

SHIRE OF DENMARK

TOWN PLANNING SCHEME NO.3

LOCAL STRUCTURE PLAN



PREPARED FOR: DEMANDEM HOLDINGS PTY LTD and GLENLEA
ENTERPRISES PTY LTD

PREPARED BY : WILLIAMS CONSULTING

ENDORSEMENT OF STRUCTURE PLAN

This structure plan is prepared under the provisions of the Shire of Denmark Town Planning Scheme No. 3.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

_____ Date

Signed for and on behalf of the Western Australian Planning Commission:

an officer of the Commission duly authorised by the Commission pursuant to section 16 of the *Planning and Development Act 2005* for that purpose, in the presence of:

_____ Witness

_____ Date

_____ Date of Expiry

TABLE OF AMENDMENTS

Amendment No.	Summary of the Amendment	Amendment type	Date approved by WAPC

EXECUTIVE SUMMARY

This Structure Plan applies to Lot 374 Scotsdale Road, Scotsdale (the land). The land is located within the Shire of Denmark, and is bound by Scotsdale Road to the east, unconstructed McLean Road to the south, privately owned land zoned Special Rural to the west and privately owned land zoned Rural to the north. The Denmark townsite is approximately 2km to the south. The land is accessible via Scotsdale Road.

The land is zoned "Rural" under the Shire of Denmark's Town Planning Scheme No.3 (TPS3). The Shire of Denmark's 2011 Local Planning Strategy (LPS) identifies the majority of the land as "General Agricultural" and a triangular portion in the south eastern corner as "Urban Residential" and "Indicative Neighbourhood Connector". This Structure Plan has been prepared to facilitate the lodgement of a two-lot superlot subdivision application to excise the triangular portion of the land from the englobo landholding.

The Structure Plan has been prepared on behalf of the owners of the land by the following specialist consultant team:

- Williams Consulting - Town Planning and Project Management.
- TABEC- Civil Engineering.

The following Summary Table provides the key statistics and planning outcomes related to this Structure Plan.

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref (section no.)
Total area covered by the structure plan	45 hectares	Part 2 Section 1.2
Area of each land use proposed: <ul style="list-style-type: none"> - Rural - Future Urban Residential 	45 hectares, with the following lot sizes proposed: Lot 1 - 35ha Lot 2 - 10ha	Local Structure Plan Map
Total estimated lot yield	2	Part 2 Section 1.1
Estimated number of dwellings	N/A	Part 2 Section 1.1
Estimated residential site density	N/A	Part 2 Section 1.1
Estimated population	N/A	Part 2 Section 1.1
Number of high schools	N/A	N/A
Number of primary schools	N/A	N/A
Estimated commercial floor space	N/A	N/A
Estimated area and percentage of public open space given over to: <ul style="list-style-type: none"> • Regional open space • District open space • Neighbourhood parks • Local parks 	N/A N/A N/A N/A	N/A
Estimated percentage of natural area	5%	N/A

TABLE OF CONTENTS

PART ONE: IMPLEMENTATION	5
1.0 STRUCTURE PLAN AREA	5
2.0 OPERATION	5
3.0 STAGING	5
4.0 SUBDIVISION AND DEVELOPMENT REQUIREMENTS	6
4.1 LAND USE PERMISSIBILITY	6
4.2 HAZARDS AND SEPARATION AREAS	6
4.3 ENVIRONMENTAL FEATURES	6
5.0 LOCAL DEVELOPMENT PLANS	6
6.0 OTHER REQUIREMENTS	7
6.1 NEIGHBOURHOOD CONNECTOR ROAD LOCATION	7
7.0 ADDITIONAL INFORMATION	7
LOCAL STRUCTURE PLAN (PLAN 1)	8
1.0 PLANNING BACKGROUND	9
1.1 INTRODUCTION AND PURPOSE	9
1.2 LAND DESCRIPTION	9
1.2.1 LOCATION	9
1.2.2 AREA AND LAND USE	9
1.2.3 LEGAL DESCRIPTION AND OWNERSHIP	9
2.0 PLANNING FRAMEWORK	10
2.1 ZONING AND RESERVES	10
2.1.1 SHIRE OF DENMARK TOWN PLANNING SCHEME No.3.	10
2.2 PLANNING STRATEGIES	10
2.2.1 LOCAL PLANNING STRATEGY (2011)	10
2.2.1.1 Shire of Denmark Urban Settlement Strategy	10
2.2.1.2 Rural Settlement Strategy	11
2.3 PLANNING POLICIES	11
2.3.1 STATE AND STRATEGIC POLICY	11
2.3.1.1 State Planning Policy No. 2.5 –Rural Planning	11
2.3.1.2 State Planning Policy No. 3.7: Planning in Bushfire Prone Areas	12
2.3.1.3 Government Sewerage Policy (2019)	12
2.3.1.4 Development Control Policy 3.4: Subdivision of Rural Land	12
2.4 OTHER APPROVALS AND DECISIONS	13
2.5 PRE-LODGE MENT CONSULTATION	13
3.0 SITE CONDITIONS AND CONSTRAINTS	13
3.1 BIODIVERSITY AND NATURAL AREA ASSETS	13
3.2 LANDFORM AND SOILS	13
3.3 GROUNDWATER AND SURFACE WATER	14
3.4 BUSHFIRE HAZARD	14
3.5 HERITAGE	14
3.5.1 ABORIGINAL	14
3.5.2 EUROPEAN	14

3.6	CONTEXT AND OTHER LAND USE CONSTRAINTS AND OPPORTUNITIES	14
4.0	LAND USE AND SUBDIVISION REQUIREMENTS	14
4.1	WATER MANAGEMENT	14
4.2	INFRASTRUCTURE COORDINATION AND SERVICING AND STAGING	14
4.2.1	ELECTRICITY	15
4.2.2	TELECOMMUNICATIONS	15
4.2.3	GAS	15
4.2.4	WATER	15
4.2.5	WASTE WATER	15
5.0	CONCLUSION	16
APPENDIX A	Neighbourhood Connector Road Report	17
APPENDIX B	Certificate of Title	18

PART ONE: IMPLEMENTATION

This Structure Plan comprises an Executive Summary, with key statistics on planning outcomes, and two Parts that contain the following components:

Part1-Implementation

Part 1 contains the Structure Plan map (Plan 1) and outlines the purpose and intent of the Structure Plan, including requirements that will be applied when assessing the superlot subdivision application over the land to which the Structure Plan relates. This structure aligns with the Shire of Denmark LPS and relevant Western Australian Planning Commission (WAPC) policy requirements. This Structure Plan should be read in conjunction with TPS3 and relevant policies.

Part 2 -Explanatory Section and Technical Appendices

Part 2 supports the Structure Plan in Part 1 by providing the background and explanatory information used to prepare the Structure Plan.

1.0 STRUCTURE PLAN AREA

This Structure Plan shall apply to Lot 374 Scotsdale Road, Scotsdale on Plan 230731, as identified by the Structure Plan Map (**Plan 1**). The Structure Plan reflects the Shire of Denmark's LPS and as such identifies the Land as "General Agricultural" and "Urban Residential", with the Urban Residential boundary being defined by a "Neighbourhood Connector Road".

The Structure Plan interfaces with Rural land to the north, developed Special Rural land to the west, Special Residential and Residential R2 land to the east and undeveloped Special Residential, Residential R12.5, R20 and Rural land to the south (refer **Figure 1- Site Surrounds Zoning Plan**). Where applicable, this Structure Plan makes allowance for the connection to the undeveloped land to the south (refer **Figure 2- Integration Plan**).

