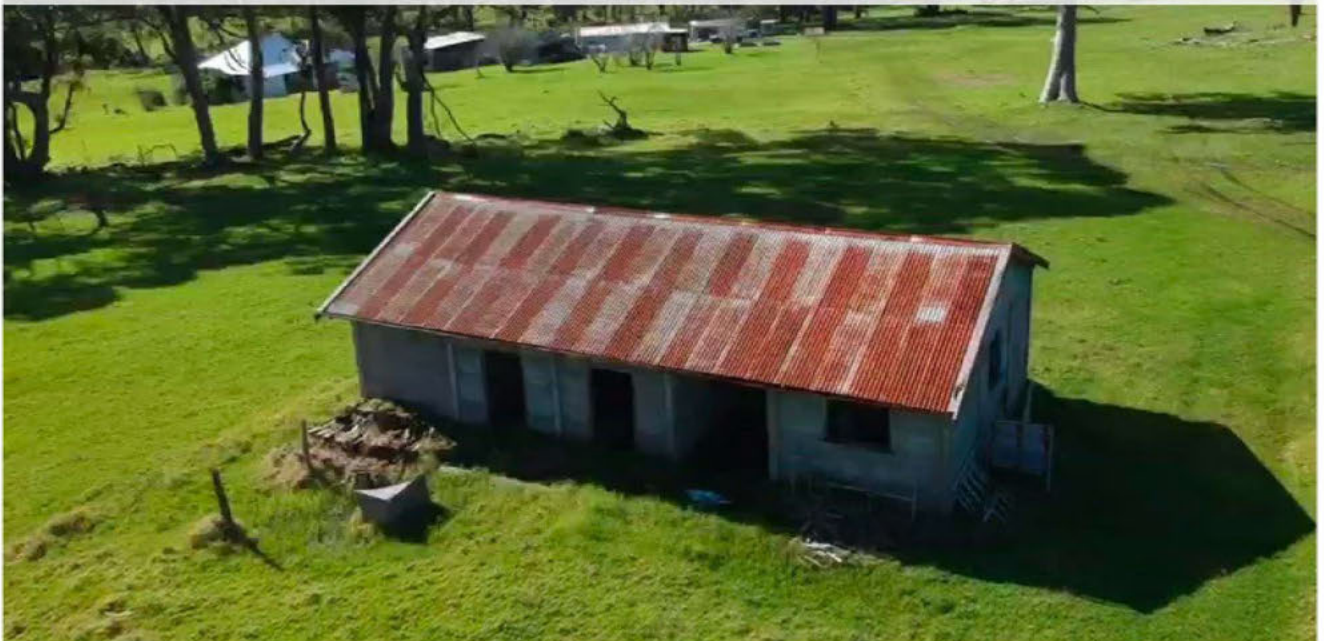




**SHIRE OF DENMARK  
TOWN PLANNING SCHEME NO. 3  
AMENDMENT NO. 146**



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

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File No: .....

Part of Agenda: .....

## MINISTER FOR PLANNING

### Proposal to amend a Local Planning Scheme

1.	Local Authority:	Shire of Denmark
2.	Description of Local Planning Scheme:	Town Planning Scheme No.3
3.	Type of Scheme:	District Zoning Scheme
4.	Serial No. of Amendment:	146
5.	Proposal:	<ol style="list-style-type: none"><li>1) Rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20-R40.</li><li>2) Amending the Scheme Map accordingly.</li><li>3) Introduce the following provisions under Clause 5.3.7 of the Shire of Denmark Town Planning Scheme No.3 text:<ol style="list-style-type: none"><li>a) In areas with an R-Code of R20-40 a Local Structure Plan is required to be prepared before any future subdivision or development is undertaken.</li><li>b) The Local Structure Plan required under Clause 5.3.7(a) is to include:<ol style="list-style-type: none"><li>i) The criteria that will be used to allocate the final R-Code for the purpose of subdivision and development.</li><li>ii) A density plan that nominates the R-Code to be applied for future subdivision and development.</li><li>iii) Supporting information to address the following planning considerations:<ul style="list-style-type: none"><li>• A Landscape Management Plan to optimise environmental and landscape amenity outcomes for retention of remnant vegetation, and the protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and established residential areas.</li><li>• Traffic Noise Management and remediation measures informed by on-site noise modelling and the requirements of State Planning Policy 5.4 "Road and Rail Noise".</li><li>• A Foreshore Reserve Management Plan for the existing creekline to inform the foreshore reserve</li></ul></li></ol></li></ol></li></ol>

		<p>width and landscaping/ revegetation requirements.</p> <ul style="list-style-type: none"> <li>• Stormwater Management as informed by an approved Local Water Management Strategy.</li> <li>• A Bushfire Management Plan to reflect retention of remnant vegetation within the Zimmermann Street Road Reserve, accommodate any existing remnant vegetation to be retained on-site and re-vegetation/ landscaping informed by the Landscape Management Plan and Foreshore Management Plan.</li> <li>• The street design, public open space and lot configuration (size, width, shape and orientation) is to demonstrate a site and climate-responsive design that optimises energy efficiency and solar access in winter.</li> </ul> <p>c) Where required under an approved Local Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.</p>
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# PLANNING AND DEVELOPMENT ACT 2005

## RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

### Shire of Denmark Local Planning Scheme No. 3 Amendment No. 146

**RESOLVED** that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20-40.
2. Amending the Scheme Map accordingly.
3. Introduce the following provisions under Clause 5.3.7 of the Shire of Denmark Town Planning Scheme No.3 text:
  - a) In areas with an R-Code of R20-40 a Local Structure Plan is required to be prepared before any future subdivision or development is undertaken.
  - b) The Local Structure Plan required under Clause 5.3.7(a) is to include:
    - i) The criteria that will be used to allocate the final R-Code for the purpose of subdivision and development.
    - ii) A density plan that nominates the R-Code to be applied for future subdivision and development.
    - iii) Supporting information to address the following planning considerations:
      - A Landscape Management Plan to optimise environmental and landscape amenity outcomes for retention of remnant vegetation, and the protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and established residential areas.
      - Traffic Noise Management and remediation measures informed by on-site noise modelling and the requirements of State Planning Policy 5.4 "Road and Rail Noise".
      - A Foreshore Reserve Management Plan for the existing creekline to inform the foreshore reserve width and landscaping/ revegetation requirements.
      - Stormwater Management as informed by an approved Local Water Management Strategy.
      - A Bushfire Management Plan to reflect retention of remnant vegetation within the Zimmermann Street Road Reserve, accommodate any existing remnant vegetation to be retained on-site and re-vegetation/ landscaping informed by the Landscape Management Plan and Foreshore Management Plan.
      - The street design, public open space and lot configuration (size, width, shape and orientation) is to demonstrate a site and climate-responsive design that optimises energy efficiency and solar access in winter.
  - c) Where required under an approved Local Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.

The amendment is 'Standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

- The Amendment is consistent with the Shire of Denmark Local Planning Strategy which designates the site as 'Urban Development'.

Dated this 16<sup>th</sup> day of August 2022

  
.....  
Chief Executive Officer

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# ***AMENDMENT REPORT***

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Appendix F	Local Water Management Strategy
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# 1 INTRODUCTION

This Amendment document has been prepared on behalf of the owners of Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark (the Site) to rezone the site from Rural to Residential with a density coding of R20-R40 under the Shire of Denmark's Town Planning Scheme No.3 (TPS3).

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

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

## 2 SITE CONTEXT & BACKGROUND

### 2.1 LEGAL DESCRIPTION

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

Table 1: Land Ownership Details.

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

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

### 2.2 SITE CONTEXT & KEY DEVELOPMENT CONSIDERATIONS

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

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

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

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



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



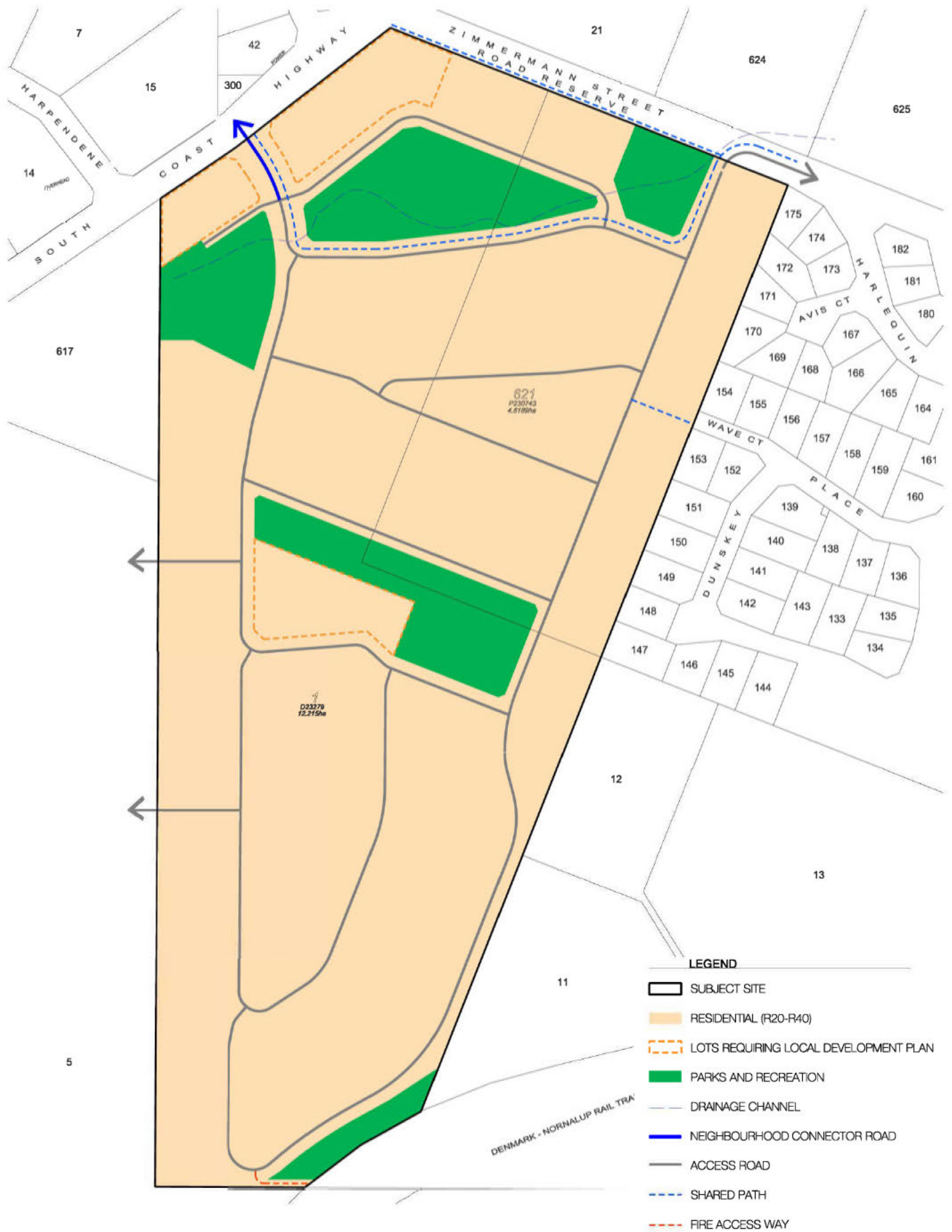
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621 HARLEQUIN STREET AND 1 SOUTH COAST HIGHWAY, DENMARK  
 CONTEXT PLAN  
**FIGURE 2**





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

**FIGURE 3**

## 3 PLANNING CONTEXT

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

### 3.1 STATE GOVERNMENT- PLANNING STRATEGIES

#### 3.1.1 LOWER GREAT SOUTHERN STRATEGY 2016

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

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

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

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

### 3.2 STATE GOVERNMENT- STRATEGIC POLICY

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

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

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

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

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

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

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

---

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

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

- To promote a sustainable and well-planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.

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

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

---

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

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

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

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

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



---

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

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

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

---

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

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

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

---

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

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

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

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

---

### 3.2.7 GOVERNMENT SEWERAGE POLICY

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

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

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

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

### 3.3 LOCAL GOVERNMENT- ZONING AND RESERVES

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

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

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

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

### 3.4 LOCAL GOVERNMENT- PLANNING STRATEGIES

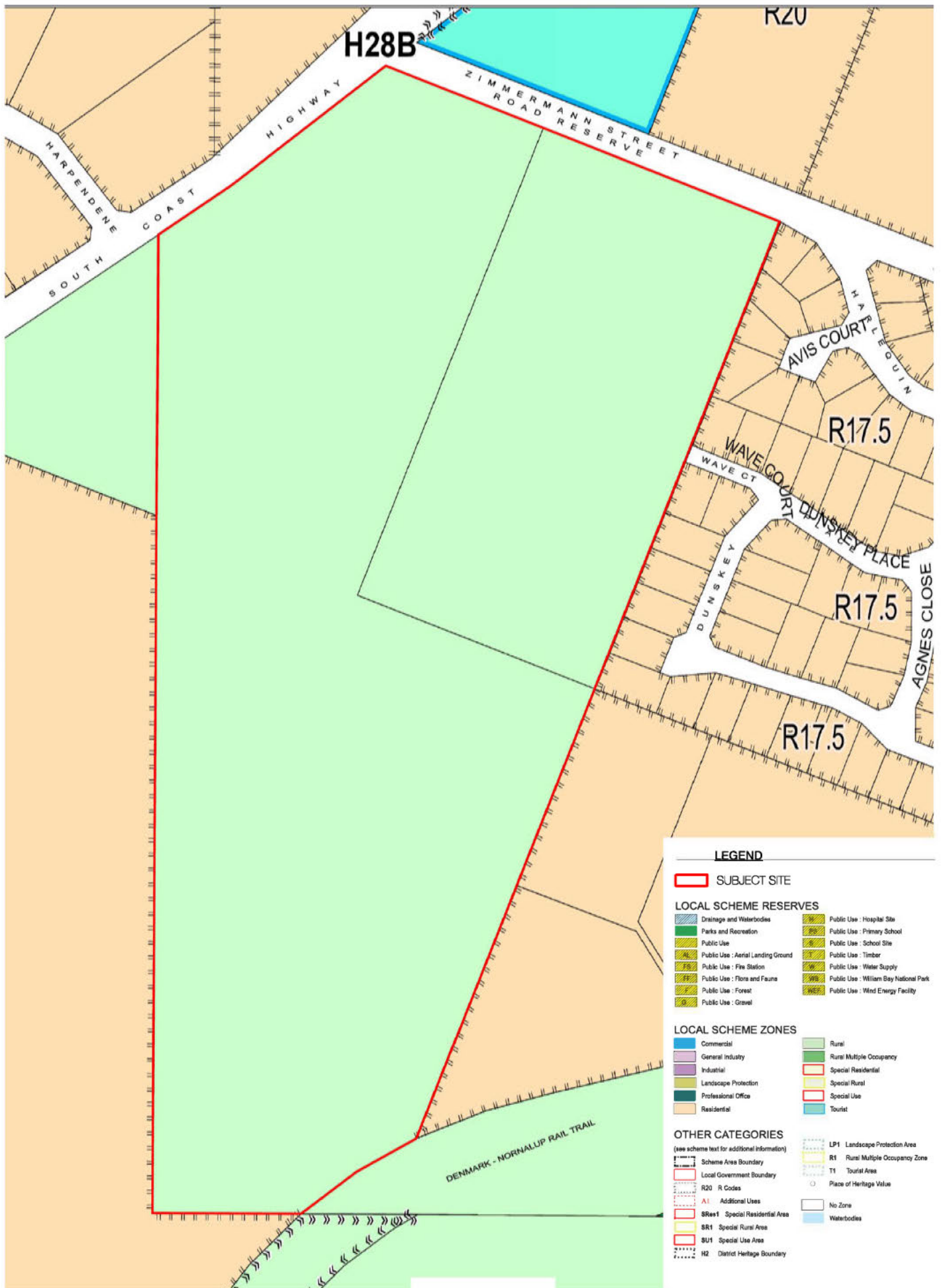
#### 3.4.1 LOCAL PLANNING STRATEGY (LPS)

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

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

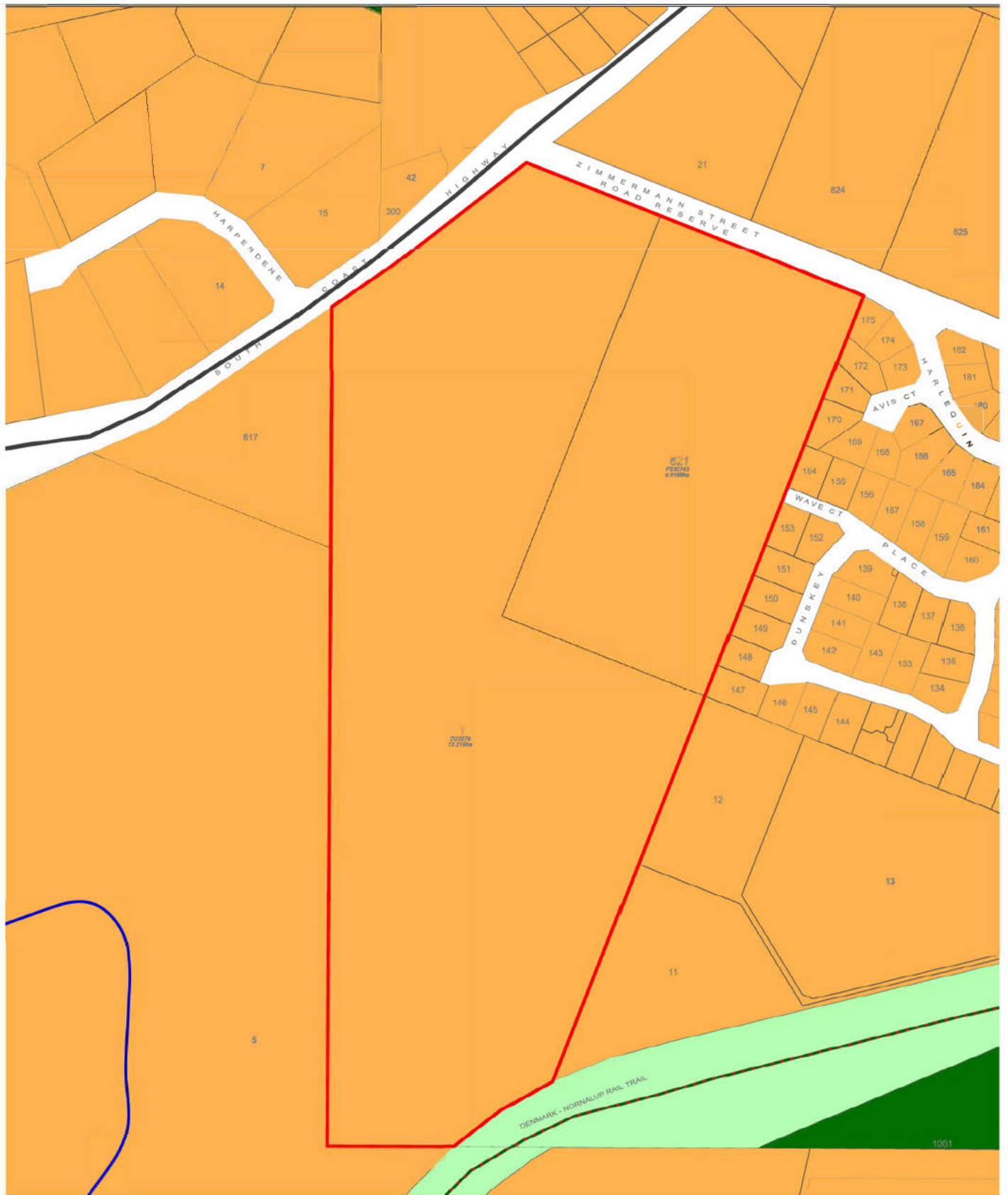
Consistent with the Settlement Strategy’s identification of the Site for Urban Development, the LPS identifies the Site as Urban Residential- refer **Figure 5** - LPS Site Identification. The Urban Residential identification is defined in the LPS as:

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



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





**LAND USE DESIGNATIONS**

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

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



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

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

### 3.5 LOCAL GOVERNMENT- PLANNING POLICY

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

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

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

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

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

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

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



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

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

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

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

---

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

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

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

## 4 ENVIRONMENTAL ASSESSMENT

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

### 4.1 FLORA

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

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

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

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

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

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

### 4.2 FAUNA

Based on the remnant vegetation within the woodland and creek line habitats, there is the possibility the Karri and Marri trees may provide a foraging and potential breeding habitat for three Black Cockatoo species. Within the southern portion of the Site there is the possibility of other ground dwelling fauna species existing. The creek-line may provide habitat for two threatened species of fish; however, it is noted the chances of this are very low.



