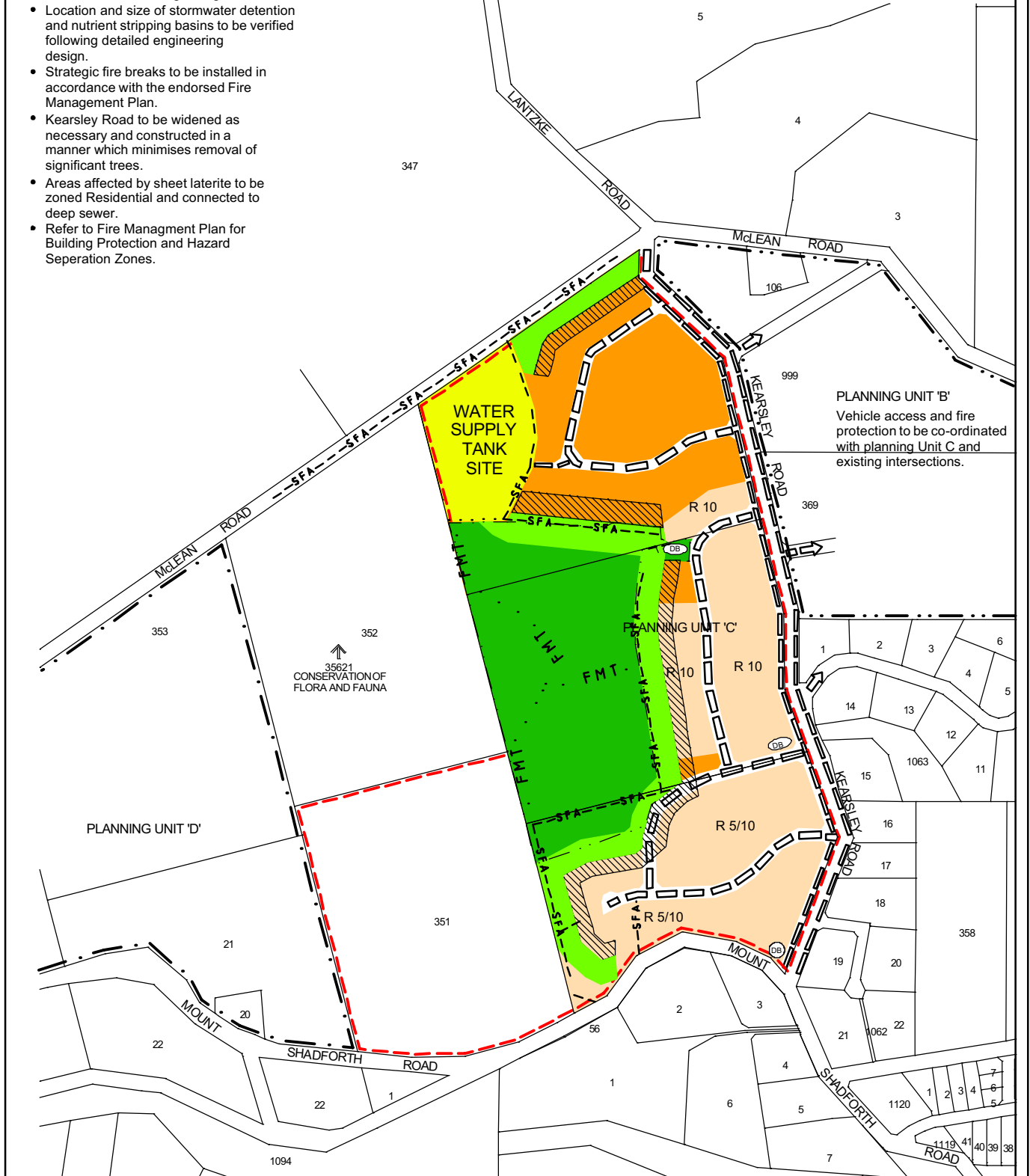


NOTATIONS FOR PLANNING UNIT 'C'

- Special Residential Lots to have a minimum lot size of 2000m²
- Remnant vegetation to be retained in private ownership and managed as a vegetation protection area.
- All development and associated low fuel zones to be located in cleared areas to avoid clearing of vegetation.
- Location and size of stormwater detention and nutrient stripping basins to be verified following detailed engineering design.
- Strategic fire breaks to be installed in accordance with the endorsed Fire Management Plan.
- Kearsley Road to be widened as necessary and constructed in a manner which minimises removal of significant trees.
- Areas affected by sheet laterite to be zoned Residential and connected to deep sewer.
- Refer to Fire Management Plan for Building Protection and Hazard Separation Zones.

