

# Minutes

---



## SPECIAL MEETING OF COUNCIL

for the purpose of dealing with the draft Local Planning Strategy.

HELD IN THE COUNCIL CHAMBER,  
953 SOUTH COAST HIGHWAY, DENMARK,  
TUESDAY 4 OCTOBER 2011/

### Contents

	<b>Page No.</b>
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	2
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	5
4. PUBLIC QUESTION TIME	5
5. REPORTS	8
5.1 LOCAL PLANNING STRATEGY	8
6. CLOSURE	34

# Special Council Meeting

4 October 2011

## DISCLAIMER

These minutes and resolutions are subject to confirmation by Council.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.02pm – The Shire President, Cr Thornton, declared the meeting open.

**2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**MEMBERS:

Cr Ross Thornton (Shire President)  
 Cr Ken Richardson-Newton (Deputy Shire President)  
 Cr Phil Barnes  
 Cr Kim Barrow  
 Cr Adrian Hinds  
 Cr Robert Laing  
 Cr Dawn Pedro  
 Cr Richard Phair  
 Cr John Sampson  
 Cr Alex Syme  
 Cr John Wakka

STAFF:

Mr Dale Stewart (Chief Executive Officer)  
 Mr Garry Bird (Director of Finance & Administration)  
 Mrs Annette Harbron (Director of Planning and Sustainability)  
 Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Cr George Ebbett  
 Mr Gregg Harwood (Director of Community and Regulatory Services)  
 Mr Rob Whooley (Director of Infrastructure Services)

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mrs Harbron	5.1	Impartiality	Mrs Harbron owns land at Lot 8 Wishart Place, Denmark noting no designation modifications are proposed in the LPS.
Cr Wakka	5.1	Financial	Cr Wakka owns farming property possibly subject to subdivision.
Cr Barrow	5.1	Financial	Cr Barrow is the owner of agricultural land subject of submission to LPS and owns land which could relate to the potential for homestead lots.
Cr Phair	5.1	Financial & Proximity	Cr Phair is the owner of land adjacent to Peaceful Bay Local Structure Plan and is the owner of land which may be considered for homestead lots.
Cr Barnes	5.1	Proximity	Cr Barnes is the part owner of a property at 16 Welsh Street which is subject to zoning change in the LPS. In addition two property owners at numbers 15 & 17

			Welsh, opposite his property, have submitted objections to the proposed zoning change.
Cr Syme	5.1	Financial	Cr Syme owns land (Lot 406) that the LPS proposes could either be rezoned from rural to rural smallholdings and/or be eligible to have a homestead lot created.
Cr Pedro	5.1	Financial & Proximity	Cr Pedro is the joint owner of land that is adjacent to land proposed in the draft LPS as being rezoned to Rural Residential and is the joint owner of land that could benefit from homestead lots proposed in the draft LPS. Cr Pedro is the joint owner of land that has been referred to in submissions and her spouse made a submission regarding the inclusion of conservation lots that could affect property that she jointly owns.
Cr Thornton	5.1	Impartiality & Proximity	Cr Thornton's brother has made a submission to the LPS and he owns land adjoining proposed commercial zoning in Mitchell Street. Cr Thornton owns land in the proposed Commercial / Mixed Business area.
Cr Richardson-Newton	5.1	Impartiality	Cr Richardson-Newton's wife has lodged a submission on commercial designation of the rear portion of properties in Mitchell Street.
Cr Laing	5.1	Financial & Proximity	Cr Laing is the joint owner of a rural property which potentially could have the ability to obtain homestead block subdivision.
Cr Sampson	5.1	Proximity & Impartiality	Cr Sampson is an adjacent landowner to Loc 7075, Lights Road and an adjacent landowner to Lot 2 / Loc 4358 Lights Road. Cr Sampson is an adjacent landowner to a person who has made a submission, is a member of the Denmark Environment Centre and Climate Action Denmark.

*The Chief Executive Officer advised that Ministerial Exemption had been received to allow Councillors Thornton, Pedro, Syme, Phair, Barnes, Wakka, Sampson, Barrow and Laing to participate in discussion and decision making procedures relating to Council's modification and adoption of the Shire's Local Planning Strategy.*

### 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President expressed his condolences for the family of friends of Mr Andy Ducker, a long time local resident who had recently passed away. Cr Thornton stated that a service for Mr Ducker would be held on Sunday at the Denmark Cemetery.*

### 4. PUBLIC QUESTION TIME

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, they must however relate to the item(s) on the Agenda.

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

#### Questions from the Public

#### 4.1 Mrs Barbara Marshall

Mrs Marshall expressed her support for a bridge across East River Road and the need to have emergency, alternative access.

#### 4.2 Mr Malcolm Hick

Mr Hick spoke as a volunteer Fire Fighter and expressed his concern about using Hamilton Road / Churchill Road as an alternative 'emergency' access being a gravel road.

#### 4.3 Ms Diane Harwood

Ms Harwood referred to the proposed change of land use for Reserve 45256, located on South Coast Highway, opposite the Caltex Service Station. Ms Harwood stated that she believed it to be important to retain the reserve as it is for aesthetic reasons.

#### 4.4 Mr Graeme Thallon

Mr Thallon spoke as the Chief Bush Fire Control Officer stating that he had concerns about utilising Churchill Road as an emergency access route. Mr Thallon said that in recent emergency management workshops they had concluded that the highest risk of fire hazard came from the north east and west end of the Shire. Mr Thallon stated that he believed there was a need for additional access out of Denmark to the east.

#### 4.5 Mr Cyril Edwards

Mr Edwards spoke as a volunteer Fire Fighter and asked the Shire President if he recalled the key features of the Mt Lindsay bushfire and the Local Emergency Management Committee's (LEMC) case study assessment following the Victorian bush fires.

*The Shire President stated that he did remember the Mt Lindsay fire in 1998 / 1999 as it had entered his property and was uncontrollable, it had only been a change of wind direction which had saved Denmark. Cr Thomon stated that the LEMC had looked at a case study where a bush fire had started in the north which took out communication towers. The study revealed that trying to evacuate the population of Denmark via the Denmark River Bridge on South Coast Highway resulted in a grid lock of traffic.*

**4.6 Ms Heather Williams**

Ms Williams stated that she had put in a submission in relation to the proposed redesignation of the rear access of Mitchell Street and questioned the effectiveness of Council's consultation with ratepayers/residents on the draft Local Planning Strategy. Ms Williams advised that she had first heard about the proposal by accident which had resulted in a public meeting and noted that the whole process could be handled a lot better by Council. Ms Williams asked for those members of the public gallery who had concerns about the public consultation process to stand. A number of members stood.

Ms Williams presented a petition which stated "We the undersigned area asking the Shire of Denmark for Effective (sic) community consultation on the Draft Local Planning Strategy, 4<sup>th</sup> October 2011". The petition contained 97 signatures.

**4.7 Mr Andrew Gibb**

Mr Gibb referred to the consultation process stating that the formation of the new Strategy had been ongoing since approximately 1998 and over that time there had been a lot of meetings and forums. Mr Gibb stated that the draft Local Planning Strategy (LPS) before Council was the end result of that process and for no decision to now be made, would just be prolonging the matter. Mr Gibb commended Council for what they had achieved to date on the draft LPS.

**4.8 Ms Louise Duxbury**

Ms Duxbury stated that having a draft Local Planning Strategy presentation was not the same as public consultation and there were many people who felt that the consultation process was inadequate. Ms Duxbury expressed her objection to multiple occupancy being removed stating that it was not the same as strata titles.

**4.9 Dr Loretta DoRoziro**

Dr DoRoziro noted that the draft Local Planning Strategy had been in the making for approximately 10 years and whilst over those years public consultation had occurred, there had been a number of changes and new ratepayers/residents since then. Dr DoRoziro stated that there were many people who wanted to contribute to the document and future planning for Denmark.

**4.10 Ms Dawn Stevens**

Ms Stevens spoke as a ratepayer of Denmark and asked whether it would be possible for professional people of Denmark to put together reports to show Council where the community wants to go, so that Council can use the community as support for a common direction.

*The Shire President responded stating that a Local Planning Strategy was different from a Community Strategy, which would be developed by the year 2013. Cr Thornton stated that the LPS is a land use strategy which has to comply with the Town Planning Act 2005 and associated Town Planning Policies and that Mt Barker had recently gone through a similar process where the West Australian Planning Commission (WAPC) had amended their draft document substantially.*

*The Chief Executive Officer added that Council had specifically met with the WAPC to plead Denmark's case which is why the draft document was stalled in 2007. Mr Stewart stated that the first step was the gain approval from the WAPC to advertise the document, which had been done and resulted in a lot of public comment, enabling Council to now progress to the next stage.*

**4.11 Ms Regina Bliederger**

Ms Bliederger stated that land use was the most important issue with respect to lifestyle in Denmark.

**4.12 Mr Tony Pedro**

Mr Pedro gave a brief presentation relating to an alternative link road option.

**4.13 Mr Brett Rolland**

Mr Rolland noted, with respect to emergency evacuation, that there were choke points on the roads to Albany and Mt Barker and asked whether Council had considered this.

*The Shire President responded stating that South Coast Highway and the Denmark-Mt Barker Road were managed by the State and that it was a matter for the Department of Transport to consider in their long term planning. Cr Thornton added that emergency management was only one aspect in considering another bridge across the Denmark River.*

**4.14 Mr Graham Robertson**

Mr Robertson stated that Councillors & Council Planners were generally aware of the direction that Denmark would like to go as a town and community however the Local Planning Strategy was required to comply with State Planning Acts & Policy which essentially meant little room for 'diversity'.

Mr Robertson stated that the Policies were the same for the whole state which is why it was difficult for the Shire to achieve any unique, distinct plan.

Mr Robertson offered to fund external planning advice and submissions to the WAPC and suggested that Council might like to consider this offer to support what we would like to see for Denmark.

