

SHAPING THE FUTURE OF WESTERN AUSTRALIA



Statutory Planning Committee Agenda

**Notice is hereby given the next meeting of the Statutory
Planning Committee will be**

Meeting No. 7703

Tuesday, 18 July, 2023, 10:00 am

Room 2.24, 140 William Street

This meeting is not open to members of the public

15 August 2023 - Attachment 9.1.1a

1.	Declaration of opening	
2.	Apologies	
3.	Members on leave of absence and applications for leave of absence	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Minutes	
6.1	Confirmation of minutes - Meeting No. 7702 on Tuesday, 27 June 2023	8 - 13
7.	Deputations and presentations	
8.	Statutory items for decision	
8.1	Shire of Denmark Local Planning Strategy – Consent to Advertise (PLH2018P0619)	14 - 241
8.2	City of Busselton – Provenge Structure Plan – For Final Approval (SPN/0332M-1)	242 - 904
8.3	Proposed North Harrisdale Structure Plan (SPN/2346)	905 - 1049
8.4	Proposed Structure Plan - Lots 176, 201 and 9000 Rendezvous Road, Vasse (SPN/2328)	1050 - 1413
8.5	Shire of Capel - Greenpatch Local Structure Plan (SPN/2099)	1414 - 1629
9.	Confidential items	
9.1	Planning Reform - WA Planning Manual - Guidance for Structure Plans (PLH2020P0090)	
10.	Section 31 Items	
10.1	Section 31 (SAT Act) Reconsideration of a Condition of Subdivision Approval - Lots 2 and 9068 Marmion Avenue, Alkimos - City of Wanneroo (162286)	1630 - 1685
11.	Reports for noting	
12.	Stakeholder engagement and site visits	

13. Urgent or other business
14. Items for consideration at a future meeting
15. Meeting closure

Information for SPC Members

Quorum: 5 of 9 members

Representation in accordance with the Planning and Development Act 2005

	<p>Mr David CADDY WAPC Chairman <i>Schedule 2, clause 4(2)(a)</i></p>		<p>Mr Len KOSOVA Local Government Representative <i>Schedule 2, clause 4(2)(f)</i></p>
	<p>Mr Vaughan DAVIES Nominee of the Director General, Department of Planning, Lands and Heritage <i>Schedule 2, clause 4(2)(b)</i></p>		<p>Mr Lino IACOMELLA WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i></p>
	<p>Ms Lynne CRAIGIE Nominee of the Minister for Regional Development <i>Schedule 2, clause 4(2)(c)</i></p>		<p>Ms Nina LYHNE WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i></p>
	<p>Ms Kym DAVIS Community Representative <i>Schedule 2, clause 4(2)(d)</i></p>		<p>Mr Ross THORNTON WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i></p>
	<p>Ms Marion THOMPSON Professions Representative <i>Schedule 2 clause 4(2)(e)</i></p>		

Role of the Statutory Planning Committee:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

Schedule 2(4)(4) of the *Planning and Development Act 2005* (PD Act)

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Membership (extract from PD Act):

The composition of the Statutory Planning Committee is in accordance with Schedule 2(4) of the *Planning and Development Act 2005*.

4. Statutory Planning Committee

- (1) The Commission is to establish a committee to be known as the Statutory Planning Committee.
- (2) Subject to subclause (5), the Statutory Planning Committee is to consist of —
 - (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) the member of the board referred to in section 10(1)(c)(viii) or a deputy appointed under subclause (3); and
 - (d) a person approved by the Minister and appointed to the Commission as having practical knowledge of and experience in community affairs; and
 - (e) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, commerce and industry, engineering, surveying, valuation, transport, housing, heritage, environmental conservation, natural resource management, urban design, the planning and provision of community services or infrastructure; and
 - (f) a person approved by the Minister and appointed by the Commission to represent the interests of local governments; and
 - (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.

Delegated Authority (Del 2017/01) Powers of Committee

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Planning and Development (Local Planning Schemes) Regulations 2015;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;

- (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) *Section 40 of the Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
- (1) Part 5 and 8 of the Act and the Planning and Development (Local Planning Scheme) Regulations 2015 in relation to any Improvement Plan or Improvement Scheme; and
 - (2) Any gazetted Improvement Scheme;
- but excluding matters concerning –
- (i) applications for approval to developments of State or Regional Significance;
 - (ii) scheme amendments relating to zoning (including amendments to the zoning table);
 - (iii) the preparation of a new Improvement Plan or Scheme
- for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.

Quorum for meetings

In accordance with the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, Section 5.1 - Quorum for meetings:

(2) A quorum for a meeting of a committee is at least 50 per cent of the number of current offices of members of the Committee.

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.



REPORT TO	Statutory Planning Committee		
Meeting date	18 July 2023	File number	PLH2018P0619
Subject	Shire of Denmark Local Planning Strategy – Consent to Advertise		
Purpose	Requires WAPC decision		
Title of Approving Officer	Planning Director, Regional South		
Agenda Part for Reports (All parts are confidential unless otherwise stated)			
SPC - Non-Confidential (To be published to the website)			
SITE-SPECIFIC DETAILS			
Region/s	Great Southern		
Local government	Shire of Denmark		
Landowner/Consultant	N/A – Strategy prepared by Shire Officers		
Location map	Attachment 1 – Location Plan		
Bushfire Prone Area	YES		
SUMMARY			
<p>The Shire of Denmark (Shire) has submitted a draft Local Planning Strategy (the Strategy) to the Western Australian Planning Commission (WAPC) and has requested consent to advertise. The Strategy will provide a platform to shape and guide future growth, land use rationalisation and development in the Shire over the next 15 years. The Strategy and associated maps are included at Attachment 2.</p> <p>The document has been submitted to the WAPC for examination and assessment in accordance with regulation 12(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations). The document has been ‘compliance checked’ for consistency with the LPS Regulations, relevant state and regional planning policies and the <i>Planning and Development Act 2005</i>, as well as some variations beyond manner and form as agreed by the Shire and Department of Planning, Lands and Heritage (Department) officers for variation to planning recommendations.</p> <p>It is recommended that modifications be undertaken prior to advertising. The modifications are included within the Schedule of Modifications within Attachment 3. Shire officers support the proposed modifications.</p> <p>This item is being presented to the Statutory Planning Committee for its consideration as there is no delegation to officers for certification of a draft local planning strategy for advertising.</p>			
DETAILS OF PROPOSAL			
<p>The vision of the Strategy is to support the creation of a sustainable and resilient community, providing direction for the continual improvement in land use and development planning practice, and providing a framework for growth that protects and enhances the Shire of Denmark’s unique character and environment.</p>			

The main objectives of the Strategy are:

- Preserving the 'village feel' of the Shire of Denmark and supporting development that contributes to this;
- Reducing the impacts of urban growth by carefully managing visual and environmental impacts;
- Supporting the Denmark Town Centre as the primary focus for commercial activity;
- Protecting the ongoing viability of agricultural industries within the Shire;
- Prioritising consolidated urban growth and placing a greater emphasis on infill development to accommodate a larger proportion of additional housing;
- Reducing the extent of land identified for urban growth and increasing the expected yield from zoned land acknowledging unnecessary sprawl;
- Emphasising the need for housing diversity and encouraging smaller format housing to promote affordability and sustainability; and
- Emphasising the need to plan for sustainable transport modes and minimising infrastructure costs.

In relation to the Strategy's focus on housing and population growth, a snapshot is provided below:

Population Growth

- The Shire has experienced steady population growth driven by lifestyle migration and retirees, and it is expected that this will continue in the near future.
- The Shire had an estimated resident population (ERP) of 6,422 residents in 2021. Based on WA Tomorrow, the Strategy estimates a population between 7,700 and 8,200 in 2036, which is dependent on assumed growth rates.
- The Strategy envisages an additional 755-1000 dwellings being required by 2036, dependent on growth rates.

Housing

- The Strategy is based off the Denmark Regional Land Supply Assessment carried out in 2017, but has been updated based on approved planning proposals, completed development, and changes to state policies (notably bushfire and sewerage) that have occurred since this time. In summary;
 - There are approximately 400 vacant lots across the Shire (all zones);
 - There are a potential 1,428 additional lots on land currently zoned for residential and rural residential development, with 100-200 of these lots being potential infill development which could be readily realised;
- The Strategy outlines the Denmark townsite will remain the primary focus for population growth, and prioritise consolidated urban growth and placing a greater emphasis on infill development to accommodate a proportion of additional housing. The Strategy also promotes the investigation into a number of incentives to promote infill development.
- The strategy emphasises the need for housing diversity and encouraging smaller format housing to promote affordability, whilst also planning for sustainability and non-car dependent transport modes.
- The strategy in relation to larger lifestyle lot subdivisions (i.e. rural residential and low density residential) takes the position that larger lifestyle lot subdivisions are incompatible with the community vision and objectives of the Strategy to provide consolidated urban growth in a sustainable manner. The draft Strategy, compared to the existing 2011 strategy, proposes to change a number of land use designations based on planning constraints, which is discussed in the Planning Assessment section.

BACKGROUND

The Shire of Denmark Local Planning Strategy (2011 LPS) was adopted by Council on 4 October 2011 and endorsed by the WAPC on 22 May 2012. A review of the 2011 LPS was necessary to reflect the significant changes that have occurred since 2011, including changes to the State and Regional Planning Framework and the finalisation of the Shire’s *Community Strategic Plan* (Denmark 2027) in 2017.

A formal working group to prepare the Strategy was established by the Shire in November 2019. The Working Group comprised of three Councillors, representatives from the Department of Planning, Lands & Heritage (Department) and Shire officers.

A review of the 2011 LPS has included an extensive research process, key issue discussions with the Working Group, delivery of a community consultation process and engagement with relevant State Government agencies. The Shire also engaged appropriately qualified consultants to provide technical analysis of commercial activity, bushfire hazard levels and visual landscape values.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	State Planning Strategy 2050 (2014)	Fully consistent
	Lower Great Southern Planning Strategy	Fully consistent
	Great Southern Regional Planning and Infrastructure Framework (2015)	Fully consistent
	State Planning Policy 2.0 - Environment and Natural Resources Policy (2003)	Fully consistent
	State Planning Policy 2.5 - Rural Planning (2016)	Broadly consistent, some discretion required
	State Planning Policy 2.6 – Coastal Planning (2013)	Fully consistent
	State Planning Policy 3.0 - Urban Growth and Settlement (2006)	Fully consistent
	State Planning Policy 3.5 - Historic Heritage Conservation (2007)	Fully consistent
	State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (2015)	Fully consistent
	Local Planning Strategy Guidelines (2021)	Broadly consistent, some discretion required

Budget In-house (officer hours and incidentals)

Consultation The purpose of the decision of the WAPC is for certification to advertise. Following the submission of the Strategy for consent to advertise, the Department has liaised with the and has provided a draft schedule of modifications. Shire of Denmark officers are supportive of the modifications.

PLANNING ASSESSMENT

The LPS Regulations require the WAPC to examine the documents and if satisfied that they are compliant with the LPS Regulations, to certify the Strategy for advertising for a period of not less than 21 days, with or without modification.

Regulation 11(2) provides that a local planning strategy must:

- "(a) set out the long-term planning directions for the local government; and
- (b) apply any State or regional planning policy that is relevant to the strategy; and
- (c) provide the rationale for any zoning or classification of land under the local planning scheme."

The purpose of the Strategy is to identify key planning themes, as well as key areas for future growth around the Denmark townsite, and to provide the rationale for any future zoning or classification of land under the local planning scheme. It is also important to note that the Strategy provides land use designations and does not represent zones proposed under a local planning scheme.

The Strategy is generally consistent with WAPC policies and applicable planning framework, subject to recommended modifications. Officers from the Department have worked closely with Shire officers in identifying modifications prior to advertising. This collaborative relationship has resulted in a robust and comprehensive Strategy review.

The Schedule of Modifications detail a large number of modifications, predominantly relating to administrative errors, clarity and readability modifications, and modifications to align the Strategy with the applicable planning framework. The sub-headings listed below are the key matters relating to the assessment of the Strategy.

Consistency with Local Planning Strategy Guidelines

The WAPC published *Local Planning Strategy Guidelines* (Guidelines) in October 2021. The Guidelines provide clear and consistent guidance for the preparation of a local planning strategy, including standard manner and form. The Guidelines specify transitional arrangements for strategies that are substantially progressed, noting they do not have to be fully consistent.

The Shire of Denmark commenced the preparation of the Strategy in 2019 prior to publication of the Guidelines. The Strategy is broadly consistent with the Guidelines, identifying relevant themes, demographic profile, strategies and actions. The mapping is also broadly consistent with the LPS Guidelines.

Modifications are recommended to relocate background information, including analysis of demographic information, public open space and tourism areas to Part 2, thereby providing a clear and concise Part 1.

Conservation Subdivision Incentives

The Shire of Denmark consider Cl.6.5 conservation-based subdivision incentives within *Development Control Policy 3.4 – Subdivision of Rural Land* (DC3.4) are fragmenting agriculturally productive rural land. To balance conservation subdivision against maintenance of rural land titles of an adequate size the Strategy proposes to limit the area and extent of conservation-based subdivisions that are:

- Located in the immediate vicinity of regional ecological linkages identified in the Strategy, generally relating to river systems. **Attachment 4** depicts the location of the regional ecological linkages; and
- A minimum area of 10 hectares of remnant vegetation in good or better condition, or a smaller amount if ecological values are considered 'outstanding' by the Shire; and
- Where the balance rural lot maximises the productive capacity of the land and contains a minimum of 20 hectares of land considered viable for agricultural or rural production.

It is noted that planning proposals will have to comply with all the requirements listed, in order to be considered for a conservation-based subdivision.

State Planning Policy 2.5 - Rural Planning (SPP 2.5) Cl. 5.5 provides scope for regional variation of DC 3.4 via a strategy and scheme, providing the variation meets rural planning policy objectives including:

- supports ongoing primary production;
- comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making; and
- protects and manages environmental, landscape and water resource assets.

A comparison between the requirements of the Strategy and DC3.4 are provided below:

Requirement	Strategy	DC 3.4
Conservation Covenant	Subject to covenanting of the conservation lot with appropriate conditions to preserve conservation values in perpetuity and administered by an appropriate agency	Support of Department of Biodiversity, Conservation and Attractions (DBCA), National Trust of Australia (NTWA), or another relevant agency, and in-principle agreement to administer the conservation covenant.
Conservation Lot	Minimum area of 10 hectares of remnant vegetation in good or better condition will be preserved through the proposal. Variations may be considered where, in the opinion of the Shire, ecological values are considered outstanding.	Support by covenanting agency on adequacy of lot size (if less than 40 ha) to retain conservation values in perpetuity.

