



## **SHIRE OF DENMARK**

**TOWN PLANNING SCHEME NO. 3**

### **LOCAL SCHEME AMENDMENT NO. 139**

*Amending the Scheme Map to remove the 'Agricultural Research Station (AR)' denotation over Lot 7648 Kernutts Road, Hay*

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**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

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

**AMENDMENT No. 139**

RESOLVED that the Local Government pursuant to Section 75 of the *Planning and Development Act 2005*, amend the above Shire of Denmark Town Planning Scheme No. 3 by:

1. Amending the Scheme Map to remove the 'Agricultural Research Station (AR)' denotation over Lot 7648 Kernutts Road, Hay.

The Amendment is a 'Standard Amendment' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) It is an amendment relating to the 'Public Use' reservation that is consistent with the objectives identified in the scheme for that reserve.
- b) It is an amendment that is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission.
- c) It is an amendment that would have minimal impact on land in the scheme area that is not the subject to the amendment.
- d) It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- e) It is not a complex or basic amendment.

Dated this 6<sup>th</sup> day of December 2017



Chief Executive Officer

## MINISTER FOR PLANNING PROPOSAL TO AMEND A TOWN PLANNING SCHEME

<b>LOCAL AUTHORITY</b>	:	Shire of Denmark
<b>DESCRIPTION OF TOWN PLANNING SCHEME</b>	:	Town Planning Scheme No. 3
<b>TYPE OF SCHEME</b>	:	District Scheme
<b>SERIAL NUMBER OF AMENDMENT</b>	:	Amendment No. 139
<b>PROPOSAL</b>	:	Amending the Scheme Map to remove the 'Agricultural Research Station (AR)' denotation over Lot 7648 Kernutts Road, Hay.

## SCHEME AMENDMENT REPORT

### 1.0 INTRODUCTION

This Town Planning Scheme Amendment to the Shire of Denmark Town Planning Scheme No. 3 (TPS 3) is to amend the Scheme Map to remove the 'Agricultural Research Station (AR)' denotation over Lot 7648 Kernutts Road, Denmark ("the subject site").

The State Government has deemed the existing 'Agricultural Research Station (AR)' use is now redundant and that the subject site can be incorporated into the adjoining Denmark Catchment State Forest. It is envisaged that Department of Biodiversity, Conservation and Attractions (DBCaA)(formerly Department of Parks and Wildlife), the authority that manages the Denmark Catchment State Forest, will manage Lot 7648 (and the adjoining Lot 7576 Kernutts Road).

## 2.0 SITE DETAILS

### 2.1 PROPERTY LOCATION AND OWNERSHIP

The subject site is approximately 8km north-east of the Denmark Town Centre, within the district of Hay. The following is a table of the subject site details:

Lot Numbers	Land details		Registered Proprietor
7648	Land Record	3123/390	Crown Land - State of Western Australia
	Plan/Diagram	Plan 188863	
	Lot Area	29.449ha	

**Figure 1** shows the location of the subject land in relation to the town of Denmark. A copy of the Certificate of Title is provided in **Appendix 1**.

### 2.2 EXISTING LAND USE

Lot 7648 was historically set aside as Crown Reserve 41253 and vested in the then Department of Agriculture (now known as the Department of Agriculture and Food) for use as an Agricultural Research Station. The land and research station was used, on an as-needs basis, to investigate the success of cropping techniques and different types of horticultural and market gardening produce. The Department of Agriculture and Food also allowed the Mount Barker research station to manage Lot 7648 as a future annex block mainly for sheep research, however the lot has not been used for several years.

In 2001 the land was deemed to be no longer required by the Department. On 11 September 2002 a digital Crown Land Certificate of Title (as set out in the table above) was issued with a copy included in Appendix 1.

The lot is approximately 40% cleared with the balance land being vegetated. Lot 7648 is currently partially fenced and has been used for sheep grazing, primarily for land and fire management. There are no existing buildings or development on Lot 7648.