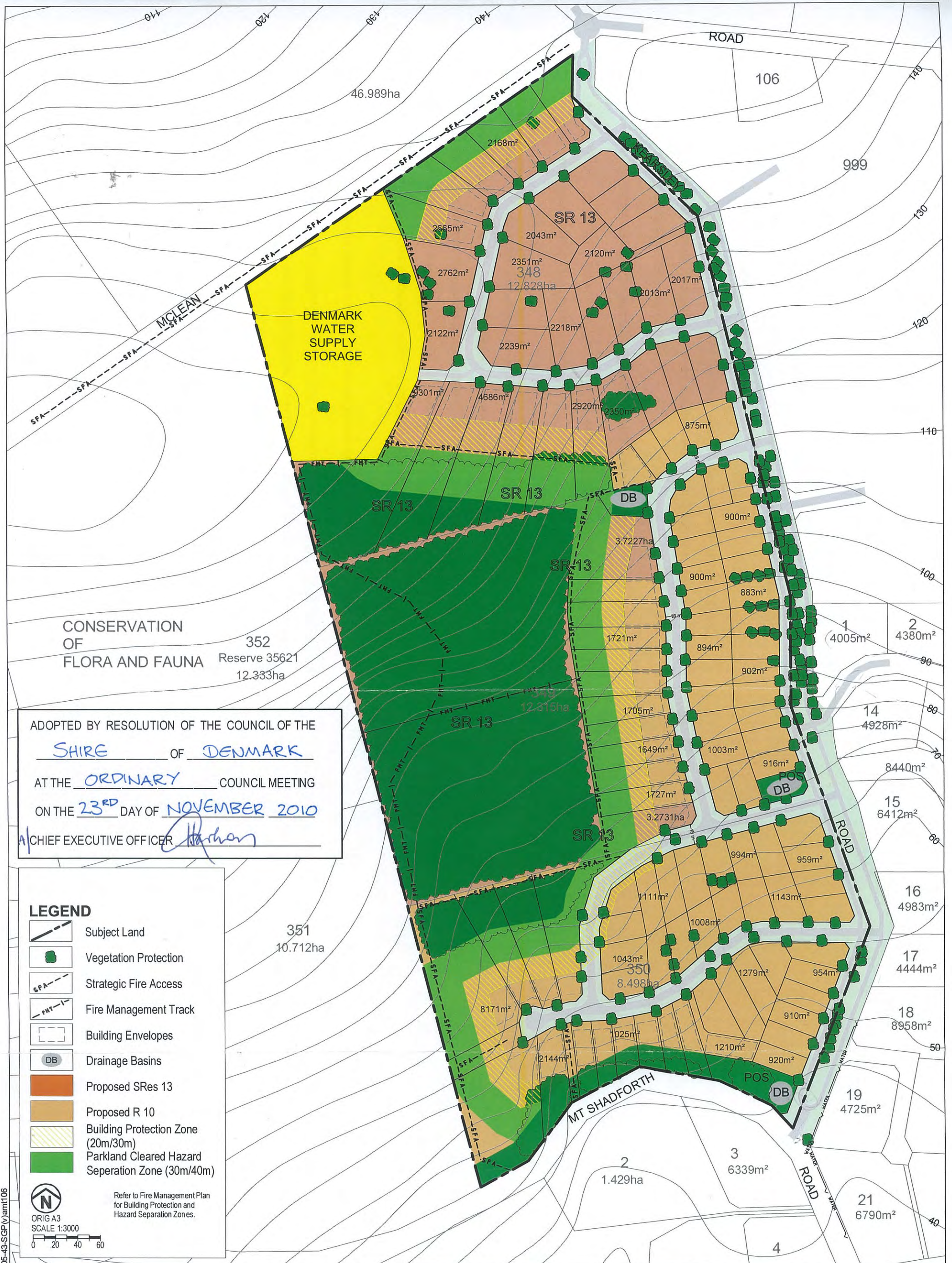
LEGEND	
	Proposed/Existing Roads
	Planning Unit B
	Planning Unit C
	Planning Unit D
	Drainage Basins
	Residential
	Special Residential (minimum lot size 2000m ²)
	Public Purpose (Water Supply)
	Vegetation Protection Area
	Building Protection Zone (20m/30m)
	Parkland Cleared Hazard Separation Zone (30m/40m)



PLANNING UNIT 'C'
KEARSLEY ROAD
LOCAL STRUCTURE PLAN

AYTON BAESJOU
PLANNING
11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494

SCALE
1:7500
0 25 50 75 100 125
ORIG A4
05-43-STRUCT(k)
MARCH 10



ADOPTED BY RESOLUTION OF THE COUNCIL OF THE
SHIRE OF DENMARK
 AT THE ORDINARY COUNCIL MEETING
 ON THE 23RD DAY OF NOVEMBER 2010
 CHIEF EXECUTIVE OFFICER *[Signature]*

LEGEND

- Subject Land
- Vegetation Protection
- Strategic Fire Access
- Fire Management Track
- Building Envelopes
- Drainage Basins
- Proposed SRes 13
- Proposed R 10
- Building Protection Zone (20m/30m)
- Parkland Cleared Hazard Separation Zone (30m/40m)

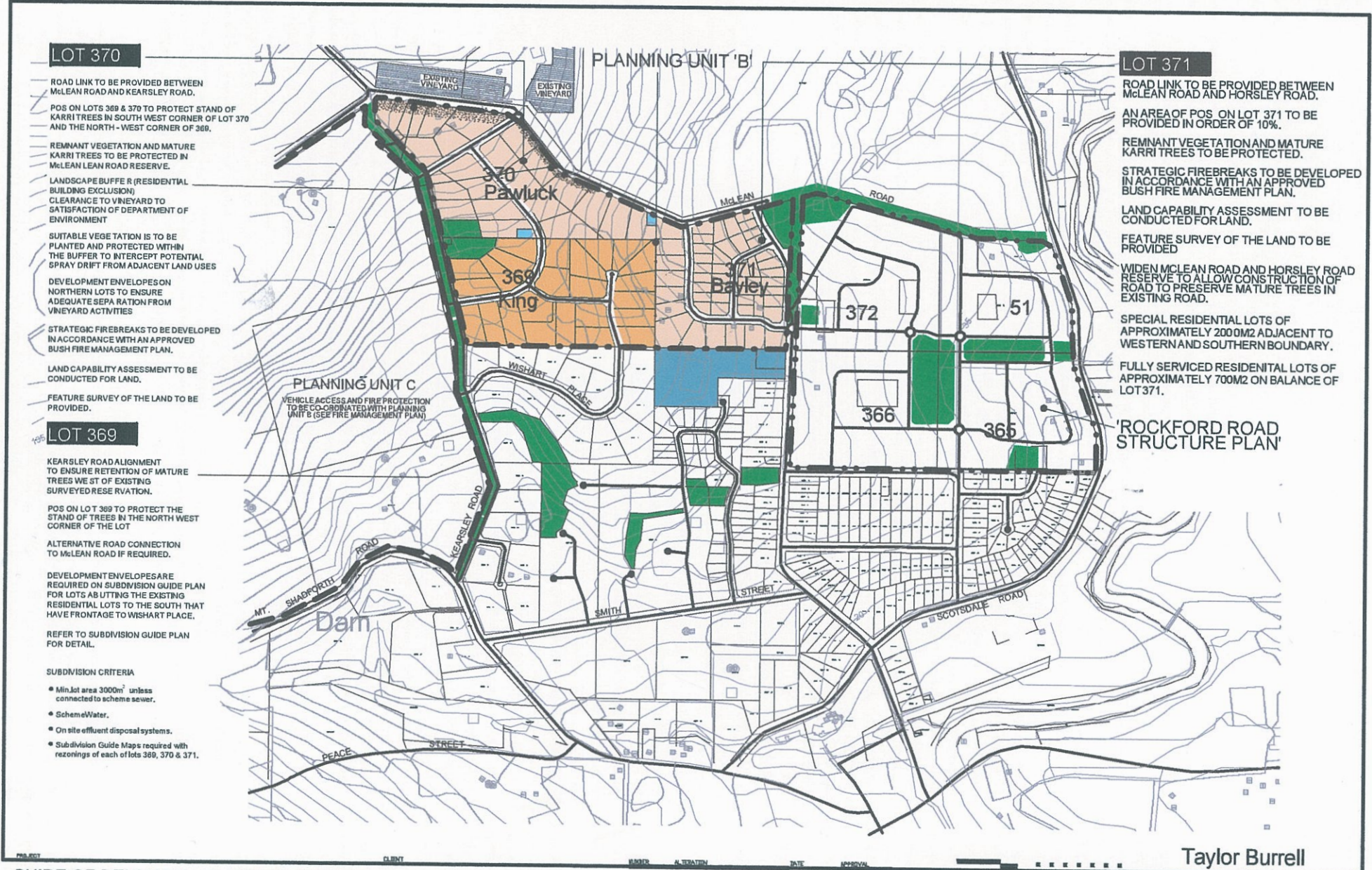
Refer to Fire Management Plan for Building Protection and Hazard Separation Zones.