Requirement	Strategy	DC 3.4
Balance Rural Lot	The balance rural lot maximises the productive capacity of the land and contains a minimum of 20 hectares of land considered viable for agricultural or rural production.	The balance lot is suitable for the continuation of the rural land use and retains where practical, native or regenerated vegetation as an integral part of sustainable primary production, provided that this does not result in the division of significant endemic vegetation
Locational Criteria	Within the immediate vicinity of the regional ecological linkages identified in the Strategy.	No locational criteria.

DC3.4 notes creation of new or smaller rural lots is by exception and provides limited circumstances where subdivision of rural land may be appropriate. This includes creation of conservation lots to promote better land management and achieve environmental benefit.

The Shire's intent to consider and appropriately plan for conservation-based subdivisions broadly meets SPP2.5 and DC3.4 policy objectives, however, the prescriptive nature of designation of minimum lot sizes, locational criteria and potential conflict with DC3.4 provisions may cause confusion and difficulty to implement at the subdivision stage.

State Planning Policy 2.0 – Environment and Natural Resources outlines land use planning and decision making should support the conservation, protection, and management of native remnant vegetation where possible (Cl 5.1 x), and to also ensure the protection of high biodiversity conservation values through mechanisms including planning controls or conservation covenants (Cl 5.5 v).

The prescriptive nature of the Strategy, being restricted to the regional linkages only, may result in the loss of environmental benefits within other areas. For example, there are lots adjoining national

parks or conservation reserves that would be unable to comply with the locational criteria but which comply with the minimum 10Ha conservation area, and broadly meet balance rural lot requirements.

The state planning framework acknowledges the incentive-based approach in relation to conservation-based subdivisions, in providing an additional lot, in exchange for positive environmental outcomes to be maintained in perpetuity via covenants. Advice from the Department of Biodiversity, Conservation and Attractions (DBCA) was sought in relation to variation of covenanting criteria. They recommend the provision be modified to 20 hectares of contiguous tracts of native vegetation.

The intent of the provisions is supported; however, it is recommended they are modified to ensure consistency with state planning framework. The modification is listed at Modification 12, within **Attachment 3**. In summary the modification is to:

- Modify the minimum vegetation requirement from 10 ha to 20 ha, and outline the vegetation is to be a contiguous tract of vegetation;
- Remove the minimum lot size for the balance rural lot and outline the rural lot should be suitable for the continuation of a rural land use. The removal of the minimum lot size is due to the different scale and types that can occur when undertaking primary production on rural land. It is also acknowledged that the conservation subdivision process does not change the size of the cleared/rural area on a lot, as the vegetation would unlikely be supported for clearing to increase the amount of area for primary production on a lot;
- Removal of the mandatory requirement for lots to be located within the regional ecological linkages, as depicted on Map 2. As mentioned above, the mandatory locational criteria may result in loss of environmental benefits in other areas; and
- Inclusion of an additional provision relating to proposals adjoining national parks, local reserves, conservation reserves and other related matters.

Changes to strategy designations based on planning constraints

During assessment of the Strategy the Department identified a number of areas unlikely to comply with the state planning framework and therefore unsuitable for further intensification. Issues include bushfire, on-site effluent disposal, coastal planning, vegetation and environmental attributes. **Attachment 5** provides an aerial image, current zoning and proposed strategy designation of these areas.

Lot 212 (261) Ocean Beach Road, Denmark

Lot 212 (261) Ocean Beach Road, Denmark is currently identified as Special Residential in LPS 2011 and is currently zoned Special Residential within LPS3. The subject lot is identified as DMK27 within the Denmark Regional Land Supply Assessment, and has an endorsed Structure Plan, which was approved in 2001 with an expiry date of October 2025, and would need to be re-approved and assessed against the contemporary planning framework. The lot is 8.8 ha and is identified to have a yield of 14 lots.

Strategies and actions within Part 1, CI 3.2.2.2 'Urban Expansion' of the Strategy notes there are currently lots zoned Residential or Special Residential in the local planning scheme that are yet to be developed. It notes some of these lots have critical issues that may constrain development potential. Figure 13 within CI 3.2.2.2 examines alternative outcomes for such lots.

Figure 13 recommends Lot 212 be designated as an alternative zoning such as Rural or Tourism. However, Strategy map 'Denmark Townsite and Surrounds' identifies the lot as Special residential/Low density residential.

Special Residential zone is no longer a defined zone within the Regulations and such a zone will not be supported at the time a new local planning scheme is prepared. Thus, in accordance with the current designation of the Strategy, the applicable zone would be Residential.

Given significant issues within the lot including extensive remnant vegetation, bushfire issues and location within a sewerage sensitive area, even low-density Residential subdivision is likely to be constrained. As such, it is recommended that the strategy is modified to reflect this lot as Environmental Conservation.

Lot 5434 (9) Crowea Road, Denmark

Lot 5434 is dissected by Inlet Drive, with the northern portion currently identified as Urban Residential in LPS 2011, and currently zoned Rural in LPS3. The southern portion of Lot 5434 is identified as Rural in LPS 2011 and is currently zoned Rural in LPS3. The lot is 3.2 ha.

In summary the northern portion of the subject land is identified as Urban Residential, and the southern portion identified as Rural, in the Draft Strategy. The subject lot is heavily vegetated, located in a sewage sensitive area, and is unlikely to comply with Bushfire planning requirements. It is likely that any development would require the removal of significant vegetation to implement bushfire and access requirements. As such, it is recommended that the Strategy is modified to reflect this lot as Rural Residential zone which provides for lot sizes ranging from 1 to 4 ha

Areas identified for intensification in previous local planning strategy

The Strategy differs from the 2011 LPS in its approach to several areas, including:

- Prioritising consolidated urban growth and placing a greater emphasis on infill development to accommodate a larger proportion of additional housing;
- Consistent with the 2011 LPS, the Denmark townsite will remain the primary focus for population growth given the ample opportunities for additional housing and support of existing community services, infrastructure, and commercial activity/employment;
- Prioritising urban growth in proximity to the Denmark townsite, with the Strategy only supporting the retention of existing zoned land for the purpose of rural residential; and
- Supporting infill development within existing special rural zoned areas where it can be adequately demonstrated that bushfire risks, environmental impacts and other relevant land use planning considerations can be appropriately addressed.

In summary, there are some areas that were identified as special residential and rural residential areas within LPS 2011, which the Shire of Denmark no longer proposes for rural residential and low-density residential development. **Attachment 5** provides an aerial and zoning plan and zoning of these areas. These include the three areas set out below:

Lot 338 (42) Cussons Road Shadforth

Lot 338 (42) Cussons Road, Shadforth is currently identified as Special Residential in LPS 2011 and is currently zoned Rural in LPS3. The subject lot is identified as DMK43 within the Denmark Regional Land Supply Assessment. The subject lot is 17 ha, is heavily vegetated and has a steep slope across the site. The Strategy proposes it be designated as Rural zone.

The Bushfire Hazard Level Assessment outlines the subject site has an Extreme BHL for the majority of the site, and '*Compliance within bushfire siting and design requirements of dwellings may be difficult to achieve without significant onsite and offsite clearing native vegetation.*'

The West Denmark Structure Plan (WDSP) identifies a total yield of eight lots with an average area of 1.1 hectares, with a large portion of the site being identified as public open space. The design as outlined on the WDSP would require significant vegetation clearing to implement access and bushfire planning requirements, including providing a development site for dwellings.

Mount Shadforth Road (North)

This development area includes Lots 24, 353, 356 and 631 McLean Road, and Lots 21 and 351 Mount Shadforth Road. The subject lots are currently identified as Rural Residential in LPS 2011, and currently zoned Rural in LPS3. The subject lots are identified as DMK41 within the Denmark Regional Land Supply Assessment. The Strategy proposes it be designated as Rural zone.

The subject lots encompass an area of 43 Hectares, has a large majority of the site vegetated, and has a steep slope across the site.

The Bushfire Hazard Level Assessment outlines the subject site has an Extreme BHL for the majority of the site, and '*Compliance to the BPC Siting and design requirements of dwellings may be difficult to achieve without significant onsite and offsite clearing native vegetation.*'

Lot 721 (11) Stanley Close, Shadforth

Lot 721 (11) Stanley Close, Shadforth is currently identified as Rural Residential in LPS 2011, and is currently zoned Rural within LPS3. The subject lot is identified as DMK34 within the Denmark Regional Land Supply Assessment. The subject lot is 12Ha, is heavily vegetated and has a steep slope spanning approximately 50 metres across the site. The Strategy proposes it be designated as Rural zone.

The subject lot is unlikely to comply with bushfire planning requirements, and would require significant vegetation clearing to implement access and bushfire planning requirements.

It is recommended that the change of designation of the three lots discussed above be supported.

Conclusion

The draft Strategy is consistent with the LPS Regulations; adequately sets out the long-term planning direction for the Shire, applies the State and regional planning framework; and provides the rationale for zoning and classification under the future local planning scheme. As such, it is recommended that the Strategy is certified for advertising, subject to the modifications listed at **Attachment 3** being carried out.

RECOMMENDATION

That the Statutory Planning Committee resolves to:

- 1. require the Shire of Denmark to modify the draft Local Planning Strategy, in accordance with the attached Schedule of Modifications (Attachment 3), are required;***
- 2. subject to the above modifications being satisfactorily undertaken, certify that the Shire of Denmark draft Local Planning Strategy is consistent with regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and that the Local Planning Strategy should be advertised for a minimum of 60 days and be in accordance with regulation 13; and***
- 3. authorise Department of Planning, Lands and Heritage Officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly, prior to the advertising of the Local Planning Strategy.***

ATTACHMENTS

A1 – Location Plan

A2 – Local Planning Strategy (removed due to size - refer to SPC website for full version)

A3 – Schedule of Modifications

A4 – Environmental Linkages Map

A5 – Changes to strategy designations from LPS2011



SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
	Draft Strategy Text	
1.	<p>Page 29 Strategies and Actions – Infill & Consolidation</p> <ul style="list-style-type: none"> • Modify Strategy 1 to read: “<i>Support sustainable urban growth by promoting quality infill development to enhance social capital, encourage economic viability and conserve the natural environment.</i>” • Modify Action 2(a)(iii) to read: <i>Within the areas identified at i. and ii. above, investigate the introduction of minimum density requirements that mandates the achievement of at least 50% of the identified residential density coding or the preservation of opportunity for this to be achieved in future, via local planning policy or scheme provisions.</i> • Include an additional Action 3(b) to outline the Shire’s intention to review the dual coding zoning and provisions over Residential Zoned land in the new Scheme, and include commentary within the Strategy text as required. 	<ul style="list-style-type: none"> • To outline the positive benefits of infill development, not just the negative aspects. • Modification includes reference to the planning mechanism to achieve this action. • As requested by the Shire – foreshadows the intention to review the current provisions and zoning of dual coded properties in the Shire, having regard to the changes in the planning framework (e.g. sewer, bushfire, environmental).
2.	<p>Page 31 Strategies & Actions – Urban Expansion</p> <ol style="list-style-type: none"> 1. Include additional commentary relating to the expectations and requirements for urban growth areas identified, for example where Structure Planning and Reticulated Sewer are required, and considerations for adjoining development sites. 2. Update Figure 13 Table ‘<i>Considerations for existing sites zoned Residential or Special Residential identified for land development</i>’ to reflect updated subdivision approvals over the areas. 3. Update DKM38 to reflect mechanism to allow structure planning of the sites via a special control area designation within Draft LPS 4. Update DMK19 to include the current Scheme Amendment number and amend the Strategy text to include specific statement relating to the Strategy supports the designate Lot 9010 as Low Density Residential, instead of Tourism. 5. DKM28 – Include ‘Planning Matters to be addressed’ as follows: 	<ol style="list-style-type: none"> 1. To ensure that the planning matters to be addressed at future planning stages are clearly defined. 2. Update to reflect recent approvals following the submission of the Strategy. 3. Strategy text to outline mechanism to ensure coordinated development within the DMK38 precinct. 4. To reflect the current Amendment being considered, and to amend the Strategy to reflect the envisaged/future land use outcome for this area.

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

No.	WAPC Required Modifications	Reason
	<p>a. <i>Key issues to be addressed prior to the development of this site include:</i></p> <ol style="list-style-type: none"> i. <i>Remnant vegetation</i> ii. <i>Bushfire risk</i> iii. <i>Connection to reticulated sewerage</i> <p>6. DMK68 – Include commentary within the Strategy as a priority area for sewer extension, particularly given the adjacent civic and community land uses (Highschool, Shire Administration and Country Club). Sewer to this area would also provide significant infill potential to Residential (R5/15) zoned lots between the DMK68 and the Denmark River that are currently unsewered. Ensure the LPS pushes the case for infill sewer to this locality.</p> <p>7. Include Portion of Lot 374 (DP230731) identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed.</p> <p>8. Include Lot 11-13 Ocean Beach Road, Denmark identified as ‘Urban’ on the Strategy Map into Figure 13 and provide planning matters to be addressed.</p> <p>9. Include Lot 2 and Lot 210 Inlet Drive, Denmark identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed.</p> <p>10. Modify Figure 13 in relation to DMK37/DMK47 to reflect the intention for urban residential development in this locality, and include commentary within this section to outline ‘support rezoning of the land to Urban Development zone’ and outline the expectation of envisaged density (i.e. reticulated sewer is to be provided).</p> <p>11. Include Lot 617 (1203) South Coast Highway, and Lot 1 (1189) South Coast Highway, (DMK45), including Lot 621 (27) Harlequin Street, identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed, including commentary within the Strategy to outline ‘<i>support the rezoning of the land to Urban Development zone</i>’.</p> <p>12. Include Lot 3, 4 and 5 Ocean Beach Road, Shadforth (DMK51), identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed, including commentary within the Strategy to outline ‘<i>support the rezoning of the land to Urban Development zone</i>’.</p> <p>13. Modify Figure 13 and Figure 14 to include the following tables as outlined in Appendix B.</p>	<p>5. To ensure that the planning matters to be addressed at future planning stages are clearly defined.</p> <p>6. The subject area is unsewered and the provision of reticulated sewer would provide significant infill opportunities.</p> <p>7. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section</p> <p>8. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section</p> <p>9. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section.</p> <p>10. The subject site is identified as urban but has significant planning constraints, predominantly the distance from the reticulated sewer network, that are unlikely to be addressed in the strategy timeframe, and are likely dependent on other development areas being developed first.</p> <p>11. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section.</p> <p>12. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section.</p> <p>13. As requested by the Shire of Denmark, Figures 13 and 14 to be modified to provide more detailed analysis and recommendation.</p>

SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
3.	Page 37 Rural Multiple Occupancy Delete the commentary in the Strategy outlining that that a Rural Multiple Occupancy (RMO) Zone will be pursued in LPS4. Amend the section to outline areas currently zoned RMO will be identified as Rural with Additional Use designations in LPS4.	The Rural Multiple Occupancy Zone is not a model zone in the LPS Regulations and can adequately be covered by model zones.
4.	Page 37 Strategies & Actions – Rural Residential 1(d) Modify the text relating to structure planning all rural residential zoned land to reflect the LPS Regulations and provide commentary on structure planning of rural residential zoned land should only occur to achieve orderly and proper planning, including where strategic road connections are required across multiple landholdings.	The LPS Regulations outline that structure planning should only occur on land zoned ‘Urban Development’, or for purposes for orderly and proper planning.
5.	Page 43 Tiny Houses on Wheels Remove the second last dot point within the Tiny Houses on Wheels Section relating to approving Tiny Houses on Wheels for a ‘trial period’	If a Tiny House is capable of being transported by the function of its own wheels capable of supporting its weight, it is classified as a caravan, and it is regulated by the <i>Caravan Parks and Camping Grounds Act 1995</i> and <i>Caravan Parks and Camping Grounds Regulations 1997</i> .
6.	Page 43 Modify the title of ‘Flexible Infill and Small Homes’ to ‘Flexible Infill’	As requested by the Shire, to ensure no confusion with the ‘Small Homes’ term in the Medium Density Code.
7.	Page 45 Part 3.2.4.1 – Design Principles and Assessment Remove the 10 Principles listed, and summarise that the Shire will aim to achieve the principles listed in SPP 7.0.	The text is explanatory in nature and can be referenced in Part 2 if required.
8.	Page 49 Strategies & Actions – Building Materials 1(a) Modify the wording to provide policy provisions via a Local Planning Policy, not the Local Planning Scheme.	Building Materials (including visual/reflectivity) is more appropriately captured in a Local Planning Policy.
9.	Page 53 Strategies & Actions – Rural Settlements	<ul style="list-style-type: none"> The requirement for Structure Planning is not necessary and can adequately

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
	<ul style="list-style-type: none"> • (1)(a) - Remove the requirement for a Structure Plan requirement for Nornalup, with the Strategy outlining that an Amendment to the Scheme is to be accompanied by an indicative land use layout plan which is based on technical details and analysis. • 2(a) – Modify the wording to ‘Not support further expansion of Peaceful Bay...’ 	<p>be covered by indicative land use analysis associated with a Scheme Amendment.</p> <ul style="list-style-type: none"> • Modification of wording to better clarify the action.
10.	<p>Page 57 Strategies & Actions – Rural Land Use</p> <ul style="list-style-type: none"> • 1(c) – Remove the reference to the utilisation of restrictive covenants to provide setbacks to agricultural land. • 1(d) – Modify wording to read ‘<i>Where the Department of Primary Industries and Regional Development (DPIRD) has identified priority and high value agricultural land, consider the preservation of agricultural production as part of discretionary decision making for non-agricultural land uses in the Rural Zone, via a local planning policy or scheme provisions.</i>’ 	<ul style="list-style-type: none"> • The separation between land uses should be considered as part of planning applications with setbacks and other mechanisms providing suitable tools to control development. • Modification clarifies the planning mechanism to implement this action, and outline that DPIRD should be involved in the identification of priority/high value
11.	<p>Page 58 Tree Plantations & Forestry</p> <p>Modify wording to reflect that tree farming should be located in cleared areas, and not cause the removal of remnant native vegetation; and include reference to the location of tree farms relative to biodiversity assets, and management of potential impacts (e.g. invasive species)</p>	<ul style="list-style-type: none"> • Tree farms should not be implemented where it necessitates the removal of native vegetation, and to consider appropriate setbacks and buffers from adjoining conservation reserves/national parks.
12.	<p>Page 60 Strategies and Actions - Conservation Lots</p> <p>Modify the Strategies and Actions (d) and (e) to read:</p> <p>(d) The Shire will recommend support of the subdivision of rural land for conservation purposes under Development Control Policy 3.4 to the Western Australian Planning Commission, in the following circumstances only:</p> <ol style="list-style-type: none"> i. Proposals generally located within the immediate vicinity of the ‘regional ecological linkages’ as depicted on Map 2 (Page 122) within this Strategy; ii. Proposals that include contiguous remnant vegetation directly adjoining national parks, local reserves, conservation reserves, riverine systems or other environmental features 	<ul style="list-style-type: none"> • The intent of the provisions are supported, however, it is recommended they are modified to make them more flexible and consistent with the applicable planning framework.

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
	<p>where they demonstrate significant capacity to contribute to a local-level ecological linkage;</p> <p>iii. Where a minimum area of 20 hectares of contiguous remnant vegetation in good or better condition will be preserved through the proposal. Variations may be considered where, in the opinion of the Shire, ecological values are considered outstanding, and a relevant agency has endorsed the suitability of the smaller area of vegetation to retain the conservation values in perpetuity;</p> <p>iv. Where the balance rural lot maximises the productive capacity of the land and is suitable for the continuation of the rural land use.</p> <p>v. Consistent with other identified requirements in the local planning framework, including bushfire risk, land use compatibility and landscape values.</p> <p>vi. Notwithstanding the above points (i) to (v), all proposals are required to have support of a relevant agency (e.g. the Department of Biodiversity, Conservation and Attractions, or other relevant agency), endorsing the suitability of the conservation lot for the intended purpose of retaining environmental values, and support to administer the necessary conservation covenant.</p> <p>(e) As part of the preparation of a Biodiversity Strategy:</p> <p>i. Consider landholdings within rural areas that might be appropriately included within the Environmental Conservation Zone.</p> <p>ii. Consider other biodiversity conservation incentives that may be included within the local planning framework or Shire policies.</p> <p>iii. Consider modifications or refinement of the Shire's position in relation to subdivision proposals for conservation purposes.</p>	
13.	<p>Page 62</p> <p>Strategies & Actions – Structure Plans and Subdivisions</p> <ul style="list-style-type: none"> • Remove the dot point “Locate flood storage areas outside of the required 10% Public Open Space in new developments.” • (2) – Modify to include reference to ensuring consistency with the state planning framework. • (3)(a) – Modify to read <i>'Shire will advocate against estate covenants and design guidelines through subdivision clearance that conflict with the ESD principles identified in the Shire's Sustainability Strategy and the requirements of this Strategy'</i> 	<ul style="list-style-type: none"> • Liveable Neighbourhood and DC 2.3 allows some portion of drainage to count towards POS. • The scheme and policy provisions should not conflict or create inconsistencies with the state planning framework. • The Shire cannot restrict 'estate covenants' but can advocate and collaborate with the development

SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
		industry to ensure ESD principles are considered as part of estate covenants.
14.	Page 64 Strategies & Actions – Development Applications & Buildings <ul style="list-style-type: none"> • Modify Action 1(i) to read : <i>Investigate the adoption of Life Cycle Assessment (LCA) methodology within the planning framework for new buildings.</i> 	<ul style="list-style-type: none"> • Provides greater flexibility and investigation of the action.
15.	Page 72 Commercial Floorspace Analysis <ul style="list-style-type: none"> • Move Figure 22, Figure 23 and Figure 24 to Part 2 – Explanatory • Amend Title of Figure 23 	<ul style="list-style-type: none"> • Background information to be provided in Part 2 and referenced within Part 1. • Title of Figure 23 is incorrect.
16.	Page 78 Strategies & Actions – Flexible Building Design <ol style="list-style-type: none"> 1. Modify Action 1(b) to remove the reference to ‘when reviewing the Town Centre design guidelines’ 	The identification of development standards for flexible building design could be implemented through the Precinct Structure Plan, or via general provisions within LPS4, and the modification allows flexibility.
17.	Page 80 3.3.3.3 – Light Industrial Area (LIA) <ol style="list-style-type: none"> 1. Move this part into the ‘Industrial’ section of the Strategy 2. Include commentary within the Strategy relating to the extension of Middleton Street is subject to the resolution of land tenure. 3. Include commentary within the Strategy relating to the planning matters to be addressed at future planning stages for Lot 139 Zimmerman Street, and Lot 672 Zimmerman Street, including but not limited to, drainage and water management, lot sizes, environmental features, road connections and contributions, bushfire, land tenure, and servicing. 	<ol style="list-style-type: none"> 1. This part is currently within the ‘Other Commercial Areas’ section of the Strategy and potentially duplicated by Section 3.3.4.1. 2. The extension of Middleton Street travels through Lot 673 which is Unallocated Crown Land, and two Crown Reserves. 3. The Strategy should broadly outline the relevant matters that are to be addressed at future planning stages.
18.	Page 81 Strategies & Actions – Other Commercial Areas	The current action outlines that the investigation is ‘ <i>subject to negotiation with the landowner</i> ’ and the Strategy should

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
	1. Modify Action 2(c) to read: ' <i>Investigation of alternative land use outcomes, or a reduction of Service Commercial Zoned land to accommodate other land uses, over a portion of Lot 214 (267) Ocean Beach Road</i> '	specify the future land use intent for an area, and should not be dependent on landowners wishes.
19.	Page 84 Strategies & Actions – Industrial Areas 1. Modify Action 1(c) to read 'support the rezoning' instead of 'rezone the northern...'	The Shire's intention is to acknowledge that there is general support for rezoning if the owner made a formal request, however the Shire will not change the zoning as part of the scheme review.
20.	Page 88 – 89 1. Modify the street address of 119 Beaufortia Gardens, Hay to reflect 'Portion of Lot 9011 on DP424797, and specify as 'Low density residential' instead of 'Special Residential' 2. Modify the spelling of 'Mariet Rise' to 'Mairet Rise'	1. Clarity of locality, and Special Residential is no longer a zone supported in the LPS Regulations. 2. Typographical error
21.	Page 100 Figure 27 – Mount Shadforth <ul style="list-style-type: none"> • Modify the map boundary to exclude any special residential and special rural zoned land from the tourism precinct. Figure 27 – Peaceful Bay <ul style="list-style-type: none"> • Modify wording on the recommendations & considerations section as the provisions appear to conflict, as it outlines 'primary use for tourism purposes may be supported' and 'no additional land has been identified for intensive tourism development...' 	<ul style="list-style-type: none"> • The current wording and map boundary could result in tourism based proposal over predominantly single residential type lots. • These two sentences contradict each other as One says Primary use for tourism purposes may be supported, and the other says no additional land has been identified.
22.	Page 112 Strategies & Action – Caravan Parks & Camping <ul style="list-style-type: none"> • Modify Action 1(c) to include the wording '<i>and the Shire will advocate with the Department of Local Government, Sport and Cultural Industries</i>' • Modify Action 1(c) to reflect the 'Caravan Park and Camping Ground regulatory framework', instead of only referencing the regulations 	<ul style="list-style-type: none"> • Local Government to advocate for legislative change in the caravan/camping ground framework to allow more flexible accommodation options. • Clarity. • Clarity and to specify the intent is tourism based accommodation.

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

No.	WAPC Required Modifications	Reason
	<ul style="list-style-type: none"> Modify Action 1(d) to include 'tourist accommodation types' instead of accommodation types' 	
23.	Page 117 <ul style="list-style-type: none"> Modify the section relating to development contributions for tourism land uses to clarify that this mechanism would only relate to the development of new tourism accommodation on a per unit basis and is not a levy on existing operations. 	To clarify that only new tourism developments would be levied (if a Development Contribution Plan was prepared and implemented)
24.	Page 129 Strategies and Action – Landscape Values <ul style="list-style-type: none"> Modify Action 1 (b) and 1 (c) to provide more broad/strategic actions, with specific criteria and provisions can be included within Part 2 if required. 	The Strategy should be more Strategic and broad and the specific provisions should be considered at future planning stages.
25.	Page 147 Strategies & Actions – Community Facilities <ul style="list-style-type: none"> Modify Action 1(c) to read: <i>Consider the preparation of a Development Contributions Plan to support the collection of financial contributions from land development for new and expanded community facilities.</i> Modify Action 2(c) to read 'zone Lot 300 as a Reserve with an appropriate designation in LPS4' Modify Action 3(c) to be reserved as 'Public Purpose' reserve. 	<ul style="list-style-type: none"> Provides more flexibility for the Shire to consider the merits of preparation of a DCP. Clarity. Public Purpose reserve is more appropriate as it provides flexibility as the subject land has a variety of different land uses.
26.	Page 154 3.5.3 Public Open Space <ul style="list-style-type: none"> Include Strategies and Actions for this section, as outlined in Appendix A. Include all explanatory sections, including POS Analysis and associated tables to Part 2 of the document. Include details relating to rationalisation of POS and reference the POS Cash-In-Lieu Position Statement in relation to this matter. Provide additional descriptions (e.g. Reserve/Lot number) for each POS site, including the current characteristics (type/function/size), and provide a map representing these spatially. 	<ul style="list-style-type: none"> No Strategies or Actions are proposed within this section. The wording is as recommended by the Shire. The POS Analysis should be included within Part 2 as background documentation, with Part 1 referencing to this body of work. POS Rationalisation should reference the Position Statement relating to Cash-In-Lieu. Additional information and a Map will provide further information and

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

No.	WAPC Required Modifications	Reason
		represents spatially the areas of public open space.
27.	Page 164 <ul style="list-style-type: none"> • Move Map 4 to be within the 'Community Facilities' section of the document. 	Map was placed in an incorrect location.
28.	General – Format of Document <ul style="list-style-type: none"> • Modify the format of the document by moving a number of identified explanatory and statistical components to Part 2 of the Strategy: <ol style="list-style-type: none"> 1) Part 3.1.1 Demographic Profile, Part 3.1.2 Population Forecast, and Part 3.1.3 Dwelling Yield Analysis; 2) Part 3.2.3.1 Housing Profile and incorporate in a 'demographics' section; 3) Tables within Part 3.2.3.2 'Availability & Affordability'; 4) Figure 26 and 27 Tables within Part 3.3.5.2 'Tourism Sites & Precincts'; 5) Figures 30, 31 and 32 Tables within Part 3.5.1.1 'Education'; 6) Include text within Part 1 of Strategy which references to these sections (as applicable) • Include the suburb/locality number and/or Deposited Plan Number when referencing specific lots in the document. 	LPS Strategy Guidelines - CI 5.3.4 outlines that the Local Government Profile should be in Part 2 of the Strategy. All 'Explanatory' sections or analysis sections (e.g. Tourism, Public Open Space,) should be included within Part 2 or an Appendix, with Part 1 linking back to these sections.
29.	Special Residential Provide a section within <i>Part 3.2.2.2 – Urban Expansion</i> outlining that some areas were previously identified as 'Special Residential' within LPS2011, whereas they are now identified as 'Rural', and provide explanatory text that this strategy no longer identifies these locations as suitable for more intensive development as a result of various site constraints including slope, environmental characteristics, bushfire planning matters (extreme BHL), and servicing.	The subject sites are heavily constrained and the Strategy's focus is on infill development closer to the Denmark townsite.
30.	Page 34 Strategies and Actions – Urban Expansion Modify Action 2 to read: <i>'Require comprehensive structure planning prior to subdivision and development of all new residential and special residential estates as identified in figure's 13 & 14 (zoned and identified for expansion), including consideration of...'</i>	As requested by the Shire to clarify the requirements listed within Figures 13 and 14 and remove the special residential references.

