

# **SHIRE OF DENMARK**

## **TOWN PLANNING SCHEME No. 3**

### **AMENDMENT No. 149**

**MINISTER FOR PLANNING**

**PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

LOCAL AUTHORITY:	<b>SHIRE OF DENMARK</b>
DESCRIPTION OF LOCAL PLANNING SCHEME:	<b>TOWN PLANNING SCHEME No. 3</b>
TYPE OF SCHEME:	<b>DISTRICT SCHEME</b>
SERIAL No. OF AMENDMENT:	<b>AMENDMENT No. 149</b>

**PROPOSAL:**

*To move portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Tourist (T9) zone and Parks and Recreation reserve to the Special Residential (SRes6) zone, to rezone Lots 193, 194, 195 & 196 Pimelea View & portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) zone to the Special Residential (SRes6) zone, to move a portion of Reserve 52123 from the Tourist (T9) zone to the Parks and Recreation reserve and to delete Tourist Zone (T9) from Appendix XIII of the Scheme.*

## **TOWN PLANNING SCHEME No. 3**

### **AMENDMENT No. 149**

### **CONTENTS**

1. RESOLUTION
2. REPORT
3. EXECUTION

*May 2022 modified following referral to EPA.*

*September 2022 modified in accordance with DPLH Schedule of Modifications prior to Advertising.*

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A  
TOWN PLANNING SCHEME**

**SHIRE OF DENMARK**

**TOWN PLANNING SCHEME No. 3**

**DISTRICT SCHEME**

**AMENDMENT No. 149**

RESOLVED that the local government pursuant to Section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. *Rezoning portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Tourist (T9) Zone to Special Residential (SRes6) Zone;*
2. *Reserving portion Lot 9010 from Tourist (T9) Zone to the Parks & Recreation Reserve;*
3. *Reserving portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Special Residential (SRes6) Zone to the Parks & Recreation Reserve;*
4. *Rezoning portion Reserve 52123, from the Tourist (T9) Zone to the Parks & Recreation Reserve;*
5. *Rezoning portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;*
6. *Rezoning Lots 193, 194, 195 & 196 Pimelea View from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;*
7. *Reserving portion of Beaufortia Gardens, Tassel Place and Pimelea View from the Tourist (T9) Zone and the Special Residential (SRes6) Zone to Road Reserve;*
8. *Delete Tourist Zone (T9) from Appendix XIII;*
9. *Modify Appendix XIV – S Res 6 Special Provisions as follows:*
  - *Delete the words “Livestock Grazing - see clause (viii)a)” from the Proposed Uses column.*
  - *Delete provisions a), b), c) and d) of provision viii) and replace with:*
    - a) Intensive horticulture and grazing of livestock is not permitted;*
10. *Add the following to SRes 6 Special Provisions in Appendix XIV;*
  - xii) *In addition to the Special Provisions outlined above, for the purpose of subdivision and development of land contained within that area generally bound by Beaufortia Gardens to the east, Wilson Inlet to the south, Pimelea View and Lot 196 to the north, and Reserve 12232 to the west, the following additional provisions shall apply, noting in the event of any conflict these additional provisions will prevail:*
    - (a) *The Special Residential lots should comply with the requirements of the Government Sewerage Policy 2019 unless further supporting information is provided to demonstrate capability. A lot size of no less than 3000m<sup>2</sup> will be considered.*

- (b) *In addition to the minimum setback requirements prescribed under provision ii) (a) above, all buildings, site works and retaining walls shall be set back a minimum of 20 metres from the western boundary with Reserve 12232. No further reduction in this setback will be permitted.*
- (c) *Subdivision of the site shall generally accord with an approved Structure Plan that incorporates the following supporting documents:*
- 1) A site specific Flora and Fauna Assessment.*
  - 2) The Springdale Beach Estate Urban Water Management Plan 2014 is to be updated to the satisfaction of the Shire of Denmark and the Department of Water and Environmental Regulation and include reference to consistency with the Wilson Inlet Management Strategy.*
  - 3) An addendum to the Site and Soil Evaluation report prepared by Aurora Environmental (December 2021), to inform appropriate lot sizes, configuration, and yield, the proposed method of on-site effluent disposal, building envelopes, remediation works (where applicable) and consistency with the Wilson Inlet Management Strategy, is to be prepared to the satisfaction of the Shire of Denmark, Department of Water and Environmental Regulation and Department of Health.*
  - 4) An addendum to the existing Foreshore Management Plan that includes appropriate management conditions consistent with the Wilson Inlet Foreshore Reserve Management Plan 2008 (or its equivalent as amended) and the Wilson Inlet Management Strategy. The addendum is to be prepared to the satisfaction of the Shire of Denmark and the Department of Water and Environmental Regulation to address, amongst other matters:- protection of vegetation and fauna habitat, erosion control, weed management, walkways/ bike paths and access controls, lighting to incorporate dark sky principles as referenced in the WAPC's Position Statement "Dark Sky and Astrotourism" and the "National Light Pollution Guidelines for Wildlife" (as amended), re-vegetation, setbacks and parking and any other matters appurtenant to or impacting upon the adjacent foreshore area.*
  - 5) A Landscape Management Plan shall be prepared to the satisfaction of the Shire of Denmark for the balance of the development area to address the provision of street trees, identification and protection of trees to be retained, areas for replanting, the protection of fauna habitat, a preference for use of locally indigenous native species in domestic gardens and public reserves, fertilizer/ nutrient input, mechanisms for implementation and timing, lighting to incorporate dark sky principles as referenced in the WAPC Position Statement "Dark Sky and Astrotourism" and the National Light Pollution Guidelines for Wildlife (as amended), including consideration of estate covenants and/ or Local Development Plans if deemed appropriate.*
  - 6) A Bushfire Management Plan that addresses and responds to the requirements and recommendations of the Flora and Fauna Assessment, Foreshore Management Plan, and Landscape Management Plan.*
  - 7) The requirement for preparation of a Construction Management Plan prior to the commencement of subdivision or development site works to the satisfaction of the Shire of Denmark to address such matters as erosion and sediment transport control and dieback control (including land based movement and groundwater movement).*

- (d) Where required under an approved Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.
- (e) All buildings, retaining walls and effluent disposal systems are to be contained within an approved building envelope if nominated on an approved Structure Plan.
- (f) Where informed by recommendations contained within a Site and Soil Evaluation report and/ or approved Structure Plan Council may impose conditions at the time of subdivision to address site remediation, fill and compaction of house pads and effluent disposal areas within the defined building envelopes.
- (g) Where identified on an approved Structure Plan, Council may impose conditions at the time of subdivision to require the construction of Strategic Firebreaks/ Fire Service Access Routes and a requirement for registration of such as an easement in gross under Section 195 of the Land Administration Act 1997.
- (h) No clearing of significant trees or endemic vegetation shall be permitted where such vegetation is shown on the approved Structure Plan for retention unless:
  - Such clearing is approved in conjunction with a development application granted by the Shire of Denmark.
  - Trees are diseased or dangerous as confirmed in writing by a qualified arborist and verified by the Shire of Denmark.
  - Such works have been mandated under the Shire of Denmark's Fire Management Notice.

and

**11. Amending the Scheme maps accordingly.**

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

- The amendment is not consistent with the Shire of Denmark Local Planning Strategy which designates the site for tourism development.

Dated this 21<sup>st</sup> day of June 2022

  
CHIEF EXECUTIVE OFFICER

**SHIRE OF DENMARK**

**TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 149**

**PLANNING REPORT**

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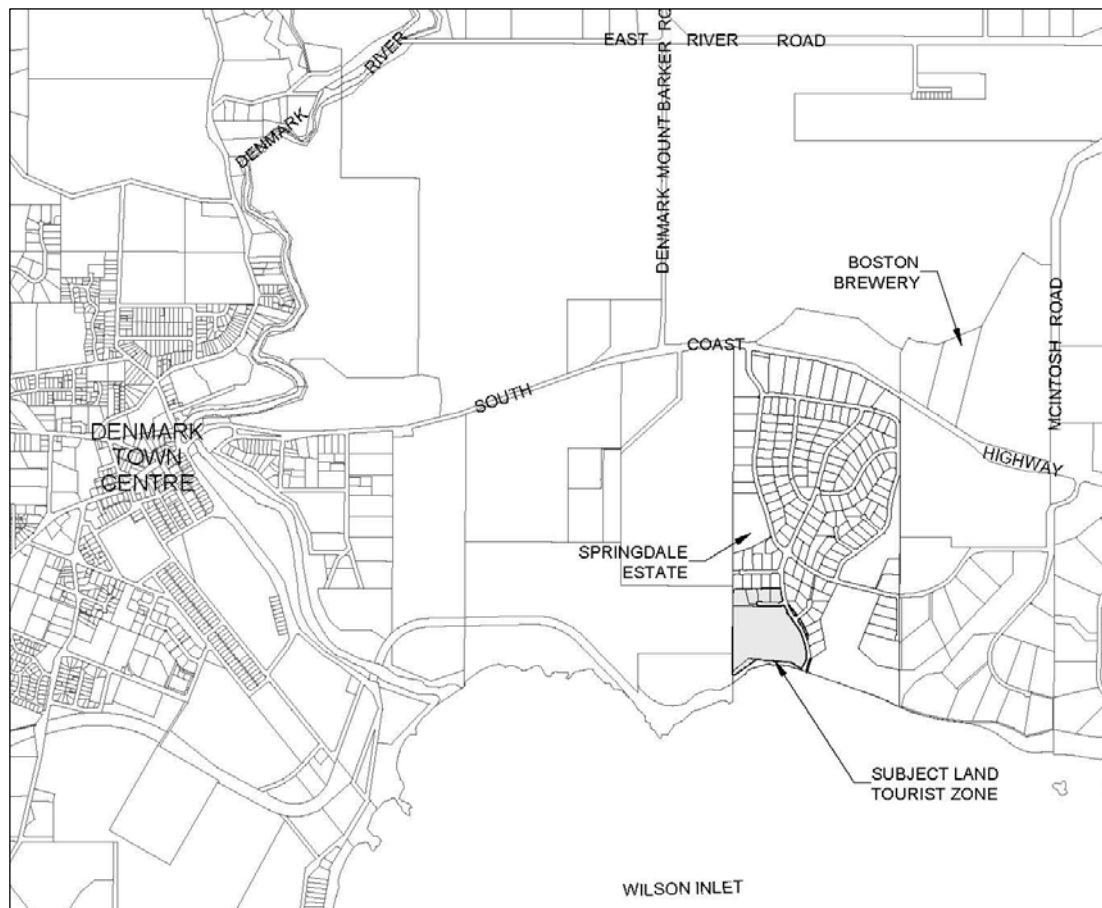
## APPENDICES

Appendix A	Review of Previous Studies – Aurora Environmental 2021
Appendix B	Coastal Vulnerability Assessment - MP Rogers & Assoc - October 2020
Appendix C	Fire Management Plan – FirePlan WA – Oct 2015 & BAL Contour Plan, Bushfire Management Statement – BioDiverse Solutions - Nov 2017
Appendix D	Existing Shire of Denmark TPS 3 Appendix XIV-Special Residential Zones SRes 6 Special Provisions



## 1. INTRODUCTION

The main purpose of this scheme amendment is to rezone portion of Lot 9010 South Coast Highway located within the Springdale Beach Estate from the Tourist zone to the Special Residential zone. At the same time the scheme amendment seeks to rationalise the zoning of a number of adjoining Special Residential Lots that are under the Tourist zone and transfer the Tourist zone that exists over portion of Reserve 52123 to the Parks & Recreation Reserve and a portion of Parks & Recreation Reserve on Portion Lot 9010 to the Special Residential zone. The Estate is located approximately 5.6 kms to the east of the Denmark Townsite. Refer Location Plan below.



**Figure 1: Location Plan**

The Springdale Beach Estate was zoned and gazetted in October 2001. The relevant portion of Lot 9010 is located adjacent to the Wilson Inlet foreshore and is accessed by Beaufortia Gardens which is one of the main subdivisional roads within the Special Residential Estate.

Despite the fact that all the supporting infrastructure has been in place for many years, the developer, LWP Denmark, has been unable to attract any interest to develop portion Lot 9010 for tourism development. In the meantime, much of the residential area has been subdivided and developed and the community is no longer supportive of Tourist development which has its main access through the residential area.

In accordance with the WAPC's Planning Bulletin 83/2013: 'Planning for Tourism', it is requested approval be granted to rezone the Tourist Site to the 'Special Residential' zone.

The following report provides supporting background information and justification for the rezoning proposal.

## **2. BACKGROUND**

The majority of the Springdale Beach Estate is zoned 'Special Residential' with a 'Tourist' zone located in the south west corner of the property. A Subdivision Guide Plan formed part of the rezoning documentation and is attached overleaf (Figure 2).

The Tourist site had an overall area of 9.4ha, one hectare of which was to be excised and incorporated into the adjoining foreshore reserve.

The site was included in the Schedule of Tourist Zones in Appendix XIII of the Shire's Town Planning Scheme No 3 and included the following permitted uses:

- Single house
- Cottage Industry
- Caretaker's Dwellings
- Holiday Accommodation
- Reception Centre
- Restaurant
- Shop (max 150m<sup>2</sup>)

ALL AREAS AND DIMENSIONS SUBJECT TO SURVEY

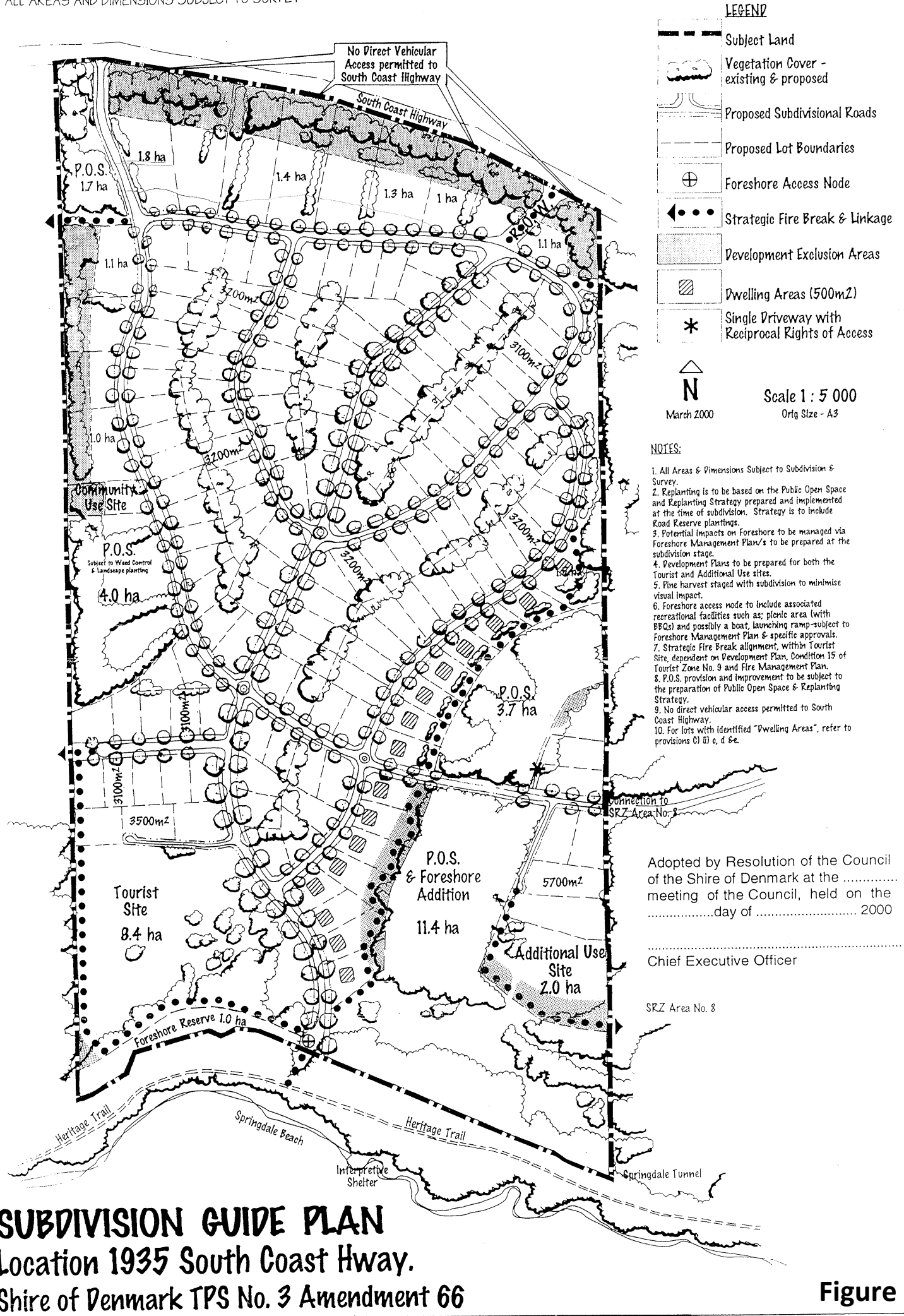


Figure 2

The following uses could also be permitted if incidental to the predominant use of the land:

- Day Care Centre
- Private Recreation
- Public Amusement

Condition No 4 of the Schedule provides guidance in terms of the density of the holiday accommodation and stipulates that the total density of holiday accommodation shall not exceed 3.33 units per hectare of gross site area.

Following acquisition of the property by LWP Denmark, the property has been progressively developed with Stages 1A, 1B, 2A, 2B, 2C, 2D, 2E, 3A, 3B, 4A and 4B completed and Stages 5A and 5C currently under construction. Refer Figure 3: Subdivision Staging Plan.

The tourist site formed part of the Stage 4 subdivision application and while a portion of the site was excised and ceded to the Shire of Denmark as a foreshore reserve, the tourist lot was not created. A subsequent subdivision application (WAPC Reference 156128) proposed to create the tourist lot but was withdrawn and cancelled on 2 January 2020.

The decision not to create the tourist site was based on the realisation that there had been no interest from potential developers to acquire the site for tourism development. The key reasons for the lack of interest appear to be:

- The site is not located on a strategic tourist route but instead is located at the end of a long cul-de-sac which runs through a residential estate.
- The site is heavily vegetated which restricts the views to the Inlet and requires significant buffers to meet bushfire guidelines.
- Since the site was created, the Boston Brewery has been developed on the opposite side of South Coast Highway. The success of this development which is located on a strategic tourist route, increases the unlikelihood of a signature restaurant being developed on the site.

- The growing residential community on the estate are generally not supportive of a tourist development which will draw significant traffic through their predominantly residential area.
- While Springdale Beach may have historically been a waterfront destination, the presence of seaweed, algae and associated smell detracts from its attraction. At the same time other beachfront destinations such as Ocean Beach and Greens Pool were developing and are now significantly more attractive.

In view of the above, the proponents seek to rezone the site to the Special Residential zone in conformity with the surrounding land use and at the same time remove Tourist Zone (T9) from the Scheme.