2.0 OPERATION

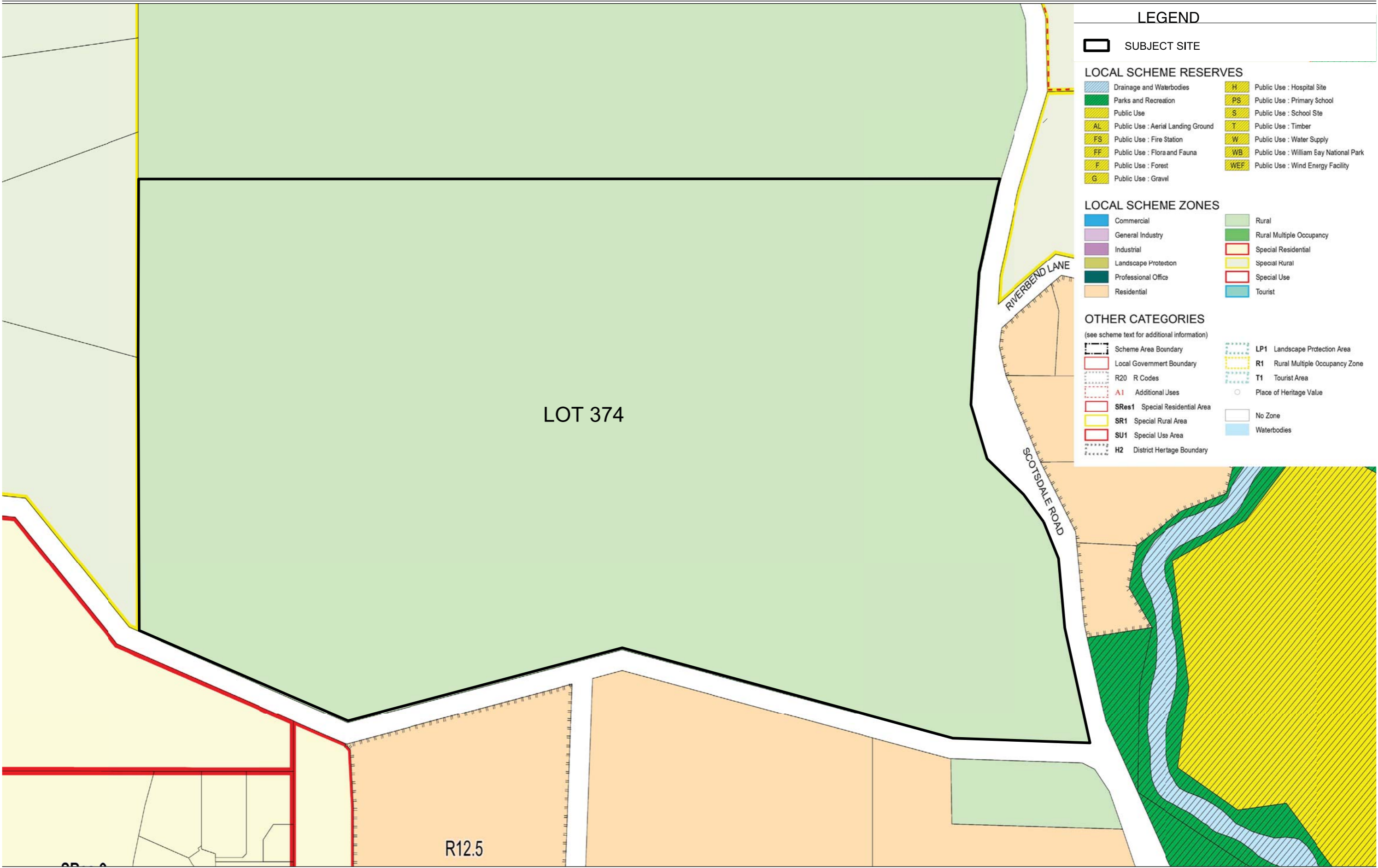
This Structure Plan shall come into effect on the day it is approved by the WAPC pursuant to the Deemed Provisions Schedule 2, Part 4, clause 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended (the *Regulations*).

The approval date is shown on the Endorsement Page of the Structure Plan.

3.0 STAGING

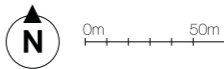
The timeframe for the ultimate residential development of the Structure Plan, as per the identified Urban Residential portion of the LPS, is unknown. However, the creation of the two superlots will take place following Structure Plan and subdivision approval.

Road access is currently provided to the land via Scotsdale Road. The construction of the identified Neighbourhood Connector Road and any upgrades to Scotsdale Road will be undertaken by the developer when the identified Urban Residential land is developed



SITE SURROUNDS ZONING PLAN
LOT 374 SCOTSDALE ROAD, SCOTSDALE WA
FIGURE 1

WILLIAMS CONSULTING | TOWN PLANNING & PROJECT MANAGEMENT
ph: 0418 116216 | email: samwilliams@westnet.com.au



