

SHIRE OF DENMARK

SCHEME AMENDMENT REQUEST

LOT 22 MT SHADFORTH RD



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ATTACHMENTS	Zoning Map
	Site Characteristic Plan
	Opportunities and Constraints Plan
	Planning Unit E - extract from DLSP

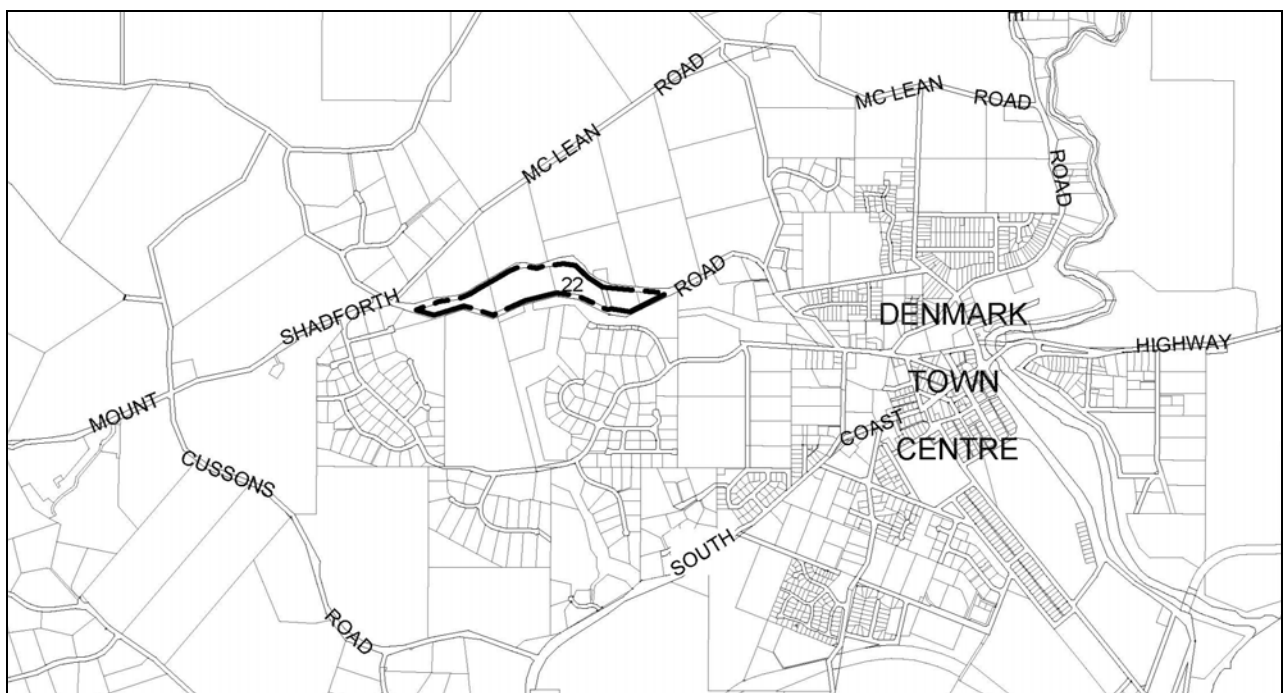
1. INTRODUCTION

The owners of Lot 22 Mt Shadforth Road are seeking rezoning from the 'Rural' zone to the 'Special Rural' zone. The rezoning will extend to cover the balance of land between Mt Shadforth Road and Warham Road/Millars Creek. This will enable subdivision and development as advocated by Council's 'Settlement Strategy for Denmark' (October 1998), the 'Denmark Local Planning Strategy' (2006) and the 'Revised West Denmark Local Structure Plan'. Existing lots range from under 4000 m² to in excess of 3.5ha. The current rural zoning is not appropriate; this anomaly will be rectified through rezoning. The proposal is in accord with Council's planning for the area and a number of important outcomes can be achieved, including formalising the tourist route buffer, upgrading access and the protection of remnant vegetation.

The following Scheme Amendment Request provides the background and reasons supporting this request.