### 2.3 SURROUNDING CONTEXT

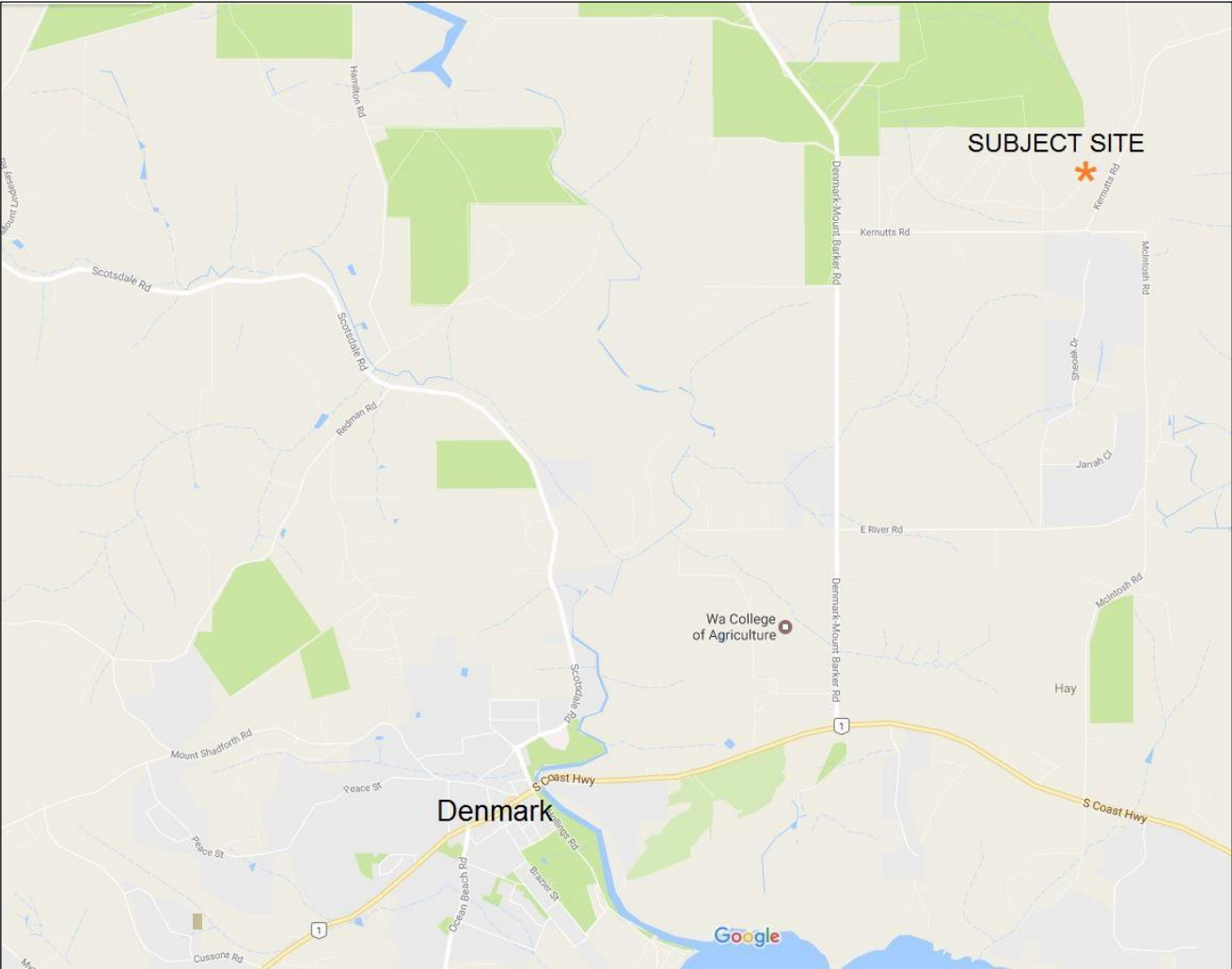
To the north of the subject site is a 'Public Use' reservation, which forms part of the Denmark Catchment State Forest. This 'Public Use' reservation is part of Reserve 24660 for the purpose of 'Water Catchment Area Denmark River and State Forest No. 64'. East of the subject site is predominantly 'Rural' zoned land.

To the west and south the abutting Lot 7576 (which is reserved as 'Public Use' under the Scheme) contains mostly remnant vegetation, with limited cleared areas (i.e. pathways and firebreaks). Lot 7576 was never fully utilised by the Department for agricultural research activities. Lot 7576 has historically been managed as a future annex block to the main research activities carried out on neighbouring Lot 7648. In conjunction with the subject site, Lot 7576 is earmarked for inclusion into the Denmark Catchment State Forest as shown in **Appendix 2** (Opportunities and Constraints Plan).

