

16 February 2021 - Attachment 9.1.1a

FIGURE 1 - REGIONAL LOCATION  
 LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY



# Shire of Denmark Town Planning Scheme No. 3 Amendment No. 147



Williams Consulting – Town Planning and Project Management

P: 0418 116 216 E: [samwilliams@westnet.com.au](mailto:samwilliams@westnet.com.au)

M: PO Box 69, Denmark WA 6333

16 February 2021 - Attachment 9.1.1b

---

***SHIRE OF DENMARK***  
***TOWN PLANNING SCHEME No. 3***  
***AMENDMENT No. 147***

---

File No: .....

Part of Agenda: .....

**MINISTER FOR PLANNING**

**Proposal to amend a Local Planning Scheme**

1.	Local Authority:	Shire of Denmark
2.	Description of Local Planning Scheme:	Town Planning Scheme No.3
3.	Type of Scheme:	District Zoning Scheme
4.	Serial No. of Amendment:	147
5.	Proposal:	<ol style="list-style-type: none"><li>1. Rezoning No. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to 'Tourist (T14)' zone.</li><li>2. Inserting Tourist (T14) and associated provisions into Appendix XIII – Schedule of Tourist Zones of the Scheme Text; and</li><li>3. Amending the Scheme Map accordingly.</li></ol>

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

**Shire of Denmark**  
**Local Planning Scheme No. 3**  
**Amendment No. 147**

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

- a) Rezoning No. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to 'Tourist (T14)' zone.
- b) Inserting Tourist (T14) and associated provisions into Appendix XIII – Schedule of Tourist Zones of the Scheme Text; and
- c) Amending the Scheme Map accordingly

This Amendment is standard under the provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 for the following reason(s):

- Any other amendment that is not complex or basic amendment;

Dated this ..... day of ..... 20....

.....  
Chief Executive Officer

---

**AMENDMENT REPORT**

---

**DOCUMENT CONTROL**

Control Version	Date	Status	Distribution	Comment
A	25.09.2020	Draft	QA/Client	
B	28.10.2020	Final	Shire of Denmark	Updates to figure no.'s, sec(s) 3.2.3, 4.3.1, 5.1.2, 5.1.4 and conclusion.

Prepared by: SW

Reviewed by: DC

Date: 28 October 2020

Job Name: Lot 3 South Coast Highway, William Bay

Version: B

# TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>8</b>
<b>2</b>	<b>SITE CONTEXT AND BACKGROUND</b>	<b>9</b>
2.1	LEGAL DESCRIPTION	9
2.2	LOCAL CONTEXT	9
2.3	EXISTING DEVELOPMENT AND LAND USE	12
2.4	OPPORTUNITIES AND CONSTRAINTS	13
<b>3</b>	<b>PLANNING CONTEXT</b>	<b>15</b>
3.1	STRATEGIC PLANNING CONTEXT	15
3.1.1	LOWER GREAT SOUTHERN STRATEGY 2016 (LGSS)	15
3.1.2	SHIRE OF DENMARK LOCAL PLANNING STRATEGY (LPS)	16
3.2	STATE GOVERNMENT PLANNING CONTEXT	18
3.2.1	STATE PLANNING POLICY NO. 2.5 – RURAL PLANNING	18
3.2.2	STATE PLANNING POLICY NO. 3.7 – PLANNING IN BUSHFIRE PRONE AREAS	20
3.2.3	GOVERNMENT SEWERAGE POLICY 2019	21
3.2.4	PLANNING BULLETIN 83/2013 – PLANNING FOR TOURISM	21
3.2.5	PLANNING BULLETIN 49/2014 – CARAVAN PARKS	25
3.3	LOCAL GOVERNMENT PLANNING CONTEXT	28
3.3.1	TOWN PLANNING SCHEME NO. 3	28
3.3.2	DENMARK TOURISM PLANNING STRATEGY – STAGE 1	28
3.3.3	POLICY NO 5 – MINIMUM SETBACKS	29
3.3.4	POLICY NO 29 – RURAL SETTLEMENT STRATEGY	29
3.3.5	P130201: TOURISM POLICY	30
<b>4</b>	<b>PROPOSED DEVELOPMENT</b>	<b>32</b>
4.1	BACKGROUND	32
4.1.1	EXISTING AND PROPOSED ZONING	32
4.2	TOURISM DEVELOPMENT	33
4.2.1	CARAVAN PARK, CAFÉ AND GARDENS	33
4.2.2	AGRITOURISM (ORCHARD)	34
4.2.3	AGRITOURISM (AQUACULTURE)	34
4.3	SERVICING	35
4.3.1	ACCESS AND TRAFFIC	35
4.3.2	POWER AND TELECOMMUNICATIONS SUPPLY	36
4.3.3	WATER SUPPLY	36
4.3.4	STORMWATER DRAINAGE	36
4.3.5	EFFLUENT DISPOSAL	36
4.3.6	SOILD WASTE MANAGEMENT	36
4.4	VISUAL IMPACT ASSESSMENT	37
<b>5</b>	<b>ENVIRONMANTAL CONTEXT</b>	<b>41</b>
5.1	LANDFORM	41
5.1.1	SOIL CONDITIONS	41
5.1.2	SOIL CHARACTERISTICS	41
5.1.3	ACID SULPHATE SOILS	41
5.1.4	SURFACE AND GROUNDWATER	41
<b>6</b>	<b>LOCAL DEVELOPMENT PLAN</b>	<b>42</b>
<b>7.</b>	<b>CONCLUSION</b>	<b>44</b>

## ***APPENDICES***

<b>Appendix A</b>	Certificate of Title
<b>Appendix B</b>	Local Development Plan
<b>Appendix C</b>	Bushfire Management Plan
<b>Appendix D</b>	Site and Soil Assessment
<b>Appendix E</b>	Traffic Assessment

## ***FIGURES***

<b>Figure 1</b>	Regional Location
<b>Figure 2</b>	Site Plan / Location Plan
<b>Figure 3</b>	Proposed Caravan Park site looking NE
<b>Figure 4</b>	Proposed Caravan Park site looking NNE
<b>Figure 5</b>	Bottom of dam looking SW
<b>Figure 6</b>	Bottom of dam looking W
<b>Figure 7</b>	SW corner of site where new access on South Coast Hwy is proposed
<b>Figure 8</b>	Opportunities and Constraints Plan
<b>Figure 9</b>	LPS designation of site and surrounds
<b>Figure 10</b>	Visual Landscape Planning - Relationship
<b>Figure 11</b>	Visual Landscape Planning – Map Analysis

**Scheme Map Amendment No. 147**

## 1 INTRODUCTION

Scheme Amendment No. 147 proposes to rezone No. 2446 (Lot 3) South Coast Highway, William Bay (the 'site') from 'Rural' to 'Tourist' under the Shire of Denmark's Town Planning Scheme No.3 (TPS3).