date - 25 Nov 2019 | ref - 19-004-002
scale - 1:3500@ A3



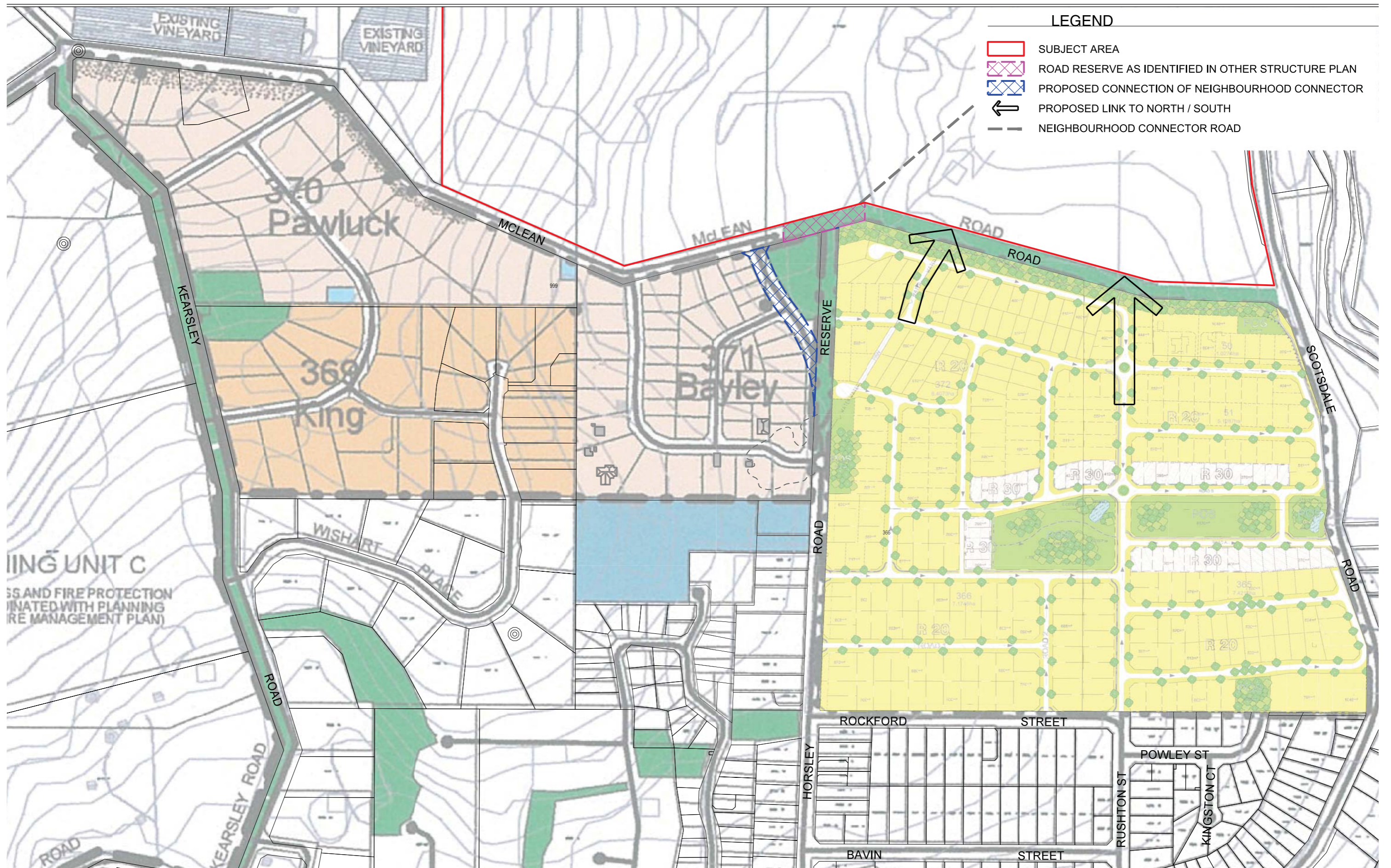


FIGURE 2 - INTEGRATION PLAN
LOT 371 HORSLEY ROAD
DENMARK

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 ph: 0418 116216 | email: samwilliams@westnet.com.au

date - 18 Dec 2019 | ref - 19-004-002A
 scale - 1:2000@ A3



0m 30m



for residential purposes.

4.0 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

4.1 Land Use Permissibility

Land use permissibility within the Structure Plan area shall be in accordance with the "Rural" zoning under TPS3.

4.2 Hazards and Separation Areas

As this Structure Plan facilitates the superlot subdivision application of the land only, a Bushfire Management Plan and Bushfire Attack Level Assessment has not been undertaken.

Any future dwelling(s)/structures located on the General Agricultural land, as identified in the LPS, will require a Bushfire Attack Level assessment to be undertaken at the development application stage. The Urban Residential land, as identified in the LPS, will require a Bushfire Management Plan and Bushfire Attack Level assessment to be undertaken if a future dwelling(s) is proposed or when the land is rezoned for urban development purposes under the Shire of Denmark's TPS3.

4.3 Environmental Features

No environmental or hydrological reporting has been undertaken as part of this Structure Plan. The identified Urban Residential portion of the land comprises cleared pasture and is void of remnant vegetation- with the exception of Bayley Creek that comprises remnant riparian vegetation. The General Agricultural land will not be developed as part this Structure Plan.

At the time of ultimate development of the Urban Residential land, a suitable Environmental Features Assessment, Targeted Flora Search and Hydrological Assessment of Bayley Creek will be undertaken. The identified Neighbourhood Connector Road is in excess of 30m from the centre of Bayley Creek, which is the minimum setback distance from a water course as prescribed by the Department of Water Environmental Regulation without a detailed hydrological assessment being undertaken.

5.0 LOCAL DEVELOPMENT PLANS

No Local Development Plan is to apply over the land given the Local Structure Plan and relevant Scheme provisions address development considerations adequately.

6.0 OTHER REQUIREMENTS

6.1 Neighbourhood Connector Road Location

This Structure Plan identifies the specific location of the Neighbourhood Connector Road- refer **Plan 1**. This location has been confirmed as physically suitable by a supporting review undertaken by a civil engineer- refer **Appendix A**.

The Neighbourhood Connector road is identified as being in excess of 30m from Bayley Creek to the south.

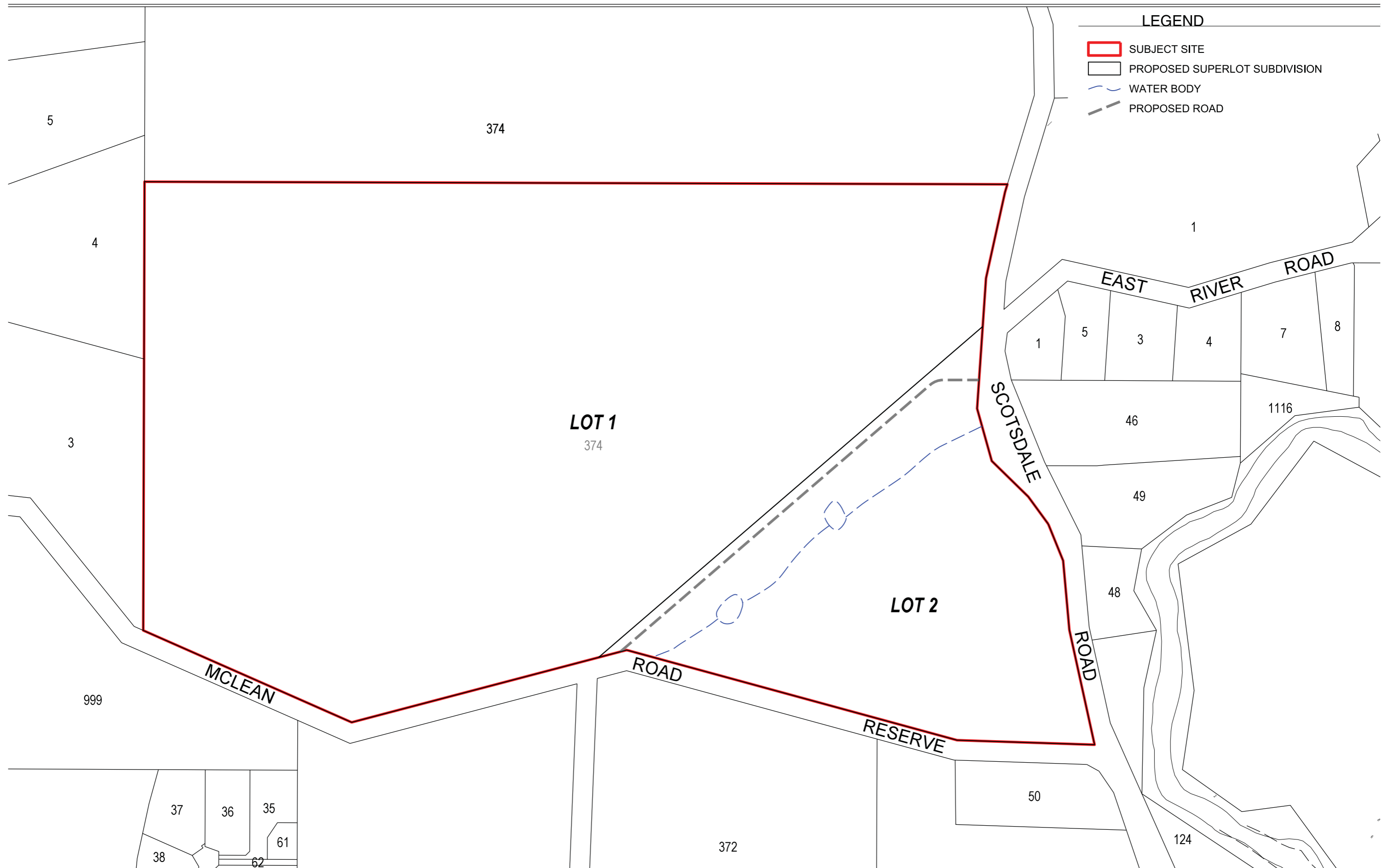
The construction of the Neighbourhood Connector Road will be undertaken by the developer at the time of ultimate development of the Urban Residential land.

