



TOWN PLANNING SCHEME NO. 3

SCHEME AMENDMENT NO. 123

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF DENMARK

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 123

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

- 1) Modifying the present Scheme provisions 4, 6 and 7 for the Lights Road Landscape Protection Zone.
- 2) Including Lots 131 & 132 Glendale Close within the Drainage and Waterbodies reserve.
- 3) Including Lot 134 Glendale Close within the Public Use reserve.
- 4) Modify the definition of Owner in Appendix I – Interpretations.
- 5) Deleting the ‘Tree Felling’ interpretation from Appendix I – Interpretations and land use class from Table 1 – Zoning Table.
- 6) Deleting the text ‘.. and for the purposes of this Scheme shall include clearing of more than 0.5ha of remnant vegetation’ from the interpretation of ‘Development’ from Appendix I – Interpretations.
- 7) Replacing the existing Appendix III ‘Application for Planning Consent’ form in the Scheme Text with the ‘Form of Application for Planning Approval’ form from the Model Scheme Text.
- 8) Modify the reference to the Development Plan for Karma Chalets within Appendix XIII – Schedule of Tourist Zones.
- 9) Altering the Table of Contents accordingly.
- 9) Amend the face of the Scheme Map accordingly.

Dated this day of2010

.....
Chief Executive Officer

.....
Date

MINISTER FOR PLANNING

PROPOSAL TO AMEND A SCHEME

| | | |
|-----------|---|---|
| 1. | LOCAL AUTHORITY: | Shire of Denmark |
| 2. | DESCRIPTION OF TOWN PLANNING SCHEME: | Town Planning Scheme No. 3 |
| 3. | TYPE OF SCHEME: | District Zoning Scheme |
| 4. | SERIAL NUMBER OF AMENDMENT: | Amendment No. 123 |
| 5. | PROPOSAL | <ol style="list-style-type: none"> 1) Modifying the present Scheme provisions 4, 6 and 7 for the Lights Road Landscape Protection Zone. 2) Including Lots 131 & 132 Glendale Close within the Drainage and Waterbodies reserve. 3) Including Lot 134 Glendale Close within the Public Use reserve. 4) Modifying the interpretation of Owner in Appendix I – Interpretations. 5) Removing the ‘Tree Felling’ interpretation and land use class. 6) Modifying Clause 5.29 ‘Development of Other Structures’. 7) Replacing the existing Appendix III ‘Application for Planning Consent’ form in the Scheme Text with the ‘Form of Application for Planning Approval’ form from the Model Scheme Text. 8) Including an interpretation and land use class for Microbrewery. 9) Modify the reference to the Development Plan for Karma Chalets within Appendix XIII – Schedule of Tourist Zones. 10) Including Interpretations for Aged or Dependent Persons Dwelling, Grouped Dwelling, Private Tree Plantation, Residential Building and Single House. 11) Modifying the Interpretations/Zoning Table of Public Amusement and Public Worship. 12) Alter the Table of Contents accordingly. 13) Amend the face of the Scheme Map accordingly. |

SCHEME AMENDMENT REPORT

Table of Contents

| | | |
|------|--|----|
| 1.0 | INTRODUCTION | |
| 2.0 | SCHEME AMENDMENT PROPOSALS | |
| 2.1 | LIGHTS ROAD LANDSCAPE PROTECTION ZONE..... | 6 |
| 2.2 | INCLUSION OF LOTS 131 & 132 GLENDALE CLOSE, DENMARK INTO DRAINAGE AND WATERBODIES SCHEME RESERVE. | 9 |
| 2.3 | INCLUSION OF LOT 134 GLENDALE CLOSE, DENMARK INTO PUBLIC USE SCHEME RESERVE..... | 10 |
| 2.4 | MODIFYING THE INTERPRETATION OF ‘OWNER’ | 11 |
| 2.5 | DELETING THE INTERPRETATION AND LAND USE CLASS FOR ‘TREE FELLING’ | 12 |
| 2.6 | MODIFYING CLAUSE 5.29 ‘DEVELOPMENT OF OTHER STRUCTURES’ | 13 |
| 2.7 | REPLACING PLANNING APPROVAL APPLICATION FORM..... | 15 |
| 2.8 | ALLOWING FOR MICROBREWERY DEVELOPMENTS WITHIN VARIOUS ZONES..... | 17 |
| 2.9 | MODIFYING KARMA CHALETS DEVELOPMENT PLAN..... | 19 |
| 2.10 | INCLUDING ADDITIONAL INTERPRETATIONS AND LAND USE CLASSES... | 20 |
| 3.0 | CONCLUSION | |

