

SHIRE OF DENMARK
TOWN PLANNING
SCHEME NO.3
SCHEME
AMENDMENT
REQUEST

*Lots 85-94
Bimbimbi
Way,
Denmark*

June 2011

Prepared By:
Sam Williams
PO Box 69 Denmark
samwilliams@westnet.co
m.au

Contents

1.0	Introduction	1
2.0	Background and Proposal	1
2.1	Background	1
2.1.1	Subdivision	1
2.1.2	Previous Scheme Amendment Request	1
2.2	Proposal	2
3.0	Site Context.....	3
3.1	General Site Location	3
3.2	Physical Description	3
3.3	Existing Development	3
3.4	Services	3
4.0	Planning Context	4
4.1	WAPC State Planning Policy 2.5	4
4.2	WAPC Development Control Policy 3.4	4
4.3	Shire of Denmark Town Planning Scheme No.3	4
4.4	Shire of Denmark Draft Local Planning Strategy 2011.....	5
5.0	Planning Issues.....	6
6.0	Conclusion.....	6

1.0 Introduction

This Scheme Amendment Request (SAR) has been prepared on behalf of Colin and Fiona Ross, the owners of Lot 92 Bimbimbi Way, Denmark, over Lots 85- 94 Bimbimbi Way, Denmark that comprise the Lights Road Special Rural subdivision (subdivision), as identified under the Shire of Denmark Town Planning Scheme No.3 (TPS3) .

The SAR seeks Council's in-principle support for a textual Amendment to Appendix VI- Special Rural Zone 6. Lights Road Special Rural Zone, Clause (ii) of the Shire of Denmark's TPS3 that states as follows:

"No Lot shall be less than 2ha in area"

The textual amendment seeks to change the minimum lot size for the subdivision from 2ha to 1ha on the provision any future subdivision is undertaken in accordance with the subdivision guide plan comprising this SAR, and is connected to a Scheme Water Supply. This proposal is consistent with the following Western Australian Planning Commission's (WAPC) publications:

1. State Planning Policy 2.5 Agricultural and Rural Land Use Planning, which clearly prescribes that in areas zoned Rural Residential (Shire of Denmark equivalent of Special Rural), the lot size should range from 1ha-4ha depending on local conditions and a mandatory connection to a reticulated potable water supply.
2. Development Control Policy 3.4- Subdivision of Rural Land, Water for Rural Residential Development, permits the subdivision of Rural Residential (Special Rural) land to 1ha on the proviso a Scheme Water Supply is available.

2.0 Background and Proposal

2.1 Background

2.1.1 Subdivision

The land comprising this SAR was developed in circa 1990 to form the Subdivision (refer attached subdivision guide map), with TPS3, amongst other items, requiring the subdivision to have minimum lot sizes of 2ha and no dwellings being constructed or approved for construction unless a minimum 92,000 litre water storage tank is provided.

Subsequent to TPS3's requirement, a Scheme Water supply was provided to lots 92, 93 and 94 Bimbimbi Way within the Lights Road reserve (these lots have dual frontage to Lights Road and Bimbimbi Way) and resultant from this, these lots have been connected to this water supply.

2.1.2 Previous Scheme Amendment Request

Council at its meeting on the 15 January 2008 (Council item 9.1.4) resolved not to support a SAR for three of the lots comprising this application (lots 92, 93 and 94 Bimbimbi Way), which intended to rezone the lots from Special Rural to Special Residential and would permit the subdivision of up to 7 additional lots with an average lot size of 5,000m² (refer **appendix A** of Council report and Proposed Subdivision Amendment Request).

In summary, Council's reason for not supporting the SAR was based on the following:

- 1) *"Insufficient justification and/or planning merit for the proposed rezoning to special residential has been provided.*
- 2) *The subsequent development of the land of the new housing would require the removal of substantial additional areas of remnant vegetation which is not considered desirable; and*
- 3) *The proposed subdivision design would create additional pressure on the existing creekline area."*

2.2 Proposal

Resulting from the previous Council resolution, the proponent has reviewed the reason for refusal and is respectfully requesting Council's favourable consideration of this SAR that has significantly less impact on the existing subdivision, the adjoining Residential R20 lots and the visual impact any increased residential density would have when viewed from Lights Road.

As mentioned in the introduction, the proponent is **not** seeking to rezone the Subdivision to Special Residential, but undertake the less audacious option of amending the text of TPS3 Appendix VI-Special Rural Zone 6. Lights Road Special Rural Zone, Clause (ii) to alter the minimum lot size of the subdivision from 2ha to 1ha and for the textual amendment to state as follows:

"That the subdivision of lots shall be a minimum of 1ha on the proviso it is in accordance with an approved subdivision guide plan and is connected to a Scheme Water Supply."

The subdivision guide plan over page (**figure 1**) and aerial underlay (**figure 2**) demonstrates the lots within the subdivision that would be considered appropriate for any further subdivision. With respect to this, the following is noted:

- The subdivision guide plan proposes the provision of an extra 2 Special Rural lots from that currently constructed.
- The lots identified for any future subdivision will be able to connect to an existing Scheme Water Supply on Lights Road.
- The vegetation comprising the lots identified for any future subdivision on the subdivision guide plan is a mix of tea trees, stunted Marri and Jarrah with the occasional Karri Tree.
- Any clearing of the vegetation resultant from building envelopes and associated fire prevention measures will be minimised from that of the previous Special Residential proposal as only an additional 2 lots are proposed to be created with a minimum lot size of 1ha over the existing 10 lots instead of the initially proposed 7 lots of approximately 5,000m² over the existing 3.
- The increased residential density resultant from this proposal will see a dwelling increase of 20% instead of the 133% in the previous Special Residential proposal.
- The lots identified for future subdivision will not dissect the identified creek line and the nominated building envelopes are 30m from the creek line.
- None of the 2 proposed lots on the subdivision guide plan will have vehicle access onto the subdivision's central access road (Bimbimbi Way); hence any additional vehicle movements would not impact the existing residents. Furthermore, the

LEGEND

-  BUILDING ENVELOPE
-  STRATEGIC FIRE BREAK
-  LANDSCAPE PROTECTION AREA:
Generally reflecting natural depression of creek line. The provisions of the Fourth Schedule shall apply
-  AREA IN WHICH TREE PRESERVATION SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FOURTH SCHEDULE
-  PUBLIC OPEN SPACE RESERVE
-  LOTS APPROPRIATE FOR FURTHER SUBDIVISION

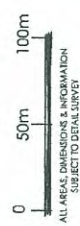


SUBDIVISION GUIDE PLAN
LOTS 85-94 BIMBIBI WAY
DENMARK



SAM WILLIAMS | TOWN PLANNER
 ph: 0418 116216 | email: samwilliams@westnet.com.au
 scale: 1:3000 | date: 28 June 2011 | figure 1