ORIG A3
 SCALE 1:3000
 0 20 40 60

SUBDIVISION GUIDE PLAN
 Lots 348, 349, 350 McLean,
 Kearsley and Mt Shadforth Roads
 Shire of Denmark

05-43-SGF(V)am1105

21 June 2022 - Attachment 9.1.2d



LOT 370

- ROAD LINK TO BE PROVIDED BETWEEN McLEAN ROAD AND KEARSLEY ROAD.
- POS ON LOTS 369 & 370 TO PROTECT STAND OF KARRI TREES IN SOUTH WEST CORNER OF LOT 370 AND THE NORTH - WEST CORNER OF 369.
- REMNANT VEGETATION AND MATURE KARRI TREES TO BE PROTECTED IN McLEAN LEAN ROAD RESERVE.
- LANDSCAPE BUFFER (RESIDENTIAL BUILDING EXCLUSION) CLEARANCE TO VINEYARD TO SATISFACTION OF DEPARTMENT OF ENVIRONMENT
- SUITABLE VEGETATION IS TO BE PLANTED AND PROTECTED WITHIN THE BUFFER TO INTERCEPT POTENTIAL SPRAY DRIFT FROM ADJACENT LAND USES
- DEVELOPMENT ENVELOPES ON NORTHERN LOTS TO ENSURE ADEQUATE SEPARATION FROM VINEYARD ACTIVITIES
- STRATEGIC FIREBREAKS TO BE DEVELOPED IN ACCORDANCE WITH AN APPROVED BUSH FIRE MANAGEMENT PLAN.
- LAND CAPABILITY ASSESSMENT TO BE CONDUCTED FOR LAND.
- FEATURE SURVEY OF THE LAND TO BE PROVIDED.

LOT 369

- KEARSLEY ROAD ALIGNMENT TO ENSURE RETENTION OF MATURE TREES WEST OF EXISTING SURVEYED RESERVATION.
 - POS ON LOT 369 TO PROTECT THE STAND OF TREES IN THE NORTH WEST CORNER OF THE LOT
 - ALTERNATIVE ROAD CONNECTION TO McLEAN ROAD IF REQUIRED.
 - DEVELOPMENT ENVELOPES ARE REQUIRED ON SUBDIVISION GUIDE PLAN FOR LOTS ADJUTING THE EXISTING RESIDENTIAL LOTS TO THE SOUTH THAT HAVE FRONTAGE TO WISHART PLACE.
 - REFER TO SUBDIVISION GUIDE PLAN FOR DETAIL.
- SUBDIVISION CRITERIA**
- Min. lot area 3000m² unless connected to scheme sewer.
 - Scheme Water.
 - On site effluent disposal systems.
 - Subdivision Guide Maps required with rezonings of each of lots 369, 370 & 371.

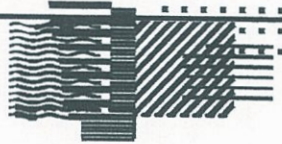
LOT 371

- ROAD LINK TO BE PROVIDED BETWEEN McLEAN ROAD AND HORSLEY ROAD.
- AN AREA OF POS ON LOT 371 TO BE PROVIDED IN ORDER OF 10%.
- REMNANT VEGETATION AND MATURE KARRI TREES TO BE PROTECTED.
- STRATEGIC FIREBREAKS TO BE DEVELOPED IN ACCORDANCE WITH AN APPROVED BUSH FIRE MANAGEMENT PLAN.
- LAND CAPABILITY ASSESSMENT TO BE CONDUCTED FOR LAND.
- FEATURE SURVEY OF THE LAND TO BE PROVIDED
- WIDEN McLEAN ROAD AND HORSLEY ROAD RESERVE TO ALLOW CONSTRUCTION OF ROAD TO PRESERVE MATURE TREES IN EXISTING ROAD.
- SPECIAL RESIDENTIAL LOTS OF APPROXIMATELY 2000M² ADJACENT TO WESTERN AND SOUTHERN BOUNDARY.
- FULLY SERVICED RESIDENTIAL LOTS OF APPROXIMATELY 700M² ON BALANCE OF LOT 371.

'ROCKFORD ROAD STRUCTURE PLAN'