1.0 INTRODUCTION

The Shire of Denmark seeks the WA Planning Commission's support and the Hon. Minister's approval to an omnibus scheme amendment that seeks to:

- Reserve certain new crown lands;
- Modify certain Scheme provisions within the Landscape Protection zone to reflect previous Council decisions;
- Remove obsolete Scheme interpretations and provisions to reflect current Council practices and decisions; and
- Incorporate the Model Scheme Text application form,

as set out in the following sections.

2.0 SCHEME AMENDMENT PROPOSALS

2.1 LIGHTS ROAD LANDSCAPE PROTECTION ZONE.

2.1.1 Background

In December 2007, Council using the authority under clause 6.2 'Discretion to Modify Development Standards' approved the alteration of the position of a development area to provide for the protection of a large remnant tree and permitted the keeping of a dog within the zone subject to it being confined to the strata lot(s) unless under the control of a responsible person within the Lights Road Landscape Protection Zone.

Consequently, Council at its 18 December 2007 meeting (Item 9.1.1 Resolution 436/07) resolved to amend the present Scheme provisions 4, 6 and 7 for the Lights Road Landscape Protection Zone to allow for the discretion to alter development areas and permit the keeping of dogs within the zone.

Following further assessment after the decision, the existing special provision 7 is to be retained without alteration as it complements the proposed alterations to provision 6.

2.1.2 Existing Scheme Provisions

The Lights Road Landscape Protection zone comprises three (3) properties that were created from Scheme Amendment No. 81 (gazetted 31/1/2006).

The Scheme includes special provisions in Appendix XVI – Landscape Protection Zone to guide land use and development within this zone.

The special provisions that relate to this amendment are as follows:

2. *The objective of Landscape Protection Zone Area No. 4 is to provide for retreat living opportunities where:
 - (a) individual landowners have shared access and management responsibilities over a large vegetated portion of the site, and its flora and fauna;
 - (b) the landscape qualities of the lot can be enhanced; and
 - (c) development is undertaken in harmony with the environment and surrounding land uses.*
4. *All building and structure shall be confined to the development area as shown on the Subdivision Guide Plan.*
6. *The keeping of horses, sheep or goats, or other grazing animals shall be prohibited on any lot unless written approval from Council and fencing has been installed to the satisfaction of Council to exclude animals from the Priority Conservation Area as depicted on the Subdivision Guide Plan. The keeping of cats and dogs shall be prohibited.*

2.1.3 Proposed Scheme Provisions

The Council now seeks to alter special provisions 4 and 6 to allow for the position of building envelopes to be modified and the keeping of dogs within the zone.

The proposed new provisions below have been derived from similar existing provisions in the other Landscape Protection Zones in the Shire.

4. *All building and structure shall be confined to the development area as shown on the Subdivision Guide Plan.*

Council may permit the position and/or dimensions of a development area to be varied subject to meeting the following criteria:

- i) The maximum development area being no greater than 1600m²;*
- ii) The development area being setback a minimum of 20m from Lights Road;*
- iii) The development area being setback a minimum of 50m from the Priority Conservation Area;*
- iv) The development area is setback a minimum of 35m from any other lot boundary*
- iv) The alteration is considered necessary to achieve land management objectives such as the preservation of remnant vegetation or protection of natural drainage lines.*

This new provision 4 will provide Council with the discretion to approve the alteration of development areas within clearly defined parameters and that reflects the existing Subdivision Guide Plan and approved setbacks.

