



WISHART PLACE

AGREED STRUCTURE PLAN NO.1

This Amendment to the Agreed Structure Plan has been prepared under the provisions of the Shire of Denmark Town Planning Scheme No. 3

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:

27 December 2002

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry: 19 October 2025

RECORD OF AMENDMENTS MADE TO THE WISHART PLACE

AGREED STRUCTURE PLAN NO.1

Amendment No.	Summary of the Amendment	Date approved by WAPC
1	Amending the Wishart Place Structure Plan Map to reflect a design change for Lot 371 Horsley Road, Denmark.	01 July 2021

**AMENDMENT NO. 1 TO THE
WISHART PLACE AGREED STRUCTURE PLAN NO. 1**

The Shire of Denmark, pursuant to its Town Planning Scheme No. 3, hereby recommends to the Western Australian Planning Commission to approve the abovementioned amendment by:

1. *Amending the Wishart Place Structure Plan Map to reflect a design change for Lot 371
Horsley Road, Denmark.*

1.0 INTRODUCTION

This Structure Plan amendment relates to Lot 371 Horsley Road. The purpose of the amendment is to:

- Realign an internal road along a portion of the southern boundary.
- Improve road connectivity with surrounding lots.
- Provide for the coordination and provision of infrastructure and contributions.
- Facilitate subdivision to separate existing dwellings.

2.0 STRUCTURE PLAN AREA

The Wishart Place Structure Plan area applies to Lots 369 and 370 Kearsley Road and Lot 371 Horsley Road, Denmark. This amendment relates to Lot 371 Horsley Road (the site) only.

The structure plan for the site is shown at **Figure 1**.

3.0 STAGING

The site will be developed in two stages.