The site is located in the William Bay locality approximately 13 km west of the Denmark Town Centre via South Coast Highway, and is deemed to be of high tourism value based on general location and site specific criteria. The site is located on a major tourist route and within close proximity to both major tourist attractions and activities, including; William Bay National Park, Elephant Rocks, Mad Fish Bay, Greens Pool, breweries/cideries/wineries, walk/bike trails and the Valley of the Giants.

The site comprises an area of around 12 hectares of general agricultural land, and is of an insufficient size to support traditional agricultural activities as a sustainable stand-alone operation. The landowner has lodged a development application for the establishment of a shed (which will eventually become a café), orchard and aquaculture operation.

This amendment will allow for continued primary production to occur on the site, as well as the future development of a caravan park, the cafe and complementary agritourism (orchard and aquaculture tourism). Support for this amendment will enable the site to be used for its highest and best use, allow for continued agricultural production to occur on the site, provide new employment and investment opportunities within the Shire and deliver direct and indirect benefits to existing businesses, tourism operators and tourist attractions.

This report provides additional detailed information and technical analysis supporting the amendment.

## 2 SITE CONTEXT AND BACKGROUND

### 2.1 LEGAL DESCRIPTION

Details of the landholding and ownership are contained in **Table 1** below. A copy of the Certificate of Title is included at **Appendix A**.

Landowner	Lot No.	Vol/Folio	Plan/Diagram	Area (Ha)	Road Name/No.
JLP Superfund	3	1344/644	D44343	11.9873	South Coast Highway/2446

**Table 1:** Land and ownership details

### 2.2 LOCAL CONTEXT

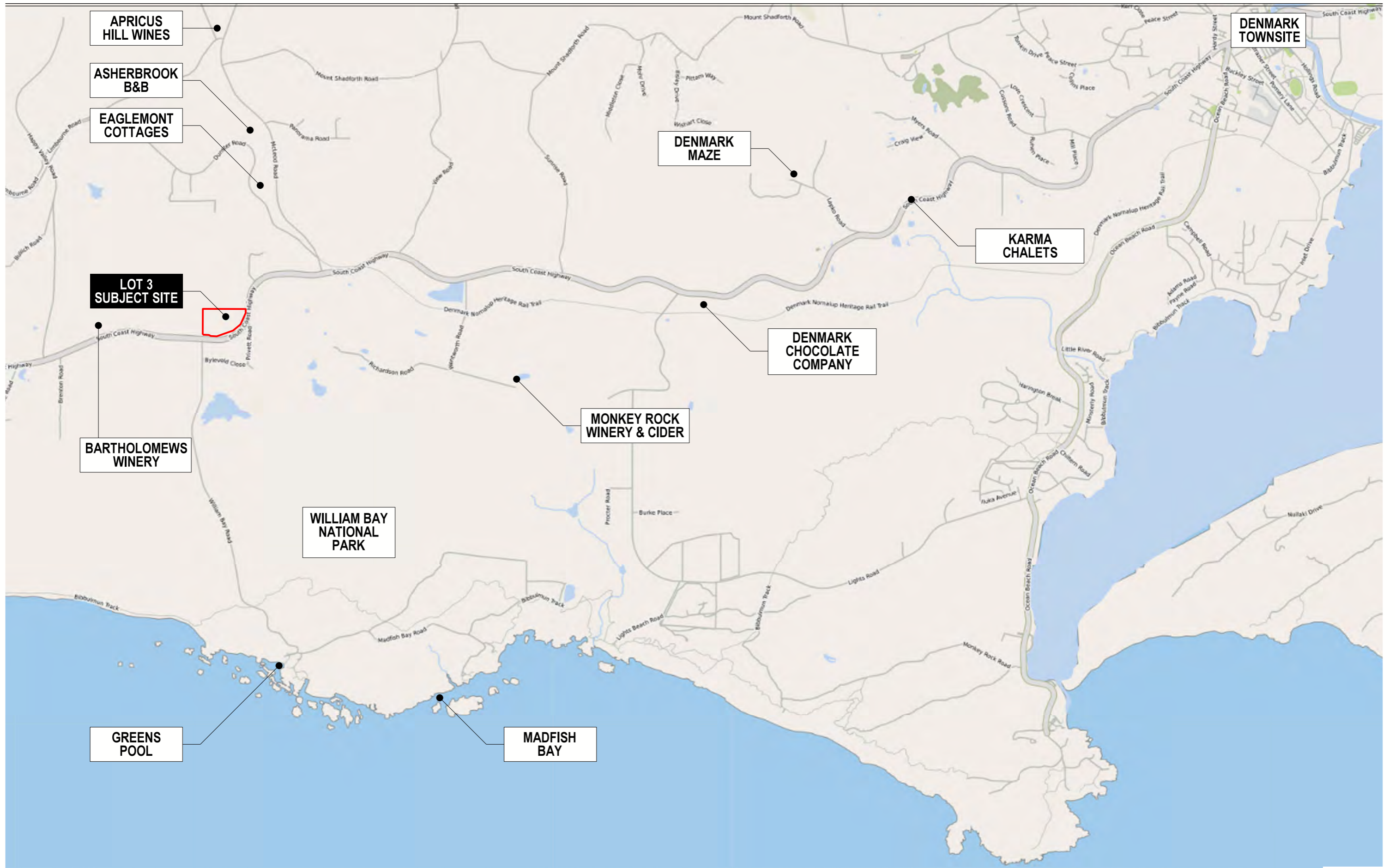
The site is located in the William Bay locality within the Shire of Denmark, approximately 13 km west of the Denmark Town Centre via South Coast Highway (a major tourist route). It is within close proximity to William Bay National Park (~1km), Greens Pool (~4km), Elephant Rocks (~4km) and Mad Fish Bay (~4.5km). A location plan and site plan showing the local context and zoning are provided in **Figures 1 and 2**.