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

No.	WAPC Required Modifications	Reason
	<u>Mapping</u>	
31.	<ul style="list-style-type: none"> • Provide mapping for the infill areas as envisaged by Action 3(a). 	Clarity and will depict the general location the Shire are considering infill areas.
32.	<ul style="list-style-type: none"> • Modify the Strategy designation of Lot 212 Ocean Beach Road (DMK27) from 'Low Density Residential' to 'Environmental Conservation' and remove reference to DMK27 in Table 13 in the Strategy. 	The subject lot is unlikely to comply with Bushfire planning requirements, is located in a sewage sensitive area, and would require significant vegetation clearing to implement access and bushfire planning requirements.
33.	<ul style="list-style-type: none"> • Provide commentary in the Strategy relating to the 'Additional Use/Town Centre' designation on the strategy map and reference back to the Transitional Areas section at Cl. 3.3.24 	Strategy Map 1 references the area, but the Strategy Text refers as 'Transition Areas'.
34.	<p>Strategy Map 'Denmark Townsite and Surrounds'</p> <ol style="list-style-type: none"> 1. Modify Map Legend to remove the wording 'special residential' 2. Modify Lot 5434 (DP144747) Crowea Road, Denmark from 'Urban' to 'Rural Residential' and provide commentary within the Strategy Text on the change. 3. Remove the Rural Multiple Occupancy land use from the Legend and Strategy Map. 4. Modify the designations of Reserve 47890 within Mount Roe National Park to State Forest, instead of Public Use, as applicable. 5. Modify Lot 673 and 674 Middleton Street from 'light industrial' to 'parks and recreation'. 6. Modify Lot 1097 (52) Zimmerman Street from 'road' to 'parks and recreation'. 	<ol style="list-style-type: none"> 1. Special Residential is no longer a model zone or land use, and should be reflected as 'low density residential'. 2. The subject site is heavily constrained and is unsuitable for residential development. 3. The land use should be represented as Rural and reflects the strategy direction of removing the Rural Multiple Occupancy zone. 4. The subject land should be designated as State Forest, rather than Public Use, to reflect the current land use for the site. 5. Lot 673 and 674 are currently identified as light industrial, and they are recreation reserves. 6. Lot 1097 is currently identified as a road', however, is zoned Recreation in the Local Planning Scheme.

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

No.	WAPC Required Modifications	Reason
35.	Map 1 – Urban Expansion (Page 35) <ol style="list-style-type: none"> 1) Include Lot 106 (205) McLean Road, Denmark in DMK06 2) Include Portion of Lot 374 (201) Scotsdale Road, Scotsdale as DMK49 3) Include Lot 621 on Map 1 (DMK45) 	<ol style="list-style-type: none"> 1. Mapping error 2. Subject lot is identified as DMK49 within the Denmark Regional Land Supply Assessment and is designated urban in the Strategy Maps. 3. Mapping Error - Lot 621 is identified as Urban and is included within DMK45 within the Denmark Regional Land Supply.
36.	Figure 26 – Recommendation for Tourism Sites (Page 89) <ol style="list-style-type: none"> 1. Modify Lot 3 (93) Rudgyard Place, Hay to Rural 2. Modify Lot 21 (21) Mairet Rise, Shadforth to Rural 3. Modify Lot 550 (2048) South Coast Highway, Shadforth to Conservation 	<ol style="list-style-type: none"> 1. Subject land is heavily constrained and reflects Strategy Map 1 2. The subject site is located within a predominantly low density residential environment, with low key tourism still able to be considered within a rural zoning. 3. Subject site is currently undeveloped, predominantly vegetated and isolated from tourism precincts.
37.	General Modification Modify all reference within the Strategy Document of 'Special Residential' to read 'Low Density Residential'	To reflect the updated terminology and acknowledge special residential is no longer a land use term/definition.

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

APPENDIX A

Strategies & Actions – Public Open Space

1. Acknowledge the importance of high-quality POS to support liveability, promote healthy lifestyles and maintain neighbourhood character and amenity.
 - a. Adopt the following objectives to guide the future development of POS within the Shire:
 - i. A POS network that is centralised and accessible to the entire of the community.
 - ii. The provision of POS that aligns to the needs of the community and is equitably distributed.
 - iii. A POS network that is designed to provide a diverse range of facilities and experiences.
 - iv. POS and community facilities that are designed to consider safety, flexibility and sharing of use.
 - v. A POS network that efficiently uses community and environmental resources.
 - vi. A POS network that enhances and maintains visual amenity and ecological values.
 - vii. A POS network that reflects local community culture, history and social values.
 - b. Consider access to POS as a key part of planning for future improvements to paths, trails and pedestrian accessibility within the Denmark Townsite.
2. Undertake strategic improvements to the POS network in residential areas in accordance with the objectives and established POS framework identified in this Strategy, and relevant State planning policies.
 - a. Utilise the recommendations identified Tables A, B and C to guide the provision of POS to service the Shire.
 - b. Request cash in lieu contributions for all subdivision proposals of three or more lots within a walkable catchment (400m for local, 800m for neighbourhood) of identified POS sites where a deficit in land or service levels has been identified.
 - c. Provide POS within urban expansion areas through structure planning in accordance with Liveable Neighbourhoods and the following policies:
 - i. Not support a reduction to the minimum requirement of 10% of the gross subdividable area.
 - ii. Determine POS requirements within rural living subdivisions on a case by case basis.
 - d. Adopt service level standards and technical specifications to guide the development of POS within the Shire.
 - e. Prepare and update master plans for district-level POS sites within the Shire as required.
 - f. Seek external funding to support the development of regional POS attractions located within the Shire.
3. Support the continuing improvement of sporting facilities within co-located and shared-use community precincts.
 - a. Review the Sport & Recreation Master Plan to consider potential alternative sites for additional playing fields, opportunities for shared use facilities and potential development contributions requirements.
 - b. Advocate for the distribution of resources supporting the development of regional sporting and recreational facilities across the Great Southern

SCHEDULE OF MODIFICATIONS SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY

APPENDIX B

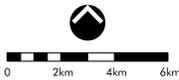
Location	ID Number	Lots	Indicative Yield	Sewerage	Notes	Recommendation
Kearsley Road to Horsley Road	DMK06	Lot 999 McLean Road and Lot 106 McLean Road	106	Prior approval at a density where sewer is not required	Zoned Special Residential 12 Approved Subdivision WAPC 158185 – 24 Lots Approved Structure Plan	Retain for special residential/low-density residential development. (R5 Density)
	DMK29	Lot 9000 Wishart Place		Prior approval at a density where sewer is not required	Zoned Special Residential 9 Approved Subdivision WAPC 162020 – 15 Lots Approved Structure Plan	Retain for special residential/low-density residential development. (R5 Density)
	DMK30	Lot 901 & Lot 902 Horsley Rd		Sewer extension required	Zoned Part Special Residential 9 and Residential R12.5 Approved Structure Plan (Expires October 2025)	Retain for low-density residential development, and residential R12.5 density as outlined within the Approved Structure Plan. Seek to maximise yield from R12.5 designated portion.

Location	ID Number	Lots	Indicative Yield	Sewerage	Notes	Recommendation
Horsley Road to Scotsdale Road	DMK01	Lots 366 & 372 Horsley Road, Lot 50, 51 & 365 Scotsdale Road	343	<ul style="list-style-type: none"> Adjacent to development site Connection to reticulated sewer is required. 	<ul style="list-style-type: none"> Lots 366, 372 and Lot 51: Zoned Residential (R20); Lots 50 and 365: Zoned Rural Approved Structure Plan (2012) 	Support the rezoning of the land to Urban Development Zone. A structure plan is required prior to subdivision and should address the following issues: <ul style="list-style-type: none"> - visual impact - retention and protection of remnant vegetation - landuse conflict - stormwater management - diversity of lot sizes - POS provision - vehicular access to Scotsdale Rd - buffers
McClellan Road and Scotsdale Road	DMK49	Part Lot 374 Scotsdale Road	Unknown	Connection to reticulated sewer is required.	<ul style="list-style-type: none"> Zoned Rural 	Support the rezoning of the land to Urban Development Zone. A structure plan is required prior to subdivision and should address the following issues: <ul style="list-style-type: none"> - visual impact - retention and protection of remnant vegetation

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

Location	ID Number	Lots	Indicative Yield	Sewerage	Notes	Recommendation
						<ul style="list-style-type: none"> - landuse conflict - stormwater management - diversity of lot sizes - POS provision - vehicular access to Scottsdale Rd - buffers
Lot 5 South Coast Highway	DMK14	Lot 5 South Coast Highway	378	<ul style="list-style-type: none"> • Connection to reticulated sewer is required. • Sewer extension required, including significant headworks 	<ul style="list-style-type: none"> • Zoned Residential (R20), Reserve (Recreation) • Approved Structure Plan 	<p>Support the rezoning of the land to Urban Development Zone. A structure plan is required prior to subdivision and should address the following issues:</p> <ul style="list-style-type: none"> - land capability assessment - visual impact - retention and protection of remnant vegetation - screen development from South Coast Hwy and Ocean Beach Rd - restrict access to South Coast Hwy - stormwater management - diversity of lot sizes - foreshore reserve and POS provision - fire protection - coordinate planning with DMK45 - rehabilitation of gravel pit
Kemsley PI to South Coast Highway	DMK45	Los 1 & 617 South Coast Hwy, Lot 621 Harlequin Street	140	<ul style="list-style-type: none"> • Sewer available adjacent to development site • Connection to reticulated sewer is required. 	<ul style="list-style-type: none"> • Zoned Rural • Logical extension of Townsite that enables connection between existing identified growth areas and associated infrastructure 	<p>Support the rezoning of the land to Urban Development Zone. A structure plan is required prior to subdivision and should address the following issues:</p> <ul style="list-style-type: none"> - visual impact - retention and protection of remnant vegetation - stormwater management - diversity of lot sizes - foreshore reserve and POS provision - fire protection - screen development and restrict access to South Coast Hwy - coordinate planning with DMK14 - land capability assessment

Map 2 Natural Environment



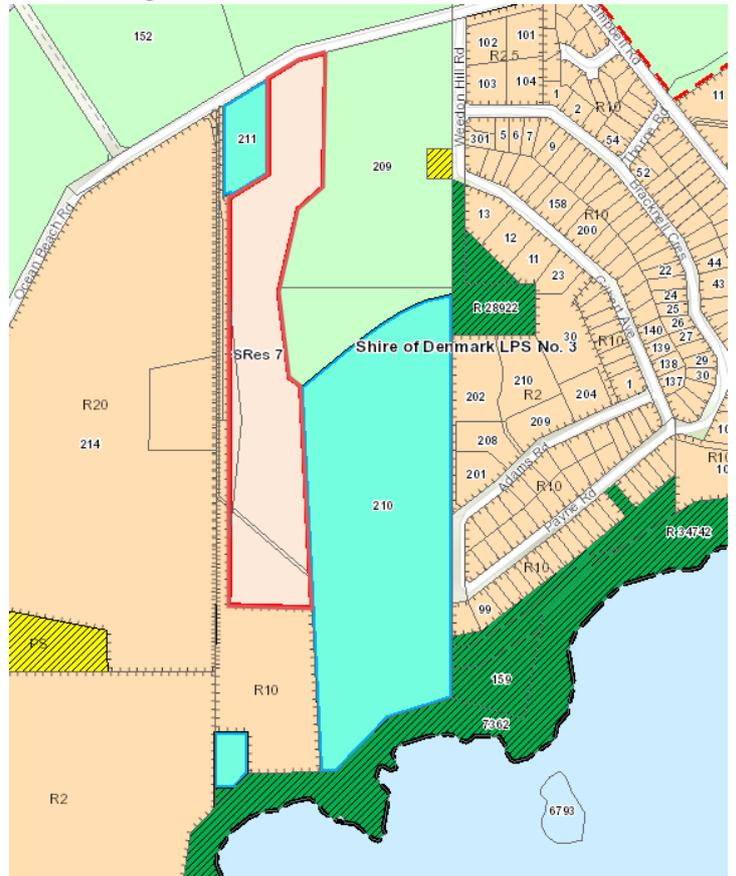
- Legend**
-  Shire of Denmark Local Government area boundary
 -  National Parks
 -  Nature Reserves and State Forests
 -  Ecological Linkages

