment and investment opportunities associated with agricultural production and tourism. Many of the land uses proposed by the scheme amendment are already capable of being approved and developed on the subject site. It is a supplication of process and convolution of the planning framework.
3. The assertion that the site is of an insufficient size to support traditional agricultural activities as sustainable stand-alone operation is questionable. Intensive agricultural activities are capable of being accommodated on much smaller land parcels than typical cattle farming, dairy farming, sheep farming and broadacre agricultural activities. The proposed aquaculture and orchard components are one such example, with those land uses not requiring a scheme amendment to facilitate their approval or development on the subject site.
4. This amendment recognises the compatibility between agriculture and tourism and provides an opportunity for the site to continue to be used for primary production, albeit of a diversified nature whilst leveraging on emerging tourism opportunities.
5. The subject site may be considered to have a high tourism value based on its proximity to tourism attractions including William Bay National Park, Greens Pool, Elephant Rocks and Mad Fish Bay. However, this scheme amendment could undermine the existing amenity of these tourist attractions through over development, over commercialisation and tourism intensification. The country/rural character of the natural environment will be undermined. The views and vistas of

1. Comments noted, not supported. Neither the Draft Local Planning Strategy nor Sustainable Tourism Strategy seek to limit the number of caravan parks and instead acknowledge the opportunity for additional low-cost accommodation.
2. Rezoning has been proposed to enable additional land uses, support a change in the primary land uses, recognise the cumulative extent of non-rural land uses and to provide an appropriate framework for tourism-related development on the site.
3. Comment supported. As above, the Shire recognises that a variety of rural lots exist capable of supporting a range of rural land uses.
4. Comment supported. This amendment seeks to enable the development of the site for compatible agriculture and tourism purposes.
5. The Shire's strategic framework supports the development of tourism precincts, including in this location – this improves upon past approaches where tourism proposals occurred on an ad hoc basis in any location. As above, visual landscape amenity has been assessed and measures incorporated into the proposed amendment.
6. It is not clear what this statement asserts (ie. what links are referred to or how these are affected).

	<p>the countryside and pastures will be lost for the local Denmark community and tourists. The beauty of making the journey to Greens Pool is that you feel like you are in the wilderness and isolated. Development of a tourism precinct including a caravan village will likely destroy this amenity.</p> <p>6. The intensification of tourist development on the subject site will not improve on existing tourist linkages to major tourism attractions, it will ruin them. 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.</p> <p>We thank the Shire for the opportunity to provide comments in relation to Amendment 147. We consider our recommendations will ensure tourism opportunities on the subject site within the Shire progress and are not stifled, without complicating the planning framework with an unnecessary rezoning of important rural land.</p> <p>Once land is rezoned from Rural, particularly when most of the desired land uses are already capable of approval in the Rural zone, it's difficult to revert to that zoning. The historic rural use of the site will disappear.</p>	
S62	<p><b>Do you support the proposal?</b></p> <p>No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>As stated in the documents supplied the development is inappropriate and dangerous for a busy intersection. The development would be a blight on the entrance to one of the major tourist attractions in the area. The fact that the owner has gone ahead with developing the block prior to approval suggests that he has been told that it was a fait accompli.</p> <p>I offer brief comments about my concerns with regard to the proposed amendment.</p> <p>Of particular concern is the creation of a traffic “Black Spot” at the intersection of William Bay Road and South Coast Highway. Currently about 400,000 people, including families with young children, navigate this intersection annually. Turning right from William Bay Road onto the Highway means navigating four lanes of traffic: west bound, a through lane and a left slip lane; east bound, a right turning lane which becomes an overtaking lane, plus a though lane. About 25% of vehicles exceed the speed limit on this stretch of highway. It this amendment succeeds, this complex intersection will have the added risks associated with the very close proximity of slow moving caravans and extra traffic entering and exiting the site.</p> <p>It is not just my safety that concerns me. Thousands of tourists unprepared for this complex intersection and increased volumes of traffic from the tourist site will result in major traffic incidents involving high speed collisions. I understand that basic requirements like Main Roads safe intersection sight distances are not being met and that Main Roads itself considered the</p>	<p>Shire officers have raised concerns about road safety with Main Roads WA, who manage South Coast Highway. It is recommended that an independent road safety audit is undertaken to assess potential issues and provide direction on how these can be addressed.</p> <p>The proposed amendment is supported by an assessment of visual landscape values and includes a range of mitigations to ensure that future development has minimal intrusion on the surrounding landscape. The site will largely be retained for rural land uses and extensively planted to reduce the visibility of buildings, which are limited in their extent and sited away from significant public viewpoints.</p> <p>The landowner has made improvements to the property commensurate with the current Rural zoning of the land.</p> <p>The EPA decided not to formally assess the proposal, which indicates there are no substantial environmental impacts that are unable to be addressed at subsequent stages of approval. Advice from the EPA and DWER will be provided to the applicant and will be required to be addressed through the preparation of a Local Water Management Strategy and other requirements of the proposed scheme provisions.</p>

ability of the tourist site to safely enable traffic to enter and leave is sub-optimal.