The site is a quadrant shape with 650m (approx.) of frontage onto South Coast Highway. There is an existing single crossover providing access to/from the site located on the northern side of South Coast Highway, midway between Privett Road and William Bay Road. Current access to the site will be retained to service the existing dwelling and primary production, with a new access point proposed in a location with improved sightlines providing safe access/egress for tourists and the general public.

Land abutting the northern boundary of the site is zoned Rural Multiple Occupancy (R1), with most of the dwellings located on the northern portion of that holding, over 200m from the boundary of the site and separated by a large strand of mature karri trees.

To the south of the site, on the opposite side of South Coast Highway, land is zoned Special Rural (SR7) with most of the dwellings located more than 100m from the southern boundary of the site and separated by a strand of mature karri trees. Prevailing lot sizes in the SR7 zone range from 1.6ha to 4 ha.

Undulating land located to the west and east is zoned Rural and is currently utilised for conventional agricultural activities in particular broad acre farming (i.e. - grazing). These areas contain a mixture of cleared pastures and mature karri trees. The land to the south west comprises remnant native vegetation.



**FIGURE 1 - REGIONAL LOCATION**  
**LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY**



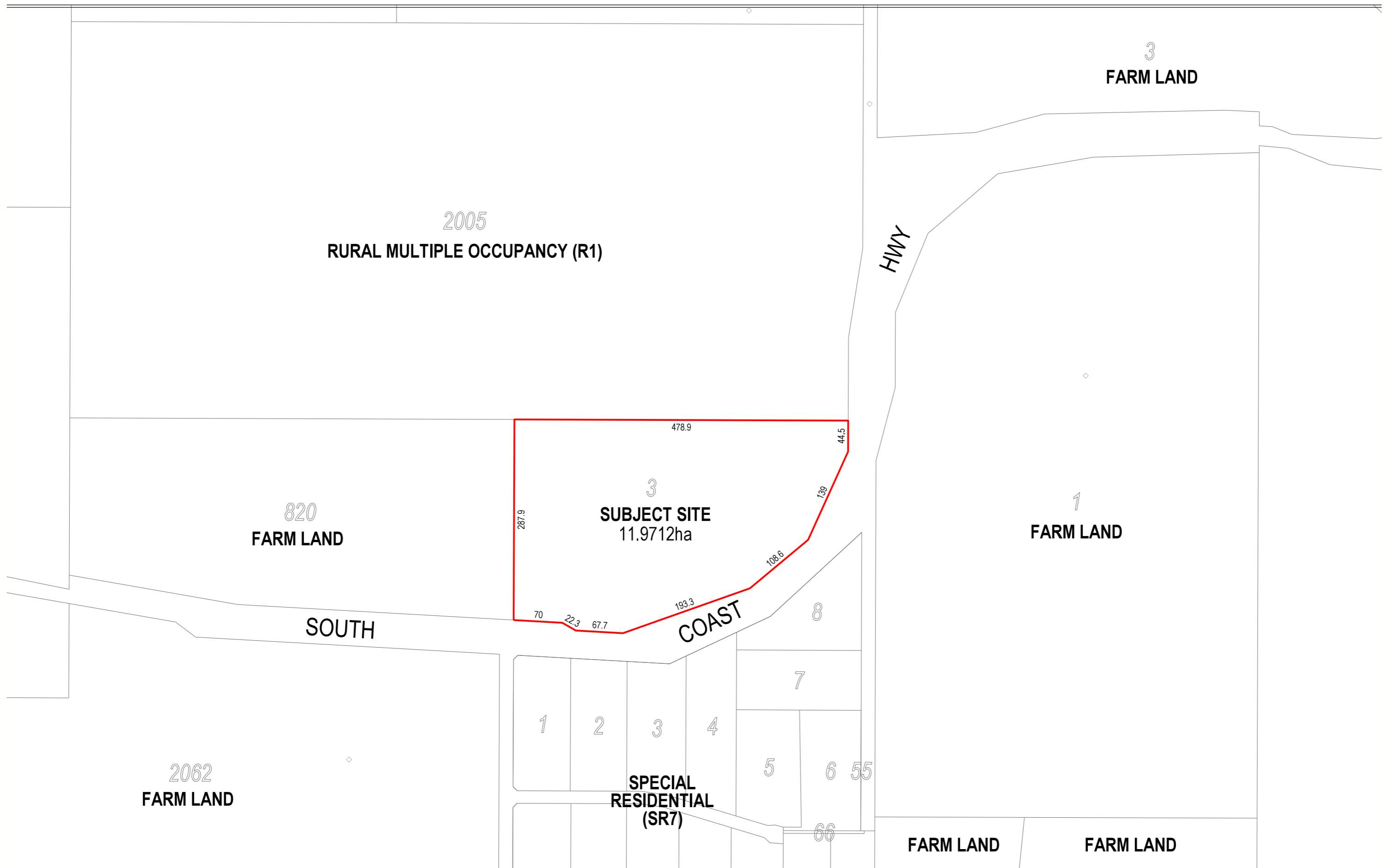
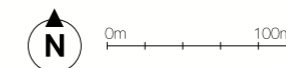


FIGURE 2 - SITE PLAN / LOCATION PLAN  
 LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY



## 2.3 EXISTING DEVELOPMENT AND LAND USE

The site contains a single dwelling and associated curtilage and was previously used by a limited number of livestock (cattle) for grazing. There are two dams located on the northern portion of the site providing water for livestock and also in the event of a bushfire emergency. A large strand of mature karri trees has been retained in the north-western portion of the site, with the balance of the landholding having been previously cleared to allow for agriculture to occur.