2. LOCATION, AREA & ZONING

The land is located approximately 1.5km west of the Denmark town centre and is comprised of four landholdings. Lots 1, 22, portion of 355, & 632 are bounded to the north by Mt Shadforth Road and to the south by Warham Road. The subject lots range in size from 3440m² to 3.65ha and have a total area of approximately 9.5ha. The average lot size of the new lots proposed by this rezoning/subdivision would be greater than 1ha.



The land is currently zoned 'Rural' under the Shire of Denmark Town Planning Scheme No. 3. (See Attachments - Zoning Map)

Interestingly, the subject land is within the gazetted townsite boundary for Denmark, as depicted on the TPS zoning maps.

Warham Rd runs parallel to the vegetated drainage line, most of which is contained in Crown land. Land immediately to the south is zoned Landscape Protection Area 3, Special Residential Area 2 and Parks and Recreation. Land to the east is zoned Residential R2, while land to the west is zoned Special Residential Area 4. (See Attachments - Site Characteristics Plan)

3. SITE DESCRIPTION

The subject land is currently used for rural living/rural retreat purposes including rural contracting. Historically, the site was used for horticulture and contains a walnut grove of approximately 70 trees, established in the 1940s. Lot 22 is predominantly cleared. A few trees, including yellow tingles remain in the eastern portion of Lot 22. Native plantings have been established north of the shed and to screen the property from Mt Shadforth Road. Dams have been constructed on site.

Portions of the surrounding lots have been cleared and developed with a residence and associated outbuildings. There are areas of remnant vegetation in the adjoining road reserves.

Although all lots have legal frontage to Mt Shadforth Road, only limited direct vehicular access is currently available. Lot 22 is serviced by 2 existing crossovers onto Mt Shadforth Road. In addition to the main driveway onto Mt Shadforth Road, a gravel access track has been constructed within the unnamed road reserve that divides the lot. It connects to Warham Rd to the south.

Practical access through to the north at the intersection of the un-named road and Mt Shadforth Road is not possible because of the embankment and grade separation to the road pavement.

Lot 632 has two existing crossovers onto Mt Shadforth Road. Lots 1 and portion of Lot 355 have driveways and crossovers connecting directly to Warham Road which intersects with Mt Shadforth Road at the east of the Lot 1. In this way, practical access for the lots in this sub-precinct is divided equally between Mt Shadforth Road and Warham Road; likewise, traffic generation is split between the dual frontages.

(See Attachments - Opportunities and Constraints Plan)

4. PLANNING CONTEXT

4.1 State Policies

In terms of this proposal, the most relevant State Strategic and Policy documents include:

- SPP 1 State Planning Framework Policy [Variation No 2] (2006)
- SPP 2 Environment and Natural Resources Policy (2003)
- SPP 3 Urban Growth and Settlement (2006)
- SPP 2.5 Agriculture and Rural Land Use Planning (2005)
- DC 1.1 Subdivision of Land – General Principles (2004)
- DC 3.4 Subdivision of Rural Land (2008)
- DC 3.7 Fire Planning (2001)

SPP1 provides the strategic framework and guiding principles for landuse planning in Western Australia. The primary aim is to provide for sustainable use and development of land. The Strategy identifies the five key principles of environment, community, economy, infrastructure and regional development which define and influence decision making. In recognition of the concentration of population between Lancelin and Albany and growth pressures in the south-west, the strategy confirms the need for careful management. SPP1 supports the growth of regional communities to achieve their social, environmental and economic goals. Co-ordination, high standards of development, availability of land and services are required to ensure regional communities are sustainable in the long term.

The objectives of SPP3 most relevant to this proposal include:

- build on existing communities with established local and regional economies;
- concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities;
- Manage the growth and development of urban areas in response to the social and economic needs and in recognition of relevant climatic, environmental, heritage and community values and constraints;
- promote a sustainable and liveable neighbourhood form which reduces energy, water and travel demand;
- ensure safe and convenient access to employment and services;
- provide choice and affordability of housing;
- create an identifiable sense of place for each community, and
- coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The proposed Amendment accords with and will assist in achieving these particular objectives as well as the general principles and intent of current Strategies and Policies.