6. a) *The keeping of horses, sheep or goats, or other grazing animals shall be prohibited on any lot unless written approval from Council and fencing has been installed to the satisfaction of Council to exclude animals from the Priority Conservation Area as depicted on the Subdivision Guide Plan.*
- b) *With the exception of cats, the keeping of domestic pets, may be permitted subject to:*
- Measures (including fencing) being implemented to confine the pets to the approved development area at all times unless accompanied by an adult landowner; and*
 - The pet not creating a nuisance within the zone.*
- c) *Where nuisance is found to be caused, Council may require that the pet be removed from the zone.*
- d) *If the keeping of stock or a particular domestic pet is posing an identifiable nuisance or hazard to residents, wildlife, flora and/or landform, Council may take such measures as deemed necessary to eliminate adverse effect with all costs being borne by the subject Strata Lot owner.*

This new provision 6 will provide Council with the discretion to approve the keeping of domestic pets namely dogs within clearly defined parameters and that maintains the objectives for this zone.

2.1.4 Conclusion

These alterations will provide Council with appropriate general discretionary powers to have the flexibility to alter the position and/or dimensions of development areas and permit the keeping of domestic pets within the zone subject to meeting certain criteria that will ensure the land use objectives for the zone.

2.2 INCLUSION OF LOTS 131 & 132 GLENDALE CLOSE, DENMARK INTO DRAINAGE AND WATERBODIES SCHEME RESERVE.

2.2.1 Background

Council at its January 2008 meeting received a request from the Department for Planning and Infrastructure to consider accepting the management of the above lots.

The 2 lots were created out of the subdivision of Lot 650 Scotsdale Road and were set aside under the Planning and Development Act as 'Reserves for Recreation'. Council requested that given the lots form part of the Denmark River foreshore and environs (which are shown as being subject to flooding during a 1 in 100 year flood event), the Management Order be amended to alter the purpose to include 'Foreshore Protection' to better reflect the potential future use of the land.

LOCATION PLAN TO BE INSERTED HERE

2.2.2 Existing Scheme Zoning

The lots are presently contained within the Residential Zone under the existing Scheme. Now they have been ceded to the Crown and are retained in public ownership it is appropriate to include them within the Scheme reserves.

2.2.3 Proposed Scheme Reservation

Council at its 22 January 2008 meeting (Item 9.1.7 Resolution 110108) resolved to include Lots 131 & 132 Glendale Close within the Drainage and Waterbodies reserve to ensure their preservation for these purposes.

2.2.4 Conclusion

The inclusion of Lots 131 and 132 Glendale Close, Denmark within the Drainage and Waterbodies Reserve will assist Council achieve several of its general Scheme objectives as follows:

- (a) by reserving land used or likely to be used for public or community purposes;*
- (d) to provide for the protection of the natural environment and landscape from inappropriate development;*
- (g) to set aside as reserves for public use land required for active or passive recreational purposes;*

2.3 INCLUSION OF LOT 134 GLENDALE CLOSE, DENMARK INTO PUBLIC USE SCHEME RESERVE.

2.3.1 Background

Council at its January 2008 meeting received a request from the Department for Planning and Infrastructure to consider accepting the management of the above lot.

The lot was created out of the subdivision of Lot 650 Scotsdale Road and was set aside under the Planning and Development Act as 'Reserve for Drainage'. The lot has been developed with stormwater infrastructure drainage system as part of the subdivisional works and is now controlled by Council.

LOCATION PLAN TO BE INSERTED HERE

2.3.2 Existing Scheme Zoning

The lot is presently contained within the Residential Zone under the existing Scheme. Now it has been ceded to the Crown and is retained in public ownership it is appropriate to include it within the Scheme reserves.