The western portion of the site is generally flat (i.e. - <math>2^{\circ}</math> grade) and gently slopes upwards in an easterly direction. There are no significant environmental features on the site (e.g. - wetlands, water courses, etc) and it is not located in a floodway or subject to seasonal inundation.

Photographs of the site are provided in **Figures 3, 4, 5, 6 and 7**.



**Figure 3:** Proposed caravan park site looking NE



**Figure 4:** Proposed caravan park site looking NNE



**Figure 5:** Bottom of dam looking SW



**Figure 6:** Bottom of dam looking W



**Figure 7:** SW corner of site where new access on South Coast Hwy is proposed

## 2.4 OPPORTUNITIES AND CONSTRAINTS

The site is limited in terms of its capacity to support traditional agricultural activities as a sustainable stand-alone operation primarily due to its relatively small lot size. As such, the main opportunities for development and use of the site are associated with diversified forms of agriculture, agritourism and tourist accommodation.

The western portion of the site is generally flat (<2° grade), well drained and of a suitable size for the development of a caravan park, café and gardens. The eastern portion of the site is gently sloping (>2° – 5° grade) and less suited to the development any considerable built-form. However, this area is suited to continued primary production in the form of an orchard and an associated agritourism venture.

The north western portion of the site is constrained by a large stand of native karri trees, which are proposed to be retained to assist with environmental management of the landholding. The north eastern portion is the most elevated part of the site and contains two dams that provide a water source for agricultural activities. Expansion of the existing dams and the construction of a new dam in this area provide an opportunity to establish an aquaculture operation and associated agritourism venture.

Access to the site is provided by an existing crossover which will be retained to service the dwelling and future primary production activities. Whilst the location of this crossover has proven safe to service the current development and activities occurring on the land, there is an opportunity to install a new crossover in a more suitable location to provide safe access for the general public. A new crossover will also provide a secondary point of access to the site in the event of a bushfire emergency.

As illustrated in **Figure 8**, the physical attributes of the site offer significant opportunities including on-site landscaping, and low key development. The *Local Development Plan*, by designating and identifying developable areas, will ensure the long term protection of areas containing remnant vegetation, and the environmental function this part of the site currently serves.

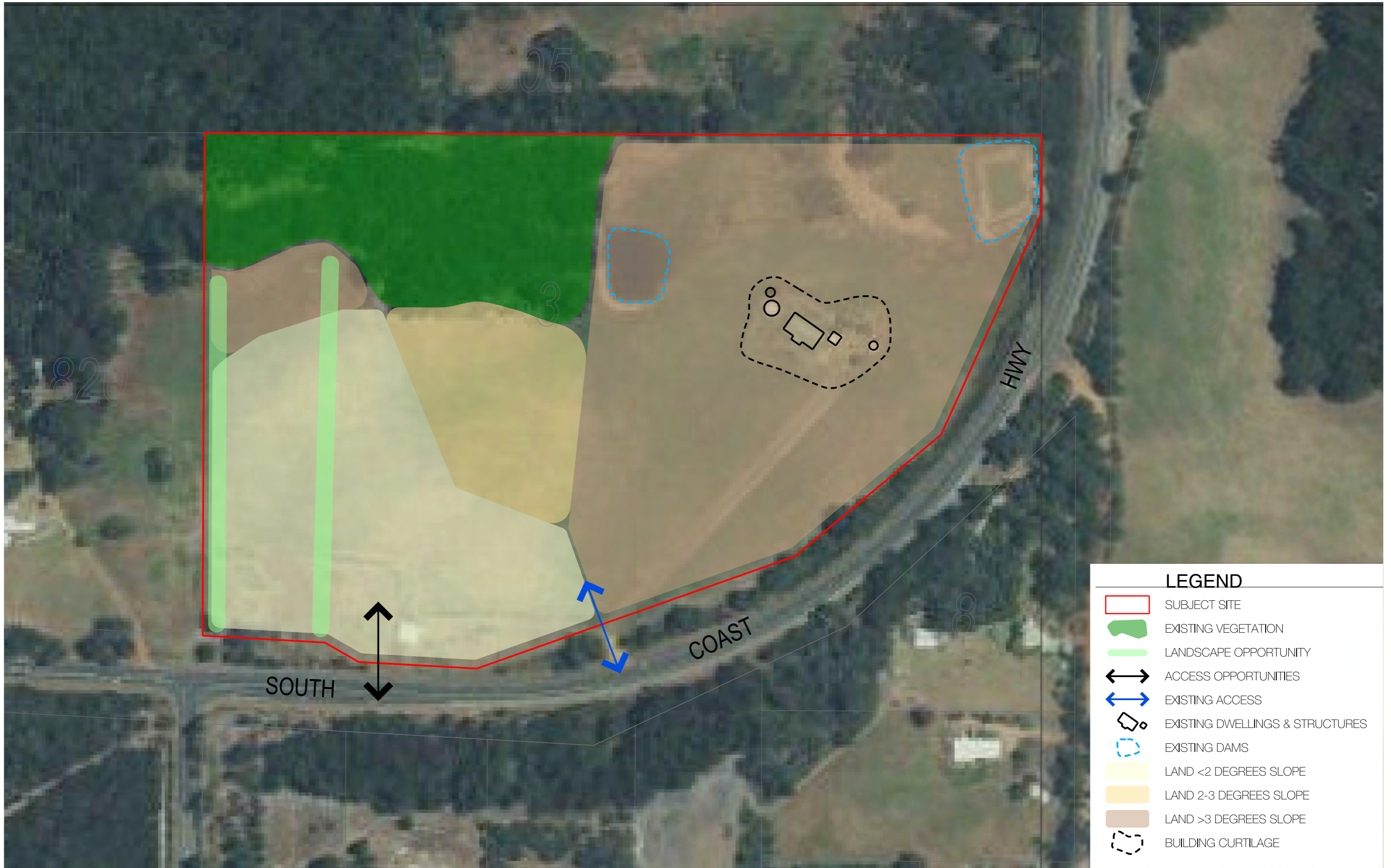


FIGURE 8 - OPPORTUNITIES AND CONSTRAINTS PLAN  
 LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY



## 4 PROPOSED DEVELOPMENT

### 4.1 BACKGROUND

As discussed in **section 3.3.2**, tourism is an important contributor to the local economy in Denmark and provides the second highest number of jobs next to agriculture. Caravan Parks play an important role in accommodating tourists and visitors in the Shire, with an annual average of 16,500 (or 18% of all) domestic visitors, and 5,300 (or 46% of all) international visitors staying in caravan parks or camping grounds in 2003 and 2004.