In addition, as a consequence of detailed survey, subsequent subdivision approvals and detailed design work, it is necessary to correct some legacy zoning anomalies in the area around portion Lot 9010. This involves:

- Rezoning portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;
- Rezoning Lots 193, 194, 195 & 196 Pimelea View from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;
- Rezoning portion of Beaufortia Gardens and Pimelea View from the Tourist (T9) Zone and the Special Residential (SRes6) Zone to Road Reserve;

# Springdale Beach Subdivision Plan

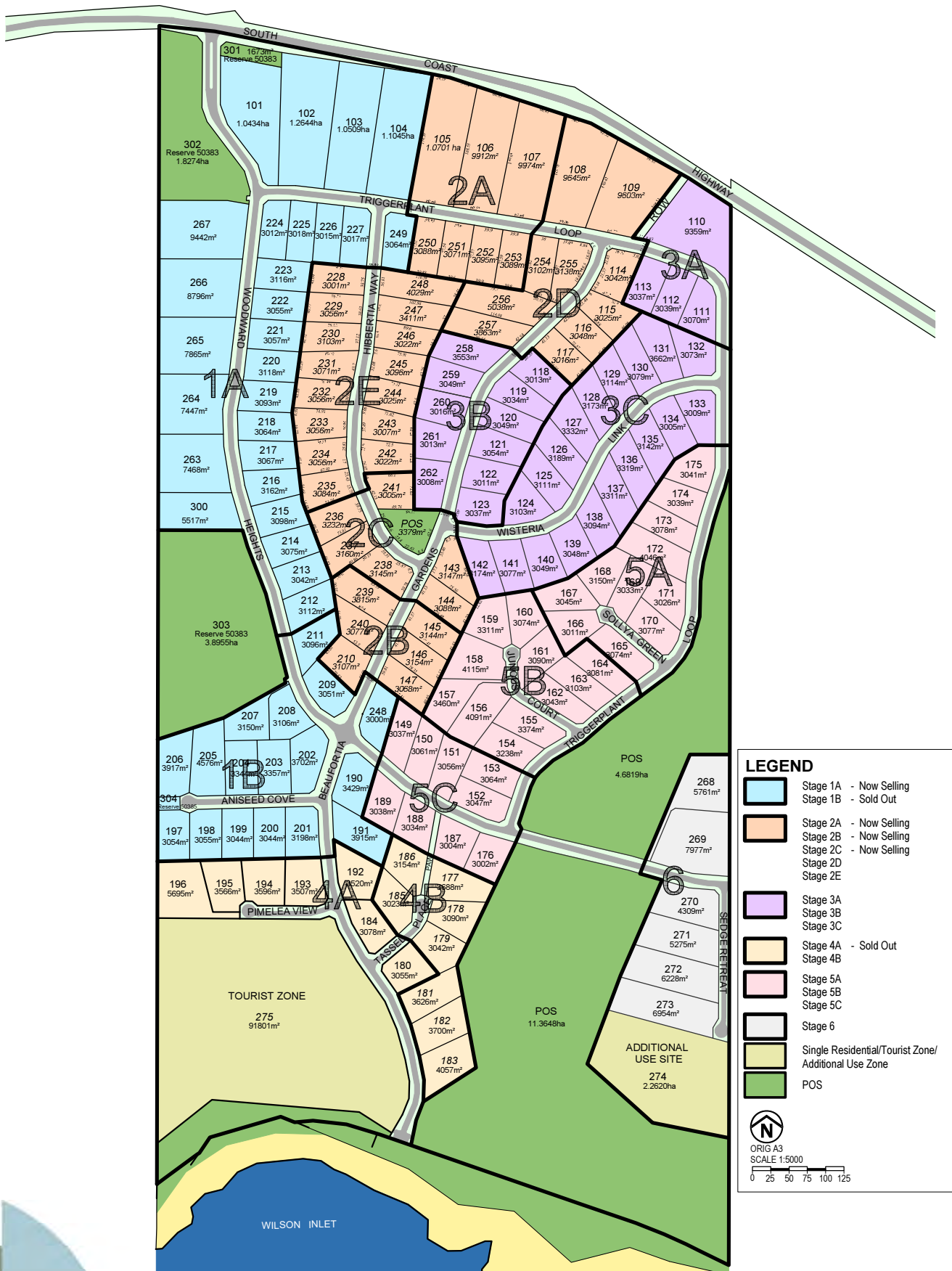


Figure 3

### 3. PREVIOUS STUDIES & UPDATES

The site characteristics have been well documented in a number of reports which include:

- Flora and Fauna Assessment OPUS - January 2006
- Land Capability Assessment OPUS - 2006
- Site Suitability for On-Site Effluent Disposal (Tourist Site) - March 2007
- Foreshore Management Plan OPUS - August 2008
- Foreshore Management Plan OPUS - November 2014
- Urban Water Management Plan - OPUS - 2014
- Fire Management Plan - Fire Plan WA - 2015
- BAL Contour Plan & Bushfire Management Plan – Bio Diverse Solutions - 2017
- Preliminary Assessment of Proposed Scheme Amendment, Springdale Beach Tourist Zone Site. Land Assessment Pty Ltd - January 2018
- Tree Survey for 'Tourist Lot' – DSM - 2018
- Indicative Nutrient Inputs, Special Residential compared with Tourism development – Land Assessment Pty Ltd - 2020
- Coastal Vulnerability Assessment – MP Rogers & Associates - 2020

These documents have been reviewed by Aurora Environmental (December 2021), refer Appendix A and together provide a comprehensive assessment of the risks associated with development such as stormwater management, nutrient/sediment management, and vegetation protection and sustainable access to the Inlet foreshore.

- **Urban Water Management Plan**

As noted in the Aurora report, the preparation, adoption and implementation of the 2014 Urban Water Management Plan (UWMP) is particularly significant in terms of minimising any impact on the Inlet. It is proposed that this UWMP will be updated as part of the Local Structure Plan (LSP) process. The Shire of Denmark is confident that there is adequate flexibility to accommodate appropriate drainage solutions within the site at the more detailed design phase.

- **Foreshore Environment**

Protection of the foreshore environment is acknowledged as being important to the management of Wilson Inlet. Incorporation of steep banks within the foreshore reserve that may be vulnerable to erosion is recommended and management of increased access is needed to ensure protection from the impacts of future development. A Foreshore Management Plan was prepared in consultation with DWER for the area in question in 2014. It has been approved by DWER and addresses the objectives of the Wilson Inlet Foreshores Reserve Management Plan 2008. In addition to a 1-hectare addition to the foreshore reserve shown on the original Subdivision Guide Plan, a further 1.3-hectare extension is proposed which will create a vegetated and managed area adjacent to the Inlet which will vary between 106 metres to 188 metres. This compares with the Wilson Inlet Management Plan recommendation that a 50-metre vegetated foreshore reserve contains all steeply sloping land and no access is provided through the steepest areas.

It is recommended that an addendum to the Foreshore Management Plan be prepared as a condition of subdivision.

- **On-Site Effluent Disposal**

As scheme sewer is not available, on-site effluent disposal is proposed within the amendment area. While the site has a fair to low capability for on-site effluent disposal, this does not mean that the identified constraints cannot be addressed. The Site and Soil Evaluation prepared by Aurora Environmental (December 2021), demonstrates how the criteria contained within the Government Sewer Policy (2019) can be met. Refer to Appendix A. Further assessment can be carried out as part of the LSP when the number and size of lots has been further refined.

A combination of initiatives is required to minimise nutrient input into the Wilson Inlet. This includes the management of stormwater, the use of appropriate on-site effluent disposal systems, management of fertilisers applied to lawns, gardens and landscaped areas, retention of vegetation and in particular, a vegetated buffer between the development and the Inlet.



- **Flora and Fauna Assessment**

A Flora and Fauna assessment was carried out by Opus in 2006 and has been augmented and updated by Aurora Environmental, December 2021. Refer to Appendix A.

The report notes that the majority of the very good to excellent quality vegetation has been incorporated into the foreshore Reserve and the proposed extension of the foreshore. The Indicative Concept Plan provides for 2000m<sup>2</sup> of very good vegetation to be retained in proposed Lot 13 and a further 3000m<sup>2</sup> of Marri and Peppermint woodland in degraded condition will be required to be cleared to establish the road reserve. Seven large Marri trees which meet the criteria of habitat trees for the three species of Black Cockatoo were identified and will be retained, together with single Peppermint trees (no understorey).

Consideration has been given to further reduce the impact of the clearing for the road reserve and the need to meet bushfire protection measures. The alignment of the proposed road reserve has been adjusted and lot configuration varied. This has involved the removal of one lot in order to provide sufficient cleared area to accommodate building envelopes. The area of the of the foreshore to be ceded has also been increased. Refer Figure 4 - Revised Indicative Concept Plan.

The following photos have been taken along the indicative alignment of the proposed access road where it runs along the northern boundary of the extended foreshore reserve through a mix of cleared land and Peppermint regrowth with either limited or no understorey. More mature and significant trees can be avoided. The proposed route of the road and lot configuration will be subject to further detailed design when the Local Structure Plan is prepared. As noted above, additional land that will be ceded to the foreshore contains the vegetation classed as Very Good to Excellent.

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY



# INDICATIVE CONCEPT PLAN Special Residential Lots (min 3000m²)

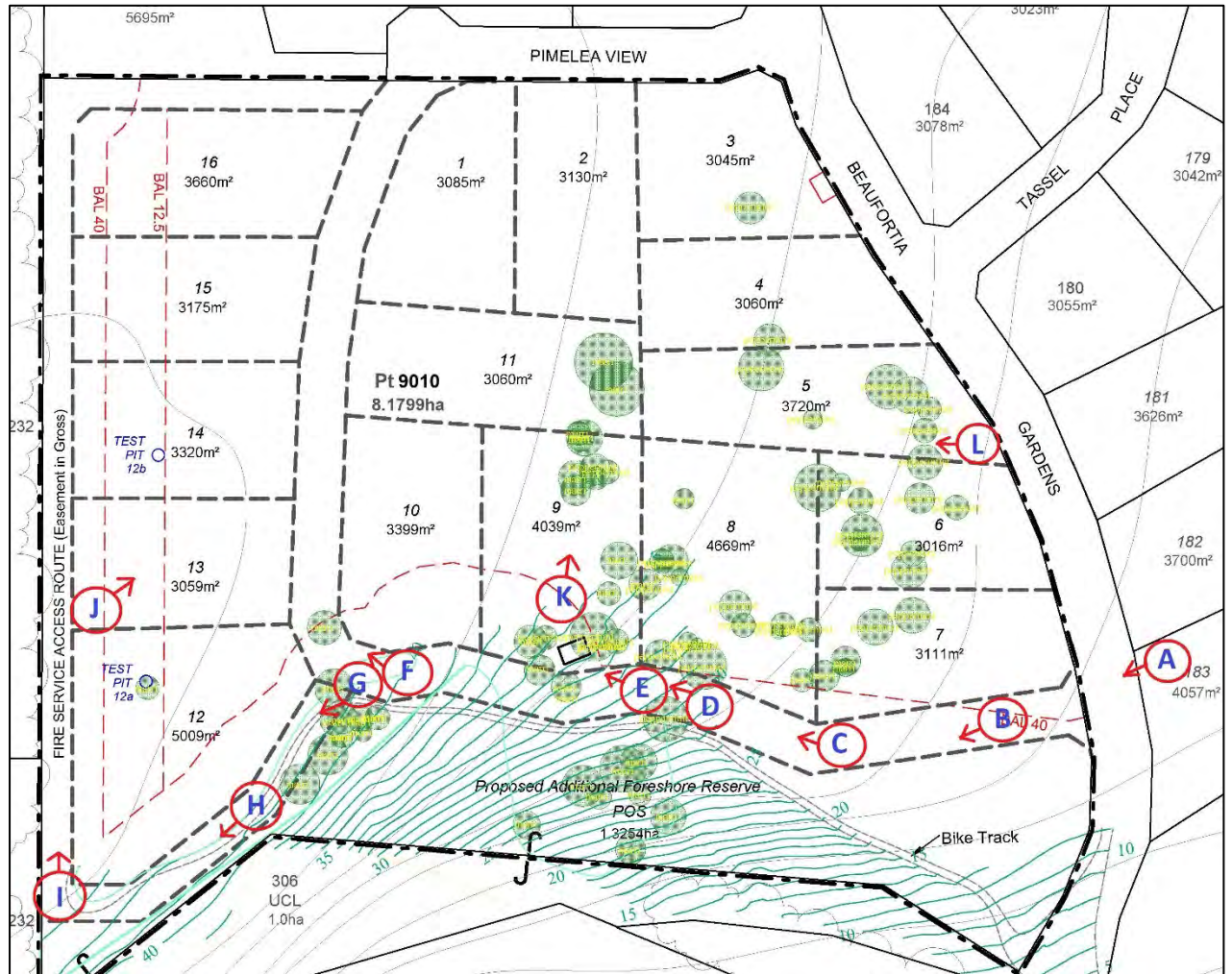
Pt Lot 9010 Beaufortia Gardens  
Springdale, Shire of Denmark

Revised April 2022

NB: This plan is indicative only  
and is subject to the preparation of a  
Local Structure Plan. Proposed Road  
alignment, lot numbers, areas and  
configuration may be varied.

Figure 4





**Figure 5: Location of where Photos were taken**



**Photo A**

Photo A depicts the proposed access point to the site from Beaufortia Gardens. Low regrowth is evident on the cleared land and Peppermint regrowth is visible in the back ground.





**Photo B**

Photos B, C & D depict the Peppermint regrowth through which the road will be constructed. No significant trees will need to be cleared except possibly for the pine tree shown in Photo D



**Photo D**



**Photo C**





**Photo E**

Photo E depicts the cleared area in the vicinity of the gazebo. The road will pass through this area immediately to the south of the gazebo and will need to negotiate a route through several juvenile Marri trees.



**Photo F**

Photo F shows the water tank through which the road will be constructed as it turns to the north to link up with Pimelea View.





**Photo G**



**Photo H**



**Photo I**

Photos G, H & I depict the cleared track which runs towards the south west corner of the property. This track will form the fire service access route which will abut the foreshore reserve and then run north along the western boundary of the site. Photo I refers.





**Photo J**

Photo J illustrates the cleared area which forms the bulk of the site.



**Photo K**

Photo K illustrates the significant Marri trees growing north of the gazebo, which will be retained within the proposed subdivision.



**Photo L**

Photo L depicts a row of more mature Peppermints running parallel with Beaufortia Gardens on the eastern side of the site. The trees will also be retained within the subdivision.

- **Coastal Vulnerability Assessment**

In accordance with State Planning Policy 2.6 – The State Coastal Planning Policy (SPP2.6), MP Rogers & Associates have prepared a “First Pass Coastal Hazard Assessment” for the subject land. A copy is attached in Appendix ‘B’.

The report assesses the potential risk to the proposed development from being impacted by coastal hazards over the 100 year planning time frame to 2120.

The report concludes that the site avoids impact from coastal erosion over the 100 year planning time frame. The levels of the proposed development are also well above the 500 year ARI water levels plus the allowance for sea level rise to 2120 which was determined to be 2.15m AHD. The development is therefore not considered to be at risk of inundation over the 100 year planning time frame to 2120.



## **4. SERVICE INFRASTRUCTURE**

### **4.1 Roads**

Access to the site is provided by Beaufortia Gardens which abuts the eastern boundary and runs down to the foreshore reserve. Pimelea View is a short cul-de-sac which abuts a portion of the northern boundary. Both roads have been fully constructed to a bitumen standard. The indicative subdivision proposes a loop road running off Beaufortia Gardens and connects through to Pimelea View.

### **4.2 Potable Water Supply**

As the residential estate is serviced by scheme water, all proposed lots will be connected to a reticulated water supply.

### **4.3 Power & Telecommunications**

Underground power and telecommunications will be extended from the existing development to service all proposed lots.

### **4.4 Sewerage**

As scheme sewer is not available or capable of being extended to service the site, on-site effluent disposal will be utilised. Secondary effluent disposal systems as approved by the Shire of Denmark and WA Health Department will be required. Subject to the preparation of a LSP, the numbers and size of lots will be determined and the Site and Soil Evaluation prepared by Aurora Environmental in December 2021, will be updated/extended as necessary.

### **4.5 Drainage**

The 2014 Urban Water Management Plan (UWMP) will be updated as part of the LSP process. As noted in Section 3 above, the Shire of Denmark is confident that the drainage solutions provided in Stage 4 of the estate development can be extended to accommodate the proposed development.

## 4.6 Bushfire Management

In November 2017, Bio Diverse Solutions prepared a BAL Contour Plan and Bushfire Management Statement to support the previously approved Fire Management Plan for Springdale Beach Estate. Copies of these reports are attached in Appendix 'C'.

The BAL contouring indicates that BAL29 or less can apply to the subject land. As a tourism site is classified as a vulnerable use, rezoning to Special Residential Zone will negate the need for an individual Bushfire Management Plan and Bushfire Emergency Evacuation Plan.

The Staging Plan for Stage 4 Development forms part of the approved Fire Management Plan (FMP) and is reproduced below (Figure 6). It recommends that a perimeter Fire Access Way be incorporated into the Tourist Zone Fire Plan.

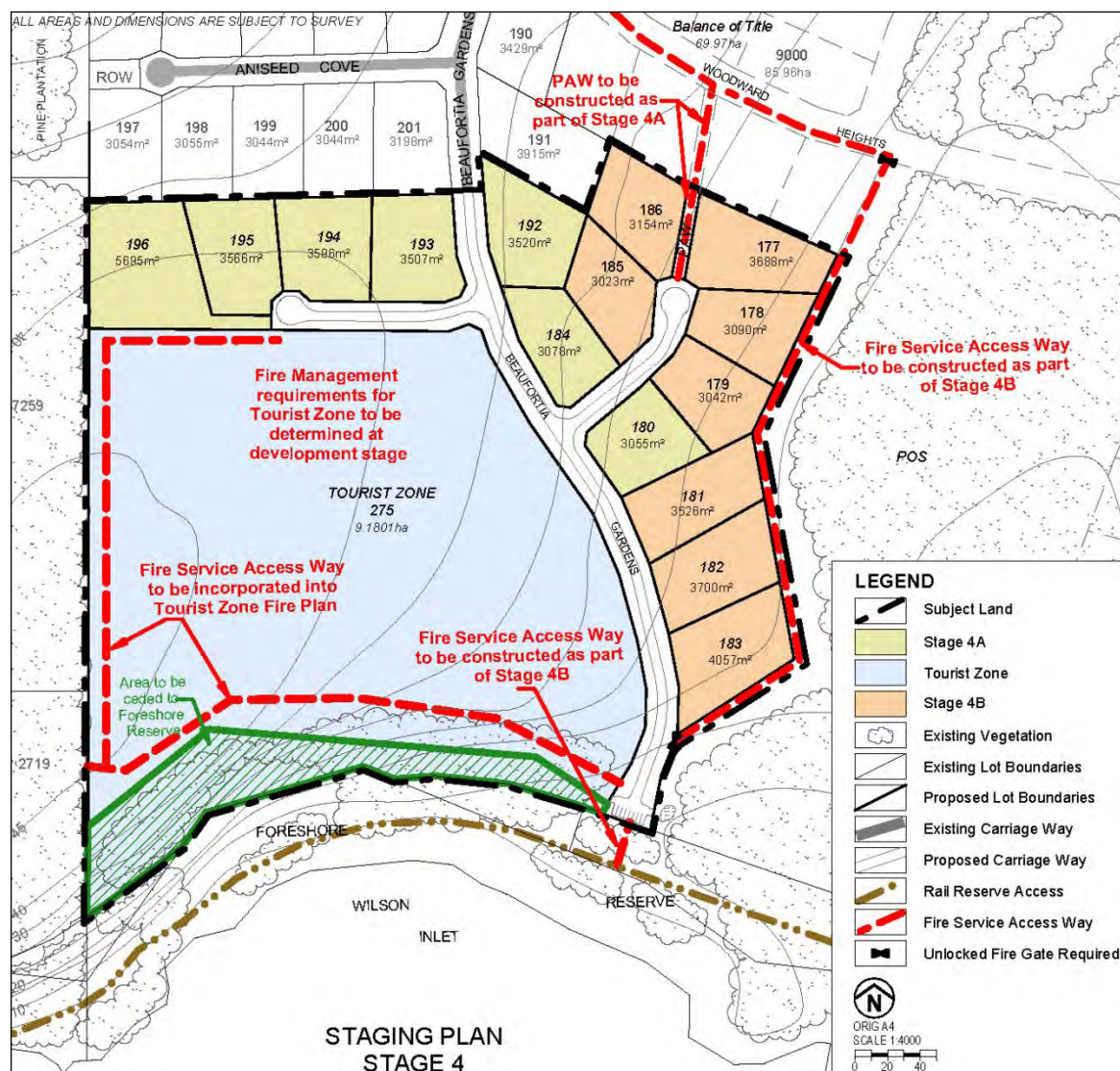


Figure 6: Stage 4 Staging Plan – Fire Management Plan

In accordance with the FMP, a Fire Access Way has been constructed through to Woodward Heights along the western boundary of the POS area which will provide a second means of emergency access/egress. The Woodward Heights connection through to the rural residential area to the east is currently being constructed and will replace the temporary easement has been provided through the POS area.

Preparation of the LSP will entail the preparation of a more detailed Bushfire Management Plan. The plan will need to take into account the objective of the LSP which will aim to maximise retention of existing remnant vegetation and provide for replanting of cleared areas.

## **5. THE PLANNING CONTEXT**

Key Planning documents relevant to this project are Council's Town Planning Scheme No 3, the Local Planning Strategy, the Denmark Tourism Planning Strategy, Stage 1, the WAPC's Planning Bulletin No 83/2013: 'Planning for Tourism', the Government Sewerage Policy, Planning in Bushfire Prone Areas and State Coastal Planning Policy (SPP2.6).

### **5.1 Town Planning Scheme No 3**

Under the provisions of the Shire's Town Planning Scheme No 3 (TPS3), the subject land is zoned Tourist and included in the Schedule of Tourist Zones in Appendix XIII. The Schedule specifically designates uses that may be permitted by Council, with all other uses being excluded. Only a single house or caretakers' dwellings are permitted. There is no discretion to allow permanent accommodation as a component of the Tourist zone or as an alternative land use.

