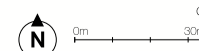




**LEGEND**

- SUBJECT SITE
- FORESHORE RESERVE

## Attachment 9.1.1a





**SHIRE OF DENMARK  
TOWN PLANNING SCHEME NO. 3  
AMENDMENT NO. 146**



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***SHIRE OF DENMARK  
TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 146***

---

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:	146
5.	Proposal:	<ol style="list-style-type: none"><li>1. Rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20/R30.</li><li>2. 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. 146**

**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 Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20/30.
- b) Amending the Scheme Map accordingly.

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

.....  
Chief Executive Officer

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***AMENDMENT REPORT***

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# 1 INTRODUCTION

This Amendment document has been prepared on behalf of the owners of Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark (the Site) to rezone the site from Rural to Residential with a density coding of R20/R30 under the Shire of Denmark's Town Planning Scheme No.3 (TPS3).

This Amendment document has been lodged with the Shire of Denmark (the Shire) concurrently with a Structure Plan over the Site and reflects the Urban Residential identification of the Site under the Shire of Denmark's 2011 Local Planning Strategy (LPS). Rezoning the Site to facilitate residential growth represents a logical sequence of development within this locality of the Denmark townsite, given the proximity of existing services, the adjoining developed residential land to the east of the Site, and the adjoining residential zoned land (for future residential development) to the west of the Site.

This Amendment document provides detailed information and technical analysis in support of rezoning the Site to a residential zoning to enable the urban development of the Site, as identified by the Shire's LPS.

## 2 SITE CONTEXT & BACKGROUND

### 2.1 LEGAL DESCRIPTION

The combined area of the Site comprises a total area of approximately 16.88 hectares (ha), with the individual lots legally described in **Table 1** below.

Table 1: Land Ownership Details.

Lot No.	C/T Details	Plan Number	Primary Interest Holder
1	1228/982	Plan 23279	Turner & Wells Pty Ltd
621	900/58	Plan 230743	DIBMWE Pty Ltd

A copy of the Certificates of Title are appended at **Appendix A**.

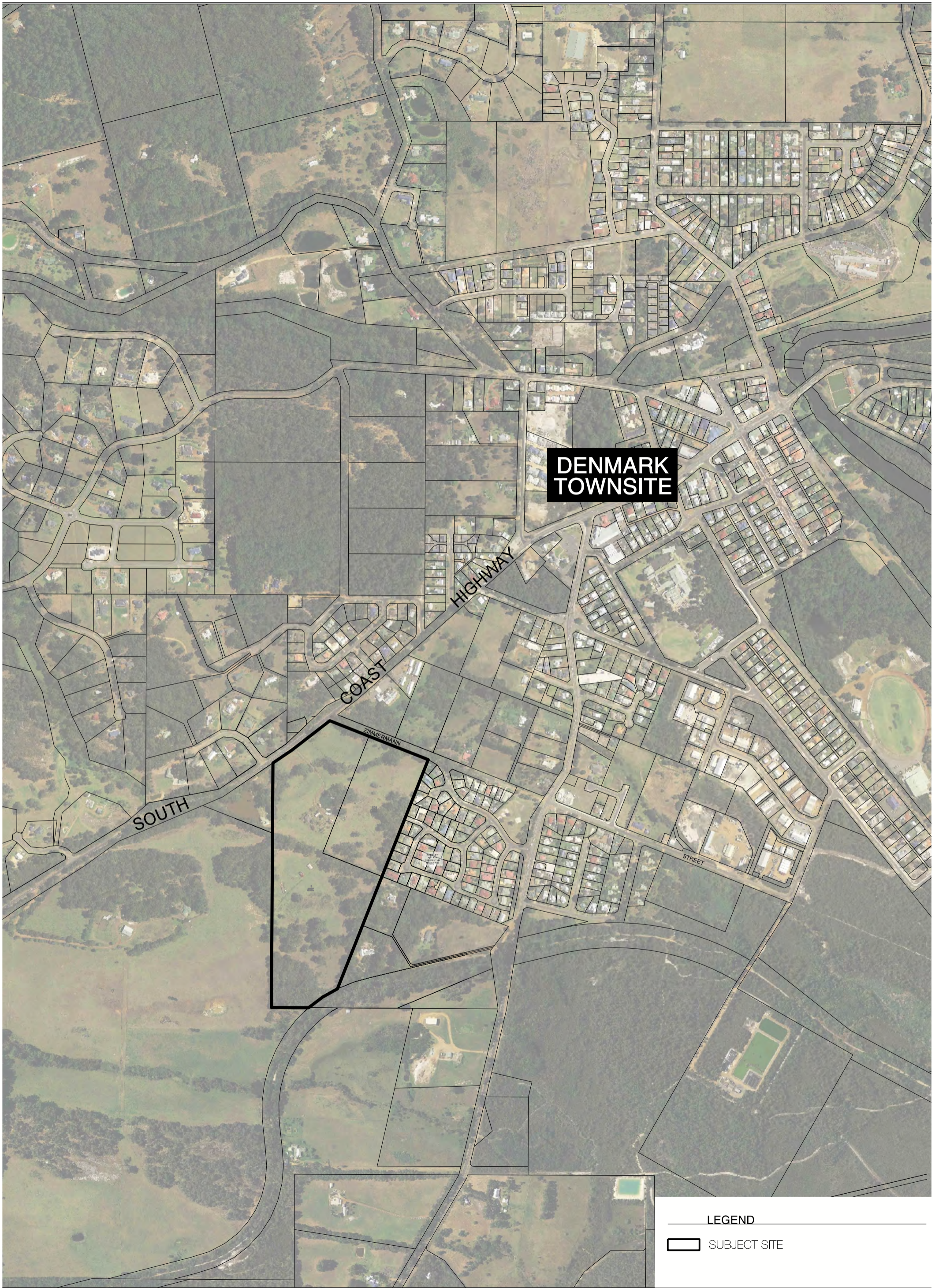
### 2.2 SITE CONTEXT & KEY DEVELOPMENT CONSIDERATIONS

The Site is located within the Denmark townsite approximately 1km west of the Denmark town centre (refer **Figure 1** - Location Plan). It is bounded by South Coast Highway and Harlequin/Zimmerman Street Road Reserve to the north, the residential “Kemsley Estate” subdivision with a density code ranging from R17.5 to R40 and Residential R2 lots to the east, the Denmark to Nornalup rail trail to the south, and Residential zoned (undeveloped) R20 land to the west and a small triangular shaped rural lot, also to the west (refer **Figure 2** - Context Plan).

The Site is predominantly cleared with some areas of parkland cleared vegetation. It has historically been used for animal grazing and poultry farming, with the current land use being low scale animal grazing for fire mitigation purposes.

There are significant stands of mature Karri trees located along or within the creek line in the northern portion of the Site and on the east-west ridgeline towards the centre of the Site. The southern portion of the Site comprises regrowth Marri and Jarrah trees. As illustrated by the Structure Plan for the Site (refer **Figure 3** - Structure Plan, Plan 1), the key environmental features of the Site will be retained within the designated Public Open Space.

Vehicle (and legal) access to the Site is currently from South Coast Highway and Harlequin/Zimmerman Street. The urban development of the Site will require access to South Coast Highway. The Structure Plan, lodged concurrently with this Amendment anticipates an intersection with South Coast Highway (refer **Figure 3**- Structure Plan, Plan 1), subject to Main Roads WA consultation.