Traditional broad acre farming on rural zoned lots increasingly requires larger landholdings to remain economically sustainable. Many small rural lots (including the subject site) are unable to sustain traditional farming practices, and either need to adapt and diversify their activities or become quasi-lifestyle properties where primary income is generated off-site.

Agritourism, otherwise known as food tourism, encompasses a wide variety of activities where agriculture and tourism intersect, including; wine, craft beer and spirits, gourmet foods (cheese, olives, condiments and confectionary), fruit, vegetables, nuts, meat and seafood. This sector of tourism is becoming increasingly important to regional economies, and for some regions (e.g. - Margaret River) agritourists contributes more to the local economy than agriculture.<sup>1</sup>

Growth of the agritourism sector is forecast to continue as consumers and tourists increasingly seek to better understand where their food comes from, learn how it is produced and experience the ultimate in low food miles by enjoying produce where it is produced. Agritourism also allows regional economies to showcase what's good about the region, its unique growing conditions and natural resources (clean air, water and soils) and provides a tourism drawcard from which other regional tourism businesses and experiences can benefit.

This amendment provides an opportunity to responsibly integrate agriculture and tourist uses on the site. Support for this amendment will further assist with promoting Denmark as a desirable tourist destination and its reputation for producing high quality food and wines.

<sup>1</sup><https://www2.deloitte.com/au/en/pages/consumer-industrial-products/articles/agritourism.html>

#### 4.1.1 EXISTING AND PROPOSED ZONING

As noted, the site is currently zoned *Rural* under TPS<sub>3</sub> and this amendment proposes the site be rezoned to *Tourist*.

Importantly, this amendment does not seek to discontinue the use of the site for primary production, but rather to diversify and support the integration of agritourism and tourist accommodation on the same landholding. The ultimate tourist development will be co-ordinated and controlled through a Local Development Plan and site specific planning control measures proposed to be introduced into Appendix 13 of TPS<sub>3</sub>.

## 4.2 TOURISM DEVELOPMENT

The ultimate tourism development will consist of three complementary and integrated uses:

- i. Caravan park, café and garden
- ii. Agritourism (Orchard)
- iii. Agritourism (Aquaculture)

Each of these is discussed in more detail in the following sections. An indicative Concept Plan showing the broad layout of the proposed tourism development is included in **Figure 10**.



**Figure 10:** Concept Plan

### 4.2.1 CARAVAN PARK, CAFÉ AND GARDENS

Around 50 percent of the site (~6 ha) is designated for the development of a caravan park, café and gardens. Access to the site for the general public will be provided via a new entry point onto South Coast Highway in consultation with MRWA and the Shire. General public access is proposed in a location with improved sightlines to the existing access and supported by a traffic assessment included at **Appendix E**.

The caravan park will form an area of approximately 2 ha and provide for around 50 caravan and camping sites, ablution blocks and internal access roads in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*. The caravan park will be located on a portion of the site that is generally flat (<2°grade) and with other supporting environmental characteristics including soil characteristics and suitable drainage. The existing strand of karri trees located on the northern portion of the site will be retained, with additional trees plantings providing increased visual screening to the west, east and south.

A Local Development Plan has been prepared and included at **Appendix B** illustrating the location of the caravan park and its relationship with the proposed agritourism and surrounding areas. The final layout and detailed design of a caravan park will be refined at the development application stage.

A complementary café will be located to the east of the caravan park and will provide visitors and guests with the option of takeaway or dine-in beverages and meals. This location ensures suitable separation is provided between the caravan park and café.

An area of around 4 ha east of the caravan park will accommodate a garden area for tourists and visitors to enjoy passive recreation. This garden will also assist in serving as a buffer between the caravan park and agritourism operations.

---

#### 4.2.2 AGRITOURISM (ORCHARD)

Around 10 percent of the site (~1 ha) is designated for an orchard on a gently sloping portion of the site (~2° - 5° grade) which is suitably setback from the caravan park and cafe so as to avoid any potential for land use conflict to occur.

This will allow for the continued use of the site for primary production whilst providing tourists and visitors with the opportunity for product tastings, farm tours, self-picking experiences and farm gate sales.

The Local Development Plan (refer to **Appendix B**) illustrates the location of the primary production (orchard) and its relationship with the caravan park, cafe and surrounding area.

Agritourism will provide a complementary tourism offering to tourists and Shire visitors and allow for other tourism businesses and attractions to benefit.

---

#### 4.2.3 AGRITOURISM (AQUACULTURE)

Around 25 percent of the site (~2.5 ha) is designated for aquaculture production on the highest elevated portion of the site, which is suitably setback from the caravan park, cafe and neighbouring dwellings so as to avoid any potential for land use conflict to occur.

This will allow for the continued use of the site for primary production, whilst providing tourists and visitors with the opportunity to access high-quality seafood that supports and encourages tourism. Tourists and visitors will be provided with an opportunity to take informative educational tours to

## 6 LOCAL DEVELOPMENT PLAN

A Local Development Plan has been prepared to support this amendment (refer **Appendix B**), and provides guidance to decision makers when considering an application for tourist development.