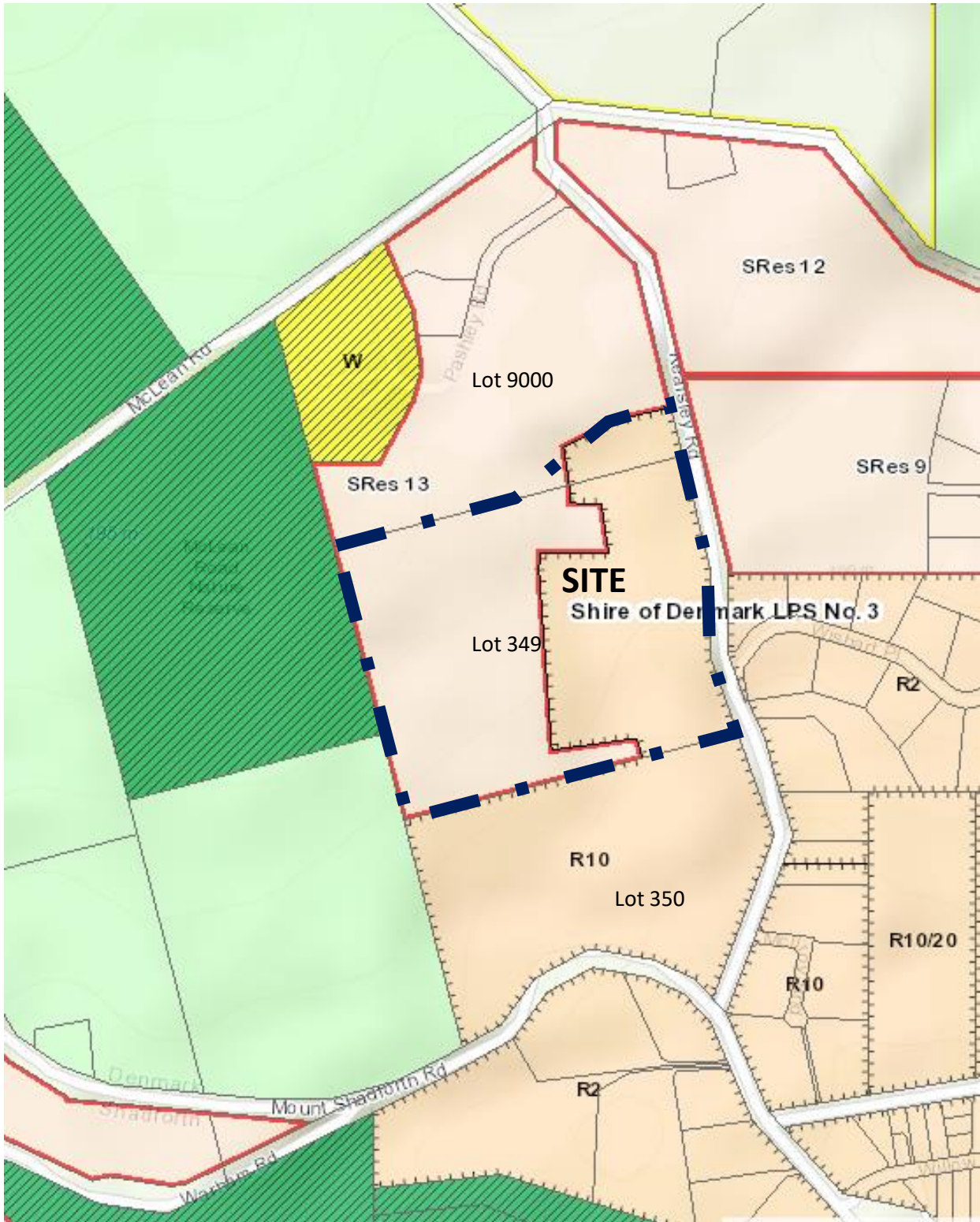
SHIRE OF DENMARK - PLANNING UNIT 'B' WISHART PLACE STRUCTURE PLAN


DATE	PLAN NUMBER	SCALE	CLIENT	NUMBER	ALTERNATION	DATE	APPROVAL
Feb 2006	05-16-21.WR	1:7500					



Taylor Burrell

Town planning and design
 187 Roberts Road Subiaco
 PO Box 593 Perth
 Western Australia 6872
 Telephone 08 9362 2911
 Facsimile 08 9362 4586
 Email planning@taylorburrell.com.au



 Special residential

 Residential

21 June 2022 - Attachment 9.1.2e

SCHEDULE OF SUBMISSIONS: AMENDED STRUCTURE PLAN – LOT 349 & PT LOT 9000 KEARSLEY ROAD, DENMARK – PLN.60

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	Name withheld.	<p>Harley Dykstra is acting on behalf of _____, the registered landowner of _____ property is situated on the opposite side of Kearsley Road,</p> <p>Mr _____ has no objection to the amendment to the Structure Plan as proposed and supports the changes to the design as a positive, site responsive modification.</p> <p>As there is no increase in the number of lots proposed by the modification, no additional impact on the surrounding road network or services is expected. Existing traffic on surrounding roads is low and development in the vicinity will not adversely impact the local road network.</p> <p>Harley Dykstra is currently preparing a Subdivision Application for _____ property. It is accepted that an upgrade to Kearsley Road from the current gravel rural standard to a sealed, kerbed and drained construction standard will be required as a condition of subdivision to proceed with the development.</p> <p>As both Mr _____ property and the land withing Planning Unit C Structure Plan will utilise Kearsley Road, it would be expected that the costs associated with the survey, design and construction of part of Kearsley Road be proportional to each development.</p> <p>The upgrade of Kearsley Road by the development of land either side will provide a safer link road between Mount Shadforth Road to the south and McLean Road to the north of the site by providing a sealed and drained road with clearer site lines.</p>	<p>Support is noted.</p> <p>Residential development will generate additional traffic movement requiring upgrade and/ or construction of sections of Kearsley Road connecting to Mount Shadforth Road.</p> <p>The current Kearsley Road design has been based upon the construction of two 5 metre wide road pavements in a boulevard configuration. The amendment is seeking support for a single 6 metre wide two way pavement adjacent to the submitter’s property. This would be of benefit in reducing construction and ongoing maintenance costs.</p> <p>A cost contribution scheme does not apply to the structure plan area. Road construction would be met by the first subdivider, with the <i>Planning and Development Act 2005</i> outlining those circumstances where a proponent may seek to recover a portion of road costs from a later subdivider.</p>
S2	Name withheld.	<p>As owners of _____ and situated _____)of the proposed Amended Subdivision of Lot 349 and part of Lot 9000, we wish to express our concerns about DRAINAGE for the Amended Subdivision.</p> <p>Currently, following heavy and continuous rain, the water this area sheds is <i>scarcely contained</i> by drains along the sides of Mt Shadforth Road. This past year's rain events caused huge problems as drains overflowed and water cascaded into resident's land along the western side of Mt Shadforth Rd. The eastern edge of <i>our</i> land was awash when water broke through at</p>	<p>Concerns regarding the potential drainage implications are noted. The proposal is not supported in its current form.</p> <p>The site is already designated for urban development as per the zoning and current adopted structure plan. The</p>