2.3.3 Proposed Scheme Reservation

Council at its 22 January 2008 meeting (Item 9.1.8 Resolution 120108) resolved to include Lot 134 Glendale Close within the Public Use reserve to ensure its preservation for drainage purposes.

2.3.4 Conclusion

The inclusion of Lot 134 Glendale Close, Denmark within the Public Use Reserve will assist Council achieve several of its general Scheme objectives as follows:

- (a) by reserving land used or likely to be used for public or community purposes;*

2.4 MODIFYING THE INTERPRETATION OF ‘OWNER’.

2.4.1 Background

Council has been considering the Scheme interpretation of ‘owner’ and its impact on applications particularly where they are proposed on Crown Land.

2.4.2 Existing Scheme Interpretation

The existing interpretation for ‘owner’ contained in Appendix I – Interpretations of the Scheme is as follows:

- Owner* in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:
- (a) is entitled to the land for an estate in fee simple in possession; or*
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or*
 - (c) is a lessee or licensee from the Crown; or*
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.*

The Council intends to remove the term ‘lessee’ from sub-clause (c) which will ensure that applications for planning consent on crown land can only be completed and submitted by authorised person(s) on behalf of the Crown such as the lessor or licensee.

2.4.3 Proposed Scheme Interpretation

The proposed interpretation for ‘owner’ is as follows:

- Owner* in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity:
- (a) is entitled to the land for an estate in fee simple in possession;*
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;*
 - (c) is a lessor or licensee from the Crown; or*
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise.*

The altered interpretation refers to ‘lessor’ in sub-clause (c) to match that one contained within the Model Scheme Text in the *Town Planning Regulations 1967*.

2.4.4 Conclusion

The alteration to the interpretation for ‘owner’ will ensure the Scheme is consistent with the Model Scheme Text in the *Town Planning Regulations 1967* and will ensure that applications for planning consistent on crown land can only be completed and submitted by authorised person(s) on behalf of the Crown such as the lessor or licensee.

2.5 DELETING THE INTERPRETATION AND LAND USE CLASS FOR 'TREE FELLING'.

2.5.1 Background

Council at its 25 March 2008 meeting (Item 9.4.1 Resolution 090308) resolved to remove the definition of tree felling from its Scheme on the basis that:

- The clearing of native vegetation is now adequately covered and managed under the authority of agencies including the Department of Environment and Conservation and Department of Agriculture and Food using more specific legislation including the *Environmental Protection (Clearing of Native Vegetation) Regulations* and *Soil and Land Conservation Act/Regulations*;
- The present definition is not consistent with those applying to the State legislation and this may lead to confusion and conflict for proponents.

2.5.2 Proposed Scheme Alterations

The amendment will undertake the following alterations to the Scheme:

- 1 'Tree Felling' land use class to be removed from Table 1 – Zoning Table.
- 2 'Tree Felling' interpretation to be removed from Appendix I – Interpretations.
- 3 The words 'and for the purposes of this Scheme shall include clearing of more than 0.5ha of remnant vegetation' to be removed from the interpretation of Development from Appendix I – Interpretations.

2.5.3 Conclusion

The alteration will remove the present requirement for landowners to obtain approval from both the Shire of Denmark and State Government agency for clearing of remnant vegetation. The responsibility to determine clearing applications will principally rest with the State and proposals will need to meet the requirements of the *Environmental Protection (Clearing of Native Vegetation) Act/Regulations*.

2.6 MODIFYING CLAUSE 5.29 ‘DEVELOPMENT OF OTHER STRUCTURES’.

2.6.1 Background

Council has been considering the improving the present planning framework by introducing standards for some minor developments covered in clause 5.29 of the Scheme including outbuildings, carports, garages, pergolas, shade houses, conservatories, shed/workshops, kennel, stables, aviary, fowl house or pigeon loft.