### **5.2 Local Planning Strategy**

The subject lots are designated as 'Tourist' in the Shire's adopted Local Planning Strategy (2011). The key objective relating to tourism as set out in the Strategy is:

*"To encourage ecotourism and facilitate new tourist developments and choices of tourist accommodation types to enhance the Denmark Shire as a destination of choice for visitors."*

Associated strategies include:

- the preparation of a Local Tourism Strategy which addresses issues identified in WAPC's Planning Bulletin 83/2011 (now 83/2013): Planning for Tourism;
- to retain the low-key level and natural character of the 'natural environment' tourist sites;
- encourage new tourist developments to employ a sustainable approach with their developments and a desire to establish a tourism industry that supports and enhances the local community, protects its environment and generates economic benefit;
- embrace new tourism attractions which achieve the above objectives as they bring investment and generate economic benefit; and
- to protect the longevity of tourist uses through appropriately zoned sites which contain flexibility for new developments to proceed.

### **5.3 Denmark Tourism Strategy: Stage 1 (2010)**

The Stage 1 Strategy provided a preliminary overview of tourism based in the Shire.

Stage 2 intended to provide a fully-fledged tourism strategy with the active involvement of the tourism industry and local community, but has yet to be progressed.

Key points arising from the Stage 1 Strategy were:

- Criteria to inform the identification of areas of tourism significance in the Shire of Denmark and subsequently sites of local significance include:
  - Tourism routes being Scotsdale Road;
  - Sealed roads;
  - Access;
  - National, marine and regional parks;
  - Oceans and rivers
  - Landmarks;
  - Vistas with viewpoints to Wilson Inlet, the coast and the rural hinterland;
  - Attractions and amenities;
  - Access to services and facilities;
  - Rail Trail;
  - Bibbulmun Track and Proposed Munda Bidli Track;
  - Aboriginal Heritage sites; and
  - Cultural heritage sites.
- The need to review existing Scheme and LPS provisions including:
  - Permissibility of tourism related land uses in zones;
  - Review of definitions to introduce extended range of tourism development definitions with specific reference to length of stay provisions; and
  - Introduce length of stay provisions and land use restrictions on tourist accommodation in tourism zones.

- The need to prepare a LPS which provides a statement of Council's position on permanent residents in tourism developments and addresses the following issues:
  - Potential loss of high value tourism sites to residential use;
  - Establishing a sustainable economic activity;
  - Impact of tourism use on residential amenity;
  - Assessment of the suitable number of permanent residents in tourism development, based on merits;
  - Site assessment being based on environmental, site amenity and community issues in assessing the number of permanent residential units on-site;
  - Protection of the tourism quality of the site and ensuring that the general character remains that of a tourism development. This is particularly important at sites where the isolation, relative lack of development and natural beauty are recognised as providing a 'point of difference' that may/will increase future tourism; and
  - Acknowledge that permanent residents provide financial stability to tourism operations.

#### **5.4 Planning Bulletin 83/2013: Planning for Tourism**

This bulletin sets out the policy position of the WAPC to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes. The 2013 Bulletin is a review of the 2007 & 2011 versions. A key outcome of the review was...*"the need for a more strategic and flexible approach to tourism planning to encourage and support investment in the industry."*

Key objectives of the Planning Bulletin include:

- Highlight the importance of strategic planning for tourism
- Recognise local and regional variations in tourism demand and development pressures and their impacts on the viability of tourism development in assessing tourism proposals.
- Provide guidance on the development of non-tourism uses on tourism sites.
- Provide flexibility in the design and assessment of tourism and mixed-use development.

The policy notes that if a local government does not have an endorsed local planning strategy or local tourism planning strategy, then a scheme amendment proposal should address the matters specified in the Planning Bulletin and Local Planning Manual 2010.

#### **5.5 Government Sewerage Policy (2019)**

The proposed scheme amendment and associated subdivision and development is required to have regard to the Government Sewerage Policy.

While the policy generally requires connection of new subdivision and development to reticulated sewerage, on-site sewage disposal may be considered as set out in Section 5 of the Policy. A report has been prepared by Land Assessment Pty Ltd which addresses the level of nutrient inputs for the proposed Special Residential lots compared with tourism development and addresses the requirements of the Government Sewerage Policy.

#### **5.6 Planning in Bushfire Prone Areas (SPP3.7)**

The intent of the Policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact on property and infrastructure.

A Fire Management Plan (October 2015) has been prepared for the Springdale Beach Estate and a BAL Contour Plan and Bushfire Management Statement was prepared in November 2017 to support the FMP. The latter document provides a detailed BAL Contour Plan for the tourist site.

#### **5.7 Coastal Planning Policy (SPP2.6)**

As the tourist site abuts the Wilson Inlet which is subject to tidal movement, the proposed rezoning amendment is required to have regard to the Coastal Policy.

An impact assessment for the site has been prepared by M P Rogers & Associates.

#### **5.8 Position Statement: Special Residential Zone (May 2021)**

This position statement outlines the Western Australian Planning Commission's (WAPC) intent to discontinue the special residential zone in local planning schemes. It also provides general guidance measures for subdivision, use and development in existing special residential zones.

It is anticipated that the Special Residential zone will be discontinued when the existing Town Planning Scheme No. 3 is replaced with a new scheme. In the meantime, the following justification is provided in support of the current proposal to rezone the Tourist Lot to Special Residential.

- Lot sizes proposed will be compatible with those in the surrounding Special Residential area and will be subject to the same development standards and controls.
- There is no detrimental impact from the rezoning on the character and amenity of the adjacent rural areas. Indeed, as there is a reduction in potential landuse intensity with the rezoning from Tourist to Special Residential, there is arguably a beneficial impact to all adjoining and nearby land.
- Special Residential uses meet the opportunities and constraints of the site as well as its planning context. This site has access to the appropriate level of infrastructure services as well as social services and facilities such as shopping, schooling, medical, rubbish collection and the like.
- The Special Residential zoning is not removing productive agricultural land from the estate, nor is it placing unmanageable externalities on adjoining uses.
- While a Public Open Space contribution is not generally required, significant areas of foreshore parkland and POS are provided.



## 6. PROPOSED DEVELOPMENT

Subject to rezoning of the tourist site to the 'Special Residential' zone, development was predicated on the acceptance that the minimum lot size of 3000m<sup>2</sup>, which applies to the Springdale Beach Estate, would also apply to the subject land.

Under the provisions of the Government Sewerage Policy, land which is not connected to a reticulated sewerage service within a "Sewerage Sensitive Area" is required to have a minimum lot size of one Hectare. The associated notes indicate that:

*"Land in a Sewerage Sensitive Area that is already zoned for urban use with a residential density coding of R2 to R10 under a Local Planning Scheme or Structure Plan endorsed by the WAPC, may be subdivided in accordance with the existing density coding."*

The definition of "Urban" in the Government Sewerage Policy is:

*"Land zoned 'urban' or 'urban deferred' in a region scheme and/or land that can be subdivided under a local planning scheme to create lots less than one hectare for residential or commercial uses and has the potential to be subdivided."*

In this case the density of tourist accommodation is 3.33 units per hectare.

In view of the above, a report was prepared by Land Assessment to compare the likely nutrient inputs into the subject land from Special Residential development and Tourist development of the site. This document was reviewed by Aurora Environmental in 2021 (Refer Appendix A).

The assessment used the Urban Nutrient Decisions Outcomes tool (UNDO) developed by DWER. It is designed for use by proponents of development in order to assess the nutrient inputs in a consistent and scientifically rigorous manner.

Because ATUs rely on regular maintenance (which may not always be achieved by landowners), the UNDO groups the nutrient output rates for various ATUs into a singular classification with a conservative rate.

In order to compare the Special Residential development with the Tourist development, an indicative concept plan was prepared based on the creation of 17 residential lots ranging in size from 3018m<sup>2</sup> to 4760m<sup>2</sup>. It also allowed for an extension of the foreshore reserve of an additional 1.2 hectares. This enabled the vegetated buffer to the Wilson Inlet to be significantly extended and include all the more steeply sloping land and additional areas of remnant vegetation in “excellent condition”. The original Indicative Concept Plan (Figure 7) is attached overleaf.

The 17 residential lots were compared with the 30 holiday units, manager’s residence, reception centre and restaurant that could be developed under the current Tourist zoning. These uses are designated as “Permitted” uses as opposed to discretionary uses that would also potentially require advertising for public comment. Consequently, it is not unreasonable to anticipate that a relatively intensive tourist development could be developed on the site without even the additional extension of the foreshore reserve as proposed under the residential option. A similar tourist development using on-site effluent disposal and consisting of 24 two storey holiday units, manager’s residence and restaurant/shop, has recently been approved by JDAP in a similar coastal location on a 3.3-hectare site. This compares with the subject land which has an area of 8.4 hectares.

The result of the assessment of total nutrient outputs from the two scenarios showed that they would be less under a Special Residential development than under a Tourist development based on the existing scheme zoning and land use conditions. The report concludes that the results lend support to the argument that the GSP’s 1ha minimum lot size condition could be relaxed to allow subdivision in accordance with the existing density coding.

It is noted that the UNDO assessment takes into account nutrient inputs relating to fertilizer usage for lawns and gardens and any permitted agricultural pursuits. It assumes that remnant vegetation will be retained except for the land required for house pads. As outlined in Section 3 above, the proposed road reserve will entail clearing of some Peppermint regrowth.

Further refinement of the alignment of the proposed road reserve has been undertaken in order to reduce clearing and additional consideration can be given at the LSP stage of development. With the extension of the foreshore reserve, the remaining subdividable land has largely been cleared.

INDICATIVE CONCEPT PLAN  
Special Residential Lots  
(min 3000m<sup>2</sup>)

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY

196 5695m<sup>2</sup>

195 3566m<sup>2</sup>

194 3596m<sup>2</sup>

193 3507m<sup>2</sup>

185 3023m<sup>2</sup>

184 3078m<sup>2</sup>

179 3042m<sup>2</sup>

180 3055m<sup>2</sup>

181 3626m<sup>2</sup>

182 3700m<sup>2</sup>

183 4057m<sup>2</sup>

PIMELEA VIEW

BEAUFORTIA

TASSEL PLACE

GARDENS

WILSON INLET

17 3660m<sup>2</sup>

16 3175m<sup>2</sup>

15 3320m<sup>2</sup>

14 3455m<sup>2</sup>

13 4760m<sup>2</sup>

1 3085m<sup>2</sup>

2 3130m<sup>2</sup>

3 3045m<sup>2</sup>

4 3060m<sup>2</sup>

5 3720m<sup>2</sup>

6 3028m<sup>2</sup>

7 3105m<sup>2</sup>

8 3445m<sup>2</sup>

9 3350m<sup>2</sup>

10 3230m<sup>2</sup>

11 3260m<sup>2</sup>

12 3060m<sup>2</sup>

Pt 9010 8.1799ha

Proposed Additional Foreshore Reserve

POS 1.1175ha

306 UCL 1.0ha

POS 1135m<sup>2</sup>

TEST PIT 12a

TEST PIT 12b

BAL 40

BAL 12.5

BAL 40

Bike Track

7259 Reserve 12232 47.2ha

2719 Reserve 12232 8.9ha

0 10 20 30 40 50

ORIG A3 SCALE 1:1500

N

### Figure 7

**AYTON BAESJOU**  
P L A N N I N G  
59 Peels Place  
ALBANY WA 6330  
Ph 9842 2304 Fax 9842 8494

A detailed tree survey of the subject land was undertaken in 2018 which identifies the various tree species. (Refer Figure 8). These were predominantly Marri, Peppermint, Pine and Bluegums. The Pine and Bluegums trees have since been removed and the Marri and Peppermint trees have been retained. Outside of the foreshore reserve, which will be extended, the majority of the Marri and Peppermint trees are located within a parkland cleared setting.

Other key elements of the proposed development are outlined in the Opportunities and Constraints plan (Refer Figure 9).

The Plan includes;

- An extension of the foreshore reserve in addition to the one before which has already been ceded. This will enable all the more steeply sloping land to be protected together with the remnant vegetation in “excellent condition”. It will provide a substantial vegetated buffer to the Inlet and ensure effluent disposal systems are set back a minimum distance of 135 metres from the Inlet.
- An indicative alignment of the proposed road reserve shows how it can be developed without removing significant trees. The road will run from Beaufortia Gardens in a westerly direction and abut the expanded foreshore reserve. This will facilitate bushfire management and surveillance of the foreshore reserve. It will then run north to connect up with Pimelea View which in turn connects back to Beaufortia Gardens. The alignment provides sufficient setback from the vegetated reserves to the west to accommodate a 10m wide fire service access route (perimeter road) which runs along the western boundary of the site and a further 30 metre setback which will enable building envelopes to achieve a BAL of 12.5. The fire service access route runs along flat terrain which will facilitate ease of access by fire service vehicles. This arrangement allows for direct access from the dwellings on lots 13 to 17 onto the proposed loop road, should a fire originate in the vegetation to the west.
- An existing gravel track located within the foreshore reserve will be developed as a bike track which will also utilise the fire service access route and connect to Reserve 12232 to the west.

- Lot shapes and sizes can be designed to accommodate building pads and associated bushfire setbacks. The preparation of a Landscape Management Plan will provide the opportunity to significantly increase the amount of vegetation on the site with preference given to the use of local indigenous native species in private gardens and minimization of fertilizer/nutrient input.

As the Special Residential provisions for Springdale Beach Estate currently allow for Livestock Grazing to be permitted, it is recommended that the provision be deleted in order to facilitate revegetation and reduce nutrient input.

- Two test pits in the western section of the site proved unsuitable for effluent disposal and more suitable sites further to the east will be identified at the LSP stage of development.
- The proposal to create a loop road through the site connecting to Pimelea View is desirable in order to meet Bushfire Management Guidelines. However, it has the potential to impact on the amenity of the four lots, which currently front onto the existing cul-de-sac, by increasing through traffic. At the detailed stage of subdivision design, it is recommended that traffic management measures are provided which encourage traffic to utilize access and egress to the site from Beaufortia Gardens and that access via Pimelea View is restricted where possible for emergency access/egress only. It is noted that the loop road will also benefit the existing Pimelea View residents in relation to emergency access. Traffic management could be achieved by providing a reduced width carriageway along the northern section of the loop road with associated turning area/traffic calming devices and signage.
- The subdivisional road avoids the steeply sloping land within the proposed foreshore reserve and minimises impact on the associated vegetation.
- From a fire management perspective, the combination of a public road abutting the steeply sloping and vegetated foreshore reserve, together with a perimeter fire service access road along the western boundary will maximise access for firefighting purposes and ease of access/egress for residents in an emergency.
- The proposed subdivisional road alignment will enable stormwater management to be integrated with the Urban Water Management Plan which was prepared for Stage 4 of the Springdale Beach Estate subdivision.

Pt Lot 9010  
P410956  
8.1754ha

PIMELEA VIEW BEACFORTIA

TASSEL

GARDENS

WILSON INLET

Vegetation labels: pine, bluegum, marri, peppermint, eucalypt, acacia, gum, tree, shrub, grass, bare ground, dead tree, dead shrub, dead grass, dead bare ground.

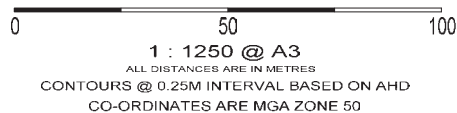
Topographic features: 38.845, 28.475, 40.795, 37.72, 24.655, 24.942, 18.948, 4.275, 45.442.

Boundaries: BUSH LINE, BANK.

Other labels: 196, 195, 194, 193, 192, 185, 184, 180, 181, 306.

Ref : 2222-01A

ORIGINAL DRAFTER:	GCC
CREATED DATE:	09/03/2018
CADASTRAL DATA	P410963 SCDB17
CITY/VOL - FOL	2831 - 832
AERIAL DATA:	DENMARK 2017
TOPOGRAPHIC DATA:	Survey 08/09/2018 & Existing records
UNDERGROUND SERVICES:	N/A
LOCAL AUTHORITY:	Shire of Denmark



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PROVISION" FOR THE COMMON LAW USES OF  
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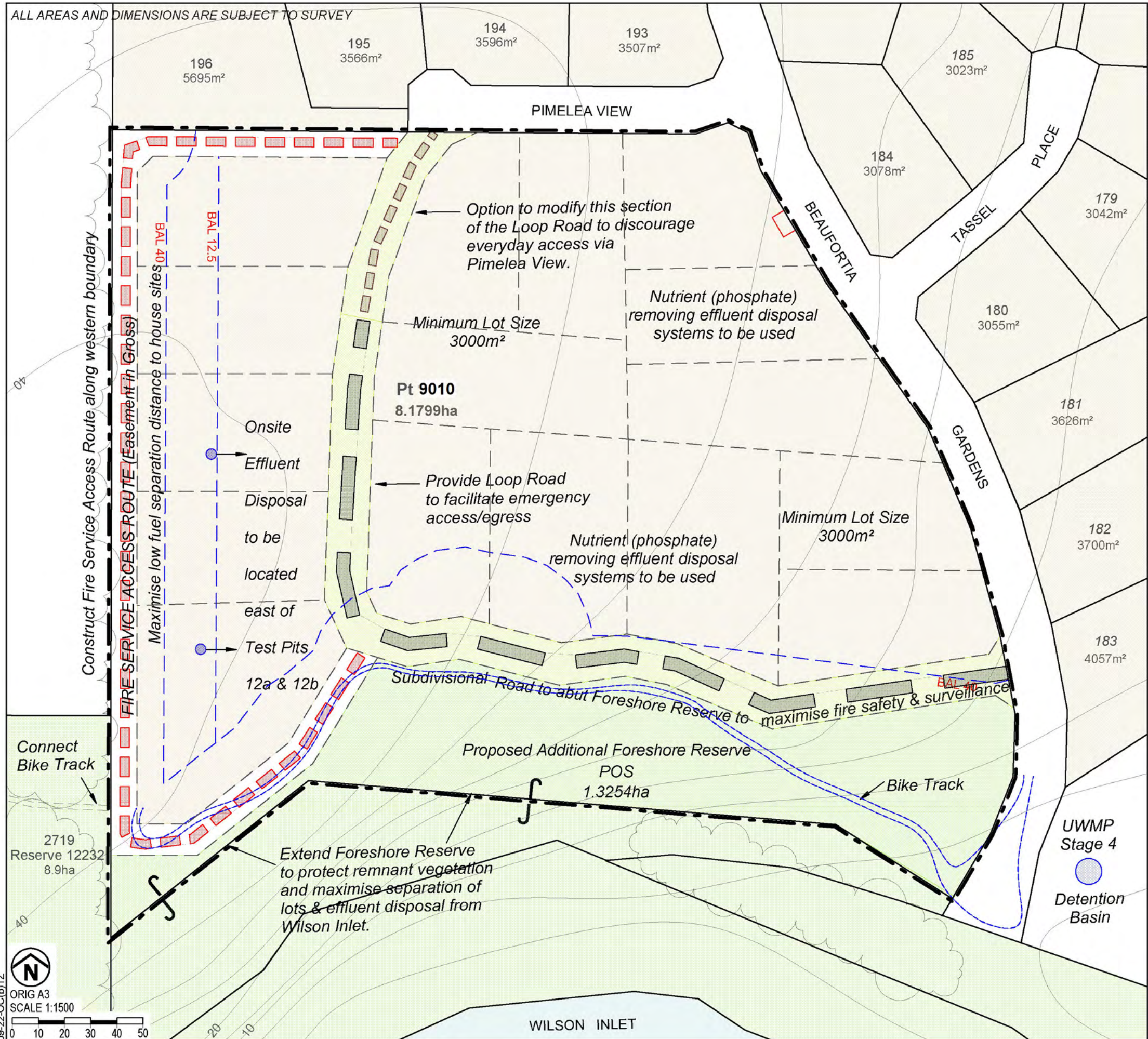
This plan has been prepared for Kelli Howell from a combination of field survey and existing records for the purpose of showing the physical features of the land as existed in designing future development, and should not be used for any other purpose.

The line boundaries shown herein were not marked or mapped at the time of survey but were determined by the PCB Survey July 2017, and by field measurement. As such, these dimensions could be varied and increased by modern standards. This plan should not be used for building footprints, boundaries, or for any other purpose without further boundary survey.

Only surface features have been located.