21 June 2022 - Attachment 9.1.2f

		<p>great speed. Further down from our place water wasn't able to drain away and a mini dam remained beside the road for a few weeks!</p> <p>The land in the proposed Amended Subdivision (which is immediately above our land & residence) will eventually be substantially covered by house roofs, driveways, paving and sloping bitumen roads running in a north-south direction. The run-off from the area will therefore <u>greatly</u> increase. Vegetation clearing for 'public open space' will add to the inability of the land to absorb water. Andweather events are very likely to increase in intensity with the progression of Climate Change.</p> <p>What provision is to be made to deal with this increased run-off and severe weather/storm events?</p> <p>We note that <u>drainage basins</u> will be constructed above the junction of Kearsley Rd and Mt Shadforth Rd. We question whether they will 'manage' to contain the amount of water which comes with substantial rain events. Thus, the drains (and properties) along both sides of Mt Shadforth Rd may very likely be at risk.</p> <p>We trust that Council will insist that the Drainage Plans be thoroughly considered & planned <i>by experts</i> <u>before</u> the Amended Structure Plan is given approval.</p>	<p>amended road network, lot layout/sizes, design of Kearsley Road, additional clearing of remnant vegetation and site works particularly on the steeper slopes have implications for drainage design and treatment.</p> <p>The Officer's report summarises relevant drainage considerations, including a requirement to accommodate additional drainage from Kearsley Road, onsite detention and resolution of a flow path southward towards Mount Shadforth Road.</p> <p>These matters would need to be further reviewed should the proposal be progressed.</p>
S3	Name withheld.	<p>Thank you for your recent correspondence dated 17th December, under reference PLN 60, in which you have invited me to submit comment on the proposed amendment to the Kearsley Road Structure Plan.</p> <p>I am the owner Kearsley Road, Denmark.</p> <p>As I am not familiar with all the terminology and implied meaning within the structure plan and its many references. I have asked Steve Thompson from Edge Planning & Property to prepare a submission regarding the proposed amendment to this structure plan. Please refer attached.</p> <p>In summary I am in-principle supportive of the amended structure plan. I am aware of and support the need for <u>well considered</u> development within the Denmark area.</p> <p>My support is subject to matters raised in the attached submission being suitably addressed through modifications to the structure plan along with a commitment by Council and all development parties to suitably addressing matters in future planning, civil design and building permit stages of the proposed development.</p> <p>I do understand that various matters in this submission relate to future planning/design stages, however I also understand that beyond this stage I will not be able to provide comment as the subdivision application progresses through the various approval stages.</p> <p>More detail in the attached submission from Edge Consulting, my comments in this regard are provided as per the below.</p>	<p>In principle support is noted subject to modifications.</p> <p>As detailed in the Officer's report insufficient information has been provided to inform the acceptability of the Structure Plan amendment having regard to the retention of remnant vegetation, internal road/ lot configuration and visual impacts and it is recommended that the proposal not be supported in its current form.</p> <p>The use of design guidelines and restrictive covenants to control built form outcomes would require further consideration by WAPC, noting this could conflict with the Deemed to Comply provisions of the Residential Design Codes and the development approval exemptions in the</p>

- A lower speed environment on Kearsley Road must be an essential outcome from detailed civil design changes.
- A commitment to minimising clearing in the Kearsley Road reserve associated with all works, servicing and bushfire management measures is essential to minimising the visual impact of the proposed development.
- The opportunity should be taken to provide appropriate dual use paths for safe walking / cycling in the civil design of the development works.
- Provisions should be made in an amendment to the Structure Plan for the preparation and implementation of an urban water management plan; and the ceding of public open space.

1. Introduction

I refer to the Shire's invitation for submissions on the proposed amendment to the Kearsley Road Structure Plan.

Edge Planning & Property act for _____ who owns

Kearsley Road, Denmark. We have been instructed by our client to prepare and submit this submission regarding the proposed amended structure plan.

In summary, our client is in-principle supportive of the amended structure plan. This is subject to matters raised in this submission being suitably addressed through modifications to the structure plan along with a commitment to suitably addressing matters in future planning, civil design and building permit stages.

It is highlighted that various matters in this submission relate to future planning/design stages, however the community and our client will not be able to provide comments for instance at the subdivision application or building permit stages.

Our client has separately made a submission on the amended Structure Plan which raises key points.

2. Background

It is noted that the amended structure plan is generally consistent with past planning including the zoning and the adopted structure plan. Accordingly, our client is in-principle supportive of the amended structure plan (including the larger lot sizes and seeking to remove the requirement for large retaining walls). This is however subject to matters raised in this submission being suitably addressed.

There is a need to ensure the amended structure plan and future works and development suitably address the direct impacts and amenity considerations on the area and on No. 10 Kearsley Road.

3. Visual impact – general

As the Shire is aware, the remnant vegetation within the structure plan area (to be called the 'site') provides an important backdrop to the Denmark town centre and the surrounding locality. The site is currently moderately well screened by existing vegetation in the Kearsley Road reserve.

Regulations. There would be merit in considering alternative mechanisms to guide built form outcomes once an acceptable road/ lot layout is resolved. This should be addressed as part of any future proposal.

Officers are confident that a single lane 6m carriageway can be constructed without significant loss of mature trees.

Given the site's slopes, the proposal for larger lots and seeking to minimise or not install retaining walls has merit. To ensure there are site responsive designs, for future dwellings and buildings, it is suggested there is merit in the preparation of design guidelines which are backed up by restrictive covenants. This is to guide and control the design, height and materials of buildings and structures to ensure development does not detract from the visual amenity of the area.

4. Kearsley Road – visual impact and landscape changes

Remnant vegetation within the Kearsley Road reserve, on both the western and eastern sides, provides an important sense of place and is an important and valued landscape feature.

Mature native trees, particularly the Karri trees, should be protected within the Kearsley Road reserve to provide required screening to future development. Accordingly, there is a need for careful design to minimise or prevent the loss of mature trees located within the Kearsley Road reserve. This is to ensure the landscape character of Kearsley Road is conserved.

Previous planning for the site and area, including the Subdivision Guide Plan associated with Scheme Amendment No. 106, the Planning Unit 'C' Kearsley Road Local Structure Plan and the former subdivision approval proposed to create a 'boulevard' on Kearsley Road. The boulevard was (is) required to protect significant vegetation in the road reserve and reduce the amount of clearing (including through installing services and constructing crossovers). The trees and vegetation in the Kearsley Road reserve provide a significant landscape feature and were always intended to provide effective screening of proposed development.

Based on information provided in the amended structure plan documentation, it is not clear what the cumulative impacts of clearing will be to provide crossovers/driveways, create vehicular sightlines, install services, install stormwater management, provide a shared path and create low-fuel areas as envisaged by the

Bushfire Management Plan. The cumulative impacts may dramatically change or even detrimentally impact the character of Kearsley Road.

As an example, the Bushfire Management Plan's Proposed Vegetation Modification Plan (Appendix 4) appears to be premised on clearing vegetation in the Kearsley Road reserve, although the exact extent of the clearing is not known. It is suggested this needs to be clarified including the proposed impacts on mature vegetation and the understory. The loss of vegetation in the Kearsley Road reserve, particularly mature trees, is inconsistent with previous planning for the site and the area.