Key provisions of the Local Development Plan (LDP) include the following:

1. An indicative location for a **new access** to the site from South Coast Highway has been identified, providing the general public with safe access to the future tourist development. This location provides improved sightlines and safety when compared to the existing access. It is intended that the final location of this access point will be determined in consultation with the Shire of Denmark and MRWA. The current access will be retained and continue to service the existing dwelling and primary production, as well as providing a secondary point of egress to the site in the event of a bushfire emergency.
2. The LDP includes **internal access ways** and a car parking area. The existing access way servicing the dwelling will be retained, with an indicative internal access way and car parking area shown to service the caravan park, café and agritourism opportunities. Details of the final layout and car parking location will be refined through the development application process to ensure compliance with the *Caravan Park and Camping Grounds Regulations 1997*.
3. A location for a **café** is shown on the LPD on a portion of the site that is generally flat (<2° grade). This area is suitably setback from the caravan park and agritourism opportunities, and will overlook the gardens. This location also minimises vehicle interactions between caravan park patrons, café guests and agritourists, and ensures vehicle movements on-site are minimised.
4. A **caravan park** is identified on the western most portion of the site which is generally flat (<2° grade) and has been previously cleared to support agricultural activities. The caravan park will form an area of approximately 2 ha and provide for around 50 caravan sites, ablution blocks and internal access roads. Details of the final caravan park layout will be refined through the development application process to ensure compliance with the *Caravan Parks and Camping Grounds Regulations 1997*.
5. **Landscape screening** is identified around the perimeter of the caravan park to assist with visual and acoustic screening of the caravan park from surrounding lots and when viewed from South Coast Highway. The location of landscape screening has been established through a visual impact assessment.
6. **Agritourism (aquaculture)** is identified on approximately 2.5 ha of the site. The area identified for agritourism (aquaculture) is suitably setback from the caravan park, café, neighbouring dwellings and the orchard so as to avoid any potential for land use conflict to occur.

7. **Agritourism (orchard)** is identified on approximately 1 ha of the site which is gently sloping (~2° - 5° grade), and which is suitably setback from the caravan park, café, neighbouring dwellings and aquaculture so as to avoid any potential for land use conflict to occur.
8. Existing strands of mature karri trees located on the north-western portion of the site are to be retained and protected via the identification of a "**tree retention area**" identified on the LPD. This will assist to with environmental management of the land, as well as protecting this portion of the site from potential built-form development from occurring. Area of vegetation serves not only to assist with environmental management of the land holding, but also provide important visual screening and setbacks to future tourist development. Additional planning control measures are proposed within Appendix 13 of TPS 3 prohibiting development or clearing of vegetation in areas identified as *tree retention area*.

## 7. CONCLUSION

This amendment seeks to rezone No. 2446 (Lot 3) South Coast Highway, William Bay from Rural to Tourist, and proposes to introduce a number of site specific planning control measures into Appendix 13 of TPS<sub>3</sub>.

The salient points of summary and support for this scheme amendment are:

- The site is of an insufficient size to support traditional agricultural activities as sustainable stand-alone operation. Planning instruments broadly acknowledge that such sites need to diversify their agricultural activities in order overcome this problem.
- Tourism is the second largest contributor to the Shire's economy, and an important contributor to local jobs. This amendment will positively contribute to the overall supply and variety of tourist accommodation and attractions whilst providing economic benefits and new employment and investment opportunities associated with agricultural production and tourism.
- This amendment recognises the compatibility between agriculture and tourism and provides an opportunity for the site to continue to be used for primary production, albeit of a diversified nature whilst leveraging on emerging tourism opportunities.
- The site is deemed to have a high tourism value and is located within close proximity to significant tourism attractions including William Bay National Park, Greens Pool, Elephant Rocks and Mad Fish Bay. This amendment provides an opportunity for new tourism development to occur in close proximity to existing tourist attractions, whilst retaining the bucolic character of the natural environment.
- Future tourist development on the site will improve upon existing tourist linkages to major tourism attractions by providing additional tourism experiences adjacent to a major tourist route. Improving tourist linkages not only benefits other tourism operators and businesses, but positively contributes to the overall appeal and reputation of the Shire as a tourist destination
- As consumers increasingly seek to better understand where their food comes from and learn how it is produced, agritourism is becoming an increasingly important sector providing direct and indirect benefits to regional economies. This amendment responds to the changing needs of the tourism sector by providing opportunities for tourist accommodation (i.e. – Caravan Park) and agritourism to occur on the site.
- Management of impacts and/or mitigation approaches associated with rezoning the site to Tourist have been substantially resolved with planning control measures proposed within Appendix 13 of TPS<sub>3</sub> and a Local Development Plan. Additional planning control measures are able to be provided through the development application process to ensure suitable social and environmental outcomes are achieved.

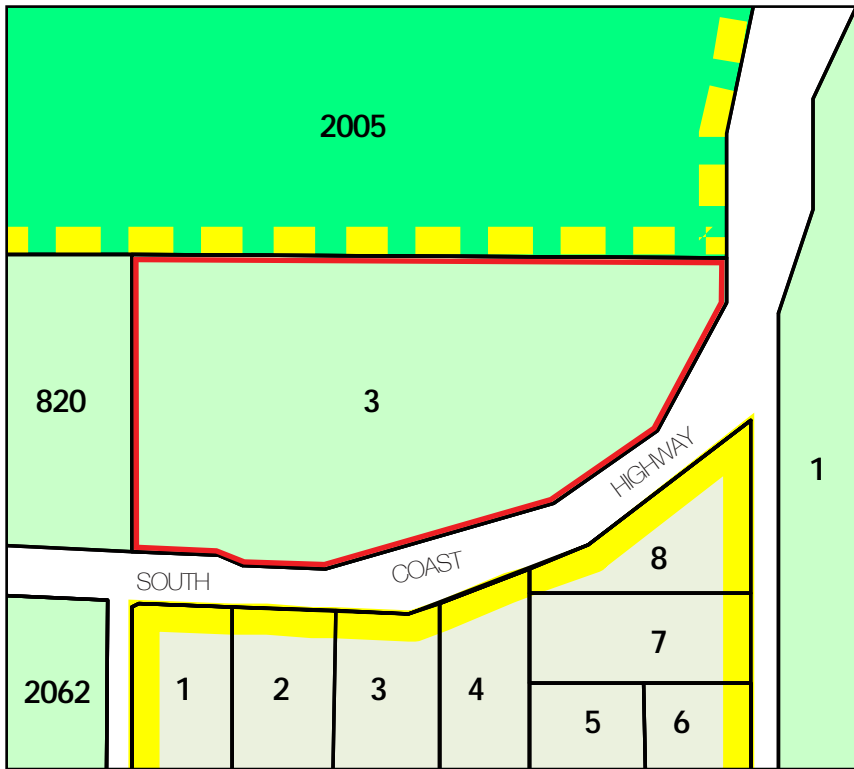
- Environmental characteristics of the locality, including topography and retained remnant vegetation ensure that Tourist zoning over the site is able to integrate with the surrounding land uses and not impact on primary production. The large lot sizes and adequate separation distances to neighbouring dwellings ensures compatibility between Tourist zoning and the surrounding zones and land uses.
- A traffic assessment has been prepared confirming traffic generated by the ultimate development is able to occur in a safe manner, and without resulting in a significant increase in traffic to the locality.
- Environmental characteristics of the site (including size, soil characteristics, geology, hydrology, slope and depth to groundwater) are suitable for onsite effluent disposal and drainage.
- A Bushfire Management Plan confirms that ultimate development of the site for tourism purposes is able to conform to the provisions of SPP 3.7.
- There are no constraints to development of the site over and beyond the usual local conditions that can't be dealt with through appropriate development controls to be included in Appendix 13 of TPS<sub>3</sub> and conditions of development approval.