Before starting any demolition, excavation, or construction, the owner should make an independent and updated survey of all debris before any, and any relevant service providers to ascertain the existence of other services (if any) and the accurate location of those not able to have been surveyed at the time of preparing this plan for data.





# OPPORTUNITIES & CONSTRAINTS PLAN

Pt Lot 9010 Beaufortia Gardens  
Springdale, Shire of Denmark

Figure 9



## **7. SCHEME PROVISIONS**

As the proposed Special Residential area will form part of the overall Springdale Beach Estate, it is logical and desirable that the Special Provisions that apply to the rest of the estate also apply to the proposed addition. However, in order to address the issues and meet the specific objectives relating to the area, additional provisions are proposed together with some rationalisation of the existing provisions. A copy of the existing Special Provisions is attached in Appendix D.

The following modifications are proposed to the Special Residential (SRes6) Zone Special Provisions:

1. Delete Livestock Grazing as a potential use within the Special Residential area.
2. Preparation of a Local Structure Plan which:
  - Provides for an extension of the foreshore reserve to incorporate the more steeply sloping land and associated remnant vegetation.
  - Identifies an alignment for the proposed subdivisional road which will abut the foreshore reserve and minimises clearance of remnant vegetation.
  - Creates appropriate lot sizes, configuration and lot yield which will provide for building envelope and bushfire management setbacks whilst at the same time maximises retention of significant trees.
  - Consolidate land capability data into a Site and Soil Evaluation to ensure each proposed lot is capable of accommodating on-site effluent disposal in accordance with the Government sewerage Policy 2019.
  - Update the Springdale Beach Estate Urban Water Management Plan 2014 to the satisfaction of the Shire of Denmark and in consultation with the Department of Water and Environmental Regulation (DWER).
  - Provide an addendum to the 2014 Foreshore Management Plan which incorporates the proposed extension of the foreshore reserve to the satisfaction of the Shire of Denmark and in consultation with the DWER.



- Prepare a Landscape Management Plan to the satisfaction of the Shire of Denmark for the balance of the development area, to address the provision of street trees, retention of existing trees, areas for replanting, utilisation of local indigenous native species in domestic gardens and public reserves as a preference, reduction in the uses of fertiliser/nutrient input, mechanisms for implementation and timing, such as Estates covenants and/or Local Development Plans if deemed appropriate.
- Preparation of a Bushfire Management Plan which addresses and responds to the requirements and recommendations of Flora and Fauna Assessment, Foreshore Management Plan and Landscape Management Plan.

## **8. JUSTIFICATION – TOURIST SITE TO SPECIAL RESIDENTIAL DEVELOPMENT**

Tourist development is recognised as being one of the riskiest forms of development and in order to be sustainable it needs to be located on a strategic tourist route with access to a significant tourist attraction.

While Springdale Beach historically may have been a tourist attraction, as evidenced by a few tourist chalets which were located on the subject land, that is no longer the case. The chalets were allowed to fall into disrepair and the beach itself has been detrimentally affected by the build up of seaweed, algae and the associated unpleasant smell. At the same time competing tourist attractions have become far more popular in areas such as Ocean Beach, Greens Pool and the coast line that runs between these sites. Recent scheme amendment requests at Lot 305 Wentworth Road and Lot 3 William Bay Road will expand the range of short stay accommodation and related tourism facilities in the district.

Direct access to a strategic tourist route has also become increasingly important and the current Tourist zone suffers from being located at the end of a long cul de sac that services a residential subdivision. The location of the Boston Brewery opposite the Springdale Beach Estate on South Coast Highway, demonstrates how important the location on a strategic tourist route is to the success of tourist development. Its success will further diminish the likelihood that a restaurant and associated reception centre can be developed on the subject land.

As the Springdale Beach Estate has developed, it is also apparent that the residents are concerned that tourist traffic will be drawn through their residential estate and affect the amenity that they enjoy. The WAPC's Planning for Tourism Bulletin 83/2013 recommends that such a potential conflict should be avoided.

Section 6 of the Tourism Bulletin identifies general location criteria to assist in determining the tourism value of a site. These include;

Accessibility, Uniqueness, Setting, Tourism activities and amenities, Supply of land, Suitability in a land use context, Capability, Size and Function.

### **Accessibility**

As already noted, a major failing of the site is its lack of access onto a strategic tourism route. It is not conveniently located and lacks visibility.

### **Uniqueness**

While the site is located in proximity to Wilson Inlet, it is not unique in this aspect. There are more attractive and conveniently located tourism sites closer to Denmark town centre and Ocean Beach.

### **Setting**

While the site has an aspect and outlook overlooking Wilson Inlet, it is not immediately adjacent to the beach and access is via a steeply sloping track. Views are compromised by foreshore vegetation and the amenity of the beachfront is poor.

### **Tourism activities and amenities**

The site does have access to the historic railway dual use path, however, there are no cafes, restaurants or shops in close proximity. A jetty originally provided access to the Inlet but no longer exists and no provision has been made to replace it.

### **Supply of land**

The site is not considered to have an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities to achieve a significant tourism development in the area. There are other more attractive areas available elsewhere along the Denmark coastline.

### **Suitability in a land use context**

The site is compromised by being located adjacent to and having its main access through a residential area.

### **Capability**

The site is located in a sewerage sensitive area which may be impacted by overly intensive tourism development. The heavily vegetated foreshore and surrounding area creates a fire management issue as tourism development is deemed to be a vulnerable use. Associated clearing to maximise views of the Inlet is also a potential issue.

### **Size**

While the site is 8ha in area, its development capacity will be limited by the fact that it is not connected to a reticulated sewer system, is located in a residential and bushfire prone area.

### **Function**

The site does not meet a particular accommodation or market need that cannot be better provided for elsewhere in Denmark.

The owner of the tourist site has for many years been unable to attract any interest from a developer to develop the site. It has now become increasingly evident why any interest is unlikely to be forthcoming. Consequently, it is recommended that a more compatible land use would be to develop it for Special Residential lots.

With regards the Local Planning Strategy Objectives and Strategies, the following additional notes are made:

- Without any demand for the site as a tourism venture despite its long-term availability, objectives for local economic benefit, local investment, local employment and the like are not being met (s4.4 Tourism Strategy e & f).
- Without any demand for the site as a tourism venture despite its long-term availability, the objectives of having appropriately zoned land available for new development are not being met (s4.4 Tourism Strategy g).
- The site is not located near a specific identified strategic tourism site (s4.4 Tourism Strategy h).

## **9. CONCLUSION**

The Tourist zone in the south west corner of the Springdale Beach Estate was gazetted almost 20 years ago and prior the WAPC's Planning Bulletin 83/2013 - Planning for Tourism.

While the idea to designate a portion of the Estate for tourist development was based on the fact that limited tourist development had occurred on the site in the past, 'Planning for Tourism' recommends a more strategic and considered approach is required to ensure a quality, sustainable tourism outcome.

This report concludes that portion Lot 9010 does not meet the criteria to guarantee a successful tourism development and requests consideration be given to rezoning the site for Special Residential development.

It is also requested that the prevailing residential density of the Estate be applied to the site in accordance with the guidelines provided in the Government Sewerage Policy.

A comparison of the potential environmental impact of a tourist development on the site with a Special Residential development, assuming the creation of 17 lots with a minimum lot size of 3000m<sup>2</sup>, indicated that the residential option would produce less nutrients. The assessment was based on the Urban Nutrient Decisions Outcomes tool (UNDO) developed by DWER which was designed in order to assess nutrient inputs in a consistent and scientifically rigorous manner. The nutrient output rates used are described as conservative.

However, it is understood that other factors need to be taken into account to minimise any impact on the Wilson Inlet. These include the provision of a vegetation buffer to the Inlet, retention of existing remnant vegetation on the site, replanting of cleared areas with indigenous local species, incorporation of the most steeply sloping land into the foreshore reserve and updating the Urban Water Management Plan for the estate.

Preparation of a Local Structure Plan is recommended which will provide for the Indicative Concept Plan to be refined to address the issues highlighted in this report.

Provision of additional Scheme Provisions are proposed which will provide the Shire of Denmark with the means to ensure key recommendations are implemented.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DENMARK

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 149

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 portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Tourist (T9) Zone to Special Residential (SRes6) Zone;*
2. *Reserving portion Lot 9010 from Tourist (T9) Zone to the Parks & Recreation Reserve;*
3. *Reserving portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Special Residential (SRes6) Zone to the Parks & Recreation Reserve;*
4. *Rezoning portion Reserve 52123, from the Tourist (T9) Zone to the Parks & Recreation Reserve;*
5. *Rezoning portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;*
6. *Rezoning Lots 193, 194, 195 & 196 Pimelea View from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;*
7. *Reserving portion of Beaufortia Gardens, Tassel Place and Pimelea View from the Tourist (T9) Zone and the Special Residential (SRes6) Zone to Road Reserve;*
8. *Delete Tourist Zone (T9) from Appendix XIII;*
9. *Modify Appendix XIV – S Res 6 Special Provisions as follows:*
  - *Delete the words “Livestock Grazing - see clause (viii)a)” from the Proposed Uses column.*
  - *Delete provisions a), b), c) and d) of provision viii) and replace with:*
    - a) Intensive horticulture and grazing of livestock is not permitted;*
10. *Add the following to SRes 6 Special Provisions in Appendix XIV;*
  - xii) *In addition to the Special Provisions outlined above, for the purpose of subdivision and development of land contained within that area generally bound by Beaufortia Gardens to the east, Wilson Inlet to the south, Pimelea View and Lot 196 to the north, and Reserve 12232 to the west, the following additional provisions shall apply, noting in the event of any conflict these additional provisions will prevail:*
    - (a) *The Special Residential lots should comply with the requirements of the Government Sewerage Policy 2019 unless further supporting information is provided to demonstrate capability. . A lot size of no less than 3000m2 will be considered.*
    - (b) *In addition to the minimum setback requirements prescribed under provision ii) (a) above, all buildings, site works and retaining walls shall be set back a minimum of 20 metres from the western boundary with Reserve 12232. No further reduction in this setback will be permitted.*

(c) *Subdivision of the site shall generally accord with an approved Structure Plan that incorporates the following supporting documents:*

- 1) A site specific Flora and Fauna Assessment.*
- 2) The Springdale Beach Estate Urban Water Management Plan 2014 is to be updated to the satisfaction of the Shire of Denmark and the Department of Water and Environmental Regulation and include reference to consistency with the Wilson Inlet Management Strategy.*
- 3) An addendum to the Site and Soil Evaluation report prepared by Aurora Environmental (December 2021), to inform appropriate lot sizes, configuration, and yield, the proposed method of on-site effluent disposal, building envelopes, remediation works (where applicable) and consistency with the Wilson Inlet Management Strategy, is to be prepared to the satisfaction of the Shire of Denmark, Department of Water and Environmental Regulation and Department of Health.*
- 4) An addendum to the existing Foreshore Management Plan that includes appropriate management conditions consistent with the Wilson Inlet Foreshore Reserve Management Plan 2008 (or its equivalent as amended) and the Wilson Inlet Management Strategy. The addendum is to be prepared to the satisfaction of the Shire of Denmark and the Department of Water and Environmental Regulation to address, amongst other matters:- protection of vegetation and fauna habitat, erosion control, weed management, walkways/ bike paths and access controls, lighting to incorporate dark sky principles as referenced in the WAPC's Position Statement "Dark Sky and Astrotourism" and the "National Light Pollution Guidelines for Wildlife" (as amended), re-vegetation, setbacks and parking and any other matters appurtenant to or impacting upon the adjacent foreshore area.*
- 5) A Landscape Management Plan shall be prepared to the satisfaction of the Shire of Denmark for the balance of the development area to address the provision of street trees, identification and protection of trees to be retained, areas for replanting, the protection of fauna habitat, a preference for use of locally indigenous native species in domestic gardens and public reserves, fertilizer/ nutrient input, mechanisms for implementation and timing, lighting to incorporate dark sky principles as referenced in the WAPC Position Statement "Dark Sky and Astrotourism" and the National Light Pollution Guidelines for Wildlife (as amended), including consideration of estate covenants and/ or Local Development Plans if deemed appropriate.*
- 6) A Bushfire Management Plan that addresses and responds to the requirements and recommendations of the Flora and Fauna Assessment, Foreshore Management Plan, and Landscape Management Plan.*
- 7) The requirement for preparation of a Construction Management Plan prior to the commencement of subdivision or development site works to the satisfaction of the Shire of Denmark to address such matters as erosion and sediment transport control and dieback control (including land based movement and groundwater movement).*

(d) *Where required under an approved Structure Plan, a local development plan is to be prepared for all or part of the structure plan area.*

(e) *All buildings, retaining walls and effluent disposal systems are to be contained within an approved building envelope if nominated on an approved Structure Plan.*

- (f) *Where informed by recommendations contained within a Site and Soil Evaluation report and/or approved Structure Plan Council may impose conditions at the time of subdivision to address site remediation, fill and compaction of house pads and effluent disposal areas within the defined building envelopes.*
- (g) *Where identified on an approved Structure Plan, Council may impose conditions at the time of subdivision to require the construction of Strategic Firebreaks/ Fire Service Access Routes and a requirement for registration of such as an easement in gross under Section 195 of the Land Administration Act 1997.*
- (h) *No clearing of significant trees or endemic vegetation shall be permitted where such vegetation is shown on the approved Structure Plan for retention unless:*
- *Such clearing is approved in conjunction with a development application granted by the Shire of Denmark.*
  - *Trees are diseased or dangerous as confirmed in writing by a qualified arborist and verified by the Shire of Denmark.*
  - *Such works have been mandated under the Shire of Denmark's Fire Management Notice.*

*and*

*11. Amending the Scheme maps accordingly.*



## Existing Zoning



## LEGEND

### LOCAL SCHEME RESERVE

Parks and Recreation

Road

### LOCAL SCHEME ZONES

Special Residential

Tourist

### OTHER CATEGORIES

(see scheme text for additional information)

Scheme Area Boundary

A21 Additional Use

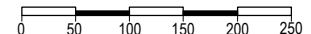
SRes 6 Special Residential Area

T9 Tourist Area

Waterbodies



ORIG A4  
SCALE 1:7000



## Proposed Zoning



09-22-ZP(e)

### COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the Shire of Denmark at the Meeting of the Council held on the 21st day of June, 2022.

COMMON SEAL



A handwritten signature in black ink, appearing to be "Andrew", written over a horizontal line.

**Shire President**

A handwritten signature in black ink, appearing to be "HRC", written over a horizontal line.

**Chief Executive Officer**

### COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Denmark at the Ordinary Meeting of the Council held on the 21st day of JUNE, 2022, proceed to advertise this Amendment.

COMMON SEAL



A handwritten signature in black ink, appearing to be "Andrew", written over a horizontal line.

**Shire President**

A handwritten signature in black ink, appearing to be "HRC", written over a horizontal line.

**Chief Executive Officer**

### COUNCIL RECOMMENDATION

This Amendment is recommended for approval by resolution of the Shire of Denmark at the Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and the Common Seal of the Shire of Denmark was hereunto affixed by the authority of a resolution of the Council in the presence of:

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

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

**WAPC ENDORSEMENT (r.63)**

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**Delegated Under S.16  
of the PD Act 2005**

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**Date**

**APPROVAL GRANTED**

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**Minister for Planning**

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**Date**

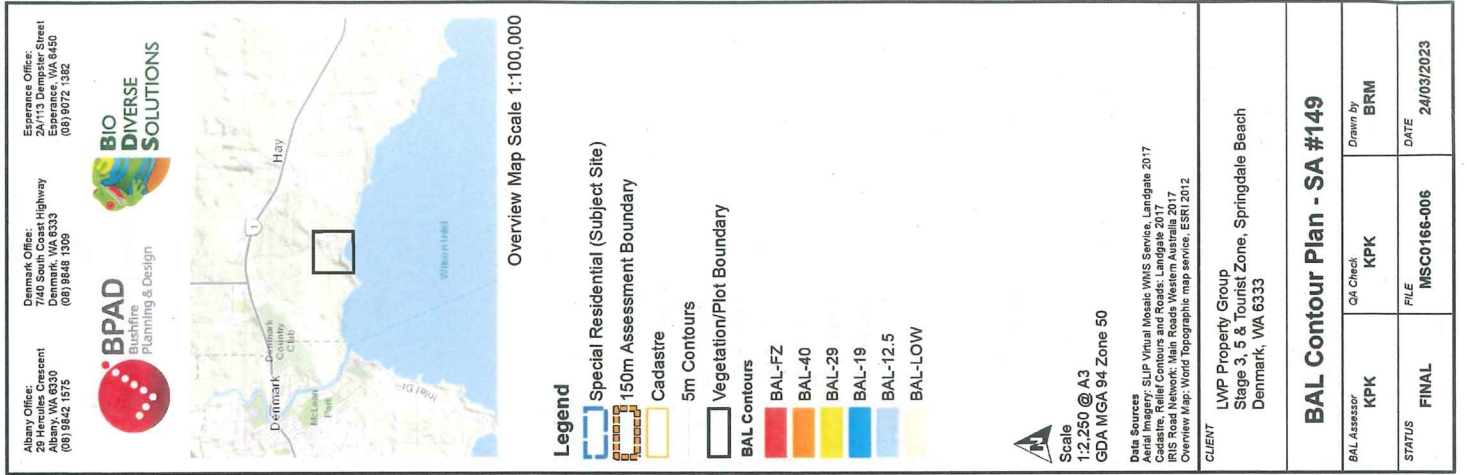
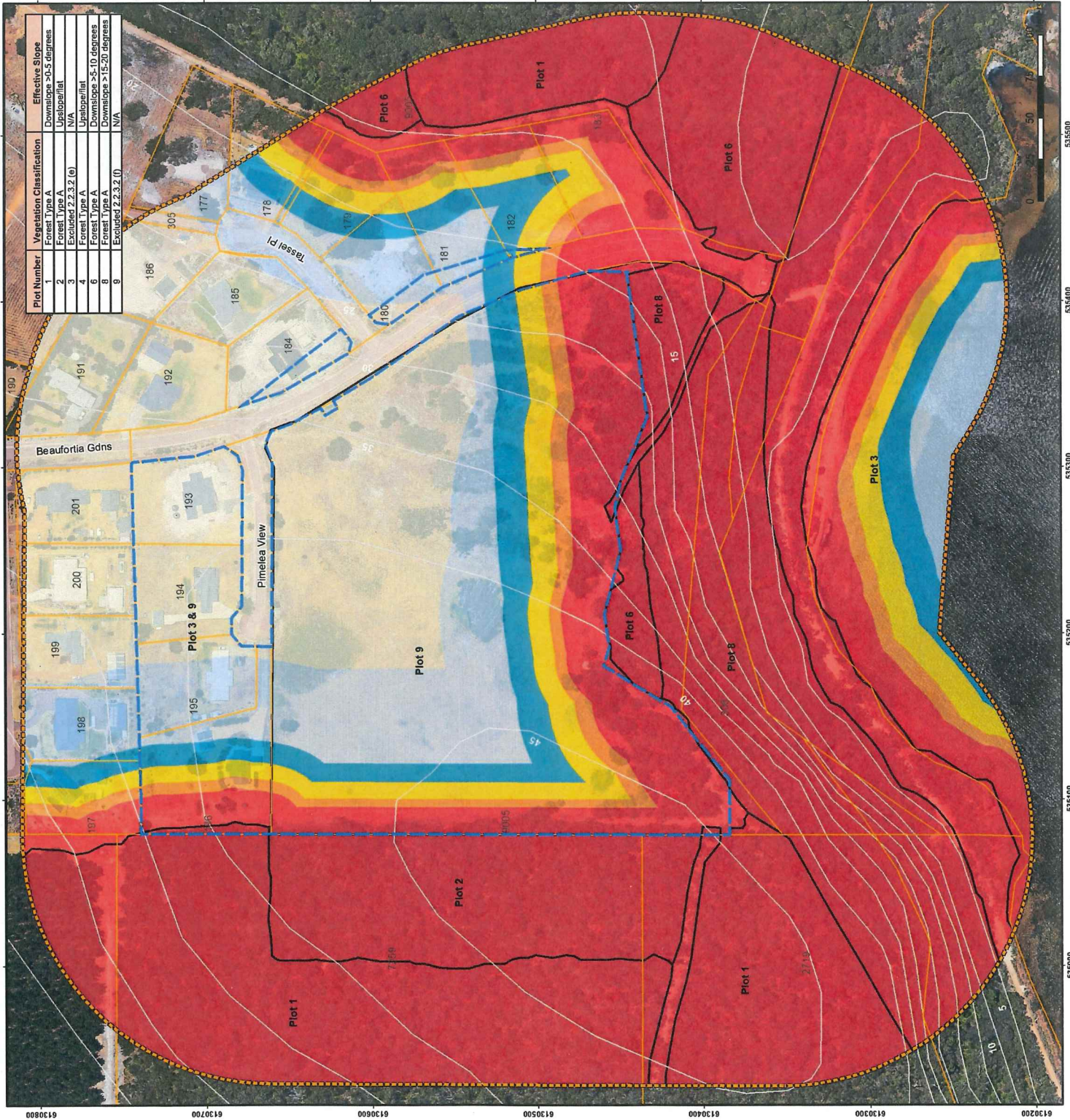
### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 9	Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark.	<ol style="list-style-type: none"> <li>Notwithstanding Table One of the Scheme, the following uses are the only permitted (P) uses: <ul style="list-style-type: none"> <li>Single House</li> <li>Cottage Industry</li> <li>Caretakers Dwellings</li> <li>Holiday Accommodation</li> <li>Reception Centre</li> <li>Restaurant</li> <li>Shop (max. 150m2 GLA)</li> </ul> </li> <li>Notwithstanding Table One of the Scheme, the following uses are permitted if incidental to the predominant use of the land (IP): <ul style="list-style-type: none"> <li>Day Care Centre</li> <li>Private Recreation</li> <li>Public Amusement</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>All development shall be subject to the issue of Planning Consent.</li> <li>Applications for Planning Consent shall require the submission of: <ul style="list-style-type: none"> <li>A completed "Application for Planning Consent" form as per appendix 3 of the Scheme.</li> <li>Development Guide Plan/s for the total zone showing the precise ground conditions, site works and the location, size and use of all the buildings proposed for the total zone, replanting and landscaping proposals and the fire protection measures to be adopted.</li> <li>Scaled elevation plans showing elevations from public roadways and internal roadways as well as the materials and colours to be used.</li> </ul> </li> <li>No development shall be permitted within the Development Exclusion Area as shown on the Subdivision Guide Plan.</li> <li>The total density of holiday accommodation units shall not exceed 3.33 units per hectare of gross site area.</li> <li>Car parking for holiday accommodation uses shall be provided and located to Council's satisfaction based on one bay per unit. Car parking requirements for other site uses shall be at the discretion of Council.</li> <li>All signage to be subject to the prior approval of Council in accord with Scheme requirements, Local Law and adopted policy.</li> <li>Potable water shall be provided via the reticulated system.</li> <li>Electricity supplies shall be reticulated underground.</li> <li>Requirements for onsite effluent disposal shall be determined by Council and the Health Department of Western Australia.</li> <li>A Foreshore Management Plan shall be prepared to the satisfaction of Council and the Waters and Rivers Commission to assess and manage the relationship and impacts on the foreshore.</li> <li>Any walkways to connect with the Foreshore shall require the approval of Council and the Waters and Rivers Commission in terms of their location, design and construction.</li> <li>A landscaping plan shall be prepared and implemented based on a minimum site coverage of 10%, utilising local native species and providing for replanting as shown on the Subdivisional Guide Plan for Loc 1935.</li> <li>Additional tree/shrub planting may be required as a condition of development approval.</li> <li>Low fuel areas at least 20m wide shall be established and maintained around all buildings.</li> </ol>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 9	Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark. (Cont'd)		<p>15. A strategic fire break shall be provided and maintained so as to separate buildings from the northern and western boundaries and the development exclusion area and shall connect to public roads. This strategic fire break may take the form of dedicated fire access track/s and/or internal access ways.</p> <p>16. Other fire safety equipment/features shall be provided to the satisfaction of Council and the Fire &amp; Emergency Services Authority and may take the form of gutter guards, fire blankets, fire extinguishers, hose reel/s or hydrants, down pipe plugs and the like.</p> <p>17. All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p> <p>18. All buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of surrounding lots as well as the locality.</p> <p>19. Proposals to vary the height restrictions pursuant to 18 above, shall be accompanied by such plans, elevations and sketches as is determined by Council to assess the effect on visual amenity and the natural screening properties of vegetation and topography.</p> <p>20. The use of pale, white, off white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and advocate green to brown tonings/natural hues.</p> <p>21. All buildings shall be set back a minimum of 20m from the western boundary and 10m from all other boundaries.</p> <p>22. All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council Approval.</p> <p>23. Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Tourist Zone No. 9 acknowledge that the zone is located in a predominantly rural area where rural activities are carried out.</p>