**4.15 Mr Ian Conochie**

Mr Conochie provided background as to how The Wollary was established under guidelines supplied by the Government at the time. The Guidelines enabled people to build as many houses they liked on properties over five acres. Mr Conochie urged Council to continue support of multiple occupancy as opposed to strata titles as he believed that they would fail as a community.

**4.16 Ms Jean Phillips**

Ms Phillips asked a number of questions in relation to the draft Local Planning Strategy and asked why the submissions, including 250 opposing points, were kept confidential until a week before the meeting.

*The Shire President responded stating that the Director of Planning & Sustainability's presentation would most likely answer Ms Phillips questions and concerns.*

**4.17 Ms Doreen Rudd**

Ms Rudd spoke as a resident of Horsley Road and raised concerns in relation to the proposal to designate the area as commercial. Ms Rudd said that she was disappointed that Council had proposed these changes without writing to the residents & ratepayers to inform them. Ms Rudd noted that she understood the need for planning however believed that it must be done with open public consultation.

*The Shire President responded stating that the draft Local Planning Strategy was not a rezoning document and if residents were directly affected by a rezoning amendment request then those residents would receive notification.*

**4.18 Ms Ayla Lisson**

Ms Lisson spoke as a resident of Cussons Road stating that if the proposed link road goes ahead then she would be directly affected and asked how Council enforces that no trucks use the road. Ms Lisson stated that since the initial draft

Local Planning Strategy begun, residents and changed and peoples needs have changed however Council has hung on to the plan regardless of public opinion.

*The Shire President stated that the process had started in 2002/2003 and three public workshops were conducted in 2004/2005. The draft document was then sent to the West Australian Planning Commission who rejected it.*

#### 4.19 Mr Joss Harman

Mr Harman stated that he recognised that Council was faced with difficult decisions however he believed that the draft Local Planning Strategy was not supported by the people and should be re-submitted to the community. Mr Harman urged council to put the matter back to the Electors before making a decision.

#### 4.20 Mr Steve Cottam

Mr Cottam spoke as a resident of Mitchell Street stating that he did not receive any notification that the land behind Mitchell Street was to be rezoned.

*The Shire President responded stating that the Strategy was not a rezoning document.*

## 5. REPORTS

### Suspension of Standing Orders

#### **COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

MOVED: CR SYME

SECONDED: CR HIINDS

That Standing Orders be suspended prior to consideration of the following agenda item to enable a presentation of the Local Planning Strategy by the Director of Planning & Sustainability followed by Councillors' questions if any.

CARRIED: 11/0

Res: 011011

### Presentation by the Director of Planning & Sustainability

*The Director of Planning & Sustainability made a presentation to Councillors and members of the public on modifications which are proposed to be undertaken to the draft Local Planning Strategy.*

*Following the conclusion of the presentation, the Presiding Person enabled questions by Councillors of staff regarding the presentation and or the agenda item.*

6.46pm – *The Shire President adjourned the meeting for a short break.*

7.13pm – *The meeting resumed with all Councillors and Senior Staff who were present prior to the adjournment.*

### Resumption of Standing Orders

#### **COUNCIL RESOLUTION**

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR WAKKA

That Standing Orders be resumed.

CARRIED: 11/0

Res: 021011



*Prior to consideration of Item 5.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Mrs Harbron declares an impartiality interest on the basis that she owns land at Lot 8 Wishart Place, Denmark noting that no designation modifications are proposed in the Local Planning Strategy.*

*Cr Wakka declares a financial interest on the basis that he owns farming property possibly subject to subdivision.*

*Cr Barrow declares a financial interest on the basis that he is the owner of agricultural land subject of submission to LPS and owns land which could relate to the potential for homestead lots.*

*Cr Phair declares a financial and proximity interest on the basis that he is the owner of land adjacent to Peaceful Bay Local Structure Plan and is the owner of land which may be considered for homestead lots.*

*Cr Barnes declares a proximity interest on the basis that he is the part owner of a property at 16 Welsh Street which is subject to zoning change in the LPS. In addition two property owners at numbers 15 & 17 Welsh, opposite his property, have submitted objections to the proposed zoning change.*

*Cr Syme declares a financial interest on the basis that he owns land (Lot 406) that the LPS proposes could either be rezoned from rural to rural smallholdings and/or be eligible to have a homestead lot created.*

*Cr Pedro declares a financial & proximity interest on the basis that she is the joint owner of land that is adjacent to land proposed in the draft LPS as being rezoned to Rural Residential and is the joint owner of land that could benefit from homestead lots proposed in the draft LPS. Cr Pedro is the joint owner of land that has been referred to in submissions and her spouse made a submission regarding the inclusion of conservation lots that could affect property that she jointly owns.*

*Cr Thornton declares an impartiality and a proximity interest on the basis that his brother has made a submission to the LPS and he owns land adjoining proposed commercial zoning in Mitchell Street. Cr Thornton owns land in the proposed Commercial / Mixed Business area.*

*Cr Richardson-Newton declares an impartiality interest on the basis that his wife has lodged a submission on commercial designation of the rear portion of properties in Mitchell Street.*

*Cr Laing declares a financial and a proximity interest on the basis that is the joint owner of a rural property which potentially could have the ability to obtain homestead block subdivision.*

*Cr Sampson declares a proximity and a financial interest on the basis that he is an adjacent landowner to Loc 7075, Lights Road and an adjacent landowner to Lot 2 / Loc 4358 Lights Road. Cr Sampson is an adjacent landowner to a person who has made a submission, is a member of the Denmark Environment Centre and Climate Action Denmark.*

*As stated previously in the meeting, the Chief Executive Officer again advised that Ministerial Exemption had been received to allow Councillors Thornton, Pedro, Syme, Phair, Barnes, Wakka, Sampson, Barrow and Laing to participate in discussion and decision making procedures relating to Council's modification and adoption of the Shire's Local Planning Strategy and read the correspondence from the Department of Local Government, dated 4 October 2011 and provided a copy to all Councillors.*

<b>5.1</b>	<b>ADOPTION OF LOCAL PLANNING STRATEGY</b>
------------	--------------------------------------------

<b>File Ref:</b>	PLN.46
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Entire Shire
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	27 September 2011
<b>Author:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	A) - Schedule of Submissions B) – Aerial/Cadastre Plan C) – Planning Unit B: Wishart Place Structure Plan D) - Subdivision Guide Plan for Lot 999 Kearsley Road E) - McLean Road/Kearsley Road Local Structure Plan F) – Subdivision Guide Plan for Lot 371 Horsley Road G) – Horsley Road/Rockford Road Local Structure Plan H) – Conceptual Plan for Lot 374 Scotsdale Road I) – Aerial/Cadastre Plan of East River Road J) – Plan Showing Extent of ‘Rural Residential’ Designation in Draft LPS (March 2011) K) - Plan Showing Extent of ‘Rural Smallholdings’ Designation in Draft LPS (March 2011) L) – ‘Rural Living is Denmark!’ Powerpoint Presentation to WAPC (Statutory Planning Committee) M) – Schedule of Modifications

**Summary:**

The Local Planning Strategy (LPS) is a strategic land use planning document that should provide the strategic framework for assessment and decision-making in relation to proposed scheme amendments, subdivisions and developments and identify the need for further studies or investigation to address longer-term strategic planning and development issues.

It is recommended that Council adopt the LPS with modifications and the document be referred to the Western Australian Planning Commission (WAPC) for endorsement.

**Background:**

At its meeting of 22 March 2011, Council considered the draft Local Planning Strategy (March 2011) and resolved the following (Res No. 310311):

*That Council with respect to the draft Local Planning Strategy (March 2011) as amended as at the 22 March 2011:*

- 1. Approve it for consent to advertise, subject to the following modification, that number 6, page 13, reads as follows “Council use local provenance or native vegetation species in the revegetation of road reserves and waterway foreshore reserves, where practical and where biodiversity values are being promoted.”*
- 2. Subject to part 1, refer it to the Western Australian Planning Commission for certification as being consistent with regulation 12A(3) of the Town Planning Regulations 1967 in order to facilitate commencement of public advertising;*
- 3. Upon certification being received from the Western Australian Planning Commission, it be advertised for a minimum period of 60 days; and*
- 4. The document is to remain ‘Confidential’ until such time as the public advertising period commences.*

In line with Council’s resolution, the draft LPS was forwarded to the WAPC for certification on 31 March 2011.

The draft LPS was considered by the WAPC’s Statutory Planning Committee at the Meeting on the 10 May 2011 wherein the draft LPS was certified as being consistent with Regulation 12A(3) of the *Town Planning Regulations (as amended)* and should be advertised for public inspection for a minimum period of 21 days, as set out in Regulation 12B, subject to the modifications in the schedule of modifications being

effected prior to advertising. The WAPC also advised that further consideration will be given to the content of the LPS following Council's consideration of submissions.

Official advertising of the draft LPS commenced on 9 June 2011, with the public advertising period closing on 9 August 2011 (being 60 days). During the public advertising period the following consultation took place:

- Advertising notices in the Denmark Bulletin on 9 June 2011, 23 June 2011 and 7 July 2011 inviting public comment;
- Advertising notice in the West Australian on 11 June 2011 inviting public comment;
- Advertising notice in the Walpole Weekly on 15 June 2011 inviting public comment;
- Advertising notice in the Albany Advertiser on 16 June 2011 inviting public comment;
- Issuance of a media release titled "Draft Local Planning Strategy Released for Public Comment" on 8 June 2011;
- Visual display set up in the foyer of the Shire Administration Office and the Shire Library for the duration of the advertising period;
- A 4-page LPS Information sheet (providing information on the key themes, how to lodge a submission, process after community consultation and where to go for more information) being made available;
- LPS document, including the information sheet and submission form, being available for download on the Shire's website for the duration of the advertising period;
- LPS document being available for purchase (CD or hard copy) from the Shire Administration Office;
- Referral of the LPS document to the Shire of Plantagenet, the Shire of Manjimup and the City of Albany inviting comments;
- Referral of the LPS document to the following government departments/servicing authorities inviting comments:
  - Fire and Emergency Services Authority
  - Department of Health
  - Department of Water
  - Western Power
  - Telstra
  - Water Corporation
  - Main Roads WA
  - Department of Environment & Conservation
  - Heritage Council
  - Department of Agriculture
  - Department of Indigenous Affairs
  - Tourism WA
  - Department of Education & Training
  - Department of Planning
  - Department of Regional Development & Lands
  - Department of Mines & Petroleum
  - Great Southern Development Commission
- Referral of the LPS document to local community groups inviting comments;
- Advice of the LPS being out for public comment to the local Members of Parliament (being Hon. Terry Redman, Hon Robyn McSweeney and Mr Tony Crook);
- Community information sessions held on 22 June 2011 in Denmark (where 39 ratepayers/residents attended), 30 June 2011 in Peaceful Bay (where 18 ratepayers/residents attended) and 21 July 2011 in Denmark (where 58 ratepayers/residents attended) to inform the community about the purpose and role of the draft LPS and the key issues/themes;
- Issuance of a media release titled "Proposed East-West Link Road for Denmark Clarified" on 7 July 2011; and
- An Addendum Information Sheet in relation to the East-West Road Link being made available.