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

# SHIRE OF DENMARK






## Town Planning Scheme No.3

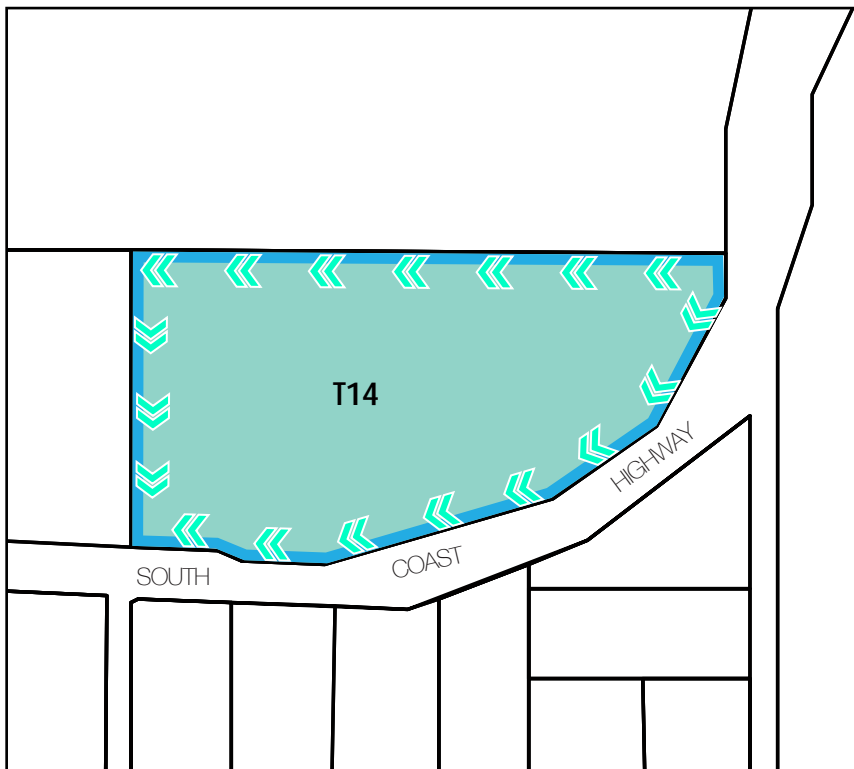
### Amendment No. 147



EXISTING ZONING

#### LEGEND

- LOCAL SCHEME ZONES**
-  RURAL MULTIPLE OCCUPANCY
  -  RURAL
  -  SPECIAL RURAL
  -  TOURIST
- OTHER CATEGORIES**
-  SUBJECT SITE



PROPOSED ZONING



OCTOBER 2020  
TOWN PLANNING  
SCHEME NO.3  
AMENDMENT NO. 147

**PLANNING AND DEVELOPMENT ACT 2005  
SHIRE OF DENMARK**

**TOWN PLANNING SCHEME NO.3**

**AMENDMENT NO.147**

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

- a) Rezoning No. 2446 (Lot 3) South Coast Highway, William Bay, from 'Rural' to Tourist (T14) zone and amending the Scheme Maps accordingly.
- b) Inserting Tourist T14 provisions in Appendix XIII – Schedule of Tourist zones as follows:

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T14	No. 2446 (Lot 3) South Coast Highway, William Bay.	<p>Notwithstanding any other provisions of the scheme, the following land uses are only permitted (P) land uses and shall include:</p> <ul style="list-style-type: none"> <li>• Single House</li> <li>• Caravan Park</li> <li>• Aquaculture</li> <li>• Horticulture</li> <li>• Agritourism</li> <li>• Restaurant</li> <li>• Caretakers Dwelling</li> </ul> <p>AA uses are permitted, only when they are incidental to a P use occurring on the site.</p> <p>AA uses shall include:</p> <ul style="list-style-type: none"> <li>• Workforce accommodation</li> <li>• Microbrewery</li> <li>• Shop (max. 150m<sup>2</sup> GLA)</li> </ul>	<ol style="list-style-type: none"> <li>i. Development shall generally be in accordance with the Local Development Plan (Ref: 20-008-004) dated 1 October 2020 or any minor variation to that plan approved by Council.</li> <li>ii. All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Health Department of WA and Council, and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system.</li> <li>iii. All new development shall be setback a minimum: <ul style="list-style-type: none"> <li>• 30 metres from South Coast Highway</li> <li>• 20 metres from all other boundaries</li> </ul> <p>Unless otherwise approved by Council.</p> </li> <li>iv. All buildings within the zone shall be constructed to be sympathetic to the existing landscape in terms of colour finishes, location and height, to the satisfaction of Council. Zincalume, white and off-white colours are prohibited.</li> <li>v. All building heights are limited to single storey.</li> <li>vi. The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2018</li> </ol>