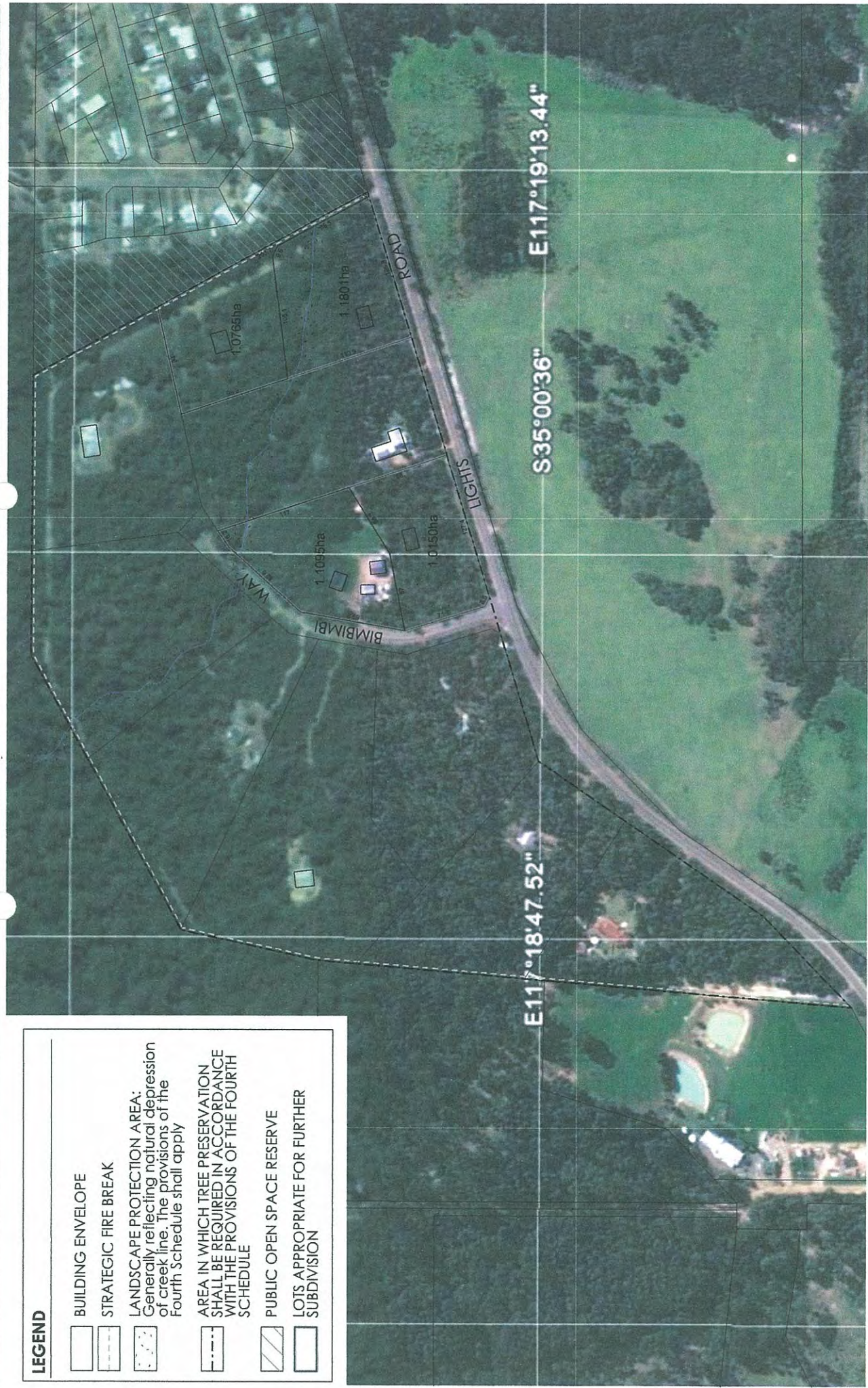


SAM WILLIAMS | TOWN PLANNER
 ph: 0418 116216 | email: samwilliams@westnet.com.au
 scale - 1:3000 | date - 28 June 2011 | figure 2



SUBDIVISION GUIDE PLAN
LOTS 85-94 BIMBIMBI WAY
DENMARK

LEGEND	
	BUILDING ENVELOPE
	STRATEGIC FIRE BREAK
	LANDSCAPE PROTECTION AREA: Generally reflecting natural depression of creek line. The provisions of the Fourth Schedule shall apply
	AREA IN WHICH TREE PRESERVATION SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FOURTH SCHEDULE
	PUBLIC OPEN SPACE RESERVE
	LOTS APPROPRIATE FOR FURTHER SUBDIVISION



additional vehicle access and egress would be from Lights Road where there are safe sight lines in accordance with Aus Roads Standards.

Upon assessment of the existing vegetation, creek line, lot configuration, dwelling locations and services, it is not considered that any additional lots, aside from the 2 identified on the Subdivision Guide Plan, are suitable for further subdivision. It is noted that should any of the landowners within the subdivision that are not identified on the Plan wish to subdivide their landholding to a minimum lot size of 1ha, it would be up to an individual proponent to provide a Scheme Water Supply to their property and sufficient reasoning to amend any approved subdivision guide plan.

3.0 Site Context

3.1 General Site Location

The subdivision is located approximately 8.5kms south west of the Denmark Townsite and 900m from the intersection of Lights Road and Ocean Beach Road (refer **Figure 3**). The 10 lots comprising the subdivision have been created in accordance with the 1989 approved Subdivision Guide Plan. With the exception of Lots 93 and 94, all lots gain access and egress from the central access cul-de-sac road, Bimbimbi Way. Lots 93 and 94 gain direct access and egress from Lights Road.

The subdivision abuts Lights Road to the south, Council's Reserves to the east and north and rural zoned land to the west

3.2 Physical Description

The subdivision has a fall from the north west to the south eastern corner of Lot 94. The vegetation comprising Lots 92- 94 is a mix of tea trees, stunted Marri and Jarrah with the occasional Karri Tree.

The vegetation north of Bimbimbi Way is significantly larger and more pronounced than lots 92-94 with this comprising mature Karri and Jarrah trees of high density.

3.3 Existing Development

All lots within the subdivision have been developed and houses constructed on them. The current development has generally been consistent with TPS3 provisions and all dwellings have been constructed with materials and finishes sympathetic to the natural environment consistent with those provisions.

3.4 Services

A water service provision runs along the Lights Road reserve adjacent to Lots 93 and 94 and terminates at the south eastern corner of Lot 92 Lights Road. Each of these homes is connected to this service.

Within the subdivision the full suite of services (telecommunications and power) expected in a Special Rural subdivision is provided.

A fire hydrant is located on Lights Road adjacent to the existing crossover to Lot 93.



SUBJECT LAND

LOCATION PLAN
 LOTS 85-94 BIMBIMBI WAY
 DENMARK

▲ **SAM WILLIAMS | TOWN PLANNER**
 ph: 0418 116216 | email: sam.williams@westnet.com.au
 scale = 1:20 000 | date = 28 June 2011 | figure 3



4.0 Planning Context

4.1 WAPC State Planning Policy 2.5

The WAPC's State Planning Policy 2.5 is the overarching policy to protect the provision of agricultural land within the State. Within the strategy, one of the objectives referred to is to plan and provide for rural settlement.

Specifically relating to Rural Residential development (Special Rural), the Policy notes that Rural Residential development is to be established where a residential use can be facilitated in a Rural Environment. Furthermore, it prescribes that the minimum lot size for a Rural Residential development is to be 1ha with a mandatory connection to a potable scheme water supply.

Therefore, it is surmised that given the WAPC's position for Rural Residential development is to provide residential development in a rural setting to a minimum size of 1ha with the provision of a potable scheme water supply; the proposal to amend TPS3 to enable the development of two additional 1ha lots on scheme water (making a total of 4x 1ha lots), which will not impact on the rural amenity currently afforded to residents in the subdivision and surrounding area, is in keeping with the intent of State Planning Policy 2.5.

4.2 WAPC Development Control Policy 3.4

The WAPC's Development Control Policy 3.4- 'The Subdivision of Rural Land', Section 3 'Policy Measures Relating to Closer Settlement and More Intensive Agricultural Use in Rural Areas' states with respect to Water for Rural Residential development as follows:

'When approving lots for Rural Residential development (1-4ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so.'

The crux of this statement is that the WAPC considers Rural Residential development (Special Rural) to be 1-4ha whereby it is connected to a Scheme/Reticulated Water Supply. As the proposed additional lots on the subdivision guide plan are connected to the necessary Scheme/Reticulated Water Supply the eventual subdivision down to 1ha of the proposed lots would be consistent with Development Control Policy 3.4.

4.3 Shire of Denmark Town Planning Scheme No.3

The land is currently zoned Special Rural under TPS3 and identified in Appendix 6 as Special Rural Zone. No.6. The current zoning and Scheme provisions were approved by Council on the 29 March 1989 and later endorsed by the Minister for Planning. The specific provisions relating to the subdivision and relevant to this proposal, aside from those already detailed in this report (lot size and connection to scheme water), are as follows:

1. The requirement for connection to a suitable effluent disposal;
2. Identification of a tree preservation area, which runs around the perimeter of the subdivision;

3. Clearing of vegetation shall not exceed a nominated building envelope;
4. Development not being permitted to occur within 20 metres of a water course;
5. The provision of strategic firebreaks as nominated on the subdivision guide plan.

With respect to the provisions, the two proposed lots will address these in the following manner:

1. The lot size of 1ha is large enough to permit the conventional establishment of a septic tank and associated leech drain, i.e. exceeds the minimum lot size permitted for use of a septic tank of 2,000m²;
2. Aside from the clearing resultant from two cross overs (2m wide), there will be no impact to the tree preservation area. In fact, any vegetation that would be cleared would be low level tee trees.
3. Two additional building envelopes will be shown and associated clearing will be required for building and fire regulations. The balance vegetation from any building envelope clearing will not be removed.
4. The proposed development will be setback 30m from the water course, which is 10m more than the provision required under the Lights Road Subdivision in Appendix 6, but in accordance with Clause 5.4.4 of TPS3, which requires a 30m setback.
5. The existing strategic firebreaks will not be impacted in any way resultant from the development of the two proposed lots.

In summarising, aside from the minimum prescribed lot size, i.e. the reason for this SAR, the general requirements of TPS3, Appendix 6 as Special Rural Zone. No.6 will not be compromised by this proposal.