**Comment:**

At the close of the advertising period, the Shire was in receipt of 206 submissions – 191 from the public and 15 from government departments/agencies/servicing authorities

(noting Planning Services continued to accept submissions up until 27 September 2011 – being the date the officer's report was finalised). Attached as Attachment A is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim (that is provided in their entirety (minus attachments) and not summarised). Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions.

As is evident from the submissions, there were a few main issues/topics arising, being:

- The 'Commercial' designation over the rear of the Mitchell Street properties;
- The proposed East-West Link Road;
- The 'Future Urban' designation over the Agricultural College Land; and
- General extent of 'Rural Residential' and 'Rural Smallholdings' designations.

Given there were numerous submissions on these key issues/topics, Planning Services comments/response is provided in greater detail than specifics included within Attachment A: Schedule of Submissions.

#### ➤ **'Commercial' Designation Over Rear of Mitchell Street Properties**

There are numerous objections lodged in relation to the 'commercial' designation over the rear of the Mitchell Street properties west of Short Street, with the main objections relating to the conflicts with the functions of the nearby Denmark Primary School and the adjoining residential properties.

Having regard to the issues raised in the submissions, existing development on both sides of the existing laneway and the limited commercial benefits that would result from such designation, Planning Services are recommending that the 'commercial' designation on the Mitchell Street properties west of Short Street through to the Seventh Day Adventist Church site (being 32 Mitchell Street) be deleted and replaced with an 'urban residential' designation.

Based on this recommendation, the following modifications would be required to be undertaken:

- Delete Part 1 Section 4.2 Future Retail Strategy e);
- Delete Part 1 Section 4.2 Future Retail Implementation Point No. 4 (which subsequently deletes the Implementation Point cross-referenced in Part 1 Section 7.1 Implementation Recommendations);
- Amend Figure 3 of Part 1 Section 7.2 Local Planning Strategy Modifications such that the 'commercial' designation is removed;
- Amend LPS Plan 1 by deleting the 'commercial designation' and replacing it with an 'urban residential' designation;
- Deleting bullet point 3 from Part 2 Section 6.5.3 Town Centre – Future Growth, Function and Design; and
- Deleting bullet point 4 from Part 2 Section 6.5.6 Planning Implications.

These modifications are provided for Attachment M: Schedule of Modifications as Modification Number 73.

#### ➤ **Proposed East-West Link Road**

There are numerous objections lodged in relation to the proposed East-West Link Road, with the main issues/themes referenced in the submissions being:

- Concern that the road may become a heavy haulage by-pass;
- Concern that no regard has been given to the terrain and vegetation that may be lost as a result of the proposed road;
- Concern that the area is currently used for a range of recreational pursuits (i.e. walking, cycling) and this may be lost;

- The threat of the loss of amenity and character for the adjoining developments and Denmark overall;
- Concern for the financial costs associated with the construction of the road – particularly in relation to bridge crossing(s) that may be required;
- Concern that the road will result in a dangerous intersection with the Denmark-Mt Barker Road;
- Potential impacts on the Golden Hill Steiner School;
- Threat of loss of property value for adjoining properties;
- Concern that there appears to be no sound reasoning for the road;
- Concern that the planning is in ‘embryonic stages’ – with no feasibility, no detailed analysis nor funding considerations;
- Why has Churchill Road not been considered as an option – particularly if consideration was given to bitumen sealing of the road (including Howe/Hamilton);
- Suggestion that the Southern Rail Trail is an option; and
- Concern that alternative routes should have been provided for the community’s consideration rather than being discounted at this stage.

In determining a position on this issue, initially it is considered appropriate to put the proposal into context/perspective in terms of current and future land use requirements. In this regard the road alignment as provided for in the draft LPS has been ‘broken down’ into sections.

#### Cussons Road to the McLean Road/Mt Shadforth Intersection

Cussons Road is an existing connector road between South Coast Highway and Mt Shadforth Road, with local and tourist traffic utilising this road.

This section of road is an existing sealed road (noting the northern section of Cussons Road is currently gravel sealed). From South Coast Highway up to Mt Shadforth the road inclines steeply thus it is considered that this is a natural deterrent (as is the remainder of Mt Shadforth Road if coming from the west of Denmark) for use of the road as a heavy vehicle route.

#### McLean Road from Mt Shadforth Intersection to Kearsley Road/Lantzke Road Intersection

McLean Road from the Mt Shadforth intersection currently provides legal road frontage and physical road access to 4 lots on the southern side of the road reserve. It is an all weather gravel sealed road through to the driveway pertaining to No. 82 (Lot 353) McLean Road, and then essentially becomes a fire access track before connecting with the all weather gravel sealed road in the vicinity of the Water Corporation water storage tank site. The road reserve is heavily vegetated, with significant strands of Karris and native vegetation.

As per the Shire’s overall Fire Management Plan, McLean Road from the Mt Shadforth intersection through to Kearsley Road/Lantzke Road is currently designated a “Strategic Fire Access Route” – which as per the Shire’s Annual Fire Regulation Notices is defined as:

*“a major fire access road and a major firebreak – it must be a minimum 6 metres wide, clear of all fire fuel, have an all-weather trafficable surface of at least 4 metres, a vertical clearance of at least 4 metres and be designed to allow a heavy duty fire truck to access”.*

From a recent inspection of this route by the Shire’s Chief Executive Officer and Director of Planning & Sustainability it was apparent that additional work may be required to be undertaken (i.e. clearing of vegetation to obtain vertical and horizontal clearances and some minor road upgrading) in order to comply with the Shire’s current requirements for a strategic fire access route, noting that this is a very important and required strategic fire access route.

As mentioned above, this section of McLean Road currently serves a strategic function from a fire network perspective. Having regard to the level of development that is envisaged from the adjoining developments (noting that Planning Services are recommending that the lots on the southern side of McLean Road be designated 'Rural Residential' and not 'General Agriculture' as currently shown on the draft LPS), it is considered that in the short-term (1-5 years) that McLean Road will essentially retain its primary functions of being a local access road to the adjoining properties and as a strategic fire access route.

As properties develop in the area (with relevant conditions being incorporated onto subdivision approvals for road upgrading), additional local traffic will utilise this road however it is anticipated that such usage will be relative to the level of development that will occur, noting that some local traffic east of Kearsley Road may utilise this road link to access western attributes of the Shire such as Peaceful Bay, Nornalup, Frankland River, Greens Pool etc.

#### McLean Road from the Kearsley Road/Lantzke Road Intersection to Horsley Road Intersection

McLean Road from the Kearsley Road/Lantzke Road intersection currently provides legal road frontage and physical road access to 2 properties on either side of the road reserve. It is an all weather gravel sealed road through to the driveway pertaining to No. 117 (Lot 3) McLean Road. Past this point there is a track leading back to Wishart Place that can be accessed with a 4WD, however it should be noted that this is located on several private property landholdings. The remainder of the McLean Road road reserve, located on the northern boundary of Lot 999 and Lot 371 is currently unconstructed, with only a portion of the alignment abutting Lot 999 being vegetated (refer AttachmentB).

With regards to this portion of McLean Road, the following information is relevant:

- The "Planning Unit B: Wishart Place Structure Plan" (refer Attachment C) which was adopted by Council on 8 January 2002 and endorsed by the WAPC on 27 December 2002, has been the basis from which all subsequent subdivision guide plans, scheme amendments and subdivision approvals have been approved/endorsed. This structure plan specifically references the following:
  - Lot 370 (now known as Lot 999) - road link to be provided between McLean Road and Kearsley Road.
  - Lot 370 (now known as Lot 999) – remnant vegetation and mature karri trees to be protected in McLean Road road reserve.
  - Lot 371 – road link to be provided between McLean Road and Horsley Road.
  - Lot 371 – widen McLean Road and Horsley Road reserve to allow construction of road to preserve mature trees in existing road.
- The Subdivision Guide Plan (SGP) for Lot 999 Kearsley Road (refer Attachment D), which was adopted by Council on 25 November 2008 and formed part of Scheme Amendment 89 which was approved by the Minister for Planning on 14 October 2009.

The SGP incorporates a road being provided within the McLean Road road reserve that has regard to the existing vegetation and references future connection to a road further east of the site.

On 24 February 2010, the WAPC issued subdivision approval (WAPC Ref: 139513) for 38 special residential lots, consistent with the SGP.

- The McLean Road/Kearsley Road Local Structure Plan (LSP) for Lots 348, 349 & 350 McLean/Kearsley & Mt Shadforth Roads (refer Attachment E), which was adopted by Council on 25 March 2010 and the WAPC on 17 August 2010 and

formed part of Scheme Amendment 106 which was approved by the Minister for Planning and subsequently gazetted on 23 August 2011. This LSP provides for 34 special residential lots and 84 residential lots.