7.0 ADDITIONAL INFORMATION

Pursuant to Schedule 2, Part 4, clause 24 of the *Regulations 2015*, the WAPC may approve a Structure Plan that provides for further details of a proposed subdivision included in the Structure Plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the *Act*.

This Structure Plan facilitates the lodgement and ultimate superlot subdivision of the land into two and as such it is not considered additional information will be required.

LOCAL STRUCTURE PLAN (PLAN 1)



STRUCTURE PLAN

LOT 374 SCOTSDALE ROAD, SCOTSDALE WA

PLAN 1

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 ph: 0418 116216 | email: samwilliams@westnet.com.au

date - 25 Nov 2019 | ref - 19-004-001
 scale - 1:3500@ A3



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PART TWO: EXPLANATORY SECTION

1.0 PLANNING BACKGROUND

1.1 Introduction and Purpose

This Structure Plan has been prepared in accordance with Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of the Structure Plan is to facilitate a two lot superlot subdivision, which will reflect the identified Urban Residential and General Agricultural portion of the land as per the Shire of Denmark's LPS.

The ultimate development of the identified Urban Residential land will require lodgement of a detailed Structure Plan and Amendment to the Shire of Denmark's TPS3.

1.2 Land Description

The area of the land comprises 45.3 hectares, with the individual lot legally described in **Table 1**.

1.2.1 Location

The land is located within the Shire of Denmark local government area, and is generally bound by Scotsdale Road to the east, unconstructed McLean Road to the south, privately owned land zoned Special Rural to the west and privately owned land zoned Rural to the north. The Denmark townsite is approximately 2km to the south (refer **Figure 3 - Location Plan**).

Vehicle (and legal) access to the land is from Scotsdale Road.

1.2.2 Area and Land Use

The majority of the land has been cleared, with pockets of parkland cleared remnant vegetation in the identified General Agricultural portion of the LPS. The LPS identified Urban Residential land, with the exception of Bayley Creek, has been completely cleared.

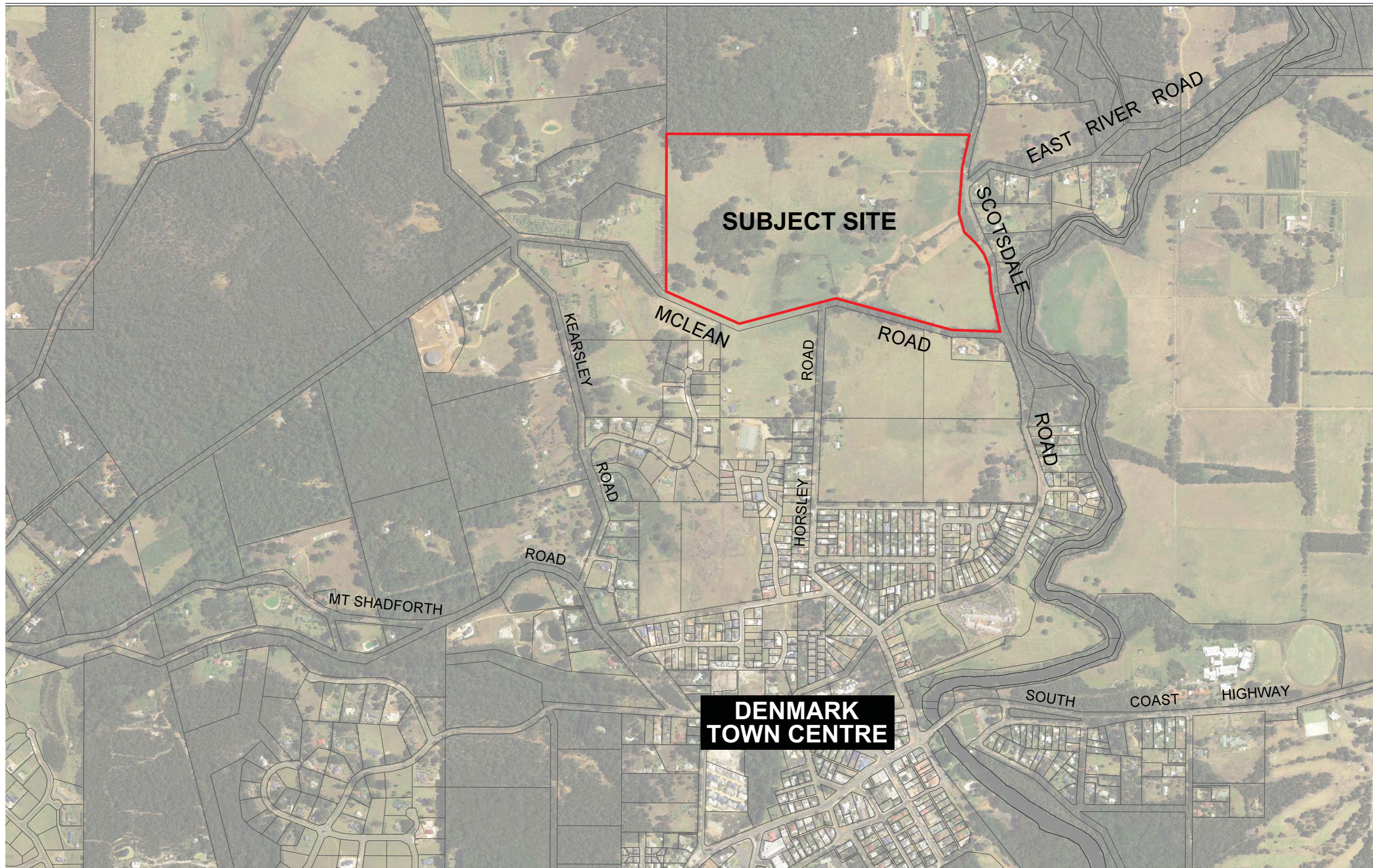
Bayley Creek dissects the south eastern portion of the land.

There is a dwelling and general-purpose shed located in the eastern vicinity of the land, within the LPS identified General Agricultural portion. This infrastructure will be retained at the time of superlot subdivision. The General Agricultural identified land is currently used for animal husbandry and will continue post the superlot subdivision.

The portion of land identified as Urban Residential in the LPS has a small tree nursery operation in the south eastern corner. Post superlot subdivision, the tree nursery will remain in operation.

1.2.3 Legal description and ownership

A copy of the Certificate of Title is included within **Appendix B**.



LOCATION PLAN

LOT 374 SCOTSDALE ROAD, SCOTSDALE WA
FIGURE 3

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ph: 0418 116216 | email: samwilliams@westnet.com.au

date - 25 Nov 2019 | ref - 19-004-003
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TABLE 1 - LEGAL SITE DESCRIPTION & CURRENT OWNERSHIP

Lot No.	C/T Details	Plan Number	Primary Interest Holder
374	1289/729	Plan 230731	Demandem Holdings Pty Ltd Glenlea Enterprises Pty Ltd

2.0 PLANNING FRAMEWORK

2.1 Zoning and Reserves

2.1.1 Shire of Denmark Town Planning Scheme No.3.

The land is zoned "Rural" under the Shire of Denmark's TPS3 (refer **Figure 4- Zoning Plan**). The purpose and intent of the Rural zoning under TPS3 is to provide for a range of normal rural activities and to protect the land from inappropriate uses.

This Structure Plan and subsequent superlot subdivision will not undermine the intent and purpose of the Rural zoning under TPS3. Approval of the Structure Plan and superlot subdivision will not facilitate any uses that will adversely impact the purpose and intent of the rural zoning of the land.

At the time of ultimate residential development of the land, which will reflect the Shire of Denmark's LPS, the relevant portion of the land will be appropriately rezoned under TPS3 for urban development purposes.