4.4 Shire of Denmark Draft Local Planning Strategy 2011

Whilst it is acknowledged the Shire of Denmark's Local Planning Strategy (LPS) is currently being advertised and has not been adopted by the Council or approved by the WAPC, the land subject to this SAR is identified as 'Rural Residential', with the LPS identifying Rural Residential development lot sizing as follows:

"The predominant size for rural residential properties has been in excess of two hectares. Rural Residential lots are now formally considered under WAPC's SPP 2.5 as lots greater than 1ha and up to 4ha in area."

The SAR is not seeking to alter the intent of the LPS, as the proposal is not to amend the zoning, nor is it proposing to enable the development of rural residential lots greater than 1ha.

5.0 Planning Issues

It is acknowledged there will be some negative aspects resultant from any development which will include the limited clearing of remnant vegetation from proposed Lots 92 and 94 to accommodate a building envelope and to meet with WAPC's Fire prevention measures.

However, in favour of any proposed future development, the following positive attributes are acknowledged:

- The proposal to permit the development of an additional two 1ha Special Rural lots within the subdivision will not have any onerous impacts on the existing subdivision nor the vicinity of the area;
- The two proposed lots will utilise the existing Lights Road without any burden on the existing residents within the Subdivision who gain access and egress to their properties from Bimbimbi Way;
- There are sufficient services, in the way of telecommunications, power and Scheme Water to the two proposed lots;
- To ensure protection of as much vegetation as possible, building envelopes are prescribed to the two proposed lots as identified by the subdivision guide plan;
- Resultant from the position of the building envelopes and existing vegetation, the two proposed lots will be screened from Lights Road, and hence will not have any impact on the current rural and remnant bushland amenity provided to users of Lights Road;
- The proposed development of the two select lots will not impact on the significant remnant vegetation elsewhere within the subdivision;
- The proposed cadastral boundaries of the two lots have will not dissect any portion of the creekline traversing the subdivision.

6.0 Conclusion

This SAR is consistent to the principles of orderly and proper planning and will not have any onerous impacts on existing residents of the subdivision, the surrounding area or the overall bush land and rural amenity. It respects the decision of Council at its meeting of the 15 January 2008 by presenting a far less intrusive development that will alleviate the previous reasons for refusal of the SAR.

Furthermore, it is consistent with the relevant Local and State Statutory documents and associated planning policies.

Appendix A

Council Resolution January 2008 and Previous Scheme Amendment Request

9.1.4 SCHEME AMENDMENT REQUEST – LOTS 92, 93 & 94 LIGHTS ROAD/BIMBIMBI WAY

File Ref:	A2392, A2393 & A2394
Applicant / Proponent:	Thompson McRobert & Edgeloe
Subject Land / Locality:	Lots 92, 93 & 94 Lights Road/Bimbimbi Way, Denmark
Disclosure of Officer Interest:	None
Date:	10 January 2008
Author:	Phil Shephard
Authorising Officer:	Phil Shephard – Manager, Planning and Development
Attachments:	Yes

Summary:

Council has received the above scheme amendment request (SAR) to consider rezoning the above land from Special Rural to Special Residential.

It is recommended the amendment request be denied.

Background:

A SAR for this land was received and in accordance with Council Policy A.80 'Scheme Amendment Requests' was initially referred to the Department of Environment and Conservation (DEC), Department for Planning and Infrastructure (DPI) and Department of Water (DoW) for comment.

All agencies have responded and their comments are discussed below.

Comment:

A copy of the SAR document submitted by the proponents is attached which includes the rationale and justification for the proposed rezoning to special residential. The proposal is to rezone the 3 lots and allow for their resubdivision as shown in the plan of subdivision.

The government agencies comments on the SAR are summarised as follows:

Department for Planning and Infrastructure (DPI)

The DPI does not support the proposed rezoning for a variety of reasons including:

- Existing lots are part of a larger special rural zone and the proposed subdivision would be an intrusion
- Represents an unplanned spread and undesirable precedent for smaller lots westwards of the existing residential area and would also increase the number of unsewered lots in the vicinity of the inlet
- Subsequent development on the lots would substantially increase the area of remnant vegetation required to be cleared for housing.

Department of Environment and Conservation (DEC)

The DEC do not object to the proposal and provide advice on matters including fire protection, clearing controls and permits, protection of flora/fauna, stormwater management to reduce any adverse impacts on local hydrology, acid sulphate soils, effluent disposal and building envelopes/setbacks to creekline.

Department of Water (DoW)

The DoW does not support the proposal as they are principally against any subdivisions that create additional boundaries across a waterway such as the case here.

The rezoning of this land to allow for the resubdivision of the subject lots is not

dealt with specifically within the adopted TPS Policy No 28 'Settlement Strategy' or draft Denmark Local Planning Strategy (DLPS).

The proponents conclude that:

- The proposed special residential zoning creates an intermediate zoning in the area and utilises the existing water and power services available to these lots.
- Maintain and improve scheme controls over development on the lots.
- The additional density promoted is logical due to the services available to these lots and mimics similar developments such as Harington Break (north of Mt Hallowell).

Whilst these points are noted, they do not represent sufficient justification for the proposal to proceed. The matters raised within the government agencies comments would require significant changes to the proposed development if it were to proceed. The clearing and additional lots across the creekline that would result from the proposal is not considered to be consistent with the original intention of the special rural zone (created in 1989) to limit clearing and protect the creekline area.

Whilst the present strategies do not deal with the proposal specifically, the proposal does not enjoy the support of government agencies such as the DPI and DoW and it is unlikely that any subsequent scheme amendment would be supported.

Should Council wish to support the proposal, it is recommended that the views of all landowners within the existing special rural zone be sought and the proposal be modified in accordance with government agency advice, before proceeding to the amendment stage.

Consultation:

The SAR has been referred to the DPI, DEC and DoW for comment as indicated above.

Statutory Obligations:

- Planning & Development Act 2005 - TPS No. 3 is an operative Local Planning Scheme under the Act.
- Town Planning Scheme No. 3 – Lights Road Special Rural Zone (Area No. 6).

Policy Implications:

- Council Policy A.80 'Scheme Amendment Requests' – The SAR has been submitted and processed in accordance with the Policy.
- Town Planning Scheme Policy No 28 'Settlement Strategy' – Not specifically dealt with.
- Draft Denmark Local Planning Strategy – Not specifically dealt with.

Budget / Financial Implications:

The SAR fee has been paid by the proponents.

Strategic Implications:

The subject lot is within an area identified for Urban/Non Rural/Rural Residential and Existing Residential/Special Residential/Special Rural and Tourist Zoned Land under the draft Denmark Local Planning Strategy.

Sustainability Implications:

➤ **Environmental:**

There are no known significant environmental considerations relating to this report. The environmental issues that relate to this proposal include land capability assessment, remnant vegetation protection, servicing infrastructure, flora/fauna impacts, creekline/foreshore management, fire protection, drainage/nutrient management etc.

➤ **Economic:**

There are no known significant economic considerations relating to the report. The proposed development will increase the rate income for the Shire.

➤ **Social:**

There are no known significant social considerations relating to the report.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.4
<p>That Council not support the SAR for Lots 92, 93 & 94 Lights Road, Denmark on the basis that:</p> <ol style="list-style-type: none"> 1) Insufficient justification and/or planning merit for the proposed rezoning to special residential has been provided; 2) The subsequent development of the land for the new housing would require the removal of substantial additional areas of remnant vegetation which is not considerable desirable; and 3) The proposed subdivision design would create additional pressure on the existing creekline area. 	

COPY.