The LPS provides for Kearsley Road to be developed as a 'boulevard' type road such that the existing vegetation to the west of the current Kearsley Road carriageway is retained in the road reserve.

A subdivision application has recently been lodged with the WAPC for development on Lots 1 (former Lot 348) and 349 – this application is currently being determined by the WAPC having regard to the relevant LSP and Scheme Amendment provisions.

- The SGP for Lot 371 Horsley Road (refer Attachment F), which was adopted by Council on 24 July 2007 and formed part of Scheme Amendment 78 which was approved by the Minister for Planning and subsequently gazetted on 23 January 2009. This SGP provides for 54 residential lots.

The SGP provides for the extension of McLean Road from the adjoining development on Lot 999 connecting through to a re-aligned Horsley Road to accommodate for the existing vegetation contained within the gazetted road reserve and the dam that is located in the north-eastern corner of the property.

#### McLean Road from Horsley Road Intersection Through to Scotsdale Road

The gazetted unconstructed portion of McLean Road road reserve from Horsley Road intersection to Scotsdale Road abuts the northern boundaries of Lots 50, 51 and 372. This portion of the road reserve is currently vegetated (refer Attachment B).

With regards to this portion of McLean Road, the following information is relevant:

- The "Planning Unit B: Wishart Place Structure Plan" (refer Attachment C) which was adopted by Council on 8 January 2002 and endorsed by the WAPC on 27 December 2002, provides for an indicative layout over Lots 365, 366, 372, 50 and 51 having regard to the Rockford Road Structure Plan that was being considered at the time, noting that the McLean Road road reserve was identified as a public open space/greenbelt corridor.
- The Horsley Road/Rockford Road LSP (refer Attachment G), which was initially approved by Council on 22 May 2007 and is currently awaiting endorsement by the WAPC (noting that the LSP is to be considered concurrently with Scheme Amendment 119), identifies the retention of the McLean Road road reserve as a public open space/greenbelt corridor.

Upon receiving the subdivision application for Lot 366 Horsley Road from WAPC (WAPC Ref: 138001), a review of the 2007 Horsley Road/Rockford Road LPS was undertaken by Council officers and Councillors with the following relevant issues identified:

- McLean Road – the current structure plan did not illustrate the extension of McLean Road through to Scotsdale Road. Whilst the existing road reserve alignment may not necessarily be the preferred road alignment it is considered that the structure plan should illustrate, or have wording, depicting the extension of the McLean Road through to Scotsdale Road. This would partially address the lack of east-west road network that is currently evident.
- Scotsdale Road – the current structure plan illustrates one sole access onto Scotsdale Road. In an attempt to distribute future traffic pressures

throughout the current road network an additional connection onto Scotsdale Road should be investigated.

As a result of the workshop, the Horsley Road/Rockford Road LSP was referred back to Council for consideration at its Ordinary Meeting of 28 October 2008 wherein Council resolved the following (Res: 111008):

1. *That Council confirm its adoption of the Horsley Road/Rockford Road Structure Plan in 27 May 2007 and 28 August 2007 subject to review and amendments, if needed, being undertaken to the following issues:*
  - a) *Extension of McLean Road through to Scotsdale Road;*
  - b) *Investigation of additional road access points to Scotsdale Road;*
  - c) *Limit vehicular access to Rushton Road;*
  - d) *Internal road network;*
  - e) *Public open space on site;*
  - f) *Stormwater considerations over the total site to reflect staging of development over the study area;*
  - g) *Earthworks provisions;*
  - h) *Indicative subdivision layout over Lot 50 Scotsdale Road;*
  - i) *External road network impacts;*
  - j) *Review of vegetation screening along the Scotsdale Road frontage.*
2. *The above changes be undertaken in consultation with Council's Director of Planning and Sustainability and Director Infrastructure Services.*

Attachment G is the Horsley Road/Rockford Road LSP that was amended accordingly in line with Council's resolution, noting that the Shire agreed to the McLean Road extension through to Scotsdale Road being shown on the Shire's Local Planning Strategy generally north of the existing McLean Road road reserve and not on the Horsley Road/Rockford Road LSP. This LSP provides for 343 residential lots.

- o In May 2007 Council received a Scheme Amendment Request from Yaran Pty Ltd to facilitate a 484 residential lot development over Lot 374 Scotsdale Road - being land owned by R & S Carter, Demandem Holdings P/L and Glenlea Enterprises P/L (refer Attachment H). The SAR was considered by Council at its Ordinary Meeting on 27 November 2007 wherein Council resolved the following (Res: 410/07):

*That Council not support the Scheme Amendment Request for Lot 374 Scotsdale Road to create residential zoned land as the proposal does not comply with the outcomes from the Settlement Strategy and draft Denmark Local Planning Strategy.*

Having regard to Council's resolution on the development proposal over Lot 374 Scotsdale Road and the determination on the Horsley Road/Rockford Road LSP to provide for the extension of McLean Road through to Scotsdale Road, the Shire's former Director of Planning & Sustainability had begun discussions with the planning consultant (Harley Global) for the landowners regarding the consideration of a residential development form in the south-eastern corner of the property, with the connector road from McLean Road through to Scotsdale Road forming the development boundary. This is therefore essentially the alignment provided for in the draft LPS.

#### Riverbend Lane from Scotsdale Road to Denmark River

Riverbend Lane currently provides legal road frontage and physical road access to eight (8) properties (one (1) x lot on the northern side which is currently zoned 'Special Rural (SR15)' in accordance with TPS 3 and has the capability of being



subdivided into three (3) lots as per the approved SGP; six (6) x lots on the southern side which are currently zoned 'Residential R2' in accordance with TPS 3; one (1) x lot on the southern side which is currently zoned 'Tourist' in accordance with TPS 3 – being the Riverbend Caravan Park). Riverbend Lane is constructed as a bitumen sealed road just past the caravan park entrance, with a track (which is currently blocked to vehicle access with the use of rock boulders) extending through to the Denmark River in the vicinity of the old bridge crossing point.

#### East River Road from Denmark River to Denmark-Mt Barker Road

East River Road from Denmark River to Denmark-Mt Barker Road currently provides legal road frontage to 7 properties on the northern side (refer Attachment I), noting the following:

- Lot 23 has the capability of being further subdivided into 6 properties under the approved SGP for the area – noting 2 properties would have direct access off East River Road; and
- A scheme amendment request for Lot 2 was supported by Council in January 2008 (Council Resolution: 090108) – noting however no layout plan was considered so the number of lots proposed at this stage are unknown although it is understood lot sizes being sought are in the order of 1ha and that this may extend to development on the adjoining Lot 23 (which currently has proposed lot sizes ranging from 2.75ha to 3.6ha).
- In considering the scheme amendment request for Lot 2, Council resolved that the scheme amendment should include the adjoining rural land (being the land to the west of Lot 2 – i.e. Lots 5 and 6; and the upgrading of East River Road.

At the end of the bitumen seal there is a track (which is currently blocked to vehicle access with the use of rock boulders) extending through to the Denmark River in the vicinity of the old bridge crossing point.

Having regard to all of the above information in relation to existing road reserves, structure plans, scheme amendments and/or subdivision approvals that have been approved/endorsed, it is clearly evident that the LPS reference to the road alignment is generally consistent with planning processes that have been approved through appropriate planning mechanisms over many years. The components of the road alignment that have not been determined essentially pertain to:

- Road design requirements for the portion of McLean Road from the Mt Shadforth Road to Kearsley Road/Lantzke Road intersection as this will be dependent upon development occurring on the southern side of McLean Road (noting that in the short term some maintenance works are required to ensure McLean Road complies with the Shire's requirements for strategic fire access routes);
- The final alignment and road design requirements for the portion of road between McLean Road/realigned Horsley Road intersection and Scotsdale Road as this essentially will be dependent upon development occurring on Lot 374;
- Road design requirements for Riverbend Lane – if required depending on development occurring on the northern side of Riverbend Lane and/or if a bridge is constructed over Denmark River in the near vicinity (noting that dependent on final location of bridge the linking roads may need to deviate from the current road reserve alignment);
- Road design requirements for East River Road as this is to be addressed with the development proposals for the lots on the northern side of East River Road; and
- The location of a bridge crossing – if required.

In terms of the bridge crossing, issues that will determine the need for this include:

- Level of development occurring on the eastern and western sides of the river, noting the following:
  - extensive residential development already approved on the western side of the river – approximately 550 lots in the immediate vicinity;
  - existing education node (High School, TAFE, Agricultural College) on the eastern side of the river;
  - existing & proposed employment nodes (service park, industrial area, Shire, High School, TAFE, Albany) on the eastern side of the river;
  - existing strategic transport route to Albany and Perth on the eastern side of the river; and
  - proposed future urban expansion area on the eastern side of the river.
- Level of development occurring throughout the town putting pressure on the need for an additional bridge crossing in terms of traffic loads on South Coast Highway, the current Denmark River bridge crossing, Scotsdale Road and the South Coast Highway/Hollings Road intersection.

Having regard to the road infrastructure that is already provided for in the immediate vicinity, including the fact that there used to be a river crossing in this vicinity, it is considered that the general vicinity of the East River Road and Riverbend Lane interfaces with the Denmark River would be appropriate for initial consideration of a bridge crossing if and when required. Issues such as terrain, vegetation, construction costs and statutory approval processes (e.g. Department of Water, Department of Environment and Conservation, Department of Indigenous Affairs) may result in the alignment needing to deviate accordingly – for example there is an existing power line that traverses the Agricultural College land; this may present a better alignment than East River Road having regard to the fact that the area is already cleared as opposed to extensive remnant vegetation that exists at the end of East River Road.

It should be noted that this assessment has purely been based on an analysis of development that is occurring on the northern side of town, the planning principle of having ‘connector roads’ to disperse local traffic on such roads rather than relying on main roads like South Coast Highway and the need to examine additional infrastructure corridors to service development either side of Denmark without relying on South Coast Highway. Council has not progressed with any specifics of the road in terms of survey, design parameters, costings, likely staging, completion dates etc.