2.2 Planning Strategies

2.2.1 Local Planning Strategy (2011)

The Shire of Denmark's 2011 LPS reflects the planning intent for the Shire of Denmark. This is implemented through the statutory planning system.

In accordance with the plan titled "Urban Area- Plan 2" within the LPS, the land is identified as "Urban Residential", "Indicative Neighbourhood Connector" and "General Agricultural" (refer **Figure 5- Local Planning Strategy Identification**).

The Structure Plan accords with LPS objectives, given it will enable the excision of the identified "Urban Residential" land from the "General Agricultural" land and place the future "Neighbourhood Connector" in a suitable location.

The specific strategies and actions identified within the LPS applicable to the Structure Plan are as follows:

2.2.1.1 Shire of Denmark Urban Settlement Strategy

The Settlement Strategy for Denmark was adopted by Council as a Local Planning Policy in 1998. The Settlement Strategy makes reference to appropriate provisions for future growth to be considered and mandated within both an LPS and statutory provisions of TPS3.



ZONING PLAN

LOT 374 SCOTSDALE ROAD, SCOTSDALE WA

FIGURE 4

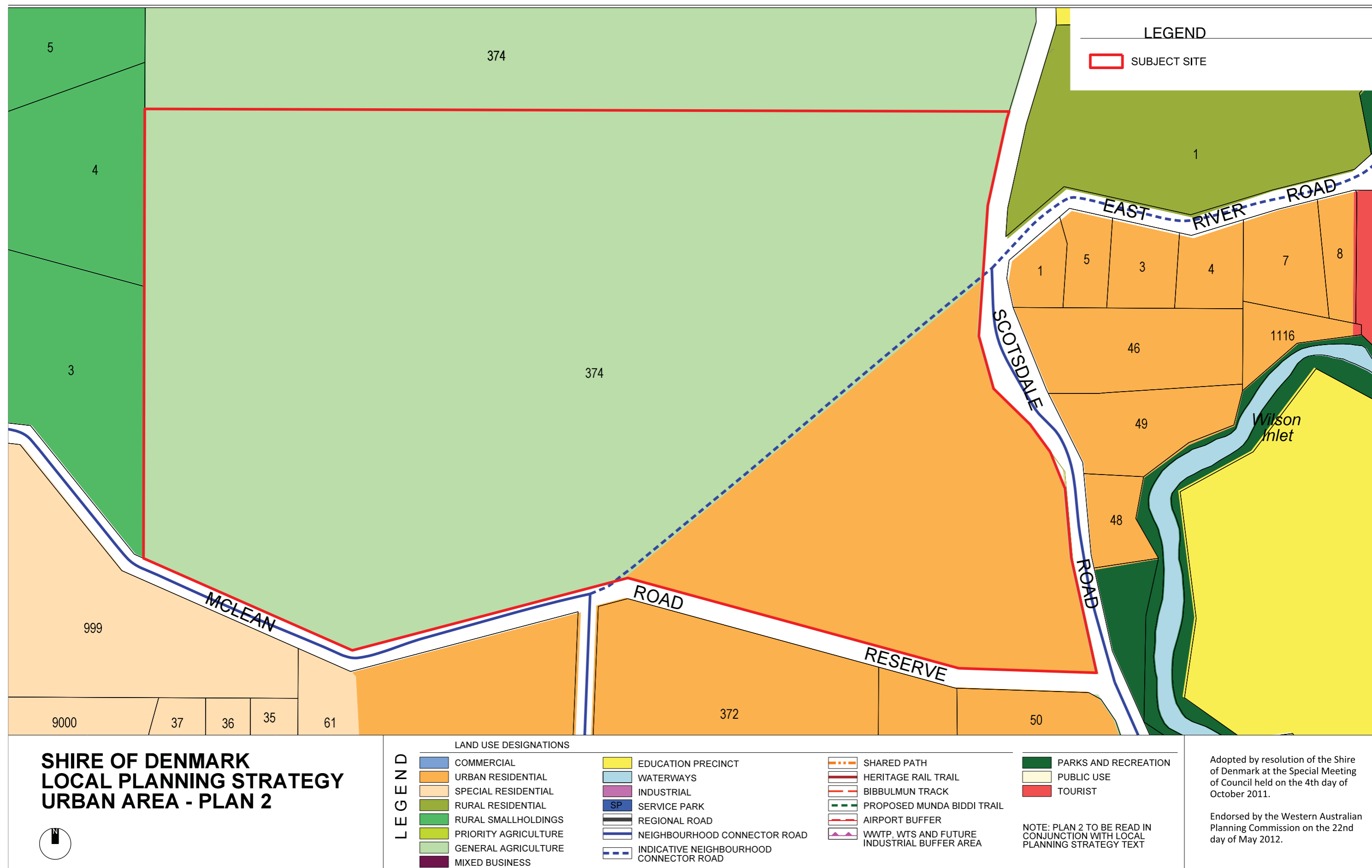
WILLIAMS CONSULTING | TOWN PLANNING & PROJECT MANAGEMENT
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date - 25 Nov 2019 | ref - 19-004-004
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LOCAL PLANNING STRATEGY IDENTIFICATION LOT 374 SCOTSDALE ROAD, SCOTSDALE WA FIGURE 5

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0m 50m

date - 25 Nov 2019 | ref - 19-004-005
scale - 1:3500@ A3



Whilst the land is not specifically identified with the Settlement Strategy, it is located immediately north of "Planning Unit A", which makes provision of circa 200 residential lots. The preparation of the LPS and adopted "Horsley Road and Rockford Road" Structure Plan - which removes McLean Road reserve as access to Scotsdale Road, makes allowance for the future urban development of the south eastern triangular portion of the land.

2.2.1.2 Rural Settlement Strategy

The land is identified as being within the Denmark River Catchment of the 1999 Rural Settlement Strategy. The predominant management issues are the protection of water quality, retaining broadacre farming on suitable land, encouraging development of prime horticultural land, providing for expansion of Denmark's Urban Area and to give consideration to special rural development on suitable land.

This Structure Plan and the proposed superlot subdivision is a low impact proposal and will not alter the current land use. The proposal does not conflict with the management objectives and will ultimately make allowance for the expansion of Denmark's Urban Area as per the LPS.

2.3 Planning Policies

2.3.1 State and Strategic Policy

The relevant State Strategic and Policy documents to the proposal include:

- SPP 2.5: Rural Planning (2016)
- SPP 3: Urban Growth & Settlement (2006)
- SPP 3.7: Planning in Bushfire Prone Areas (2015)
- DC 1.1: Subdivision of Land - General Principles (2004)
- DC 3.4: Subdivision of Rural Land (2016)
- Draft Government Sewerage Policy (2016)

Key State Planning documents are detailed as follows:

2.3.1.1 State Planning Policy No. 2.5 -Rural Planning

The purpose of SPP 2.5 is to *"protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome"*.

The key objectives of SPP 2.5 relating to this proposal are the desire to provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making; avoid and minimise land use conflicts; protect and sustainably manage environmental, landscape and water resource assets.

The key objective relating to this proposal and the ultimate development of the land is objective (f) – which is to promote sustainable settlement in, and adjacent to, existing urban areas.

Based on the 2011 LPS, this Structure Plan is in accordance with SPP 2.5 as it reflects the intent of objective f.

2.3.1.2 State Planning Policy No. 3.7: Planning in Bushfire Prone Areas

Whilst this Structure Plan acknowledges SPP 3.7, a Bushfire Management Plan has not been incorporated into this documentation given the Structure Plan will facilitate the ability for a superlot subdivision application to be lodged over the land only. At the time of lodgement of the superlot subdivision application an appropriate Bushfire Management Plan will be prepared and submitted.