4.2 Lower Great Southern Strategy (2007)

The WAPC released its regional strategy in 2007. The Lower Great Southern Strategy (LGSS) “sets out the strategic direction for planning in the study area for the next 20 to 30 years”. It provides “region-wide consistency for local governments when setting priorities for the area through their local planning strategies and schemes”. More specifically, the LGSS aims to encourage development around existing nodal settlements and provides a presumption in favour of consolidating settlements. This represents an efficient use of resources such as land, infrastructure and energy and also assists in supporting social services.

Denmark is identified as a sub-regional centre in the Lower Great Southern Strategy (LGSS). Relevant planning issues for rural settlements generally and for Denmark in particular include:

- managing rapid population growth in the town;
- managing the environmental qualities of Wilson Inlet and other waterways;
- ageing infrastructure and cost of upgrades;
- cost of extending infrastructure;
- identification and funding of town water resources;
- availability of water; and
- constraints to the supply of residential land.

The LGSS identifies relevant planning issues for rural settlements and infrastructure provision in regional and rural areas. One of the objectives contained in the strategy is “ensure that the identified settlements develop in a sustainable manner.” The Strategy also recognises that rural residential development should be consolidated in local planning strategies and located close to existing settlements, rather than being randomly dispersed throughout rural areas. Additional land for rural residential purposes and rural smallholdings should be located in accordance with SPP 2.5.

Objectives and Actions set out in the LGSS relevant to this proposal include:

- ensure that the identified settlements develop in a sustainable manner;
- identifying sufficient land in local planning strategies and preparation of conceptual structure plans;
- promoting water conservation strategies; and
- identify innovative approaches to supply country towns with water and sewerage services that enhance environmental, social and economic outcomes and performance of current and traditional methods.

4.3 Denmark Planning Strategies

For the purposes of this document, reference will be made to both the 1998 Settlement Strategy for Denmark (SSD) and the endorsed 2006 Denmark Local Planning Strategy (DLPS). The SSD was adopted by the Council in December 1998 as a Town Planning Policy. The draft DLPS was adopted by Council in September 2003 and following WAPC endorsement in November 2005, it was advertised; with submissions closing on 7 February 2006. The Council considered the submissions and a schedule of more than 200 modifications in November 2006. The Council agreed to the Modifications and adopted DLSP for final approval. It also resolved to undertake a limited review of the DLPS. The review is still pending.

Notwithstanding the age of the SSD and the draft status of the DLPS, both strategies contain similar information and recommendations in respect of the subject land. The planning issues, context and capability and servicing opportunities set out in each of the strategies are consistent. The subject land is the most northerly planning portion of Planning Unit D in SSD and, due to re-ordering, Planning Unit E in DLPS. These strategies identify several 'release areas' which are suitable for future population growth and rural living development. West Denmark is one of the areas selected as being capable of providing an opportunity to meet anticipated growth of Denmark. (See Attachments - Planning Unit E extract from DLSP)

4.4 West Denmark Structure Plan

In 1996 a Structure Plan was prepared for the area bounded by Mt Shadforth Road, South Coast Hwy and Cussons Road. This is the area encompassed by current Planning Unit E. The West Denmark Structure Plan has been adopted by Council. It allows for low density residential subdivision (R2 and R20 being 5000 and 500m² respectively) in the east, through to 2000m² and 7000m² Special Residential lots, Tourist Nodes and Landscape Protection.

Planning Issues relevant to this area, and addressed in the structure plan, include:

- Land capability assessment.
- Visual impact, in particular screening from Mount Shadforth Road.
- Minimising access to Mount Shadforth Road.
- Retention and protection of remnant vegetation.
- Stormwater management.
- Public Open Space Provision.
- Fire protection.