In response to the key issues raised in submissions received on the proposed East-West Link Road, the following information is provided:

- Concern that the road may become a heavy haulage by-pass.

As a ‘neighbourhood connector road’, this would be a Council road and not a Main Roads WA controlled road as is the case with South Coast Highway. As a result the Shire has the ability, via configuration, design and permit processes, to ensure that the usage of the road is for local traffic connectivity purposes and not as a heavy haulage ‘bypass’ road. In addition, as mentioned earlier, the grade associated with the road would not lend itself to being a suitable heavy haulage route.

- Concern that no regard has been given to the terrain and vegetation that may be lost as a result of the proposed road.

As referenced above, the majority of the McLean Road alignment has already been determined through a number of planning mechanisms, with the only components not progressed being the western portion from Kearsley Road/Lantzke Road intersection through to Mt Shadforth Road and the link from McLean Road/re-aligned Horsley Road intersection to Scotsdale Road. The Scotsdale Road link is proposed to be provided on Lot 374 Scotsdale Road which is currently cleared land, thus no vegetation would be affected. In the western section of the road, as and when the road is required there would be the ability to ensure maximum vegetation retention

through appropriate design processes (e.g. road alignments can be diverted to retain trees – as is the case with the Kearsley Road ‘boulevard’ road design; below are examples of engineering solutions whereby roads in an urban residential environment have been designed with the pure objective of retaining trees in the public realm).



- Concern that the area is currently used for a range of recreational pursuits (i.e. walking, cycling).

This current usage is acknowledged. It is noted that such recreational pursuits could continue to co-exist with a neighbourhood connector road.

- The threat of the loss of amenity and character for the adjoining developments and Denmark overall.

As referenced above, the majority of the McLean Road alignment has already been determined through a number of planning mechanisms that have looked at amenity and character issues. The proposed road link on Lot 374 is still to be progressed through planning processes and given this would generally be associated with development occurring on Lot 374 then the two issues can be addressed concurrently and any future purchasers of the adjoining land would be aware of the road link.

It is acknowledged that the perceived amenity and character loss is more relevant to the adjoining landowners in the vicinity of the western portion of McLean Road, Riverbend Lane and East River Road – noting however that the development form is proposed to change in these areas as well in due course as a result of the following developments:

- The land south of McLean Road has previously been identified in the Shire’s Settlement Strategy for development and it is recommended that the draft LPS be modified accordingly to reflect a ‘rural residential’ designation;
  - Riverbend Lane on the northern side has an approved SGP showing 3 lots;
  - On the northern side of East River Road there is an approved SGP for additional lots (with some lots directly accessing East River Road) and Council has previously supported a scheme amendment request to consider further development on the remaining lots on the north side of East River Road.
- Concern for the financial costs associated with the construction of the road – particularly in relation to bridge crossing(s) that would be required.

It is acknowledged that there will be costs associated with the construction of the road and/or the bridge crossing(s). In terms of the road, it should be noted that the majority of road upgrading/construction will be met by developers as conditions of subdivision approval. Costs associated with the bridge construction are likely to be met by the Shire, although it is considered that some financial contribution to the costs may be able to be provided via an Infrastructure Development Contribution Fund.

- Concern that the road will result in a dangerous intersection with the Denmark-Mt Barker Road.

East River Road currently intersects with Denmark-Mt Barker Road, creating a four-way intersection. From a recent inspection of the intersection it was noticed that some vegetation may be encroaching into the sight lines of drivers along East River Road thus it is proposed to refer this issue to Main Roads WA to address.

Any upgrade/modifications to the East River Road/Denmark-Mt Barker Road intersection will be required to comply with Main Roads WA requirements applicable at the time.

- Potential impacts on the Golden Hill Steiner School.

The proposed alignment does not have any direct impact on the Golden Hill Steiner School. It should be noted that the parents of Golden Hill Steiner School were provided with a map from the Riverbend Action Group which incorrectly located the Golden Hill Steiner School. This information was only brought to the attention of Planning Services by the chair of the Golden Hill Steiner School Council who advised that Golden Hill Steiner School were going to send a retraction letter to all parents as they were concerned the Shire would receive some submissions that were lodged based on false information and considered that as a matter of 'fairness' they should advise the Shire accordingly of what transpired.

- Threat of loss of property value for adjoining properties.

Impacts on property values is not a planning consideration. Notwithstanding, as referenced above the majority of the McLean Road alignment has already been determined through a number of planning mechanisms that would have looked at amenity and character issues associated with adjoining development.

- Concern that there appears to be no sound reasoning for the road.

The need for the road has been referenced earlier in this report.

- Concern that the planning is in 'embryonic stages' – with no feasibility, no detailed analysis nor funding considerations.

A LPS is a strategic land use planning document that should:

- Provide the strategic framework for assessment and decision-making in relation to proposed scheme amendments, subdivisions and developments; and
- Identify the need for further studies or investigation to address longer-term strategic planning and development issues.

Source: Western Australian Planning Commission's *Local Planning Manual - A Guide to the Preparation of Local Planning Strategies and Local Planning Schemes in Western Australia* (March 2010)

Therefore it is considered appropriate that the LPS identify the key principles associated with the 'neighbourhood connector road' and the associated bridge crossing, with reference to further studies/investigations/detailed design processes to determine the detail.

- Why has Churchill Road not been considered as an option – particularly if consideration was given to bitumen sealing of the road (including Howe/Hamilton).

Churchill Road is currently an existing option for emergency access in/out of Denmark should the need arise (i.e. an emergency in the vicinity of or on Denmark River bridge results in the bridge not being able to be utilised by vehicles for a period of time). Howe Road, Hamilton Road & Churchill Road are currently all weather

gravel sealed roads with a single lane bridge on Churchill Road, thus are currently suitable for alternative/emergency use should the need arise (noting that traffic management may be required in the vicinity of the single lane bridge dependent on the required timeframes for the road to be used).

Notwithstanding, this option will not serve the local traffic need to disperse local east-west traffic arising from the residential development that is to occur in the northern part of town.

- Suggestion that the Southern Rail Trail is an option.

Council, in its early deliberations on the draft LPS discussed an alternative, southern link alignment in the vicinity of Inlet Drive and the rivermouth however opted to discount this route in the early stages of the process for a number of reasons, including environmental constraints, conflict with the existing use by the community of the Denmark-Nornalup Heritage Rail Trail and the fact that the majority of proposed residential development would be occurring to the north of the townsite.

- Concern that alternative routes should have been provided for the community's consideration rather than being discounted at this stage.

It is acknowledged that the draft LPS should have included reference that alternative routes had been the subject of early consideration however were discounted. When this issue was raised at the first Community Information Session, Council committed to preparing an Addendum Information Sheet and media release to provide this information for the public's due consideration prior to lodging a submission on the draft LPS.

### Conclusion

Having regard to all of the above information in relation to the proposed East-West Link Road, Planning Services are recommending the following position:

- A bridge crossing point be provided in the general vicinity of East River Road/Riverbend Lane interfaces with the Denmark River.

In this regard it is recommended that the current 'northern link road' notation on the plan be deleted (including the written description in the document) and replaced with a notation on the LPS map and within the document that references a future bridge crossing point – actual location to be determined having regard to remnant vegetation, engineering design considerations (i.e. bridge width requirements, flood-proofing, connectivity to existing/future road networks etc), relevant statutory approvals (including but not limited to Department of Water, Department of Environment & Conservation, Department of Indigenous Affairs)

- A road link be provided on Lot 374 to provide for vehicular access from the McLean Road/re-aligned Horsley Road intersection to Scotsdale Road.

In this regard the LPS currently shows an indicative alignment through Lot 374 – it is recommended that this should essentially be retained on Lot 374 with the notation that the final alignment is dependent on appropriate structure planning processes, in which key engineering design considerations (e.g. connectivity with Scotsdale Road and any other accesses/egresses that may be impacted on; drainage etc.) are to be addressed in this process.

- Identification of a number of neighbourhood connector roads, being:
  - Cussons Road;

- McLean Road – from Kearsley Road/Lantzke Road intersection through to re-aligned Horsley Road intersection;
- New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road;
- Horsley Road from Scotsdale Road to McLean Road;
- Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection; and
- Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River – note: these two roads should be shown as indicative neighbourhood connector roads as will be dependent on the location of the bridge crossing.

Based on this recommendation, the following modifications would be required to be undertaken:

- Amend Part 1 Section 4.10 Transport Strategy a) to read “Identify neighbourhood connector roads in and around the Denmark townsite as roads that provide the opportunity for dispersment of local traffic”;
- Amend Part 1 Section 4.10 Transport Implementation Point 1 (which subsequently modifies the Implementation Point cross-referenced in Part 1 Section 7.1 Implementation Recommendations) to read “Council in consideration of an east-west link:
  - Identify the following roads as neighbourhood connector roads:
    - Cussons Road;
    - McLean Road – from Kearsley Road/Lantzke Road intersection through to re-aligned Horsley Road intersection;
    - New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road – noting an indicative alignment only as it dependent on appropriate structure planning processes in which key engineering design considerations are to be addressed;
    - Horsley Road from Scotsdale Road to McLean Road;
    - Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection;
    - Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River – noting that these two roads are shown as indicative neighbourhood connector roads as they will be dependent on the location of the bridge crossing point”.
  - Identify a future bridge crossing point in the vicinity of the Riverbend Lane and East River Road interfaces with Denmark River;
  - Identify that the final road construction requirements for these neighbourhood connector roads will be of a ‘local scale’ commensurate with Denmark and not that of a Perth metropolitan standard, with such design to have regard to maximising retention of mature remnant vegetation; and
  - Undertake public consultation on the bridge crossing point proposal and any road upgrades required that have not already been the subject of separate planning approval processes (i.e. structure planning, scheme amendments and/or subdivision approvals) throughout the consideration and design processes.
- Amend Part 1 Section 5.0 Timing of Implementation of Strategic Land Releases to read:
  - Land Use: East-West Link & Denmark River Bridge Crossing Point
  - Rezoning Timing: Dependent on final alignment if not contained within existing road reserves
  - Development Timing: To be determined having regard to the eastern and western development timeframes; noting that the portion of the East-West link between Kearsley Road/Lantzke Road and Scotsdale Road will be provided by the developers as conditions of approval