2.6.2 Existing Scheme Provision

The existing clause 5.29 of the Scheme is as follows:

5.29 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an outbuilding; carport or garage; pergola; shade house or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel; stable; aviary; fowl house and pigeon loft.

The Council intends to modify the clause by including a table that sets out those presently adopted standards for these minor developments.

2.6.3 Proposed Scheme Provision

The proposed new clause 5.29 is as follows:

5.29 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following minor structures shall be determined by the Council in accordance with the following table:

| STRUCTURE | STANDARDS | | | |
|---|--|-------------|-----------------|---------------------|
| | HEIGHT | AREA | SETBACKS | CONSTRUCTION |
| Outbuilding, shed or workshop | <i>As per Residential Design Codes and any adopted Town Planning Scheme Policy</i> | | | |
| Garage or carport | | | | |
| Patio or pergola | | | | |
| Shade house, greenhouse, poolroom or conservatory | | | | |
| Livestock Purposes | HEIGHT | AREA | SETBACKS | CONSTRUCTION |
| Kennel/Cattery | <i>As per any adopted Dogs Local Law and Health Local Law</i> | | | |
| Stable | <i>As per any adopted Health Local Law</i> | | | |
| Aviary | | | | |
| Fowl house | | | | |
| Pigeon loft | | | | |

The intent of the clause is to set out in the Scheme those standards and criteria to be achieved for these minor developments.

2.6.4 Conclusion

The alteration to clause 5.29 will improve the present planning framework by clearly identifying those standards and criteria to be achieved for these minor developments.

These standards are contained within various Local Laws and adopted Town Planning Scheme Policies operated by Council. The references have been left simple to ensure that it remains current even if there are changes to these laws or policies over time.

2.7 REPLACING PLANNING APPROVAL APPLICATION FORM

2.7.1 Background

Council seeks to replace the existing planning application with the current version application form from the Model Scheme Text (as shown over page).

2.7.2 Conclusion

This will update the present form contained within the Scheme consistent with the standard form contained within Schedule 6 of the Model Scheme Text prepared under the *Town Planning Regulations 1967*.

**APPENDIX III – APPLICATION FOR PLANNING CONSENT [cl. 6.3]
Shire of Denmark - Town Planning Scheme No. 3**

| Owner details | | |
|---|-------------------------------|----------------|
| Name: | | |
| Address: | | Postcode: |
| Phone: (work) | (home) | (mobile) |
| Fax: | E-mail: | |
| Contact person: | | |
| Signature: | | Date: |
| Signature: | | Date: |
| <i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i> | | |
| Applicant details | | |
| Name: | | |
| Address: | | Postcode: |
| Phone: (work) | (home) | (mobile) |
| Fax: | E-mail: | |
| Contact person for correspondence: | | |
| Signature: | | Date: |
| Property details | | |
| Lot No: | House/Street No: | Location No: |
| Diagram or Plan No: | Certificate of Title Vol. No: | Folio: |
| Diagram or Plan No: | Certificate of Title Vol. No: | Folio: |
| Title encumbrances (e.g. easements, restrictive covenants): | | |
| Street name: | | Suburb: |
| Nearest Street intersection: | | |
| Existing building/land use: | | |
| Description of proposed development and/or use: | | |
| Nature of any existing buildings and/or use: | | |
| Approximate cost of proposed development: | | |
| Estimated time of completion: | | |
| OFFICE USE ONLY | | |
| Acceptance Officer's initials: | | Date received: |
| Local Government reference no: | | |

2.8 ALLOWING FOR MICROBREWERY DEVELOPMENTS WITHIN VARIOUS ZONES

2.8.1 Background

The successful development of vineyards and subsequently wineries and cellar sales within the Shire has continued over the past 20 years to complement the growing reputation for cool district wines within the Great Southern Region. Many of these activities have incorporated other activities, particularly through the incorporation of food and art/craft display within these establishments.

A further refinement of these types of tourist attraction has been the request to develop microbreweries to produce small quantity hand-made beers and other beverages as a complementary activity to the existing uses.