Lot 212 (261) Ocean Beach Road, Denmark

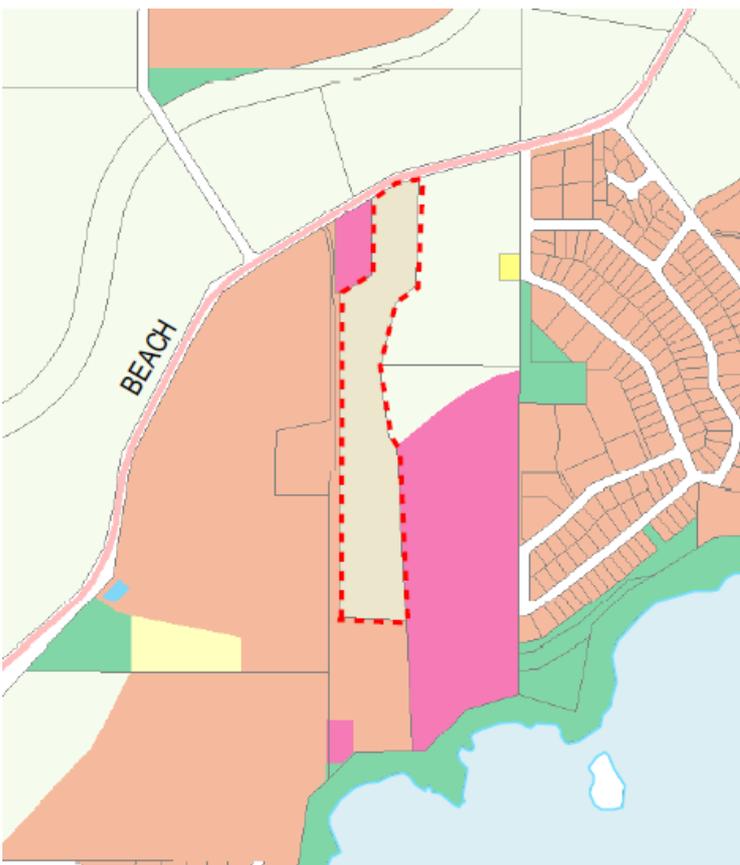
Aerial Plan



Zoning Plan



Draft Strategy Designation

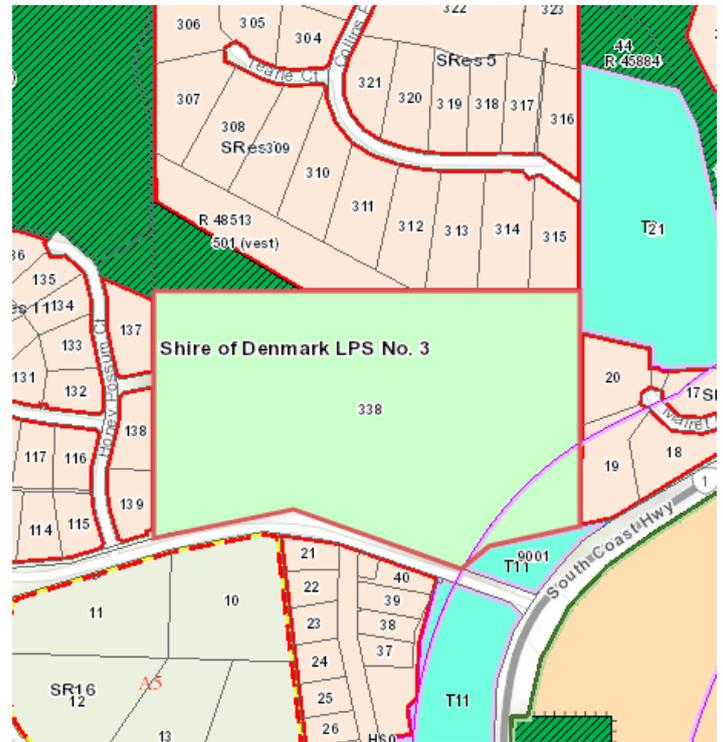


Lot 338 (42) Cussons Road, Shadforth

Aerial Plan



Zoning Plan



Draft Strategy Designation

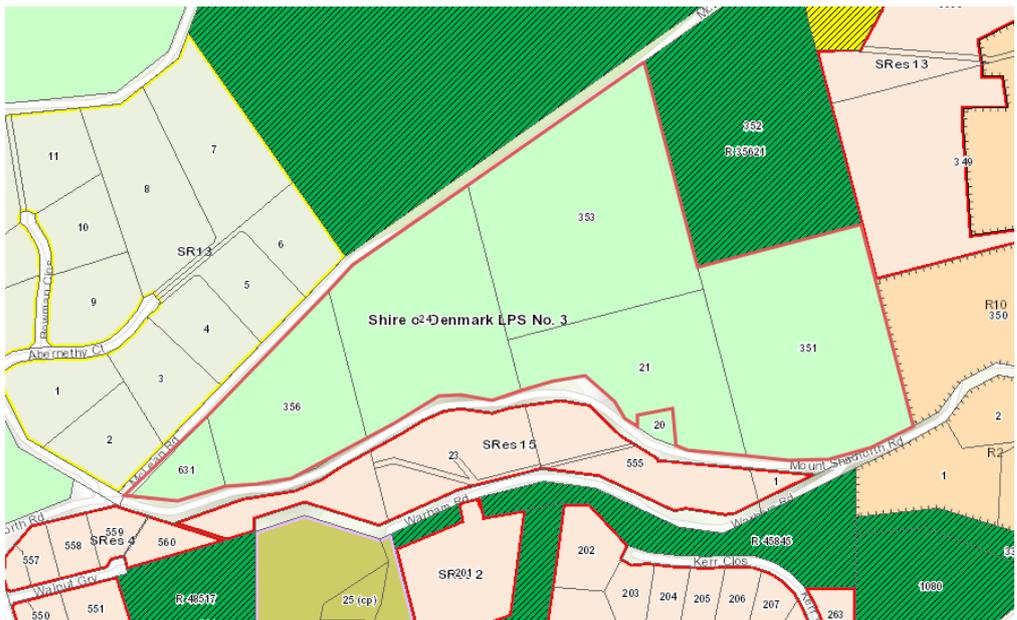


Lots 24, 353, 356 and 631 McLean Road and Lots 21 and 351 Mount Shadforth Road

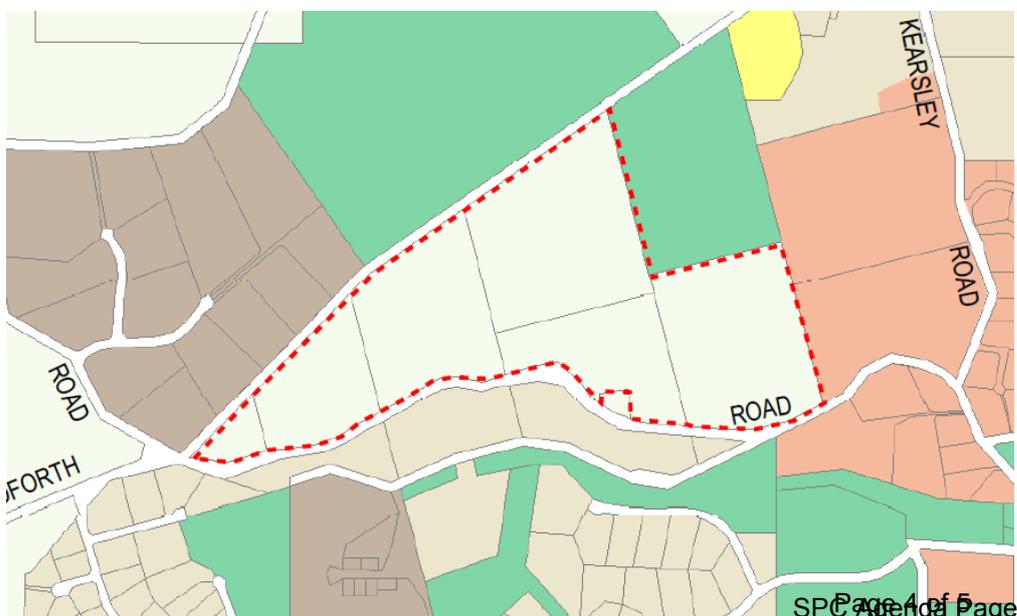
Aerial Plan



Zoning Plan



Draft Strategy Designation

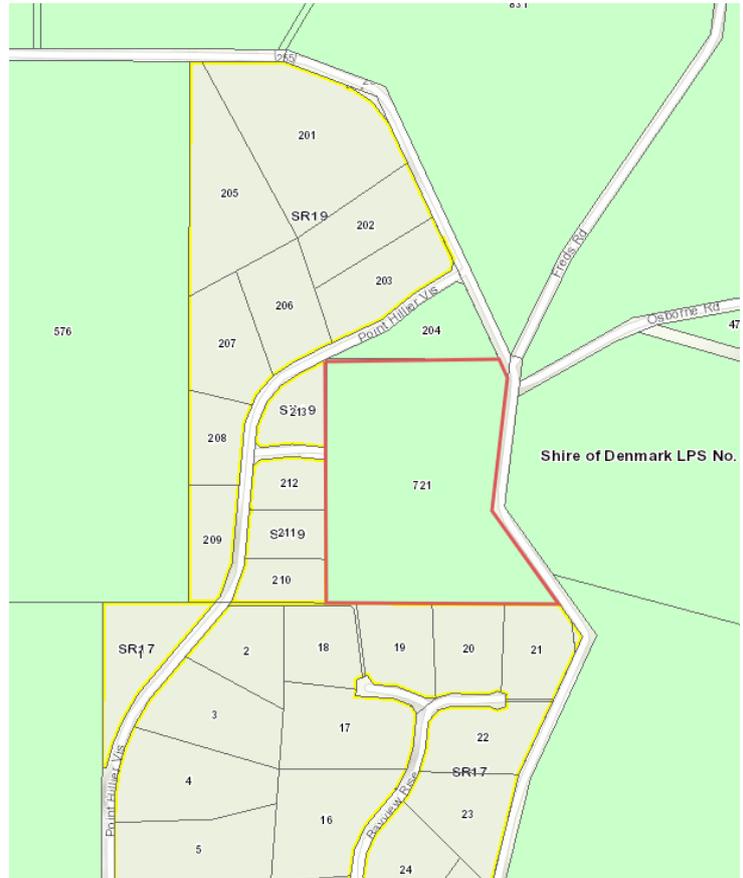


Lot 721 (11) Stanley Close, Shadforth

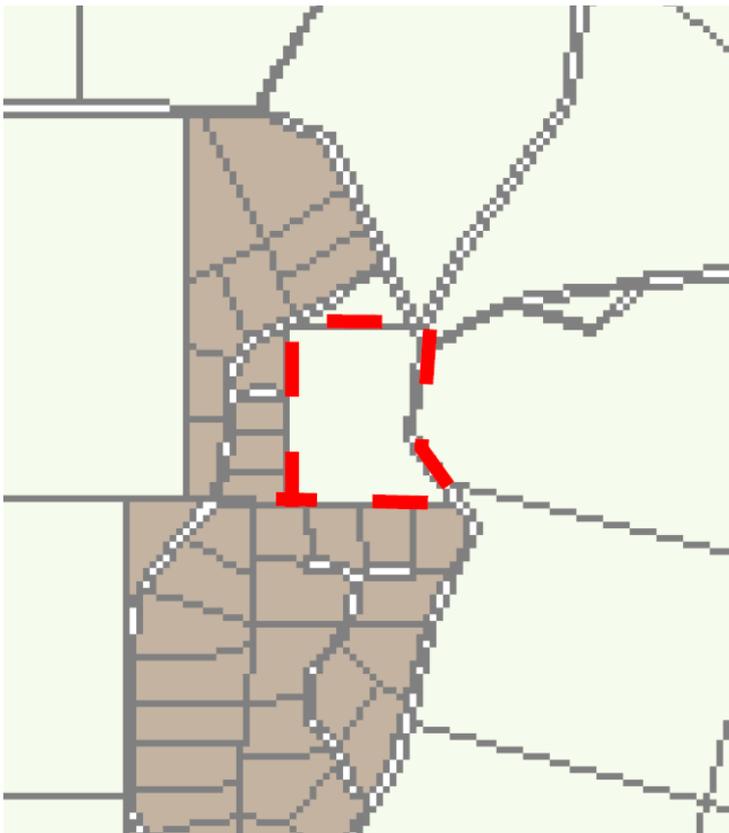
Aerial Plan



Zoning Plan



Draft Strategy Designation





Statutory Planning Committee

Minutes

Meeting No. 7703
Tuesday, 18 July, 2023

- Members: Jane Bennett - Deputy Chairperson, WAPC
Lynne Craigie - Nominee of the Regional Minister
Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
- Apologies: David Caddy - Chairman WAPC
- Others present: David Brash - Principal Planner, Regional South
Seth Cohen-Radosevich - Senior Planning Officer, Reform Delivery
Michael Daymond - Strategic Advisor, WAPC
Jye Fagan - Senior Planning Officer, Metro South East
San Fagan - Manager Commission Business
Sally Grebe - Planning Director, Planning Appeals
Cate Gustavsson - Planning Director, Regional South
Martin Hughes - Senior Planner, Regional South West
Mark Jendrzeczek - Planning Manager, Regional South East
Michelle King - Senior Commission Support Officer
June Liaw - Senior Planning Officer, Regional South East
Cale Luxton - Senior Planner, Metro South East
Irene Obales - Commission Support Officer
Alice Pryse - A/Senior Planning Officer, Regional South
Phillida Rodic - Planning Director, Reform Projects, Reform, Design and State Assessment
Dale Sanderson - Executive Planning Director, Land Use Planning
Elisabeth Tamouridou - Planning Manager, Reform Delivery

Due to the absence of the Chairman and in accordance with Clause 6(4) of Schedule 1 of the *Planning and Development Act 2005* the Deputy Chairperson, Ms Bennett, presided over the meeting.

15 August 2023 - Attachment 9.1.1b

1. Declaration of opening

The Deputy Chairperson declared the meeting open at 10:51 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Deputy Chairperson paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

Nil.

3. Members on leave of absence and applications for leave of absence

Ms Craigie advised that she will require a leave of absence for 21 to 27 July 2023 inclusive.

Mr Kosova advised that he will require a leave of absence for 12 September 2023.

4. Disclosure of interests

Ms Bennett declared an Actual Direct Pecuniary Interest on Item 8.5 - Shire of Capel - Greenpatch Local Structure Plan. Ms Bennett stated that her employer, CLE, work with Satterley on other projects unrelated to the matter. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared an Actual Impartiality Interest on Item 10.1 - Section 31 (SAT Act) Reconsideration of a Condition of Subdivision Approval - Lots 2 and 9068 Marmion Avenue, Alkimos - City of Wanneroo. Ms Bennett stated that this matter is in relation to the Western Australian Land Authority (WALA), where she is a director. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared a Potential Impartiality Interest on Item 9.1 - Planning Reform - WA Planning Manual - Guidance for Structure Plans. Ms Bennett stated that her employer, CLE, made a submission on the Structure Plan Guidance as professional planners, not on behalf of a client. Members agreed that Ms Bennett is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Ms Bennett's conduct in relation to the matter.

Mr Thornton declared Actual Proximity and Direct Pecuniary Interests on Item 8.1 - Shire of Denmark Local Planning Strategy – Consent to Advertise. Mr Thornton stated that he lives in Denmark and that the proposal affects some of the lands he owns in Denmark. Members agreed that Mr Thornton should not be present during the discussion and/or decision-making procedure on the item.

Mr Iacomella declared an Actual Indirect Pecuniary Interest on Item 8.2 - City of Busselton – Provence Structure Plan – For Final Approval. Mr Iacomella stated that his employer, KPA Architects, provided architectural masterplan services for the retail/commercial centre for the current proponent in the proposed Provence Structure Plan. Members agreed that Mr Iacomella should not be present during the discussion and/or decision-making procedure on the item.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Statutory Planning Committee meeting.

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7702 on Tuesday, 27 June 2023

Moved by Mr Kosova
Seconded by Ms Craigie

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 27 June 2023, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Proposed North Harrisdale Structure Plan (SPN/2346) (Item 8.3)

Presenters: Sheldon Day – Hex Design and Planning and Tao Bourton – Yolk Property Group

Mr Day and Mr Bourton made a presentation to the Committee in support of the Proposed North Harrisdale Structure Plan and stated that they support the recommendation of the Department of Planning, Lands and Heritage.

7.2 Shire of Capel - Greenpatch Local Structure Plan (SPN/2099) (Item 8.5)

Due to Ms Bennett's disclosure of interest on this item and in accordance with Clause 8(4) of Schedule 1 of the *Planning and Development Act 2005*, Mr Davies was chosen to preside over the meeting.