- Modify LPS Plan 2 by deleting the 'northern link road' notation and replacing with a notation that references a future bridge crossing point in the general vicinity of East River Road/Riverbend Lane interfaces with the Denmark River.
- Modify LPS Plan 2 by identifying the following roads as 'neighbourhood connector roads':
  - Cussons Road;
  - McLean Road – from Kearsley Road/Lantzke Road intersection through to re-aligned Horsley Road intersection;
  - New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road;
  - Horsley Road from Scotsdale Road to McLean Road;
  - Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection;
  - Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River – note: these two roads should be shown as indicative neighbourhood connector roads as will be dependent on the location of the bridge crossing.
- Modify Part 2 Section 6.13.1 Roads in light of the modifications to Part 1 Section 4.10 Transport and LPS Plan 2 pertaining to the East-West Link and Denmark River Bridge Crossing Point;
- Modify Part 2 Section 6.13.4 Planning Implications to read "Identify that the Howe Road/Hamilton Road/Churchill Road link from Scotsdale Road to Denmark-Mt Barker Road as an existing alternative/emergency vehicle by-pass route should the need ever arise (noting that traffic management may be required in the vicinity of the single lane bridge dependent on the required timeframes for the road to be used and that)";
- An additional bullet point be added to Part 2 Section 6.13.4 Planning Implications to read "Identify neighbourhood connector roads in and around the Denmark townsite as roads that provide the opportunity for dispersment of local traffic";

These modifications are provided for in Attachment M: Schedule of Modifications as Modification Number 74.

#### ➤ **'Future Urban' Designation Over Agricultural College Land**

There are numerous objections lodged in relation to the 'future urban' designation over the Agricultural College land, with the main objections relating to:

- Designation of the land for future development does not recognise the value of the college, its programs or rural land to the Shire and community of Denmark;
- All landholdings are currently utilised by the Agricultural College and it is unlikely that in the foreseeable future that the Agricultural College's requirements for utilising the land will reduce;
- Agricultural College landholdings have been slowly diminished over the years;
- Essential to maintain as part of the entry statement, character and heritage of Denmark;
- Is prime agricultural land;
- A referendum in the late 1990's overwhelmingly voted against proposal to remove the Agricultural College;
- The location of the Denmark Airport to the north presents development issues; and
- Future urban designation will destabilize the future of the Agricultural College.

Having regard to the issues raised in the submissions, the following points are relevant for determining a Council position on this issue:

- The Shire does recognise and value the importance of the Agricultural College for its contribution to education and the community of Denmark. This is reflected by Strategy c) in Part 1 Section 4.5 Community, Education, Cultural & Heritage which

states "Lobby State Government for the continued operation of the Agricultural College and work with the college to expand areas of expertise".

- The Agricultural College, the TAFE and the High School for that matter, all play an important education role for the community of Denmark, thus the LPS has identified these establishments with an 'Education Precinct' designation;
- Planning Services recognises that the Agricultural College currently utilises all of its landholdings for educational purposes and that for the foreseeable future this will continue.

Notwithstanding it is considered that in 15-20 years time the position may very well be different and it is therefore appropriate that the Shire at least 'flag' its intentions that it considers urban development land uses (e.g. residential, recreation, community purpose etc) is the highest and best use for the land should the State Government seek to dispose of any of the landholdings. 'Flagging' the land now provides clear indications to the State Government that the Shire is thinking strategically and long-term and at this stage considers that the Agricultural College land, if ever made available, could be the focus for urban expansion of the Denmark townsite – noting that access to the land is completely out of control of the Shire of Denmark.

As referenced in Part 2 Section 6.4 Residential Expansion, the draft LPS currently provides for the projected housing needs of 1620 new residences by 2031 – noting this does not take into account the Agricultural College landholdings on the basis that it is considered any development need for this land would extend beyond the expected life of the current LPS.

- It is considered that through any structure planning processes, the ability to retain the educational functions of the land, provision of an appropriate entry statement to the Shire and dealing with buffers associated with the Denmark Airport to the north and future industrial landuses to the east can be accommodated for.
- The outcome of the referendum in the late 1990's is acknowledged, however the community and Shire have changed since then and it would be appropriate to have regard to current demands, constraints, opinions/positions on this issue.

In light of the above, Planning Services are recommending the following position:

- Remove the 'future urban' designation from the Agricultural College landholding and replace with 'education precinct' designation;
- Include an annotation on the Agricultural College land that 'flags' the land as a future urban expansion area – noting this is subject to the State Government/Agricultural College identifying the land is not required for educational purposes and due structure planning processes to address issues including but not limited to the objective of creating an integrated sustainable educational and recreational precinct coupled with a residential neighbourhood, interface with South Coast Highway and having regard to the adjoining Denmark Airport and industrial developments.

Based on this recommendation, the following modifications would be required to be undertaken:

- Modify Part 1 Section 4.1 Future Residential Strategy a) to read "Identify the land north of the Agricultural College as a future urban expansion area, noting that the use of the land for this purpose is subject to the State Government/Agricultural College identifying the land is no longer required for educational purposes".
- Modify Part 1 Section 4.1 Future Residential Strategy b) to read "Any structure planning processes for the future urban expansion area needs to address issues including but not limited to the objective of creating an integrated sustainable educational and recreational precinct coupled with a residential neighbourhood, interface with South Coast Highway and having regard to the adjoining Denmark Airport and industrial developments".



- Modify Part 1 Section 4.1 Future Residential Implementation Point 2 to read “Council ‘flags’ its intention for the land north of the Agricultural College as a future urban expansion area - noting that the use of the land for this purpose is subject to the State Government/Agricultural College identifying the land is not required for educational purposes and due structure planning processes required to address issues including but not limited to the objective of creating an integrated sustainable educational and recreational precinct coupled with a residential neighbourhood, interface with South Coast Highway and having regard to the adjoining Denmark Airport and industrial developments (NB: subsequently deletes the Implementation Point cross-referenced in Part 1 Section 7.1 Implementation Recommendations).
- Delete Part 1 Section 4.1 Future Residential Implementation Points 3 and 5 (which subsequently deletes the Implementation Points cross-referenced in Part 1 Section 7.1 Implementation Recommendations).
- Delete Part 1 Section 5.0 Timing of Implementation of Strategic Land Releases ‘Future Urban – Townsite East’ reference.
- Delete the ‘future urban’ designation from the Agricultural College landholding on Part 1 Section 7.2 Local Planning Strategy Modifications Figure 2 and LPS Plan 2 and replace with an ‘education precinct’ designation and include an annotation that ‘flags’ the land as a future urban expansion area – noting this is subject to the State Government/Agricultural College identifying the land is no required for educational purposes and due structure planning processes required to address issues including but not limited to the objective of creating an integrated sustainable educational and recreational precinct coupled with a residential neighbourhood, interface with South Coast Highway and having regard to the adjoining Denmark Airport and industrial developments.
- Amend Part 2 Section 6.4.1 Denmark Townsite ‘Townsite East Future Urban’ in light of the modifications to Part 1 Section 4.1 Future Residential.
- Modify Part 2 Section 6.4.2 Planning Implications bullet points 1 and 2 to read:
  - ‘Flag’ the land north of the Agricultural College as a future urban expansion area – noting that the use of the land for this purpose is subject to the State Government/Agricultural College identifying the land is no required for educational purposes.
  - With regards to the future urban expansion area, due structure planning processes will be required to address issues including but not limited to the objective of creating an integrated sustainable educational and recreational precinct coupled with a residential neighbourhood, interface with South Coast Highway and having regard to the adjoining Denmark Airport and industrial developments.

These modifications are provided for in Attachment M: Schedule of Modifications as Modification Number 75.

#### ➤ **General Extent of ‘Rural Residential’ and ‘Rural Smallholdings’ Designations**

There are several submissions generally identifying that there is a lack of ‘rural residential’ and ‘rural smallholdings’ designated land provided for within the draft LPS. Numerous other submissions seek to have their individual landholdings designated as ‘rural residential’ or ‘rural smallholdings’ based on designations provided for within earlier versions of the LPS and/or their thought that this is the best designation for the land having regard to issues such as location, topography, vegetation, soil types, ability to manage fire risk etc. Responses to individual landholding submissions for ‘rural residential’ or ‘rural smallholdings’ designations have generally been addressed in Attachment A: Schedule of Submissions.

From an overall perspective, as Council will be aware the March 2011 version of the draft LPS (being the one approved by Council at the Ordinary Meeting of Council held on 22 March 2011 for referral to the WAPC for certification to facilitate public advertising purposes) designated the following:

- 'Rural Residential' over all of the land generally bordered by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3) – refer Attachment J. This designation was applied on the basis that the area was identified by Council as being strategic and appropriate for rural residential expansion having regard to the provisions of State Planning Policy 3 Urban Growth and Settlement and State Planning Policy 2.5 Agricultural and Rural Land Use Planning.
- 'Rural Smallholdings' over all of the land bordered by Cussons Road, South Coast Highway, McLeod Road and Mt Shadforth Road – refer Attachment K. This designation was applied on the basis that the area was identified by Council as being appropriate for rural smallholdings development having regard to the provisions of State Planning Policy 3 Urban Growth and Settlement and State Planning Policy 2.5 Agricultural and Rural Land Use Planning.

In considering the LPS for certification to facilitate public advertising purposes, the Department of Planning recommended that the 'rural residential' designation and 'rural smallholdings' designation over the two areas referenced above be removed from the draft LPS as they represented a widespread expansion of rural living areas.