			<p>Construction of buildings in Bushfire Prone Areas (as amended)</p> <p>vii. No development shall be permitted within the Development Exclusion Area(s) / Tree Retention Area(s) as shown on the Local Development Plan.</p> <p>viii. Any new vehicular access to the zone shall be limited to those nominated points as determined by Council in consultation with Main Roads Western Australia, excepting any additional egress requirements for fire management.</p> <p>ix. The proponent shall implement the recommendations of the Bushfire Management Plan approved by Council (or any approved amended bushfire management plan) to the satisfaction of Council as a condition of development approval.</p> <p>x. The proponent shall prepare and implement the recommendations of an approved Local Water Management Strategy to the satisfaction of Council as a condition of development approval.</p> <p>xi. The proponent shall prepare and implement the recommendations of an approved Landscape Management Plan to the satisfaction of Council as a condition of development approval. Matters that the landscaping plan is to specifically address include:</p> <ul style="list-style-type: none"> <li>• Future on-site landscaping to assist with screening the development from South Coast Highway.</li> </ul> <p>xii. All fencing (internal and boundary) shall be of a rural construction such as pine/steel posts and wire to the satisfaction of Council.</p>
--	--	--	---

## APPENDIX B - LOCAL DEVELOPMENT PLAN

## Schedule of Modifications - Amendment 147 – No. 2446 (Lot 3) South Coast Highway, William Bay

Section	Comments
Proposal Page, Resolution Page	<ul style="list-style-type: none"> <li>Clarify if Tourist Zone No. 13 or No. 14.</li> <li>Introduce definitions of 'agritourism' (or a related Model Scheme Text use) and 'workforce accommodation'.</li> </ul>
Resolution Page	'Complex' amendment rather than a 'Standard' amendment given the Local Planning Strategy designates the site as General Agriculture.
Figure 8	Add landscape/revegetation opportunity near South Coast Highway and/or add sections of site which are visible from South Coast Highway.
3.1.2	Add it is a complex amendment.
3.2	Add Caravan Park Act & Regulations. Clarify if the site can meet the criteria for a nature based caravan park including being in a 'natural setting' given associated impacts of noise and artificial light, or whether a different form of licensing is expected.
Page 26	Query views will be obstructed.
3.3.3	Clarify given development (caravan bays) appear closer than 20 metres from the western boundary.
4.3.2	Add diesel generators are not proposed to reduce noise impacts on neighbours and to promote renewable energy.
4.3.6	Change 'Soild' to 'Solid'.
Page 39	There are no 'Development Exclusion Areas' shown on the Local Development Plan (LDP).
Figure 12	Change 'limited views' from south west corner to 'open view' or similar and add 'open view' or similar between existing and proposed crossover. Show additional landscaping adjoining the South Coast Highway frontage west of the current crossover.
5	Change 'Environmantal' to 'Environmental'.
Scheme provisions	<ul style="list-style-type: none"> <li>Review permissibility with most uses changed from 'P' to 'AA'.</li> <li>Introduce definitions of 'agritourism' (or a related Model Scheme Text use) and 'workforce accommodation'.</li> <li>Possibly add 'private recreation' as an AA use and Rural Pursuit and Outbuildings as a P use.</li> <li>Add to Condition iii that development includes caravan bays.</li> <li>Add to Condition xi including types of vegetation/species and density.</li> <li>Add conditions including: <ul style="list-style-type: none"> <li>Preparing and implementing a Bushfire Emergency Evacuation Plan and preparing and implementing a Bushfire Management Plan;</li> <li>Lighting and signage; and</li> <li>Limiting stay to 3 months in a 12 month period other than for the single house and caretaker's dwelling.</li> </ul> </li> </ul>
Appendix B	<ul style="list-style-type: none"> <li>Review setback from South Coast Highway with a goal of minimising visual impacts.</li> <li>Scale off caravan park area to provide at least 20m from side boundary and 30m from the front boundary.</li> </ul>

	<ul style="list-style-type: none"> <li>• Extend landscape screening between existing and proposed crossovers.</li> <li>• Show development footprint for the workforce accommodation, microbrewery and a shop (maximum gross leasable area of 150m<sup>2</sup>).</li> <li>• Update the LDP to address the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> including clause 48.</li> <li>• Add provisions to ensure the LDP is a 'standalone' document.</li> <li>• Add a signing box.</li> </ul>
Appendix D	Compatibility of sewerage irrigation area (SSE Attachment D) and orchard – comment on addressing health considerations.
Appendix E	<ul style="list-style-type: none"> <li>• It is understood that Main Roads measures Safe Intersection Sight Distance (SISD) in accordance with Austroads Guide to Road Design Part 4A. Main Roads standard is to design for 10km/hr over the posted speed limit to allow for speeding vehicles. This would give a SISD of 262m, plus an allowance for the down gradient.</li> <li>• Expand commentary on SISD with the consultant traffic engineer confirming they have inspected the site and confirm the proposed crossover is safe and suitable, or outline required mitigation measures.</li> <li>• Add comments regarding the suitability of slow accelerating vehicles towing caravans, entering and leaving the site, with faster moving highway traffic.</li> </ul>
<b>Other comments</b>	
Visual impact	<ul style="list-style-type: none"> <li>• The visual impact assessment to superimpose caravans and other proposed development from key viewing points from South Coast Highway adjacent to the site (such as using montages over photographs).</li> <li>• There may be a need for bunding near the South Coast Highway and the western boundary to assist with reducing visual impact and reducing noise impacts from the highway.</li> <li>• Discussion on timing to achieve effective and suitable screening.</li> <li>• Provide an indication of preferred landscaping theme, planting objectives, density and preferred species.</li> </ul>
Land use compatibility	<ul style="list-style-type: none"> <li>• Expand discussion on possible impacts to neighbouring properties including from noise and lighting from the caravan park and impacts from the aquaculture operation (including EPA separation distance guidance of 100 – 300 metres).</li> <li>• Suitability of a 20m buffer to the west.</li> <li>• Expand discussion to outline compatibility between the caravan park and the orchard such as a possible organic orchard or the careful use and application of chemicals etc.</li> </ul>
Acoustic assessment	Need a Noise Management Plan to address SPP 5.4 and consider impacts of noise from the caravan park, microbrewery and other uses on adjoining/nearby properties. As a minimum, suitable preliminary advice is provided pre-adoption of the amendment, with a more detailed assessment to support a Development Application.
Clarify process	Written support is required from the applicant to support the concurrent advertising of the LDP and amendment.