Given the amended structure plan proposes the deletion of the boulevard concept, it is suggested the Shire informs itself of the cumulative impacts of works and clearing at the structure plan stage. Related to this, that the Shire does not leave obtaining details to the subdivision stage when it may be 'to late' and the cumulative clearing impacts detrimentally impact the area's character.

The proposed shared/twinning crossovers, where suitably located to minimise clearing and which address vehicle sight distances, have merit.

Any works within the Kearsley Road reserve should be sensitively located and designed to limit any adverse landscape impact.

Related to the above, it is expected the Shire at the subdivision stage will also require measures being taken to identify and protect vegetation (including in the Kearsley Road reserve) which are worthy of retention prior to the commencement of subdivisional works.

5. Kearsley Road – traffic and safety considerations

Our client advises that traffic numbers (at different times of the day) and traffic speed on Kearsley Road can be high. Combined with Kearsley Road being popular with mountain bikers, our client has seen and is aware of various ‘near misses’ or potential accidents. The traffic generated with future subdivision/development of the site and in the locality will exasperate traffic impacts and safety considerations. Related to this, our client is concerned that the combination of the slopes, poor weather, driver behaviour and road design may see vehicles lose control and impact Kearsley Road.

It is recognised that Kearsley Road will become an important north-south link road in the locality, connecting Mount Shadforth Road through to Lantzke Road. While noting this, there is a requirement to ensure that traffic management, safety and design are suitably addressed.

There is need to:

- Consider the cumulative impacts of traffic generation on Kearsley Road including from the structure plan area plus from undeveloped but zoned residential and rural living land in the locality;
- Address safety including at the intersection of Kearsley Road/Wishart Place. This is expected to result in Wishart Place being redesigned to form a ‘T-intersection’ with Kearsley Road. Given there will be considerably more traffic in time on Kearsley Road (north of Wishart Place) than Wishart Place, it is expected the
- minimised during site works along with ensuring the crossovers are suitably sealed;
- Need for appropriate stabilisation and erosion control - all earth worked areas (open drains, basins and road verges) to have an appropriate depth of seeded and compacted topsoil respread to prevent erosion and scour. The full extent of earthworks battering for the basins to be stabilised by topsoil. This will promote vegetation regrowth and subsequently minimise erosion;
- Proposed culverts are expected to have higher velocity flows (e.g. at entry/exits from headwalls) due to restriction/concentration of the flow, and as such mortared rock pitching will be used to minimise the risk of scouring;
- Erosion inhibitors to be installed in swale drains where the longitudinal grade is greater than 4%, including in swales along Kearsley Road;
- Ensure that appropriately located and designed flood routes are identified and suitably maintained for safe conveyance. In-turn, seek to ensure there is no localised flooding impacts in major storm events on Kearsley Road;
- The drainage basins to be designed to maximise the treatment capability of the basins, to address safety for younger children, and to minimise the period of inundation of the basin to reduce risk of mosquito breeding;

		<p>On behalf of our client, we respectfully request that the amended Structure Plan is modified and there is a commitment to suitably addressing matters raised in this submission in future planning, civil design and building permit stages.</p> <p>12. Next steps</p> <p>Please contact me on _____ should you have any questions, seek clarification or require additional information.</p>	
S4	Name withheld.	<p>As landowners and residents of _____, Denmark respectively, we lodge the following submission on the proposed Amended Structure Plan for Lot 349 & Part of Lot 9000 Kearsley Road, Denmark for due consideration by the Shire of Denmark and the Western Australian Planning Commission.</p> <p>Road Network Considerations</p> <p>The adopted McLean Road/Kearsley Road Local Structure Plan identified that Kearsley Road for its entirety would be constructed with a boulevard type road utilising the existing bitumen and gravel road alignments as the eastern edge of the boulevard and a new carriageway on the western side – with such proposal identified as being the appropriate road development form to accommodate retention of the existing vegetation in the current road reserve. This road development form also had regard to the fact that the current bitumen carriageway of Kearsley Road is underwidth – that is it currently does not facilitate two-way vehicular traffic without one vehicle mounting the verge.</p> <p>The proposed amended Structure Plan that relates to only one third of the original Structure Plan area proposes to replace the boulevard type road with a widened Kearsley Road. In this regard:</p> <ol style="list-style-type: none"> 1. There is no detail as to the carriageway width proposed for the portion of Kearsley Road abutting Lot 349. The Structure Plan report does reference that the existing gravel road will be utilised but it is considered that this is not of an appropriate width to facilitate two-way vehicle movement for its entirety without some vegetation removal works occurring. It should be noted that there is already an existing gravel track on the western side of the vegetation (currently contained within the property boundary of Lot 349) that would be appropriate to utilise for the continuation of the boulevard type road. 2. No detail is provided as to what is proposed for the portions of Kearsley Road north and south of the subject site. Given this amendment only relates to Lot 349 and Part of Lot 9000 Kearsley Road, it is assumed that the boulevard type road requirement is to remain for the development proposals north and south of the subject site in line with the adopted Structure Plans that relate to these sections of Kearsley Road – noting it is understood that the development of Lot 999 Kearsley Road to the north-east of the subject site has a current subdivision approval in place and engineering works are proceeding on the basis of a boulevard road. 	<p>Objection noted.</p> <p>As detailed in the Officer’s report insufficient information has been provided to inform the acceptability of the Structure Plan amendment having regard to the retention of remnant vegetation, internal road/ lot configuration and visual impacts and it is recommended that the proposal not be supported in its current form.</p> <p>The matter of unauthorised signage has been identified for separate compliance action. This does not impact assessment or the relative merits of the proposal.</p> <p>Concerns regarding the content of the property advertisement have been raised directly with the listing agent.</p>

3. No detail is provided as to what is proposed for the intersection of Kearsley Road and Wishart Place. It is acknowledged that detailed engineering design is undertaken as part of subdivision design and/or engineering approval stages however it is considered appropriate that consideration is given to this intersection at this point in time given the current road layout prioritises traffic movements onto Wishart Place and not north onto the gravel portion of Kearsley Road, the steepness of Wishart Place at this point, the potential realignment considerations impacting on existing vegetation in the area and the relationship of a modified intersection with the adjoining proposed Lots 29 and 30 and the associated shared crossovers in this vicinity that are proposed for vegetation retention purposes.

Extent of Vegetation Clearing to Facilitate Development

Having regard to State Planning Policy No 3.7: Planning in Bushfire Prone Areas (SPP 3.7), it is considered that this development does not provide acceptable bushfire protection outcomes without substantial clearing of existing native vegetation that is described as being of “excellent condition” by the Environmental Consultants. This is clearly at odds with SPP 3.7 Policy Objective 5.4 which states *“Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change”*.