Mr David Schober  
Chief Executive Officer  
Shire of Denmark  
PO Box 183  
**DENMARK WA 6333**

Our Ref: CMS 18010  
Enquiries: Renee Blandin, 6364 7259  
Email: [Renee.Blandin@dwer.wa.gov.au](mailto:Renee.Blandin@dwer.wa.gov.au)

Dear Mr Schober

**DECISION UNDER SECTION 48A(1)(a)**  
***Environmental Protection Act 1986***

<b>SCHEME</b>	<b>Town Planning Scheme 3 Amendment 149</b>
<b>LOCATION</b>	<b>Various lots Beaufortia Gardens and Pimlea View Hays and Reserve 52123, Springdale Beach Estate</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Denmark</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Hans Jacob', is positioned above the printed name.

**Hans Jacob**  
**Delegate of the Environmental Protection Authority**  
A/Director  
EPA Services

29 July 2022

Encl. Chair's Determination  
Scheme Advice and Recommendations



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

**Shire of Denmark Town Planning Scheme (TPS) 3 Amendment 149**

**Location: Various lots Beaufortia Gardens and Pimlea View Hays and Reserve 52123,  
Springdale Beach Estate**

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

**Determination Published: 1 August 2022**

**Summary**

The Shire of Denmark proposes to move portion Lot 9008 Beaufortia Gardens, Hay from the Tourist (T9) zone and Parks and Recreation reserve to the Special Residential (SRes6) zone, to rezone Lots 193, 194, 195 & 196 Pimelea View & portion Lots 180, 181, 182 & 184 Beaufortia Gardens from the Tourist (T9) zone to the Special Residential (SRes6) zone, to move a portion of Reserve 52123 from the Tourist (T9) zone to the Parks and Recreation reserve and to delete Tourist Zone (T9) from Appendix XIII of the Scheme. The amendment also proposes modifications to the scheme text for Appendix XIV – Special Residential 6 Special Provisions.

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**

Having regard to the EPA's Statement of Environmental Principles, Factors and Objectives, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

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

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

The EPA is supportive of the proposed Amendment 149 scheme text provisions ( as amended by Council on 21<sup>st</sup> June 2022).

It is noted that the Indicative Concept Plan provided with the amendment is not consistent with the Government Sewerage Policy (GSP) (2019) The EPA recommends future subdivision design be updated to be consistent with this as well as the Shire's proposed scheme provisions and the EPA's advice below.

The EPA considers the proposed detailed scheme provisions and proposed Parks and Recreation reservation are important mechanisms to ensure the amendment is not inconsistent with EPA's objectives for the factors of Inland Waters, Flora and Vegetation, Terrestrial Fauna and Social Surroundings.

### **Inland Waters**

The site is located adjacent to the Wilson Inlet. Future development associated with the amendment has the potential to impact groundwater and surface water hydrology and quality of the Wilson Inlet.

The amendment area is located within a sewage sensitive area, defined by the GSP (2019) as land within two kilometres of the Wilson Inlet. The EPA supports the Shire's proposed scheme provisions requiring future development within the amendment area to meet the requirements of the GSP (2019), including for compliance with the minimum lot size outlined in the policy.

It is noted that some areas of the site contains soils with low nutrient retention capability, and some areas have soils typically unsuitable for onsite effluent disposal. Scheme provisions requiring future development to be supported by an updated Site and Soil Evaluation to the satisfaction of the relevant government agencies are supported.

The EPA supports the Shire's proposed scheme text provisions associated with the Inland Waters factor. This includes preparation of Urban Water Management Plan and Foreshore Management Plan addendums, and of a Landscape Management Plan and Construction Management Plan.. The plans should demonstrate mitigation and management of impacts on the Wilson Inlet, including identification of an appropriate setback to the Inlet. Water management planning should maintain or improve groundwater and surface water quality. Maintenance of pre-development hydrology should be considered at various stages as part of water management planning. Planning for and development of the site should take into consideration proposed and actual wetland mapping updates and consider management and mitigation of impacts to wetland values.

The EPA supports the proposed combination of initiatives outlined in the amendment report and reflected in the scheme provisions to minimise the impacts of future development on the Wilson Inlet, including through best practice management of stormwater, management of fertiliser use, retention of native vegetation and provision of a foreshore reserve area as a vegetated buffer to the Wilson Inlet.

Consistent with the Shire's proposed provisions, future development of the site should be consistent with the Wilson Inlet Management Strategy (2013) (and/or future versions of this strategy).

### **Flora and Vegetation; Terrestrial Fauna**

Based on the referral information provided, approximately 30% of the site is vegetated and contains native vegetation including Karri, Jarrah/Marri woodland and Peppermint Trees, ranging from Degraded to Excellent quality. The vegetation is also potential habitat for conservation significant fauna including threatened species of black cockatoo. Whilst the vegetation is potential habitat for Western Ringtail Possum, the survey provided with the amendment did not find evidence of this species utilising the site.

The implementation of the scheme amendment may result in the clearing of native vegetation. The EPA supports the transfer of a 1.5 hectare portion of the amendment area containing native vegetation to Parks and Recreation Reserve.

The EPA also supports the Shire's proposed scheme provisions that will identify, protect and manage environmental values associated with the factors of Flora and Vegetation and Terrestrial Fauna.

Future planning for the site should consider building envelopes that identify and retain consolidated areas of native vegetation that provide ecological linkage throughout the amendment area, with an emphasis on retention of conservation significant fauna habitat and significant trees.

Road layout (including consideration of edge effects and safe fauna passage), fire and drainage management should all be managed through the planning process to minimise impact to environmental values within and surrounding the amendment area.

### **Social Surroundings**

The EPA supports proposed scheme provisions that will require future development to consider the Western Australian Planning Commission's (2022) *Position Statement: Dark Sky and Astrotourism* to mitigate potential impacts to visual amenity on the Wilson Inlet.

### **Conclusion**

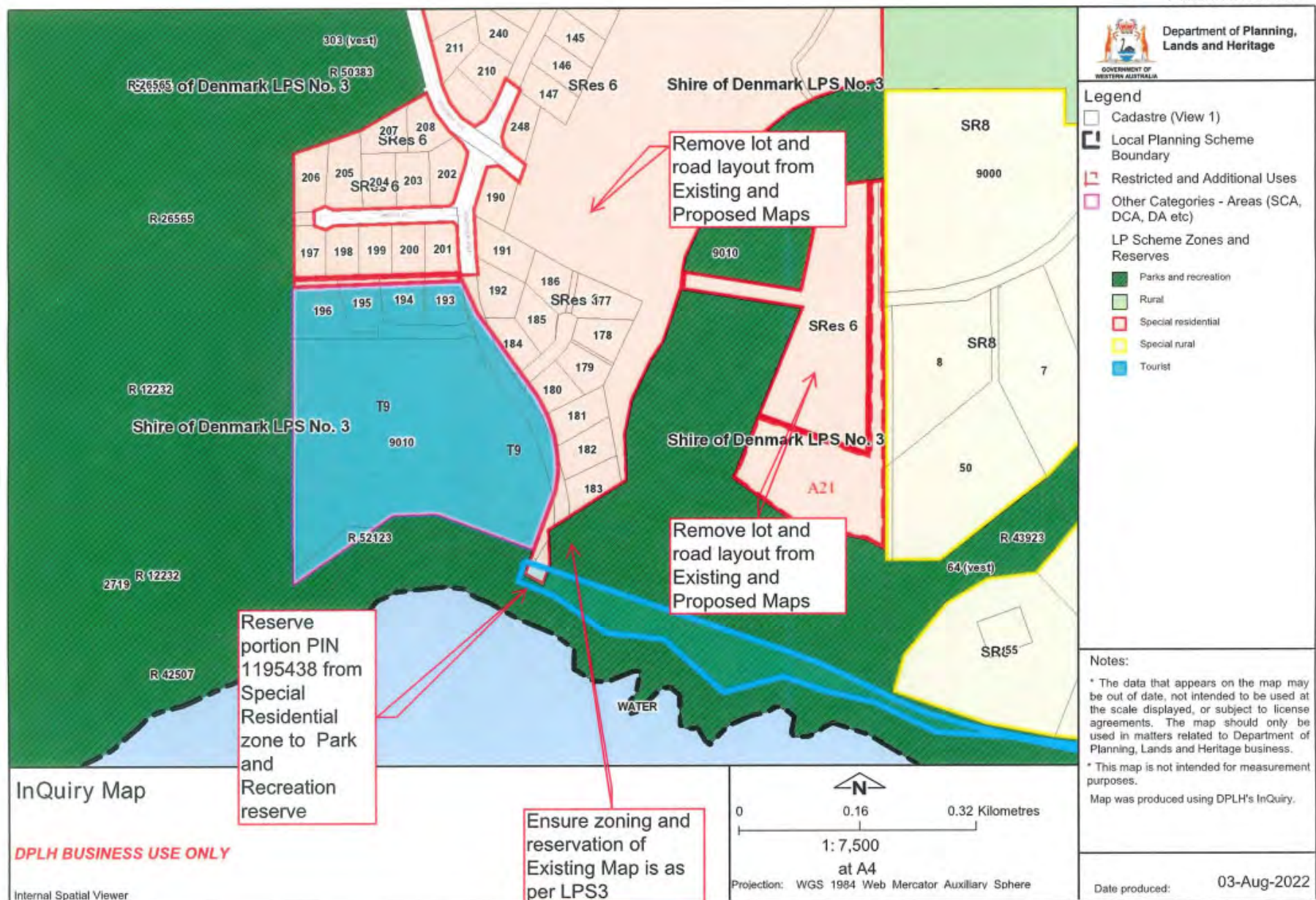
The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the proposed scheme provisions and scheme map amendments. In addition, future planning processes and management measures will manage potential impacts. The EPA recommends its advice is implemented to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

## SCHEDULE OF WAPC ADVICE - TPS 3 Amendment 149

	WAPC SUGGESTED MODIFICATION	OFFICER RESPONSE
(1)	Inclusion of a new resolution point to reserve a portion of PIN 1195438 from Special Residential zone to Parks and Recreation reserve (see Attachment 2 – blue highlight). Modify Existing and Proposed Maps accordingly.	<p><b>No objection to proposed modifications.</b></p> <ul style="list-style-type: none"> <li>• This will correct a zoning anomaly on the existing scheme maps.</li> <li>• The map modification had been implemented prior to advertising, noting it was shown on the same map as other changes mandated by the WAPC prior to advertising.</li> <li>• The Amendment resolution will need to be modified to include reference to the additional reserve portion.</li> </ul>
(2)	<p>In regard to the proposed provisions for SR6 zone of Appendix XIV of LPS3,</p> <p>a) Remove requirement to prepare structure plan over Lot 9010:</p> <p>i) Structure planning within the Special Residential zone is not required under r.15(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), and evidence has not been provided to demonstrate structure planning is required in accordance with r.15(c).</p> <p>ii) Supporting documents, as proposed, are sufficient to guide preparation and assessment of a subdivision proposal over Lot 9010 without need of amendment or addendum to the existing structure plan.</p>	<p><b>Modifications <u>NOT</u> supported.</b></p> <ul style="list-style-type: none"> <li>• The proposal seeks to extend the existing SRes6 zone and does not constitute a new zone.</li> <li>• In applying the SRes6 zone, subdivision and development will be subject to the Special Provisions under Appendix XIV of TPS 3.</li> <li>• Special Provisions for the SRes6 zone already establish the requirement for subdivision to be generally in accordance with the subdivision guide plan (Structure Plan).</li> <li>• The adopted Subdivision Guide Plan (Structure Plan) already includes the full extent of Lot 9010, including the area subject to rezoning for residential purposes as a 'Tourist site'.</li> <li>• The proposal to require structure planning is compliant with r.15(a)(ii) of the Deemed Provisions as it reflects an established provision and requirement contained within TPS 3.</li> </ul>

		<ul style="list-style-type: none"> <li>• The supporting documents contained within the Amendment report are not adequate to guide preparation and assessment of subdivision. The proposed Scheme provisions were formulated to address reporting deficiencies and requirements identified prior to advertising in conjunction with the EPA's consideration of the matter.</li> </ul>
	<p>b) Remove requirement to prepare a Local Development Plan (LDP) over Lot 9010:</p> <p>i) There is no justification to demonstrate an LDP is required in accordance with cl 46 of the Deemed Provisions of the Regulations.</p>	<p><b>Modifications <u>NOT</u> supported.</b></p> <ul style="list-style-type: none"> <li>• cl 47 of the Deemed Provisions enables a local development plan to be prepared <u>where required under a structure plan or another provision of the Scheme</u>.</li> <li>• It is envisaged that the requirement for an LDP would be informed through the structure planning process.</li> <li>• The ability to require LDP's on individual lots is justified having regard to the environmental sensitivities of the site, the need to plan and accommodate retention of significant trees, protect viewsapes, vehicle access requirements and the existing residential interface.</li> <li>• An LDP will provide a mechanism to control and coordinate future building areas, setback variations, crossover locations and tree protection on individual lots where justified and informed through the structure planning process.</li> </ul>
	<p>c) Summarise xii (c) provisions and remove or modify provisions xii(g) and (h) where repeating existing SR6 provisions.</p>	<p><b>Modifications are <u>NOT</u> supported</b></p> <ul style="list-style-type: none"> <li>• These provisions have been developed in conjunction with EPA to address various issues and deficiencies identified through preliminary assessment of the amendment document.</li> <li>• It is considered that any modifications being contemplated by WAPC would need to be re-referred to the EPA to determine</li> </ul>

		<p>whether it would constitute a fundamental change in the proposal as assessed.</p> <ul style="list-style-type: none"> <li>• The provisions under (g) and (h) do not duplicate provisions already applicable to the broader SR6 area, being intended to provide additional guidance and controls to that would better inform development requirements.</li> <li>• The provisions applicable to Lot 9010 (Tourist rezoning) would apply above and beyond the Special Provisions for the broader Springdale Beach Estate. Lot 9010 occupies a significant position adjacent to the Wilson Inlet warranting additional subdivision and development requirements to protect the landscape and environmental values of the site.</li> <li>• Any further review and refinement of the established Scheme Provisions for Springdale Beach is not warranted or necessary through the current Amendment process. A comprehensive review will take place through the Scheme Review process. To require a comprehensive review of established provisions at this stage would result in an unnecessary delay for progressing the Amendment and serve little benefit given development of the Springdale Estate is substantially complete.</li> </ul>
(3)	<p>In regard to the Amendment Report,</p> <ul style="list-style-type: none"> <li>a) Remove indicative lot layouts from within Figures 4, 5 and 9</li> <li>b) Delete Figure 7 (historic indicative lot layout) and remove discussion from report.</li> <li>c) Reference draft Position Statement – Planning for Tourism and applicable Guidelines within section 5.4 and section 8.</li> </ul>	<p><b>No objection to proposed modifications.</b></p> <ul style="list-style-type: none"> <li>• These changes relate to details contained within the supporting amendment report and are inconsequential to the outcome of the rezoning or scheme provisions as proposed.</li> </ul>



## SCHEDULE OF SUBMISSIONS

### Town Planning Scheme No.3 – Amendment No.149

#### Submissions Received from Public

Ref No.	Submitter Details	Verbatim Submission	Planning Services Comment
S1		<p><b>Do you support the proposal?</b> Undecided</p> <p><b>What are your questions, comments or concerns?</b> This is not what was proposed to ask the people of the estate and people that have spent all their savings buying and building houses to what they thought would be a something else. Too many changes to plans and rules which people were under the impression this is what the area that they live in would be like.</p>	<p><b>Comment noted.</b></p> <p>The submission does not identify specific planning considerations relevant to assessment of the amendment.</p> <p>The planning framework provides for modifications to respond to changing circumstances over time. Objections based solely upon a concern with changes to the status-quo do not represent a valid basis to refuse the rezoning request.</p>
S2		<p>We wish to lodge our objections to the proposed amendment 149 – to the Springdale Beach Tourism site. We are the owners of [REDACTED], a property that is located directly across the street from Lot 9008 Beaufortia Gardens, Hay, Shire of Denmark, which is currently Zoned T9 for Tourism development. The proposed amendment would rezone this property to Special Residential allowing an extension of the existing housing development estate. Our concerns are essentially that this proposed change significantly prohibits the long term development of this area as a coherent historical and natural reserve with important tourist and historic attributes to our precious locality.</p> <p>Lot 9008 has special historical significance for the Denmark area. From 1921 a railway siding at the location was developed into one of Western Australia's premiere pre-World War II tourist attractions, bringing guests by rail from Perth and other country areas to stay at the Springdale Guesthouse and Tea Gardens, and</p>	<p><b>Objection noted.</b></p> <p>The existing Tourist (T9) zone enables a range of commercial uses to occur on-site including Holiday Accommodation units, a Reception Centre, Restaurant, Public Amusement, Caretakers Dwellings and Cottage Industry as detailed in Appendix 13 of TPS No.3. The size, scale and nature of such Tourist development would not be comparable to that which had previously existed, nor would the current scheme requirements mandate the provision of public access or additional public open space/ recreational facilities.</p> <p>The site is not included in the Shire's Heritage List or</p>