Since its adoption much of the land within the area covered by the Structure Plan has been rezoned and subdivided. The subject land is within the balance of remaining rural land in this Planning Unit. The Rural zoning is not appropriate given the existing lot sizes, land uses, site characteristics and attributes of this remaining land. Rezoning is warranted. This process will also provide the opportunity to review the corresponding section of the West Denmark Structure Plan, particularly with regard to implementation/rationalisation of the Tourist Road Protection Zone, provision of access and Public Open Space.

5. INTEGRATION WITH ADJOINING LAND

The remaining portion of the West Denmark Structure Plan area is a somewhat discrete land parcel. It is separated from the balance of the precinct by Millars Creek and the associated foreshore reserve and Public Open Space. Mount Shadforth Road forms a significant physical barrier between the subject land and Planning Unit D to the north.

Notwithstanding the relative isolation of this tongue of land, there is an opportunity to integrate its development with that of the adjoining areas. There is scope, through this proposal, to formalise alternative emergency egress from the developed areas south of Millars Creek thorough to Mount Shadforth Road and to upgrade the access point to alleviate design and safety problems.

The nominated 50m Tourist Road Protection Zone shown on the West Denmark Structure Plan is difficult to interpret and apply on the ground. The area marked on the plan is generally a 15m wide strip, measured from the edge of the road reserve, however this is not consistent across the plan, and the 'zone' is not always 50m total width. The road reserve itself varies from 20m to 40m in width. If the purpose of the buffer is to provide a visual barrier to screen the structures from the tourist route then this could be better achieved using performance based criteria. Sight lines, relative pavement and ground levels, building type and materials, existing vegetation, density and species to be planted should all be assessed when considering landscape screening and protection of the tourist road. This rezoning provides the opportunity to rationalise the "tourist road protection zone" and to consider practical and appropriate mechanisms for achieving this objective.

Rezoning of this area will address the current 'Rural' zoning anomaly and will serve as a rounding out of the existing Residential and Rural Living areas to the south of the creekline.

6. SERVICES

The proposal takes advantage of available infrastructure. Lots will be serviced by mains power, telecommunications and sealed roads.

The sub-precinct is not serviced by reticulated water. Residents are self sufficient and rely on individual rainwater harvesting and storage for potable water. This is supplemented by collection of surface and sub-surface water supplied from local soaks. These water sources are fresh, and have been used to support horticulture and small scale aquaculture as well as domestic gardens.

Based on current average rainfall for the locality, a development with 175m² of roof catchment and 50kl storage has 98% reliability of providing 450lt of water per day (sufficient for 3 plus persons). By requiring a minimum roof catchment area of 200m² together with rainwater storage tank/s of not less than 92kl per lot, households can be deemed self sufficient in terms of water supply, both at present and into the future. The storage capacity is nearly twice that considered necessary for household use. The roof catchment area and associated storage can be readily accommodated on the proposed lots.

Notwithstanding the general preference for provision of reticulated water the LGSS specifically provides for innovative solutions for the provision of services. In this instance, it is recommended that the mandatory requirement for reticulated water be waived as provision is not essential, practical or cost effective.

From a sustainability perspective it is also considered that water is more efficiently used when there is a finite supply controlled by the individual. Rainfall levels within the area are well in excess of the minimum needed to provide a sufficient supply from roof runoff especially if complemented with planning scheme requirements for minimum roof area and storage capacity. Potable water can continue to be sourced from roof catchments. This can be supplemented by bores, soaks, dams and surface water harvesting particularly for livestock, irrigation of gardens and emergency/fire fighting.

The scale and nature of proposed rural living development doesn't warrant extension of the water mains. In this case it is considered neither practical nor necessary to require reticulated water to be provided to the sub-precinct. The LGSS supports alternative solutions to infrastructure provision and specifically advocates the use of rainwater tanks. The DLPS supports sustainable self-reliant developments. Dwellings within the precinct have developed over the last 80 years with potable water predominantly provided from on-site sources and roof runoff. As previously demonstrated in this report, given minimum roof catchment of 200m² and storage at least 50kl, an adequate water supply can be provided to meet the needs of an average household in West Denmark. This proposal recommends minimum storage of 92kl, which is consistent with that required for other Rural Living zones in Denmark.