THOMPSON McROBERT EDGELOE

*shire of
denmark*

07067P
OCTOBER 2007

*Town planning Scheme No. 3
Scheme Amendment
Request*

**Lots 92, 93 & 94 Lights Road, Denmark
C & F Ross, T Clarke & G & P Armstrong**



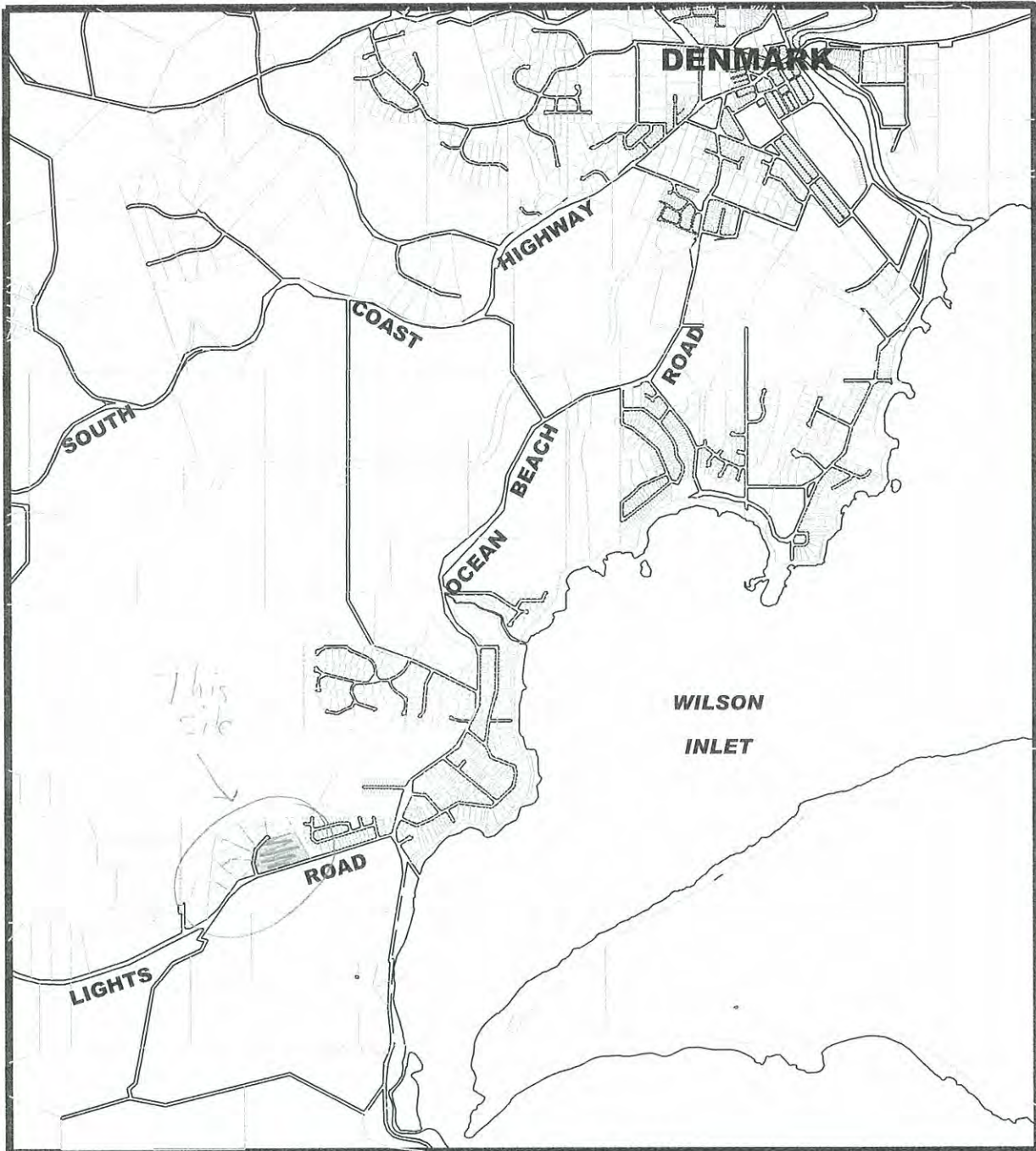
TOWN PLANNING • MANAGEMENT • ENGINEERING

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	PRELIMINARY PROPOSAL	1
3.0	EXISTING CONDITIONS	1
	3.1 General Site Location and Area	2
	3.2 Topography & Vegetation Type	5
	3.3 Existing Development and Land Use	6
	3.4 Access	8
	3.5 Servicing	9
4.0	STATE PLANNING FRAMEWORK	
	4.1 Development Control Policy 2.5 – Special Residential Zones	10
5.0	LOCAL PLANNING DOCUMENTS	10
	5.1 Shire of Denmark Town Planning Scheme No. 3	11
	5.1.1 Existing Special Rural Zoning	
	5.2 Shire of Denmark Town Planning Scheme Policy No. 28 – Settlement Strategy for Denmark	11
	5.3 Shire of Denmark Draft Local Planning Strategy	11
6.0	PLANNING ISSUES/CONSTRAINTS	13
7.0	CONCLUSION	15

LIST OF FIGURES

Figure 1- Location Plan.....	(Following page)1
Figure 2- Base Plan	(Following page)1
Figure 3- Subdivision Concept Plan	(Following page)1
Figure 4- Rural Land Adjacent to the South of Subject Lot.....	2
Figure 5- Mixed Vegetation.....	2
Figure 6- Creekline Vegetation.....	3
Figure 7- Existing House on Lot 92 Lights Road.....	3
Figure 8- Existing Outbuilding on Lot 92 Lights Road.....	4
Figure 9- Existing House on Lot 93 Lights Road.....	4
Figure 10- Existing House on Lot 94 Lights Road.....	4
Figure 11- Access off Bimbimbi to Dwelling on Lot 92.....	5
Figure 12- Access to Lot 93 from Lights Road.	5
Figure 13- Access to Lot 94 from Lights Road	6
Figure 14- Fire Hydrant Adjacent Lot 93 Entry/Crossover.....	6
Figure 15- Constructed and sealed Lights Road and Overhead Power Supply	7
Figure 16- Approved Subdivision Guide Plan for Lights Road Special Rural Zone	(Following page)8
Figure 17- Opportunities and Constraints	(Following page)9
Figure 18- Aerial with Indicative Lot Layout	(Following page)10



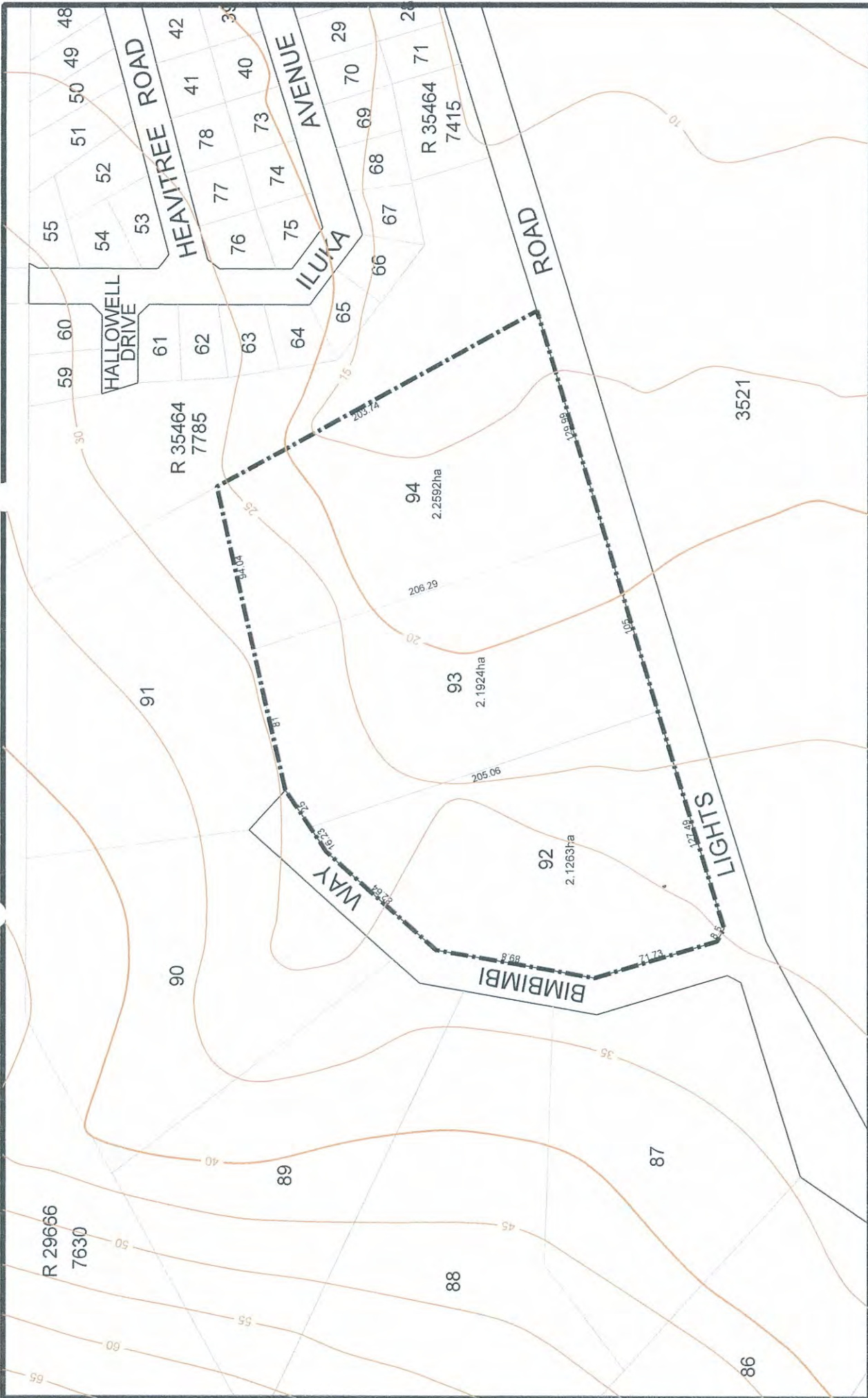
SUBJECT LAND

LOCATION PLAN

FIGURE 1



07067P



LOTS 92, 93 & 94 LIGHTS ROAD, OCEAN BEACH SHIRE OF DENMARK

ORIGINAL	THIS PLAN HAS BEEN PREPARED FOR THE PURPOSES OF THE SHIRE OF DENMARK AND DIMENSIONERS SHOWN ARE SUBJECT TO SURVEY.	PLANNER	K.S.
A1		J.D.	DATE: 06.09.2007
COPYRIGHT	THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF THOMPSON ROBERT ENZELDE AND SHALL NOT BE REPRODUCED OR USED FOR THE PURPOSES FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.	SCALE: 1:1000 at A1 1:2000 at A3	
		PLAN NO.	07067P-01



zoned land used for grazing purposes to the south with a coastal reserve adjoining that further to the south.