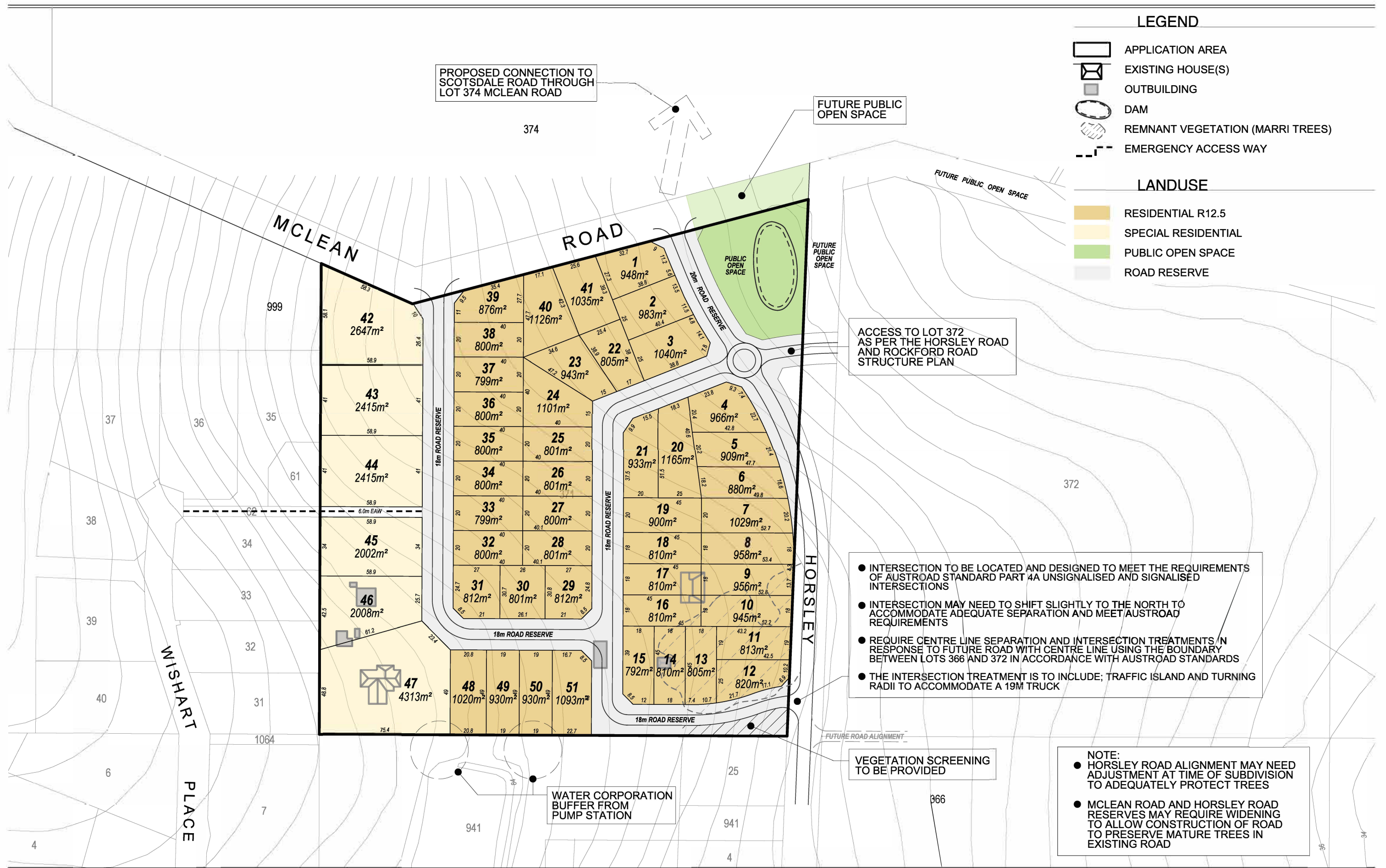
Stage 1

It is the intention to separate the two existing dwellings. The following issues will need to be resolved to support a subdivision proposal:

- Bushfire emergency egress.
- Co-ordination of future infrastructure (roads, sewer and drainage).
- Co-ordination of public open space and drainage.
- A deed of agreement setting out owners and responsibilities with regard to future subdivision of the proposed lots.

Stage 2

This will form the ultimate development of the site. Based on the Stage 1 layout, Stage 2 can be developed in two distinct stages with each lot being independent of the other. The timeframe for any development of Stage 2 is unknown.



4.0 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

4.1 Hazards and Separation Areas

Any future dwelling(s)/structures located on lots identified within the Bushfire Prone Area of the Bushfire Management Plan (BMP- refer **Appendix A**) will require a Bushfire Attack Level assessment to be undertaken at the development application stage.

4.2 Horsley Road Reserve

Horsley Road Reserve may need to be realigned at time of subdivision to adequately protect the existing trees.

4.3 Vegetation Screening

At the time of subdivision, a suitable condition requiring planting of vegetation on the southern boundary of the road reserve adjacent to Lot 25 shall be imposed.

4.4 Subdivision and Development Proposals

Subdivision and development proposals are to be generally in accordance with zoning designation in the Local Planning Scheme.

4.5 Public Open Space

At the time of subdivision to create Stage 2 onwards (residential lots), the public open space identified on the structure plan map is to be ceded to the Shire of Denmark.

4.6 Road Realignment

At the time of subdivision to create Stage 2 onwards (residential lots), the Horsley Road realignment identified on the structure plan map is to be ceded to the Shire of Denmark.

4.7 Deed of Agreement

As a condition of subdivision, of the Stage 1, the landowners shall enter into a Deed of Agreement to outline the obligations of each land owner for the ultimate subdivision of the land. The obligations are to identify requirements for the ceding of land, the coordination and equitable contribution towards the following:

- Public Open Space provision.
- Drainage.

- Landscaping.
- Road provision (including land and construction).
- Dual Use Pathway construction.
- Water.
- Sewer.
- Power.

4.8 Urban Water Management

As a condition of subdivision for Stage 1, a basic Urban Water Management Plan is to be prepared. This is required to demonstrate how each of the proposed subperlots can be developed independently of the other and meet the necessary drainage requirements.