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

### 4.3 LANDFORM AND SOILS

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

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

### 4.4 GROUNDWATER AND SURFACE WATER

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

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

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

## 5 BUSHFIRE MANAGEMENT

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

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

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

### 5.1 HAZARD ASSESSMENT

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

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

### 5.2 ASSET PROTECTION ZONE

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

### 5.3 STRATEGIC FIRE ACCESS

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

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

## 5.4 FIREFIGHTING WATER SUPPLY

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

## 5.5 IMPLEMENTATION

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

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

## 6 PROPOSED DEVELOPMENT

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

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

### 6.1 RESIDENTIAL

#### 6.1.1 LOT PROVISION

Under the Residential zoning, the residential density R-Code of R20 and R40 applies.

The Indicative Structure Plan design and R20-R40 density code provides the proponent at the time of subdivision the flexibility to meet the requirements of bush fire management, efficiency in land development, the provision of areas of amenity, and the retention of remnant vegetation and site attributes (e.g., the creek line).

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

#### 6.1.2 ROAD DESIGN

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

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

### 6.2 PUBLIC OPEN SPACE

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

The POS is separated into three categories:

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

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

#### Creek Line POS

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

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

#### Central Linear POS

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

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

#### Southern POS

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

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

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

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### 6.2.1 PUBLIC OPEN SPACE SCHEDULE

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

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

Table 2: Public Open Space Schedule.

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

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

### 6.3 WATER MANAGEMENT AND DRAINAGE

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

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

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

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

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

## 6.4 INFRASTRUCTURE COORDINATION AND SERVICING AND STAGING

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

### 6.4.1 ELECTRICITY

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

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

### 6.4.2 TELECOMMUNICATIONS

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

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

### 6.4.3 GAS

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

### 6.4.4 WATER

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

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



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#### 6.4.5 WASTE WATER

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

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

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

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#### 6.4.6 ROADS

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

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

### 6.5 EXISTING TRANSPORT ENVIRONMENT

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#### 6.5.1 PROPOSED VEHICLE ACCESS

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

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

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#### 6.5.2 PROPOSED TRAFFIC GENERATION

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

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#### 6.5.3 ON SITE PARKING

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

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

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

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

As a result of the above it is respectfully requested that the Shire of Denmark proceed with the statutory processes to enable the rezoning to proceed as per the *Scheme Amendment Map* overleaf.

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

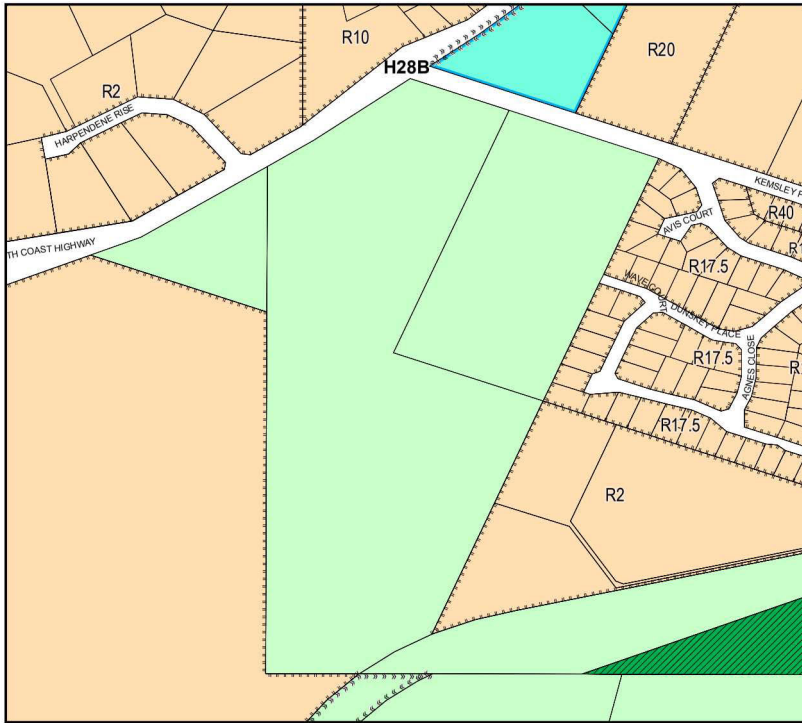
The Council of the Shire of Denmark under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:

1. Rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20-40
2. Amending the Scheme Map accordingly.
3. Introduce the following provisions under Clause 5.3.7 of the Shire of Denmark Town Planning Scheme No.3 text:
  - a) In areas with an R-Code of R20-40 a Local Structure Plan is required to be prepared before any future subdivision or development is undertaken.
  - b) The Local Structure Plan required under Clause 5.3.7(a) is to include:
    - i) The criteria that will be used to allocate the final R-Code for the purpose of subdivision and development.
    - ii) A density plan that nominates the R-Code to be applied for future subdivision and development.
    - iii) Supporting information to address the following planning considerations:
      - A Landscape Management Plan to optimise environmental and landscape amenity outcomes for retention of remnant vegetation, and the protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and established residential areas.
      - Traffic Noise Management and remediation measures informed by on-site noise modelling and the requirements of State Planning Policy 5.4 “Road and Rail Noise”.
      - A Foreshore Reserve Management Plan for the existing creekline to inform the foreshore reserve width and landscaping/ revegetation requirements.
      - Stormwater Management as informed by an approved Local Water Management Strategy.
      - A Bushfire Management Plan to reflect retention of remnant vegetation within the Zimmermann Street Road Reserve, accommodate any existing remnant vegetation to be retained on-site and re-vegetation/ landscaping informed by the Landscape Management Plan and Foreshore Management Plan.
      - The street design, public open space and lot configuration (size, width, shape and orientation) is to demonstrate a site and climate-responsive design that optimises energy efficiency and solar access in winter.
  - c) Where required under an approved Local Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.

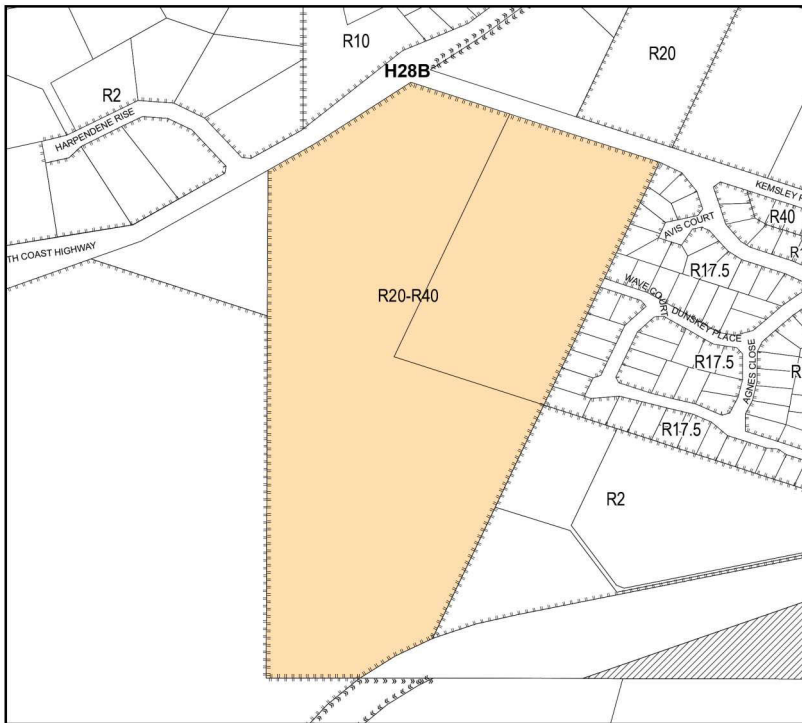
# SHIRE OF DENMARK

## Town Planning Scheme No.3

### Amendment No. 146



EXISTING ZONING



PROPOSED ZONING

#### LEGEND

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

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

OTHER CATEGORIES			
(see scheme text for additional information)			
	Scheme Area Boundary		LP1 Landscape Protection Area
	Local Government Boundary		R1 Rural Multiple Occupancy Zone
	R20 R Codes		T1 Tourist Area
	A1 Additional Uses		Place of Heritage Value
	SRes1 Special Residential Area		No Zone
	SR1 Special Rural Area		Waterbodies
	SU1 Special Use Area		
	H2 District Heritage Boundary		



FEB 2022

TOWN PLANNING  
SCHEME NO.3

AMENDMENT NO. 146

**ADOPTION**

Adopted by resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the 16<sup>th</sup> day of August 2022



[Signature]  
.....  
Shire President

[Signature]  
.....  
Chief Executive Officer

**FINAL APPROVAL**

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

.....  
Shire President

.....  
Chief Executive Officer

Recommended/Submitted for Final Approval

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

.....  
Date

Final Approval Granted

.....  
Minister for Planning

.....  
Date

**ADVICE UNDER SECTION 48A(1)(a)  
ENVIRONMENTAL PROTECTION ACT 1986**

**Shire of Denmark Town Planning Scheme (TPS) 3 Amendment 146**

**Location: Lot 621 Harlequin Street and Lot 1 South Coast Highway Denmark**

**Determination: Scheme Not Assessed – Advice Given (Not Appealable)**

**Determination Published: 24 October 2022**

**Summary**

The Shire of Denmark proposes to rezone Lot 621 Harlequin Street and Lot 1 South Coast Highway Denmark from Rural to Residential R20-R40 and amend the scheme map accordingly. Amendment 146 also proposes to modify the scheme text to include Structure Plan provisions for the amendment area.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the documentation provided by the Shire of Denmark. Having considered this matter, the following advice is provided.

**1. Environmental Factors**

In reference to the EPA (2021) Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment (EIA), the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation.
- Terrestrial Fauna.
- Inland Waters.
- Social Surroundings.

**2. Advice and Recommendations regarding Environmental Factors**

**Flora and Vegetation and Terrestrial Fauna**

The amendment area contains native vegetation, including stands of Marri, Jarrah and Karri. The condition of this vegetation ranges from ‘Completely Degraded’ to ‘Excellent’ (PGV Environmental, 2020).

The vegetation is potential habitat for threatened black cockatoo species and conservation significant fauna including the South-western Brush-tailed Phascogale, Quenda and several migratory bird species.

The implementation of the scheme amendment may result in the clearing of native vegetation and significant fauna habitat.

The EPA supports the Shire’s proposed scheme provision requiring that any future Structure Plan for the amendment area is to include a Landscape Management Plan which addresses

the retention of remnant vegetation. In addition, the scheme text is recommended to be modified to request identification, retention and management of quality fauna habitat as part of the structure planning process. The EPA expects that a targeted black cockatoo habitat assessment be undertaken to guide the retention of significant habitat areas which should be considered as part of the design phase of structure planning.

The indicative Structure Plan provided with the amendment documentation shows some areas of riparian vegetation and native vegetation/fauna habitat as proposed for use as 'Parks and Recreation'. However, it is noted that the draft Local Water Management Strategy (LWMS) shows portions of these areas are proposed to be utilised for stormwater management.

The EPA expects that future structure planning would retain areas containing significant environmental value including consolidated areas of native vegetation (particularly vegetation in 'Excellent' condition) and supporting habitat (foraging and potential breeding trees) for conservation significant fauna species.

It is also expected future structure planning will consider the provision of ecological linkages throughout the amendment area.

It is recommended that future planning considers the EPA's 2021 *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*. Avoidance and management measures (such as road and lot layout, public open space/drainage design) can be applied to minimise impact to environmental values within the amendment area.

The implementation of the amendment (impact to Matters of National Environmental Significance i.e. Black cockatoo) may have obligations under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

## **Inland Waters**

The amendment area contains an unnamed watercourse which traverses the site, ultimately discharging to the Wilson Inlet. The watercourse is dammed immediately upstream of the site. Future development associated with the amendment has the potential to impact groundwater and surface water hydrology and quality of the immediate environment and the Wilson Inlet. The watercourse may provide habitat for conservation significant aquatic fauna species including the black stripe minnow and mud minnow.

The EPA supports the Shires' proposed scheme text provision requiring future local structure planning to address stormwater management as informed by an approved LWMS, and for the preparation of a Foreshore Reserve Management Plan.

The EPA expects that the natural values of the watercourse will be protected. The Foreshore Management Plan and determination of waterway setbacks should be informed by a foreshore (biophysical) assessment and hydrological studies.

Water management planning should maintain or improve groundwater and surface water quality, and maintain pre-development hydrology. The LWMS (and any future water management plans) is expected to demonstrate consideration of water sensitive urban design principles and have design criteria to manage the watercourse in a manner reflective of natural systems. The Department of Water and Environmental Regulation should be consulted regarding any future water management planning documents.

Stormwater management should be designed to minimise impacts to native (including riparian) vegetation and fauna habitat, including consideration of the placement of retention/detention areas.

Future planning for the amendment area should be consistent with the Wilson Inlet Management Strategy (Wilson Inlet Catchment Committee, 2013) (and/or future versions of this strategy).

### **Social Surroundings**

The EPA supports the Shires' proposed scheme provisions addressing visual and social amenity. This includes provisions addressing view lines from the Denmark-Nornalup Trail, and development designs that are climate-responsive.

### **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPAs' environmental objectives through the proposed scheme provisions. In addition, the application of scheme provisions, future planning processes and management measures will manage potential impacts. The EPA recommends its advice and recommendations are implemented to mitigate potential impacts to the above environmental factors.





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

Note: All residential lots to be connected to sewer.