	<p>adjacent camping grounds. The popular Wilson Inlet Heritage trail runs along the Springdale Beach Foreshore between the Denmark and Hay rivers, and is a section of the Munda-Biddi off road cycling trail linking Mundaring to Albany. This trail opens through a car park to Lot 9008. According to the Shire of Denmark Municipal Heritage Inventory, adjacent areas contain significant Heritage assets including Reso Train Seats and an important Minang people ochre source, with the overall settlement area nominated for inclusion in the Municipal Inventory. The Wilson Inlet Heritage Trail is part of the Denmark Railway Heritage Precinct. A significant Aboriginal cultural heritage structure is also located nearby off the trail.</p> <p>Lot 9008 is the only land zoned to support the development of tourist facilities to highlight this important era of Denmark history, and of the history of tourism in Western Australia. The site is unique with its close access to and from the iconic views of Springdale Beach and the Wilson Inlet Heritage trail, with road connections and parking. It is one of only 3 points of public access to the Wilson Inlet foreshore and the only one with significant heritage value. Once developed for housing this will constitute an irretrievable lost opportunity for the Shire of Denmark, and continue the concentration of tourist activity in the centre of Denmark which is already over congested during tourism season. The existing Springdale Beach residential zone has minimal public open space for community gatherings and children's play areas, and the existing T9 zoned area should be developed in a fashion that will strongly improve the amenity of the existing residential area.</p> <p>We selected our property, in part, because of its iconic location and importance to local history. A properly developed Lot 9008 will significantly enhance these values and even more importantly to the community, it can provide opportunity to restore and preserve important natural, historical, cultural and recreational facilities to the Shire of Denmark. More of the same in terms of residential development will irreparably diminish these unique values.</p> <p>We encourage the Shire and the State, to take a wider and longer view of this development decision, and preserve space for a creative future development that will be distinctive to Denmark and a significant asset to the local economy and history. The existing proposed development also has many design features, such as</p>	<p>the Municipal Heritage Inventory (MHI). A nearby listing notes the guesthouse closed after being burned down in the 1960's and a fire in the late 1970's had removed evidence of the former establishment. Other nearby heritage listings associated with an ochre source, Reso Seats and the nearby heritage rail trail are already contained within established public reserves.</p> <p>The Tourist zone was instigated by the land developer when the broader Springdale Beach Estate was rezoned, with an intent that it would capitalise on views and the near foreshore location and acknowledging historic uses previously on-site. The Tourist designation was not required in response to strategic tourist planning for the Shire, noting it is located outside the Tourist Nodes in the Shire's Rural Settlement Strategy (1999) that informed such requirements at the time.</p> <p>The Shire has supported a range of other tourism proposals and rezoning requests to facilitate broadening of Tourism development outside of the townsite. Ultimately, the decision whether to progress with any individual tourism development is dependent upon individual landowner and private investment.</p> <p>The Springdale Beach Special Residential estate has provided for the ceding of a large amount of public land through foreshore and conservation reserves, a community purpose site and public open space, with excess of 1ha also proposed to be ceded as part of the current amendment. The provision of such public open space exceeds the requirements of the WAPC's</p>
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		<p>the proposed roadway access on the steep gradient of Beaufortia Gardens that will impinge on cyclist and foot access to the trailhead, with attendant water management and traffic issues.</p> <p>We therefore encourage the Shire to reject the proposed amendment to the rezoning of Lot 9008.</p>	<p>Position Statement for the Special Residential Zone (2021) that states ....<i>"Generally, a public open space contribution is not requested in special residential zones due to the larger lots sizes"</i>.</p> <p>The proposal seeks to rezone the site for future Residential development and does not constitute approval for the subdivision layout as shown on the Indicative Concept Plan (Figure 4). The final lot yield and layout would need to be resolved as part of the next planning stage and include consideration of public access requirements.</p>
S3		<p>Since the inception of this subdivision our group has been contracted by LWP to carry out control of environmental weeds in the Public Open Space and the adjoining Foreshore Reserve. The bushland in these areas is considered to be in good-excellent condition.</p> <p>We would like to submit the following comments:</p> <ul style="list-style-type: none"> <li>• please consider re-siting the Subdivisional Rd abutting the Foreshore Reserve. The construction, maintenance and drainage of this road will have adverse impacts on the native vegetation of the Foreshore Reserve.</li> </ul> <p>If the access indicated off Beaufortia Gardens were to be moved northwards to Lot 4, a roundabout could be constructed at the junction with Tassel Place, and access to the new residential lots could be obtained by adopting a version of the plan submitted to you by the owners of Lot 182.</p> <p>The existing steep gravel track could be maintained as emergency access.</p> <ul style="list-style-type: none"> <li>• please ensure that any species selected for revegetation are of local provenance. Some of the "native" species planted around the new playground are not local and have the potential to invade nearby native bushland.</li> </ul> <p>Thank you for the opportunity to comment.</p>	<p><b>Comments Noted.</b></p> <p>The road and lot layout as shown on the Indicative Concept Plan (Figure 4) of the Amendment document has no statutory basis and was included for illustrative purposes only. The final road alignment, yield and layout will need to be resolved as part of further detailed design through the structure plan and/ or subdivision process.</p> <p>The provision of a foreshore access road is favoured under current planning design principles, to clearly demarcate the boundary between private and public land, facilitate public access and surveillance of reserves, mitigate bushfire impacts and limit edge effects on bushland that can arise through private landowner maintenance and weed encroachment.</p> <p>The Shire's Infrastructure Services Team is satisfied that the drainage requirements for future development can be accommodated and resolved through updates to the Urban Water Management</p>

			<p>Plan and as part of the detailed engineering and road design.</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, including preparation and implementation of an addendum to the Foreshore Management Plan and a Landscape Management Plan as required under the proposed Scheme Provisions.</p>
S4		<p>We are opposed the planning submission Scheme No.3 amendment 149.</p> <p>There are many areas of concern for the people in Pimelea View and those on Beaufortia and Woodward Heights.</p> <p>Our concerns are listed below.</p> <p><b><u>False Advertising</u></b></p> <p>When we first decided to buy in Springdale beach estate it was after reading the website.</p> <p><i>Springdale Beach is an intimate estate of just 170 homesites on the South Coast Highway near Denmark.</i></p> <p><a href="https://lwppropertygroup.com.au/our-communities/springdale-beach-denmark">https://lwppropertygroup.com.au/our-communities/springdale-beach-denmark</a></p> <p>By my reckoning here are now 176 building sites. There for any more being allowed to be built is going against what LWP themselves have stated on their own website. How can they add more?</p> <p><b><u>Environment</u></b></p> <p>Denmark is known for its trees, bush and flora and fauna, any trees left around this estate are targeted to be cut down in this subdivision. There are many mature marri trees in the proposed area, my husband and I watch the black cockatoo congregate</p>	<p><b>Objection and attached Petition Noted.</b></p> <p>The planning framework has been established to enable modifications that respond to changing circumstances and requirements over time. Concerns associated with the developers marketing of the estate or changes to the status-quo are not relevant planning considerations to substantiate refusal of rezoning.</p> <p>The Amendment will not establish the final lot layout, fire access track construction or road design. Such matters raised in the submission will need to be addressed as part of the next stage of planning.</p> <p>In principle maximising lot yields is favoured to enable the most efficient use of available land and services and the consolidation of urban growth and development. The number of lots that can be achieved will be influenced by a variety of factors such as site features/ constraints, effluent disposal requirements, tree protection, bushfire planning measures and land use interface.</p>

	<p>in the trees each afternoon, they feed there, some trees have no native understory, but there used to be before the place was cleared, they are mature healthy trees and are a source of food and refuge for many birds and a picture of beauty for the residents already living here. There is no mention of the breeding site on the Nullaki, there is a successful breeding program for the black cockatoo. We should be preserving their feeding trees (Marri).</p> <p><b><u>Street Names</u></b></p> <p>Pimelea View is a Cul de sac.</p> <p><a href="https://www.merriam-webster.com/dictionary/cul-de-sac">https://www.merriam-webster.com/dictionary/cul-de-sac</a></p> <p>The meaning of CUL-DE-SAC is a blind diverticulum or pouch. How to use cul-de-sac in a sentence. A street or passage closed at one end.</p> <p>The residents of Pimelea View want the Cul de sac to remain as it is, it was one of the reasons that we purchased here. It cannot be allowed to be turned into a loop road it must stay a cul de sac. The lights from traffic using the road would enter the houses of residents because when they planned and built their homes, they did not think that LWP would change the street. If it is to be made into anything it should be for emergency vehicles only like fire access, then it should be a gated road. The loop road would not benefit the existing Pimelea View residents as stated on page 29 of the Amendment, in relation to emergency access, there are only 4 houses in the moment that use the road, there would be no problems in an emergency that would only happen if there was increased traffic. See map and pages 4, 5 and 6.</p> <p><b><u>Road Design</u></b></p> <p>The fire break road that is shown on the map, needs to be a gravel road, the one below the last block 183 would be sufficient and easier on the environment and the people who are living next to it. It should not have lighting; it is a fire trail, and it will impact on us enough without lighting. Our block will be severely impacted on by a sealed fire trail. Once again, the fire trail needs to have gates on both ends be locked and for emergency vehicles only.</p>	<p>The amendment proposes to cede in excess of 1ha of additional public foreshore land providing for the long-term protection of vegetation. The final size and configuration of future residential lots will also need to address the retention of significant trees, with practical mechanisms provided for their ongoing protection through the structure planning and/or subdivision process. This may include a requirement for Local Development Plans to be prepared to inform the final building envelope areas and driveway locations.</p> <p>In terms of potential built form outcomes, it is noted that the current Tourist (T9) zone provisions accommodate the same front setback requirement (10 metres), heights and colour provisions that would otherwise apply under the proposed Special Residential (6) zone.</p> <p>There is no basis to inform a significant oversupply of residential land/ housing within Denmark. The number of lots on the market can fluctuate at any one time and is driven by a variety of factors outside the planning process.</p> <p>Springdale Beach Estate is part of an active residential development site and there is a reasonable expectation that some impacts will arise from time to time through subdivision construction. Concerns regarding any off-site impacts associated with dust and smoke, or unreasonable noise should be raised with the estate developer/ builder initially as controls do apply. Any ongoing concerns where a resolution</p>
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### **Over Supply**

The new town planning scheme No.3 Amendment 149 is asking for another 16 building sites to be developed when according to real estate.com there are 16 unsold blocks still available, 2 on Woodward Heights Road, 9 on Wisteria Link and 5 on Juncus Street. Why put in more? Higher interest rates will slow down land and house sales. This is not the only subdivision that has unsold blocks.

### **Conclusion**

My husband and I have only been here for 18 months, the first 8 months were beautiful, the solitude, peacefulness and quietness were what we had been looking for, after that the destruction of environment, the noise and smoke pollution have made it so that I regret the endless noise from the machiner when I open my doors and windows. My asthma suffers with the dust and smoke created by the building action that is continuing.

We would like our road to remain a Cul de sac with a locked gate emergency vehicle access to the fire road.

I have also enclosed a small petition of support for keeping Pimelea View a Cul de

cannot be reached can be reported to the Shire for further investigation.

The proposed scheme amendment includes a provision requiring the preparation of a Construction Management Plan prior to commencement of works on the site.

sac.



Cul de sacs in  
Springdale Beach Estate.

There are 5 Cul de sacs  
only one Tassel Place  
has an egress - that is a  
walking track - wide enough  
for emergency vehicles.  
All the others have only  
one access and that is  
how we wish to keep  
Pimela View.





		<p>Please take the time to sign our petition and help us save our street and environment.</p> <p>Petition to the Denmark Shire Council.</p> <p>Subject Matter: We are located on a Cul De Sac in Springdale beach Estate. There are only 4 houses now, so it is only a small street. There is a proposal put out by council to "create a loop road through the new residential site connecting to Plimelea View." <u>We wish that access be to a fire trail only</u> which would have a gate and a lock across it. The new subdivision is 16 lots, the traffic from these blocks would impact greatly on our street. The headlights shine directly into 2 of the 4 houses at night. We purchased these properties because of the view, the small numbers of houses and very light traffic.</p> <p>The road is already in poor condition with a large area of the turning circle completely cut away by the garbage truck. It has been in this condition for at least 6 months.</p> <p>We would also like to see the trees on this subdivision saved unlike the other parts of the estate where they have just been bulldozed and the area is completely barren of any mature native vegetation. This impacts on all the estate residences and on anyone who enjoys the bush and walks in and around Springdale Beach.</p> <p>Please sign. /</p> <p><b>Note: Signature page of petition containing names, addresses and signatures of 10 individuals has been redacted. A full copy of the petition is available to Council upon request.</b></p>	
S5		<p>We are not adverse to the amendment to rezone portion of Lot 9010 Beaufortia Gardens from Tourist (T9) zone to Special Residential Zone, but we are strongly averse to the current road design provided by Ayton Baesjou Planning, on behalf of LWP which was included in the Indicative Concept Plan (revised April 2022). In particular, we are concerned with the current concept that all traffic is intended to be streamed from a proposed new lower road into Beaufortia Gardens.</p> <p>Key points:</p> <ol style="list-style-type: none"> <li>1. <b>Lights:</b> Our approve building design, includes floor to ceiling glass across the kitchen, lounge and main bedroom, which face directly into the indicated intersection into Beaufortia Gardens. We expect substantial street lighting would be required to maintain the safety of this intersection. One of the great attractions for purchasing this block was the view that we expected could be obtained from windows during the night. If window dressings are required across the windows in these (3) rooms at night to protect us from</li> </ol>	<p><b>Comments Noted.</b></p> <p>The proposal is for rezoning of the property only and will not establish the final lot layout, fire access track construction or road design. The matters raised in the submission will need to be addressed as part of the next stage of planning.</p> <p>The rezoning includes reservation of additional land to be included in the public foreshore reserve. The provision of a foreshore access road is generally favoured under current planning design principles, to clearly demarcate the boundary between private and public land, facilitate public access and surveillance of reserves, mitigate bushfire impacts and limit edge effects on bushland due to private landowner</p>



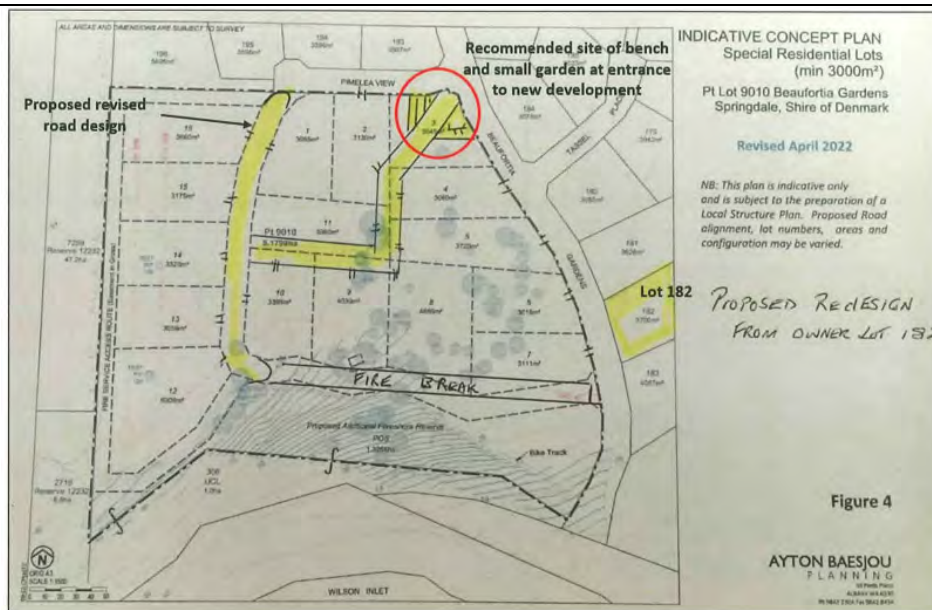
		<p>headlight glare (and potential street lighting), this significantly impacts the high value we placed on this aspect.</p> <ol style="list-style-type: none"> <li>2. <b>Privacy:</b> Related to the same problem of the relationship of the intersection to our windows, during the day we would also have all the vehicles using this road turning directly into line of sight of our windows.</li> <li>3. <b>Noise:</b> The intersection with Beaufortia Gardens is at an 8% incline. All trucks and vehicles would need to accelerate from low speed (and from stationary if a Stop sign is put there) when crossing this intersection, increasing engine noise. Large vehicles would be required for the initial development and subsequent individual lot developments, potentially with heavy loads. Our approved home is 10 metres back from the road and would incur much of this noise day and night. As mentioned above no traffic management report has been offered.</li> <li>4. <b>Inability to Mitigate:</b> There is no potential to mitigate the above issues with respect to street or car lighting and noise by tree planting, due to current BAL ratings.</li> <li>5. <b>Impacts on Wilson Inlet Foreshore Reserve:</b> There will be irreversible impact upon the environment of the Foreshore Reserve from a 300m x 18m wide sealed section of road, parallel to a large expanse of cleared land. The most significant impact is likely to be from the channeling of water runoff, but impacts would also be expected from street lighting and damage to vegetation.</li> <li>6. <b>Traffic Management Plan:</b> No traffic management plan was included in proposed development application from LWP (Ayton Baesjou Planning on behalf of LWP Indicative Concept Plan – revised April 2022).</li> <li>7. <b>Proposed Revised Design Concept:</b> In recognition of our overall support for the rezoning proposal, we propose an alternative road design concept that we believe will very much reduce the adverse effects discussed above. This is presented in detail below.</li> </ol>	<p>maintenance and weed encroachment.</p> <p>The property is currently zoned to accommodate a commercial tourist development, including a potential restaurant, function centre and chalet uses. Having regard to access and off-site impacts it is anticipated that the Tourist zoning would generate greater traffic demands, service deliveries and refuse collection requirements than that of the proposed low-density residential development. The scale and nature of the proposed rezoning does not warrant preparation of a Traffic Management Plan at this stage. The need for additional technical reports can be reviewed through the structure planning and subdivision design process dependent upon the final yield and road design.</p> <p>Bushfire Planning requirements do not preclude the ability to implement landscaping and screening on residential lots. It may, however, inform appropriate species and location of planting. Where suitably located and designed, landscaping can be integrated into residential developments, road verges and public open space without posing an undue bushfire risk.</p>
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**Discussion: Issues with Current Road Design Proposal**

The currently planned loop road around the proposed development includes the intention to redirect traffic away from Pimelea View towards the entrance from Beaufortia Gardens. We have the following comments on this proposal.