5.0 OPERATION

The date the Structure Plan comes into effect is the date the Structure Plan is approved by the WAPC.

PART 2 - EXPLANATORY REPORT

AMENDMENT NO.1 TO THE

WISHART PLACE AGREED STRUCTURE PLAN NO. 1

1.0 PLANNING BACKGROUND

1.1 Introduction and Purpose

This Structure Plan Amendment 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 Amendment is to facilitate a design change over the site. In accordance with the current design (refer attached **Figure 1**), the southern east-west aligned access way connecting Horsley Road currently traverses a route comprising significant remnant vegetation, which at the time of road construction will require removal.

As identified in **Figure 1**, the design change relocates the southern, east- west aligned access way to the southern boundary of the site. The design change will impact the proposed lots in the south eastern corner of the site only.

The relocated southern access road traverses in a northerly direction at the boundary of proposed Lot 51 as referenced in **Figure 1**. Given the lot sizes, Lots 47-51 can be developed backing onto the Water Corporation's treatment infrastructure without buffer or BAL implications (refer BMP **Appendix A** confirming BAL contouring).

The design change requires less remnant vegetation to be removed in the future lots as opposed to the current design where the majority of vegetation is located in the road reserve and will require removal. In addition to this, relocating the subject east-west aligned access road enables a greater number of lots to be east west orientated as opposed to the current design, which has predominantly north south orientated lots in this location. This is of benefit as it enables the future lots to have a greater northern exposure and hence future dwellings can be designed for greater passive solar gain.

The intersection of the relocated access road from the site to Horsley Road makes allowance for safe vehicle access with a suitable truncation. The identified truncation area (refer the south eastern location in **Figure 1**) will be ceded to the Crown free of cost for the purpose of road reserve at the time of subdivision.

The Structure Plan design change for the site will facilitate the ultimate development of 6 Special Residential lots and 45 Residential (R12.5) lots.

1.2 Land Description

The area of the site comprises 7.5 hectares, with the individual lot legally described in **Table 1**.

1.2.1 Location

The site is located within the Shire of Denmark local government area and obtains legal road frontage from Horsley Road. The site is located approximately 1km north of the Denmark CBD.

The western boundary of the site comprises Lots 369 and 370 of the Wishart Place Structure Plan, Rural zoned land is located to the north, Lot 372 comprising the Horsley Road and Rockford Road Structure Plan is to the east and the Water Corporation's water reservoir and a freehold lot is to the south.

1.2.2 Area and Land Use

The majority of the site has historically been cleared for animal grazing with a portion of parkland cleared remnant vegetation in the south eastern corner.

There are two dwellings and associated outbuildings located in the south portion of the site.

1.2.3 Legal description and ownership

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

TABLE 1 - LEGAL SITE DESCRIPTION & CURRENT OWNERSHIP

Lot No.	Plan Number	Volume/Folio	Primary Interest Holder
371	230731	817/1	J. Bayley C. Lovell R. Bayley

2.0 PLANNING FRAMEWORK

2.1 Zoning and Reserves

2.1.1 Shire of Denmark Town Planning Scheme No.3.

The site has a split zoning of Residential (R12.5) and Special Residential under the Shire of Denmark's Town Planning Scheme No.3 (TPS3). This zoning was facilitated via Amendment No.78 to TPS 3.

As part of this amendment a development concept plan was prepared for the site, which is reflected in the Wishart Place Structure Plan.

2.2 Planning Strategies

2.2.1 Shire of Denmark Local Planning Strategy (2011)

The site is identified within the Shire of Denmark's 2011 Local Planning Strategy (LPS) as being within Planning Unit B- Wishart Place Structure Plan. This makes allowance for the provision of 54 Urban Residential Lots and 52 Special Residential lots. Of these, 9% had been developed at the time of preparation of the LPS.