16 May 2023 - Attachment 9.1.4c

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

2110-21c N.T.S 20.05.09

**SCHEDULE OF SUBMISSIONS: SCHEME AMENDMENT NO. 146 - (TPS3/SA146)**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1		<p>We have concerns about this development as it is currently proposed. We do not think the development in its present form is appropriate for Denmark.</p> <p>The lots are too many, too small and too close to the highway. We would like to see the development altered so that no houses are built between the existing creekline and the highway. This is a very popular strip of land for water birds and kangaroos. It would be great if they could continue to visit this patch of land.</p> <p>Our house overlooks the highway so we know how much visitor traffic it takes. The view from the highway is a pleasant outlook and has the feel of a lovely small country/holiday town. A sea of houses against the highway would change the character of the area and make it look just like a suburb anywhere.</p> <p>From a personal perspective we would lose our view and to some extent our privacy. Currently no one looks in on our house/verandah/patio but houses adjacent to the highway change that. We are also concerned that this development may devalue our property.</p> <p><b>Additional Comments</b></p> <p>We the owners of ■ Ross Court are opposed to Amendment 146 – The rezoning of Lot 621 from rural to residential R20/40 as described in the advertised planning proposal for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The R20/40 zoning would potentially allow for the future subdivision of the lot that would result in high density housing, that we feel is inappropriate for the town of Denmark. The lots shown in the conceptual drawings are too many, too small and too close to the highway. We realise that this is only conceptual at this stage, however we would like to point out that this clearly indicates what could potentially happen to the lot and we are mindful of the future impact it could have on the town. The area of land on the lot adjacent to the South Coast Highway and running along the existing creek line, is currently home to various water birds, kangaroos and numerous other native fauna. Areas like this close to the centre of town are essential for Denmark to retain its amenity and natural appeal for both residents and tourists alike. We would like to see this area of the lot set aside to be preserved for the purpose of supporting local flora and fauna as it would greatly benefit the town.</li> </ol>	<p>Objection noted. Modifications are recommended.</p> <p>The proposal seeks to rezone the site for future Residential development and does not constitute support for the layout as shown on the Indicative Structure Plan.</p> <p>The need to consider the landscape amenity from South Coast Highway has been identified in the Settlement Strategy for Denmark (TPS Policy 28) and will need to be addressed through future planning stages. The significance of remnant Karri Trees to the aesthetic of the townsite, including the western highway approach is recognised in the Shire’s Schedule of Heritage Places and Municipal Heritage Inventory. Aside from isolated trees opposite Ross Court there is limited remaining tree cover along the South Coast Highway of the property. Opportunities to accommodate natural screening and additional tree planting would need to be addressed as part of the detailed planning for the site and may require additional land to be set aside for that purpose noting the narrow width of the adjacent highway verge. The amendment as advertised includes a requirement for preparation of a Landscape Management Plan to consider these factors.</p> <p>A review of the associated technical reports has identified various shortfalls that do not preclude rezoning but will need to be addressed to inform the final densities and development layout. This includes but is not limited to the adequacy of the creekline reserve and associated drainage and fill levels.</p> <p>The following modifications are recommended to progress the Amendment and inform essential</p>

		<p>2. Our house overlooks the highway so we know how much visitor traffic it takes. The view from the highway is a pleasant outlook and has the feel of a lovely small country/holiday town. A sea of houses against the highway would change the character of the area and make it look just like a suburb anywhere.</p> <p>3. From a personal perspective we would lose our view and to some extent our privacy. Currently no one looks in on our house/verandah/patio, but houses adjacent to the highway would change that. We are also concerned that this development may devalue our property.</p>	<p>planning requirements:</p> <ul style="list-style-type: none"> <li>• A requirement for a detailed tree survey to be prepared by a suitably qualified professional that accurately plots the location, size, species, health and values of individual trees (including specific consideration of <b>black cockatoo habitat</b>) together with any recommendations pertaining to retention or removal.</li> <li>• The introduction of a lower density code to provide an opportunity for larger lots where informed by improved tree retention and landscape amenity outcomes.</li> </ul>
S2		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Very concerned for the loss of trees, the incredible increase of traffic through our quite estate that's home to many little kids, the fire danger with limited exits and the noise pollution from another 156 homes in the area.</p>	<p>Objection noted. Modifications are recommended.</p> <p>Planning considerations relating to traffic management are detailed within the officer's report.</p> <p>Modifications are recommended to require a detailed tree survey to inform future planning and layout of the estate to optimise retention of significant trees.</p> <p>The proposal will provide opportunities to secure additional emergency access routes, via Harlequin Street to South Coast Highway. Future road linkages are also planned through the development of adjacent Lot 5 South Coast Highway that would provide a second link to Ocean Beach Road (west of Weedon Hill Road). Road design and traffic calming requirements will need to be addressed at a later stage through the detailed design process.</p> <p>The property is located within the gazetted Denmark townsite and identified in the Settlement Strategy and Local Planning Strategy for future residential development. It represents a logical extension of urban development connecting existing residential development to the large residential development site to the west.</p>

S3		<p><b>Do you support this proposal?</b> No</p>	<p>Objection noted.</p>
S4		<p><b>Do you support this proposal?</b> No  <b>What are your questions, comments or concerns?</b>  Too many houses in one area.... Denmark shire is big enough to spread out homes.</p>	<p>Objection noted. Modifications are recommended.</p> <p>The proposal will support the efficient use of available land and services, by consolidating urban development within the townsite, where services are readily available and environmental impacts and bushfire risks are minimised.</p> <p>The final lot sizes and layout will need to be informed by further detailed planning. It is envisaged that the site will accommodate a variety of lot sizes to provide for housing variety and respond to site constraints and environmental features.</p> <p>Modifications are recommended to introduce an options for pockets of lower density/ larger lots where an improved environmental and amenity outcome can be achieved that optimises tree retention. This reflects a similar approach taken for structure planning on Lot 5 South Coast Highway to the west.</p>
S5		<p><b>Do you support this proposal-</b> No  <b>What are your questions, comments or concerns?</b>  Eastern boundary marri and Karri trees need to be retained for afternoon shade for established residences negate need for air conditioning. Multiple bird species traverse the trees if not nesting in them. Increased traffic in Harlequin St will become more dangerous especially Dunskey place intersection. Traffic from Ocean Beach rd will take short cut thro sub division to SW Hwy increasing traffic numbers.</p>	<p>Objection Noted. Modifications are recommended.</p> <p>Assumptions contained within the supporting technical documents and Indicative Structure Plan relating to the extent of clearing and proposed interface with Kemsley Estate are not supported through the Amendment. This will need to be addressed in further detail as part of the structure planning and/or subdivision process.</p> <p>It is agreed that further detailed assessment of significant trees on-site will be required to inform the final layout and explore the practical mechanisms by which tree retention can be secured in the longer term.</p>

			<p>Considerations relating to traffic movement are detailed within the officer's report.</p>
<p>S6</p>		<p><b>Do you support this proposal?</b> No  <b>What are your questions, comments or concerns?</b>  This proposal does not fit with the natural environment that Denmark is renowned for. There are alternative largely cleared paddocks in close proximity to the townsite that would be more suitable. Whilst I acknowledge Denmark has a shortage of residential dwellings I believe the shire needs to address the large numbers of existing dwellings that are used exclusively for holiday homes for the wealthy. The size and density of this development and the lack of planning to retain as much of the existing vegetation smacks of greed on the developers part and complicity if the Denmark Shire supports the application. I have concerns that the environmental studies to support this application are simplistic and are not thorough. I would like the following addressed; Do the developers intend on having a Preliminary site investigation completed on the old dairy site under the Contaminated sites regulations as I would expect this to be completed to determine what contaminants exist that could become airborne or impact the groundwater during development. I would hate to think that the developers intend on retaining part of the old dairy to avoid having to remediate contamination that they either expect to exist or know exists. The part where they mention retaining part of the dairy is deliberately vague and I would like to understand why? The flora and fauna assessment was completed in a single day onsite, there were no baited cameras set up, they did not set traps in the stream or sample for Carters fresh water mussels and other aquatic fauna therefore the fauna report is incomplete and based on a desktop study and assumptions. The assessment was completed seemingly without the enviro consultants knowing the scope of veg clearing otherwise they would have advised that full referral to the EPA was required for the existing mature Karris that are proposed to be cleared. Given that the consultants only made reference to referral if trees of a certain diameter are cleared, who is planning on confirming the diameter of the proposed trees that are being cleared and making sure the developers will refer and be held accountable? What stormwater controls will be put in place to protect the stream that feeds the inlet given that the plan has the stream being used as the outlet for the developments stormwater? The proposed access through Harlequin street for traffic will significantly increase the road traffic potentially &gt;300 vehicle movements per day on a windy road that has poor visibility at the intersections of Dunskey place and escort close. The visual amenity of the current residents of the Kemsley estate will be impacted by</p>	<p>Objection Noted. Modifications are recommended.</p> <p>The site represents a logical extension of urban development within the gazetted Denmark townsite connecting between established residential development and a large undeveloped residential landholding to the west. The proposal is consistent with the pattern of growth and recommendations contained within both the Settlement Strategy for Denmark, and the Local Planning Strategy to accommodate future housing needs of the town.</p> <p>The indicative structure plan layout does not form part of the amendment and will require more detailed review through a separate statutory process.</p> <p>Requirements for additional supporting information to address vegetation protection, fauna habitat and a review of site contamination are noted and will be necessary to inform the final subdivision layout and remediation measures (if applicable).</p> <p>The Environmental Protection Authority has recommended additional requirements, and these are included in the recommended schedule of modifications.</p> <p>The requirement for Commonwealth referral under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) will need to be addressed by the landholder and the Western Australian Planning Commission through the detailed structure planning and subdivision stages, noting referral is dependent upon the scope and nature of vegetation modification that has yet to be determined.</p> <p>Various options are available to improve tree</p>

the density of this proposal and by the lack of retention of all of the existing vegetation. The irony is not lost on me around the property being heavily degraded by cattle and horses to the point where much of the veg is considered degraded and therefore easier to push through environmental approvals and planning approvals. Other than the proximity to the townsite why was this site chosen? What alternative locations exist? I do not support this application in its current form. Further studies are required, existing vegetation needs to be 100% incorporated into the public open spaces and the density needs to be reduced. Please vote no.

retention rates within urban development sites, through appropriately designed and sized public open space, road reserves and in larger residential lots where ongoing tree protection mechanisms are in place. This will need to be explored through the detailed design phase to optimise retention of significant trees and high quality vegetation.

Officers have noted some deficiencies in the indicative stormwater design, including concerns regarding adequacy of the foreshore width, lack of consideration of drainage opposite Ross Court, impacts upon the creekline from fill and drainage infrastructure, and workability of the pipe network across the creekline. These issues do not represent a constraint to rezoning but will need to be resolved as part of the final layout and informed by a Foreshore Reserve Management Plan to establish a suitable reserve width based upon a biophysical assessment.

Harlequin Street was created as part of the subdivision of Kemsley Estate being designed to accommodate a road link northward in place of the original Zimmermann Street alignment. The retention of trees to accommodate any extension of Harlequin Street would need to be addressed through the detailed engineering design stage. Options may include a reduced pavement width, the use of chicanes or islands that can serve a dual purpose for traffic calming and discourage non-residential through traffic.

The final density and lot yield is dependent upon further detailed planning. The densities as advertised are intended to facilitate a variety of lot sizes and housing choice, optimise the use of land within the townsite and respond to future housing needs. Acknowledging concerns that have been raised through submissions it is recommended that a lower density code option be introduced where it can be shown to improve tree retention and landscape

S7		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>It is a quiet estate where I am, I overlook the paddock. I don't want to be hemmed in looking at rooftop after rooftop. Keep Denmark natural with trees not overrun like Perth.</p>	<p>outcomes.</p> <p>Objection noted. Modifications are recommended.</p> <p>The proposal represents a logical extension of urban development within the Denmark townsite being contiguous with existing residential zoned land. This is consistent with planned growth of the townsite as contained within the Settlement Strategy and Local Planning Strategy.</p> <p>Concerns regarding the interface with existing residential lots, and the potential loss of mature trees are noted. This will need to be addressed as part of further detailed planning. It is recommended that the amendment be modified to accommodate an option for larger lots in locations that will facilitate improved tree retention.</p>
S8		<p>The Denmark Bird Group (DBG) would like to submit the following comments for the Shire to consider when implementing the rezoning of Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark from Rural to Residential R20-40.</p> <p>The attached table shows the 50 or so birds likely to be found in the Denmark Townsite and in the adjacent area of the proposed rezoning. It does not include birds of the Denmark River and Wilson Inlet. This list has been assembled from the Birdwatching around Denmark brochure produced by DBG under the auspices of Bird life and with the support of the Shire of Denmark and the Denmark Visitor Centre. It is by no means exhaustive but is a useful guide.</p> <p>The birds on this list are categorised as Common, Moderately Common or Uncommon. Of the 9 species listed as Uncommon only 3, the Black Cockatoos, are specially listed under WA Government regulations. In Western Australia, Carnaby's cockatoo and Baudin's cockatoo are listed as Endangered fauna, and the forest red-tailed black cockatoo is listed as Vulnerable fauna under the Biodiversity Conservation Act 20161</p> <p>The key factors which impact upon the populations of all birds in any particular area are loss of habitat and introduced predators such as cats and foxes. Black Cockatoos are vulnerable to habitat loss and more particularly the factors listed below:</p> <ul style="list-style-type: none"> <li>• Ongoing and extensive breeding and foraging habitat loss and degradation due to</li> </ul>	<p>Submission Noted.</p> <p>Modifications are recommended to require a detailed tree survey and additional fauna studies to inform the final subdivision layout.</p> <p>Referral of the proposal under the Commonwealth EPBC Act will need to be addressed by the landholder and the Western Australian Planning Commission through the detailed structure planning and/or subdivision stages dependent upon the extent of clearing proposed. Various options exist to improve tree retention within an urban development site, through the design of public open space, road reserves and private lots. This should be implemented through the detailed design phase having regard to the EPA's document <i>Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas</i>'.</p> <p>Controls relating to the keeping of domestic cats are addressed through the Shire of Denmark Cats Local Law. Although a desire to implement additional</p>

		<p>vegetation clearing.</p> <ul style="list-style-type: none"> <li>• Nest hollow shortages and a lack of regeneration of potential nest trees due to ongoing vegetation clearing, fire, altered hydrology, salinization, grazing, weed invasion, climate change and Phytophthora dieback.</li> <li>• Competition for limited nest hollows with other black cockatoos, galahs, corellas, shelducks, wood ducks and feral European honey bees.</li> <li>• Illegal shooting by orchardists and pine plantation owners.</li> <li>• Death and injury resulting from vehicle collisions.</li> <li>• Reduced food and water availability due to inappropriate fire regimes, wild fires and climate change.</li> </ul> <p>The proposed rezoning covers an area of 16.5 ha of largely grazing land, some stands of trees with no understory, degraded bushland and some remnant bushland. The project design shows that some of these areas are retained as amenity and Public Open Space (POS) but that some areas containing mature trees will be cleared. There is no record of Black Cockatoos nesting in the proposed project area but it is possible that nesting and probable that some foraging or roosting could occur on any suitable mature tree. Any removal of mature trees is the loss of a potential Cockatoo nest site. It is therefore essential that the Shire use its best endeavours to minimise loss of any mature trees as part of the rezoning.</p> <p>One way to compensate for the loss of mature trees would be for the Shire to require the developer to install an artificial nest for each mature tree destroyed. A suitable location would have to be determined.</p> <p>Many of the birds on this list such as wrens, silvereyes, parrots and honeyeaters are at home in the gardens of Denmark and it is likely that these species will benefit from suitable amenity and garden planting once they are established as part of the development. It is therefore recommended that the Shire implement a policy of native and preferably south coast native in any amenity or POS plantings.</p> <p>According to the Smithsonian Institute “Pet cats kill 83 million native reptiles and 80 million native birds in Australia each year. From a wildlife perspective, keeping pet cats contained 24/7 is the only responsible option.” Whilst the Shire has local laws in place to manage domestic cats this rezoning presents an opportunity to strengthen the laws. We suggest for the rezoned area only:</p> <p>A person who wishes to keep a cat will be required to complete an application to Council for written approval of Council with such cat being</p>	<p>controls on the keeping of cats is acknowledged, the appropriate mechanism for such control and enforcement rests under the Local Law and not the local planning scheme.</p> <p>The Shire maintains a preference for use of native planting to improve habitat outcomes, reduce water usage and limit fertiliser and nutrient inputs. Specific landscaping requirements can be addressed as part of future planning stages, through the preparation and implementation of a Landscape Management Plan and Foreshore Management Plan. Options for siting of artificial tree hollows can also be considered at a later stage in collaboration with the land developer and may be informed by proposed offset arrangements.</p>
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		<p>permanently confined indoors or in an effective cage system on the property. Only one cat per residence permitted and all applications to be subject to Council's bylaws regarding cats that are in force from time to time.</p> <p>Given the current housing shortages in Denmark the DBG is not oppositional to the rezoning but believes that the Shires environmental credentials would be enhanced by implementing our proposals. The end result would be an improved habitat for our birds.</p>	
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	Bird	CSIRO Guide	Status	
1	Australian Magpie	436.1	C	Common
2	Australian Raven	438.1	C	
3	Australian Ringneck Parrot	272.3	C	
4	Australian White Ibis	196.3	C	
5	Australian Wood Duck	172.1	C	
6	Baudin's Black-Cockatoo	258.3	U	Uncommon
7	Black-faced Cuckoo-shrike	426.1	M	Mod.common
8	Brown Goshawk	232.1	M	
9	Brown Honeyeater	394.4	U	
10	Carnaby's Black-Cockatoo	258.2	U	
11	Collared Sparrow Hawk	232.2	M	
12	Common Bronzewing	290.1	C	
13	Dusky Woodswallow	428.2	M	
14	Galah	260.3	C	
15	Gilbert's Honeyeater	384.5	C	
16	Golden Whistler	478.3	C	
17	Grey Butcherbird	434.2	M	
18	Grey Currawong	432.3	M	
19	Grey Fantail	460.1	C	
20	Inland Thornbill	352.3	C	
21	Laughing Kookaburra	312.2	C	
22	Magpie Lark	452.1	C	
23	Nankeen Kestrel	238.1	U	
24	New Holland Honeyeater	398.3	C	
25	Pacific Black Duck	178.3	C	
26	Purple-crowned Lorikeet	266.3	M	
27	Red Wattlebird	406.3	C	
28	Red-capped Parrot	270.1	M	
29	Red-eared Firetail	524.4	M	
30	Red-tailed Black-Cockatoo	256.2	U	
31	Red-winged Fairy-wren	366.4	M	
32	Sacred Kingfisher	316.2	M	
33	Scarlet Robin	472.3	U	
34	Silver Gull	100.1	C	
35	Silvereye	486.1	C	
36	Splendid Fairy-wren	362.2	M	
37	Spotted Pardalote	360.1	M	
38	Straw Necked Ibis	196.4	C	
39	Striated Pardalote	360.4	U	
40	Swamp Harrier	230.1	M	
41	Tree Martin	328.3	C	
42	Varied Sitella	420.1	M	
43	Welcome Swallow	326.1	C	
44	Western Gerygone	358.1	M	
45	Western Rosella	276.4	C	
46	Western Spinebill	400.4	C	
47	Western Thornbill	354.4	U	
48	Western Wattlebird	406.1	M	
49	White Browed babbler	418.3	M	
50	White-breasted Robin	468.4	U	
51	White-browed Scrubwren	342.2	C	
52	Willie Wagtail	462.3	C	
53	Yellow-rumped Thornbill	354.1	M	