Underground power and telecommunications can be extended to service the proposed development. The existing transmission line which traverses part of the precinct is protected by an access easement in favour of the service provider.

Given the well drained nature of most of the site and the range of lot sizes, stormwater will be retained onsite wherever possible in accordance with water sensitive design principles. This is a relatively small tract of land and water management is not a significant issue. The proposed lots are relatively large and the density of any future development is relatively low. No additional roads are proposed. The only water to be dealt with through water management will be stormwater runoff from existing roads. Pre-development flows include existing runoff from upstream and the open drains along Mt Shadforth Road which partially discharge through the subject land. The use of rainwater tanks will slightly reduce the water loading after subdivision (compared to grazed pasture). In any case, detailed design drawings will be prepared at the subdivision stage of development.

Fire safety will be enhanced through the use of Hazard separation zones and Strategic Fire Breaks/emergency access. The road network is permeable and allows for emergency vehicle access as well as emergency egress. The ultimate design can give consideration to network emergency breaks to ensure alternative egress for all lots.

7. PRECEDENT AND SPECIAL OUTCOMES

The proposed Amendment will utilise zoning and land use categories that already exist within the Shire of Denmark Planning Scheme. Standard mechanisms, including Special Provisions will be used to guide and control subdivision and development. The rezoning represents a rationalisation and rounding out of the zoning in the area.

This proposal will enable limited controlled growth and expansion of the townsite. The land can be serviced to provide a cluster of rural retreat lots. Proposed lots sizes transition from the existing 3440 m² lot in the east through to 1 and 1.5ha in response to site characteristics.

Although the subject land is identified as a 'release area' in DLPS it is not considered suitable for conventional Residential or Special Residential development. Because of the particular site characteristics lot sizes down to 2000m² are not considered appropriate for this sub-precinct. A range of Rural Living lot sizes are warranted in this case given the shape of the existing lots, the slope of the land, variation in soil type and frontage to Mt Shadforth Rd. The total area of freehold land in the sub-precinct is approximately 9.5ha. With the limited subdivision proposed by this development, the new lots would range from approximately 5000m², with an average lot size across the precinct greater than 1ha. The nominated lot sizes cover a similar range to the adjacent freehold lots; the smallest being 2833m². The proposal has elements of Landscape Protection, Special Rural and Special Residential zones. On balance, the Special Rural is considered the 'best fit', particularly with regard to future land uses appropriate in this Rural Living area.

The existing Rural zoning is not representative of the current land uses and lot sizes. Rezoning the land will rectify this anomaly and will allow for the introduction of development controls to ensure protection of landscape and visual amenity, attain appropriate buffers along the tourist route and to achieve adequate fire hazard separation.

The proposal represents orderly and proper planning and sets a desirable precedent for managing rural living development in the balance of the West Denmark Structure Plan Area.