Kernutts Road runs along the eastern boundary of the subject site. The current land use of the surrounding area is predominantly rural and undeveloped areas.

## 2.4 TOPOGRAPHY

The land within Lot 7648 rises from the south (approximately 70mAHD) up to the north (approximately 80mAHD). The Opportunities and Constraints Plan (Appendix 2) provides a general indication of site characteristics, opportunities and constraints. A more precise delineation of the characteristics shown in the Opportunities and Constraints Plan are either subject to survey, to identify the exact topographical features, location of features (i.e. pathways, creek lines etc) and/or subject to Bushfire Hazard Assessment to determine bushfire risk.



(Source: Google Earth, 2017 – modified)

Figure 1. Location Plan

## 2.5 ENVIRONMENT

Preliminary desktop environmental assessment of the subject site indicates the following:

*“Desktop assessment reveals the subject site lies within the Warren IBRA bioregion. This bioregion is comprised of ‘Dissected undulating country of the Leeuwin Complex, Southern Perth Basin (Blackwood Plateau), South-West intrusions of the Yilgarn Craton and western parts of the Albany Orogen with loamy soils supporting Karri forest, laterites supporting Jarrah-Marri forest, leached sandy soils in depressions and plains supporting low Jarrah woodlands and paperbark/sedge swamps, and Holocene marine dunes with Agonis flexuosa and Banksia woodlands and heaths.’ (Hearn et al 2002).*

*The vegetation has been mapped on a broad scale by JS Beard (Shepherd et al 2002) in the 1970’s, where a system was devised for state-wide mapping and vegetation classification based on geographic, geological, soil, climate structure, life form and vegetation characteristics (Sandiford and Barrett 2010).*

*A search of JS Beard’s vegetation classification database for the general area places the site within 1 broad Vegetation Association for the site:*

- 1. System Association: Hay*
- Vegetation Association number: 3*
- Vegetation Description: Medium forest; jarrah-marri (e2, 3Mc)*

*(Source: DEC Pre-European Vegetation dataset, GIS dataset).”*

The northern portion of Lot 7648 predominantly contains remnant vegetation, with the southern portion being partially cleared with some regrowth vegetation. The vegetated area is approximately 19 hectares and is in [excellent condition]. As noted by DBCaA, there are wetlands located in the western portion of Lot 7576 (i.e. the *Kunzea ericifolia* (KeTS) vegetation unit), although the exact location of the extent of the wetlands is unknown as the wetlands have not been mapped. The remnant vegetation within Lot 7576 is considered to have high ecological value.

## 2.6 ACCESS & SERVICING

The subject site has direct frontage to Kernutts Road, which is a trafficable gravel road. Services such as power and telecommunications can be provided to the subject site lots via extension of existing infrastructure. However reticulated water and sewer is not available to the subject site and water supply would be via rainwater harvesting or groundwater.

## 2.7 POTENTIAL SITE CONTAMINATION

A search of the Department of Water and Environmental Regulation Contaminated Sites Database indicates that there are no recorded contaminated sites for the subject site. Notwithstanding, Lot 7648 has previously been used as an agricultural research station and there may be potential for soil and/or groundwater contamination from chemicals such as fertilisers, pesticides, herbicides, that may have been used and/or stored in the past. Accordingly based on earlier discussions with Department of Water and Environmental Regulation (formerly Department of Environment

Regulation), a Preliminary Site Investigation would be required for development in future. It should be noted however, that the Amendment does not envisage (or entail) development, as the purpose of the Amendment is to rationalise the current *public use local reservation*.

## 2.8 INDIGENOUS & EUROPEAN HERITAGE

### Indigenous Heritage

A search of the Department of Planning, Lands and Heritage Aboriginal Heritage Inquiry System indicates that no Indigenous Heritage sites exist on the land, however it is noted that the subject site falls within the Single Noongar Native Title Claim area.

It is important to note that the database of heritage sites held by the Department is not comprehensive and there exists the potential for unknown sites of indigenous heritage significance to be located within or in close proximity to the subject land.

The above does not prevent the proposed Local Scheme Amendment from proceeding, as mechanisms already exist to protect indigenous heritage and resolve any potential native title. It should also be noted that no physical works are proposed as part of this proposal.