2.3.1.3 Government Sewerage Policy (2019)

This policy establishes the Western Australian Government's position on the provision of reticulated sewerage in the State for the rezoning, structure planning, subdivision and development of land.

Relevant to this Structure Plan, the following policy objectives are identified:

- To protect public health and amenity;
- To protect the environment and the State's water and land resources;
- To promote the efficient use of infrastructure and urban land;
- To minimise costs to the broader community by ensuring an appropriate level and form of sewerage servicing is provided.

In accordance with the prescribed lot sizing as addressed in Section 5.2.1 of the Policy, the Structure Plan and eventual superlot subdivision of the land complies with the Government Sewerage Policy.

2.3.1.4 Development Control Policy 3.4: Subdivision of Rural Land

DC 3.4 sets out the principles that will be used by the WAPC in determining applications for the subdivision of rural land. The policy is consistent with the objectives of State Planning Policy 2.5: Rural Planning, which establishes the statewide policy framework for rural land use planning in Western Australia. The Structure Plan and eventual superlot application is in accordance with the DC 3.4.

2.4 Other Approvals and Decisions

There are no other relevant approvals relating to the Structure Plan, at this point in time.

2.5 Pre-lodgement Consultation

Consultation has been undertaken with Planning Officers from the Shire of Denmark and the Albany Office of the Department of Planning Lands and Heritage.

During consultation, the following was agreed for the preparation of this Structure Plan:

1. The key item for consideration is the suitable location of the Neighbourhood Connector Road, as identified in the LPS. As per the engineer's report- refer Appendix A, the identified location of the Neighbourhood Connector Road has been confirmed as suitable and is the delineation point of the future superlot application.
2. A detailed BMP would not be required for the preparation of the subject Structure Plan, given the Structure Plan will support the creation of a superlot plan only and not the ultimate development of the land. At the time of lodgement of the superlot subdivision application a supporting BMP will be prepared.
3. A detailed environmental review, land capability assessment, local water management strategy and engineering servicing report will not be required for the preparation of the subject Structure Plan. At the time of preparation of the Structure Plan and Amendment document for the ultimate residential development of the identified Urban Residential portion of the land, the required environmental and land capability assessments will be undertaken.

3.0 SITE CONDITIONS AND CONSTRAINTS

3.1 Biodiversity and Natural Area Assets

The land comprises pasture, parkland cleared vegetation and the Bayley Creek, which contains riparian vegetation. This Structure Plan and the eventual superlot subdivision of the land will not have any adverse impact on the existing environmental attributes.

3.2 Landform and Soils

The western portion of the property has steep topography sloping to the south east to Bayley Creek. The area around Bayley Creek is low-lying and not suitable for any form of future development.

The soils consist of Gravel and Karri Loam. In accordance with the engineers report, the identified soil types (with appropriate site works) are suitable for the construction of the identified Neighbourhood Connector Road at the time of ultimate development of the land.

3.3 Groundwater and Surface Water

Detailed groundwater modeling has not been undertaken for the Structure Plan. At the time of ultimate development of the land, groundwater modeling will be undertaken to facilitate future residential development.

Surface water on the land comprises Bayley Creek and two small agricultural dams.

3.4 Bushfire Hazard

As this Structure Plan facilitates the superlot subdivision application of the land only, a Bushfire Management Plan and Bushfire Attack Level Assessment has not been undertaken. A suitable BMP will be prepared at the time of superlot subdivision application.

3.5 Heritage

3.5.1 Aboriginal

A search of the Department of Planning Lands and Heritage Inquiry System has been undertaken and there are no registered Aboriginal Heritage sites recorded within the land.

3.5.2 European

A search of the Department of Planning Lands and Heritage Inquiry System has been undertaken and no matches were recorded for the land.

3.6 Context and Other Land Use Constraints and Opportunities

As the Structure Plan facilitates the creation of two rural superlots only, a detailed constraints and opportunities plan has not been prepared for the land.

4.0 LAND USE AND SUBDIVISION REQUIREMENTS

As the Structure Plan facilitates the creation of two rural zoned superlots only, any land use and subdivision requirements will be minimal. However, the following commentary is made with respect to eventual superlot development of the land.

4.1 Water Management

There will be no change to the existing water flows on the land resultant from the superlot subdivision of the land.

4.2 Infrastructure Coordination and Servicing and Staging

The land can be serviced by all necessary infrastructure. The creation of the superlots will not require infrastructure co-ordination and any staging.

4.2.1 Electricity

The land has an existing overhead line traversing the eastern portion. The superlot subdivision application, given the lot sizes proposed, will not require the relocation or undergrounding of this overhead line.

Both of the proposed superlots can be serviced from the existing power infrastructure.

4.2.2 Telecommunications

The provision of telecommunications is not applicable to the creation of the two rural superlots.

4.2.3 Gas

There is no gas supply to the Denmark locality. Gas supply will be provided via bottled gas.

4.2.4 Water

The superlot subdivision application will not require the provision of a potable water supply.

A Water Corporation pipeline traverses the eastern portion of the land and is identified by an easement. At the time of the ultimate development of the land the Water Corporation pipeline and associated easement will be incorporated into a future road reserve.

4.2.5 Waste Water

There are no waste water services available to the land. The superlot being created will be serviced by a traditional septic systems or ATU.

5.0 CONCLUSION

This Structure Plan has been prepared to facilitate the creation of two rural zoned superlots. This proposal allows for the continued current use of the land for rural purposes.

The identified Neighbourhood Connector Road, which will be constructed at the time of ultimate urban development, has been strategically located north of Bayley Creek. As per the engineer's advice, the Neighbourhood Connector Road can be feasibly constructed in this location.

The Structure Plan has been prepared based on advice from the Department of Planning Lands and Heritage and within the context of the various WAPC and Shire of Denmark guiding planning documents, all of which make provision for, and support the superlot subdivision of the land.

APPENDIX A Neighbourhood Connector Road Report

Williams Consulting
PO Box 69
DENMARK WA 6333

18 December 2019
JS/DLPS/L003

Attention: Sam Williams

Dear Sam,

RE: LOT 374, SCOTSDALE ROAD - NORTHERN LINK ROAD

A desktop review has been undertaken on the proposed future road alignment through Lot 374, Scotsdale Road, which would provide a connection from McLean Road reserve through to Scotsdale Road. The length of the proposed road connection is approximately 580m and would create an intersection to the south of the existing East River Road and Scotsdale Road intersection. The proposed link with McLean Road appears to generally accommodate the Horsley Road Structure Plan to the south of Lot 374.

The general alignment of the proposed road is shown on attached Structure Plan titled Lot 374 Scotsdale Road, Scotsdale, plan number 19-004-001. The proposed alignment is in cleared or pastured areas, avoiding trees and protects the existing vegetation that generally follows fence and creek lines.

East River Road is a low-volume road to the east of Scotsdale Road providing access to approximately ten private properties. The proposed road through Lot 374 will provide access to the west of Scotsdale Road with a staggered intersection and separation to East River Road. The approach to Scotsdale Road will include a bend to achieve a perpendicular intersection.

In lieu of survey, the following design items are highlighted which are to be assessed and resolved in detail to progress a preliminary engineering design.

Assessment of horizontal and vertical alignments of the proposed road, and existing Scotsdale Road are to be reviewed in relation to intersection sight distances. This includes the approach sight distances, safe intersection sight distances and minimum gap sight distances which are to be maintained. Also, minimum separation to East River Road is necessary to ensure any turning lanes and possible widening can be accommodated. Given the existing intersection with East River Road, it is anticipated that elevations and alignments of Scotsdale Road are within design tolerances. A detailed traffic engineering and road geometry assessment may be required at a future detailed design stage.