Ms Bennett declared an Actual Direct Pecuniary Interest on this item and left the meeting at 11:00 am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Ms Bennett.

Presenters: Hon. Ben Dawkins MLC – Independent Member for South West and Tristan Cockman – Research Officer, Office of the Independent Member for South West

Mr Dawkins and Mr Cockman made a presentation to the Committee on the Shire of Capel - Greenpatch Local Structure Plan and raised concerns regarding short cuts to processes that may be applied to finalise the Structure Plan.

Mr Cockman informed members that some residents raised concerns regarding historical issues of some of the sites and that the current odour modelling that is being relied upon was old. Mr Cockman expressed that the then Department of Environment and Conservation (DEC) advised that odour modelling should be completed as recommended by the Environmental Protection Authority (EPA). Mr Cockman stated that a further reduction of odour buffer occurred without the knowledge of the EPA. Mr Cockman informed members that the Department of Health recommended an assessment on the odour emissions.

Mr Cockman expressed that the Structure Plan should be rejected, and that further studies should be carried out.

Mr Cockman informed members that there was a proposal to reduce the odour buffer through Greater Bunbury Region Scheme amendment, which was considered a minor amendment and was approved.

7.3 Shire of Capel - Greenpatch Local Structure Plan (SPN/2099) (Item 8.5)

Presenters: Matthew Wansborough – Planning Coordinator, Shire of Capel and Scott Price – Manager Development Services, Shire of Capel

Mr Wansborough and Mr Price made a presentation to the Committee on the Shire of Capel - Greenpatch Local Structure Plan and informed members that the item was considered by the Shire of Capel Council in April 2018. Mr Wansborough stated that the Shire of Capel recommended not to support the Structure Plan for reasons relating to clearing, liveable neighbourhoods, adjoining sites and bushfire matters. Mr Wansborough outlined that the Council considered the issues and modified the proposed Structure Plan.

Mr Wansborough outlined points relating to the issues identified and raised a concern on the clearing issue and stated that the Council is concerned about the change of Officer identified for this matter, which has not been resolved. Mr Wansborough discussed the contamination issue and stated that the recommended conditions will address this. Mr Wansborough highlighted the issue relating to the community centre site and stated that the Council is supportive of it being removed from the Structure Plan. Mr Wansborough raised the bushfire issue and stated that the Council's concern is around the details of the Public Open Space and the Asset Protection Zone and how that can be managed. Mr Wansborough emphasised that there is a significant amount of objection for this proposal.

Mr Wansborough answered a query from members in relation to the odour issue, which was not included in the issues raised. Mr Wansborough informed members that the Council's position on this matter is in the report of the Department of Planning, Lands and Heritage, and stated that the property is outside the buffer zone.

7.4 Section 31 (SAT Act) Reconsideration of a Condition of Subdivision Approval - Lots 2 and 9068 Marmion Avenue, Alkimos - City of Wanneroo (162286) (Item 10.1)

Presenter: Katherine Shirley – Taylor Burrell Barnett

Ms Shirley made a presentation to the Committee in support of the recommendation of the Department of Planning, Lands and Heritage.

Ms Shirley stated that the proposed access is acceptable on safety grounds. Ms Shirley emphasised that the left in access is supported by the City of Wanneroo and has anecdotal support from MainRoads WA. Ms Shirley also stated that the proposed access is consistent with the objectives of Development Control Policy 5.1 (DC 5.1).

Ms Shirley clarified that the support from MainRoads is anecdotal only as MainRoads deferred to the City of Wanneroo's support of the proposed access, as it falls under the City's responsibility.

Ms Bennett returned to the meeting at 11:27 am and assumed the Chair.

7.5 Shire of Denmark Local Planning Strategy – Consent to Advertise (PLH2018P0619) (Item 8.1)

Written Deputation:

David King – Shire of Denmark

Members noted the written submission on Item 8.1 - Shire of Denmark Local Planning Strategy – Consent to Advertise.

7.6 Proposed North Harrisdale Structure Plan (SPN/2346) (Item 8.3)

Written Deputation:

Melissa Zappelli

Members noted the written submission on Item 8.3 - Proposed North Harrisdale Structure Plan.

7.7 Shire of Capel - Greenpatch Local Structure Plan (SPN/2099) (Item 8.5)

Written Deputation:

Paul McQueen – Lavan and Kanella Hope – Planned Focus

Members noted the written submission on Item 8.5 - Shire of Capel - Greenpatch Local Structure Plan.

7.8 Shire of Capel - Greenpatch Local Structure Plan (SPN/2099) (Item 8.5)

Written Deputation:

Phil Harbour – South West Environment Centre Inc.

Members noted the written submission on Item 8.5 - Shire of Capel - Greenpatch Local Structure Plan.

7.9 Proposed Structure Plan - Lots 176, 201 and 9000 Rendezvous Road, Vasse (SPN/2328) (Item 8.4)

Written Deputation:

Aaron Bell - Able Planning and Project Management

Members noted the written submission on Item 8.4 - Proposed Structure Plan - Lots 176, 201 and 9000 Rendezvous Road, Vasse.

ITEMS FOR DECISION

8.1 Shire of Denmark Local Planning Strategy – Consent to Advertise (PLH2018P0619)

Mr Thornton declared Actual Proximity and Direct Pecuniary Interests on this item and left the meeting at 11:28 am.

Members were provided an overview of the Shire of Denmark Local Planning Strategy - Consent to Advertise and noted that it has taken four years for the Department of Planning, Lands and Heritage to reach this stage. Members were informed that the Shire of Denmark had set

up a working group with representatives from the Department since day one and noted that this was a high-level guiding working group that formed a series of workshops over the course of 12 months, with themes that included rural planning, housing and population, tourism, industrial and residential land. Members also noted that the working group discussed some significant bushfire issues, housing and affordability issues, and competition for rural land as a resource.

Members were advised that the Shire of Denmark has about 750 to 1000 new dwellings, with an increase in population between 1,400 and 1800. Members noted that the Shire of Denmark townsite will remain the focus of the population growth and that there will be incentives for infill development.

Members were advised that a number of areas that were designated special residential have been modified to rural due to vegetated topography and other planning constraints.

Members discussed compensation for injurious affection liability in relation to the five sites identified as unlikely to comply with the state planning framework and were advised that four of the five sites are zoned rural but designated in the Local Planning Strategy as rural residential. Members noted that there is only one zoned special residential.

Members discussed concerns relating to Lot 55 Ocean Beach Road, which is identified as commercial and has a previous JDAP approval for an IGA. Members noted that the service commercial zoning will prove difficult for it to be re-approved and discussed concerns about compensation for injurious affection for that land.

Members discussed the demand for lifestyle housing in the Shire of Denmark and were advised that the Shire already hosts a number of lifestyle lots and that the Shire thinks there is sufficient land.

Members discussed concerns relating to the impact of land uses in the East Denmark industrial estate with Boston Brewing Co located next to it, which can accommodate about 500 people. Members raised concerns that the special use zone was removed, and that industrial use was proposed in the Strategy. Members were advised that the Strategy recognised the need for more industrial land. Members were also advised that meetings with landowners were held during the assessment of the draft Strategy and that the Strategy is reflective of the discussions.

Members requested a minor correction to the Strategy relating to the *Aboriginal Heritage Act 1972* to be corrected as *Aboriginal Cultural Heritage Act 2021* throughout the report.

Members requested to include a commentary within the report at Part 1 – Local Planning Strategy ‘Introduction’ in relation to the purpose of strategy maps, to read:

- a. *The purpose of the strategy maps is to spatially represent the actions, future planning and desired land uses identified in this Strategy.*
- b. *The Local Planning Strategy Maps are not zoning maps, but rather a conceptual representation of broad planning intentions to assist in identifying the future urban and regional planning direction for the Shire and with the review and preparation of an updated Local Planning Scheme. Therefore, the planning areas and future land use designation on the maps require further detailed investigation to formalise the land use zoning or reservation in the Local Planning Scheme.*

Members requested to include a notation on the Strategy Maps as follows: *‘Note: the land uses and/or planning areas identified in the Local Planning Strategy do not replace the statutory requirements of the Local Planning Scheme.’*

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with the above correction reflected in the Shire of Denmark Local Planning Strategy document.

Moved by Mr Iacomella
Seconded by Mr Davies

That the Statutory Planning Committee resolves to:

1. *require the Shire of Denmark to modify the draft Local Planning Strategy, in accordance with the attached Schedule of Modifications (Attachment 3), including the additional required modifications;*
 - *Replace references of the Aboriginal Heritage Act 1972 to refer to the Aboriginal Cultural Heritage Act 2021 throughout the report; and*
 - *Include commentary within the Report at Part 1 – Local Planning Strategy ‘Introduction’ in relation to the purpose of strategy maps, to read:*
 - a. *The purpose of the strategy maps is to spatially represent the actions, future planning and desired land uses identified in this Strategy.*
 - b. *The Local Planning Strategy Maps are not zoning maps, but rather a conceptual representation of broad planning intentions to assist in identifying the*

future urban and regional planning direction for the Shire and with the review and preparation of an updated Local Planning Scheme. Therefore, the planning areas and future land use designation on the maps require further detailed investigation to formalise the land use zoning or reservation in the Local Planning Scheme.

- *Include a notation on the Strategy Maps as follows: 'Note: the land uses and/or planning areas identified in the Local Planning Strategy do not replace the statutory requirements of the Local Planning Scheme.'*
- 2. *subject to the above modifications being satisfactorily undertaken, certify that the Shire of Denmark draft Local Planning Strategy is consistent with regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and that the Local Planning Strategy should be advertised for a minimum of 60 days and be in accordance with regulation 13; and*
- 3. *authorise Department of Planning, Lands and Heritage Officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly, prior to the advertising of the Local Planning Strategy.*

The motion was put and carried

Mr Thornton returned to the meeting at 11:52 am.

8.2 City of Busselton – Provence Structure Plan – For Final Approval (SPN/0332M-1)

Moved by Mr Kosova
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to:

1. *Pursuant to clause 22(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 to:*
 - a. *Note that modifications 15 and 16 of the Statutory Planning Committee decision of 12 October 2021 have not been satisfactorily undertaken.*
 - b. *Require that the Provence Structure Plan be modified by:*
 - i. *Amending Appendix G Transport Assessment Addendum as specified in Attachment 5, including removal of the Jacobs Traffic Impact Assessment.*

- ii. *Including statements in the structure plan report, structure plan map and Appendix G – Transport Assessment Addendum to require traffic modelling for the forecast year of 2040, with all assumptions and inputs verified by Main Roads WA, prior to approval of any further stages of subdivision.*
 - iii. *Undertaking any other minor modifications required.*
 - c. *Subject to the above modifications being satisfactorily undertaken, approve Provence Local Structure Plan under regulation 22(1)(a) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
 - d. *Advise the City of Busselton and the applicant of its decision accordingly.*
2. *Note that further subdivision of the site will not be supported until such time as the information specified in the structure plan is provided.*

The motion was put and carried

8.3 Proposed North Harrisdale Structure Plan (SPN/2346)

Moved by Mr Kosova
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves, pursuant to Schedule 2, Part 4, Clause 22(1)(b)(i) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

1. *require the proposed North Harrisdale Structure Plan to be modified in accordance with the attached Schedule of Modifications (Attachment A);*
2. *require the modified North Harrisdale Structure Plan be resubmitted to the Western Australian Planning Commission for its consideration; and*
3. *advise the City of Armadale of its decision accordingly.*

The motion was put and carried

8.4 Proposed Structure Plan - Lots 176, 201 and 9000 Rendezvous Road, Vasse (SPN/2328)

Moved by Mr Kosova
Seconded by Ms Lyhne

That the Statutory Planning Committee, pursuant to clause 22(1)(b) of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 resolves to:

- 1. Determine the submissions in accordance with the Schedule of Submissions (Attachment 6);*
- 2. Approve the Local Structure Plan for Lots 176, 201 and 9000 Rendezvous Road, Vasse subject to the Local Structure plan being modified in accordance with the Schedule of Modifications (Attachment 7);*
- 3. Revoke the Development Guide Plan for Lot 177 Rendezvous Road, Vasse pursuant to clause 28 (3) of the Deemed Provisions of Planning and Development (Local Planning Schemes) Regulations 2015.*
- 4. Advise the City of Busselton of its decision accordingly.*

The motion was put and carried

8.5 Shire of Capel - Greenpatch Local Structure Plan (SPN/2099)

Ms Bennett declared an Actual Direct Pecuniary Interest on this item and left the meeting at 11:53 am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Ms Bennett.

Members were provided an overview of the Shire of Capel - Greenpatch Local Structure Plan and were informed that this project has taken six years for the application to be progressed and that a lot of consultation has been undertaken.

Members discussed that there is a number of competing issues for consideration in relation to the proposed Structure Plan, including the odour buffer. Members were advised that this issue has been addressed as there is a Special Control Area as an odour buffer on the Structure Plan, which means that sensitive land uses will not be permitted. Members noted that the buffer area is identified as Public Open Space.

Members discussed the issues raised in the written submissions from the proponent and were advised that the Department of Planning, Lands and Heritage is confident with their recommendation and that the Committee may approve the Structure Plan with further details to be provided relating to environmental studies and an environmental plan. Members were advised that the issue relating to contamination is worth referring to the Environmental Protection Authority (EPA) as there may be a need to provide further details of mature vegetation in the Public Open Space.

Members discussed the issue mentioned during the deputation relating to the lack of further studies on odour and were advised that the studies have been undertaken and that the issue of odour buffer offset is a matter between the EPA and the Department of Water and Environmental Regulation.

Members discussed the removal of the community purpose site from the Structure Plan and were advised that the Shire of Capel Council do not see the need for this site in the Structure Plan. Members were advised that the Department of Planning, Lands and Heritage had a discussion with the Shire of Capel two months ago in relation to this matter and that the Shire indicated that there is provision for a community site at Greenpatch.

Members indicated support of the recommendation subject to changes of some of the wording in the Schedule of Modifications to make it clearer and straightforward, specifically for Modifications 3, 14 and 32.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with Modifications 3, 14 and 32 of the Schedule of Modifications amended to reflect clearer and straightforward wording.

Moved by Ms Thompson
Seconded by Mr Thornton

That the Statutory Planning Committee resolves, pursuant to Schedule 2, Part 4, Clause 22(1)(b)(i) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

- 1. require the applicant to modify the Greenpatch Dalyellup Structure Plan in accordance with the amended schedule of modifications (Attachment 8) and resubmit it to the Western Australian Planning Commission for final approval; and*
- 2. approve the Greenpatch Dalyellup structure plan subject to the above modifications being undertaken.*

The motion was put and carried

10.1 Section 31 (SAT Act) Reconsideration of a Condition of Subdivision Approval - Lots 2 and 9068 Marmion Avenue, Alkimos - City of Wanneroo (162286)

Ms Bennett declared an Actual Impartiality Interest on this item and remained out of the meeting.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Ms Bennett.