S9		<p>Zoning should reflect current zoning in Kemsley Estate or r17.5-R40 to reflect country lifestyles.</p> <p>Having only two exit / Entry points seems inadequate in case of emergency's. Also increased traffic passing a highly used parkland by children would increase the chances of injury to individuals</p>	<p>Comments Noted.</p> <p>Modifications are proposed to allow an opportunity for some lower density areas to be considered where it facilitates the protection of remnant vegetation and landscape amenity.</p> <p>Considerations relating to traffic management are addressed in the officer report noting access requirements will ultimately be determined through the structure planning and subdivision phase.</p> <p>The provision of two access points will meet the requirements of Bushfire Planning and improve access opportunities for existing residents within Kearsley Estate. Further access will also be extended over time as/ when the adjacent residential zoned site to the west is developed, including a new connection to Ocean Beach Road further west.</p> <p>Traffic speeds on Harlequin Street would remain within the 50km maximum permitted. Consideration can be given through the detailed engineering design phase as to whether any additional safety design measures are required.</p> <p>Hopson Reserve is a Neighbourhood Park that has been identified by the Shire for further upgrade. Options for construction of a fenced playground can be considered as part of the upgrade of this park and will be addressed through a separate design and consultation process.</p>
S10		I have no objections to the proposed amendments.	Noted.
S11		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>I do not support proposal for this . Lose property value, lose trees ,shade in summer, wild life . Cause sound pollution , and heavy machinery dust etc. Don't want Denmark turn like Margret river . Cause of increase traffic flow and unsafe st for resident and children in the estate at kemsley Estate.</p>	<p>Objection noted. Modifications are recommended.</p> <p>The proposal represents a logical extension of urban development within the Denmark townsite being contiguous with existing residential zoned land. This is consistent with planned growth of the townsite as contained within the Settlement Strategy and Local</p>

			<p>Planning Strategy.</p> <p>Considerations relating to landscape amenity, tree preservation and wildlife will need to be addressed at the next stage of planning. Modifications are being recommended to require a detailed tree survey and additional fauna studies to inform the final subdivision layout.</p> <p>Future subdivision works would be subject to standard environmental and health controls. The Shire can request a Construction Management plan at the subdivision stage to deal with matters relating to dust, erosion, nutrients, dieback control, noise pollution and traffic management. Should dust create a problem the Shire can also implement requirements under the <i>Local Government Act 1995</i> that relate to wind erosion and sand drift.</p>
S12		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Do not support this proposal. Increase of traffic and population in Denmark and can't facilitate for extra more people in town as we're already struggling as is just influx of tourist.</p>	<p>Objection noted.</p> <p>The proposal represents a logical extension of urban development within the Denmark townsite being contiguous with existing residential zoned land. This is consistent with planned growth of the townsite as contained within the Settlement Strategy and Local Planning Strategy.</p> <p>The site is well placed in terms of available infrastructure and its proximity to the town centre.</p>
S13		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>Safety of our residents and children. We do not want this to happen we lose trees nature shade wild life . Causing stress and anxiety because of traffic chaos, noise. The dust that that will cause over us as we asthmatic. Not being able to putting washing out because of dust etc . Danger to our children because of increase of traffic flow as they always at the park. The corner of dunsky and harlequin street danger as it's hard to look around the corner as is for incoming motorists. The possibility of devaluation of our</p>	<p>Objection noted. Modifications are recommended.</p> <p>Subdivision works are subject to standard environmental and health controls that deal with management of site works. The Shire may request a Construction Management plan at the subdivision stage to address matters relating to dust control, control of eroded soil, nutrients, dieback control, noise pollution and traffic management. Should dust</p>

		<p>property at wave court. We needing to spend money on air-conditioning because of trees taken away and fencing and we cannot fund.</p>	<p>create a problem for residents the Shire can also implement requirements under the <i>Local Government Act 1995</i> that relate to wind erosion and sand drift.</p> <p>Harlequin Street was designed to accommodate through traffic for future development stages.</p> <p>Concerns regarding site lines on the Dunskey Place and Harlequin Street intersection are noted and will be reviewed by Infrastructure Services to considering whether there is a need for additional traffic management controls, parking restrictions or vegetation management. The intersection design was approved as part of the original subdivision of the estate and met the necessary site line requirements at that time.</p> <p>Concerns regarding loss of landscape amenity and tree cover are noted and will need to be addressed as part of further detailed planning. Modifications are recommended to require further analysis of significant trees on-site and introduce opportunities for some lower density development where it can facilitate tree retention.</p>
S14		<ol style="list-style-type: none"> <li>1. Density of houses to much, needs to be in half number.</li> <li>2. When we bought property in 2000 told there was buffer zone at back of property on walkway for future development. Houses on plan too close to immediate houses affected.</li> <li>3. Fire exist very few at moment from Kemsley, need more check end of Dunskey Place. There is ? path or road but at moment blocked off by rocks etc to Ocean Beach Rd.</li> <li>4. Harlequin exist for new estate will increase traffic for exiting Kemsley Estate resident.</li> <li>5. Speed as well, young children &amp; elderly walk along street with no paths <u>Dangerous</u> need 40kph.</li> <li>6. When estate is opened traffic from Ocean Beach Rd will go left to Harlequin to weave thro Estate to South West Highway increase traffic.</li> <li>7. We do not wish double storey buildings on fence line.</li> </ol>	<p>Comments noted. Modifications are recommended.</p> <p>The advertised density code range is intended to accommodate flexibility to provide for a range of lots sizes and housing variety, while ensuring the most efficient use of available land and services.</p> <p>In response to concerns raised through submissions, modifications are recommended to provide options for some larger lots in areas where improved tree retention and landscape amenity outcomes can be demonstrated as informed by a detailed tree survey.</p> <p>Considerations relating to traffic management are addressed in the officer report. Harlequin Street has</p>

8. Water will be affected
9. Sewerage ? effect.
10. Kemsley in winter very wet our verge is saturated in winter all the time.
11. Wildlife will be effected
12. More resident houses ? Green house effect.
13. Local school not large enough to accommodate more children.
14. ? Public transport or everyone are going to have a car, maybe two.
15. Exist to Ocean Beach Road not good especially at peak hour.
16. Ocean Beach Rd at Harlequin cannot cope with traffic at moment, with more cars etc no way.
17. Park/play ground off Harlequin/Ocean Beach will be needing to be fenced for kids safely.
18. We need progress but do we need another subdivision when other in Denmark have been classed as residential but not built on eg off Rockford Rd, Willow Creek & few more.
19. Shops need to be cope with demand or more traffic – Albany to get supplies.

been designed and constructed to accommodate through access. The need for additional traffic management measures can be addressed as part of the detailed design and engineering phase.

A prohibition on two storey development is not supported at this stage, noting the final lot layout and sizes have yet to be established. Matters relating to the development interface and tree protection will need further consideration and may inform whether any additional built form controls are required.

The site is capable of being connected to reticulated water and sewer services as verified by the Water Corporation. Detailed drainage design requirements will be subject to further consideration at the next stage of planning.

Suggestions relating to the installation of safety fencing for the playground will need to be addressed separately as part of future upgrades to the park, being outside the scope of the Scheme Amendment process.

Decisions regarding the timing of residential land development is influenced by a variety of factors outside the control of planning. This does not necessarily inform an oversupply of residential land or provide a basis upon which to refuse rezoning that would otherwise accord with broader strategic planning for the townsite.

Combined with the future residential subdivision of adjacent Lot 5, the demand for school places in Denmark is expected to increase. The requirement for expansion and provision of any new school sites will need to be determined in conjunction with the Department of Education through the structure planning process as required under WAPC's *Operational Policy 2.4 – Planning for School Sites*.

			<p>The capacity of existing schools does not represent a limiting factor for residential land development but may inform the requirement to plan and contribute towards new school sites.</p> <p>The range of services within the Denmark town site is expected to be enhanced by an increased resident population generating greater demand and viability for local businesses.</p>
S15		<p>We are residents of Harlequin street and are writing to express our views regarding the proposed development that would see our peaceful neighbourhood become a busy thoroughfare. We're strongly opposed to this as our 1 year old regularly plays on or around the roadside, as to many other children on the street. The number of extra vehicles on Harlequin street will make it too dangerous, not to mention noisy.</p> <p>We beg you to consider the views of the local residents before allowing this access road to go ahead.</p>	<p>Objection noted.</p> <p>Considerations relating to traffic management are addressed in the officer report, noting the final road alignment and any future connections will need to be determined through the structure plan and subdivision design process.</p> <p>Harlequin Street was originally designed and constructed with the intent of accommodating a future road connection to the north, in place of the original Zimmermann Street alignment.</p>
S16		<p>We're writing to you to voice our concerns about Harlequin Street becoming the second access road into the rezoning of Lot 1 South Coast Highway and Lot 621 Harlequin Street.</p> <p>We have received a letter from our neighbours informing us that Harlequin Street could become a main road into the new development. Why did we hear this from our neighbours and not from the shire?</p> <p>Harlequin Street is a beautiful, quiet no through road that is very family oriented and children are free to play on the street. This is why we chose to purchase our home here. There was never any notice or warning of the new rezoning or of our street becoming a thoroughfare road.</p> <p>An increase of 350 vehicles per day will be dangerous to the children that live and play on Harlequin Street, and will pollute the noise and air. It will completely take away the peacefulness of our street, as it will be turned into a main road.</p> <p>Other developments like Springdale Beach only have one access road from South Coast highway, it is not necessary to totally impact a beautiful established neighbourhood just for the sake of an extra access road.</p> <p>We had no idea about these plans and feel totally blindsided by them. If</p>	<p>Objection noted. Consultation was extended via letters to all residents within Kemsley Estate as a result of the concerns being raised.</p> <p>Considerations relating to traffic management are addressed in the officer report, noting the final road alignment and any future connection are not established through the rezoning of the site and will need to be determined through the detailed structure plan and subdivision design process.</p> <p>Harlequin Street was originally designed and constructed with the intent of accommodating a future road connection to the north in place of the original Zimmerman Street alignment.</p> <p>The land immediately north of Kemsley Estate has been identified as a future urban growth area in the</p>

		<p>we'd been aware of the potential for Harlequin to become a main access road we would not have purchased there.</p> <p>We feel this was council's responsibility to inform us of this potential decision that will adversely affect all residents in Kemsley Estate. We expect to be informed in future about any decisions relating to this matter.</p> <p>Please keep Harlequin as the quiet, family friendly neighbourhood that it is.</p>	<p>Local Planning Strategy.</p>
<p>S17</p>		<p><b>Do you support this proposal?</b> No</p> <p><b>What are your questions, comments or concerns?</b></p> <p>I object to the rezoning of Lot 146 Harlequin St and Lot 1 South Coast Highway from rural to residential R20-R40. I believe that housing of this density is not keeping with the lifestyle that is currently enjoy by residents who have larger blocks and more open space, nor do I believe that this is a lifestyle that people moving to Denmark aspire to. I have concerns with regard to the Environmental Assessment 4 and Appendix G Environmental Assessment. It is stated that a Desktop flora and vegetation survey was conducted with a site visit by PGV environmental on 8 October 2019 and that a Desktop Fauna survey and a site reconnaissance were conducted by PGV Environmental on 8 October 2019. The flora and vegetation surveys were conducted by [REDACTED] who has a background in Botany (source LinkedIn) while there is no indication of the background or qualifications of the persons conducting the Fauna survey. It is concerning that this Environmental assessment being relied on to make decisions is already 4 years old and clearly cannot account for any changes to the floral and faunal communities that have occurred since that date. My other concerns associated with the assessment are:</p> <ul style="list-style-type: none"> <li>• A Desktop study relies on data collected, held and managed by institutions such as the WA Museum and WA Herbarium. Using these types of data are inherently challenging since the absence of a data point for an organism does not mean it does not occur at a location, it simply means that data has not been collected for that organism.</li> <li>• The onsite survey of one day is also inadequate for assessing flora and fauna since plants such as orchids only emerge at certain times of the year and not necessarily every year while many marsupials (e.g. possums) and birds (e.g. owls) are nocturnal and cannot be surveyed during the day. The assessment fails to address the issue of nocturnal animals such as bats, marsupials, and birds such as owls that are known to use this land.</li> <li>• The assessment fails to address the invertebrate community of the site which likely is the largest component of biodiversity and which is likely important for important ecosystems functions such and pollination and nutrient recycling as well as providing essential ecosystem services to nearby agricultural and urban land (e.g. natural pest management).</li> <li>• It</li> </ul>	<p>Objection noted. Modifications are recommended.</p> <p>Support for rezoning of the property to Residential does not constitute support for the indicative Structure Plan contained within the Amendment report.</p> <p>The proposal will allow consolidation of new residential development within the existing townsite consistent with the Shire's adopted strategic planning.</p> <p>Analysis undertaken as part of the Draft Local Planning Strategy has identified the need to provide opportunities for more diverse and affordable housing.</p> <p>The final densities, lot sizes and road layout will need to be informed by further detailed planning. It is envisaged that the site would accommodate a range of lot sizes to ensure the efficient use of land and services, while also responding to site constraints and environmental features.</p> <p>Modifications are recommended to introduce an option for lower density/ larger lots where an improved environmental and amenity outcome can be achieved, including optimising tree retention. This reflects a similar approach taken for structure planning on Lot 5 South Coast Highway to the west.</p> <p>Concerns regarding shortfalls in the Environmental Assessment are noted and modifications are recommended to require a comprehensive tree survey, on-site fauna assessment and contaminated</p>



would also be appropriate for the Assessment to provide evidence that relocation of animals such as bandicoots can be successful as well as the total costs of these activities including ongoing monitoring to ensure that the relocation has ensured that viable young and been produced. • I believe that the height of the existing trees (particularly the Marri and Karri) has been understated as well as the role that these trees play as very important habitat for the 3 species of Black Cockatoo and the other birds and animals in this area. I have lived in the vicinity of the location under consideration and have sighted both the South-western Brush-tailed Phascogale (Phascogale tapoatafa wambenger) and Antechinus on several occasions. I have also sighted and have photos of Sacred Kingfishers, which are migratory and would not have been sighted in the one-day site visit in October. I have concerns with regard to the proposed Strategic Fire Access 5.3 and Appendix B Bushfire Management Plan since Harlequin St is the only emergency access to Ocean Beach Road for the residents of the Kemsley Estate and has already been identified as a potential bottle neck in the case of an evacuation of the area. Having the residents in the 160 properties of this proposed new estate also using this egress, will only exacerbate this issue with possible catastrophic outcomes in the event of a fire. I have concerns about the Public Open Space 6.2 since the use of the existing creek line as a drainage from the “drainage swales” risks contaminating the creek with run off from road and other drainage sources. This issue has not been addressed adequately in the Assessment. I have concerns about Proposed Traffic Generation 6.5.2 and Appendix C Traffic Assessment Report especially regarding the statement that there will be 10 vehicle movements per day in a typical situation, with a latter comment that many of the dwellings in Denmark are used as private holiday homes which would lessen the overall traffic generation. Does this indicate that many of the 160 proposed dwellings are also intended to be sold as private holiday homes? Where does the information that many of the dwellings in Denmark are private holiday homes come from or is this information merely anecdotal? The Traffic Assessment Report also states that “Existing development off Harlequin Street is shown to have a minor attraction with just 10% of the generated traffic passing through the structure plan area. This equates to a through movements of about 60vpd.” 15.17 of the assessment indicates that there would be a less than 1% increase to the number of vehicles using Harlequin St to access Ocean Beach Road, I draw your attention again to my previous comments regarding emergency access to Ocean Beach Road via Harlequin St and suggest that even a 1% increase in vehicles has the potential to make this a very dangerous situation in the case of bushfire. I thank you for taking the time to consider my submission.

site assessment to inform further detailed planning.

Adequacy of the creekline reserve and the drainage design are also noted and will require further consideration at the detailed planning stage.

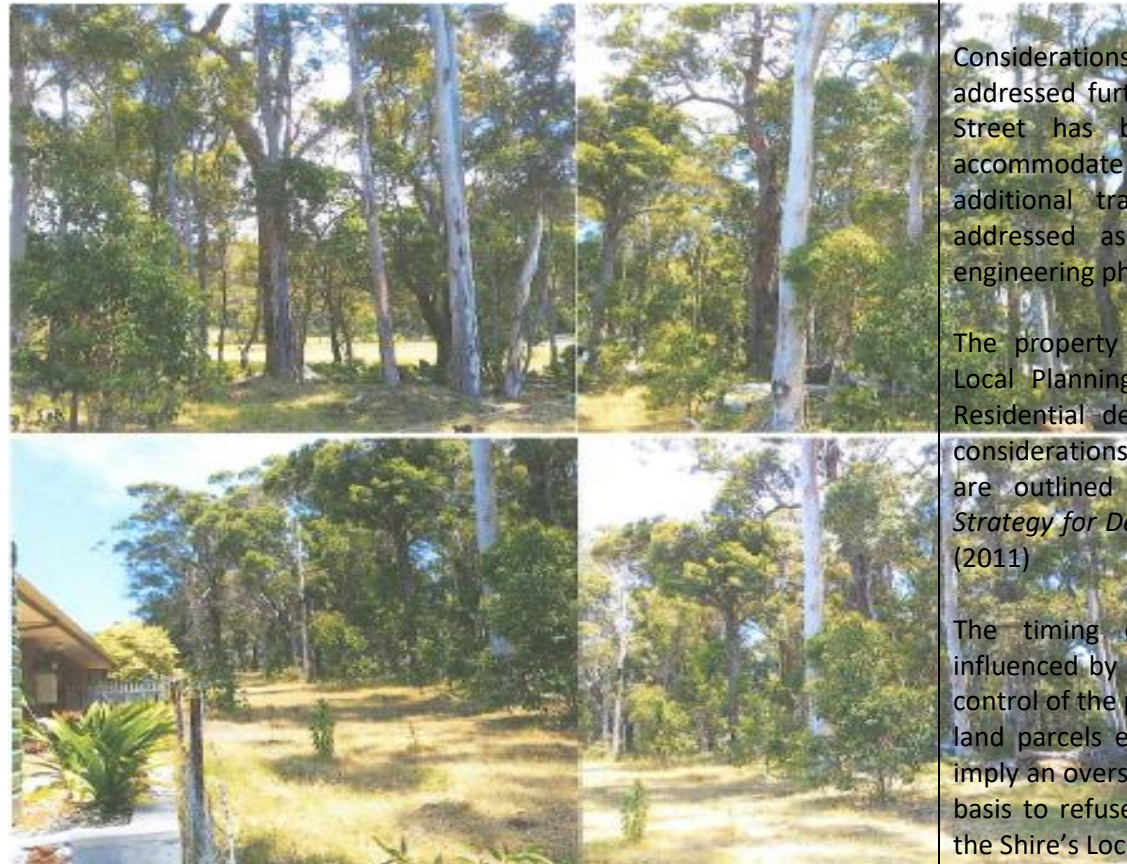
Considerations relating to traffic management are addressed further in the Officer’s report. The creation of new road connections between existing and future residential areas is supported by current day planning requirements to improve permeability and provide alternative access opportunities during emergency situations. Other road connections will become available as subdivision of Lot 5 South Coast Highway (west of the site) progresses, including a new access route to Ocean Beach Road.