Figure 4- Rural Land Adjacent to the South of Subject Lot

A further reserve for recreation, Reserve 35464 separates this zone and a un-sewered residential zone to the east with blocks contained within that zone generally in the order of 1000m².

3.2 Topography & Vegetation Type

The subject land falls to approximately 15 meters AHD at the south-eastern corner of lot 94 and rises to approximately 30 meters AHD along the north western boundary of Lot 92. The vegetation covering the lots is a mix of tea tree scrubland, stunted Jarrah, Marri and some Karri trees with associated under storey along the lower section of Lots 93 & 94 and the seasonal creekline.



Figure 5- Mixed Vegetation



Figure 8- Existing Outbuilding on Lot 92 Lights Road



Figure 9- Existing House on Lot 93 Lights Road



Figure 10- Existing House on Lot 94 Lights Road

3.4 Access

All three properties have direct road frontage to the constructed and sealed Lights Road. Lot 92 has considerable addition frontage to Bimbimbi Way with Lot 93 also having an additional 25m wide frontage to this constructed and sealed road.

Lot 92 has a crossover to the existing house onto Bimbimbi Way. Lots 93 & 94 access the existing dwellings via separate crossovers to Lights Road.



Figure 11- Access off Bimbimbi to Dwelling on Lot 92



Figure 12- Access to Lot 93 from Lights Road



Figure 13- Access to Lot 94 from Lights Road

3.5 Servicing

A reticulated water service runs along the road reserve adjacent to lots 93 & 94 and terminates at the south east corner of lot 92 Lights Road. Each of the existing houses on the three lots are currently connected to that service.

Telecommunications are available along the same alignment as the water and a service is connected to all existing lots and would be available to any new lots to be created. An overhead power supply runs along lights road and currently connects to all existing lots. It is anticipated that a connection to any new lots would be possible subject to the standard connection fees and the payment of the recently released additional headwork's contribution fee.

An existing fire hydrant is installed on lights road and is located adjacent the existing crossover to Lot 93.



Figure 14- Fire Hydrant Adjacent Lot 93 Entry/Crossover



Figure 15- Constructed and sealed Lights Road and Overhead Power Supply

4.0 STATE PLANNING FRAMEWORK

4.1 Development Control Policy 2.5 – Special Residential Zones

The objective of this development control policy is;

- To provide for the creation of lots between 2,000m² and one hectare in suitable locations.
- To ensure the use and development of such lots are subject to appropriate standards and controls.
- To protect the character and amenity of adjacent rural areas.

The policy further states that the Special Residential zoning is to be used sparingly and as an intermediate zoning between residential and rural living.

5.0 LOCAL PLANNING DOCUMENTS

5.1 Shire of Denmark Town Planning Scheme No. 3

The general objectives of the Scheme as contained in clause 1.6 include but are not limited to;

- To zone land for various purposes in order to promote orderly and proper development of the Shire.
- To provide for such development as is required to accommodate the lifestyles appropriate to the area; and
- To provide for the subdivision and development of land in a manner suited to the economic activity of the area.

The proposal as now submitted and to be further detailed in the Town Planning Scheme Amendment documentation will meet with these objectives of the Shire of Denmark Town Planning Scheme No. 3.

5.1.1 Existing Special Rural zoning

Zoning was approved for the Special Rural Zone No. 6 (known as the Lights Road Special Rural zone) at the ordinary meeting of Council on the 29th March 1989 and later endorsed by the Minister of Planning. The Scheme contains provisions relating to land use, vegetation/creek line protection and building material controls. A subdivision guide plan exists over the site indicating the lot layout and maximum yield as per the Special Rural Zoning (Fig. 16)

The provisions for this particular special rural zone set a minimum lot size of 2ha and require that all dwellings are serviced by a 92kl watertank and have approved on site effluent disposal systems. In the case of lots 92, 93 & 94 lights Road, the dwellings are all connected to scheme water due to availability and the requirement for a minimum size watertank has not been enforced as a suitable alternative has been available.

5.2 Shire of Denmark Town Planning Scheme Policy No. 28 – Settlement Strategy for Denmark

This strategy does not accommodate the increase in density of areas that are presently developed and/or zoned and therefore does not offer any direction towards the intensification of development within areas where infrastructure presently exists notwithstanding, this strategy also does not specifically preclude density increases in this instance.

5.3 Draft Shire of Denmark Local Planning Strategy

The Draft Denmark Local Planning Strategy (DLPS) is currently awaiting endorsement by the WAPC.

The subject land is identified as land within 'Urban/Non Rural/Rural Residential land use' areas on Plan 1 (Priority Agricultural Land) & 2 (Rural Districts) of the DLPS and 'Existing Residential, Special Residential, Special Rural & tourist Zoned land' on Plan 3 (Urban Settlement). Although it is understood that there is to be some amendments to the mapping contained within the DLPS at a future date, it is understood that the land contained within the Lights Road Special Rural Zone will not be affected by this.

As the subject land is already identified in the DLPS mapping as stated above, the text contained within the document does not specifically address intensification of specific areas currently zoned. As per the TPS Policy No. 28 detailed at 5.2 above, this draft strategy also does not specifically preclude density increases of land identified in this manner.

6.0 PLANNING ISSUES/CONSTRAINTS

The constraints and opportunities for the 3 properties are generally detailed in Fig 17 however can further be summarized as follows;

Constraints

- Vegetated sites – mixed vegetation
- Creekline crossing predominantly Lots 93 & 94 from north west to south east resulting in reduced area for development due to creekline protection requirements.
- Fire hazards.

Possibilities

- Constructed and sealed access to all lots from Lights Road and additional constructed and sealed access to Lots 92 & 93 from Bimbimbi Way.
- Availability of reticulated water service along Lights Road within road verge.
- Power and telecommunications services available within adjacent road reserve.
- Protection of remnant vegetation on proposed new lots through the application of building envelopes.
- Greater fire protection measures able to be implemented through additional development via the reduction of fuel loads and implementation of a more efficient strategic fire access between Lot 94 Lights Road and Reserve 35464 connecting Bimbimbi Way and Lights Road. Increased density where services are available.
- Limited adverse affects on streetscape due to topography and vegetation fronting lights Road.
- Adjacent recognized townsite area (Ocean Beach locality).
- Access to school bus services.
- Close proximity to recreation areas (Wilson Inlet, Prawn Rock Chanel & Ocean Beach).
- Located within walking distance of zoned neighborhood commercial centre (yet to be developed).

Whilst acknowledging that there are constraints to the further development of the sites, the possibilities for an increase in density and thus development far out way the identified issues against further development.

It is considered that the increase in density through a special residential zoning represents an intermediate zoning between the residential zone to the east, special rural to the north west and rural zone to the south.

SPECIAL RURAL ZONE No. 6 SUBDIVISION GUIDE MAP



PLAN No. 87/53/2



Scale 1:3000



Building Envelopes
- Maximum 3000m²



Strategic Fire Breaks



Landscape Protection Area : generally reflecting natural depression of creek line. The provisions of the Fourth Schedule shall apply.



Area in which Tree Preservation shall be required in accordance with the provisions of the Fourth Schedule.