A microbrewery is defined as follows:

Microbrewery – means premises used for the purposes of brewing and sale of boutique hand crafted beers with a limited capacity (as determined by Council) in conjunction with an existing tourist operation.

For this reason, Council intends to keep the scale of the activities as low-key which complement an existing approved tourist/commercial activity in the tourist zone and are permissible following public consultation in the commercial, industrial and rural zones. This will enable Council to control the location and scale of these activities.

All proponents for microbreweries are also required to obtain a liquor license from the Office of racing, Gaming and Liquor.

2.8.2 Proposed Zones and Permissibility

Council wishes to have the discretion to approve of microbreweries within the tourist, commercial, industrial and rural zones as shown in the following table:

| Use Classes | ZONES | | | | | | | | | |
|--------------|-------------|---------|------------|------------|-------|---------------|----------|---------------------|----------------------|---------------------|
| | RESIDENTIAL | TOURIST | COMMERCIAL | INDUSTRIAL | RURAL | SPECIAL RURAL | RURAL MO | SPECIAL RESIDENTIAL | LANDSCAPE PROTECTION | PROFESSIONAL OFFICE |
| Microbrewery | | IP | SA | SA | SA | | | | | |

The permissibility of microbreweries shall vary dependent on the particular zoning. In accordance with Council’s definition, the use shall be incidental to other uses on the tourist zone. All applications within the commercial, industrial and rural zones shall be advertised to enable public input as part of any assessment procedures. This is consistent with allied land use classes such as winery, cellar sales, hotel, motel and tavern currently within the Scheme.

2.8.3 Conclusion

The continuing development of these activities is supported by Council subject to controls being exercised through the town planning scheme to ensure they compliment and add to the variety of tourist experiences available within the Shire.

2.9 MODIFYING KARMA CHALETS DEVELOPMENT PLAN

2.9.1 Background

In December 2007, Council using the authority under clause 6.2 'Discretion to Modify Development Standards' approved the replacement of the original Concept Plan that forms part of the scheme controls for this tourist zone.

Consequently, Council at its 22 December 2009 meeting (Item 9.1.3 Resolution 111209) resolved to amend the Scheme and include reference to the newly adopted modified concept plan prepared to guide the land use and development of the property.

The land was originally zoned for tourist accommodation purposes in March 1999. The original scheme amendment incorporated scheme provisions and a Concept Plan to guide and control the future development of the property and a total of 10 chalets, manager's residence and tourist facilities have been developed.

The modified concept plan retains all of the original uses and proposes that the final six chalets and conference centre be relocated west of the originally planned area.

2.9.2 Proposed Plan Reference

The existing reference within Appendix XIII – Schedule of Tourist Zones to the original concept plan (dated 6 February 1998) needs to be altered to the new plan (Tourist Development Plan 09299P-MP-01B (dated 14/10/2009)) to formalise this change.

2.9.3 Conclusion

The alteration will ensure the Scheme correctly refers to the new development plan adopted recently by Council to guide the land use and development of this important tourist zone.

2.10 INCLUDING ADDITIONAL INTERPRETATIONS AND LAND USE CLASSES

2.10.1 Background

There are various interpretations and/or land use classes that are not cross matched such that every land use class is both appropriately defined and included within the Zoning Table.

2.10.2 Proposed Scheme Changes

To achieve this, Council intends to include:

- Definitions for the following land use classes within Appendix I – Interpretations: *Aged or Dependent Persons Dwelling, Ancillary Accommodation, Grouped Dwelling, Private Tree Plantation, Residential Building and Single House.*
- *Adding the term ‘Motor’ to the existing land use class for Vehicle Wrecking in Table 1 – Zoning Table to be consistent with the existing interpretation in the Scheme.*
- *Adding an ‘s’ to the existing land use class Public Amusement in Table 1 – Zoning Table to be consistent with the existing interpretation in the Scheme.*
- *Deleting the term ‘Place of’ from the existing interpretation of Place of Public Worship in Appendix I – Interpretations to be consistent with the land use class in Table 1 – Zoning Table.*
- Change ‘Education Establishment’ to ‘Educational Establishment’ within the Appendix I – Interpretations to be consistent with the land use class in Table 1 – Zoning Table.