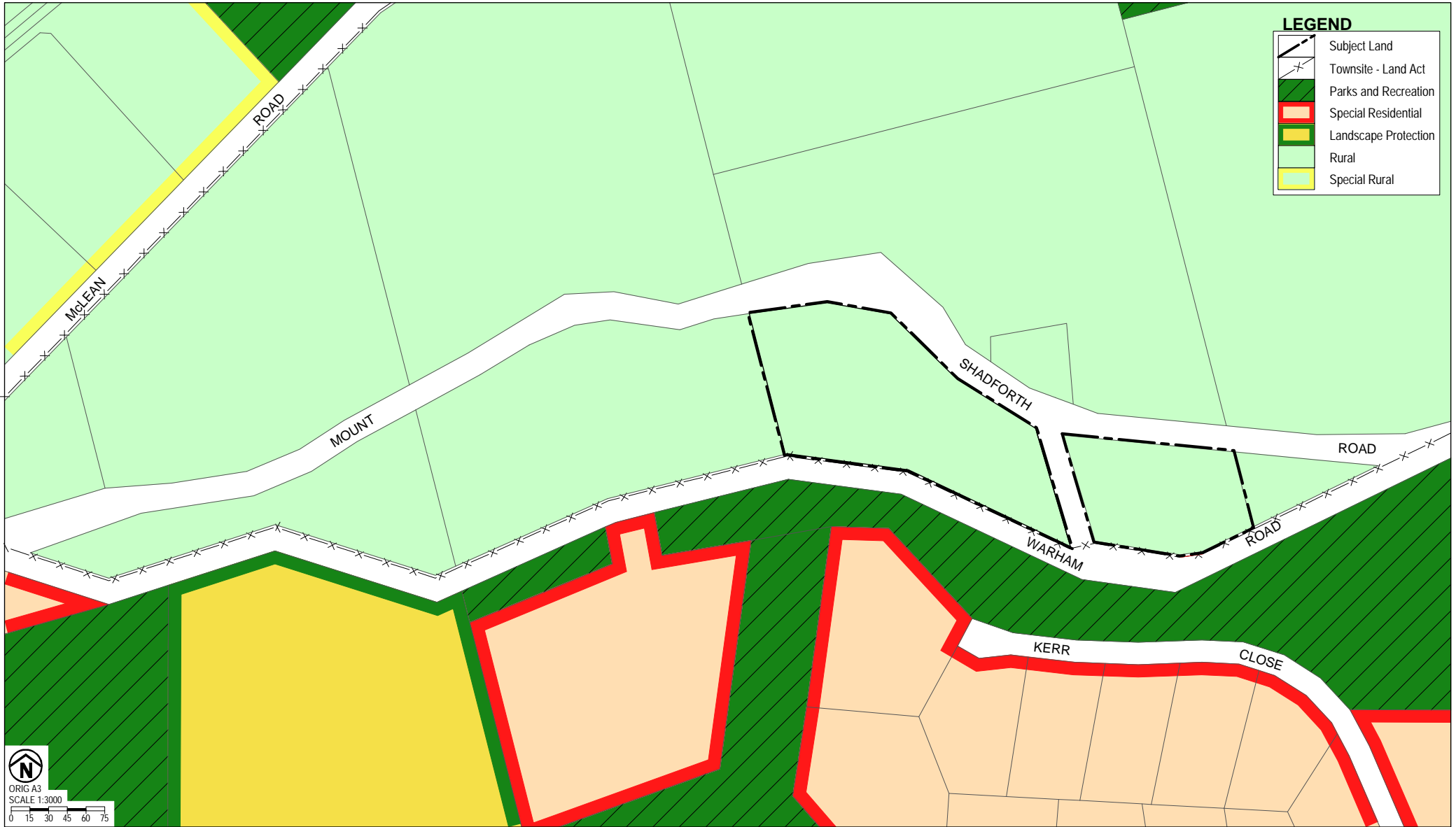
8. CONCLUSION

The proposal is consistent with contemporary planning principles and objectives contained in relevant Local and State Planning Strategies, in particular to:

- Encourage a range of lot sizes in close proximity to Denmark
- Ensure land is capable of supporting development
- Provide a framework to co-ordinate subdivision and development
- Efficient use of infrastructure
- Encourage revegetation and remnant vegetation protection
- Protect significant tourist routes
- Provide adequate fire protection







Attachments

- Zoning Map
- Site Characteristic Plan
- Opportunities and Constraints Plan
- Planning Unit E - extract from DLSP



ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY

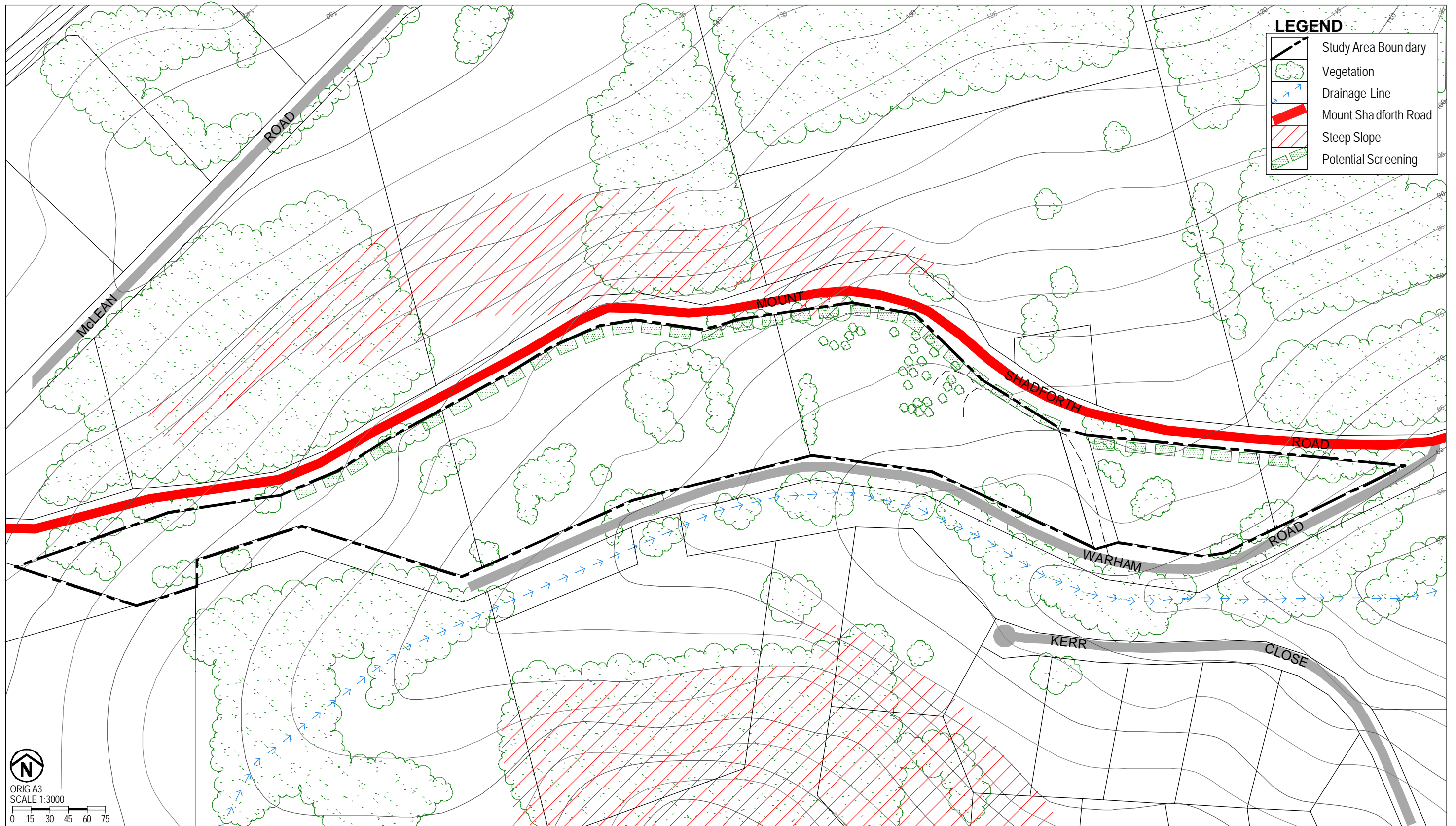
LEGEND

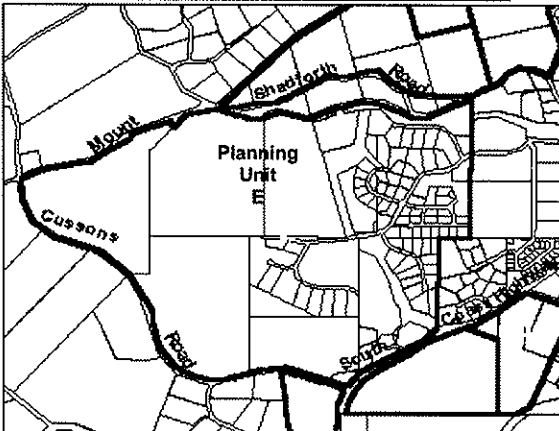
-  Subject Land
-  Existing Vegetation
-  Existing Buildings
-  Existing Waterbody
-  Drainage Line
-  Existing Gateway / Crossover