### European Heritage

There are no places or sites of cultural significance within the Subject site under the Shire of Denmark Municipal Heritage Inventory and State Heritage Register.

## 3.0 PLANNING CONTEXT

### 3.1 LOWER GREAT SOUTHERN STRATEGY (2016)

The primary purpose of the strategy is to guide land use planning and provide strategic direction for the Lower Great Southern over the next 20 years. One of the key environmental components of the strategy is to conserve and enhance the natural environment, biodiversity, resources and distinctive landscapes of the Lower Great Southern.

This proposal is consistent with the strategy through the retention of the 'Public Use' reservation of the lot as an extension of the Denmark Catchment State Forest.

### 3.2 SHIRE OF DENMARK TOWN PLANNING SCHEME No.3

Lot 7648 is reserved 'Public Use – Agricultural Research Station' under TPS 3. This local scheme reservation is now redundant given the Department of Agriculture and Food has vacated the site and there are no intentions for re-using the site in future for this purpose. Accordingly, the subject land is proposed to be amended by removing the 'Agricultural Research Station (AR)' denotation.

### 3.3 SHIRE OF DENMARK LOCAL PLANNING STRATEGY

The Shire of Denmark Local Planning Strategy endorsed by Western Australia Planning Commission in May 2012. Under the Strategy the subject site is identified for public use with the surrounding land identified for parks and recreation, public use and rural land use. The Amendment is consistent with the Strategy in terms of Lot 7648 future use as conservation as part of the Denmark Catchment State Forest.

# APPENDICES

# APPENDIX 1

## Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER <b>7648/DP188863</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

RECORD OF CERTIFICATE  
OF  
CROWN LAND TITLE  
UNDER THE TRANSFER OF LAND ACT 1893  
AND THE LAND ADMINISTRATION ACT 1997

VOLUME **LR3123** FOLIO **390**

**NO DUPLICATE CREATED**

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 7648 ON DEPOSITED PLAN 188863

**STATUS ORDER AND PRIMARY INTEREST HOLDER:  
(FIRST SCHEDULE)**

**STATUS ORDER/INTEREST:** UNALLOCATED CROWN LAND

**PRIMARY INTEREST HOLDER:** STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)**

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

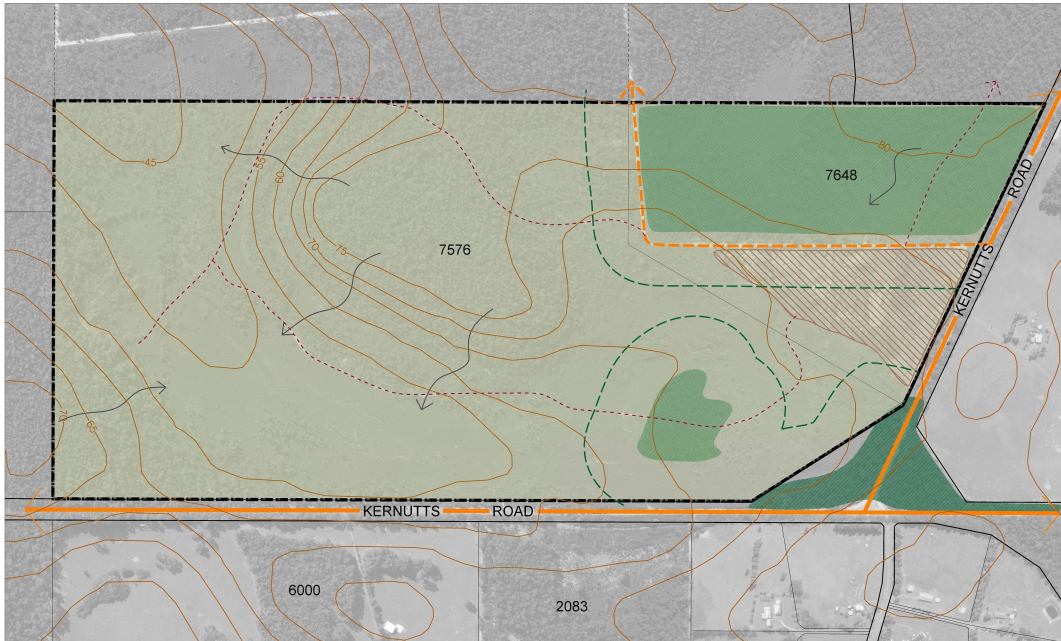
SKETCH OF LAND: LR3084-7 (7648/DP188863).  
PREVIOUS TITLE: LR3084-7.  
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
LOCAL GOVERNMENT AREA: SHIRE OF DENMARK.  
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (SLSD).