The proposed additional definitions have been taken from the relevant planning documents including Residential Design Codes and Model Scheme Text as follows:

Aged or Dependent Persons Dwelling – means a dwelling(s) that are designed and constructed to meet the special needs of aged or dependent persons.

Ancillary Accommodation – has the same meaning as in the Residential Design Codes (as amended from time to time).

Grouped Dwelling – has the same meaning as in the Residential Design Codes (as amended from time to time).

Private Tree Plantation - means any continuous area of 2 hectares or more on private land, used primarily for the purposed of planting commercial quantities and species of softwood/hardwood tress, with the intent of harvesting wood grown for wood fibre but does not mean a continuous area planted to tress for the specific purposes of:

- a) Permanent shelter belts or windbreaks not exceeding 2ha in total;*
- b) Areas planted for one or more of the following the purposes:*
 - *The prevention of soil erosion;*
 - *Maintaining water quality; or*
 - *Landscape protection; and that are not intended to be harvested.*

Residential Building - has the same meaning as in the Residential Design Codes (as amended from time to time).

Single House - has the same meaning as in the Residential Design Codes (as amended from time to time).

2.10.3 Conclusion

These alterations will ensure the Scheme has cross-referenced land use class and interpretations for all land use classes contained within Table 1 – Zoning Table.

3.0 CONCLUSION

The Shire views this amendment proposal as relatively minor and will ensure the existing Scheme can continue to operate until preparation of Scheme No. 4 during 2011 – 2012.

The Shire seeks the Hon. Minister for Planning approval for the finalisation of the amendment accordingly.

PLANNING AND DEVELOPMENT ACT 2005

Shire of Denmark

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 123

The Denmark Shire Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

- 1) Modifying the present Scheme provisions 4, 6 and 7 for the Lights Road Landscape Protection Zone.
- 2) Including Lots 131 & 132 Glendale Close within the Drainage and Waterbodies reserve.
- 3) Including Lot 134 Glendale Close within the Public Use reserve.
- 4) Modifying the interpretation of Owner in Appendix I – Interpretations.
- 5) Removing the ‘Tree Felling’ interpretation and land use class.
- 6) Modifying Clause 5.29 ‘Development of Other Structures’.
- 7) Replacing the existing Appendix III ‘Application for Planning Consent’ form in the Scheme Text with the ‘Form of Application for Planning Approval’ form from the Model Scheme Text.
- 8) Including an interpretation and land use class for Microbrewery.
- 9) Modify the reference to the Development Plan for Karma Chalets within Appendix XIII – Schedule of Tourist Zones.
- 10) Including Interpretations for Aged or Dependent Persons Dwelling, Grouped Dwelling, Private Tree Plantation, Residential Building and Single House.
- 11) Modifying the Interpretations/Zoning Table of Public Amusement and Public Worship.
- 12) Alter the Table of Contents accordingly.
- 13) Amend the face of the Scheme Map accordingly

ADDITIONAL SCHEME CHANGE DETAILS TO BE ADDED TO LIST
SCHEME AMENDMENT MAPS REQUIRED FOR GLENDALE CLOSE.

PLANNING & DEVELOPMENT ACT 2005

Shire of Denmark

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 123

ADOPTION

Adopted by resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the day of200....

.....
SHIRE PRESIDENT

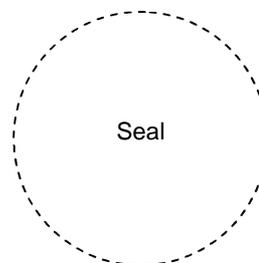
.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the day of200...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



RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF PD ACT 2005

.....
Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
Date