There are environmental concerns : waste water management; effluent disposal; native vegetation and habitat for animals and birds (especially black cockatoos); safe co-location of agricultural industry with sensitive land usage like the proposed caravan park; Lot 203 is identified by the Department of Planning, Lands and Heritage as being within an area subject to significant road noise – and on go the problems. EPA recommendations do not seem to have been considered or included in the proposed amendment.

In addition to these concerns, the development appears to sit outside the Shire’s Sustainable Tourism Strategy and its Strategy Plan. For example, concentrating a large number of tourists close to already over-stretched Greens Pool and Elephant Rocks, not including climate change and environmental sustainability strategies, the high visibility of the site from the Highway – these don’t seem to fit with where the Shire and the community say we want to head.

It’s nonsense to claim that Lot 3 needs to be rezoned from Rural to Tourist. Previously cattle and horses grazed happily there. Like many rural holdings in Denmark, it is small. This is part of our history and heritage and it should be acknowledged and respected. We now have many variable options for agriculture that don’t involve traditional practices or require large acreage. The beauty of our rural landscapes add to Denmark’s attraction. Don’t destroy it, as we see happening at Lot 3.

I would like Denmark Shire Council to disallow the amendment. Much more work is needed to prevent town planning mistakes in the Shire that’s done pretty well to date.

Remnant vegetation on the site is protected through the identification of a ‘Development Exclusion/ Tree Preservation Area’ and officers recommend this area is included in the proposed Landscape Management Plan to ensure appropriate management/ rehabilitation.

The management of potential conflicts between primary production and tourism land uses will be a matter for the proponent to manage on site, in accordance with the guidance provided by the EPA and DWER. In doing so, this will not result in any off-site impacts on other sensitive premises that would not otherwise be present with rural land uses that could be established under the existing Rural zoning.

The proposed amendment has been supported by a noise assessment that demonstrates that development on the site can comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise. This modelling has been assessed and supported by DWER.

The proposed amendment has been assessed against relevant strategic plans of the Shire as outlined in the officer report. The Sustainable Tourism Strategy notes the opportunity for additional low-cost camping accommodation to service market demand. The development of tourism precincts supporting the co-location of attractions, accommodation, activities, etc. is encouraged as part of creating successful tourism products and destinations.

Comment supported – there are a wide variety of rural lots in the district of all sizes that provide for primary production in many forms, including more intensive operations. The viability of a property for one rural land use or another is not a sufficient argument in support of rezoning land, particularly as viability can change over time and the fragmentation of land is very difficult to reverse.

The Council can provide a recommendation to the WA Planning Commission but cannot ‘disallow’ the proposed amendment.

## Schedule of Modifications (Final Adoption)

All modifications proposed are contained within the special provisions to be added for Tourist Zone T14 in *Appendix XIII – Schedule of Tourist Zones*, as follows:

Scheme Provision	Proposed Modification	Reason
Tourist Use column	Amend the term 'Microbrewery' to 'Brewery'.	In relation to Amendment 153 the Minister for Planning directed that the term 'Microbrewery' was changed to be changed to 'Brewery'.
Provision (i)	To read as follows: <i>“Development shall generally be in accordance with a Local Development Plan approved by Council.”</i>	Remove reference to a previous version of the Local Development Plan that has already been superseded and noting that it is premature for the Council to approve a Local Development Plan prior to rezoning.
Provision (ii)	To read as follows: <i>“All development shall be connected to an on-site effluent disposal system/s (including secondary treatment) installed to the satisfaction of Council and the Department of Health (WA).”</i>	Clarify provision and reflect advice that multiple treatment systems will be required to separate human and trade wastes.
Provision (ix)	To read as follows: <i>“The proponent shall prepare and implement the recommendations of a Bushfire Management Plan to the satisfaction of the Council as a condition of development approval.”</i>	To provide for changes to the Bushfire Management Plan identified by the Department of Fire & Emergency Services.
Provision (xi)	To read as follows: <i>“The proponent shall prepare and implement a Local Water Management Strategy incorporating a Nutrient and Irrigation Management Plan to the satisfaction of Council and the Department of Water &amp; Environmental Regulation as a condition of development approval.”</i>	Confirm the need to address the potential for nutrient export from the site as part of water management planning.
Provision (xii)	Introduce the following additional requirement for the Landscape Management Plan: <i>“Preservation and enhancement of the Development Exclusion Area(s) / Tree</i>	Address concerns about the condition of remnant vegetation to be preserved in the <i>Development Exclusion Area(s) / Tree Retention Area(s)</i> .