As a result, the Shire President and Director of Planning & Sustainability undertook a deputation to the WAPC (Statutory Planning Committee) to seek the WAPC's endorsement to the two rural living area proposals that were presented in the draft LPS (March 2011). Attachment L is the powerpoint presentation titled "*Rural Living is Denmark!*" that formed the main component of the deputation to the WAPC (Statutory Planning Committee). Additional information provided for the WAPC's (Statutory Planning Committee) consideration was:

- Since the 2005 draft LPS, Council undertook a review of the proposed locations of rural residential and rural smallholding land with the aim of consolidating the locations of rural residential and rural smallholdings land having regard to minimising impacts on priority agricultural land whilst taking into account infill/consolidation opportunities;
- The 2005 draft LPS proposed in the order of 5000 hectares (at least 600 additional lots of rural residential/rural smallholdings) – the March 2011 draft LPS is seeking about 30% of that original amount;
- Excluding current developed lots (rural living and tourist/commercial development) and reserves, the 'rural smallholdings' designation area in the March 2011 draft LPS equates to about 1195 hectares and utilising 8ha as a average 'base' lot size equates to about 150 lots - noting that due to terrain and vegetation a large percentage of land would not be developed upon;
- The area designated as 'rural residential' in the March 2011 draft LPS equates to about 284 hectares and utilising 4ha as an average 'base' lot size equates to about 71 lots;
- Notwithstanding the Shire's preferred outcome was the full extent of 'rural smallholdings' and 'rural residential' designations as provided for in the March 2011 draft LPS, in recognition of the Department of Planning's concerns and potential for the WAPC (Statutory Planning Committee) to support the officer recommendation the Shire requested the WAPC (Statutory Planning Committee) give due consideration to a staged approach with respect to 'rural smallholdings', being:
  - A Priority Area applying to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and the eastern boundary of the lots on the eastern side of Sunrise Road – which represented approximately 428 hectares; and
  - A Future Area applying to the land generally bounded by South Coast Highway, McLeod Road, Mt Shadforth Road and the western boundary of the lots on the western side of Sunrise Road.

It should be noted that the above areas identified was based on a preliminary assessment of the area having regard to existing land-uses, topography, vegetation

and previous consideration of development proposals in the area (noting that the Minister for Planning refused to grant approval to advertise to Scheme Amendment No. 99 which sought rezoning Lot 834 Sunrise Road/Mt Shadforth Road from 'Rural' to 'Special Rural').

This area was identified as being the most likely area that would gain initial support from the WAPC (Statutory Planning Committee) such that the draft LPS that was to be advertised at least provided for some 'rural smallholdings' designated land, noting that the Shire would be seeking to have the original extent of the 'rural smallholdings' designation land identified as a modification to the draft LPS in light of submissions received from the public advertising period.

- By removing the opportunity for 'rural residential'/'rural smallholdings' development to even be considered in the draft LPS does not provide the opportunity for Denmark to develop/progress into the type of community that the environment lends itself to and in a form that the people want – Denmark will effectively become a remote residential suburb of Albany!

After giving due consideration to the officer's report and the Shire of Denmark's deputation, the WAPC (Statutory Planning Committee) resolved to certify the draft LPS as being consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) to facilitate public advertising for a minimum period of 21 days, subject to a number of modification being undertaken, including but not limited to:

- Removal of the 'rural residential' designation over all of the land generally bordered by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3); and
- The 'rural smallholdings' designation being amended to only apply to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and the eastern boundary of the lots on the eastern side of Sunrise Road.

As referenced above, although the Shire provided an alternative staged approach for the WAPC's (Statutory Planning Committee) consideration of 'rural smallholdings' designated land in the draft LPS, the Shire remains committed to having the original extent of the 'rural smallholdings' designation land identified in the March 2011 draft LPS as a modification when considering the LPS for final adoption in light of submissions received from the public advertising period and associated planning justification for such areas to be designated.

Therefore based on the above the following modifications would be required to be undertaken:

- Amend Part 1 Section 7.2 Local Planning Strategy Modifications Figures 2 & 3 and LPS Plans 2 & 3 to have the 'rural residential' designation apply to the land generally bounded by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3).
- Amend Part 1 Section 7.2 Local Planning Strategy Modifications Figure 3 and LPS Plan 3 to have the 'rural smallholdings' designation apply to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and McLeod Road.
- Amend Part 2 Section 6.12.1 Rural Residential – 1ha to 4ha in light of the modification proposed to Part 1 Section 7.2 Local Planning Strategy Modifications Figures 2 & 3 and LPS Plans 2 & 3.
- Amend Part 2 Section 6.12.2 Rural Smallholdings – 4ha to 40ha in light of the modification proposed to Part 1 Section 7.2 Local Planning Strategy Modification Figure 3 and LPS Plan 3.

These modifications are provided for Attachment M: Schedule of Modifications as Modification Number 76.

**Consultation:**

As referenced in the 'Background' section of this report, the draft LPS was available for public comment from 9 June 2011 to 9 August 2011. The schedule of submissions does however include all submissions received up to and including the 27 September 2011.

**Statutory Obligations:**

*Town Planning Regulations 1967* – Regulation 12 sets out the procedures pertaining to preparation, consultation, approval and endorsement of a LPS.

**Policy Implications:**

In due course Planning Services will commence a review of Council's current Town Planning Scheme policies for Council's consideration - noting that only those policies that Planning Services consider need to be amended and/or revoked prior to the introduction of the new Town Planning Scheme will be presented for Council's consideration.

**Budget / Financial Implications:**

All expenses associated with the finalisation of the LPS document for endorsement by the Western Australian Planning Commission can be provided for in Council's 2011/2012 budget (Account: 1040992).

**Strategic Implications:**

A LPS is the framework for local planning and the strategic basis for local planning schemes. It sets out Council's objectives for future land use planning and development and includes a broad framework by which to pursue such objectives.

**Sustainability Implications:**➤ **Environmental:**

The LPS has addressed the environmental factors that affect, and are in turn affected by, land use and development.

➤ **Economic:**

The LPS has addressed the economic factors that affect, and are in turn affected by, land use and development.

➤ **Social:**

The LPS has addressed the social factors that affect, and are in turn affected by, land use and development.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 5.1(a)
MOVED: CR PEDRO	SECONDED: CR SAMPSON
That Council with respect to the 206 submissions received in relation to the draft Local Planning Strategy, note them and receive Attachment A: Schedule of Submissions.	
CARRIED: 11/0	Res: 031011

<b>DEFERRAL MOTION</b>	SECONDED: CR HINDS
MOVED: CR BARNES	
That Council defer the group of Officer Recommendations Items 5.1 (c), (e), (f) & (g) until January 2012, consideration by the Shire Council at that time.	
LOST: 2/9	Res: 041011

*Cr Barnes requested that all Councillors' votes on the above resolution be recorded.*

**FOR:** Cr Barnes & Cr Hinds.

**AGAINST:** Cr Barrow, Cr Sampson, Cr Laing, Cr Richardson-Newton, Cr Thornton, Cr Syme, Cr Pedro, Cr Phair & Cr Wakka.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 5.1(b)
MOVED: CR BARROW	SECONDED: CR RICHARDSON-NEWTON
That Council with respect to the 'commercial' designation of the rear of the properties in Mitchell Street, Denmark as proposed in the draft Local Planning Strategy, resolve that the document should be modified such that the 'commercial' designation is deleted and an 'urban residential' designation is applied such that each property is designated 'urban residential'.	
CARRIED: 11/0	Res: 051011

OFFICER RECOMMENDATION ITEM 5.1(c)

That Council with respect to the proposed East-West Link Road/Northern Link Road as provided for in the draft Local Planning Strategy, resolve that it be deleted and the following annotations be added:

1. Provision of a bridge crossing point in the general vicinity of East River Road/Riverbend Lane interfacing with the Denmark River;
2. Provision of a road link on Lot 374 Scotsdale Road to provide for vehicular access from the McLean Road/re-aligned Horsley Road intersection to Scotsdale Road;
3. Identification of the following roads as neighbourhood connector roads:
  - a) Cussons Road;
  - b) McLean Road from Kearsley Road/Lantzke Road intersection through to the re-aligned Horsley Road intersection;
  - c) New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road;
  - d) Horsley Road from Scotsdale Road to McLean Road;
  - e) Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection; and
  - f) Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River – noting these two roads should be shown as indicative neighbourhood connector roads as they will be dependent on the location of the proposed bridge crossing.

<b>COUNCIL RESOLUTION</b>	ITEM 5.1(c)
MOVED: CR SYME	SECONDED: CR BARROW
That Council with respect to the proposed East-West Link Road/Northern Link Road as provided for in the draft Local Planning Strategy, resolve that it be deleted and the following annotations be added:	
<ol style="list-style-type: none"> <li>1. Provision of a bridge crossing point in the general vicinity of the stretch of river from Reserve 12995 north to Riverbend Lane;</li> <li>2. Provision of a road link on Lot 374 Scotsdale Road to provide for vehicular access from the McLean Road/re-aligned Horsley Road intersection to Scotsdale Road noting this road should be shown as an indicative neighbourhood connector road as it will be dependent on the location of the proposed bridge crossing;</li> <li>3. Identification of the following roads as neighbourhood connector roads:           <ol style="list-style-type: none"> <li>a) Cussons Road;</li> <li>b) McLean Road from Kearsley Road/Lantzke Road intersection through to the re-aligned Horsley Road intersection;</li> <li>c) New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road;</li> <li>d) Horsley Road from Scotsdale Road to McLean Road;</li> <li>e) Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection; and</li> <li>f) Riverbend Lane and East River Road from Denmark-Mt Barker noting these two roads should be shown as indicative neighbourhood connector roads as they will be dependent on the location of the proposed bridge crossing.</li> </ol> </li> </ol>	
CARRIED: 9/2	Res: 061011

## OFFICER RECOMMENDATION

ITEM 5.1(d)

That Council with respect to the proposed 'future urban' designation over the Denmark Agricultural College Land as provided for in the draft Local Planning Strategy, resolve that the document should be modified such that:

1. The 'future urban' designation is deleted and placed with an 'education precinct' designation;
2. An annotation be added in the document that 'flags' the land as a logical and appropriate future urban expansion area in the event that the State Government/Agricultural College identifies some or all of the land as being no longer required for educational purposes.