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SITE CHARACTERISTICS
 Lot 22 Mount Shadforth Road
 Shadforth, Shire of Denmark



Planning Unit E**Natural Features**

- Slopes of 2 to 8% exist along ridgelines with slopes of 15 to 30% evident along creeklines.
- The site slopes to the south and south-east, south-east and north-east and south-east from three low hill tops of 201m, 143m and 128m respectively.
- The site is predominantly cleared; however, significant stands of remnant vegetation exist in the south, centrally and toward the east. These stands are dominated by tall dense Karri and Jarrah forest. Variable understorey conditions exist with some areas having an excellent understorey while others have been degraded by stock.
- Three defined drainage lines exist on site which drain toward the east into Millars Creek, Denmark River and the Wilson Inlet.
- Foreshore vegetation for the two most significant creeks is in a generally good condition. An area of surface granite is evident toward the centre of the site.
- Eastern portions are visible from the Denmark townsite whilst southern and northern portions are visible from South Coast Highway, Cussons Road and Mt Shadforth Road. Roadside vegetation and the remnant vegetation on site reduces site visibility.

Land Use/Surrounding Uses

- Four large landholdings have been rezoned and subdivided.
- Current land use on the Rural zoned land is predominantly grazing with some retreat living.

- Surrounding land use comprises a vineyard to the north, grazing and tourist to the west, special rural to the east and south and residential. A disused timber mill abuts the site on its southern boundary.
- Abuts Units D, F & G.

Land Capability on-site Disposal

- Site comprises the Keystone Kb. unit.
- Overall a medium capability.
- Areas of low and very low capability exist in connection with the creeklines and areas of granite.

Servicing Opportunities/Constraints

- The northern catchment is approximately 1km upstream of the existing sewer and the southern catchment about 500 metres upstream of its main outfall sewer. The four landholdings developed to date are not connected to sewer.
- Sewers are not recommended to be extended to this area because:
 - steep slopes do not suit small lots or sewer construction due to excessive length of sewer per lot, varying depths of construction, greater number of manholes and need for rock excavation.
 - deep trenches would alter the ground water movement of the area and adversely impact on large areas of vegetation.
 - soil types mostly suit on-site effluent disposal.
- The majority of this area (above RL65) could not be supplied by the existing water headworks. A new tank, together with supply main and pump station, was located near lot 340 off Mt Shadforth Road.
- Need for alternative access to minimise access from South Coast Highway and Mt Shadforth Road. Peace Street is now constructed.
- Visual impact of development on prominent slopes and adjacent to South Coast Highway needs to be addressed.
- A comprehensive fire protection plan is required with appropriate emergency access.
- Lot sizes and design should respond to topography, soils and visual impact considerations.

- Provision of reticulated water is required.
- Design should maximise the views and varied character of the site.
- A mix of rural residential, landscape protection and special residential lots is recommended subject to detailed assessment, appropriate soil types, the use of alternative treatment units in some areas.
- Drainage to be managed on site with appropriately located sedimentation basins.
- Creeklines and significant areas of vegetation to be protected.
- Potential yield – 200 unsewered lots.

Planning Unit E Planning Recommendations/Policy

- A structure plan was prepared which provided for special residential/rural residential development and addresses a range of issues including:
 - land capability assessment
 - visual impact
 - screen development and minimise access to South Coast Highway and Mt Shadforth Road
 - retention and protection of remnant vegetation
 - stormwater management
 - foreshore reserves and POS provision
 - fire protection
- Development/rezoning must be in accordance with the structure plan for lots which are yet to be rezoned.
- Development/rezoning of Lot 342 must address impacts and buffers for the vineyard to the north.