NOTE 1: A000001A CORRESPONDENCE FILE 03883-1989-01RO.  
NOTE 2: LAND PARCEL IDENTIFIER OF PLANTAGENET LOCATION 7648 ON SUPERSEDED PAPER CERTIFICATE OF CROWN LAND TITLE CHANGED TO LOT 7648 ON DEPOSITED PLAN 188863 ON 11-SEP-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.  
NOTE 3: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE

END OF PAGE 1 - CONTINUED OVER

## **APPENDIX 2**

### Opportunities and Constraints Plan



Plan No.: 16746-1  
 Revision: REV 0  
 Scale: 1:100@A3  
 Prepared by:  
 Checked by:  
 Approved by:  
 Date: 4 Feb 2014 45 Tucker Road Odessa Park WA 6011 www.whelan.com.au

- LEGEND**
- Indicative 100m Hazard Separation Zone (Subject to Bushfire Hazard Assessment as vegetation may change over time)
  - Forest Extreme Bushfire Hazard Risk (Subject to Bushfire Hazard Assessment as vegetation may change over time)

- Land earmarked to be included in Denmark Catchment State Forest
- Constructed Road (Gravel)
- Potential developable area within low bushfire hazard risk and 20m Building Protection Zone (BPZ) from Extreme Bushfire Hazard Risk

- Existing significant vegetation
- Existing strategic fire breaks
- Existing tracks
- General Slope Direction

**OPPORTUNITIES & CONSTRAINTS**  
**LOTS 7576 & 7648 KERNUTTS ROAD**  
**HAY**

DATE DRAWN: 20/08/2014  
 DRAWN BY: G.M.  
 CHECKED BY: J.P.  
 FILE: 16746-1 opportunities and constraints.rvt  
 VENDOR: G.M.  
 PROJECT: 16746-1@A3



PLANNING & DEVELOPMENT ACT 2005

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

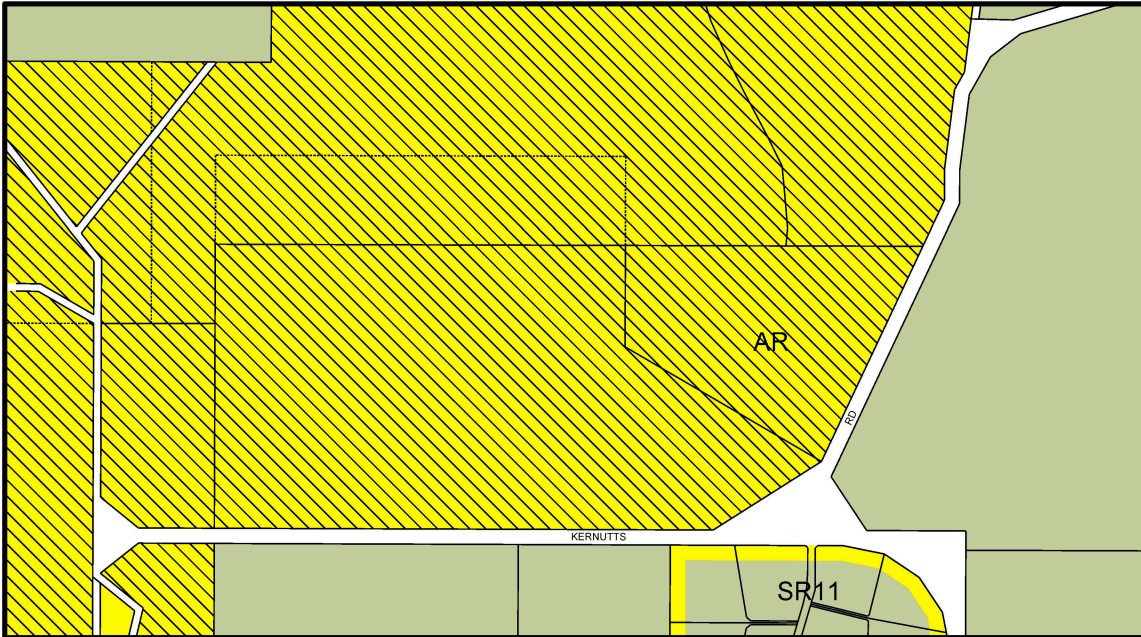
**AMENDMENT No. 139**

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:

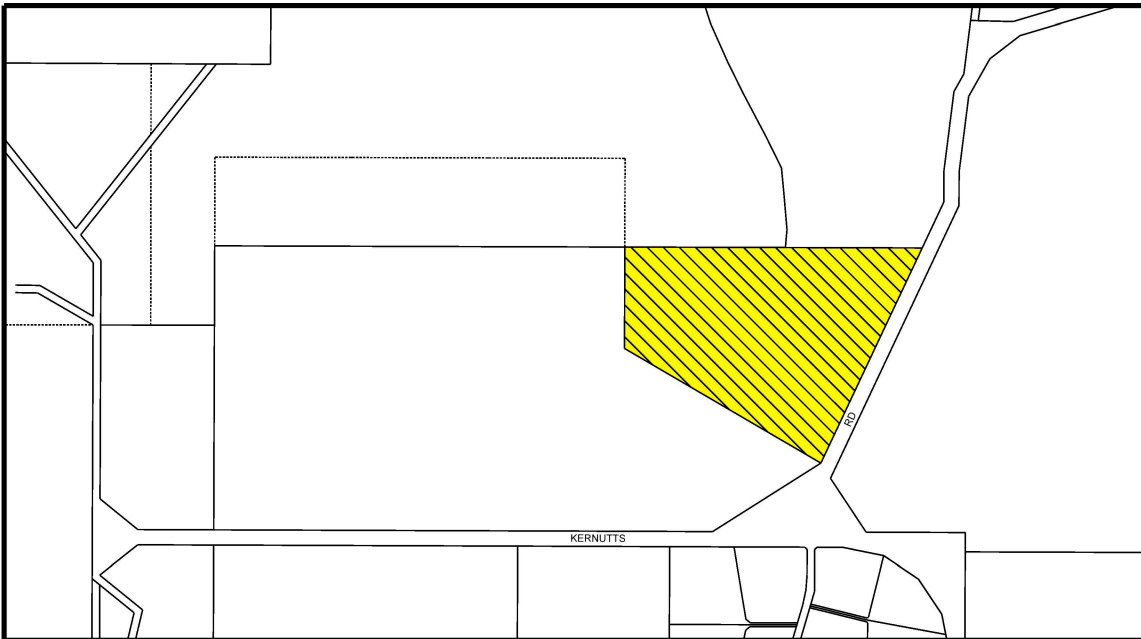
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SHIRE OF DENMARK  
TOWN PLANNING SCHEME No. 3

Amendment No.139



EXISTING ZONING



SCHEME (AMENDMENT) MAP

LEGEND



LOCAL SCHEME RESERVES

-  Public Use
- AR Denoted as Follows:  
Agricultural Research Station

ZONES

-  Rural
-  Special Rural

OTHER

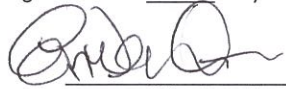
-  SR11 Special Rural Areas  
(see Scheme Text)
-  No Zone



SCALE 1:20 000

**ADOPTION**

ADOPTED for advertising resolution of the Shire of Denmark at the Ordinary Council Meeting held on 21<sup>st</sup> day of November 2017.

  
\_\_\_\_\_  
Shire President

  
\_\_\_\_\_  
Chief Executive Officer

**COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL**

Support for the submission to the Minister for Planning for approval by resolution of the Shire of Denmark at the Ordinary Council Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and the Common Seal of the Shire of Denmark was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

**WAPC RECOMMENDED/SUBMITTED FOR APPROVAL**

\_\_\_\_\_  
Delegated under S.16  
of the Planning and Development Act 2005

\_\_\_\_\_  
Date

**APPROVAL GRANTED**

\_\_\_\_\_  
Minister for Planning  
S.87 of the Planning and Development Act 2005

\_\_\_\_\_  
Date