LOCATION PLAN  
 621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY  
**FIGURE 1**

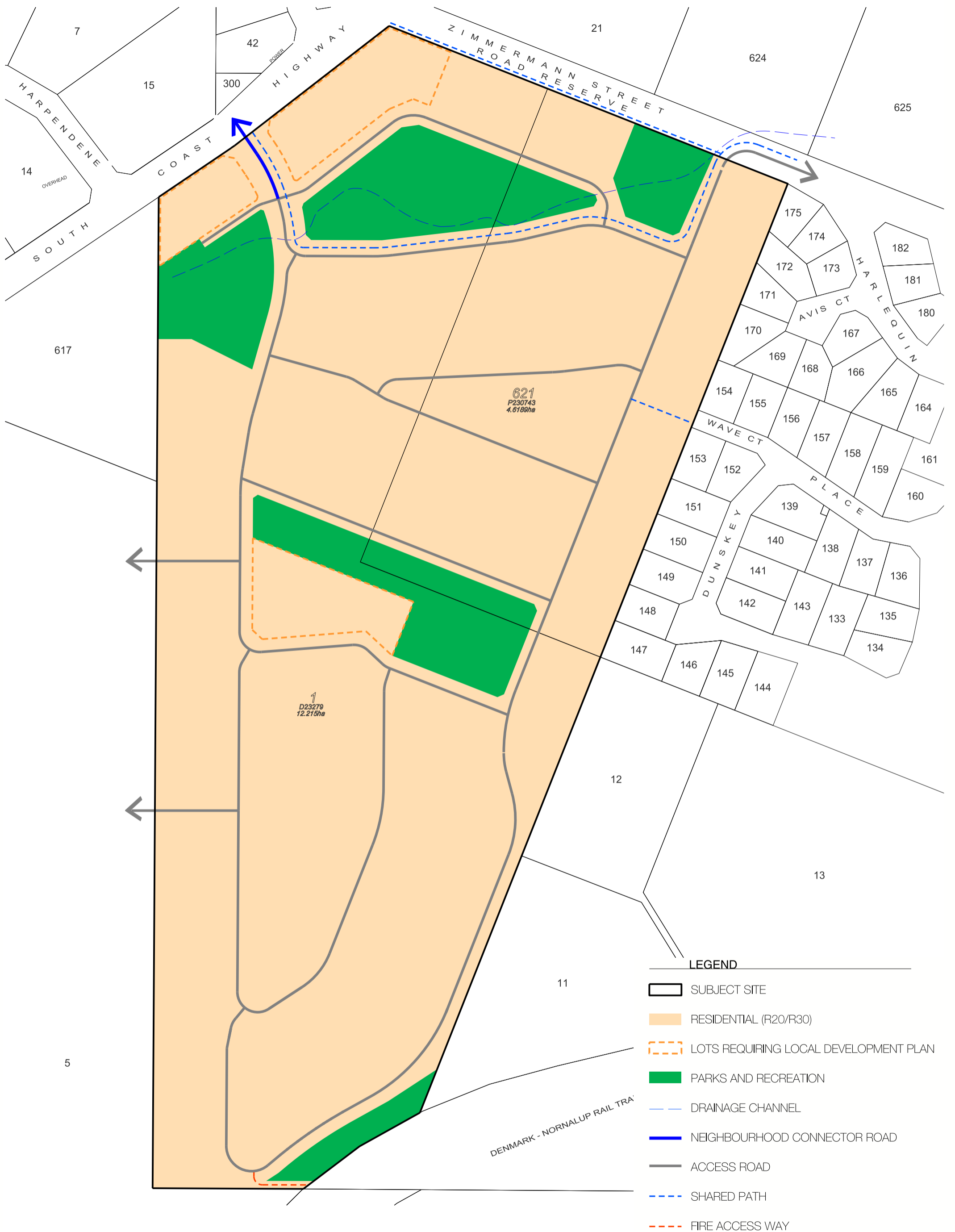


**LEGEND**

- SUBJECT SITE
- FORESHORE RESERVE

621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY, DENMARK  
 CONTEXT PLAN  
**FIGURE 2**





**LEGEND**

- SUBJECT SITE
- RESIDENTIAL (R20/R30)
- LOTS REQUIRING LOCAL DEVELOPMENT PLAN
- PARKS AND RECREATION
- DRAINAGE CHANNEL
- NEIGHBOURHOOD CONNECTOR ROAD
- ACCESS ROAD
- SHARED PATH
- FIRE ACCESS WAY

621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY, DENMARK  
**STRUCTURE PLAN  
 PLAN 1**

**FIGURE 3**

## 3 PLANNING CONTEXT

In support of the Residential zoning of the Site, the following review of State and Local Government Strategies and Policies has been undertaken. This review confirms the suitability and identification of the Site for residential purposes.

### 3.1 STATE GOVERNMENT- PLANNING STRATEGIES

#### 3.1.1 LOWER GREAT SOUTHERN STRATEGY 2016

The Lower Great Southern Strategy (LGSS) guides regional land use and infrastructure planning and development, with a focus on matters of regional significance. The LGSS addresses land use, transport and infrastructure planning on both a local and regional level. It provides direction to local governments when preparing more detailed local planning strategies and local planning schemes.

The LGSS identifies the Denmark townsite (which comprises the Site) as a Sub-Regional Centre.

The purpose of a Sub-Regional Centre is to provide services and facilities that reflect the needs of a local community. Services provided within the Denmark townsite, as identified within the LGSS, include a high school, district hospital, commercial centre and multiple retail outlets, supermarkets, specialty and convenience stores and community and entertainment facilities.

Based on the Site's close proximity to the Denmark townsite, future residents will have easy access to, and be able to take advantage of, the facilities provided within the Denmark Sub-Regional Centre.

### 3.2 STATE GOVERNMENT- STRATEGIC POLICY

#### 3.2.1 STATE PLANNING POLICY NO. 2.5 – RURAL PLANNING (SPP 2.5)

The key objectives of SPP 2.5 include the protection of agricultural resources, the planning and provision for rural settlement, the minimisation of potential land use conflict via management controls such as setbacks, the identification of priority agricultural land and the careful management of natural resources.

SPP 2.5 is guided by several principles including a fundamental principle of protecting agricultural land resources wherever possible by:

- Discouraging land uses unrelated to agriculture from locating on agricultural land;
- Minimising the ad hoc fragmentation of rural land; and
- Improving resource and investment security for agricultural and allied industry production.

Of relevance to this Amendment, SPP 2.5 recommends that land use changes from rural to any other use is to be planned and provided for in a planning strategy document or a Town Planning Scheme. Additionally, SPP 2.5 seeks to avoid land use conflict and ensure environmental values of existing rural zoned lots are maintained and preserved.

This Amendment for the Site addresses SPP 2.5, given the following:

- It meets the principles of SPP 2.5.
- It is in accordance with the Shire's identification of the Site in the LPS for urban development.
- There will not be any agricultural land use conflict as a result of future subdivision of the Site.

---

### 3.2.2 STATE PLANNING POLICY NO. 3.0 – URBAN GROWTH SETTLEMENT (SPP 3.0)

SPP 3.0 sets out the principles and considerations that apply to planning for urban growth and settlements in Western Australia, with the key objectives relating to this proposal being:

- To promote a sustainable and well-planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To 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.

The development of the Site will provide for a variety of housing types and associated open space. As the Site is in close proximity to the Denmark townsite (and is identified in the LGSS as part of the Denmark townsite), which has a diverse range of community facilities and services, the development will complement and strengthen these facilities and services including through increased patronage.

It is noted SPP 3.0 seeks to preserve Rural zoned land where this has a landscape or productive purpose. Given the Site is not identified as having a landscape or productive purpose, the Amendment is consistent with the intentions of SPP 3.0.

---

### 3.2.3 STATE PLANNING POLICY NO. 3.7 – PLANNING IN BUSHFIRE PRONE AREAS (SPP 3.7)

In December 2015, the Department of Planning released the SPP 3.7 Planning in Bushfire Prone Areas (2015), to assist in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning decisions in bushfire-prone areas. Specifically, SPP 3.7:

- Elevates bushfire considerations to be addressed by the highest level of planning policy available, giving clear status and effect in the land use planning policy framework;
- Emphasises the need to consider bushfire management measures in strategic level policy documents, including regional and local planning schemes, sub-regional and local planning strategies and structure plans, as well as during statutory planning processes for subdivision and development applications; and
- Seeks to achieve the consistent implementation of bushfire management measures across the community.

Planning for Bush Fire Risk Management Guidelines have also been prepared and are designed to supplement the objectives and policy measures established in SPP 3.7, to assist in their interpretation and to provide advice and information on how bushfire risk is to be addressed when designing or assessing a proposal within a bushfire-prone area.