An updated Traffic Assessment Report will be required to support the structure planning and subdivision design process noting the final road network and lot yield have yet to be determined. Assumptions contained within the current document referring to private Holiday Home use are not supported and are to be removed.

S18		<p>I wish to lodge my OBJECTION to the proposed rezoning Lot 621 Harlequin Street and Lot 1 South Coast Highway as noted in Town Planning Scheme No 3 Amendment 146.</p> <ol style="list-style-type: none"> <li>1. As an owner/occupier at ■ Harlequin Street I note that Harlequin Street is nominated as an entry/exit point for the proposed development. Harlequin Street at its western end is one lane width. This cannot be widened without:       <ol style="list-style-type: none"> <li>1. removing existing Karri tree/trees. OR</li> <li>b) removing the whole of my verge as well as my drive. There is also a fire hydrant that would have to be paved over</li> </ol> </li> <li>2. Historically building developments promising little or no impact on existing Flora (in this case existing Karri and Marri woodlands) fail to deliver on their promises. The phrase "Where possible" (Section 4.1) of the proposal suggests that this too will be the case here! Black Cockatoos are regularly seen in the area and are very likely would be affected by the adoption of this proposal. No amount of revegetation will be able to replace the existing woodlands.</li> <li>3. A large number of homes built in close proximity to the existing creek line can only lead to further contamination of the water.</li> <li>4. The proposal allows for up to 160 homes to be built. Denmark facilities and services barely manage to accommodate the current population.</li> <li>5. 6.5.2 Proposed Traffic Generation appears to assume that many of the houses that are proposed will be used as private holiday homes, trying to minimise the effect of the increase of vehicle movements. I thought that consideration for this proposal was to facilitate growth in our shire not build a whole lot of empty houses. A lot of the Traffic Assessment is based on assumptions and proposals for further assessment once the proposed development is well under construction.</li> </ol>	<p>Objection Noted. Modifications are recommended.</p> <p>Harlequin Street was created as part of the subdivision of Kemsley Estate and designed to accommodate a future road link northward in place of the original Zimmermann Street alignment. The retention of trees to accommodate any extension of Harlequin Street would need to be addressed through the detailed engineering design stage. Traffic calming measures could potentially be used, including chicanes, islands or reduced reserve widths if necessary to accommodate tree retention and discourage non-residential through traffic.</p> <p>Modifications are recommended to require a comprehensive tree survey and on-site fauna assessment to inform further detailed planning.</p> <p>Opportunities to introduce some lower density lots are also proposed where it can facilitate tree retention. Any larger lots intended for tree retention would need to demonstrate sufficient space for siting of a house and ultimate height and tree canopy size together with statutory mechanisms to ensure tree retention longer term. Other options to optimise retention of vegetation can also be considered through the design of road reserves and public open space.</p> <p>Adequacy of the creekline reserve and the drainage design are also noted and will require further consideration at the detailed planning stage.</p> <p>The Water Corporation has confirmed the site is capable of accommodating water and wastewater services for residential development.</p> <p>An updated Traffic Assessment Report will be required as part of the structure planning and subdivision design process to inform traffic generation noting the final road network and lot yield have yet to be</p>
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			determined. Assumptions contained within the current document referring to private Holiday Home use are not supported and will need to be removed.
S19		<p>Concerned about increase of traffic on Harlequin Street.</p> <p>Height restrictions on properties closest to existing houses on the Kemsley Estate so that they are not overlooked.</p> <p>Would council consider it an asset to have access for residents on Kemsley Estate to the Public Open space off Harlequin street. Lower the kerb for an emergency/area could be used in an emergency situation. Exit at Ocean Beach Road has been compromised by road narrowing.</p>	<p>Comments are noted.</p> <p>A prohibition on two storey development is not supported, noting the final lot layout and sizes have yet to be established. Matters relating to the development interface and tree protection will need further consideration and may inform whether any additional built form controls are required at that stage.</p> <p>Suggestions associated with provision of additional emergency access for Kemsley Estate is being considered outside of the Amendment process.</p>
S20		<p>We have lived at X Wave Court since 2008, having moved to Denmark for work (at the hospital and Albany TAFE College) and for the cooler climate. Our property borders the Eastern boundary fence of Lot 621 Harlequin Street.</p> <p>We acknowledge that the Denmark Shire wants to have more building blocks available for future residences. We also acknowledge that the 16.5 hectares of the two proposed subdivision sites are desirable due to their location and availability of services.</p> <p>We <b>OPPOSE</b> the subdivision on the grounds that the block sizes allowed in R20-R40 are too small for a rural setting such as Denmark. The major part of Kemsley Estate is zoned RI 7.5. Allowing cottage sized building blocks (500 sq. mts) will create a suburban environment similar to suburbs like Ellenbrook in the city. To accommodate the proposed 156 building blocks will require considerable clearing of the land.</p> <p>We have concerns in the following areas: -</p> <ul style="list-style-type: none"> <li>• Preservation of vegetation</li> <li>• Traffic flow</li> <li>• Commercial rezoning/Site Contamination</li> <li>• Flora &amp; Fauna</li> </ul> <p><b><u>Preservation of Vegetation</u></b></p> <p>The Concept Development Plan identifies considerable areas of vegetation including mature and maturing Karri and Marri trees. Some have been</p>	<p>Comments and Objection noted. Modifications are recommended.</p> <p>The final densities, lot sizes and road layout will need to be informed by further detailed planning. It is envisaged that the site would accommodate a range of lot sizes to ensure the most efficient use of land and services, provide for greater housing diversity and choice, while also responding to site constraints and environmental features.</p> <p>Modifications are recommended to introduce an option for lower density/ larger lots where an improved environmental and amenity outcome can be achieved, including optimising tree retention. This reflects a similar approach taken for structure planning on Lot 5 South Coast Highway to the west.</p> <p>Concerns regarding impacts upon vegetation and fauna are noted. Modifications are recommended to require a comprehensive tree survey and on-site fauna assessment to inform further detailed planning</p>

earmarked for preservation in Public Open Space. But there are large areas on the plan that would require the clearing of significant areas of trees. For example, the Eastern boundary fence line. In particular the trees on Lots 140 to 150 of the plan have both an aesthetic effect on those established homes on the border of Kemsley Estate, as well as creating a desirable microclimate for those homes particularly summer shade eliminating the need for air conditioning. These are mostly healthy trees that provide afternoon shade for the established houses along the fence line, act as a buffer zone for traffic noise from the highway and create a wildlife corridor.



Images 1 to 4 looking West from Property Boundary of 4 Wave Crt Denmark

**How will the proposed development optimize outcomes for the retention of remnant vegetation? How will view lines from established residential areas be protected?**

If the bush in the southern corner is in excellent condition, then it should be

and optimise tree retention. Reporting on potential site contamination will also be required to inform the final layout and any required remediation measures.

The proposal was referred to the Environmental Protection Authority which has recommended additional provisions be introduced into the Scheme text as recommended in the schedule of modifications.

Considerations relating to traffic management are addressed further in the Officer's report. Harlequin Street has been designed and constructed to accommodate future through access. The need for additional traffic management measures can be addressed as part of the detailed design and engineering phase.

The property is nominated in the Shire's adopted Local Planning Strategy for the purpose of Urban Residential development. Information and relevant considerations relating to the identification of this site are outlined within *TPS Policy 28 – Settlement Strategy for Denmark* and the Local Planning Strategy (2011)

The timing of residential land development is influenced by a variety of factors, mostly outside the control of the planning process. Although other vacant land parcels exist within the townsite this does not imply an oversupply of residential land, or represent a basis to refuse rezoning that otherwise accords with the Shire's Local Planning Strategy.

retained and incorporated into any site plan, especially given that it backs onto the Heritage listed rail trail.

**Potential Habitat Trees -Adjacent to X Wave C:rt on lot 140 to 150.**

Page 38 of the Environmental Assessment for this proposal refers to full referral to the EPA for Karri and Marri habitat trees >50cm in diameter. Our Western Boundary has multiple Karris of mature age and diameter >50cm. Who will make the ultimate decision as to whether these will require submission of a full assessment to the EPA? Will this be the shire? Will a more detailed survey of these trees be completed at a later stage as they are currently proposed to be cleared in their entirety?

**Traffic Flow**

The proposed second entry to the subdivision is from Harlequin St. It has been assumed in the proposal that most traffic will exit the subdivision via Southwest Hwy. We dispute the assumption made in 6.2 “The road connections have been designed to be circuitous and are not expected to be attractive as a through movement” On what basis is the assumption that most cars will exit via SCH?

Traffic wishing to turn west towards Walpole onto South West Hwy from Ocean Beach Road will be able to travel through Kemsley Estate via Harlequin St, thus avoiding the Ocean Beach Rd & South Coast Hwy intersection, which is already a problem intersection, especially during peak school times and holiday seasons. The recent roadworks at the intersection of OBR and Harlequin St has resulted in a significant narrowing of OBR. Can this intersection accommodate the added traffic flow into the subdivision? How will the Shire ensure that nonresidents of Kemsley estate and the new subdivision will not use Harlequin St as a thoroughfare? Installing signs that read “Local traffic only” will not be adequate and the shire needs to give this due consideration. The intersection of Dunskey Place and Harlequin St has an increased risk of a traffic incident if cars are parked in adjacent driveways or on the verges. The expected increased traffic flow will exacerbate this risk.

**Commercial Zoning/ Site Contamination**

On page 1 of the environmental assessment document the scope of works is to include “Assessment of the current and historical activities on the subject site and surrounding areas which have the potential to result in contamination issues at the site. Based on this scope of work, our expectation would have been to see a Preliminary Site Investigation completed under the Contaminated Sites Regulations and that this would have likely focused on the old dairy component of the site. Please confirm how this aspect of the scope of works was completed and what contaminated sites assessment was completed and the qualifications of the

personnel who completed it. We have significant concerns about pesticides, herbicides, hydrocarbons, asbestos and nutrification in the soil and the ground and surface water at the location and we would like a greater level of detail on this before the shire looks to vote on the proposal.

We have concerns that the lack of information that has been provided around contamination at the old dairy either indicates that the developers don't want to go looking as they have concerns themselves as to what they may find, or indeed they have found evidence and are already aware of contamination at the location that would either deem the site unsuitable for residential development and may also require remediation prior to the sale of the property to any future purchasers.

The plan refers to a small portion of the proposed subdivision to be rezoned as "Commercial". A cafe in the "Old Dairy" is suggested. Is this being retained as it has already been identified as a contaminated site??

Further to the dairy location, we also have concerns about contamination of the Eastern side of the creek line with old buried building materials. Some years ago, we witnessed a machine digging a significant sized hole and burying rusty corrugated iron, steel and broken sheet panels, possibly asbestos. Whilst it has been common practice on agricultural/farming properties to bury waste, the Denmark Shire operates a very well-run Refuse site and we see no reason that this property owner should have been burying waste on the site unless there were concerns either with the material they were disposing of or the cost of disposal (Asbestos).

This excavation should form part of a Preliminary site investigation at the property and if Asbestos or other hazardous material is located a detailed site management plan needs to be made available to residents to ensure that airborne asbestos containing dust does not impact on the health of residents.

**Fauna**

We are concerned by the possible disruption to the wildlife, and destruction of the wildlife habitat due to vegetation clearing. During our fourteen-year residency in Wave Court, we have noticed the dramatic increase in the number and varieties of local birds. A list of birds identified by the Denmark Bird Group, common in this area has been included with those species found in our garden, highlighted. Endangered Black Tail Cockatoos are noted on regular occasions within the trees near our home in Wave Court.

We note that a desktop study of the local fauna was done as well as a day time observation walk on the proposed subdivision. It is noted that there is the possibility of Southern Brown Bandicoots and South Western Brush Tail Phascogales in the woodlands. Is there a plan to install baited cameras to determine the actual numbers of these marsupials? And what is the plan for

relocation of those found in the area?  
We have concerns that the sum total of time spent on the site to complete both an aquatic and terrestrial based fauna assessment was a single day and did not include baited cameras or traps of any kind. We do not think this level of assessment is adequate.

**Impact to two threatened species of fish**  
On page 38 of the environmental assessment, there is a comment that the creek line may provide habitat for two threatened species of fish. Why was an aquatic fauna survey not completed to confirm if these species are in fact using this creek? Has an Ecological Water Requirements assessment been completed on this creek to determine if upstream users of the creek are allowing enough flow for the ecological requirements?

**Alternative locations**  
What other locations has the shire considered where significant clear felling of mature Karris and Marris does not need to happen?  
What is happening at the location of previously sold and subdivided land in the vicinity of Rockford Street and Horsley Rd?  
What is the driving factor that has identified this proposed location for development above other locations? Is it purely financial on the developer's part as this does not sit well with the Denmark Environmental Ethos?  
Are there suitable alternatives that could be identified and has the shire and developers considered these even if it means less profit and maybe a higher cost to provide essential services (power/water)?

**Summary**  
In summary, this proposal will significantly impact on the current and future residents of Kemsley Estate and the wider Denmark community and sets a dangerous precedent for future development.  
We oppose this proposal in its current format and request that the shire of Denmark vote against the proposal.  
Should the shire decide to vote for this proposal we would like to see a much larger area of vegetation retained, a more robust fauna survey completed, full EPA referral, a contaminated sites investigation, full disclosure of the findings of these studies and a decision matrix that clearly shows why this property was put forward for development instead of other suitable properties with less environmental impact.

	Bird	CSIRO Guide	Status	
1	Australian Magpie	436.1	C	Common
2	Australian Raven	438.1	C	
3	Australian Ringneck Parrot	272.3	C	
4	Australian White Ibis	196.3	C	
5	Australian Wood Duck	172.1	C	
6	Baudin's Black-Cockatoo	258.3	U	Uncommon
7	Black-faced Cuckoo-shrike	426.1	M	Mod.common
8	Brown Goshawk	232.1	M	
9	Brown Honeyeater	394.4	U	
10	Carnaby's Black-Cockatoo	258.2	U	
11	Collared Sparrow Hawk	232.2	M	
12	Common Bronzewing	290.1	C	
13	Dusky Woodswallow	428.2	M	
14	Galah	260.3	C	
15	Gilbert's Honeyeater	384.5	C	
16	Golden Whistler	478.3	C	
17	Grey Butcherbird	434.2	M	
18	Grey Currawong	432.3	M	
19	Grey Fantail	460.1	C	
20	Inland Thornbill	352.3	C	
21	Laughing Kookaburra	312.2	C	
22	Magpie Lark	452.1	C	
23	Nankeen Kestrel	238.1	U	
24	New Holland Honeyeater	398.3	C	
25	Pacific Black Duck	178.3	C	
26	Purple-crowned Lorikeet	266.3	M	
27	Red Wattlebird	406.3	C	
28	Red-capped Parrot	270.1	M	
29	Red-eared Firetail	524.4	M	
30	Red-tailed Black-Cockatoo	256.2	U	
31	Red-winged Fairy-wren	366.4	M	
32	Sacred Kingfisher	316.2	M	
33	Scarlet Robin	472.3	U	
34	Silver Gull	100.1	C	
35	Silvereye	486.1	C	
36	Splendid Fairy-wren	362.2	M	
37	Spotted Pardalote	360.1	M	
38	Straw Necked Ibis	196.4	C	
39	Striated Pardalote	360.4	U	
40	Swamp Harrier	230.1	M	
41	Tree Martin	328.3	C	
42	Varied Sitella	420.1	M	
43	Welcome Swallow	326.1	C	
44	Western Gerygone	358.1	M	
45	Western Rosella	276.4	C	
46	Western Spinebill	400.4	C	
47	Western Thornbill	354.4	U	
48	Western Wattlebird	406.1	M	
49	White Browed babbler	418.3	M	
50	White-breasted Robin	468.4	U	
51	White-browed Scrubwren	342.2	C	
52	Willie Wagtail	462.3	C	
53	Yellow-rumped Thornbill	354.1	M	