1. A sealed 300m long road with a cleared width of 18m adjacent to Wilson Inlet Foreshore Reserve below cleared land with up to 8% incline will very likely produce a wash out effect similar to the damage seen at Springdale Beach car park and Heritage Trail in June 2021. This environmental damage risk is likely to increase with ongoing climate change. Currently, no roads in the LWP Springdale development have sealed roads of this scale running close to, and parallel to, Wilson Inlet, so precedent is not available to guide planning.
2. Damage from noise, lighting, clearing and use of large machinery (the initial construction and subsequent individual lot development) will have irreversible effects upon the ecology of this Foreshore Reserve, a highlight feature of Springdale Reserve and the Denmark Shire.
3. The current design emphasizes the importance of a sealed road for fire mitigation. However, a fire break road similar to the firebreak road located at the rear of blocks 181-183 is sufficient and would not incur the same environmental damage as would a wide sealed road with continuous traffic.
4. LWP have not provide any traffic management analysis in their application. However, we believe that such traffic management plan is required and should address the following issues:
  - a. The noise impacts of traffic accelerating, from stationary or near stationary, up an 8% incline.
  - b. The impact of traffic lighting and street lighting on both residents and the environment
  - c. Safety for vehicles, pedestrians, cyclists traversing an intersection with

		<p>an 8% incline and limited visibility.</p> <p>d. Safety for vehicles approaching a currently blind intersection from the Springdale Beach car park.</p> <p>e. Numerous driveways (seven) exiting onto Beaufortia Gardens, immediately above the planned intersection site, further increasing the risk to traffic emerging from the loop road onto Beaufortia Gardens on an 8% incline.</p> <p><b>Recommendation: Revised Road Design Proposal</b></p> <p>An attached proposal for a redesign of road access into the proposed development brings traffic into the development itself from the Pimelia View – Beaufortia Gardens intersection (see Figure 1). The current block designs could be adjusted with only a small reduction to 16 lots. Where the proposed revised access road enter Beaufortia Gardens, tree planning could cover the view of the exposed cleared blocks. A bench and a little garden at this site would assist cyclists and pedestrians utilizing the current bike/ pedestrian path. This would provide both an entrance statement for this new development area and a scenic lookout.</p>	
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**Figure 1. Revised road design proposal  
(proposed revised road shown in yellow highlight)**

The primary benefits of this revised proposal are listed below:

1. Decreased environmental damage to the Springdale Beach Reserve.
2. Reduction of otherwise significant noise street lighting and car headlight impacts for blocks 181 and 182.
3. General reduction of traffic-related noise issues for Beaufortia Gardens.
4. Improved safety for vehicles exiting driveways onto Beaufortia Gardens
5. Improved safety for expected traffic utilizing the car park at Springdale Beach
6. Improved safety for cyclists and pedestrians utilizing the current path.
7. An opportunity for LWP to enhance the magnificent view from the high point of Beaufortia Gardens
8. Contribution to a community feel within the new development, with access coming from a common road.

#### **Summary**

In summary, we believe that the currently proposed road design for this planned

		new development has a number of negative aspects that could be significantly reduced with a revised road design, as proposed here. This change would be beneficial not just for our own property but also for the other residents of Beaufortia Gardens (blocks 180, 181 and 183), residents of Pimelea View, the Wilson Inlet Foreshore Reserve, residents of Springdale Beach accessing Springdale Beach and the wider community.	
S6		Pimelia View is a cul de sac and we want it to remain that way. We bought this block because it was a cul de sac. We don't Pimelia View to be used by the developers as a thoroughfare for their heavy machinery the noise and pollution will impact on our quality of life. We have a family member fighting cancer. IF Pimelia Biew is changed from a cul de sac it will impact on our privacy. We already have issues with non local traffic shining their lights into our lounge and bedroom. We have people stopping taking photos of our home and entering the block uninvited.	<p><b>Comments Noted.</b></p> <p>The proposal is for rezoning of the property only and will not establish the final lot layout, fire access track construction or road design. The matters raised in the submission will need to be addressed as part of the next stage of planning.</p>
S7		<p>We are not adverse to the amendment to rezone portion of Lot 9010 Beaufortia Gardens from Tourist (T9) zone to Special Residential Zone, but we are strongly averse to the current road design provided by Ayton Baesjou Planning, on behalf of LWP which was included in the Indicative Concept Plan (revised April 2022). In particular, we are concerned with the current concept that all traffic is intended to be streamed from a proposed new lower road into Beaufortia Gardens.</p> <p>Key points:</p> <ol style="list-style-type: none"> <li>1. <b>Lights:</b> We expect substantial street lighting would be required to maintain the safety of the intersection. Our house plans, although not yet submitted shall include large sections of glass windows and doors to maximise the view, Little or no window treatments would be required, unless of course the interference of street and vehicle lights</li> <li>2. <b>Privacy:</b> Related to the same problem of the relationship of the intersection to our windows, during the day we would also have all the vehicles using this road turning directly into line of sight of our windows.</li> <li>3. <b>Noise:</b> The intersection with Beaufortia Gardens is at an 8% incline. All</li> </ol>	<p><b>Comments Noted.</b></p> <p>The proposal is for rezoning of the property only and will not establish the final lot layout, fire access track construction or road design. The matters raised in the submission will need to be addressed as part of the next stage of planning.</p> <p>Refer to comments provided under Submission 5 that raised similar issues.</p>



		<p>trucks and vehicles would need to accelerate from low speed (and from stationary if a Stop sign is put there) when crossing this intersection, increasing engine noise. Large vehicles would be required for the initial development and subsequent individual lot developments. Our lot is one of many that have a restricted dwelling area because of the Strategic Fire Alignment necessary for the subdivision. This area is only 10 metres from the front of the block.</p> <p>4. <b>Inability to Mitigate:</b> There is no potential to mitigate the above issues with respect to street or car lighting and noise by tree planting, due to current BAL ratings.</p> <p>5. <b>Impacts on Wilson Inlet Foreshore Reserve:</b> There will be irreversible impact upon the environment of the Foreshore Reserve from a 300m x 18m wide sealed section of road, parallel to a large expanse of cleared land. The most significant impact is likely to be from the channeling of water runoff, but impacts would also be expected from street lighting and damage to vegetation.</p> <p>6. <b>Traffic Management Plan:</b> No traffic management plan was included in proposed development application from LWP (Ayton Baesjou Planning on behalf of LWP Indicative Concept Plan – revised April 2022).</p> <p>7. <b>Proposed Revised Design Concept:</b> In recognition of our overall support for the rezoning proposal, we propose an alternative road design concept that we believe will very much reduce the adverse effects discussed above. This is presented in detail below.</p> <p><b>Discussion: Issues with Current Road Design Proposal</b></p> <p>The currently planned loop road around the proposed development includes the intention to redirect traffic away from Pimelea View towards the entrance from Beaufortia Gardens. We have the following comments on this proposal.</p> <p>1. A sealed 300m long road with a cleared width of 18m adjacent to Wilson Inlet Foreshore Reserve below cleared land with up to 8% incline will very</p>	
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		<p>likely produce a wash out effect similar to the damage seen at Springdale Beach car park and Heritage Trail in June 2021. This environmental damage risk is likely to increase with ongoing climate change. Currently, no roads in the LWP Springdale development have sealed roads of this scale running close to, and parallel to, Wilson Inlet, so precedent is not available to guide planning.</p> <ol style="list-style-type: none"> <li>2. The damage from noise, lighting, clearing and use of large machinery (the initial construction and subsequent individual lot development) will have irreversible effects upon the ecology of this Foreshore Reserve, a highlight feature of Springdale Reserve and the Denmark Shire.</li> <li>3. The current design emphasises the importance of a sealed road for fire mitigation. However, a fire break road similar to the firebreak road located at the rear of blocks 181-183 is sufficient and would not incur the same environmental damage as would a sealed road with continuous traffic.</li> <li>4. LWP have not provide any traffic management analysis in their application. However, we believe that such traffic management plan is required and should address the following issues: <ol style="list-style-type: none"> <li>a. The noise impacts of traffic accelerating, from stationary or near stationary, up an 8% incline.</li> <li>b. The impact of traffic lighting and street lighting on both residents and the environment</li> <li>c. Safety for vehicles, pedestrians, cyclists traversing an intersection with an 8% incline and limited visibility.</li> <li>d. Safety for vehicles approaching a currently blind intersection from the Springdale Beach car park.</li> </ol> </li> </ol> <p><b>Recommendation: Revised Road Design Proposal</b></p> <p>An attached proposal for a redesign of road access into the proposed development brings traffic into the development itself from the Pimelia View. Still following the</p>	
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same proposed road until the end of Lot 7 which then turns into a cul de sac and all traffic then exits via the same route. In case of emergency a Fire Service Access Route with removable bollards could then continue through the cul de sac and run adjacent to the boundary fence of Lot 6 onto Beaufortia Gardens.



Original  
INDICATIVE CONCEPT PLAN  
Special Residential Lots  
(min 3000m<sup>2</sup>)  
Pt Lot 9010 Beaufortia Gardens  
Springdale, Shire of Denmark

Figure 7

AYTON BAESJOU  
PLANNING  
30 North Street  
AUSLAND WA 6230  
PH 0812 2304 Fax 0812 8401

**The primary benefits of this revised proposal are listed below:**

1. Decreased environmental damage to the Springdale Beach Reserve.
2. Reduction of otherwise significant noise street lighting and car headlight impacts for blocks 181, 182 & 183.
3. General reduction of traffic-related noise issues for Beaufortia Gardens.
4. Improved safety for vehicles exiting driveways onto Beaufortia Gardens
5. Improved safety for expected traffic utilizing the car park at Springdale Beach
6. Improved safety for cyclists and pedestrians utilizing the current path.
7. An opportunity for LWP to enhance the magnificent view from the high point of Beaufortia Gardens
8. Contribution to a community feel within the new development, with access

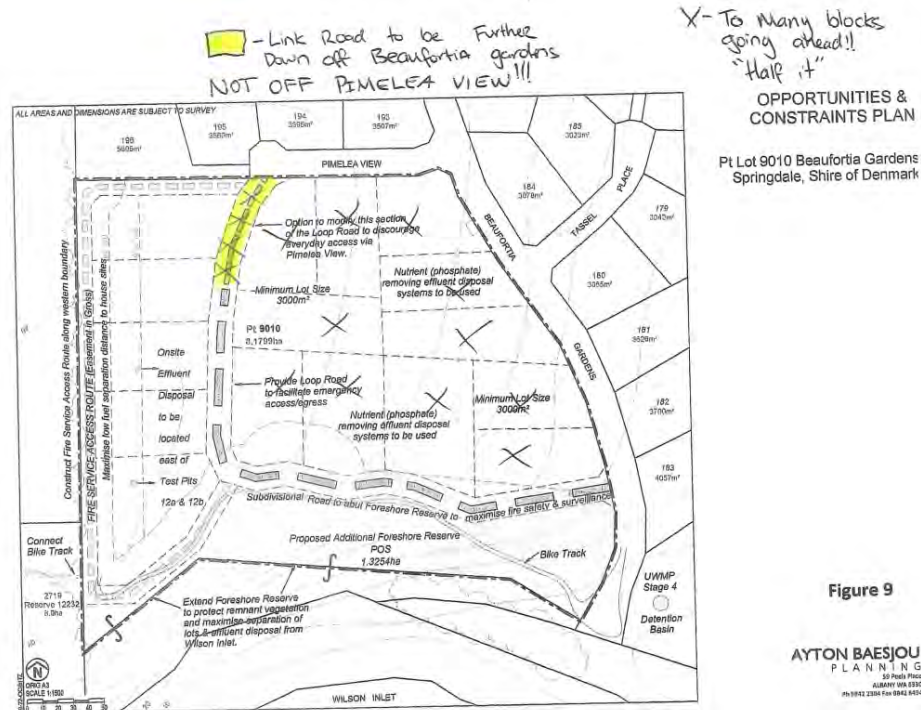
		<p>coming from a common road.</p> <p>9. Could this design also be a more cost effective solution as there would be one less intersection to fund.</p> <p><b>Summary</b></p> <p>In summary, we believe that the currently proposed road design for this planned new development has a number of negative aspects that could be significantly reduced with a revised road design, as proposed here. This change would be beneficial not just for our own property but also for the other residents of Beauforia Gardens (blocks 180, 181 and 183), residents of Pimelea View, the Wilson Inlet Foreshore Reserve, residents of Springdale Beach accessing Springdale Beach and the wider community.</p>	
S8		<p>Letter attached with petition.</p> <ul style="list-style-type: none"> <li>- No to Road off Pimelea View.</li> <li>- No to 17 new blocks to tourist site.</li> <li>- No to anything that's above x6 blocks for the tourist site!!</li> </ul> <p>My name is [REDACTED], myself and my family live within the Springdale beach community.</p> <p>[REDACTED] Pimelea View Springdale Beach HAY 6333 is our current residence. As you can see, have attached the plan and highlighted the road that we are against along with the 11 blocks you proposed.</p> <p><b>There also is a petition attached with majority of the Springdale Beach residents signing and a some of the Denmark community are also against this change!</b></p> <p>My Big concerns are the road that is going to link Pimelea view to the new Subdivision (Tourist Site lot 149) and also creating 11 new blocks within it.</p> <p><b>Pimelea View is Currently a "NO THROUGH ROAD and it's a cul-de-sac. We only purchased our block from the understanding it was always going to STAY this way.</b></p>	<p><b>Comments and Objections Noted.</b></p> <p>The proposal is for rezoning of the property only and will not establish the final lot layout, yield, fire access track construction or road design. The matters raised in the submission regarding road access and lot yield will need to be addressed as part of the next stage of planning.</p> <p>If retained, the existing Tourist (T9) zone would permit a range of commercial uses to be developed including Holiday Accommodation units, a Reception Centre, Restaurant, Shop, Public Amusement, Caretakers Dwellings and Cottage Industry and associated carparking as detailed in Appendix 13 of TPS No.3.</p> <p>There is no requirement to cede additional public open space or to accommodate public access as part of a private Tourist development. The proposed rezoning will secure additional foreshore reserve land and opportunities to formalise public access as part of</p>

		<p>There were no future plans for this to ever change! That's why we purchased our block.</p> <p>I know for a fact that every single household that is currently living on this street (Pimelea View) are opposed to this change. 80% if not more of the whole Springdale community want none of what your're proposing to go ahead!!!!</p> <p><b>If this road goes ahead, you are devaluing my house. I've paid top dollar for our block knowing it was to ALWAYS stay as a cul-de-sac....</b> We are going to have so much daily traffic shining directly into my house and my child's bedroom. Now my son doesn't have a safe place to play or ride his bike around... That was the whole point of us buying this block! IT'S A SAFER FAMILY ENVIRONMENT and you are going to try take that away from us!</p> <p><b>When my son wakes up constantly from the traffic/ head lights should I call you to come settle him?? Also Are you going to give the residents of Pimelea view a compensation payout for changing the status of our road which will devalue our house's !!!!</b></p> <p>You say that ou will discourage the use of this road and only have it as a fire exit...You know very well that won's happen! Every man and his dog will use this as the main entrance, why drive down the bottom entrance when you can cut across... think about it for God sake!!!!!!!!!!!!</p> <p>You are only putting this link road off Pimelea view to cut road costs! It's total crap considering the developer is making a killing with all these block's ... I'm sure he can afford to rethink where this second entrance will be if this subdivision does ahead!</p> <p>ANY ENTRANCE OFF PIMELEA VIEW IS NOT TO GO AHEAD! HOW DARE YOU EVEN CONSIDER IT! WE ALL PAID TOP DOLLAR FOR PIMELEA VIEW BLOCKS! WHICH DO HAVE INLET VIEW BUT WITH 11 BLOCKS BEING PROPOSED – I MIGHT END UP LOOKING AT SOMEONE BLOODY WHEELY BIN!</p> <p>My second concern is that you said the tourist site (Lot 149) was to stay as a tourist</p>	<p>further detailed design.</p>
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		<p>site! Now you are saying let's break it up to 11 blocks to make even more money! The deal was..... Only 170+ blocks within THE WHOLE SPRINGDALE ESTATE! Why change that now??? Seems someone is money hungry and very greedy).</p> <p>A lot of wildlife that use this area, the black cockies, mappies and a lot of other birds' nest here throughout the year, the kangaroos are constantly there too, you will take all that away from them! There is nowhere else to go, you have cleared everything else!</p> <p>You bulldozed our beloved Figtree a few years back, that tree held many memories to me as a child! And the excuse that was "OOPPS" and now you are proposing that you now make this block like a "KEMSELY ESTATE" have everyone living on top of everyone!</p> <p><b>Lot 149 cannot be broken up into 11 blocks that is going against everything that was stated for future plans!</b></p> <p>We are totally against everything you want to do with Lot 149! ESPECIALLY THE LINK OFF PIMELEA VIEW. It's a big fat NO.</p> <p><u>My solution would be to move the second exit further down the hill off Woodward Heights and not off Pimelea View cul-de-sac.</u></p> <p>My solution to the blocks if you must subdivide lot 149, put 6 BIGGER blocks towards the south side and have trees/ vegetation between so the residents of Pimelea view don't have to look at people's backyards or wheelie bins.....</p> <p>If all this fails, I will be building a 6 foot wooden fence at the front of my property, I will not be taking it down if asked to!</p> <p>All the rules and regulation seem to be changing within this estate each year! There is no consistency, Denmark Shire, Palmer Earthmoving and the Developer all seem to what whatever you please! We as a community are all over it!</p>	
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I look forward to hearing from you.



#### PETITION:

**Springdale Beach Lot 149 Rezoning and entrance from Pimelia View.  
Against the Plan.**

**Note: Signature Page of petition containing the address and signatures of 43 individuals has been redacted. A full copy of the petition is available to Council upon request.**

S9

We strongly object to the newly proposed taking of the tourist public access zoning in the Springdale Beach Estate.

**Objection noted.**

	<p>How can LWP Group plan to take away their major Key Selling Points of the blocks they have recently sold in the estate? The tourist zone was one of many key reasons we purchased here in this exclusive 170 block tranquil estate.</p> <p>A lot of time and effort goes into choosing a location to buy, build and retire. The 15 families that built in 4A and 4B did so knowing homes were limited, so adding 17 more blocks to this exclusive estate is completely unacceptable.</p> <ul style="list-style-type: none"> <li>• Loss of natural views and trees</li> <li>• Loss of public access to land</li> <li>• Loss of cleaner air from the south</li> <li>• Loss of quietness and relaxed setting</li> <li>• Loss of property values due to exclusivity</li> <li>• Loss of privacy with over double the homes</li> <li>• Over double the traffic</li> <li>• Loss of park and recreation</li> <li>• Loss of future employment</li> <li>• Loss of opportunities</li> <li>• Loss of “<b>Only 170</b> blocks in this exclusive estate”????</li> <li>• Complete Loss of trust in the LWP group</li> </ul> <p>We were promised this land as tourist land public space and strongly object to any changes. Benefiting from taking amenities from those in Tassel place and Pimelea View is extremely wrong. These proposed added blocks are far too close to us and the foreshore, impacting on views and pollution run off issues for the Springdale Beach itself.</p> <p>Please put yourself in the shoes of those directly impacted and those with disabilities such as lung disease that move to locations like this to avoid upwind air and smoke pollution these newly proposed homes will bring. Both Tassel place and Pimelea Views still have Road/Drainage issues that the LWP group has left for the residence and council to repair. They don't appear interested in communication on any issue leaving council to fix their immoral actions. Please let them know a deal is a deal, that this is false advertising by LWP Group.</p> <p>Hope to hear from those involved soon to discuss and put an end to this matter.</p>	<p>The proposal is for rezoning of the property only and will not establish the final lot layout, fire access track construction or road design. The matters raised in the submission will need to be addressed as part of the next stage of planning.</p> <p>The property is currently zoned to accommodate a commercial tourist development, including a potential restaurant, function centre, shop and chalets amongst other uses. Having regard to access and off-site impacts it is anticipated that the Tourist zoning would generate greater traffic demands, service deliveries and refuse collection requirements than that of the proposed low-density residential development. There is no requirement to provide public access or additional public open space under the Tourist zoning.</p> <p>The Springdale Beach Special Residential estate has provided for the ceding of a large amount of public land through foreshore and conservation reserves, a community purpose site and public open space, with excess of 1ha also proposed to be ceded as part of the current amendment. The provision of such public open space exceeds the requirements of the WAPC's Position Statement for the Special Residential Zone (2021) that states ....<i>“Generally, a public open space contribution is not requested in special residential zones due to the larger lots sizes”</i>.</p> <p>Concerns associated with the developer's marketing of the estate or changes to the status-quo are not relevant planning considerations to substantiate refusal of rezoning.</p>
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**LWP New beginnings?**

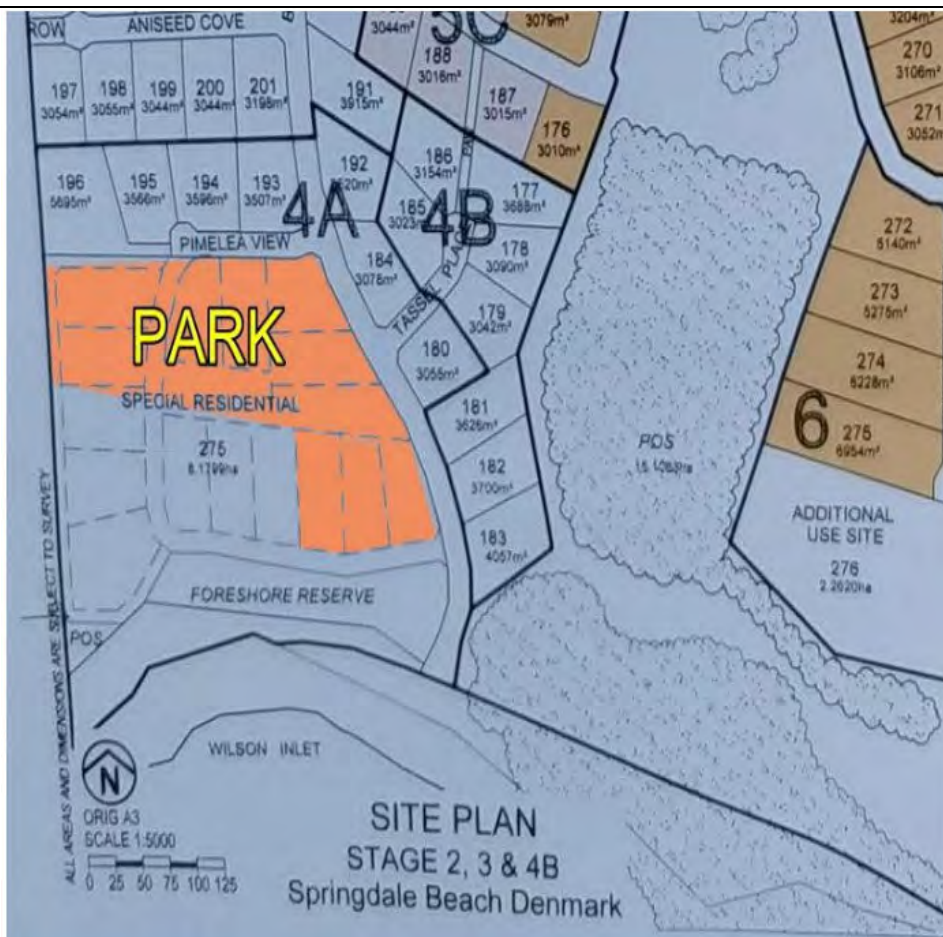
**“helping reduce environmental pressures.”** Too many floods, burn piles and block/road changes?