P.O.S Reserve

Adopted by Resolution of the Council of the Shire

of Denmark at the ORDINARY Meeting of the Council

held on the 25th day of MARCH, 1988

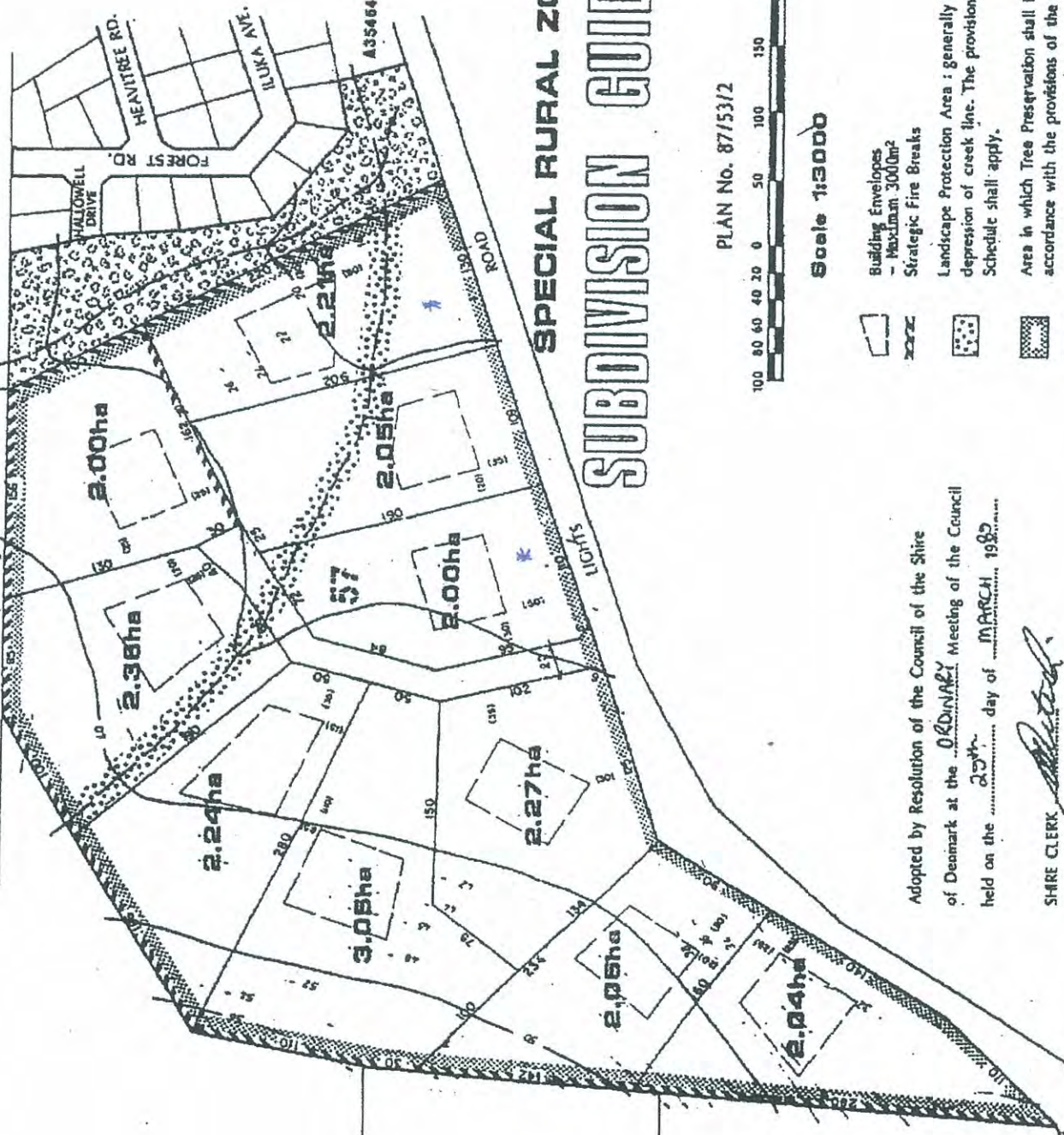
SHIRE CLERK

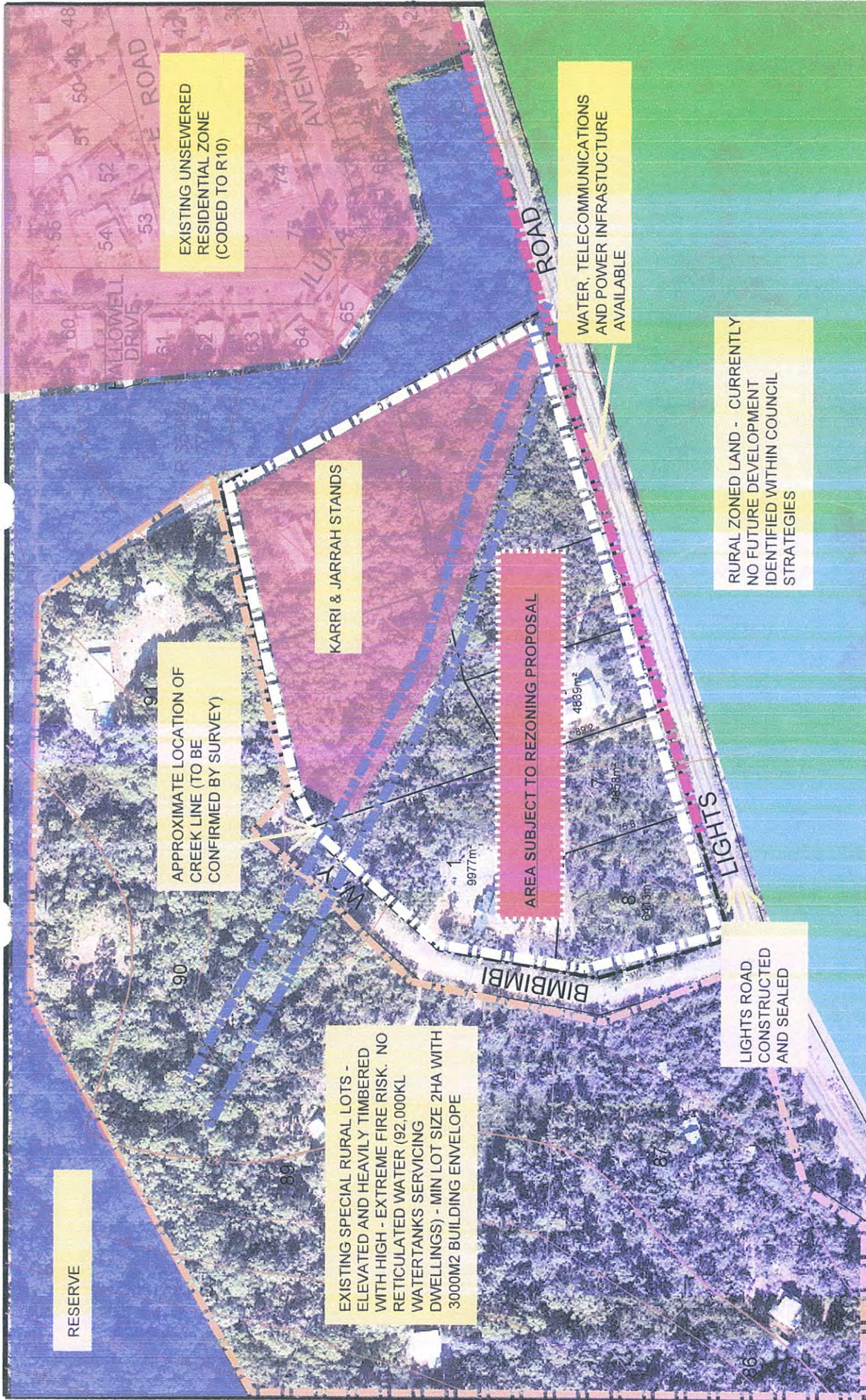
Pt. LOT 57 LIGHTS ROAD : DENMARK

A14959

A12182

A35464





RESERVE

APPROXIMATE LOCATION OF CREEK LINE (TO BE CONFIRMED BY SURVEY)

EXISTING SPECIAL RURAL LOTS - ELEVATED AND HEAVILY TIMBERED WITH HIGH - EXTREME FIRE RISK. NO RETICULATED WATER (92,000KL WATERTANKS SERVICING DWELLINGS) - MIN LOT SIZE 2HA WITH 3000M2 BUILDING ENVELOPE

KARRI & JARRAH STANDS

AREA SUBJECT TO REZONING PROPOSAL

EXISTING UNSEWERED RESIDENTIAL ZONE (CODED TO R10)

WATER, TELECOMMUNICATIONS AND POWER INFRASTRUCTURE AVAILABLE

LIGHTS ROAD CONSTRUCTED AND SEALED

RURAL ZONED LAND - CURRENTLY NO FUTURE DEVELOPMENT IDENTIFIED WITHIN COUNCIL STRATEGIES

GENERAL POSSIBILITIES AND CONSTRAINTS

LOTS 92, 93 & 94 LIGHTS ROAD, OCEAN BEACH, SHIRE OF DENMARK



DATE: 06.09.2007

PLAN No: 07067P-02

SUBJECT LAND

- EXISTING LOTS
- PROPOSED LOTS
- EXISTING CONTOUR
- WATERCOURSE

PLANNING

A1

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES. AREAS, CONTOURS AND DIMENSIONS SHOWN ARE SUBJECT TO SURVEY.