Similarly, the intersection at McLean Road may require a localised road alignment modification for perpendicular intersection orientation, depending on the link through the Horsley Road Structure Plan.

The approximate elevation difference over the length of the proposed road connection through Lot 374 varies from a high point in the south-west of approximately 50mAHD to 14mAHD at Scotsdale Road. The average grade is therefore about 6.2%. This is within Shire of Denmark's desirable maximum longitudinal grades which shall be maintained. The landform naturally grades generally toward the east, however the proposed road alignment is a north-easterly alignment and therefore the road

crosses the contours in a somewhat lateral alignment. This would result in earthworks designs that would most likely include cut interface betters on the northern side of the road, and fill batters on the southern side of the road. There is an area near the McLean Road intersection where the grade in the natural terrain steepens to approximately 20%. While the road formation would be designed within Shire of Denmark design tolerances, earthworks would extend in locations with batters steepened typically to 1:3 to tie-back to existing ground levels outside of the proposed road reserve boundaries. Overall, an engineering design approach would aim to achieve a cut to fill balance.

While the proposed road alignment is separated from the creek by an approximate 40m to 50m distance, the finished road levels are required to be elevated sufficiently above any modelled seasonal top water levels. The creek line contains various dams and hydrologic assessment to confirm any flood and overland flow management would be appropriate. Given the horizontal separation of the proposed road alignment and natural grade of the land, the road alignment is generally at least 2m to 3m higher than the levels in the adjacent creek. It is therefore anticipated that sufficient elevation above potential water levels is achievable.

Since the existing landform continues rising toward the west, and due to the anticipated soil types and ground conditions, a large amount of stormwater runoff, down the slope toward the creek line will occur. Maintenance of the pre-development overland flow will most likely introduce culvert crossings under the proposed road, and possible localised realignment of flow paths to prevent erosion, or stormwater from overtopping the road may be required.

Since the ground conditions are expected to contain clayey soils, the road sub-base will require geotechnical assessment. The natural soils in the area may require ground improvement through proof compaction, and importing material that is able to support road traffic. This will most likely include some free draining sand, lateritic gravel and road base. The pavement detail will be assessed in detail based on the site investigations and the road would otherwise be constructed to suit the Shire of Denmark engineering requirements.

Provided the above engineering issues are assessed in further detail and resolved to the satisfaction of relevant requirements, it would appear there proposed road alignment as shown on the Lot 374 Structure Plan is able to be accommodated.

If you require any further information, please do not hesitate to contact the undersigned.

Yours sincerely
TABEC Pty Ltd

A handwritten signature in blue ink, appearing to read "JS Small".

Jonathan Small

APPENDIX B Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER

374/DP230731DUPLICATE
EDITION**5**

DATE DUPLICATE ISSUED

10/9/2013VOLUME
1289FOLIO
729

RECORD OF CERTIFICATE OF TITLE **UNDER THE TRANSFER OF LAND ACT 1893**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 374 ON DEPOSITED PLAN 230731

REGISTERED PROPRIETOR: **(FIRST SCHEDULE)**

DEMANDEM HOLDINGS PTY LTD OF 53 CARMEL ROAD, EAST CARMEL
 GLENLEA ENTERPRISES PTY LTD OF 201 SCOTSDALE ROAD, DENMARK
 AS TENANTS IN COMMON IN EQUAL SHARES

(T M366768) REGISTERED 8/8/2013

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: **(SECOND SCHEDULE)**

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE.
2. M266424 EASEMENT TO WATER CORPORATION FOR PIPELINE PURPOSES - SEE SKETCH ON DEPOSITED PLAN 65526 REGISTERED 8/5/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
 * Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
 Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1289-729 (374/DP230731)
 PREVIOUS TITLE: 1052-763
 PROPERTY STREET ADDRESS: 201 SCOTSDALE RD, SCOTSDALE.
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF DENMARK

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF DENMARK TOWN LOT/LOT 374 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 374 ON DEPOSITED PLAN 230731 ON 20-MAY-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 374/DP230731

VOLUME/FOLIO: 1289-729

PAGE 2

NOTE 2:

THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

Subject to dealing

SCHEDULE OF SUBMISSIONS

Submissions Received from Public

Ref No.	Name & Address Details	Verbatim Submission	Planning Services Comment
S1	Melvista Park Pty Ltd PO Box 333 DENMARK WA 6333	<p>We raise no objection to the subdivision of lot 201 as shown however we raise the following concerns:-</p> <ol style="list-style-type: none"> 1. The plan and brief report lack detail. 2. The Shire's Scheme Map shows the site zoned Rural however the applicant's executive summary table shows proposed lot 2 (10 ha) as 'Future Urban'. We're not sure what this means. 3. The 'Proposed Road' shown on the plan is a single line more indicative of an internal track so we can only assume that is what it is. If a formal road is proposed it should be shown as a double line with say a 20m road reserve with some engineering description of connections at Scotsdale Road and McLean Road, and also to East River Road and any possible bridge. 4. Attached is a copy of the adopted Horsley/Rockford Structure Plan showing intended subdivision and road layout. The proposed western track/road connection to McLean Road does not accord with the adopted structure plan. If this track is intended to be a formal road then far more detail and information is required. <p>We are aware that Michael Connors is purchasing proposed lot 2 from Keith Lingard to expand his tree production activity. This Rural Pursuit is a P use in the Rural zone but not permitted in the Residential zone so it is unlikely that property will be rezoned for any 'Future Urban' purpose in the foreseeable future. The Shire needs to address this residential/rural interface to preclude incompatibility. There are many instances where a rural pursuit of this nature has negatively impacted on residential development resulting in the rural activity being curtailed. The particular concerns are hours of operation; noise and dust; movement of trucks (and reversing beepers); water spray and poison spray. (See Attachment A)</p>	<p>Noted</p> <p>The proposed structure plan is intended to be brief and only intends to establish the alignment of the planned neighbourhood connector road and support the subdivision of the future 'Urban Residential' land from the area of Lot 374 earmarked for retention as general agriculture.</p> <p>The background of the structure plan document provides a plan that shows possible links between Lot 374 and the neighbouring Lots 372 and 51. A detailed structure plan will be required prior to proposed Lot 2 being zoned and developed for residential purposes at sometime in the future.</p> <p>Proposed Lot 2 will remain zoned Rural and Town Planning Scheme No.3 will adequately address land use in this zoning.</p>