Within the LPS there are 1,306 Urban Residential lots identified within the Urban Residential Expansion Area, which include the 54 Urban Residential Lots in Planning Unit B.

The design change and resultant drop of two urban residential lot over the site represents a 3.7% loss of yield for Planning Unit B and a 1.4% loss for the identified Urban Residential Lots. Given this, the reduced yield will not have a significant impact on the lot yield projections for the LPS.

3.0 SITE CONDITIONS AND CONSTRAINTS

3.1 Biodiversity and Natural Area Assets

The majority of the site has been cleared and is used for animal grazing. The south eastern corner however consists of mature Marri and Karri trees as identified in the tree survey (refer **Appendix B**). As addressed in the tree survey, the design change will provide for the retention of the majority of these trees.

The design change reduces the impact the ultimate development will have on the identified significant trees.

3.2 Bushfire Hazard

As mentioned in Part 1, a BMP has been prepared for the site- refer **Appendix A**.

The BMP confirms the Structure Plan design achieves the Acceptable Solutions and Performance Principles of SPP 3.7, namely as follows:

Element 1- Location

Given the majority of the site and the area surrounding comprises cleared pasture or existing residences, the site can ultimately be developed in accordance with a suitable Bushfire Attack Level (BAL) rating.

Element 2- Siting and Design

At the time of dwelling construction for the future lots on site, based on the location of the development a suitable Asset Protection Zone and BAL rating can be achieved.

Element 3- Vehicular Access

With the ultimate development of the site and surrounding road reserves (i.e. McLean Road to the north and Horsley Road to the east) there are two access routes available for egress from the site. Furthermore, the design change also provides for an emergency access way linking Wishart Place to the subdivision. This provides greater egress for the development and the existing residents of Wishart Place.

All public roads will be constructed to Shire of Denmark standards. There will be no cul-de-sacs, battle axe legs and fire access ways.

All future fire mitigation works on the developed lots can be undertaken in accordance with the Shire of Denmark Annual Fire Notice.

Element 4- Water

A suitable fire fighting water supply will be provided at the time of subdivision via the provision of the Water Corporation's potable water supply.

5.0 CONTEXT AND OTHER LAND USE CONSTRAINTS AND OPPORTUNITIES

The most significant land use constraint impacting the site is the remnant vegetation in the south eastern corner, which this design change accommodates. There are however two external constraints to be considered, which are as follows:

Water Corporation Buffer

As noted above a portion of the southern boundary of the site abuts the Water Corporation's potable water supply infrastructure. In meeting the suitable buffer requirements from the infrastructure, the current Structure Plan design provides for suitable sized Special Residential lots so future dwellings will not be impacted by the buffer (i.e. Lots 47-51). The subject design change sees no change to these lots and as such there will be no impacts on development from the Water Corporation buffer.

Southern Lot

There is a single residential lot located on the south eastern boundary of the site (i.e. Lot 25 Horsley Road). The current Structure Plan identifies future lots directly abutting this lot. In undertaking the design change, the southern east-west access road will abut this lot. As the relocated east west road will be an access street within the development, it is not forecast to carry large volumes of traffic and it is not considered there will be impact on the amenity of this property. To ensure privacy and provide a visual screening, at the time of development, a suitable condition can be placed on subdivision requiring the planting of vegetation on the southern boundary of the road reserve.

During the advertising of the Structure Plan, the owner of Lot 25 Horsley Road will be consulted.

6.0 CONCLUSION

This Structure Plan Amendment has been prepared to facilitate a design change over Lot 371 Horsley Road, within the Wishart Place Structure Plan. The design change results in a subdivision layout, which provide for a better environmental outcome without creating adverse effects on the receiving amenity of the locality.

The Structure Plan Amendment has been prepared within the context of the various WAPC and Shire of Denmark guiding planning documents.

Overall, noting the existing approved Structure Plan, the site's context and location, and the conclusions of the supporting technical document, the suitability of the design change is accepted.