Members queried MainRoads WA's anecdotal support for the proposed access and were advised that MainRoads WA was not involved in the mediation process.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Iacomella
Seconded by Ms Lyhne

Pursuant to Section 31 of the State Administrative Tribunal Act 2004, the Statutory Planning Committee has reconsidered its decision of 6 December 2022 relating to Condition 6 of the subdivision approval dated 6 August 2022 and has resolved to:

- 1. Substitute the approved plan dated 26th April 2022 with the revised plan dated 27 June 2023.*
- 2. Modify Condition 6 as follows:*

Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant restricting vehicular access onto Romeo Road being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the land/owner applicant. The covenant is to restrict access, to the benefit of the City of Wanneroo in accordance with the plan dated 27 June 2023 (attached) and the covenant is to specify:

'Vehicular access to Romeo Road is restricted to left-in only.'

The motion was put and carried

Ms Bennett returned to the meeting at 12:28 pm and assumed the Chair.

9.1 Planning Reform - WA Planning Manual - Guidance for Structure Plans (PLH2020P0090)

THIS ITEM IS CONFIDENTIAL

11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

13. Urgent or other business

Nil.

14. Items for consideration at a future meeting

Nil.

15. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Tuesday, 1 August 2023.

There being no further business before the Committee, the Deputy Chairperson thanked members for their attendance and declared the meeting closed at 12:38 pm.

CHAIRMAN

DATE

UNCONFIRMED

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<p>Page 29 Strategies and Actions – Infill & Consolidation</p> <ul style="list-style-type: none"> • Modify Strategy 1 to read: “Support sustainable urban growth by promoting quality infill development to enhance social capital, encourage economic viability and conserve the natural environment.” • Modify Action 2(a)(iii) to read: <i>Within the areas identified at i. and ii. above, investigate the introduction of minimum density requirements that mandates the achievement of at least 50% of the identified residential density coding or the preservation of opportunity for this to be achieved in future, via local planning policy or scheme provisions.</i> • Include an additional Action 3(b) to outline the Shire’s intention to review the dual coding zoning and provisions over Residential Zoned land in the new Scheme, and include commentary within the Strategy text as required. 	<ul style="list-style-type: none"> • To outline the positive benefits of infill development, not just the negative aspects. • Modification includes reference to the planning mechanism to achieve this action. • As requested by the Shire – foreshadows the intention to review the current provisions and zoning of dual coded properties in the Shire, having regard to the changes in the planning framework (e.g. sewer, bushfire, environmental). 	<p>Additional detail for clarification</p>
<p>Page 31 Strategies & Actions – Urban Expansion</p> <ol style="list-style-type: none"> 1. Include additional commentary relating to the expectations and requirements for urban growth areas identified, for example where Structure Planning and Reticulated Sewer are required, and considerations for adjoining development sites. 2. Update Figure 13 Table ‘<i>Considerations for existing sites zoned Residential or Special Residential identified for land development</i>’ to reflect updated subdivision approvals over the areas. 3. Update DKM38 to reflect mechanism to allow structure planning of the sites via a special control area designation within Draft LPS 4. Update DMK19 to include the current Scheme Amendment number and amend the Strategy text to include specific statement relating to the Strategy supports the designate Lot 9010 as Low Density Residential, instead of Tourism. 5. DKM28 – Include ‘Planning Matters to be addressed’ as follows: <ol style="list-style-type: none"> a. <i>Key issues to be addressed prior to the development of this site include:</i> <ol style="list-style-type: none"> i. <i>Remnant vegetation</i> ii. <i>Bushfire risk</i> iii. <i>Connection to reticulated sewerage</i> 6. DMK68 – Include commentary within the Strategy as a priority area for sewer extension, particularly given the adjacent civic and community land uses (Highschool, Shire Administration and Country Club). Sewer to this area would also provide significant infill potential to Residential (R5/15) zoned lots between the DMK68 and the Denmark River that are currently unsewered. Ensure the LPS pushes the case for infill sewer to this locality. 7. Include Portion of Lot 374 (DP230731) identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed. 8. Include Lot 11-13 Ocean Beach Road, Denmark identified as ‘Urban’ on the Strategy Map into Figure 13 and provide planning matters to be addressed. 9. Include Lot 2 and Lot 210 Inlet Drive, Denmark identified as ‘Urban’ on the Strategy Map into Figure 14 and provide planning matters to be addressed. 10. Modify Figure 13 in relation to DMK37/DMK47 to reflect the intention for urban residential development in this locality, and 	<ol style="list-style-type: none"> 1. To ensure that the planning matters to be addressed at future planning stages are clearly defined. 2. Update to reflect recent approvals following the submission of the Strategy. 3. Strategy text to outline mechanism to ensure coordinated development within the DMK38 precinct. 4. To reflect the current Amendment being considered, and to amend the Strategy to reflect the envisaged/future land use outcome for this area. 5. To ensure that the planning matters to be addressed at future planning stages are clearly defined. 6. The subject area is unsewered and the provision of reticulated sewer would provide significant infill opportunities. 7. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section 8. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section 9. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section. 10. The subject site is identified as urban but has significant planning constraints, predominantly the distance from the reticulated sewer network, that are unlikely to be addressed in the strategy timeframe, and are likely dependent on other development areas being developed first. 11. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section. 12. The subject lot is identified as urban but is not discussed or identified in the Urban Growth section. 13. As requested by the Shire of Denmark, Figures 13 and 14 to be modified to provide more detailed analysis and recommendation. 	<ul style="list-style-type: none"> - Updates in accordance with current local, regional, and State planning frameworks and approvals - Changes to provide greater clarity for Strategies & Actions - Reconsideration of future urban designations given land use planning opportunities and constraints based on DPLH officer advice

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<p>include commentary within this section to outline 'support rezoning of the land to Urban Development zone' and outline the expectation of envisaged density (i.e. reticulated sewer is to be provided).</p> <p>11. Include Lot 617 (1203) South Coast Highway, and Lot 1 (1189) South Coast Highway, (DMK45), including Lot 621 (27) Harlequin Street, identified as 'Urban' on the Strategy Map into Figure 14 and provide planning matters to be addressed, including commentary within the Strategy to outline 'support the rezoning of the land to Urban Development zone' .</p> <p>12. Include Lot 3, 4 and 5 Ocean Beach Road, Shadforth (DMK51), identified as 'Urban' on the Strategy Map into Figure 14 and provide planning matters to be addressed, including commentary within the Strategy to outline 'support the rezoning of the land to Urban Development zone' .</p> <p>13. Modify Figure 13 and Figure 14 to include the following tables as outlined in Appendix B.</p>		
<p>Page 37 Rural Multiple Occupancy Delete the commentary in the Strategy outlining that that a Rural Multiple Occupancy (RMO) Zone will be pursued in LPS4. Amend the section to outline areas currently zoned RMO will be identified as Rural with Additional Use designations in LPS4.</p>	<p>The Rural Multiple Occupancy Zone is not a model zone in the LPS Regulations and can adequately be covered by model zones.</p>	<p>Alignment with current Planning Regulations and model scheme zones</p>
<p>Page 37 Strategies & Actions – Rural Residential 1(d) Modify the text relating to structure planning all rural residential zoned land to reflect the LPS Regulations and provide commentary on structure planning of rural residential zoned land should only occur to achieve orderly and proper planning, including where strategic road connections are required across multiple landholdings.</p>	<p>The LPS Regulations outline that structure planning should only occur on land zoned 'Urban Development', or for purposes for orderly and proper planning.</p>	<p>Alignment with state policy</p>
<p>Page 43 Tiny Houses on Wheels Remove the second last dot point within the Tiny Houses on Wheels Section relating to approving Tiny Houses on Wheels for a 'trial period'</p>	<p>If a Tiny House is capable of being transported by the function of its own wheels capable of supporting its weight, it is classified as a caravan, and it is regulated by the <i>Caravan Parks and Camping Grounds Act 1995</i> and <i>Caravan Parks and Camping Grounds Regulations 1997</i>.</p>	<p>Trial period not required - seek to legitimise as a permanent housing form</p>
<p>Page 43 Modify the title of 'Flexible Infill and Small Homes' to 'Flexible Infill'</p>	<p>As requested by the Shire, to ensure no confusion with the 'Small Homes' term in the Medium Density Code.</p>	<p>Avoid overlap with new DPLH policy</p>
<p>Page 45 <i>Part 3.2.4.1 – Design Principles and Assessment</i> Remove the 10 Principles listed, and summarise that the Shire will aim to achieve the principles listed in SPP 7.0.</p>	<p>The text is explanatory in nature and can be referenced in Part 2 if required.</p>	<p>Formatting - delete or move explanatory text to background section (Part 2)</p>
<p>Page 49 Strategies & Actions – Building Materials 1(a) Modify the wording to provide policy provisions via a Local Planning Policy, not the Local Planning Scheme.</p>	<p>Building Materials (including visual/reflectivity) is more appropriately captured in a Local Planning Policy.</p>	<p>Agree – this level of detail is better suited to a policy</p>
<p>Page 53 Strategies & Actions – Rural Settlements</p>	<ul style="list-style-type: none"> • The requirement for Structure Planning is not necessary and can adequately be covered by a concept plan associated with a Scheme Amendment. • Modification of wording to better clarify the action. 	<ul style="list-style-type: none"> - Agree – a concept plan and detailed servicing investigations for any proposed expansion of Nornalup are sufficient - Peaceful Bay wording to be amended for clarity

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<ul style="list-style-type: none"> (1)(a) - Remove the requirement for a Structure Plan requirement for Nornalup, with the Strategy outlining that an Amendment to the Scheme is to be accompanied by a 'Concept Plan'. 2(a) – Modify the wording to 'Not support further expansion of Peaceful Bay...' 		
<p>Page 57 Strategies & Actions – Rural Land Use</p> <ul style="list-style-type: none"> 1(c) – Remove the reference to the utilisation of restrictive covenants to provide setbacks to agricultural land. 1(d) – Modify wording to read '<i>Where the Department of Primary Industries and Regional Development (DPIRD) has identified priority and high value agricultural land, consider the preservation of agricultural production as part of discretionary decision making for non-agricultural land uses in the Rural Zone, via a local planning policy or scheme provisions.</i>' 	<ul style="list-style-type: none"> The separation between land uses should be considered as part of planning applications with setbacks and other mechanisms providing suitable tools to control development. Modification clarifies the planning mechanism to implement this action, and outline that DPIRD should be involved in the identification of priority/high value 	Align with state policy
<p>Page 58 Tree Plantations & Forestry</p> <p>Modify wording to reflect that tree farming should be located in cleared areas, and not cause the removal of remnant native vegetation; and include reference to the location of tree farms relative to biodiversity assets, and management of potential impacts (e.g. invasive species)</p>	<ul style="list-style-type: none"> Tree farms should not be implemented where it necessitates the removal of native vegetation, and to consider appropriate setbacks and buffers from adjoining conservation reserves/national parks. 	Agree – increase environmental protection
<p>Page 60 Strategies and Actions - Conservation Lots</p> <p>Modify the Strategies and Actions (d) and (e) to read:</p> <p>(d) The Shire will recommend support of the subdivision of rural land for conservation purposes under Development Control Policy 3.4 to the Western Australian Planning Commission, in the following circumstances only:</p> <ol style="list-style-type: none"> Proposals generally located within the immediate vicinity of the 'regional ecological linkages' as depicted on Map 2 (Page 122) within this Strategy; Proposals that include contiguous remnant vegetation directly adjoining national parks, local reserves, conservation reserves, riverine systems or other environmental features where they demonstrate significant capacity to contribute to a local-level ecological linkage; Where a minimum area of 20 hectares of contiguous remnant vegetation in good or better condition will be preserved through the proposal. Variations may be considered where, in the opinion of the Shire, ecological values are considered outstanding, and a relevant agency has endorsed the suitability of the smaller area of vegetation to retain the conservation values in perpetuity; Where the balance rural lot maximises the productive capacity of the land and is suitable for the continuation of the rural land use. Consistent with other identified requirements in the local planning framework, including bushfire risk, land use compatibility and landscape values. 	<ul style="list-style-type: none"> The intent of the provisions are supported, however, it is recommended they are modified to make them more flexible and consistent with the applicable planning framework. 	<p>Removing the locational criteria is deemed acceptable at this time given the other modifications to these provisions regarding size and connections to reserves.</p> <p>The draft LPS proposal to prepare a Biodiversity Strategy is an ideal opportunity to undertake in-depth environmental mapping and analysis in order to re-consider the potential identification of specific locations that should be prioritised for conservation-based subdivision incentives, in support of robust ecological corridors.</p>