Section 2.3 Bushfire Risk Management and Environmental Considerations of WAPC’s Guidelines for Planning in Bushfire Prone Areas Version 1.4 December 2021 (Guidelines) clearly states that *“In instances where biodiversity management conflicts with bushfire risk management measures and significant clearing of native vegetation is the only means of managing bushfire risk, the proposal should generally not be supported.”* It goes on further to state *“where the loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives then it may be necessary to reduce lot yield, cluster development, comply with the applicable bushfire construction requirements of the Building Code of Australia relevant to the BAL of the site (as set out in AS 3959), or modify the development location to minimise the removal or modification of vegetation”*.

In this regard the following comments and issues are relevant:

1. Element 2 of the Guidelines makes reference to avoiding development on slopes greater than 20 degrees and vegetation removal to be discouraged on slopes greater than 18 degrees. As identified on the Opportunities and Constraints Plan (Figure 3) in the Structure Plan report, there are a few lots in the northern part of the development that have slopes in excess of 20 degrees – with particular concern for those lots that require significant vegetation removal to support development of such lots (specifically proposed Lots 2-5 and 17-19). Having regard to the reference of vegetation removal discouraged on slopes greater than 18 degrees, it is considered there will be additional proposed lots that would be captured by this provision – noting that the Opportunities and Constraints Plan mapping only provides for Slope Ranges of 15-20 degrees and greater than 20 degrees.

2. Appendix 4 in the Bushfire Management Plan shows the extent of vegetation modification that is required to achieve the development form with BAL ratings of 29 and less. The Flora &

Vegetation Survey Report references there is 7.7 hectares of existing native vegetation in excellent condition (comprising Karri and Tingle) on the western portion of the site. The proposed development form only provides for 4.3 hectares being incorporated into Lot 1 ("Forest" lot) thus this means that some 3.4 hectares of native vegetation (which equates to 44%) is being removed and/or substantially modified to facilitate development of the road and proposed lots on the western portion of the site.

3. The Flora & Vegetation Survey Report states "*The vegetation on the western portion of the site offers some protection to the vegetation in the McLean Road Nature Reserve with regards to the spread of weeds and dieback into the Reserve. Retention of vegetation on the western side of the proposed development is therefore recommended. Retention of vegetation will need to address the likely impact of bushfire hazard to future proposed residences elsewhere on the site. The vegetation on the site is part of a larger area of remnant vegetation that includes McLean Road Nature Reserve and Redmond Road Nature Reserve (R31561 – 52.3ha) further to the north-west and vegetation on other private lots in the general area of the eastern slopes of Mt Shadforth. The vegetation on the site, therefore, adds to the fauna value of the areas of remnant vegetation in the general area.*"

4. The Flora & Vegetation Survey Report references that there is extensive vegetation clearing required to facilitate the development proposal.

5. The Structure Plan report references that proposed Lot 1 is to be ceded to the Crown. In this regard the State normally request the local government to take on management responsibility for such parcels of land. Is the Shire of Denmark prepared to take on the management of proposed Lot 1 and then be responsible for addressing the bush fire risk – noting that the adopted Structure Plan proposed that this vegetation would be retained in private ownership and managed as a vegetation protection area.

Overall having regard to the above it is considered that proposed Lots 2-19 should not be supported given the fact that extensive clearing of native vegetation in excellent condition that serves environmental linkages is required to manage the bushfire risk. Acknowledging that there is existing development in the form of 3 holiday cottages in this general vicinity, it is recommended that these chalets be accommodated within the one (1) lot that includes the existing native vegetation on the western portion of the site, with the zoning of the site being modified accordingly to accommodate the existing holiday cottages whilst protecting the vegetation on-site.

Property Advertising

For sale signs for Lot 349 Kearsley Road have recently been erected on the corner of Mt Shadforth Road/Kearsley Road and the corner of Kearsley Road/Wishart Place – refer below photo showing image of sign at corner of Kearsley Road/Wishart Place.

		Having regard to the above issues identified, it is strongly recommended that the development proposal as presented in the Amended Structure Plan report not be supported. As landowners in the general vicinity we support development of the site but in a form that supports the retention of the existing native vegetation on-site and provides for an appropriate road network to service the immediate locality.	
GS.1	Water Corporation	<p>Water Corporation has no object to the proposed Structure Plan.</p> <p>Water</p> <p>Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>Existing water mains are located within the subject area near the Kearsley Road boundary. Pressured water mains shall not be located in private land and should be located in and protected by reserves (i.e. road reserves) as no development would be allowed in this area. The developer is required to fund the full cost of protecting, relocating or modifying any of the existing infrastructure which may be affected by the above proposal. In accordance with Section 90 of the Water Services Act 2012 whenever development is proposed near Water Corporation assets the applicant/developer/owner needs approval prior to construction. This should be done by submitting an Approval of Works application. For information about this application please follow this link: https://www.watercorporation.com.au/home/builders-and-developers/working-near-our-assets/approval-for-works</p> <p>Wastewater</p> <p>Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required for the development site, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>General Comments</p> <p>The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being provided for works. Please provide the above comments to the landowner, developer and/or their representative.</p>	Noted.
GS.2	Govt of WA Dept of Health	The DOH has no objection to the proposed structure plan subject to the proposed developments are required to connect to scheme water, reticulated sewerage (if available) and be in accordance with the Government Sewerage Policy 2019.	Noted.