A Bushfire Management Plan (BMP) for the Site is provided at **Appendix B** and demonstrates compliance with SPP 3.7.

---

#### 3.2.4 STATE PLANNING POLICY 5.4 – ROAD AND RAIL NOISE (SPP 5.4)

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

In accordance with the Noise Management Plan (refer **Appendix D**), with the application of the appropriate noise mitigation measures for select lots, the site can be developed in compliance with SPP 5.4.

---

#### 3.2.5 DEVELOPMENT CONTROL POLICY 2.2 – RESIDENTIAL SUBDIVISION (DC 2.2)

DC 2.2 addresses requirements for the subdivision of land into residential lots. The policy facilitates the supply of residential lots of a wide range of sizes and shapes, which reflect the statutory provisions of local planning schemes, the availability of reticulated sewer and the need for frontage to public roads. In this regard it is noted the Site is provided with both reticulated sewer and frontage to a public road.

The Structure Plan demonstrates an appropriate Site layout and development pattern, which will in time be used to guide the future subdivision of the Site.

---

#### 3.2.6 DEVELOPMENT CONTROL POLICY 5.2 – REGIONAL ROAD VEHICLE ACCESS (DC 5.2)

DC 5.2 is applicable to the development of the Site as it relates to vehicle access for development abutting major regional roads (i.e. South Coast Highway, which is a primary road).

As identified in the Traffic Assessment Report appended at **Appendix C**, access and egress to the development from South Coast Highway will be via a single intersection; noting the existing unconstructed Harlequin/Zimmerman Street Road Reserve (referred to in section 2.2) is not a suitable intersection given the sight line requirements.

The Traffic Assessment Report confirms the forecast traffic generated by the Site's development can safely utilise the proposed intersection with South Coast Highway.

---

#### 3.2.7 GOVERNMENT SEWERAGE POLICY

This policy establishes the Western Australian Government's position on the provision of reticulated sewerage in Western Australia for the rezoning, structure planning, subdivision and development of land. Relevant to this Amendment, the following policy objectives are identified:

- To require connection of new subdivision and development to reticulated sewerage.
- To protect the environment and the State's water and land resources.
- To promote the efficient use of infrastructure and land.
- To minimise costs to the broader community by ensuring an appropriate level and form of sewerage servicing is provided.



Part 5.1 of the policy requires planning proposals (i.e., this Amendment) to connect to or provide for reticulated sewerage where a proposed subdivision can be reasonably connected to reticulated sewerage.

The Site is in close proximity to the Water Corporation's existing sewerage infrastructure and as part of the development of the Site, connection will be made to this existing infrastructure.

### 3.3 LOCAL GOVERNMENT- ZONING AND RESERVES

#### 3.3.1 TOWN PLANNING SCHEME NO. 3 (TPS3)

The Site is currently zoned Rural under the Shire's TPS3 - refer **Figure 4** zoning plan. It is acknowledged the purpose and intent of the Rural zone under TPS3 is to provide for a range of normal rural activities and to protect the land from inappropriate uses.

This Amendment to rezone the Site from Rural to Residential (and a small portion Commercial) has been lodged concurrently with a supporting Structure Plan for assessment. This Amendment has been prepared based on a Residential zoning to be applied over the Site- with a small portion Commercial. The intent of the Residential zoning per TPS3 is as follows:

- To designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner, which could prejudice its possible future use for planned development.
- To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services.
- To ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan.

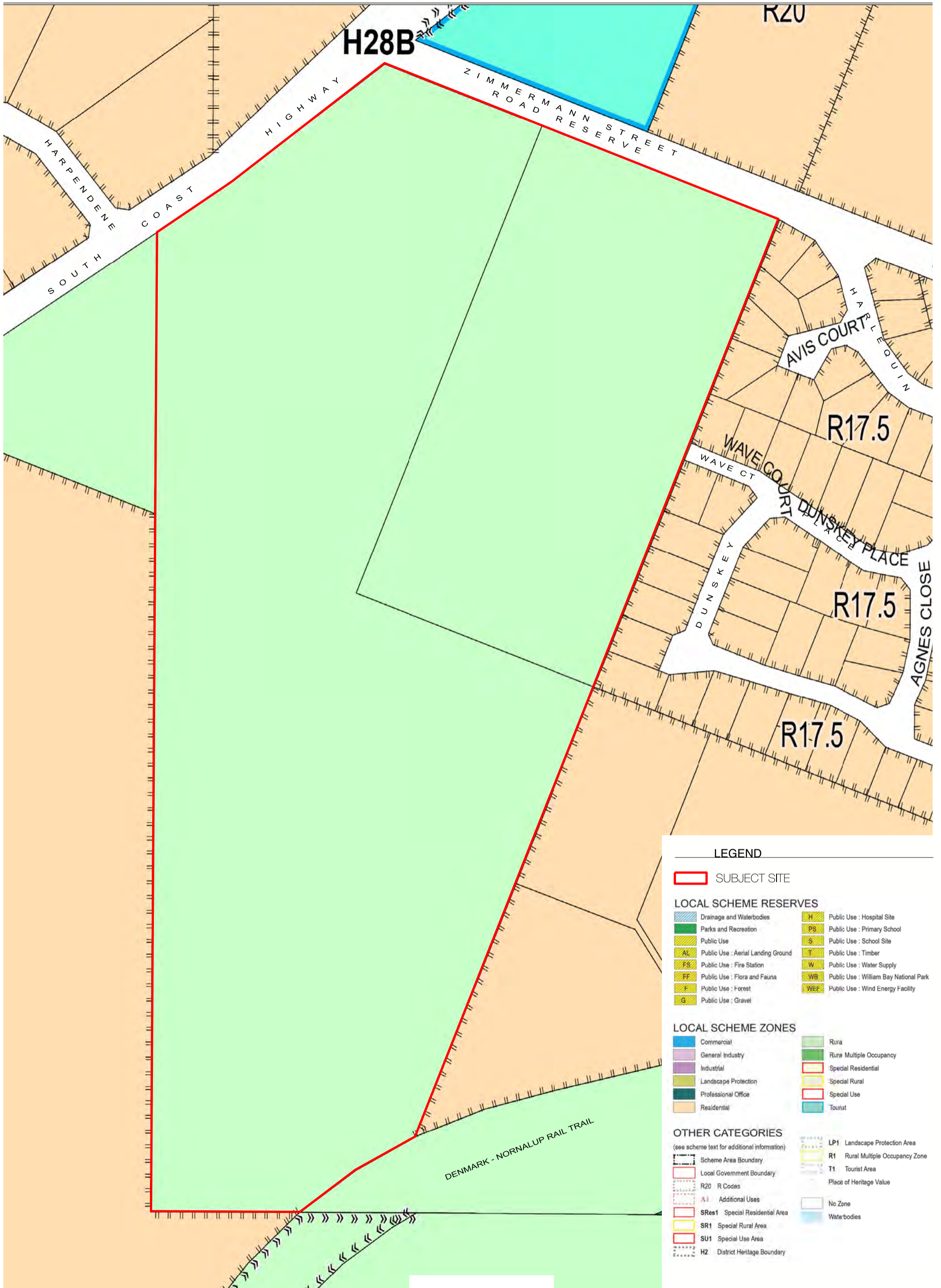
### 3.4 LOCAL GOVERNMENT- PLANNING STRATEGIES

#### 3.4.1 LOCAL PLANNING STRATEGY (LPS)

The Shire's 2011 LPS provides the vision to guide the future growth of the Shire for the next 20 years. The LPS objectives for residential expansion within the Denmark townsite is to provide for residential lots for the housing needs and population growth in or near the Denmark townsite, which according to Table 6 within the LPS is forecast to be an additional 1,620 lots by 2031.