S21		<p>R20 – R40</p> <p>If rezoning is to take place it should be the same as existing Kemsley Estate – R17.5. The present plan for the proposed sub-division is too dense considering this is a regional/ holiday area and would create excessive traffic/pedestrian issues.</p> <p>This also questions the size of the homes to be erected on these blocks. Two storey blocks should be discouraged as overview of current properties would be an issue causing distress to the current owners having their homes and backyards viewed.</p> <p>Will parking be available to all blocks for cars, caravans, boats and trailers?</p> <p>Will purchase of two blocks be permitted allowing town houses and flats to be erected?</p> <p><b>ACCESS &amp; EGRESS:</b></p> <p>The proposal for access and egress for vehicles attached to the proposed blocks would create inconvenience to Ocean Beach Road/Harlequin Street. The present corner has been created smaller since OBR was upgraded and when leaving Harlequin Street to turn left one feels as if we are about to collide with oncoming traffic. This is very concerning to the Kemsley Estate older residents.</p> <p>It is noted that the suggestion for the subdivision to have an exit road to connect with SCH would have 30"/4 of residents turning left on SCH – this would be very doubtful and would cause massive disruption to traffic. Egress from OBR onto SCH is disrupted enough each day and turning right is extremely frustrating, can you imagine the problems that will arise to permanent residents, holidaymakers and tourists with the additional traffic? In the event of an emergency eg fire evacuation, can you imagine the chaos that would occur with residents trying to flee to safety? Where would the needed emergency exits be located? This occurred when residents of Kemsley place and surrounding areas were required to evacuate earlier last year!</p> <p><b>WATER/FLOOD PLAN:</b></p> <p>Of very serious concern is the flood plan, this is something that should very seriously be considered prior to any subdivision being planned for this area. Flooding occurs on the land abutting Zimmerman/Harlequin Streets resulting in residents having waterlogged properties when heavy rain occurs. The water lays in the paddocks and on the side of the SCH when heavy rain occurs, how will the future residents on this subdivision be assured that they will be unaffected and not suffer subsidence and damaged homes!</p> <p>Has the heavy rainfall 2021/2022 been taken into account? It would appear that this is of no concern to the Council, but it really should as the</p>	<p>Comments and Objection noted. Modifications are recommended.</p> <p>The final densities, lot sizes and road layout will need to be informed by further detailed planning. It is envisaged that the site would accommodate a range of lot sizes to ensure the most efficient use of land and services, provide for greater housing diversity and choice, while also responding to site constraints and environmental features.</p> <p>Modifications are recommended to introduce an option for lower density/ larger lots where an improved environmental and amenity outcome can be achieved, including optimising tree retention. This reflects a similar approach taken for structure planning on Lot 5 South Coast Highway to the west.</p> <p>A prohibition on two storey development is not supported, noting the final lot layout and sizes have yet to be established. Matters relating to the development interface and tree protection will need further consideration and may inform whether any additional built form controls are required at that stage.</p> <p>Considerations relating to traffic management are addressed further in the Officer's report. Harlequin Street has been designed and constructed to accommodate future through access. The need for additional traffic management measures can be addressed through the detailed design and engineering phase. Extension of the road network in conjunction with development of residential zoned land to the west will improve emergency access opportunities in the longer term.</p> <p>Adequacy of the creekline reserve and the drainage design are also noted and will be considered at the detailed planning stage.</p>
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	<p>residences who suffer damage would have no recourse but to seek recompense from the Council due to their dismissal of the concerns!</p> <p><b>FIRE PLAN STRATEGY:</b></p> <p>There appears to be no fire access between the new blocks and the fences of the Kemsley Estate current residences which would cause catastrophic damage if Fire Services were unable to access. There should be an open area between the back fences of the new blocks and the fences of current residences to allow access. Where is the new fire service access way located, not shown on plan, are there plans to use the existing fire trail as a further fire and emergency access?</p> <p><b>LOCAL ANIMALS/BI RDS/VEGETATION/BUSHLAND</b></p> <p>It would appear that no consideration has been applied to the local native wildlife with no baited cameras being placed in the area to allow for calculation of the number of wildlife to be affected by their natural bushland environment being destroyed. This should be conducted on a very urgent timeline. Do you know how many other animals call this area home apart from the bandicoots.</p> <p>There a number of native endangered birds whose habitat are the Karri trees for nesting, feeding, shade and shelter and to remove these trees plus other vegetation would be criminal and against the Environment Protection Act referring to the disastrous loss of native vegetation and habitat causing considerable concern to all Australians and the local community. The Council should be doing all in its power to save its natural environment.</p> <p>With regard to the trees especially the Karri trees, some of these are over 100 years old. Has an arborist been employed to report on the health of these trees? This should also be placed on the urgent requirement and subsequent report treated with great respect. More trees need to be retained for shade and purification of the air for many of the proposed blocks. This would appear to many as sheer common sense, a lack of which in some quarters is sorely missing.</p> <p><b>COMMERCIAL PROPOSAL:</b></p> <p>Where is shown on this plan the area designated to “Commercial” zoning? Has provision for the following necessities been designated?</p> <ol style="list-style-type: none"> <li>1. School</li> <li>2. Medical Clinic</li> <li>3. Dental Surgery</li> <li>4. Chemist</li> <li>5. Supermarket</li> </ol> <p>With the influx of 300-450 additional residents, the current local amenities would not be able to cope, our medical services are already under pressure and our primary school would also be under immense pressure trying to</p>	<p>There is no requirement to implement a strategic fire access route between the rear of existing and future residential zoned lots.</p> <p>Modifications are recommended to require a comprehensive tree survey and on-site fauna assessment. Various options are available to improve tree retention rates within urban development sites, through appropriately designed and sized public open space, road reserves and in larger residential lots where ongoing tree protection mechanisms are in place. This will need to be explored through the detailed design phase to optimise retention of significant trees and high quality vegetation.</p> <p>Reference to a proposed Commercial zone (within Part 3.3.1 of the Amendment Report) is incorrect and will need to be deleted. The original intent of the proponent was to nominate a potential location for a café. This would not necessarily require a commercial zone to be applied as a café can be contemplated in the Residential zone. It is appropriate that the feasibility of a small commercial site be addressed through the structure planning process and proposed land use designations and supporting documents, including the Traffic Assessment report be updated to take into account any proposed commercial use.</p> <p>Subdivision works are subject to standard environmental and health controls that deal with management of site works. The Shire may request a Construction Management plan at the subdivision stage to address matters relating to dust control, control of eroded soil, nutrients, dieback control, noise pollution and traffic management. Should dust create a problem for residents the Shire can also implement requirements under the <i>Local Government Act 1995</i> that relate to wind erosion and sand drift.</p> <p>The provision of open space is generally based upon a minimum 10% land contribution. This may or may not</p>
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		<p>accommodate the addition students. This situation is unacceptable and needs urgent attention by the Council.</p> <p><b>DURING CONSTRUCTION:</b> Will blasting to remove large rocks and use of excavators be conducted during this period? This would have detrimental effect on current residents. Having lived through this at my last home being conducted on the block next door in readiness for construction, my home was badly affected, subsidence, cracked brickwork, walls and ceiling on the interior cracked. How will this be policed by Council and who will be held responsible to any damage incurred?</p> <p><b>OPEN SPACES:</b> There are not enough open spaces shown on the plan, more spaces should be made available for playground equipment and recreation areas for the residents, they need to be as large if not larger than the Harlequin Street park and have shade trees. This subdivision is totally unsuitable for a regional/holiday area such as Denmark as most will be sold as holiday homes, we are not a subdivision of Perth and do not require this many homes to be cheek by jowl as many of the homes in suburban Perth are – too close and no privacy, certainly include a variety of housing types but make them sustainable and PRIVATE.</p>	<p>factor in other land that is required solely for the purpose of drainage, conservation and foreshore reserves. The full extent of land to be set aside will need to be determined through the structure planning and subdivision process.</p>
S22		<p>Changing the rural use of the land, requires a fencing change. As we have mentioned in the rezoning of the land rear to our property a few very important issues need to addresses. We previously submitted a govt assessment on drowning deaths in rural dams – we have a significant area of historical dam on our property with required “cease to flow” creekline carrying on the natural flow line. As current land bordering this property is rural, houses and fences off farm and domestic animals atm. We would genuinely demand that our neighbouring owners provide residential fencing of 3mt plus high. My greatest concern would be children of any age gaining assess to our property at any time and assuming they could fish or play in or around our dam. As the govt assessment that was made conclude that 80% of child drownings were in domestic, rural dams. So I re-iterate that the new zoning comes along with domestic fencing on a 3m heigh and safety to stop any threat of trespassing (for any reason). The owners of this property can call me and discuss a move forward. Large trees don’t appear to be an issue to us at this point. Retention of the natural flow of the creek line and foilage surrounding this</p>	<p>Comments Noted.</p> <p>Boundary fencing requirements are guided by the Dividing Fences Act and the Shire’s Fencing Local Law that determines the required standards for fencing/ ‘sufficient fences’ including their heights and materials.</p> <p>Fencing that does not accord with the sufficient fence standards of the Local Law would require the agreement of both affected landowners and separate application and approval of the Shire. In assessing any non-compliant fencing, issues relating to safety, height and visual appearance would need to be addressed.</p> <p>The subdivision process may provide an opportunity to require the installation of uniform fencing,</p>

		are should stay as is and no domestic water and storm water runoff is to encroach onto our property.	dependent upon the final development layout.
S23		<p>As we live at X Wave Crt, we are direct neighbors to the farm and land in question. We have owned our home in this quiet cul de sac for almost 20 years. The peace and quiet of our little 4 house street is what attracted us to this area of Kemsley.</p> <p>I'm sure you can imagine our surprise, anger and distress to read of the plans both in the letter and also in great detail on the Shire's website, telling us to expect 156 new houses, many of which will be right down our side boundary fence. We so enjoy the Karri &amp; Marri trees that shade our home in the afternoons as well as listening to and watching the birdlife in those trees.</p> <p>How is it possible in this era of trying to save as much of our native vegetation and maintain the country lifestyle we enjoy, the planned destruction of this vegetation could possibly be considered?</p> <p>My husband tells me it is a foregone conclusion and there is probably nothing we can do.</p> <p>I am so disappointed.</p>	<p>Objection Noted. Modifications are recommended.</p> <p>The proposal seeks to rezone the site for future Residential development and does not constitute support for the final road lot layout as shown on the Indicative Structure Plan.</p> <p>Concerns regarding impacts upon the existing trees are noted. Modifications are recommended to require a comprehensive tree survey to inform more detailed design that optimises retention of significant trees and high quality vegetation.</p>
S24		<p>We wish the Council to reject the R20-40 zoning for Lot 621 Harlequin St and Lot 1 South Coast Highway.</p> <p>Re: Town Planning Scheme No. 3 Amendment 146 – Comment</p> <p><b>Summary</b></p> <p>The rezoning of Lot 621 Harlequin Street and Lot 1 South Coast Highway should be such that a much lower density of housing, than that specified in the structure plan, is enforced. The area could be sectioned into different zonings to facilitate any perceived need for small blocks (R20) and at the same time, to allow significantly more larger blocks (R5-R10) which are more common in Denmark.</p> <p>By reducing the proposed housing density, more native vegetation could be retained on site and any associated fauna could flourish. This lowered density would reduce the negative impact of the development on the nearby residents and on the wider community and could more accurately address the future housing needs of the population in the Shire of Denmark.</p> <p>Our comments on the amendment include</p> <ol style="list-style-type: none"> <li>A. The impact on the residents of the Kemsley Estate</li> <li>B. The need for a development of this type</li> <li>C. Site development</li> <li>D. Suggestions relating to the proposed development</li> <li>E. General comments</li> </ol>	<p>Objection Noted. Modifications are recommended.</p> <p>The proposal seeks to rezone the site for future Residential development and does not constitute support for the final road lot layout as shown on the Indicative Structure Plan.</p> <p>The final densities, lot sizes and road layout will need to be informed by further detailed planning. It is envisaged that the site would accommodate a range of lot sizes to ensure the most efficient use of land and services, provide for greater housing diversity and choice, while also responding to site constraints and environmental features.</p> <p>Modifications are recommended to introduce an option for lower density/ larger lots where an improved environmental and amenity outcome can be achieved, including optimising tree retention. This reflects a similar approach taken for structure planning on Lot 5 South Coast Highway to the west.</p>

**2. The impact on the residents of the Kemsley Estate**

The proposed rezoning of Lot 621 Harlequin Street and Lot 1 South Coast Highway has the potential to significantly reduce the appeal of living in the Kemsley Estate. However, a lowering of the density of dwellings as indicated in the proposed structure plan, and the resulting reduction in the estimated population of the area, would ameliorate this concern.

The reasons for the expected loss of appeal for living in the Kemsley Estate relate to:

- 1. Traffic flow
- 2. Vegetation
- 3. Emergency exits
- 4. Water

**Traffic flow**

Extra traffic entering Harlequin Street, even a small amount, has the potential to exacerbate the existing traffic problems in the Kemsley Estate. All the residents of the Kemsley Estate enter and leave the estate via Harlequin Street. Two problems are particularly concerning. The first problem involves turning right into Harlequin Street from Dunskey Place. Vision is limited as shown in the photo below. It could be improved by removing some of the lower branches of the shrub between Numbers 9 and 11 Harlequin Road and we would ask the council to undertake the organisation of this task, and to obtain an assurance that the pruning would be maintained. Following the pruning, it will be necessary to see if this has made a significant difference to the line of sight for drivers turning right.

Concerns regarding site lines on the Dunskey Place and Harlequin Street intersection and function of the Ocean Beach Road/ Harlequin Street intersection are noted and will be reviewed by Infrastructure Services to determine whether there is a need for additional traffic management controls, parking restrictions or vegetation management. The intersection designs otherwise meet the necessary site line and engineering design standards.

The Shire is aware of issues associated with the functionality of the Ocean Beach Road and South Coast Highway intersection and this is being addressed through the Shire’s Draft Local Planning Strategy (LPS).

Harlequin Street contains a dual use path that would be extended if subdivision to the north is progressed. Developer contributions towards construction of pathways adjoining the property may be considered, but those remote from the site would not likely be justified.

A review of the supporting technical documents has identified shortfalls in the indicative drainage design. This does not preclude rezoning but will need to be resolved to inform the final development layout.

Concerns regarding impacts upon existing trees are noted. Modifications are recommended to require a comprehensive tree survey as part of detailed structure planning that will optimise retention of significant trees and high quality vegetation.

Extension of the road network in conjunction with development of residential zoned land to the west will improve emergency access opportunities in the longer term.

The Water Corporation has confirmed the site is



The second problem relates to the intersection of Harlequin Street and Ocean Beach Road (OBR). The new road works at that intersection have resulted in a much narrower road with a corner that forces a wider swing out onto OBR. One feels like one is entering the oncoming traffic heading south. This could be partially alleviated by providing a middle white line to support visualisation of the half of the road you are supposed to be driving on.

A further concern relates to the intersection of South Coast Highway (SCH) and Ocean Beach Road. Often, (peak hour, Saturday mornings, Easter and Christmas holidays) there are substantial wait times for drivers turning right onto SCH. Extra traffic coming into town from the proposed development will increase these wait times. This could be partially alleviated by the provision of a slip lane to turn left from OBR to SCH and a roundabout at that intersection would be a welcome long-term solution

The expected daily traffic flow on Harlequin Street is currently estimated as 900 vehicles per day (87 lots, 10 vehicle movements per household per day) and with most traffic entering and leaving residential lots between 7 am and 6 pm that is equivalent to 82 vehicles per hour. The report suggests that most traffic will use SCH to enter and exit the new development but using Harlequin Street could be quite attractive for residents driving to the primary school or taking the back road into town as this will reduce the need to wait to turn right onto SCH. For people driving from the Ocean Beach area

capable of accommodating water and wastewater services for residential development.

The Shire's Draft Local Planning Strategy (LPS) includes analysis and assessment of potential future population growth, accounting for a range of past and predicted future trends and benchmarking against projections of the Western Australian Planning Commission. The Draft LPS identifies a range of opportunities for residential growth to accommodate increases in population over time and promotes the development of a range of housing types to increase diversity and better respond to the varying needs of the community. This re-affirms that consolidation of development within the Denmark townsite is the most appropriate means of providing affordable housing, provide for efficient use of public infrastructure, limiting environmental impacts, preserving agricultural land, and reducing bushfire risks.

Subdivision works are subject to standard environmental and health controls that deal with management of site works. The Shire may request a Construction Management plan at the subdivision stage to address matters relating to dust control, control of eroded soil, nutrients, dieback control, noise pollution and traffic management. Should dust create a problem for residents the Shire can also implement requirements under the *Local Government Act 1995* that relate to wind erosion and sand drift.

Suggestions relating to the installation of safety fencing for the playground can be addressed through future upgrades to the park, being outside the scope of the Scheme Amendment process.

The range of services within the Denmark town site is expected to be enhanced by an increased resident population generating greater demand and viability

towards Walpole, using Harlequin Street to traverse the new development and exit onto SCH could be quite attractive to drivers during peak times when the intersection of SCH and OBR is busy. Both scenarios could significantly increase the traffic using Harlequin Street and thus exacerbate the problems for the Kemsley Estate residents as outlined earlier. Any increase in traffic near the intersection of Harlequin Street and OBR is a threat to the safety of the children and the elderly using the park located nearby.

Given the lot design of the proposed development, we believe further traffic issues would arise. One issue relates to the demand for on-street parking. With so many small blocks the lots would not be able to contain the combinations of cars, boats, caravans and trailers that Denmark residents appear to have. For the school children, particularly the students attending the Senior High School will there be a school bus to service the residents of the proposed development? Has any consideration been given to the number and location of bus stops?

One issue that does not appear to be addressed is the safety of cyclists and pedestrians entering and leaving the proposed development. Is there a provision for cyclists to enter the site at SCH and can they safely leave when turning right onto SCH? Will there be a cycle path at the Harlequin Street exit? However, cyclists may choose to cycle the quicker route on Kemsley Place behind the park to reach the local primary school. Will this route be provided with a cycle path? The area is often used as a car park by parents bringing their children to the park from outside the estate.

## **2. Vegetation / Animals**

Most people agree that the environment needs to be protected and there is considerable concern in Australia that too much vegetation is being removed to make way for development. As recently as 8 December, 2022, the Federal Minister for the Environment, in response to the extent to which the natural environment is being destroyed, announced the impending establishment of a new Environmental Protection Agency with the aim of repairing nature and protecting fauna and flora. The legislation which is expected to be introduced to Parliament before the end of 2023 will involve a commitment to protect 30% of Australia's land and oceans by 2030. [Ref 1] The Environmental Assessment for the site reports that there are five remnant stands of significant vegetation but not all of these have been valued in the development of the site plan. The retention of the two significant stands of mature Karri trees is welcome but the Marri and Jarrah trees in the southern part of the site could also be retained. These stands

for local businesses.

Reference to a proposed Commercial zone (within Part 3.3.1 of the Amendment Report) is incorrect and will need to be deleted. The original intent of the proponent was to nominate a potential location for a café. This would not necessarily require a commercial zone to be applied as a café can be contemplated in the Residential. It is appropriate that the feasibility of a small commercial occupancy be addressed through the structure planning process and proposed land use designations, noting the Traffic Assessment from 2020 currently stipulates that no commercial or educational facilities are being proposed.

have been classified as being in Good and Excellent condition. The Marri and Karri trees provide possible habitats for Baudin's Black Cockatoo and Carnaby's Black Cockatoo, both of which are classified as "endangered" and they are possible habitats for three other threatened species. The retention of these stands in the southern section can assist as a buffer to the Heritage-listed rail trail as well as prevent the ensuing weed invasion due to their clearing.