		<p>For on-site wastewater disposal systems to be approved, a 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547) is required. A detailed 'site-and-soil evaluation' (SSE) is required to determine:</p> <ul style="list-style-type: none"> • appropriate treatment technologies and on-site wastewater disposal management systems; • establish performance standards/criteria; • determine management and monitoring options <p>More can be found here https://ww2.health.wa.gov.au/Articles/S T/Site-and-soil-evaluation-for-onsite-wastewater-management</p> <p>A document 'Land Use Planning for Natural Hazards' can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and erosion. Available for download from: https://knowledge.aidr.org.au/resources/land-use-planning-for-natural-hazards-handbook/.</p>	All residential lots will require connection to the reticulated sewer service.
GS.3	Dept Primary Industries & Regional Development	The Department of Primary Industries and Regional Development does not object to the proposed amendments to the Structure Plan for the abovementioned lots as these amendments will address the concerns raised by the Western Australian Planning Commission.	Noted.
GS.4	Dept Water & Environmental Regulations	<p>Thank you for providing the above proposal to the Department of Water and Environmental Regulation (DWER) to consider. DWER has identified that the proposal has the potential for impact on environment and/or water resource values and management. While DWER does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed:</p> <p>Stormwater management</p> <p>As a new design for the subdivision area is proposed which will require changes to the approved LWMS, DWER is unable to provide advice on stormwater management until an updated LWMS is provided for review. DWER recommends that detailed concept design which address the principles of Water Sensitive Urban Design are provided and consulted with DWER prior to any decision to endorse the amended structure plan.</p> <p>Native Vegetation Clearing</p> <p>Clearing in accordance with a subdivision approval is likely to be exempt from the requirement for a clearing permit under Schedule 6, Clause 9 of the EP Act. This includes:</p> <ul style="list-style-type: none"> • Clearing for the purposes of any development that is deemed by section 157 of the <i>Planning and Development Act 2005</i> to have been approved by the responsible authority 	<p>Noted.</p> <p>The proposal is not supported in its current form. Any modifications to address issues raised in the Officer's report should include updates to the relevant technical documents and re-referred to DWER, noting a preference that this include an updated Local Water Management Strategy.</p>

- Clearing in any building envelope described in the approving subdivision plan or diagram

The exemption only applies where the clearing would be a necessary and unavoidable consequence of undertaking the works authorised by the subdivision approval.

It is noted that the proposal is currently at the structure plan stage, with the subdivision to be progressed once the structure plan is approved. Please note that approval of the structure plan alone does not provide an exemption and the above exemption does not apply prior to subdivision approval.

It is noted that requirements relating to clearing for asset or building protection zones, or to achieve specific bushfire attack levels, should be conditioned within the subdivision approval.

The above exemption is described in the Departments '[A Guide to the Exemptions and Regulations for Clearing Native Vegetation](#)'. It is the applicant's responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required.

GS.5

Dept of Fire & Emergency Services

I refer to your email dated 20 December 2021 regarding the submission of a Bushfire Management Plan (BMP) report (revision 3.0), prepared by Working on Fire Planning and dated 20 February 2021, for the above structure plan amendment.

This advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/ proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map

Issue	Assessment	Action
Vegetation Exclusion	A vegetation classification map has not been provided that clearly shows areas of classified vegetation in the form of plots with supporting photo points to indicate where images of vegetation have been taken. In addition, separation distances from the dwellings to the nearest classified vegetation are not shown. The map should illustrate where areas of vegetation are to be cleared or modified and include information regarding slope.	Modification to the BMP is required.
Vegetation Exclusion	The BMP assumes the entirety of Kearsley Road will be established and maintained as low threat vegetation as per AS3959. Evidence has not been provided to validate management of the reserve by the responsible authority. Photographic evidence of the existing Kearsley Road reserve indicates the vegetation is not managed to a low threat state as per AS3959. If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959, or the resultant BAL ratings may be inaccurate.	Modification to the BMP is required.

In providing preliminary feedback on the proposal, Shire officers identified updates to the Bushfire Management Plan that should be undertaken prior to lodgement but were not implemented, including:

- Lack of explanation as to how slope has been included in calculations;
- The capacity of some individual lots to accommodate development (eg. Lot 40 to the north of the amendment area);
- Lack of consideration of factors that informed the BAL contour outcomes;
- Suitability of the low fuel boundary access location vs impacts on high quality vegetation;
- A request to consider 50KL centrally located tank for fire fighting as well as hydrants;
- Use of an outdated version of the Shire's Fire Management Notice.

Further updates to the FMP are required to address the items raised by both DFES and the Shire for the purpose of informing the final road and lot layout, noting the proposal is not supported in its current form.

Vegetation Exclusion	DFES does not accept fire break notices on adjoining land as part of the vegetation management required to achieve an APZ or low-threat classification. Fire break notices may only apply for part of the year and may be varied from year to year by the responsible local government. The proponent is to provide a performance principle-based solution to achieve the required APZ should the APZ rely on the management of vegetation on adjoining land.	Modification to the BMP is required.
Vegetation Management	The BMP is reliant on each lot being managed to a low threat state in perpetuity. DFES recommends the BMP is updated to include provision of a Landscape Management Plan (LMP) for all proposed lots, in order to maintain vegetation to the lot boundary in a low threat state in perpetuity. The significant vegetation modifications supported by a LMP will remove ambiguity for the landowner and provide a compliance mechanism.	Modification to the BMP is required.
BAL Contour Map	The indicative BAL ratings cannot be validated. The inputs (i.e. slope / actual separation distances) need to be clarified in the BMP to demonstrate the methodology applied to determine the BAL outputs within the Contour Map. This includes, but is not limited to: <ul style="list-style-type: none"> • The applied FFDI to determine the BAL has not been stated; • Effective Slope; • Separation distances; and • summary table stating all assessment inputs. 	Modification to the BMP is required.

2. Policy Measure 6.3 c) Compliance with the bushfire protection criteria

Issue	Assessment	Action
Location, and Siting & Design	A1.1 & A2.1 – not demonstrated The BAL ratings cannot be validated for the reason(s) outlined in the above table.	Modification of the BMP required.
Vehicle access	A3.2 – not demonstrated The BMP states that compliance with the acceptable solution has been achieved. It is unclear whether the relevant public roads have been fully assessed. Photographic evidence indicates the relevant public road network does not comply with the full technical requirements of Guidelines. DFES recommends the BMP is amended to include an assessment compliance of the public road network, including an assessment of horizontal clearance.	Modification of the BMP required.

Vehicle access	<p>A3.7 Fire Service Access Routes (FSAR) DFES recommends the establishment of a temporary FSAR related to proposed Lots 38, 39 and 40 in accordance with the acceptable solutions. FSAR's are to be established to provide access within and around the edge of the indicative subdivision to provide direct access to bushfire prone areas for fire fighters and link between public road networks for fire-fighting purposes. The FSAR are to meet the acceptable solutions of A3.7 and the requirements of Table 6 Column 4 of the Guidelines. Alternatively, at subdivision stage, DFES recommends consideration should be given to retaining lots 38, 39 and 40 until such time as the bushfire risk to the north can be managed in perpetuity.</p>	Modification of the BMP required.
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Recommendation – insufficient information

Given that the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure that the bushfire risk and hazard reduction/ bushfire protection measures are established and understood before making a determination.

Consequently, the decision maker should require that the BMP addresses the policy requirements of SPP3.7 and the Guidelines to inform decision making.