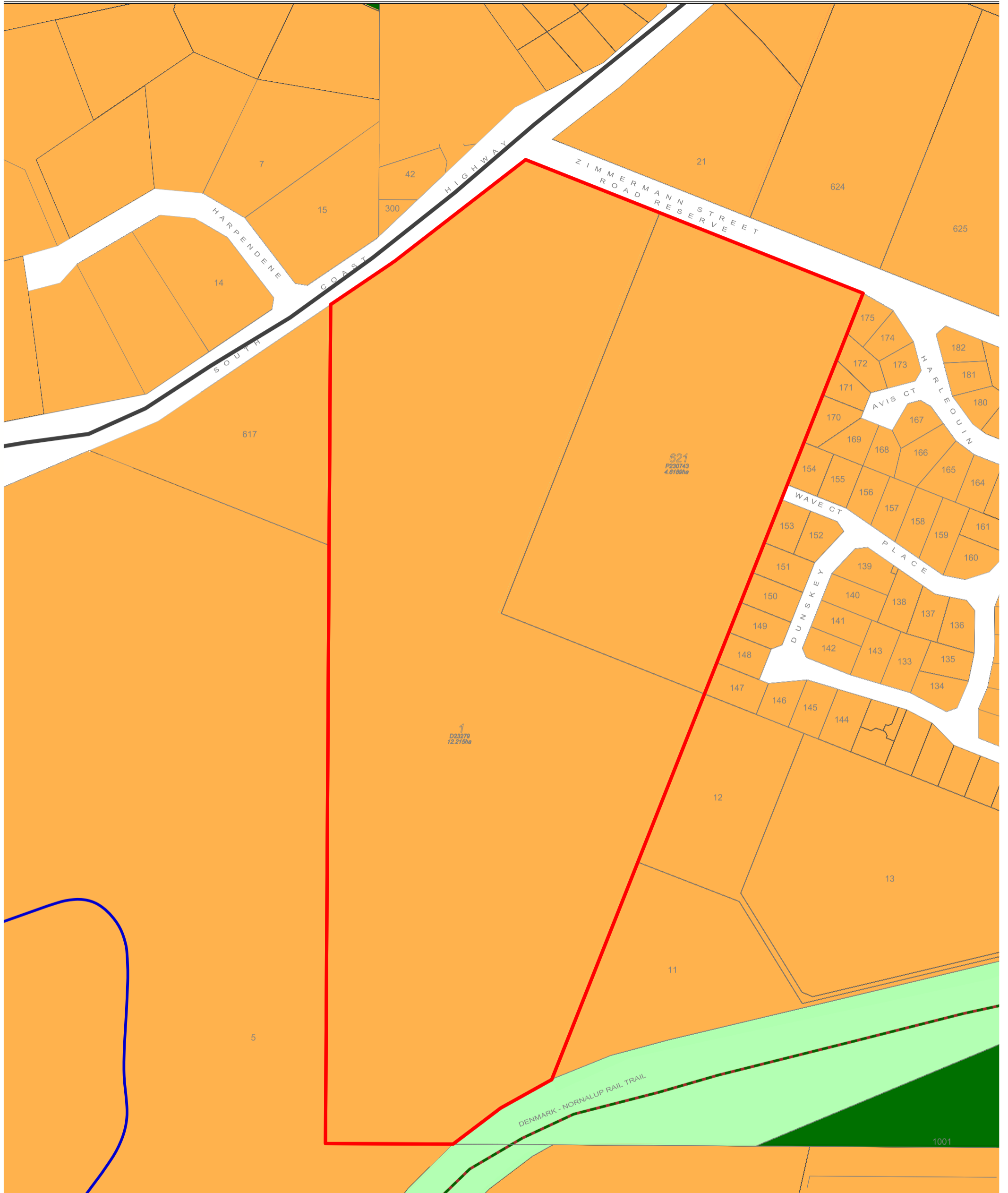
The LPS recognises the 1998 Settlement Strategy for Denmark (Settlement Strategy) as being relevant to the townsite's future residential growth. The Settlement Strategy divided the areas identified for Urban Development into Planning Units identified A through to H. Within the Settlement Strategy, the Site is wholly within and comprises the majority of Planning Unit E, which identified the development potential of 140 sewered and un-sewered lots.

Consistent with the Settlement Strategy's identification of the Site for Urban Development, the LPS identifies the Site as Urban Residential- refer **Figure 5** - LPS Site Identification. The Urban Residential identification is defined in the LPS as:



ZONING PLAN  
621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY  
**FIGURE 4**





LAND USE DESIGNATIONS

LEGEND	COMMERCIAL	EDUCATION PRECINCT	SHARED PATH	PARKS AND RECREATION
	URBAN RESIDENTIAL	WATERWAYS	HERITAGE RAIL TRAIL	PUBLIC USE
	SPECIAL RESIDENTIAL	INDUSTRIAL	BIBBULMUN TRACK	TOURIST
	RURAL RESIDENTIAL	SERVICE PARK	PROPOSED MUNDA BIDI TRAIL	SUBJECT SITE
	RURAL SMALLHOLDINGS	REGIONAL ROAD	AIRPORT BUFFER	
	PRIORITY AGRICULTURE	NEIGHBOURHOOD CONNECTOR ROAD	WWTP, WTS AND FUTURE INDUSTRIAL BUFFER AREA	
	GENERAL AGRICULTURE	INDICATIVE NEIGHBOURHOOD CONNECTOR ROAD		
	MIXED BUSINESS			

LOCAL PLANNING STRATEGY IDENTIFICATION  
 621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY  
**FIGURE 5**



*“.....strategic extensions to existing residential areas on suitable land. They provide logical extensions to the existing development front of Denmark townsite”.*

Clause 7.1 Item 1 of the LPS further notes that the Council will support rezoning submissions which reflect the areas identified for Urban Residential and the timing for development of this identified land will be when it is re-zoned and a new corresponding Structure Plan is approved and adopted.

The LPS supports this Amendment for Residential zoning of the Site, as the zoning sought is entirely consistent with the LPS and the Settlement Strategy and the rezoning will provide for urban development.

### 3.5 LOCAL GOVERNMENT- PLANNING POLICY

#### 3.5.1 TOWN PLANNING SCHEME POLICY 28- SETTLEMENT STRATEGY FOR DENMARK (TPS 28)

The Shire’s TPS 28, as mentioned above, seeks to establish Council’s position for the provision of residential land to cater for urban growth to the year 2020. TPS 28 applies to the Denmark townsite with relevance to the Site being the Strategy Objectives outlined in TPS 28, which are as follows:

- *Contain urban sprawl and retain public open spaces and natural bushland near the town centre.*
- *Protect the environment and particularly waterways and water bodies.*
- *Consolidate existing residential areas to enable better facilities and services to be provided close to where people live.*
- *Optimise the utilisation of existing infrastructure investment.*

This Amendment for the Site accords with the Strategy Objectives given the following:

- It will contain urban sprawl as it is surrounded by developed residential land and Residential zoned land for future urban development.
- Allowance has been made on the Site for the provision of public open space and the retention of natural bushland.
- The northern portion of the Site has an intermittent creek/waterway. The development process makes allowance for the protection of this, as the waterway falls within designated public open space.
- Development of the Site will consolidate the surrounding urban development and utilise the existing infrastructure

Furthermore, as previously stated, the Site falls entirely within Planning Unit E of the Settlement Strategy – refer **Figure 6**. Key items of relevance to Planning Unit E in support of this Amendment and the corresponding Structure Plan are as follows:

- Acknowledgement that the majority of the Site descends/gravitates towards Kemsley Estate and can be connected to the existing reticulated sewerage.
- The Site can be serviced by reticulated water from the existing supply to Kemsley Estate.
- The Site is recognised as being a logical expansion to the Denmark townsite.

- The availability of existing services and their ability to support urban development of the Site.