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<p>vi. Notwithstanding the above points (i) to (v), all proposals are required to have support of a relevant agency (e.g. the Department of Biodiversity, Conservation and Attractions, or other relevant agency), endorsing the suitability of the conservation lot for the intended purpose of retaining environmental values, and support to administer the necessary conservation covenant.</p> <p>(e) As part of the preparation of a Biodiversity Strategy:</p> <p>i. Consider landholdings within rural areas that might be appropriately included within the Environmental Conservation Zone.</p> <p>ii. Consider other biodiversity conservation incentives that may be included within the local planning framework or Shire policies.</p> <p>iii. Consider modifications or refinement of the Shire's position in relation to subdivision proposals for conservation purposes.</p>		
<p>Page 62 Strategies & Actions – Structure Plans and Subdivisions</p> <ul style="list-style-type: none"> • Remove the dot point “Locate flood storage areas outside of the required 10% Public Open Space in new developments.” • (2) – Modify to include reference to ensuring consistency with the state planning framework. • (3)(a) – Modify to read <i>'Shire will advocate against estate covenants and design guidelines through subdivision clearance that conflict with the ESD principles identified in the Shire's Sustainability Strategy and the requirements of this Strategy'</i> 	<ul style="list-style-type: none"> • Liveable Neighbourhood and DC 2.3 allows some portion of drainage to count towards POS. • The scheme and policy provisions should not conflict or create inconsistencies with the state planning framework. • The Shire cannot restrict 'estate covenants' but can advocate and collaborate with the development industry to ensure ESD principles are considered as part of estate covenants. 	Align with state policy position
<p>Page 64 Strategies & Actions – Development Applications & Buildings</p> <ul style="list-style-type: none"> • Modify Action 1(i) to read : <i>Investigate the adoption of Life Cycle Assessment (LCA) methodology within the planning framework for new buildings.</i> 	<ul style="list-style-type: none"> • Provides greater flexibility and investigation of the action. 	Changing the wording from 'adopt LCA methodology', to 'Investigate the adoption of LCA methodology' – still allows the Shire to pursue it's strategic objectives in relation to the ESD strategies and actions.
<p>Page 72 Commercial Floorspace Analysis</p> <ul style="list-style-type: none"> • Move Figure 22, Figure 23 and Figure 24 to Part 2 – Explanatory • Amend Title of Figure 23 	<ul style="list-style-type: none"> • Background information to be provided in Part 2 and referenced within Part 1. • Title of Figure 23 is incorrect. 	<ul style="list-style-type: none"> - Formatting - move explanatory text to the background section (Part 2) - Typo
<p>Page 78 Strategies & Actions – Flexible Building Design</p> <p>1. Modify Action 1(b) to remove the reference to 'when reviewing the Town Centre design guidelines'</p>	The identification of development standards for flexible building design could be implemented through the Precinct Structure Plan, or via general provisions within LPS4, and the modification allows flexibility.	Agree, the wording is outdated now that a precinct plan for the town centre is proposed.
<p>Page 80 3.3.3.3 – Light Industrial Area (LIA)</p> <ol style="list-style-type: none"> 1. Move this part into the 'Industrial' section of the Strategy 2. Include commentary within the Strategy relating to the extension of Middleton Street is subject to the resolution of land tenure. 3. Include commentary within the Strategy relating to the planning matters to be addressed at future planning stages for Lot 139 Zimmerman Street, and Lot 672 Zimmerman Street, including 	<ol style="list-style-type: none"> 1. This part is currently within the 'Other Commercial Areas' section of the Strategy and potentially duplicated by Section 3.3.4.1. 2. The extension of Middleton Street travels through Lot 673 which is Unallocated Crown Land, and two Crown Reserves. 3. The Strategy should broadly outline the relevant matters that are to be addressed at future planning stages. 	<ol style="list-style-type: none"> 1. Address duplication 2. Additional detail 3. Additional detail

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
but not limited to, drainage and water management, lot sizes, environmental features, road connections and contributions, bushfire, land tenure, and servicing.		
Page 81 Strategies & Actions – Other Commercial Areas 1. Modify Action 2(c) to read: ' <i>Investigation of alternative land use outcomes, or a reduction of Service Commercial Zoned land to accommodate other land uses, over a portion of Lot 214 (267) Ocean Beach Road</i> '	The current action outlines that the investigation is ' <i>subject to negotiation with the landowner</i> ' and the Strategy should specify the future land use intent for an area, and should not be dependent on landowners wishes.	Agree – DPLH provided advice and clarification regarding compensation risk for injurious affection relating to the change of zoning in the Strategy and Scheme
Page 84 Strategies & Actions – Industrial Areas 1. Modify Action 1(c) to read 'support the rezoning' instead of 'rezone the northern...'	The Shire's intention is to acknowledge that there is general support for rezoning if the owner made a formal request, however the Shire will not change the zoning as part of the scheme review.	Agree – leave up to landowner if they wish to pursue
Page 88 – 89 1. Modify the street address of 119 Beaufortia Gardens, Hay to reflect 'Portion of Lot 9011 on DP424797, and specify as 'Low density residential' instead of 'Special Residential' 2. Modify the spelling of 'Mariet Rise' to 'Mairet Rise'	<ul style="list-style-type: none"> Clarity of locality, and Special Residential is no longer a zone supported in the LPS Regulations. Typographical error 	Typos
Page 100 Figure 27 – Mount Shadforth <ul style="list-style-type: none"> Modify the map boundary to exclude any special residential and special rural zoned land from the tourism precinct. Figure 27 – Peaceful Bay <ul style="list-style-type: none"> Modify wording on the recommendations & considerations section as the provisions appear to conflict, as it outlines 'primary use for tourism purposes may be supported' and 'no additional land has been identified for intensive tourism development...' 	<ul style="list-style-type: none"> The current wording and map boundary could result in tourism based proposal over predominantly single residential type lots. These two sentences contradict each other as One says Primary use for tourism purposes may be supported, and the other says no additional land has been identified. 	<ul style="list-style-type: none"> Agree with excluding special res and special rural areas from the tourism precinct Re-word to provide enhanced clarity
Page 112 Strategies & Action – Caravan Parks & Camping <ul style="list-style-type: none"> Modify Action 1(c) to include the wording '<i>and the Shire will advocate with the Department of Local Government, Sport and Cultural Industries</i>' Modify Action 1(c) to reflect the 'Caravan Park and Camping Ground regulatory framework', instead of only referencing the regulations Modify Action 1(d) to include 'tourist accommodation types' instead of accommodation types' 	<ul style="list-style-type: none"> Local Government to advocate for legislative change in the caravan/camping ground framework to allow more flexible accommodation options. Clarity. Clarity and to specify the intent is tourism based accommodation. 	<ul style="list-style-type: none"> Additional detail Clarity Clarity
Page 117 <ul style="list-style-type: none"> Modify the section relating to development contributions for tourism land uses to clarify that this mechanism would only relate to the development of new tourism accommodation on a per unit basis and is not a levy on existing operations. 	To clarify that only new tourism developments would be levied (if a Development Contribution Plan was prepared and implemented)	Clarity
Page 129 Strategies and Action – Landscape Values	The Strategy should be more strategic and broad and the specific provisions should be considered at future planning stages.	Formatting - carry detail over into Part 2

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<ul style="list-style-type: none"> Modify Action 1 (b) and 1 (c) to provide more broad/strategic actions, with specific criteria and provisions can be included within Part 2 if required. 		
<p>Page 147 Strategies & Actions – Community Facilities</p> <ul style="list-style-type: none"> Modify Action 1(c) to read: <i>Consider the preparation of a Development Contributions Plan to support the collection of financial contributions from land development for new and expanded community facilities.</i> Modify Action 2(c) to read 'zone Lot 300 as a Reserve with an appropriate designation in LPS4' Modify Action 3(c) to be reserved as 'Public Purpose' reserve. 	<ul style="list-style-type: none"> Provides more flexibility for the Shire to consider the merits of preparation of a DCP. Clarity. Public Purpose reserve is more appropriate as it provides flexibility as the subject land has a variety of different land uses. 	<ul style="list-style-type: none"> Agree with intention of additional flexibility Clarity Public Purpose will accommodate all uses and provide flexibility
<p>Page 154 3.5.3 Public Open Space</p> <ul style="list-style-type: none"> Include Strategies and Actions for this section, as outlined in Appendix A. Include all explanatory sections, including POS Analysis and associated tables to Part 2 of the document. Include details relating to rationalisation of POS and reference the POS Cash-In-Lieu Position Statement in relation to this matter. Provide additional descriptions (e.g. Reserve/Lot number) for each POS site, including the current characteristics (type/function/size), and provide a map representing these spatially. 	<ul style="list-style-type: none"> No Strategies or Actions are proposed within this section. The wording is as recommended by the Shire. The POS Analysis should be included within Part 2 as background documentation, with Part 1 referencing to this body of work. POS Rationalisation should reference the Position Statement relating to Cash-In-Lieu. Additional information and a Map will provide further information and represents spatially the areas of public open space. 	<ul style="list-style-type: none"> Re-insert Strategies and Actions, was left out by mistake. Formatting Alignment with state policy Undertake additional mapping and provide extra info for clarity
<p>Page 164</p> <ul style="list-style-type: none"> Move Map 4 to be within the 'Community Facilities' section of the document. 	<p>Map was placed in an incorrect location.</p>	<p>Correction – graphic was in the wrong location</p>
<p>General – Format of Document</p> <ul style="list-style-type: none"> Modify the format of the document by moving a number of identified explanatory and statistical components to Part 2 of the Strategy: <ol style="list-style-type: none"> Part 3.1.1 Demographic Profile, Part 3.1.2 Population Forecast, and Part 3.1.3 Dwelling Yield Analysis; Part 3.2.3.1 Housing Profile and incorporate in a 'demographics' section; Tables within Part 3.2.3.2 'Availability & Affordability'; Figure 26 and 27 Tables within Part 3.3.5.2 'Tourism Sites & Precincts'; Figures 30, 31 and 32 Tables within Part 3.5.1.1 'Education'; Include text within Part 1 of Strategy which references to these sections (as applicable) Include the suburb/locality number and/or Deposited Plan Number when referencing specific lots in the document. 	<p>LPS Strategy Guidelines - CI 5.3.4 outlines that the Local Government Profile should be in Part 2 of the Strategy.</p> <p>All 'Explanatory' sections or analysis sections (e.g. Tourism, Public Open Space,) should be included within Part 2 or an Appendix, with Part 1 linking back to these sections.</p>	<p>Formatting and extra detail – agree with all changes</p>
<p>Special Residential</p> <p>Provide a section within <i>Part 3.2.2.2 – Urban Expansion</i> outlining that some areas were previously identified as 'Special Residential' within LPS2011, whereas they are now identified as 'Rural', and provide explanatory text that this strategy no longer identifies these locations as suitable for more intensive development as a result of various site</p>	<p>The subject sites are heavily constrained and the Strategy's focus is on infill development closer to the Denmark townsite.</p>	<p>Additional text to be prepared under 3.2.2.2 Urban Expansion to provide clarity for landowners in such cases</p>

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
constraints including slope, environmental characteristics, bushfire planning matters (extreme BHL), and servicing.		
Page 34 Strategies and Actions – Urban Expansion Modify Action 2 to read: <i>'Require comprehensive structure planning prior to subdivision and development of all new residential and special residential estates as identified in figure's 13 & 14 (zoned and identified for expansion), including consideration of...'</i>	As requested by the Shire to clarify the requirements listed within Figures 13 and 14 and remove the special residential references.	Clarity and consistency with state policy
<ul style="list-style-type: none"> Provide mapping for the infill areas as envisaged by Action 3(a). 	Clarity and will depict the general location the Shire are considering infill areas.	map 800m walkable ped-shed around the Denmark Town Centre
<ul style="list-style-type: none"> Modify the Strategy designation of Lot 212 Ocean Beach Road (DMK27) from 'Low Density Residential' to 'Environmental Conservation' and remove reference to DMK27 in Table 13 in the Strategy. 	The subject lot is unlikely to comply with Bushfire planning requirements, is located in a sewage sensitive area, and would require significant vegetation clearing to implement access and bushfire planning requirements.	Agree – site constraints make previously proposed land uses unfeasible under the current state planning framework
<ul style="list-style-type: none"> Provide commentary in the Strategy relating to the 'Additional Use/Town Centre' designation on the strategy map and reference back to the Transitional Areas section at Cl. 3.3.24 	Strategy Map 1 references the area, but the Strategy Text refers as 'Transition Areas'.	Extra details for clarity
Strategy Map 'Denmark Townsite and Surrounds' 1. Modify Map Legend to remove the wording 'special residential' 2. Modify Lot 5434 (DP144747) Crowea Road, Denmark from 'Urban' to 'Rural Residential' and provide commentary within the Strategy Text on the change. 3. Remove the Rural Multiple Occupancy land use from the Legend and Strategy Map. 4. Modify the designations of Reserve 47890 within Mount Roe National Park to State Forest, instead of Public Use, as applicable. 5. Modify Lot 673 and 674 Middleton Street from 'light industrial' to 'parks and recreation'. 6. Modify Lot 1097 (52) Zimmerman Street from 'road' to 'parks and recreation'.	1. Special Residential is no longer a model zone or land use, and should be reflected as 'low density residential'. 2. The subject site is heavily constrained and is unsuitable for residential development. 3. The land use should be represented as Rural and reflects the strategy direction of removing the Rural Multiple Occupancy zone. 4. The subject land should be designated as State Forest, rather than Public Use, to reflect the current land use for the site. 5. Lot 673 and 674 are currently identified as light industrial, and they are recreation reserves. 6. Lot 1097 is currently identified as a road', however, is zoned Recreation in the Local Planning Scheme.	1. align with state policy 2. update due to constraints 3. align with state policy 4. update to mapping of 2011 LPS 5. update for clarity 6. update for clarity
Map 1 – Urban Expansion (Page 35) 1) Include Lot 106 (205) McLean Road, Denmark in DMK06 2) Include Portion of Lot 374 (201) Scotsdale Road, Scotsdale as DMK49 3) Include Lot 621 on Map 1 (DMK45)	1. Mapping error 2. Subject lot is identified as DMK49 within the Denmark Regional Land Supply Assessment and is designated urban in the Strategy Maps. 3. Mapping Error - Lot 621 is identified as Urban and is included within DMK45 within the Denmark Regional Land Supply.	Correction to mapping errors
Figure 26 – Recommendation for Tourism Sites (Page 89) 1. Modify Lot 3 (93) Rudyard Place, Hay to Rural 2. Modify Lot 21 (21) Mairet Rise, Shadforth to Rural 3. Modify Lot 550 (2048) South Coast Highway, Shadforth to Conservation	1. Subject land is heavily constrained and reflects Strategy Map 1 2. The subject site is located within a predominantly low density residential environment, with low key tourism still able to be considered within a rural zoning. 3. Subject site is currently undeveloped, predominantly vegetated and isolated from tourism precincts.	Agree with rationales – amend mapping

**SCHEDULE OF MODIFICATIONS
SHIRE OF DENMARK - DRAFT LOCAL PLANNING STRATEGY**

WAPC Required Modifications	Reason	Shire Comments
<p>General Modification Modify all reference within the Strategy Document of 'Special Residential' to read 'Low Density Residential'</p>	<p>To reflect the updated terminology and acknowledge special residential is no longer a land use term/definition.</p>	<p>Align with state policy position</p>
<p>Replace references of the Aboriginal Heritage Act 1972 to refer to the Aboriginal Cultural Heritage Act 2021 throughout the report;</p>		<p>Update Strategy to reference new legislation</p>
<p>Include commentary within the Report at Part 1 – Local Planning Strategy 'Introduction' in relation to the purpose of strategy maps, to read:</p> <ul style="list-style-type: none"> a. The purpose of the strategy maps is to spatially represent the actions, future planning and desired land uses identified in this Strategy. b. The Local Planning Strategy Maps are not zoning maps, but rather a conceptual representation of broad planning intentions to assist in identifying the future urban and regional planning direction for the Shire and with the review and preparation of an updated Local Planning Scheme. Therefore, the planning areas and future land use designation on the maps require further detailed investigation to formalise the land use zoning or reservation in the Local Planning Scheme. 	<p>Additional change required by SPC (refer to SPC meeting minutes)</p>	<p>Agree – provide clarity in relation to the role of Local Planning Strategy mapping</p>
<p>Include a notation on the Strategy Maps as follows: 'Note: the land uses and/or planning areas identified in the Local Planning Strategy do not replace the statutory requirements of the Local Planning Scheme.'</p>		