S2	<p>Craig Chapelle PO Box 58 DENMARK WA 6333</p>	<p>I am fundamentally opposed to subdivision of designated agricultural land – especially continuously farmed agricultural land – unless there is irrefutable evidence that such land, in a particular case, is no longer capable of sustaining agriculture.</p> <p>A landowner's desire to sell such land for redevelopment into residential plots is not an acceptable or reasonable ground for approval, irrespective of the land's proximity to town and/or similarly redeveloped land-in-waiting.</p> <p>For more than 50 years Lot 374 was a highly productive small farm. Worldwide, viable farming land is disappearing exponentially under urban development as human populations continue to increase, creating a growing disjunct between demand and our ability to produce sufficient food – especially healthy, wholesome, soil-grown food.</p> <p>It would add insult to injury and reduce further the carrying capacity of Lot 374 if Bayley Creek was excised from proposed Lot 1. What serious farmer would, as the grip of climate change tightens, willingly give up a natural water source whose future is to become merely an isolated token reserve and/or public open space surrounded by housing?</p> <p>More to the point: what practical use is the creekline in a future urban setting? The short answer is none, except as a "no cost" POS because it can't be built on to make money.</p> <p>The long-term environmental impact of this proposal on the creek and its dependent riparian biota alone should sound warning bells to shire planners. But perhaps that's a discussion for another day.</p> <p>Either way, this proposal represents the death by a thousand cuts of a piece of land fully capable of continued primary production.</p> <p>Current population projections for the shire do not take into account the social effects of climate change, so to assume an increased demand for urban lots 20+ years hence through the lens of current knowledge (and planning rules) is tenuous at best.</p> <p>Thus a cynic might see the size and shape of proposed Lot 2 as sky-mining in the guise of a "logical" engineering solution to secure and utilise the alignment of the proposed neighbourhood connector road ... and later justifying Lot 1 also being subdivided, on the basis that it is no longer agriculturally viable due to lack of water and encroaching urbanisation. How ironic that would be.</p>	<p>Noted</p> <p>Lot 374 is identified as General Agriculture and Urban Residential in the current version of the Local Planning Strategy. The preparation of the Local Planning Strategy considered the balance required between retaining viable agricultural land and securing adequate land for residential purposes into the future.</p> <p>The future neighbourhood connector road is identified as being a necessary link between existing and proposed residential development to the west and Scotsdale Road; regardless if a second bridge across the Demark River is proposed at this location or not.</p> <p>Due to the topography of Lot 374, existing water bodies and the planned retention of vegetation in the McLean Road reserve the location of the neighbourhood connector road is proposed to the north of Bayley Creek.</p> <p>Future structure planning of proposed Lot 2 will need to provide for a permeable road pattern and connections through to surrounding development and existing road network.</p>
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		<p>The proposal actually negates the need for and desirability of a neighbourhood connector road at all, <i>unless</i> Lot 1 is assumed to also be subdivided in the future: once the creek is taken out of the equation, minimal internal roading in Lot 2 would provide more than adequate access to public roads, so the proposal as presented cannot reasonably claim the connector road as justification.</p> <p>The fact that this proposal conforms with the recommendations of LPS 3 gives no comfort either.</p> <p>Over time LPS 3 has become riven with errors and assumptions which are no longer relevant, appropriate or applicable – hence the present scramble to produce the long-overdue LPS 4.</p> <p>The real drive behind this proposal is opportunism; a foot in the door in case LPS 4 limits or proscribes urban expansion along Scotsdale Road, if newer information and contemporary projections see no need for more urban lots in the area than are presently approved.</p>	
G1	<p>Department of Health PO Box 8172 PERTH BUSINESS CENTRE WA 6849</p>	<p>LOCAL STRUCTURE PLAN - LOT 374 (#201) SCOTSDALE ROAD, SCOTSDALE</p> <p>Thank you for your letter of 28 January 2020 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:</p> <p>Water Supply and Wastewater Disposal</p> <p>The local structure plan should require that developments are to connect to scheme water and be in accordance with the Government Sewerage Policy (2019). Suitable provision for an adequate on-site effluent disposal area is to be accommodated in any future planning or development approval. For on-site wastewater disposal systems to be approved, a winter site and soil evaluation be in accordance with Australian New Zealand Standard 1547. The structure plan should condition all development to this requirement.</p> <p>Public Health Impacts</p> <p>There may be a concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications. Attached is a DOH fact sheet 'Guidelines for Separation of Agricultural and Residential Land Uses' and should be taken into consideration.</p> <p>The structure plan is located in an area that may be prone to mosquitoes as wetlands are in the vicinity. Stormwater management infrastructure such as culverts, road drainage systems, etc. should be in accordance with the Department</p>	<p>Noted</p> <p>The submission contains general advice only and largely applies to the future development of proposed Lot 2 which would be the subject of a future structure plan and rezoning proposal.</p>

		of Water publication 'Stormwater Management Manual for Western Australia, to the satisfaction of the local government. This is also available for download from: http://www.water.wa.gov.au/_data/assets/pdf_file/0020/4772/44217.pdf	
G2	Water Corporation 629 Newcastle Street LEEDERVILLE WA 6007	<p>Thank you for your letter dated 28 January 2020. We offer the following comments in regard to this proposal.</p> <p>Water Reticulated water is currently available in the vicinity of the subject site but the subject site was not planned to be serviced. Before a service could be considered the proposed demands should be provided for the Water Corporation to review the existing scheme. Existing water mains are located within the subject area as noted in the report. Pressured water mains shall not be located in private residential land and should be located in and protected by reserves (i.e. road reserves as mentioned in the report) 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. Whenever development is proposed near Water Corporation assets the applicant/owner needs to submit an Approval of Works application.</p> <p>Wastewater Reticulated sewerage is not available to serve the subject area as mentioned in the report. If wastewater services are required in the future headworks infrastructure will be required.</p> <p>General Comments The future developer is expected to provide all water reticulation if required. A contribution for water 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.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> <p>Please provide the above comments to the land owner, developer and/or their representative.</p>	<p>Noted</p> <p>The submission contains general advice only and largely applies to the future development of proposed Lot 2 which would be the subject of a future structure plan and rezoning proposal.</p>

G3	<p>Department of Water & Environmental Regulation 5 Bevan Street DENMARK WA 6333</p>	<p>The Department has identified that the above proposal has the potential for impact on water values. While the Department does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed:</p> <p>Sewerage Sensitive Area</p> <p>The subject land is located within a Sewerage Sensitive Area being defined as land that drains to and is within two kilometres of Wilson Inlet. Under the Government Sewerage Policy (2019), the minimum lot size for a sewerage sensitive area is one hectare (ha). In accordance with Government Sewerage Policy provisions under Section 5.1.1, reticulated sewerage is a requirement of planning proposals where land is being rezoned for the creation of lots less than 1 ha and the highest groundwater level is less than 0.5 m below natural ground level. Due to the close proximity of the site to the Denmark River, the Department would not support un-sewered subdivision within the subject land where rezoning to urban residential is proposed. Although estimated residential density or lot size is not provided as part of the current application, provisions under the policy should be taken into consideration by the responsible planning authorities in any decisions to approve the Structure Plan as these may constrain future planning proposals for the subject land.</p> <p>Planning proposals are required to connect to or provide for reticulated sewerage where the responsible authority determines that the absence of reticulated sewerage will pose an unacceptable risk to water resources, including where minimum site requirements for on-site sewage systems cannot reasonably be met. For this purpose, minimum site requirements require separations of on-site sewage disposal systems to water resources. This includes a minimum horizontal separation distance to waterways of 100 m and a vertical separation distance of 1.5 m above the highest groundwater level. A waterway, Bayley Creek, is located within proposed Lot 2 and on-site systems would need to be setback 100 m from the waterway. No land capability or depth to groundwater information is provided as part of the Structure Plan for the two superlots and although this information is proposed to be provided in a further Structure Plan, in regard to groundwater levels on the site, it is likely that within a portion of proposed Lot 2 within the vicinity of the waterway, groundwater levels are less than 0.5 m and therefore may</p>	<p>Noted</p> <p>The submission contains general advice only and largely applies to the future development of proposed Lot 2 which would be the subject of a future structure plan and rezoning proposal.</p>
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		not be able to achieve groundwater separation. It should be noted that given the site is within a sensitive sewerage area, secondary treatment systems with nutrient removal would be required as part of the development.	
G4	Department of Parks & Wildlife Warren Region Locked Bag 2 MANJIMUP WA 6258	Thank you for your correspondence regarding comments on the above structure plan. Parks and Wildlife Service has no comments or objections on the plan.	Noted

Attachments

Attachment A - Submission S1