Isolated trees in other sections of the site should also be kept as they are aesthetically pleasing, can provide odd nesting places and habitats for small animals as well as shade and shelter. They also reduce the carbon dioxide in the atmosphere. Even though the understorey may be degraded, such trees have great value in a residential area. In the report, there appears to be a contradiction as to the fate of isolated trees. In one section, it implies they are all removed and in another they are incorporated into the lot design. There needs to be a much greater commitment to the retention of isolated trees as they have the potential to enhance the ambience of the estate and reduce the radiant heat, as well as provide shelter for birds and other animals. With such small blocks, as seen in the structure plan, retention of isolated trees could be challenging. One solution could be to significantly reduce the number of small blocks by increasing the number of blocks larger than 800 m<sup>2</sup>

The report appears to understate the extent and beauty of the karri trees on the development site. There are many beautiful trees on lots designated as building sites, for example on Lots 139 to 141. The loss of these trees, behind our house in Dunskey Place would be tragic. While development of new lots for future generations is seen as essential, one must try to balance the provision of suitable building sites with the retention of majestic vegetation. To this end, it is recommended that a further investigation of the health and robustness of the current vegetation is conducted by a qualified arborist. The desired outcome is to identify which trees can be safely kept and incorporated into lot designs. A further role for the arborist should be to determine the most effective way to manage essential road building within the site so that the trees are protected from developmental and future damage. This is particularly relevant for the proposed road through the ridge of karri trees along an east-west line in the centre of the site.

Some residents of the Kemsley Estate recall an assurance that a green belt will be maintained along the eastern boundary of Lot 621. This would be a welcome change to the Structure Plan and be aesthetically pleasing to the residents who back on to this boundary. It would facilitate the retention of the bird life currently visiting these gardens and provide a noise and vision



buffer between the two estates.

**3. Emergency exits**

In the structure plan for the proposed site, there are potentially 167 lots and 400 residents. In the event of an emergency, exiting the site could be too slow to guarantee safe passage. People will try to load up their cars, boats, trailers and caravans with property and animals. The exit road to South Coast Highway only allows one vehicle to exit at a time as will the exits via Harlequin St. and the Fire Safety Access road to the Heritage Trail. There are 87 lots in the Kemsley Estate and the residents of that estate will also be trying to exit via the same roads. Potentially 255 lots, 500 vehicles and 640 residents to exit via three single-file access roads.

**4. Water**

There are already problems with water supply and drainage in the Kemsley Estate and further problems would not be welcome. The amount of water supplied in the Town's Water Supply does not appear to be a problem, but the taste of the water is far from ideal and noticeably poorer than the water in the metropolitan area. We have been informed that the poor taste is a result of the sediment in the supply because we are at the end of the line. This could be an issue for the incoming residents if water is pumped even further to the proposed development.

For most of the year, the verges in Dunskey Place are slushy because the soil holds a considerable amount of rainwater. This results in the verge being broken up by vehicles and has the potential for vehicles to become bogged. There are open pipes in some verges in the Kemsley Estate and water from higher ground exits via the verges or the roads; adding to the problem of water-logged verges. A photo of one open pipe is provided below. Water accumulates and forms puddles in the cul-de-sacs and at places of least resistance. I have personally observed one house become uninhabitable because of the water that accumulated in the garage and then appeared to enter the house. If the natural slope is used to convey stormwater from the proposed development through the Kemsley Estate and thus to the Wilson Inlet, then current problems will be exacerbated.

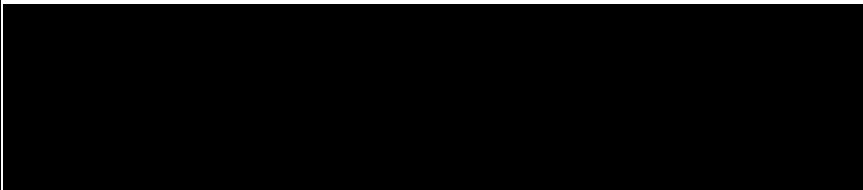
The retention of Water in soils on the development site needs to be appropriately managed. In 2021, the exit from Lot 627 to Harlequin was impassable because of waterlogging and a temporary exit into Wave Court was constructed. The instructor of the disabled horse-riders commented on the unsuitability of some of the site near the creek line because of the excess of water. Careful attention needs to be paid to the water studies underpinning the proposed development.



**B. The need for such a development in Denmark is also questionable.**

According to the data supplied by the Australian Bureau of Statistics (Ref 2), the population of the Denmark shire has grown from 6018 in 2016 to 6467 in 2021. This represents an annual rate of increase of 1.45% and an overall increase of 7.5%. If the population continues to increase at this rate, then the estimated population of the Denmark shire for the year 2031 is 7468. The rate of increase is not expected to rise, with reports (Ref 3) suggesting a fall in W.A. to 1.3% by 2032. If the current trend continues there will be an increase of 1000 people in the Denmark shire on 2021 figures.

Over a similar period, 2015 to 2021, the changes in the school populations, as reported on the [REDACTED], have not shown similar increases. The figures in the table below do not show any predictable patterns of increasing growth.



Estimates of the population for the Denmark area (Ref 2) show relatively constant percentages of children aged from 0 to 19 years over the years 2016 to 2021 but increasing percentages of individuals aged 65 and over. Further analysis of these figures, as shown in Table 1, as well as an

investigation of housing preferences according to age group, could provide the statistics to identify the suitability of the proposed development. The lot design in the proposed structure plan indicates the following breakdown by size:

Size	Number of lots
< 500 m <sup>2</sup>	12
500 - 599 m <sup>2</sup>	77
600 - 699 m <sup>2</sup>	30
700 - 799 m <sup>2</sup>	17
800 - 899 m <sup>2</sup>	13
900 - 999 m <sup>2</sup>	6
>1000 m <sup>2</sup>	2

Looking at the planning maps for the town of Denmark, there are very few areas where there are many blocks of such small sizes as in the proposed structure plan. One might assume that small blocks will become popular in future but is there evidence to support this assumption? From my own experiences of living in Denmark, it seems that larger block sizes are preferred. People seem to enjoy growing vegetables and developing their gardens, and need larger blocks for their boats, trailers and caravans.

#### **C. Site development**

The documents on the Shire website give some indications of how the development of the site might proceed: Some of the proposed actions are concerning. References to the presence of surface rocks, excavations to depths up to 3 metres, the use of vibrating rollers, the inclusion of stilted houses, the removal of topsoil and the clearing of all existing vegetation, as well as the grubbing of roots, all suggest noise, dirt, and an unsatisfactory environment for Kemsley Estate residents during the development of the site. We believe the residents of the Kemsley Estate would appreciate receiving a construction timeline from the developer. We wish to be informed of the efforts that the developer will make to keep the noise and dirt to a minimum. Advance notice of any blasting is essential. We would like an assurance that any damage to our property as a result of site development would be covered by the developer's insurance.

#### **D. Suggestions relating to the proposed development**

1. Retention and/or replanting of a strip of native bush immediately behind the houses on the eastern boundary of Lot 621 Harlequin Street would

- be welcome and would provide an extra public open space for the incoming residents.
2. The bushfire safety assessment suggests ways to achieve protection ratings to meet the required standards by keeping buildings a minimum distance from particular types of vegetation. This safety aspect could be applied more rigorously in the structure plan, and this would reduce the need to remove so many trees.
  3. Allocate only a small section of the development area to R20 and most of the site to R10 or R5.
  4. At the park at the end of Harlequin Street, fence off a section around the infant and toddler swings. This would provide greater safety for toddlers using the park and it would alleviate residents' concerns about the increased amount of traffic.
  5. Consider the projected population of the Denmark shire and the amount of land already identified for building new houses in the area. Will the high number of lots, as proposed in the structure plan, be surplus to the future needs of the Shire residents?
  6. Investigate the present and future capacities of private, government and council services (police, ambulance, emergency, employment, education, emergency, medical etc .. ) to accommodate the projected increase in population
  7. Communicate with residents in the Shire of Denmark about the development timeline. This information could be provided via the Denmark Bulletin, mailout or email.

**E. General Queries**

In the documents provided by the Shire, there is a reference to a small section of the site being commercial and yet this does not appear to be part of the rezoning submission. Where is the commercial section? How large is it and what commerce might be conducted in that section?

The executive summary does not mention the trapping and relocation of the brown bandicoot and this needs to be clarified. Is it a necessary condition for clearing to commence?

Has a study been undertaken to determine the likely housing needs of a future population? Are data available to determine preferred sizes and locations of lots for building? Relevant information could be collected from local real estate agents, by surveying and by analysing recent sales of land and buildings.

**References**

1. Media statement: Labor's Nature Positive Plan: better for the

- environment, better for business | Ministers (dcceew.gov.au)
2. Denmark | Region summary | Data by region | Australian Bureau of Statistics (abs.gov.au)
3. The global 'population pyramid' is about to be turned on its head – ABC News
- After pandemic population disruptions, here's where Australia's cities are headed – ABC News
5. School profile | My School

Table 1: Estimated percentage of population by age group in Denmark area from 2016 to 2021 (Australian Bureau of Statistics)

	2016	2017	2018	2019	2020	2021
Persons - 0-4 years (%)	4.9	4.8	4.5	4.5	4.6	4.9
Persons - 5-9 years (%)	6.4	6.4	6.4	6.2	6	5.9
Persons - 10-14 years (%)	6.5	7	7.1	7.1	7	6.9
Persons - 15-19 years (%)	6.7	6.5	6.4	6.4	6.3	6.2
Persons - 20-24 years (%)	2.2	2.2	2.2	2.2	2.2	2.1
Persons - 25-29 years (%)	3.5	3.4	3.3	2.9	2.3	2
Persons - 30-34 years (%)	4.1	4	3.9	4	4.2	4.2
Persons - 35-39 years (%)	5.2	5	5.1	5.1	5.1	5.1
Persons - 40-44 years (%)	5.8	5.9	5.6	5.8	5.9	5.9
Persons - 45-49 years (%)	7.1	6.8	7	6.9	6.5	6.3
Persons - 50-54 years (%)	7.6	7.4	7	6.6	6.8	6.9
Persons - 55-59 years (%)	8.4	8.4	8.5	8.9	8.5	7.8
Persons - 60-64 years (%)	8.1	8	8	7.9	8.4	8.8
Persons - 65-69 years (%)	8.9	8.5	8.4	8.3	8.4	8.1
Persons - 70-74 years (%)	6.4	7.3	7.5	7.8	8	8.1
Persons - 75-79 years (%)	4	4.2	4.3	4.5	4.9	5.6
Persons - 80-84 years (%)	2.6	2.4	2.6	2.8	2.8	2.9
Persons - 85 and over (%)	1.7	1.8	2	2.1	2.2	2.4

S.25

The objections raised are based on the information provided by the indicative structure plan (Plan 1) which is Figure 3 in the amendment report.

**The structure plan shows substantial areas of remnant vegetation being removed in order to achieve a low to moderate BAL rating**

WAPC Policy 3.7 and guidelines for planning in bushfire prone areas

The policy states –

In instances where biodiversity management conflicts with bushfire risk management measures and significant clearing of native vegetation is the only means of managing bushfire risk, the proposal should generally not be supported.

The PGV environmental report (figure 4) notes the vegetation boundaries as

Objection Noted. Modifications are recommended.

The proposal seeks to rezone the site for future Residential development and does not constitute support for the layout as shown on the Indicative Structure Plan.

Considerations relating to landscape amenity, tree preservation and wildlife will need to be addressed at the next stage of planning. Modifications are being recommended to require a detailed tree survey and

		<p>excellent, good and degraded.  The bushfire policy further states –  The application may be refused if the value of the vegetation is high and the landowner /proponent proposes achieving an acceptable bushfire risk through vegetation clearing.  The bushfire planning report (Bio Diverse Solutions) correctly states that plots 3 and 5 within the subject site consists of Karri, marri, jarrah and Warren River cedar forest with an average height of 25-30 metres (photographs confirm this).  Multilayered understorey consisting of karri wattle, karri hazel, sword grass sedges and rushes.  Classification – type A  Fuel loading - &gt; 25 THA  BHL level – extreme  The proponents solution – removal of vegetation to achieve, post construction, a moderate to low bushfire impact.  The bushfire policy guidelines state  Establishing development in bushfire prone areas can adversely affect the retention of native vegetation through clearing associated with the creation of Asset Protection Zones (APZ). Where loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives then it may be necessary to reduce lot yield.  <b>SUBMISSION</b>  Request that WAPC rejects the indicative structure plan as it fails to comply with the policy guidelines for development in bushfire prone areas  <b>FLORA</b>  A disparity of the height of existing vegetation occurs in the PGV environmental report and covering report by Williams Consulting. Their reports indicate tree height of 7m to 12m, contradicting the bushfire management report which refers to forest Type A with tree heights of 25 to 30m.  Understorey rated excellent to degraded  Degraded understory returns to excellent category status once livestock access removed as evidenced by fencing under grant system run by Natural Resource Management.  Degraded understory is not a license to remove 46 native species of vegetation of which 28 were classified as being in excellent condition and 7 – 12 in good condition.  Policy 3.7 states –  Achieving the objectives and measures set out in SPP 3. 7 should not be at the expense of achieving consistency with other policies and publications,</p>	<p>additional fauna studies to inform the final subdivision layout.</p> <p>Various options are available to improve tree retention rates within urban development sites, through appropriately designed and sized public open space, road reserves and in larger residential lots where ongoing tree protection mechanisms are in place. This will need to be explored through the detailed design phase to optimise retention of significant trees and high quality vegetation.</p> <p>A review of the supporting technical reports has identified various shortfalls that do not preclude rezoning but will need to be addressed to better inform and optimise retention of vegetation, appropriate densities and the road and lot layout.</p> <p>Assumptions contained within the Bushfire Management Plan relating to the extent of vegetation clearing are not supported.</p>
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particularly in relation to environmental and biodiversity management and landscape amenity. Where, in order to preserve life, property or infrastructure, the objectives of other relevant planning policies or publications would be compromised, it may be the case that the proposal may not be suitable on planning grounds.

The question needs to be asked of the proponent-Why prepare an environmental report particularly in relation to flora and fauna if the intent is to remove the flora and thus the habitat of the fauna?

**SUBMISSION**

Request the WAPC refuse the indicative structure plan as it is contrary to the intent of WAPC Policy 3. 7 and the destruction of significant vegetation helps exacerbate climate change.

**FAUNA**

Application underestimates the sizes of trees, karri are probably centuries old and stand well over 20 metres tall, and jarrah and marri are substantially higher than listed in the environmental report.

The timbered area on the eastern boundary of this property adjoining the Kemsley Estate is described as HS4, seriously degraded, blaming fire for this, but fire is a natural part of Australian bush and I believe if it were to be fenced to keep the cattle out the understory would regenerate to its natural state. It is a vitally important natural bushland area for many reasons besides its natural aesthetic appeal. –

6. It is a very important area for protection of many valuable and vulnerable mammals, birds, lizards, frogs etc. Its value cannot be understated (See species list below).
2. It would be a natural buffer between two large housing estates.
3. It will become an area of natural local flora, which are becoming increasingly over-cleared locally.

Carnabys black cockatoo                      Endangered    Listed as possible, but definitely identified

Baudin black cockatoo                      Endangered    Listed as possible, but identified there

Forest red-tailed black cockatoo    Vulnerable    Listed as possible, but more likely probable

Brush-tailed Western Phascogale (Wambenger) Schedule 6 CD, listed as possible, I have identified several of these, and they are listed “as rare and threatened by habitat fragmentation”.

Southern brown bandicoot and removed in the report. Priority 4    Listed as possible, proposed to be captured and removed in the report.

Yellow footed Antechinus (Mardo) Not mentioned, but I have identified  
Sacred Kingfisher (migratory) Nest in the karri/jarrah/marri each year  
Red-capped parrots, purple crowned lorikeets, plus innumerable other birds  
nest in these trees.

When karri, jarrah and marri are in flower they are alive with birds galore, it  
could also be expected that Western Pygmy Possums (Mundarda) and  
Honey Possums (Noolbenger) would be present as these are both local.

**SUBMISSION**

I strongly object to the proposed unnecessary and unwarranted clearing of  
two small areas of natural bushland remaining on this property ( other than  
the creek line which is protected) as these are of great value in an area that  
has been cleared for farming purposes and now for future housing.









S.26

**Do you support this proposal?** No  
**What are your questions, comments or concerns?**  
Shire reference TPS3/SA146 To whom it may concern, We're [REDACTED] and we live at [REDACTED]. We're writing to you to voice our concerns about Harlequin Street becoming the second access road into the rezoning of Lot 1 South Coast Highway and Lot 621 Harlequin Street. Harlequin Street is a beautiful, quiet no through road that is very family oriented and children are free to play on the street. This is why we chose to purchase our home here. There was never any notice or warning of the new rezoning or of our street becoming a thoroughfare road. An increase of 350 vehicles per day will be

Objection noted.  
  
The proposal seeks to rezone the site for future Residential development and does not constitute support for the layout or road network as shown on the Indicative Structure Plan.  
  