**FIGURE 6 SETTLEMENT STRATEGY FOR DENMARK- SITE IDENTIFICATION**

### 3.5.2 TOWN PLANNING SCHEME POLICY 39- PUBLIC OPEN SPACE (TPS 39)

The Shire’s TPS 39 provides criteria for Council’s assessment of the quality, size, type and distribution of Public Open Space (POS). This Amendment and the corresponding and supporting Structure Plan accords with TPS 39, based on the following:

- As identified by the Structure Plan (refer Figure 3), there are two large areas of POS proposed, being a northern and a central location and two minor areas. The two large areas are classified as a Neighbourhood Park and are within 400m of the proposed residential lots. The two smaller areas have been located to accommodate drainage for the Site (the southern smaller location) and key remnant vegetation (the northern smaller location).
- Within the large northern area of POS, a foreshore reserve and riparian zone will be provided in acknowledgement of the creek line flowing west to east. The foreshore reserve is based on a hydrological flood study (refer **Appendix E**). The northern area of POS will also accommodate drainage requirements in accordance with the LWMS for the Site.
- The POS location reflects key features, being the creek in the northern portion and an east-west ridgeline of significant remnant vegetation across the centre of the Site.
- The POS and surrounding lots have been designed to maximise passive surveillance. In some instances where lots side onto POS, appropriate overlooking and passive surveillance will be achieved through the Structure Plan’s requirement for a Local Development Plan. This will ensure, for those lots, the house design provides habitable rooms orientated towards the POS.
- Detailed POS design will be undertaken at the time of development. However, at this stage it is envisaged the POS areas will be for passive recreation, given there are sufficient areas of active recreation in close proximity to the Site.

- The POS, particularly the northern section, will meet urban water principles as confirmed in the Local Water Management Strategy (LWMS- refer **Appendix F**).

---

### 3.5.3 TOWN PLANNING SCHEME POLICY 42 - PUBLIC ART (TPS 42)

The Shire's TPS 42 requires the integration of public art for a development with a construction cost exceeding \$500,000, with the value of the art being 0.5% of the cost of construction.

As the construction cost will exceed this nominated amount, at the time of development, a public art installation to the value of 0.5% of the value of construction will be proposed and provided. Prior to commissioning any works, the developer will submit the public art proposal to Council for their comment.

## 4 ENVIRONMENTAL ASSESSMENT

The environmental consultants PGV Environmental and hydrologist Coterra Environment and Hyd20 have undertaken an environmental and hydrological assessment of the Site respectively (refer **Appendix G** - Environmental Assessment, **Appendix F** – LWMS and **Appendix E** - Hydrological Flood Study). The reports establish the following with respect to existing flora and fauna, the landform and soils and the groundwater and surface water.

### 4.1 FLORA

While the majority of the Site has been historically cleared for agricultural purposes, there remains some stands of remnant significant vegetation on the Site as follows:

- A Marri and Jarrah woodland and associated low shrub land is located at the southern end of the Site, which slopes towards the southern boundary. The trees are mostly young and the understory is predominantly less than 1m high. This woodland is not fenced and is currently grazed.
- A Marri and Karri woodland is located on the upper slope on the southern portion of the Site. The majority of trees comprise Marri (up to 8m) and some young Karri (7m high). The understory comprises Bracken.
- Karri and Marri are located on the central ridgeline of the Site and comprise the most significant vegetation feature (hence the design of the POS, to retain this). The Karri is up to 12m high and the Marri less common. The understorey, which is mostly degraded, comprises Bracken.
- Taxandria Tall open scrub and Sedgeland is located on the western half of the creek line. The Taxandria is up to 4m high and dense.
- The central and eastern portions of the creek line contain stands of Karri, up to 14m high, and Bracken (hence the design of the POS, to retain this). Also, within this, there are Melaleuca trees up to 8m high.

The vegetation in portions of the southern section of the Site is rated as being in excellent to good condition. The balance of the southern section is degraded to completely degraded and the understorey comprises a high weed species component and scarcity of native species.

The vegetation within the creek line is rated as good, with two species of declared pests.

The findings from the Environmental Assessment confirm there are no threatened or priority flora species on the Site and the vegetation is not representative of a Threatened or Priority Ecological Community.

In undertaking the subdivision design, where possible significant vegetation will be retained in Public Open Space, Road reserves and the creek line.

### 4.2 FAUNA

Based on the remnant vegetation within the woodland and creek line habitats, there is the possibility the Karri and Marri trees may provide a foraging and potential breeding habitat for three Black Cockatoo species. Within the southern portion of the Site there is the possibility of other ground dwelling fauna species existing.

The creek-line may provide habitat for two threatened species of fish; however, it is noted the chances of this are very low.

The findings from the Environmental Assessment confirm that as the creek line and many tall trees are to be located in the designated POS, the development will have a minimal disturbance on fauna.

### 4.3 LANDFORM AND SOILS

In establishing the landform and soils, as part of the Environmental Assessment, PGV Environmental has confirmed the following:

- The Site is undulating with a high central point at around 60m AHD, which slopes to the northern and southern boundaries, with an elevation of 32m AHD at the north and 42m AHD at the south.
- The soils are Keystone Brown Duplex Phase, which are normally associated with Marri and Karri Forest. A small portion of the north-eastern corner is identified as Owingup Subsystem, which is normally associated with swamps.

### 4.4 GROUNDWATER AND SURFACE WATER

As mentioned, a west- east creek line traverses the northern portion of the Site. The creek line is dammed immediately upstream on the adjoining property (i.e., to the west), which in turn dictates the flow. Immediately surrounding the creek line, the portion of the Site is relatively poorly drained.

The balance of the site does not comprise any groundwater or surface water.

In accordance with the Hydrological Flood Study and the LWMS, the proposed development will accommodate the creek line with the appropriate setback distances provided. Furthermore, in accordance with the drainage modelling undertaken (i.e., the drainage catchment plan), it has been demonstrated where the drainage for the northern portion of the site can be accommodated within the land surrounding the creek line.



## 5 BUSHFIRE MANAGEMENT

A Bushfire Management Plan (BMP) has been prepared by Biodiverse Solutions for the Site to support the corresponding Structure Plan- refer **Appendix B**. The aim of the BMP, which directly apply to this Amendment, is to:

- *Identify the fire threats to the proposed Urban Development using vegetation types and tables from AS:3959 and outline the bushfire mitigation works and practices required to reduce the risk of bushfire impacting values, i.e. to life, property, infrastructure and the environment.*
- *Sufficiently meet the requirements of the subdivision approval process and to gain local government approval.*

The responsibilities for the implementation and maintenance of this BMP rest with the owners of the proposed lots (refer to Section 7 – Implementation of the Bushfire Management Plan). The Shire’s Bushfire Control Officers or Shire Rangers could be expected to monitor the BMP to ensure that the work programmes and maintenance are carried out.

### 5.1 HAZARD ASSESSMENT

The Hazard Level Assessment as determined from Appendix 2 of the *Planning for Bushfire Risk Management Guidelines* and using AS 3959 – 2009 vegetation types for the adjacent area to the west is “moderate”, with some areas of “extreme”. The public land immediately to the north east, comprising the Harlequin/Zimmerman Street Road Reserve would also be “moderate”, with some areas of “extreme”.

It is noted, at this stage, a BAL rating has not been applied to the development. A BAL rating for the development will need to be assessed and detailed at subdivision stage by a suitably qualified consultant and subsequently applied at the time final plans are prepared and submitted to the Shire with the application for development and building approval.

### 5.2 ASSET PROTECTION ZONE

The requirements for Asset Protection Zones (APZ’s) are addressed in Section 6.2 of the BMP. This lists the required separation distance from a select vegetation plot to achieve a BAL of 29 or less.

### 5.3 STRATEGIC FIRE ACCESS

The proposed lots will be accessed from South Coast Highway to the north and Ocean Beach Road to the east, (via Harlequin Street). All roads will be sealed, in good condition and meet the requirements of Table 1 (PBRM Guidelines, Appendix 3, Element 3). In addition to this, a Strategic Fire Access will also be provided to the Denmark to Nornalup Rail Trail.

Access to the proposed new lots is provided by sealed bitumen roads as detailed above and will be constructed to meet the relevant technical requirements.

## 5.4 FIREFIGHTING WATER SUPPLY

Scheme water will be connected to all lots to be developed on the Site. Fire hydrants will be installed at approximately 200 metre intervals along the internal road network and will be marked in accordance with the requirements of the Department of Fire and Emergency Services and the Water Corporation's *No.63 Water Reticulation Standard*.