**“Laid back lifestyle”** having to fight to keep amenities promised by LWP Group is hardly laid back?

**“A small village center is planned for Springdale Beach, with charming cafe style dining and stunning ocean views.”** Where?

Didn't all 15 blocks in 4A and 4B deserve direct communication from LWP Group over the request to remove amenities and the doubling of homes in this section? The 15 home owners prefer what was advertised or the land should remain as is, until sold for tourism.

Below should be the maximum being proposed with all roadside trees remaining? To request 100% of this public access land be taken from the local residents is wrong and totally unacceptable by all involved.



A doubt all 15 blocks in 4A & 4B would even like this deal either especially LOT 183.  
We are only seeking what was advertised.

S10 Ian Molloy – 12  
Pimelea View

I refer to Amendment 149 - Springdale Beach Tourism Site that is open for public comment until **25 November 2022**.

I do not have a problem with the rezoning as set out in the document.

The part that concerns me is the subdivision of approximately 17 special residential

**Comments noted.**

The proposal is for rezoning of the property only and will not establish the final lot layout, fire access track construction or road design. The matters raised in the



	<p>lots (minimum of 3000m<sup>2</sup>) and particularly the proposal to put a road access in from Pimelea View. You will see in the attached letter from LWP that was given to all residents of Springdale Beach in May 2018 following on from a consultation between LWP and the residents in February 2018 the priorities both parties agreed to.</p> <p>The points of this letter include –</p> <ul style="list-style-type: none"> <li>• A low key residential option with 8 lots;</li> <li>• Larger lots – lots ranging in size from 6000m<sup>2</sup> to 1.2ha enabling more existing trees to be retained;</li> <li>• Retention of the fig tree;</li> <li>• Set back of proposed lots from Pimelea View and separation by a vegetated buffer;</li> <li>• An emergency access way for pedestrian access through the area; and</li> <li>• Retention of a site for a cafe/restaurant.</li> </ul> <p>I have also attached a copy of their concept plan that was provided at the same time (May 2018).</p> <p>I would hope you support me in holding LWP accountable to their initial plan being larger lots enabling more existing trees to be retained, the lots set back from Pimelea View and separation by a vegetated buffer and an Emergency access way for Pedestrians. They obviously can no longer retain the fig tree they authorised to be destroyed and the retention of a site for a cafe/restaurant is not really feasible.</p> <p>We bought our block in Pimelea View partly based on it being a cul-de-sac and no through traffic. I understand the proposal for an emergency exit from the proposed new lots but that can be a locked gate similar to other locations in the subdivision. If there is a road access to the new lots all vehicles will travel via Pimelea View and not go down the hill of Beaufortia Gardens and then up the hill into the new lots. This will create a significant traffic increase in the existing cul-de-sac of Pimelea View. There are children and elderly people who live in Pimelea View. There are no footpaths on Pimelea View and the only way to access the trail or anywhere else is to walk on the road – this obviously causes a traffic hazard and potential road accidents or even death.</p>	<p>submission will need to be addressed as part of the next stage of planning.</p> <p>Concerns associated with the developer's prior marketing of the estate or earlier draft concept designs are not relevant planning considerations applicable to assessment of the rezoning.</p>
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		<p>My understanding is the proposal is about the rezoning from tourist zone to special residential zone and not discussing the subdivision.</p> <p>In summary, I do not have a problem with the rezoning, I do have a problem with LWP's renegeing on the number of lots and I definitely want the vegetated buffer zone from Pimelea View and NO WAY should an access road be available from Pimelea View.</p>	
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Dear Resident

**RE: SPRINGDALE BEACH | DEVELOPMENT OF TOURIST LOT**

We refer to the Community Consultation evening held with Springdale Beach residents in early February 2018 where future development of the Tourist Lot was discussed.

During the evening, residents expressed a number of concerns in relation to the proposed development of the Tourist Lot for tourism uses given impacts such as traffic, compatibility with surrounding homes, etc.

In response to the concerns, a revised plan has been prepared which incorporates the following priorities for the site:-

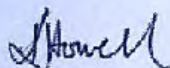
- A low key residential option with 8 lots compared with up to 30 holiday chalets currently permitted;
- Larger lots – lots ranging in size from 6,000m<sup>2</sup> to 1.2ha enabling more existing trees to be retained;
- Retention of the fig tree so that residents can enjoy it within an area of public open space;
- Set back of proposed lots set back from Pimelea View and separation by a vegetated buffer;
- An emergency access way for pedestrian access through the area; and
- Retention of a site for a café/restaurant.

The revised plan is attached and also displayed in the Springdale Beach Sales Office (on the front external window). We invite you to review the plan and provide your comments or any queries that you may have by email to [khowell@hwpproperty.com.au](mailto:khowell@hwpproperty.com.au).

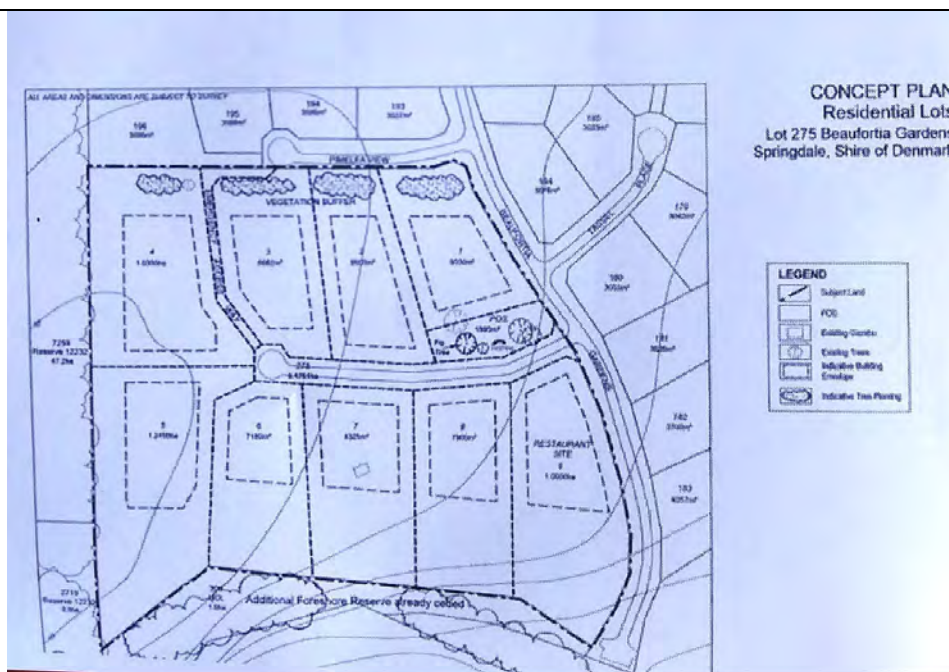
As your feedback is important to us and will be critical in the advancement of any planning amendment, we ask that you return the attached form by email to me or simply return to the Sales Office.

Once the plan is finalised a Structure Plan amendment will be initiated which seeks to re-zone the site to facilitate the residential subdivision as proposed in the plan.

Yours sincerely



**Kelli Howell**  
Senior Project Manager



### Submissions Received from Government Agencies

G1	Department of Biodiversity, Conservation & Attractions	Parks and Wildlife Service has no objections or comments to make on the proposal.	<b>Noted.</b>
G2	Department of Water & Environmental Regulation	The Department has provided previous advice on the Scheme Amendment and has no further comments. In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.	<b>Noted.</b>
G3	Department of Health	The DoH provides the following comment: <b><i>Water Supply and Wastewater Disposal</i></b> The proposal has included a site and soil consultant report from Aurora	<b>Comments noted.</b>  Further supporting information will be required as

		<p>Environmental dated 17 June 2021. The report highlights the site and soil evaluation (SSE) was undertaken in winter; however no specific site assessment date has been stated in the report. The date is considered critical information as site conditions can be extremely variable depending on rainfall. Please provide the site assessment date and be aware that reassessment may be required. Aside from the above, the DoH supports the proposal subject to the following:</p> <ol style="list-style-type: none"> <li>1. Provide a specific SSE report undertaken by an independent qualified consultant that is conducted during the wettest seasonal time of the year only (mid-July/August), as per the requirements of AS/NZS 1547:2012.</li> <li>2. Address all the Government Sewage Policy (2019) requirements including the requirement to meet the minimum 100 metre setbacks from natural water bodies, winter creeks, streams and dams and accommodate proposed land application areas that have sloping areas greater than 1:5.</li> <li>3. Wastewater treatment systems are to comply with and meet all other Government Sewerage Policy (2019) requirements.</li> <li>4. Provide plans to scale detailing the proposed building envelopes, land application area/s, all parking bays and exclusion zones for the proposal.</li> </ol> <p><b>Medical Entomology</b> The subject land is in a region that is not currently known to experience significant problems with nuisance and disease carrying mosquitoes. Low rates of human disease cases of Ross River Virus occur annually within the Shire of Denmark. Although this disease rate is slightly elevated when compared to neighbouring local government localities, the overall disease risk is considered low to residents in the immediate area.</p>	<p>part of the Structure Planning and/or subdivision process relating to site capability and on-site effluent disposal requirements that would inform minimum lot sizes and the final lot yield. An addendum to the Site and Soil Evaluation report has been recommended in the Special Provisions that form part of the Amendment proposal.</p> <p>Considerations relating to minimising the potential for mosquito breeding will need to be addressed through the stormwater and drainage design phase.</p>
G4	Water Corporation	<p>The Water Corporation notes and has no objections to the various text and maps amendments.</p> <p>Any changes, extensions or upgrades required to the water mains networks to support servicing of the proposed additional special residential lots will need to be addressed by the proponents (LWP) at the subdivision stage.</p>	<p><b>Noted.</b></p> <p>The site is able to be serviced by reticulated water supply and any extension to support residential subdivision will be at the cost of the proponent.</p>
G5	Department of Fire and Emergency Services	<p>I refer to your letter dated 12 October 2022 regarding the submission of a Fire Management Plan (FMP) (Revision 4), prepared by FIREPLAN WA and dated 12 May 2014 and Bushfire Attack Level (BAL) Contour Plan and Bushfire Management Statement (BMS) prepared by BioDiverse Solutions and dated 01 February 2018 for the above planning Scheme Amendment.</p> <p>This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas</p>	<p><b>Comments noted.</b></p> <p>Additional information has been provided by the proponent including an updated BAL Contour Plan to verify that the site is capable of accommodating areas with a BAL 29 rating or less.</p>

	<p>(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 relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/ proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p> <p><b><u>Assessment</u></b></p> <ul style="list-style-type: none"> <li>• Please note the submitted FMP has assessed the proposed amendment against the now expired Planning for Bush Fire Protection Guidelines (WAPC 2010) which were superseded by State Planning Policy (SPP) 3.7 (Planning in Bushfire Prone Areas) and the revised Guidelines for Planning in Bushfire Prone Areas. DFES have made no assessment or comment on this document.</li> <li>• The submitted BAL and BMS reviewed the previously proposed subdivisions and do not incorporate, or address, the current amendment. The submitted BAL Assessment and BMS was written to 'Assist in re-application of the proposed Tourist Zone in the south of the Estate' which is inconsistent with the purpose of Amendment 149.</li> <li>• The submitted BAL and BMS were written under the SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas Version 1.3 (2017). This has been superseded by the version 1.4 Guidelines.</li> <li>• DFES notes that the BMP and BMS assessed vegetation against AS3959-2009. AS3959 has been updated to AS3959.2018.</li> <li>• DFES have assessed the BAL and BMS against version 1.4 of Planning in Bushfire Prone Areas (the Guidelines).</li> <li>• The proposal to amend zoning for tourist zone to special residential zone appears to be inconsistent with the DPLH &amp; WAPC Position Statement on Special Residential Zones.</li> <li>• Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.</li> </ul>	<p>The site is to be serviced by reticulated water supply and access can be secured to meet the requirements of State Planning Policy 3.7 and the Bushfire Planning Guidelines.</p> <p>The final lot yield, configuration and road alignment will need to be informed through a new or updated BMP for the estate as part of the next stage of planning.</p> <p>Commentary relating to the rezoning to Special Residential as opposed to a Residential zone does not impact upon bushfire planning compliance. The proposal seeks to extend the existing Special Residential zone and associated provisions would remain consistent with the development parameters that currently apply across the Springdale Beach Estate.</p>
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**1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map**

Issue	Assessment	Action
<b>Vegetation classification</b>	<p>Plot 7 cannot be substantiated as Class B Woodland. The foliage cover appears to exceed 30%.</p> <p>The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959:2018, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.
<b>Vegetation classification</b>	<p>Evidence to support the exclusion of Plot 3 &amp; 9 as managed to low threat in accordance with AS3959 is required. Plots 3 &amp; 9 do not have defined boundaries and cannot be distinguished on the Vegetation Classification Map.</p> <p>The excluded vegetation was assessed under the now out of date AS3959-2009.</p> <p>An enforceable mechanism is required to provide certainty that the proposed vegetation exclusion can be achieved in perpetuity, and it is enforceable.</p>	Modification to the BMP is required.
<b>BAL Contour Map</b>	<p>Lots 180-184 &amp; 193-196 are missing from the BAL Contour Map but included in the Amendment.</p> <p>A BAL Contour Map should be provided which includes all the lots subject to the amendment area.</p> <p>As per Appendix Three of the Guidelines 'a BAL Contour Map is a scale map of the subject lot/s showing the potential radiant heat impacts and associated indicative BAL ratings.'</p> <p>This is particularly useful in determining the BAL ratings for all proposed lots and how hazard reduction measures can be used to reduce the BAL ratings for existing as well as proposed lots. As per section 5.2.4.1 a BAL Contour Map is required for a Scheme Amendment where the lot layout is known.</p> <p>In addition, the location of the boundary of the Parks and Recreation reserve proposed should be clearly shown relative to potential development areas to assist in understanding potential exposure at the southern edge.</p>	Modification to the BMP is required.

## 2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
<b>Location</b>	<p><b>A1.1 – not demonstrated</b></p> <p>Land is most suitable for new subdivisions and related development where hazard levels are low. The concept plan in the planning report shows the creation of lots in BAL-40. This includes lots 7-10 and 12-16. Given the scheme amendment has the potential to create residential coded lots with BAL40/FZ the lot layout should be redesigned to ensure that no residential lots are impacted by BAL40/FZ.</p>	A Bushfire Management Plan is required which demonstrates compliance to Element 1.
<b>Siting and Design</b>	<p><b>A2.2 – not demonstrated</b></p> <p>The development has not been designed appropriately to ensure bushfire protection measures can be achieved and to minimise the level of bushfire impact.</p> <p>The future development has the ability to better respond to the bushfire risk through appropriate siting and design.</p> <p>Future residential lots should either demonstrate BAL-29 in their entirety or a rural residential lot should demonstrate a building envelope which achieves BAL-29 in its entirety.</p>	A Bushfire Management Plan is required which demonstrates compliance to Element 2.
<b>Vehicular Access</b>	<p><b>A3.1 – A3.5 – not demonstrated</b></p> <p>The BAL and BMS has not addressed the acceptable solutions for vehicular access as per v1.4 of the Guidelines, including the implementation of perimeter roads for 10 or more lots.</p> <p>Cul-de-sacs, dead end roads, FSAR's and emergency access ways are to be avoided in bushfire prone areas. It is unclear at this strategic level of planning why no alternative exists. Appropriate design will greatly assist with bushfire prevention and suppression activities. Vehicle access should be improved, or the proponent will need to demonstrate why no alternative exists.</p> <p>Beaufortia Gardens is currently a no through road which does not provide multiple access and egress routes to the South Coast Highway from Woodward Heights. The Site plan shows limited access to the area. Multiple access routes can be provided with the connection of Woodward Heights east and west.</p>	A Bushfire Management Plan is required which demonstrates compliance to Element 3.

		<p><b><u>Recommendation – not supported modifications required</u></b></p> <p>The submitted documentation does not adequately address the policy requirements of SPP 3.7 and the Guidelines.</p> <p>The proposed scheme amendment would increase the bushfire threat through the introduction of additional people, property, and infrastructure at this location.</p> <p>It is critical that a BMP with the relevant bushfire management measures is submitted for the scheme amendment to demonstrate with the policy can be achieved.</p>	
		<b>Comments From 2<sup>nd</sup> Advertising</b>	
G6	Dept Biodiversity, Conservation & Attractions	The Department of Biodiversity Conservation and Attractions (department) has no objections to the scheme amendment; however, the expectation is that development occurs in line with the requirements of the “Wilson Inlet Foreshore Reserves Management Plan 2008”.	<b>Noted.</b>
G7	Dept Water & Environmental Regulations	<p>The Department of Water and Environmental Regulation (the department) has received an invitation from the Shire of Denmark to comment on the Amendment 149 which had been readvertised. The Shire of Denmark Town Planning Scheme No. 3 Amendment 149 is to facilitate a future stage of ‘Springdale Beach Estate’, a special residential subdivision of which several stages have been developed already. The department has a long history of involvement with the Springdale Beach Estate subdivision.</p> <p>The department’s South Coast Region reviewed this Amendment and provided detailed advice to the EPA Services on 2 September 2021. The EPA Chair subsequently determined not to assess on 29 July 2022 and provided advice to the Shire.</p> <p>The Shire of Denmark incorporated the modified special provisions into Scheme Amendment 149 to reflect EPA and departmental advice, which related to onsite effluent disposal to limit nutrient export to Wilson Inlet and the width and area of the land to be ceded for foreshore reserve to protect the riparian buffer and water quality.</p> <p>As stated in the Shire of Denmark’s letter of 8 March 2023, there have been no changes to the Amendment following re-advertising and further comments are not required. The department has no issues of concern with this Amendment and no further submission is required.</p>	<b>Noted.</b>



## SCHEDULE OF MODIFICATIONS - TPS 3 - Amendment 149

	Recommended Modification	Reason
<b>Updates to Amendment report and supporting documents</b>		
1.	The Bushfire Management Plan (Appendix C) is to be updated to accord with the Department of Fire and Emergency Services recommended schedule of modifications as detailed in the Schedule of Submissions;	<ul style="list-style-type: none"> <li>• To accord with DFES recommendations.</li> </ul>
<b>Updates to Resolution</b>		
2.	To introduce a new resolution point: <ul style="list-style-type: none"> <li>• Reserving a portion of PIN 1195438 from the Special Residential (SRes6) zone to Parks and Recreation Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>• To accord with WAPC suggested modification and Scheme Amendment Map as advertised.</li> </ul>

**Note:** *The proposed modifications do not substantially change the Amendment as advertised and are intended to address submissions received during the consultation process and WAPC advice. Additional advertising has not been recommended.*