	<i>Retention Area(s) as shown on the Local Development Plan.</i>	
Provision (xiv)	Deleting the word 'permanent'.	To avoid confusion and confirm that any tourist accommodation developed on the site is for short-stay use only.
Provision (xvi)	Replace the word 'accord' with 'accordance'.	Typographical error.
Provision (xvii) [new]	Inserting an additional provision to read as follows:  <i>"The proponent shall commission the preparation of a Road Traffic Safety Audit by an independent, accredited assessor to the satisfaction of Council and Main Roads Western Australia."</i>	To formally assess road safety concerns and detail improvements that are appropriate at subsequent approval stages (as appropriate).

#### Tracked changes version of proposed amendment resolution:

*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. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to Tourist (T14) zone and amending the Scheme Maps accordingly.*
- b) *Inserting Tourist T14 provisions in as follows:*

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T14	No. 2446 (Lot 3) South Coast Highway, William Bay.	<p><i>Notwithstanding any other provisions of the scheme, the following sets out the permissibility of land uses:</i></p> <ul style="list-style-type: none"> <li>• Aquaculture (AA)</li> <li>• Agritourism (AA)</li> <li>• Caravan Park (AA)</li> <li>• Caretakers Dwelling (P)</li> <li>• Horticulture (AA)</li> <li>• <del>Microb</del>Brewery (AA)</li> <li>• Outbuilding (P)</li> <li>• Private Recreation (AA)</li> <li>• Restaurant (AA)</li> <li>• Rural Pursuit (P)</li> <li>• Shop (max. 150m2 GLA) (AA)</li> <li>• Single House (P)</li> </ul>	<ol style="list-style-type: none"> <li>i. <i>Development shall generally be in accordance with <del>the a</del> Local Development Plan (Ref: 20-008-004) dated 1 October 2020 or any minor variation to that plan approved by Council.</i></li> <li>ii. <i>All development shall be connected to an on-site effluent disposal system/s (<u>secondary treatment system</u>) installed to the satisfaction of the Health Department of WA and Council, <del>and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system.</del></i></li> <li>iii. <i>All new development including caravan bays shall be setback a minimum:</i> <ul style="list-style-type: none"> <li>• 30 metres from South Coast Highway</li> <li>• 20 metres from all other boundaries</li> </ul> <i>Unless otherwise approved by Council.</i> </li> <li>iv. <i>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 Council.</i></li> </ol>

		<ul style="list-style-type: none"> <li>• Workforce accommodation (AA)</li> </ul>	<p>Zincalume, white and off-white colours are prohibited.</p> <p>v. All building heights are limited to single storey.</p> <p>vi. The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2018 Construction of buildings in Bushfire Prone Areas (as amended).</p> <p>vii. No development shall be permitted within the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the Local Development Plan.</p> <p>viii. Any new vehicular access to the zone shall be limited to those nominated points as determined by Council in consultation with Main Roads Western Australia, excepting any additional egress requirements for fire management.</p> <p>ix. <del>The proponent shall prepare and implement the recommendations of a Bushfire Management Plan to the satisfaction of Council as a condition of development approval. The proponent shall implement the recommendations of the Bushfire Management Plan dated 6.8.2020 (or any approved amended bushfire management plan) to the satisfaction of Council as a condition of development approval.</del></p> <p>x. The proponent shall prepare and implement the recommendations of a Bushfire Emergency Evacuation Plan to the satisfaction of the Council as a condition of development approval.</p> <p>xi. The proponent shall prepare and implement <del>the recommendations of an approved</del> Local Water Management Strategy <u>and Nutrient and Irrigation Management Plan</u> to the satisfaction of Council <u>and the Department of Water &amp; Environmental Regulation</u> as a condition of development approval.</p> <p>xii. The proponent shall prepare and implement the recommendations of an approved Landscape Management Plan to the satisfaction of Council as a condition of development approval. Matters that the landscaping plan is to specifically address include:</p> <ul style="list-style-type: none"> <li>• Future on-site landscaping to assist with screening the development from South Coast Highway.</li> <li>• <u>Types of vegetation / species and density.</u></li> <li>• <u>Preservation and enhancement of the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the Local Development Plan.</u></li> </ul>
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			<p>xiii. All fencing (internal and boundary) shall be of a rural construction such as pine/steel posts and wire to the satisfaction of Council.</p> <p>xiv. The duration of <del>permanent</del> occupancy of any tourist accommodation shall be limited to a maximum of three (3) months in any twelve (12) month period.</p> <p>xv. All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council approval.</p> <p>xvi. All signage to be subject to the prior approval of Council in accordance with Scheme requirements and adopted policy.</p> <p><u>xvii. The proponent shall commission the preparation of a Road Safety Traffic Audit by an independent, accredited assessor to the satisfaction of Council and Main Roads Western Australia.</u></p>
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c) Introduce the following land use definitions into Appendix I – Interpretations- of the Scheme Text:

**Agritourism** – means visiting a farm or rural food related business for enjoyment and education or to participate in activities or events.

**Workforce Accommodation** – means premises, which may include modular or relocatable buildings, used –

(a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and

(b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

d) Amending the Scheme Map accordingly