## 5.5 IMPLEMENTATION

As detailed within the BMP it is recommended the implementation of the following considerations be undertaken as follows:

- Roads and Emergency Access ways to be maintained by the Shire as required.
- Owners to annually comply with Shire fire notices. Shire Rangers could be expected to do inspections for compliance prior to each fire season.
- The BMP should be reviewed by the Shire every 3 years to ensure it is still current and relevant.

## 6 PROPOSED DEVELOPMENT

The Structure Plan (refer **Figure 3**) identifies the development potential of the Site under the Residential zoning. The specific detail relating to the Structure Plan mechanism is addressed within the Structure Plan report, lodged concurrently with this Amendment (i.e., density coding range, local development plans etc.). The detailed design and setting of residential density of the Site will be addressed at the time of subdivision application.

The Residential zoning of the Site makes allowance for two general land uses, Residential and Public Open Space. For each of these the following is noted.

### 6.1 RESIDENTIAL

#### 6.1.1 LOT PROVISION

Under the Residential zoning, the residential density R-Code of R20 and R30 applies.

The Structure Plan design and R20/R30 density code provides the proponent at the time of subdivision the flexibility to meet the requirements of bush fire management, efficiency in land development, the provision of areas of amenity, and the retention of remnant vegetation and site attributes (e.g., the creek line).

Based on known site opportunities and constraints and general town planning parameters, it is forecast the Site has the potential to deliver up to 160 residential lots. As reflected in the Structure Plan report, based on the LPS's average household size of 2.5 persons per occupied dwelling, this makes provision for the population of 400 people.

#### 6.1.2 ROAD DESIGN

The Structure Plan design provides a legible road pattern reflective of the Site's topography, remanent vegetation and creek line. The street orientation and placement is robust enough to accommodate the density code being sought in this Amendment. While the road layout enables direct frontage to the majority of the future lots, in some unique instances allowance has been made for the lots to directly address POS. This has been necessitated to provide a design outcome that complements the creek line and remnant vegetation. To ensure passive surveillance onto the POS from any future dwellings, as per the Structure Plan requirements a Local Development Plan will be required to be submitted at the time of development application demonstrating this.

The road hierarchy is clearly divided into two, being a 6.0m wide access street and 5.5m wide access street comprised within Road Reserves, which range in size from 13m to 25m. The access streets, in addition to providing street address for future residential lots, facilitates connection to the adjoining future residential zoned land to the west and to the Harlequin/ Zimmerman Street Road Reserve, which links through to Ocean Beach Road. The smaller width access streets provide street address and connectivity throughout the balance of the Site.

### 6.2 PUBLIC OPEN SPACE

As identified by **Figure 3** the Site's POS has been strategically positioned to provide the high amenity settings envisaged for the subdivision through the provision of green linkages.

The POS is separated into three categories:

- Recreation – public open space that is to be developed and will provide opportunities for passive recreation;
- Nature – public open space incorporating vegetation that is to be preserved to maintain natural attributes, including the creek line and remnant vegetation; and
- Drainage- public open space to be developed to provide amenity through suitable landscaping and also provide the purpose of drainage through a swale.

The location of POS has had regard to these issues and opportunities and is summarised as follows:

#### Creek Line POS

This considers the riparian vegetation, the established floodplain and a suitable amount of land to the north and south, to provide a natural environment. It also provides an east-west ecological linkage, and a mix of nature recreation purposes. This POS will accommodate two drainage swales, which will be designed to seamlessly integrate with the overall POS design.

There is the potential for the side boundary of up to 2 lots to abut the boundary of the creek line POS. In accordance with Part 1, Section 5.0 of the corresponding Structure Plan, any future Urban Development will adhere to a suitable Local Development Plan, which amongst a range of items, will ensure passive surveillance over the POS. This can be done by mandating habitable rooms overlook the POS and for the developer to construct open weave style fencing to a height of 1.2m on the boundary with the POS.

#### Central Linear POS

This is located towards the high point of the Site, roughly following an east-west ridgeline. It has been designed to serve as a central point of reference within the subdivision, retain the linear alignment of remnant natural vegetation (i.e., mature Karri trees) and provide an area for passive recreation.

The location of this POS provides the ability for the direct interaction with an adjoining lot that holds a small historical dairy building that may be suitable for restoration. As per the Creek Line POS, passive surveillance and interaction with the POS can be ensured through the requirement for the implementation of a Local Development Plan.

#### Southern POS

The southern POS has been strategically located to provide for the function of drainage. It will be designed as a swale, which can serve the purpose for passive recreation.

There are three localities within the development where POS will directly abut future lots as follows:

The total amount of POS provided achieves the 10% POS requirement of the WAPC and the Shire. The POS areas will be confirmed at time of subdivision when a detailed Plan of Subdivision is prepared. It is understood detailed POS landscaping plans will be required as a condition of subdivision approval to the satisfaction of the Shire.

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### 6.2.1 PUBLIC OPEN SPACE SCHEDULE

A public open space schedule is provided consistent with Liveable Neighbourhoods (draft 2015).

This Structure Plan proposes a low density Residential Development, and a corresponding population yield of up to approximately 400 people. As demonstrated in **Table 2 - POS Schedule**, 2.202 ha (14%) of POS is proposed within the Structure Plan area. Given the broad nature of the Structure Plan, the POS locations in **Figure 3** are indicative and the final position and dimensions of POS will be subject to review.

Table 2: Public Open Space Schedule.

PUBLIC OPEN SPACE SCHEDULE		
<b>TOTAL SITE AREA (HA)</b>		<b>16.88</b>
<b>DEDUCTIONS</b>		
<b>ENVIRONMENTAL (CREEK LINE FLOOD PLAIN)</b>	<b>0.83</b>	
<b>INFRASTRUCTURE</b>	<b>0.00</b>	
<b>NON RESIDENTIAL LAND USES</b>	<b>0.00</b>	
<b>OTHER</b>	<b>0.00</b>	
<b>TOTAL DEDUCTIONS</b>		<b>0.83</b>
<b>GROSS SUBDIVISIBLE AREA (TOTAL SITE AREA MINUS DEDUCTIONS)</b>		<b>16.05</b>
<b>REQUIRED PUBLIC OPEN SPACE (10%)</b>		<b>1.605</b>
<b>BREAKDOWN OF POS PROVIDED</b>		
<b>RESTRICTED PUBLIC OPEN SPACE</b>		
<b>CREEK LINE FLOOD PLAIN</b>	<b>0.83</b>	
<b>CREEK LINE DRAINAGE BASINS (ASSUMING A 50% POS CREDIT TO BE PROVIDED)</b>	<b>0.08</b>	
<b>TOTAL RESTRICTED POS</b>	<b>0.91</b>	
<b>TOTAL RESTRICTED POS CREDITED TO A MAXIMUM OF 20%</b>		<b>0.182</b>
<b>SURPLUS RESTRICTED POS NOT CREDITED</b>	<b>0.24</b>	
<b>UNRESTRICTED PUBLIC OPEN SPACE: BY FUNCTION</b>		
<b>SPORT</b>	<b>0.00</b>	
<b>RECREATION</b>	<b>0.68</b>	
<b>NATURE</b>	<b>1.34</b>	
<b>TOTAL UNRESTRICTED POS</b>	<b>2.02</b>	
<b>TOTAL UNRESTRICTED POS</b>		<b>2.202</b>
<b>TOTAL</b>		
<b>POS PROVISION AS PERCENTAGE OF GROSS SUBDIVISIBLE AREA</b>		<b>14%</b>

This schedule is to be read in conjunction with the **Figure 3 - Structure Plan**.

### 6.3 WATER MANAGEMENT AND DRAINAGE

Based on studies undertaken for the Site relating to the hydrological and environmental nature, from an urban water management perspective, the majority of the site is not considered hydrologically constrained.

The west-east creek line within the northern portion of the site has required design consideration with respect to setbacks, drainage and ensuring flows are maintained along the creek line without causing flooding downstream.

Whilst the detail relating to the site is addressed in the LWMS (refer – **Appendix F**), key items for consideration as follows:

- As per the Drainage Catchment Plan (refer **Appendix H- Engineer Servicing Report**), there are three areas of drainage within the site. Each of these addresses drainage through a stormwater infiltration basin. The two stormwater infiltration basins located in the northern portion of the site have been designed to accommodate a 1%AEP event, with an overland flow into the watercourse.