COPYRIGHT THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF TMO CONSULTANTS PTY LTD. THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS PREPARED. ANY REUSE OF THE DOCUMENT WITHOUT THE AUTHORIZED USE OF THIS DOCUMENT IN ANY FORM IS PROHIBITED.

PLANNING

J.D.

SCALE: 1:1000 at A1
1:2000 at A3

DATE: 06.09.2007

PLAN No: 07067P-02

The balances of the lots within this zone have not been included in this proposal. In considering the possibilities for this zone and assessing the appropriateness of increasing density, it was considered that the Lots contained within the northern portion of the zone were not suitable for further subdivision for the following reasons;

- lack of ready connection to reticulated water;
- combination of heavy vegetation and slope increasing the risk of fire hazards;
- possible unacceptable environmental impacts through clearing to maintain fire safety.
- Directly adjacent a quality vegetated reserve for recreation.

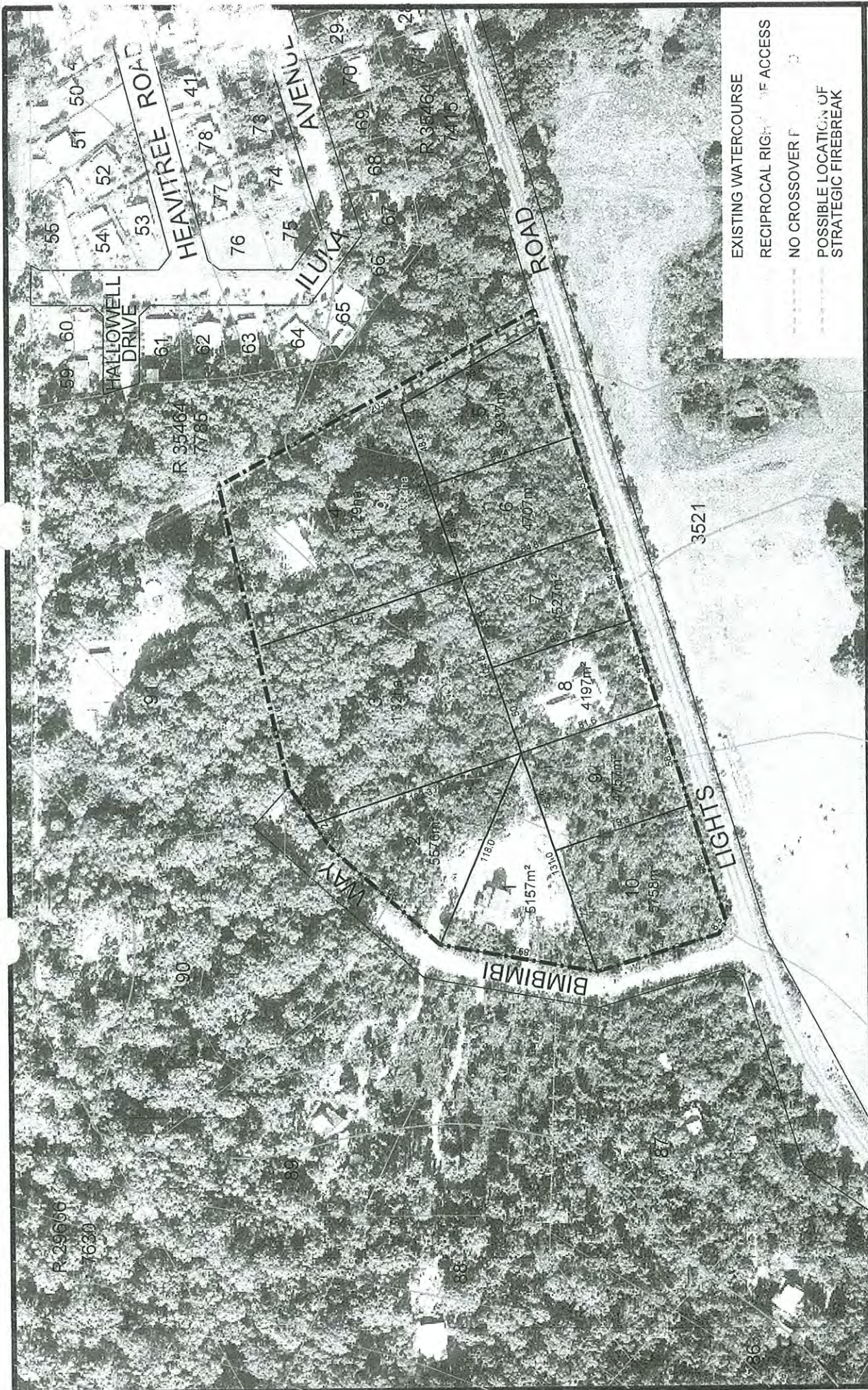
This proposal has therefore focused on the southern lots within the zone. Bimbimbi Way to the north west, Lights Road to the south and Reserve 35464 to the east have been used as the boundary to contain density to that befitting a modest Special Residential zone.

7.0 CONCLUSION


The application of a 'Special Residential' zoning to these three lots allows for an intermediately zoning between the 'Residential' zoning to the east and the Special Rural zone to the northwest on Bimbimbi Way whilst utilizing the existing available services (water and power) within the road reserve adjacent the sealed Lights Road.

By applying a 'Special Residential' zoning specifically to these three lots, Council can maintain TPS provisions relating to the development of proposed lots in relation to vegetation protection by the implementation of building envelopes, bushfire management by the introduction of a more comprehensive strategic fire break than currently exists, the application of AS3959 in the construction standards of buildings and impacts on amenity by the control of colours and building materials permissible in this zone.

Further intensification of density in this area is logical due to the availability of services such as water and power and the location of the subject lots adjacent sealed and constructed roadways. The rezoning of this land represents a minor variation to the current landuse and mimics similar developments in the general area (Harrington Break to the north) whilst still maintaining a zoning that can offer landuse and design controls to enhance and protect the amenity of the general area.



EXISTING WATERCOURSE
 RECIPROCAL RIGHTS OF ACCESS
 NO CROSSOVER F
 POSSIBLE LOCATION OF STRATEGIC FIREBREAK



OWNER	J.D.	PLANNING	K.S.
SCALE	1:1000 at A1 1:2000 at A3	DATE	21.09.2007
PLAN No.	07067P-02		

DISCLAIMER: THIS PLAN HAS BEEN PREPARED FOR THE PURPOSES SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. AREAS SHOWN IN RED ARE SUBJECT TO SURVEY.

COPYRIGHT: THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF THE CONSULTANT. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM IS STRICTLY PROHIBITED.