**COUNCIL RESOLUTION**

ITEM 5.1(d)

MOVED: CR PHAIR

SECONDED: CR LAING

That Council with respect to the proposed 'future urban' designation over the Denmark Agricultural College Land as provided for in the draft Local Planning Strategy, resolve that the document should be modified such that:

1. The 'future urban' designation is deleted and replaced with an 'education precinct' designation;
2. An annotation be added in the text of the document only that 'flags' the land as a logical and appropriate future urban expansion area in the event that the State Government/Agricultural College identifies some or all of the land as being no longer required for educational purposes.

**AMENDMENT**

MOVED: CR HINDS

SECONDED: CR RICHARDSON-NEWTON

That part 2 be deleted.

*Cr Hinds requested that the Presiding Person allow him to ask a question of Cr Richardson-Newton. The Presiding Person declined the request.*

LOST: 4/7

Res: 071011

THE ORIGINAL MOTION WAS THEN PUT &amp; CARRIED: 10/1

Res: 081011

## OFFICER RECOMMENDATION

ITEM 5.1(e)

That Council with respect to the proposed extent of 'rural residential' and 'rural smallholdings' designations as provided for in the draft Local Planning Strategy, resolve that the document should be modified such that:

1. A 'rural residential' designation applies to all of the land generally bordered by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3); and
2. A 'rural smallholdings' designation applies to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and McLeod Road.

**COUNCIL RESOLUTION**

ITEM 5.1(e)

MOVED: CR BARROW

SECONDED: CR WAKKA

That Council with respect to the proposed extent of 'rural residential' and 'rural smallholdings' designations as provided for in the draft Local Planning Strategy, resolve that the document should be modified such that:

1. A 'rural residential' designation applies to all of the land generally bordered by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3); and
2. A 'rural smallholdings/rural residential' designation applies to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and McLeod Road.

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR SAMPSON

That part 2 be deleted from the motion.

8.03pm – The Chief Executive Officer & the Director of Planning & Sustainability left the meeting.

8.04pm – The Chief Executive Officer returned to the meeting.

8.05pm – The Director of Planning & Sustainability returned to the meeting.

LOST: 3/8

Res: 091011

**AMENDMENT**

MOVED: CR THORNTON

SECONDED: CR RICHARDSON-NEWTON

That the existing motion be numbered as part 1, with the existing parts 1 & 2 be re-labelled as parts a) & b) & a new part 2 be added which reads "That negotiations with the WAPC on the extent of the rural residential and rural smallholdings be progressed until the 4 March 2012."

CARRIED: 8/3

Res: 101011

**AMENDED MOTION**

1. That Council with respect to the proposed extent of 'rural residential' and 'rural smallholdings' designations as provided for in the draft Local Planning Strategy, resolve that the document should be modified such that:
  - a) A 'rural residential' designation applies to all of the land generally bordered by South Coast Highway, Wilson Inlet, Rudgyard Place and the Seaview Special Rural subdivision (area referenced as SR23 in TPS 3); and
  - b) A 'rural smallholdings/rural residential' designation applies to the land generally bounded by South Coast Highway, Cussons Road, Mt Shadforth Road and McLeod Road.
2. That negotiations with the WAPC on the extent of the rural residential and rural smallholdings be progressed until the 4 March 2012.

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS CARRIED: 11/0

Res: 111011

**OFFICER RECOMMENDATION**

ITEM 5.1(f)

That Council adopt the draft Local Planning Strategy with modifications as provided for in the preceding resolutions and Attachment M: Schedule of Modifications.

8.26pm – Cr Laing left the meeting.

8.27pm – Cr Laing returned to the meeting.

**COUNCIL RESOLUTION & ALTERNATE OFFICER ITEM 5.1(f)**

RECOMMENDATION

MOVED: CR PEDRO

SECONDED: CR RICHARDSON-NEWTON

That Council adopt the draft Local Planning Strategy with modifications as provided for in the preceding resolutions and Attachment M: Schedule of Modifications subject to the following changes:

- a) Modification 33: replace "Strategy j)" with "Strategy i)"
- b) Modification 47: replace the word "shape" with the word "size"
- c) 2<sup>nd</sup> Modification 55: should read Modification 56
- d) Modification 57: modify Clause a) 2<sup>nd</sup> dot point to read "...Denmark and the treatment and disposal of wastewater to cater for the predicted..."

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR LAING

That part e) be added which reads "Modification 29 be deleted".

LOST: 4/7

Res: 121011

**AMENDMENT**

MOVED: CR BARROW

SECONDED: CR WAKKA

That part e) be added which reads "That given the importance of agriculture to the economy, and the planning implications of designation of areas "Priory Agriculture" Part 4.8 Rural Land – Productive of the Local Planning Strategy should be modified to include the following "Implementation";

That Council continue to liaise with Department of Agriculture & Food WA to revise and finalise the mapping of Agricultural Areas within the Denmark Shire as the basis for the preparation of a specific Town Planning Scheme Policy and/or zonings and land use categories to guide development and subdivision within catchment based planning units in response to site characteristics, capability and land uses."

CARRIED: 11/0

Res: 131011

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR SAMPSON

That part f) be added which reads "Modification 31, replace "Rural Residential" with "Rural Smallholdings".

LOST: 3/8

Res: 141011

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR LAING

That part f) be added which reads "Modification 59 be deleted".

8.48pm – Cr Barrow left the meeting.

8.51pm – Cr Barrow returned to the meeting.

LOST: 3/8

Res: 151011

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR BARNES

That the Local Planning Strategy text, figures and maps be amended such that the proposed zoning to commercial of that part of Reserve 46256 fronting south Coast Highway opposite Ocean Beach Road intersection be deleted.

CARRIED 8/3

Res: 161011

**AMENDMENT**

MOVED: CR PHAIR

SECONDED: CR BARROW

That Council flag in the Local Planning Strategy (LPS) that a southern distributor road may need to be identified in a future review of the LPS, noting extensive community consultation would need to be undertaken in the early phases of this discussion.



LOST: 5/6

Res: 171011

**AMENDED MOTION**

That Council adopt the draft Local Planning Strategy with modifications as provided for in the preceding resolutions and Attachment M: Schedule of Modifications subject to the following changes:

- a) Modification 33: replace "Strategy j)" with "Strategy i)"
- b) Modification 47: replace the word "shape" with the word "size"
- c) 2<sup>nd</sup> Modification 55: should read Modification 56
- d) Modification 57: modify Clause a) 2<sup>nd</sup> dot point to read "...Denmark and the treatment and disposal of wastewater to cater for the predicted..."
- e) That given the importance of agriculture to the economy, and the planning implications of designation of areas "Priory Agriculture" Part 4.8 Rural Land – Productive of the Local Planning Strategy should be modified to include the following "Implementation";  
That Council continue to liaise with Department of Agriculture & Food WA to revise and finalise the mapping of Agricultural Areas within the Denmark Shire as the basis for the preparation of a specific Town Planning Scheme Policy and/or zonings and land use categories to guide development and subdivision within catchment based planning units in response to site characteristics, capability and land uses."
- f) That the Local Planning Strategy text, figures and maps be amended such that the proposed zoning to commercial of that part of Reserve 46256 fronting south Coast Highway opposite Ocean Beach Road intersection be deleted.

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WAS PUT  
& CARRIED: 10/1

Res: 181011

**OFFICER RECOMMENDATION**

ITEM 5.1(g)

That Council with respect to the adopted Local Planning Strategy:

1. Forward it to the Western Australian Planning Commission for endorsement.
2. Advise all submitter's of Council's decision.
3. Takes all appropriate measures to ensure the public are fully aware that the document is subject to endorsement by the Western Australian Planning Commission and although the Shire of Denmark considers the adopted Local Planning Strategy to be a "seriously entertained" document that it does have the potential to be modified prior to endorsement being granted, thus the document should be not be relied upon as a result.
4. Authorise the Chief Executive Officer and the Director of Planning & Sustainability to negotiate with the Department of Planning/Western Australian Planning Commission regarding minor modifications in order to get the adopted Local Planning Strategy to a point where it will be endorsed by the Western Australian Planning Commission.

**COUNCIL RESOLUTION**

ITEM 5.1(g)

MOVED: CR BARROW

SECONDED: CR WAKKA

That Council with respect to the adopted Local Planning Strategy consider that this document has had regard to local/regional variations and reflects the community's aspirations within this key planning instrument and subsequently;

1. Forward it to the Western Australian Planning Commission for endorsement;
2. Advise all submitter's of Council's decision.
3. Takes all appropriate measures to ensure the public are fully aware that the document is subject to endorsement by the Western Australian Planning Commission and although the Shire of Denmark considers the adopted Local Planning Strategy to be a "seriously entertained" document that it does have the potential to be modified prior to endorsement being granted, thus the document should be not be relied upon as a result.
4. Authorise the Chief Executive Officer and the Director of Planning & Sustainability to negotiate with the Department of Planning/Western Australian Planning Commission regarding minor modifications in order to get the adopted Local Planning Strategy to a point where it will be endorsed by the Western Australian Planning Commission.

CARRIED: 11/0

Res: 191011

**COUNCIL RESOLUTION**

MOVED: CR THORNTON

SECONDED: CR RICHARDSON-NEWTON

That Council convey a vote of thanks to Council's Director of Planning & Sustainability for the work that she has done with respect to the draft Local Planning Strategy.

CARRIED: 11/0

Res: 201011

**6. CLOSURE OF MEETING**

9.33pm – *There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: \_\_\_\_\_  
*Dale Stewart – Chief Executive Officer*

Date: 10 October 2011

These minutes were confirmed at the meeting of the \_\_\_\_\_

Signed: \_\_\_\_\_  
*(Presiding Person at the meeting at which the minutes were confirmed.)*