- Subsoil drainage will be installed within the two northern basins to ensure perched groundwater does not enter or stand in the basins.
- The southern drainage basin has been designed to accommodate a 1% AEP event.
- The hydrological flood study has ascertained where residential lots can be developed in relation to the creek line and where necessary, any fill requirements.

## 6.4 INFRASTRUCTURE COORDINATION AND SERVICING AND STAGING

The Site can be serviced by all necessary infrastructure. This has been addressed in detail in the Engineering Infrastructure Report (Servicing Report) prepared by the consultant Civil Engineers, TABEC (refer **Appendix H**). A summary of the servicing provisions is provided as follows:

### 6.4.1 ELECTRICITY

There is an existing three-phase high-voltage overhead power network located within close proximity to the Site, on South Coast Highway and Ocean Beach Road. Also, immediately north east of the Site, an underground power supply is located within the Harlequin/Zimmerman Street Road Reserve.

Based on examination of Western Power's network mapping tool, there is sufficient capacity within the high-voltage line to adequately service the development of the Site.

### 6.4.2 TELECOMMUNICATIONS

There is an existing NBN Co Fibre to the Node (FTTN) fixed line infrastructure within Harlequin Street utilising existing Telstra leased pit and pipe systems. Telstra also have infrastructure within South Coast Highway.

As the development is located within the NBN Co's fixed wireless footprint, NBN Co will be the infrastructure provider for broadband internet. Telephone communication will be provided via Telstra.

### 6.4.3 GAS

There is no gas supply to Denmark. Gas supply to the development will be provided by bottle gas.

### 6.4.4 WATER

There are numerous Water Corporation reticulation mains in close proximity to the Site, which include a 100mm AC main on the northern side of South Coast Highway and a 100mm AC main and a 100mmP-12 main within Harlequin Street. The AC main within Harlequin Street extends along Kemsley Place and connects to a 150mmAC main at the intersection of Ocean Beach Road and Zimmermann Street. The P-12 main in Harlequin Street is an extension from the existing urban development immediately east of the Site.

Based on preliminary assessment, in accordance with advice from the Water Corporation, it is possible the Site will be serviced by both gravity and a booster pump. To facilitate a booster pump, it is likely the 100mm AC water main in South Coast Highway will require an upgrade.

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#### 6.4.5 WASTE WATER

The Water Corporation has advised existing waste water scheme planning includes the Site and the development of the Site can be serviced through extensions of the gravity sewer network with appropriate upgrades. Based on the Site's natural terrain, there are two catchments, which are the northern and southern portions of the Site.

The northern portion is located within the catchment of the Zimmermann Street Waste Water Pump Station. This pump station can adequately service the northern portion of the Site's development.

The infrastructure required to service the southern portion of the Site has not been constructed. However, it is intended the southern portion will be serviced by a 150mm sewer main, which grades toward a future proposed "Denmark Pump Station A". Denmark Pump Station A is a future Type 90 pump station, which could service areas as far east as Weedon Hill Road.

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#### 6.4.6 ROADS

As covered in Section 6.1.2, the road hierarchy for the Site comprises two separate width access streets. Roads will be paved with asphalt and kerbed in accordance with Shire and Institute of Public Works Engineers Australasia specifications.

Depending on staging, the construction of temporary trafficable access tracks may be included with initial works to provide alternate opportunity for emergency bushfire access. If required, as per the BMP, this would be in the form of gated, unlocked access, two 3.0m wide traffic lanes with 1m shoulders.

### 6.5 EXISTING TRANSPORT ENVIRONMENT

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#### 6.5.1 PROPOSED VEHICLE ACCESS

Access to the newly created lots will be required as a condition of subdivision approval, with vehicle crossovers constructed in accordance with Shire engineering standards.

Access to the development area will be via an intersection with South Coast Highway, noting discussions with Main Roads WA will be required, and Harlequin Street.

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#### 6.5.2 PROPOSED TRAFFIC GENERATION

Residential dwellings generate up to 10 vehicle movements per day in typical situations. In this instance, this would equate to 1600 vehicle movements in total once development is complete. Noting many of the dwellings in Denmark are used for private holiday homes, the overall traffic generation is expected to be less. It is considered the overall traffic effects generated by this proposal can be accommodated by the existing road network, in a manner that provides safe turning movements.

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#### 6.5.3 ON SITE PARKING

On-site parking requirements will be determined at the future planning and building consent processes, in accordance with relevant Scheme and R-Codes requirements. On-site access and manoeuvring will also be determined at the time, to ensure safe and convenient on-site movements.



## 7 CONCLUSION

This Amendment to rezone the Site from Rural to Residential has been prepared to facilitate the ultimate creation of approximately 160 lots and associated Road Reserves in accordance with a Structure Plan concurrently being sought over the Site under TPS 3. This proposal is consistent with the LPS identification of the Site for Urban Development and represents an efficient use of the land, which will result in a subdivision layout and density, which can be provided for without creating adverse effects on the receiving environment and amenity of the locality.

The Amendment has been prepared within the context of the concurrently lodged Structure Plan and various WAPC and Shire guiding planning documents, all of which make provision for, and support, this type of development subject to appropriate management and protection measures being implemented.

Overall, noting the Site's context and location, and the conclusions of various supporting technical documents, the suitability of the Site for the eventual subdivision has been confirmed.

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.

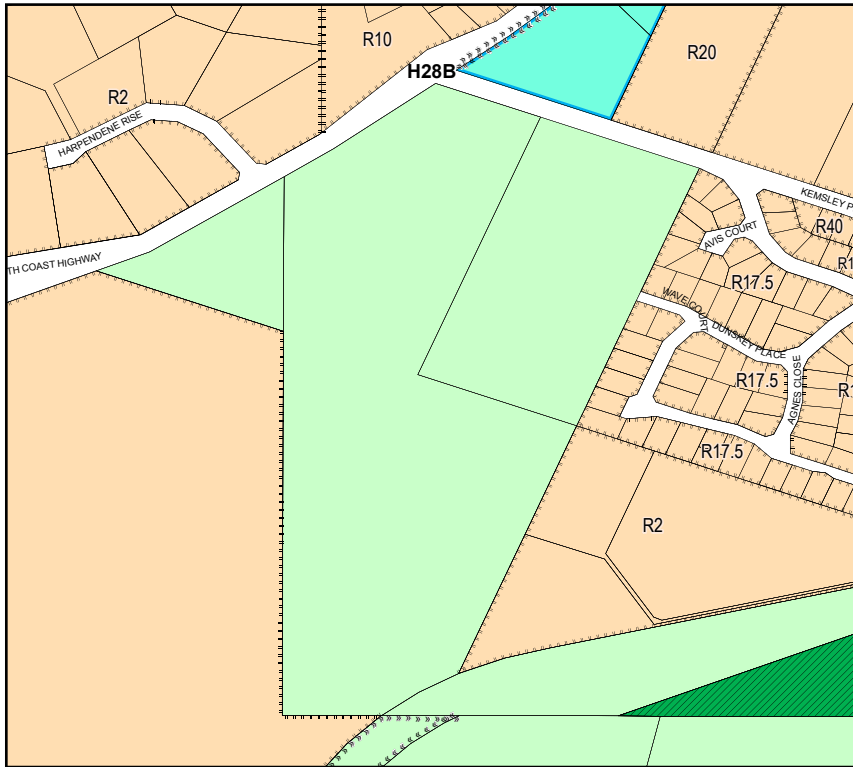
**Planning and Development Act 2005**  
**Shire of Denmark**  
**Town Planning Scheme No.3**  
**Amendment No.146**

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:

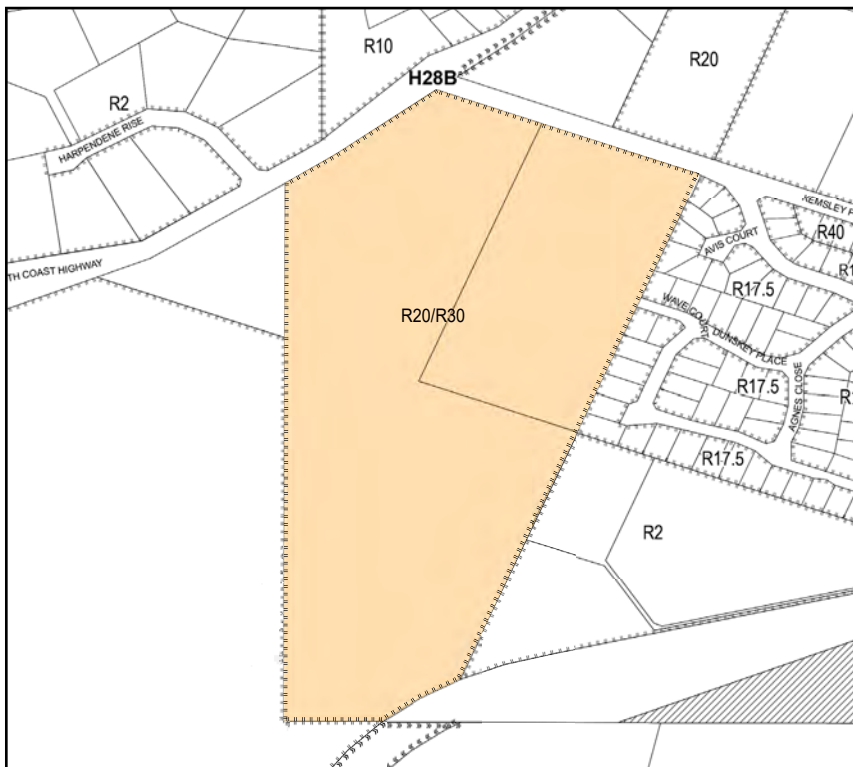
- a) Rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20/R30
- b) Amending the Scheme Map accordingly.

# SHIRE OF DENMARK

## Town Planning Scheme No.3 Amendment No.



EXISTING ZONING



PROPOSED ZONING

### LEGEND

#### LOCAL SCHEME RESERVES

Drainage and Waterbodies	Public Use : Hospital Site
Parks and Recreation	Public Use : Primary School
Public Use	Public Use : School Site
Public Use : Aerial Landing Ground	Public Use : Timber
Public Use : Fire Station	Public Use : Water Supply
Public Use : Flora and Fauna	Public Use : William Bay National Park
Public Use : Forest	Public Use : Wind Energy Facility
Public Use : Gravel	

#### LOCAL SCHEME ZONES

Commercial	Rural
General Industry	Rural Multiple Occupancy
Industrial	Special Residential
Landscape Protection	Special Rural
Professional Office	Special Use
Residential	Tourist

#### OTHER CATEGORIES

(see scheme text for additional information)

Scheme Area Boundary	LP1 Landscape Protection Area
Local Government Boundary	R1 Rural Multiple Occupancy Zone
R20 R Codes	T1 Tourist Area
AI Additional Uses	Place of Heritage Value
SRes1 Special Residential Area	No Zone
SR1 Special Rural Area	Waterbodies
SU1 Special Use Area	
H2 District Heritage Boundary	



FEB 2022

TOWN PLANNING  
SCHEME NO.3

AMENDMENT NO. 146

## **ADOPTION**

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

.....  
Shire President

.....  
Chief Executive Officer

## **FINAL APPROVAL**

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

.....  
Shire President

.....  
Chief Executive Officer

### **Recommended/Submitted for Final Approval**

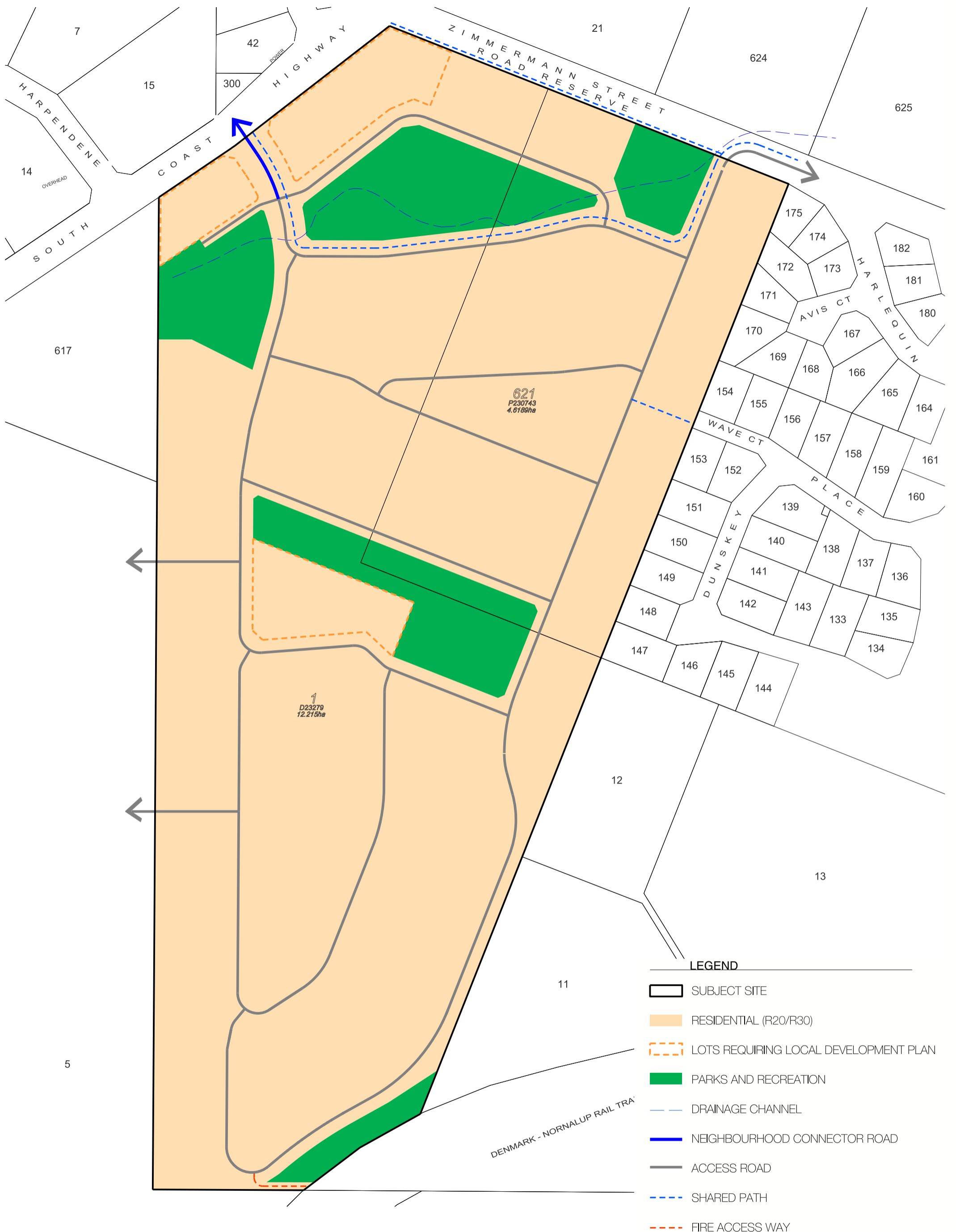
.....  
Delegated under S.16 of PD Act 2005

.....  
Date

### **Final Approval Granted**

.....  
Minister for Planning

.....  
Date



### Attachment 9.1.1c





LEGEND	
<b>R10</b>	R-Codings
	Low Fuel Zone Fire Management
	Neighbourhood Connector
	Dual Use Paths
	Restricted Access
	Controlled Fencing
	Fire Access & Emergency Egress
	Heritage Trail (Walking, Cycling, Horse Riding)
	Public Open Space
	Indicative Building Envelopes

Note: All residential lots to be connected to sewer.

2110-21c N.T.S. 20.05.09

### Attachment 9.1.1d

## LOCAL STRUCTURE PLAN LOT 5 SOUTH COAST HIGHWAY, DENMARK