SUBJECT LAND

EXISTING LOTS

PROPOSED LOTS

EXISTING CONTOUR

WATERCOURSE

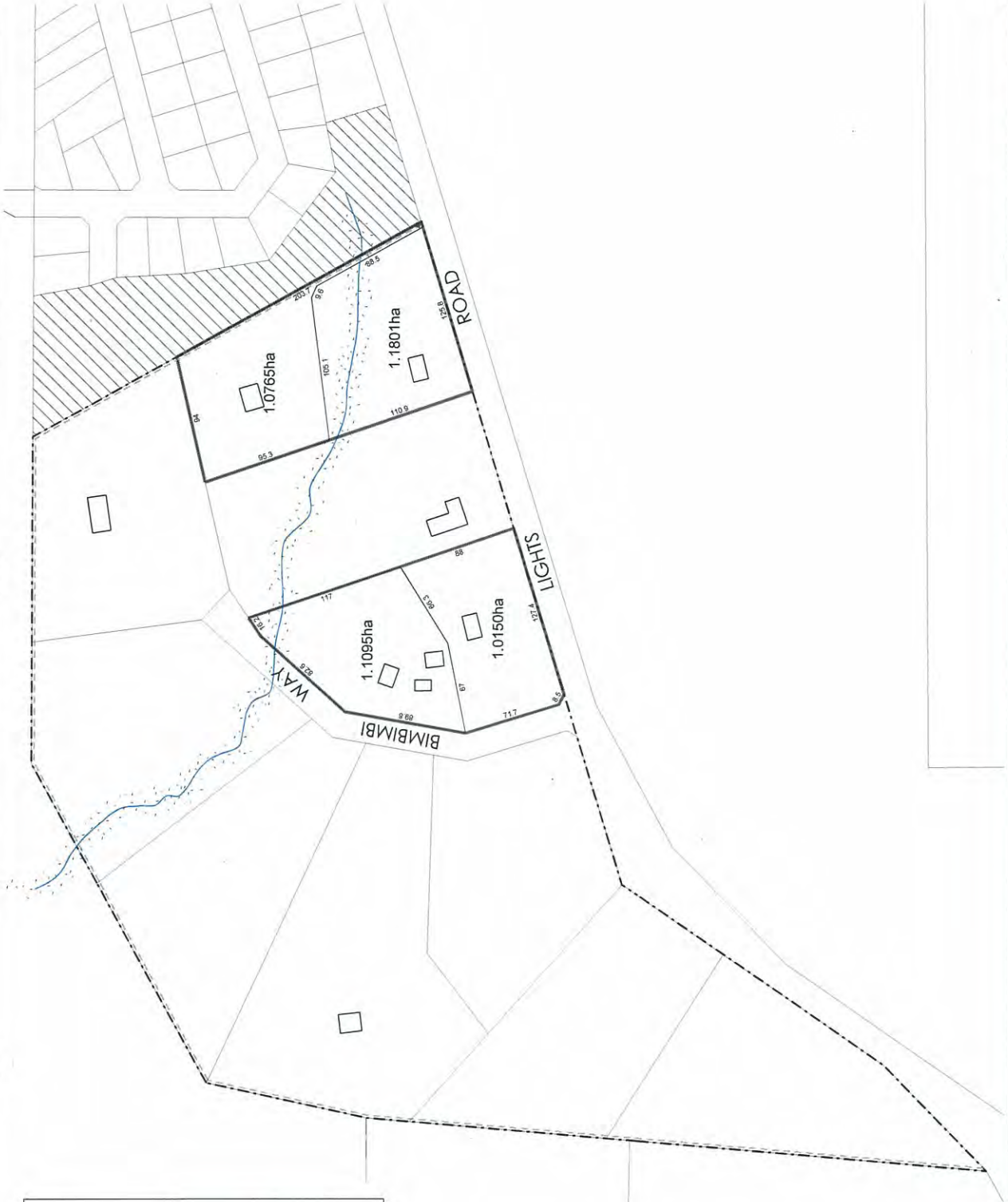
PROPOSED SUBDIVISION

LOTS 92, 93 & 94 LIGHTS ROAD, OCEAN BEACH, SHIRE OF DENMARK

TIDMANS, MARGARET ELLIOTT, 20 Willemans Street, Bimbury WA 6207. Telephone: (08)9291 4411. Email: info@tidmans.com.au

LEGEND

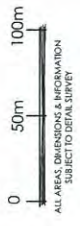
-  BUILDING ENVELOPE
-  STRATEGIC FIRE BREAK
-  LANDSCAPE PROTECTION AREA:
Generally reflecting natural depression
of creek line. The provisions of the
Fourth Schedule shall apply
-  AREA IN WHICH TREE PRESERVATION
SHALL BE REQUIRED IN ACCORDANCE
WITH THE PROVISIONS OF THE FOURTH
SCHEDULE
-  PUBLIC OPEN SPACE RESERVE
-  LOTS APPROPRIATE FOR FURTHER
SUBDIVISION



SUBDIVISION GUIDE PLAN
LOTS 85-94 BIMBIMBI WAY
DENMARK



SAM WILLIAMS | TOWN PLANNER
 ph: 0418 116216 | email: samwilliams@westnet.com.au
 scale - 1:3000 | date - 28 June 2011 | figure 1



LEGEND

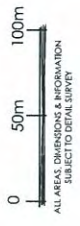
-  BUILDING ENVELOPE
-  STRATEGIC FIRE BREAK
-  LANDSCAPE PROTECTION AREA:
Generally reflecting natural depression of creek line. The provisions of the Fourth Schedule shall apply
-  AREA IN WHICH TREE PRESERVATION SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FOURTH SCHEDULE
-  PUBLIC OPEN SPACE RESERVE
-  LOTS APPROPRIATE FOR FURTHER SUBDIVISION

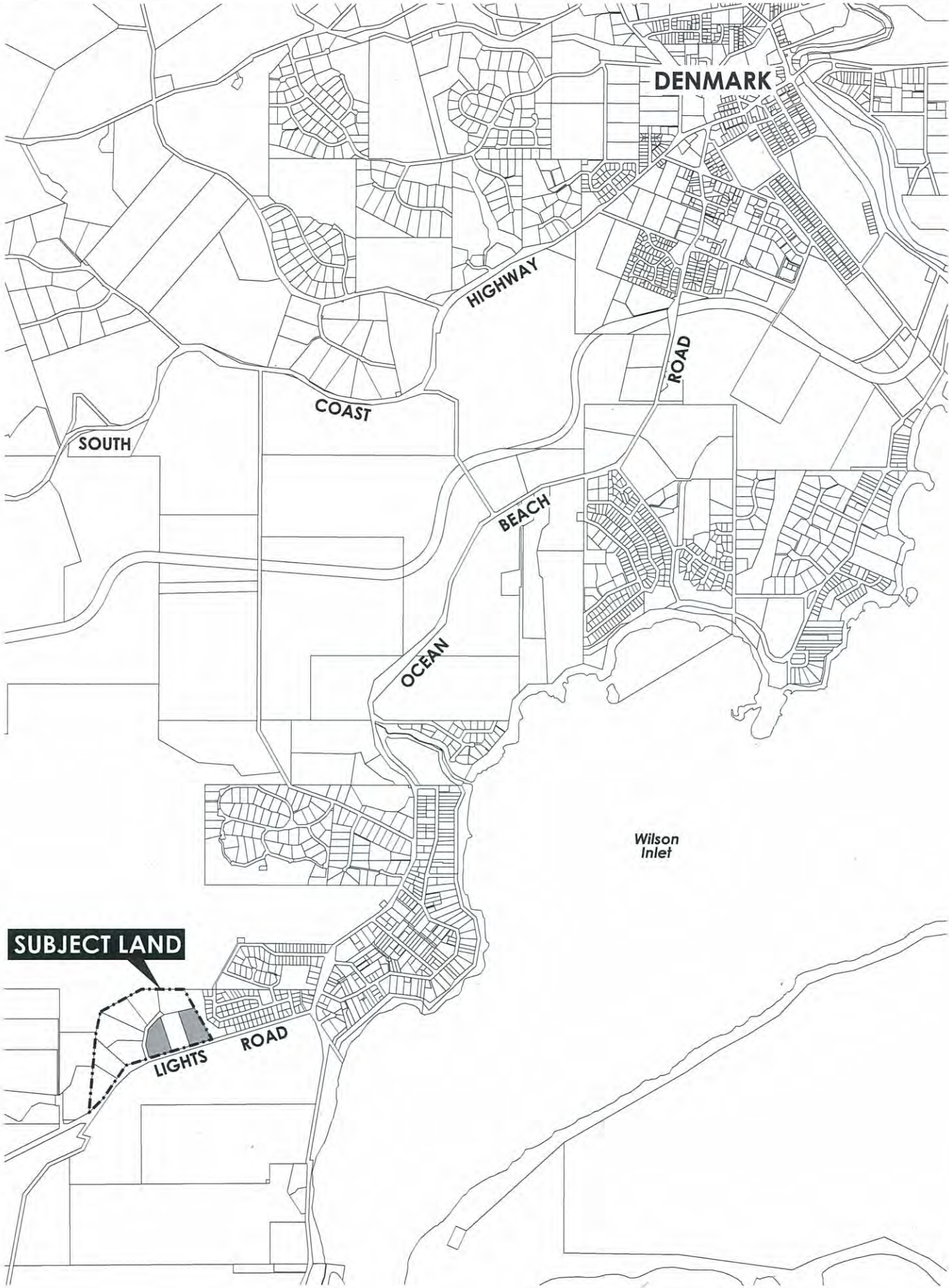


SUBDIVISION GUIDE PLAN
LOTS 85-94 BIMBIMBI WAY
DENMARK



SAM WILLIAMS | TOWN PLANNER
 ph: 0418 116216 | email: sam.williams@vestnet.com.au
 scale - 1:3000 | date - 28 June 2011 | figure 2





SUBJECT LAND

LOCATION PLAN
 LOTS 85-94 BIMBIMBI WAY
 DENMARK



SAM WILLIAMS | TOWN PLANNER
 ph: 0418 116216 | email: samwilliams@westnet.com.au
 scale - 1:20 000 | date - 28 June 2011 | figure 3



ALL AREAL DIMENSIONS & INFORMATION
 SUBJECT TO 'DETAILED SURVEY'





View from end of Bimbimbi Way looking south-west of land not subject to this request. Note mature vegetation.



Looking north up Bimbimbi Way – land subject to this request on the right.



Land to the west – not subject to this request with more established vegetation



Subject land – note low scrub and lack of mature vegetation



Lights Road looking east. Subject land to the left.



Unused driveway off Lights Road looking into land subject to this request.