Considerations relating to Traffic impacts are further addressed in the officer's report. Harlequin Street was designed and constructed to accommodate future

		<p>dangerous to the children that live and play on Harlequin Street, and will pollute the noise and air. It will completely take away the peacefulness of our street, as it will be turned into a main road. Other developments like Springdale Beach only have one access road from South Coast highway, it is not necessary to totally impact a beautiful established neighbourhood just for the sake of an extra access road. We had no idea about these plans and feel totally blindsided by them. If we'd been aware of the potential for Harlequin to become a main access road we would not have purchased there. Please keep Harlequin as the quiet, family friendly neighbourhood that it is. We look forward to your response.</p>	<p>access to the north, in place of the original Zimmermann Street alignment.</p> <p>Appropriate road design and traffic calming requirements can be addressed through the detailed design process.</p> <p>The approved Structure Plan for Springdale Beach accommodates a second road access westward. Construction of the secondary access via an extension of Woodward Heights is currently being progressed.</p>
G1	Dept Planning Lands & Heritage	<p>A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage's Aboriginal Heritage Database confirms that the lots depicted in the map attached to your letter do not intersect with any recorded Aboriginal Heritage place.</p> <p>As there is no intersection with any known Aboriginal heritage, we have no comment to make on the proposed scheme amendment relevant to the <i>Aboriginal Heritage Act 1972</i>. However, I encourage you to communicate with the Wagyl Kaip and Southern Noongar Aboriginal Corporation via the South West Land and Sea Council should you wish to better understand the Aboriginal cultural heritage of the wider area.</p>	<p>Comments noted.</p> <p>The proponent is bound by the requirements of the <i>Aboriginal Heritage Act</i> should any further information come to light.</p>
G2	Dept Water & Environmental Regulation	<p>Thank you for providing the Scheme Amendment for the Department of Water and Environmental Regulation (Department) to consider.</p> <p>The Department has previously provided advice on Amendment 146 and has no further comments.</p>	<p>DWER provided preliminary comments on the Local Water Management Strategy that identified issues pertaining to creekline protection, adequacy of modelling and drainage design. These matters do not represent a constraint to rezoning but will need to be addressed as part of further detailed planning and design.</p>
G3	Dept Fire Emergency Services	<p>I refer to your letter dated 7 November 2022 regarding the submission of a Bushfire Management Plan (BMP) (SWP009 Version Final), prepared by Bio Diverse Solutions dated 6 August 2020, for the above Scheme Amendment.</p> <p>This advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals</p>	<p>Deficiencies identified by DFES are noted and addressed in the Officer's report.</p>

required by a relevant authority under other written laws.

**Assessment**

- It is noted the BMP has been prepared in accordance with v1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against version 1.4 of the Guidelines.

**1. Policy Measure 6.3 a) (i) Results of a Bushfire Hazard Level (BHL) Assessment**

<b>Issue</b>	<b>Assessment</b>	<b>Action</b>
<b>Vegetation classification</b>	Vegetation Plot 7 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The foliage cover appears to exceed 30%. The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest. If unsubstantiated, the vegetation classification should be revised as per AS3959:2018, or the resultant BAL ratings may be inaccurate.	Modification to the BMP is required.
<b>Vegetation classification</b>	Vegetation Plot 9 cannot be substantiated as Class D Scrub with the limited information and photographic evidence available. It is unclear if the vegetation height will exceed 6m, and if the vegetation has reached a mature state. The BMP should detail specifically how the classification was derived particularly where the worst-case scenario is not applied (i.e. Class D Scrub as opposed	Modification to the BMP is required.

			to Class A Forest)		
		<b>Vegetation Classification</b>	Some areas outside of the development site classified as Extreme Hazard in the 'Pre Development BHL' (Figure 6) have been changed to Moderate Hazard in the 'Post Development BHL' (Figure 7) however no comments are made as to why this change has occurred. As the areas above are outside of the development site, it is unclear how this vegetation modification can/will occur. Alternatively, the vegetation should be classified as per AS3959, or the resultant BHL ratings may be inaccurate.	Modification to the BMP is required	
		<b>Location</b>	<b>A1.1 – not demonstrated</b> The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.	Modification required. Resolve issues in the table above to ensure compliance to Element 1.	
		<b>Location</b>	<b>A1.1 – not demonstrated</b> The assessment at this level should inform the design and layout of subdivision and reduce the vulnerability of people and property from the impact of bushfire. The submitted zoning map details residential areas directly abutting portions of Extreme Hazard on adjoining sites. It is likely that these residential scale lots would be classified as BAL 40/BAL FZ.	Modification required. Please demonstrate compliance or provide substantiated evidence of a performance principle based solution.	

			<p>The BMP notes that all new residential lots can be located with a BHL Moderate location, and that APZs can be provided, however neither of these comments address the issue of R20-R40 scale lots directly abutting extreme vegetation as detailed in figure 7 (page 26). Lots should be located in areas with the least possible risk of bushfire to meet the intent of Element 1, which has not been addressed by the submitted BHL.</p>		
		<p><b>Vehicular Access</b></p>	<p><b>A3.3 – not demonstrated</b>          In bushfire prone areas, a cul-de-sac subdivision layout is not favoured because they do not provide access in different directions for residents. To avoid no through roads, the BMP relies on delivery of a road network outside the site but does not indicate how this will be secured. In particular, the BMP details two roads to the west of the site that do not adjoin an existing road network.</p>	<p>Modification required. Please demonstrate compliance or provide substantiated evidence of a performance</p>	
		<p><b>Vehicular Access</b></p>	<p><b>A3.4a – not demonstrated</b>          In bushfire prone areas, perimeter roads should be used to provide additional separation between hazardous vegetation and developable lots. The proposed road layout has included a perimeter road to the south, adjoining the</p>	<p>Modification required. Please redesign structure plan or provide substantiated evidence of a performance principle-based solution.</p>	

			<p>proposed POS, however perimeter roads have not been used abutting areas of extreme hazard to the west, east and south. The BMP does not address the need for perimeter roads, and as such the proposal does not demonstrate compliance with this requirement.</p>		
		<p><b>Vehicular Access</b></p>	<p><b>A3.4b – not demonstrated</b>  The proposal includes a Fire Service Access Route (FSAR) however this requires the construction of a road outside of the development site, which is not part of the subject application. It is unclear how the construction of the road can be controlled by this application, and as such the FSAR may not result in an additional access point and may create a dead end. The BMP should demonstrate compliance to A3.4a through the provision of a perimeter road which would negate the need for an FSAR.</p>	<p>Modification required. Please demonstrate compliance to A3.4a.</p>	
		<p><b>Recommendation – not supported modifications required</b>  DFES has assessed the BMP and identified a number of issues that need to be addressed prior to providing support for the proposal (refer to the tables above).  It is noted that an indicative subdivision plan has been included in some documents submitted as part of the referral. An amended BMP should be provided once the lot layout is finalised with a BAL Contour Map, to allow for more accurate assessment of the residential scale lots that will be permitted by the proposed Scheme Amendment.</p>			
<p>G4</p>	<p>Dept Primary Industries &amp; Regional</p>	<p>The Department of Primary Industries and Regional Development does not object to the proposed rezoning of the abovementioned lots as this area has</p>			<p>Submission of no objection noted.</p>

	Development	been identified for Residential use in the WAPC endorsed Shire of Denmark Local Planning Strategy.	
G5	Main Roads WA	<p>As previously indicated in 2018 for scheme amendment request 27, Main Roads offers the following comments regarding the Scheme Amendment Request No – 146</p> <ol style="list-style-type: none"> <li>1) Main Roads will seek to have no access to South Coast Hwy from Lot 1 (1189 South Coast Hwy), this will include the Kemsley Place road reserve alignment. All access to the proposed development area is to be from Ocean Beach Rd. The no access to South Coast Hwy policy also applies to fire mitigation access.</li> <li>2) Connectivity to Lot 5 (1261 South Coast Hwy) is to be provided for in the form of road reserve being provided for future links.</li> <li>3) Main Roads recommends that the Shire of Denmark seek contributions from the developer or through lot sales for the future upgrading of the intersection of South Coast Hwy and Ocean Beach Road.</li> </ol>	<p>Main Roads' advice that it will seek to prohibit new access to South Coast Highway with all access to be via Ocean Beach Road is not supported. Whilst a desire to limit the creation of new traffic conflict points is acknowledged, it is not practical or feasible to prohibit all highway access within the gazetted townsite area. New intersections should be considered on a case by case basis having regard to local design considerations and balancing the orderly and proper planning of the broader townsite and other urban design benefits. To prohibit all access would hinder opportunities to improve traffic permeability and accommodate suitable emergency access routes for existing and future residential development.</p> <p>Incremental subdivision of this site and the existing residential zoned land to the west provides opportunities to establish alternative road connections between Ocean Beach Road and South Coast Highway. The Structure Planning and subdivision process will need to ensure road linkages integrate with development on Lot 5 and limit unnecessary duplication of access onto South Coast Highway. This may include options to consider temporary highway access points to facilitate staging of development in the short term.</p> <p>To alleviate concerns regarding duplication of highway access closure of the redundant road reserve at the Harlequin Street/ South Coast Highway intersection could be considered once a new road connection is established.</p> <p>In the absence of a comprehensive developer contribution scheme being that would inform equitable contributions from all development sites within the townsite, Officers do not consider there</p>



			would be sufficient nexus to justify developer upgrading requirements for improvements to the intersection of the South Coast Highway/ Ocean Beach, which is remote from the site.
G6	Water Corporation	<p>Reticulated water and sewerage is currently available throughout the adjacent area and capacity available for the additional connections that are discussed. Any future development should be able to connect into this infrastructure as specified in the planning report. If our assets are affected, any future developer may be required to fund new works or the upgrading of existing works and protection of all works.</p> <p>This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p> <p>For further information about building applications, the developer should follow this link:<a href="https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application">https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application</a></p> <p>If the application is retrospective, approval by our Building Services section is still required.</p> <p>The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being provided for works.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p>	It is noted that the site is able to be serviced by reticulated water and sewer.
G7	Dept Biodiversity, Conservation & Attractions	DBCA Parks and Wildlife Services has no comments or objections to make on this proposal.	Noted.
G8	Dept of Communities	<p>The Department of Communities raises no objections to the proposed Town Planning Scheme Amendment 146, given its alignment with the Shire's Local Planning Strategy and the Lower Great Southern Strategy. The State Government is committed to deliver 3,300 public houses within the next four years. The Shire of Denmark is encouraged to liaise with the Department of Communities to explore opportunities for the acquisition of land to be used for public housing in the short, medium and long term.</p> <p>Notwithstanding, it is noted that the scheme amendment report identifies that the proposed amendment report identifies a rezoning from Rural to</p>	<p>Submission noted.</p> <p>The proposal will facilitate the supply of additional land for housing development, including opportunities for acquisition of suitable sites by the Department of Communities.</p> <p>Reference to a proposed Commercial zone (within Part 3.3.1 of the Amendment Report) is incorrect and</p>

		<p>Commercial, however this is not identified in the formal scheme amendment documentation or indicative structure plan. It is recommended that the Shire clarify this inconsistency and amend the scheme amendment report if necessary.</p>	<p>will need to be deleted. The original intent of the proponent was to nominate a potential location for a café. This would not necessarily require a commercial zone to be applied as a café can be contemplated in the Residential zone. It is appropriate that the feasibility of a small commercial occupancy be addressed through the structure planning process and proposed land use designations, noting the Traffic Assessment from 2020 currently stipulates that no commercial or educational facilities are being proposed.</p>
G9	Health WA	<p><b>1. Water Supply and Wastewater Disposal</b>  Potable water must be of the quality as specified under the Australian Drinking Water Quality Guidelines 2011.  For non-scheme water connected areas, the development is to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2011.  The necessary requirements may be referenced and downloaded from:  <a href="http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-quality-management">http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-quality-management</a>  <a href="http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-guidelines-and-standards">http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-guidelines-and-standards</a>  In relation to the management of sewage, the department has no objection to the proposal subject to all developments being connected to deep sewerage as highlighted in the submitted documentation thereby fulfilling the requirements of the Government Sewerage Policy - 2019 and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974.</p> <p><b>2. Public Health Impacts</b>  The land and water consultant have stated that there are no contaminated sites located within site boundaries. It is unclear how this was determined. The site may not appear on the Department of Water and Environmental Regulation (DWERs) public access, it may be subject to other important classifications not recorded on that database. If not done already, the proponent should obtain a basic summary of records relating to the land and its surroundings to complete their assessment of the site's suitability for sensitive land uses.  <a href="https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form_2_June_2020.pdf">https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form_2_June_2020.pdf</a>.</p>	<p>Reticulated water and sewer services will be required to service future residential subdivision and development.</p> <p>Further supporting information is required to address potential site contamination issues and to inform further detailed planning, design and remediation (if necessary).</p> <p>Considerations relating to minimising the potential for mosquito breeding will need to be addressed through the stormwater and drainage design phase.</p>

**3. Medical Entomology**

The subject land is in a region that is not currently known to experience significant problems with nuisance and disease carrying mosquitoes or other insects. Human cases of Ross River Virus disease occur sporadically every few years in the Shire of Denmark, however, the overall risk from mosquitoes and mosquito-borne disease is currently considered low.

It is best practice for the proponent to ensure that onsite works and wastewater infrastructure including stormwater drainage, are designed and installed correctly and maintained in good condition to reduce the potential for onsite mosquito breeding.

## SCHEDULE OF MODIFICATIONS - TPS 3 - Amendment 149

	Recommended Modification	Reason
<b>Updates to Amendment report and supporting documents</b>		
1.	<p>The Bushfire Management Plan (Appendix B) is to be updated to:</p> <p>(a) accord with the Department of Fire and Emergency Services recommended schedule of modifications as detailed in the Schedule of Submissions;</p> <p>(b) accord with the latest version of the Guidelines for Planning in Bushfire Prone Areas;</p> <p>(c) include a revised Bushfire Hazard mapping assessment that:</p> <ul style="list-style-type: none"> <li>• Removes assumptions relating to the modification/ clearing of vegetation within the Harlequin Street reserve;</li> <li>• Removes assumptions relating to the modification/ clearing of vegetation within the creekline and areas of excellent quality vegetation as identified in the environmental assessment dated 24 April 2020; and</li> <li>• Removes assumptions relating to the modification/ clearing of other remnant vegetation within the Amendment area unless supported through an approved Structure Plan and/or subdivision process that has addressed relevant environmental and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>• To accord with DFES recommendations.</li> <li>• To remove assumptions on vegetation clearing that has not been approved.</li> </ul>
2.	Reference to a proposed Commercial zone (Part 3.3.1) in the Amendment Report is to be deleted.	<ul style="list-style-type: none"> <li>• The proposal does not include a proposed Commercial zone.</li> </ul>
<b>Updates to Scheme Map</b>		
3.	The R20-40 Residential Density Code is to be replaced with R5-40 where referenced in the Amendment document and Scheme Amendment map.	<ul style="list-style-type: none"> <li>• To provide flexibility to respond to site features and constraints, with particular</li> </ul>

		regard to improved tree retention.
<b>Updates to proposed Scheme Provisions</b>		
4.	<p>The following modified provisions are to be introduced under proposed Clause 5.3.7 of the Shire of Denmark Town Planning Scheme No.3 text:</p> <p>(a) In areas with an R-Code of R5-R40 a Local Structure Plan is required to be prepared before any future subdivision or development is undertaken.</p> <p>(b) An R-Code within the range of R5 to R17.5 shall only be permitted where it will facilitate tree preservation outcomes and/or is required to address a significant site constraint.</p> <p>(c) The Local Structure Plan required under Clause 5.3.7(a) is to include:</p> <p>(i) The criteria that will be used to allocate the final R-Code for the purpose of subdivision and development;</p> <p>(ii) A density plan that nominates the R-Code to be applied for future subdivision and development; and</p> <p>(iii) Supporting information to address the following planning considerations:</p> <ul style="list-style-type: none"> <li>• A Landscape Management Plan to optimise environmental and landscape amenity outcomes for retention of remnant vegetation, and the protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and adjacent established residential areas.</li> <li>• Traffic Noise Management and remediation measures informed by on-site noise modelling and the requirements of State Planning Policy 5.4 “Road and Rail Noise”.</li> </ul>	<ul style="list-style-type: none"> <li>• To reflect proposed modifications to the Scheme Map and R-Code designation.</li> <li>• To ensure mechanisms are in place that will inform and implement the allocation of R-Codes at the subdivision and development stage.</li> <li>• To ensure lower densities (below R20) are only applied by exception where demonstrated to accommodate an improved environmental outcome, or required to respond to a significant site constraint.</li> <li>• The Foreshore Reserve Management Plan to include reference to the requirement for biophysical and hydrological studies in accordance with EPA advice.</li> </ul>

	<ul style="list-style-type: none"> <li>• A Foreshore Reserve Management Plan for the existing creekline to inform the foreshore reserve width (based upon biophysical and hydrological studies) and landscaping/ revegetation requirements.</li> <li>• Stormwater Management as informed by an approved Local Water Management Strategy.</li> <li>• A detailed tree survey prepared by a suitably qualified environmental professional that accurately plots the location, size, species, health and values of individual trees and recommendations relating to retention or removal.</li> <li>• Mechanisms to ensure the protection of trees identified to be retained on private residential lots.</li> <li>• A Fauna Assessment prepared by a suitably qualified environmental professional that includes on-site field surveys/ monitoring and a targeted black cockatoo habitat assessment, to guide recommendations for the retention and management of significant habitat areas.</li> <li>• Provision for retention of consolidated areas of native vegetation, including vegetation in 'Excellent' condition as identified in the environmental assessment dated 24 April 2020 and/or supporting habitat for conservation significant fauna species.</li> <li>• A Preliminary Site Investigation to address the potential risk of contamination from historic land uses on the property and informing further detailed site investigation and remedial action if required.</li> <li>• A Bushfire Management Plan to reflect retention of remnant vegetation within the Harlequin Street road reserve, accommodate any existing remnant vegetation to be retained on-site and revegetation/ landscaping informed by the Landscape Management Plan and Foreshore Management Plan.</li> <li>• The street design, public open space and lot configuration (size, width, shape and orientation) is to demonstrate a site and climate-responsive design that optimizes energy efficiency and solar access in winter.</li> </ul>	<ul style="list-style-type: none"> <li>• Reference to Zimmermann Street within (c)(iii) to be replaced with Harlequin Street to accord with the designated street name.</li> <li>• To ensure future planning will optimise the retention of significant trees.</li> <li>• To incorporate further guidance environmental outcomes as informed through submissions and EPA advice.</li> <li>• Lack of information available on potential site contamination risk associated with historic land uses.</li> </ul>
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	(d) Where required under an approved Local Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.	
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**Note:** *The proposed modifications do not substantially change the Amendment as advertised and are intended to address submissions received during the consultation process. Additional advertising has not been recommended.*