

LOCAL STRUCTURE PLAN

for

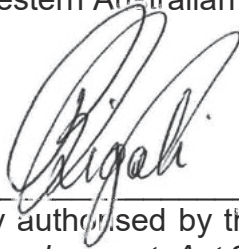
**LOTS 11, 12, 13, 39 & 42 LION STREET; 1, 2, 3, 28, 35, 36, 37 & 38 BERNARD STREET;
100 & 101 DEAN STREET; 27, 29, 30 & 32 JOHNSTON STREET & 40 & 41
HUMMERSTON STREET, MOUNT HELENA.**

**Prepared by
STATEWEST PLANNING
January 2021**

This structure plan is prepared under the provisions of the Shire of Mundaring Local Planning Scheme No. 4.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON: **01 JULY 2021**

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

01 JULY 2021

Date

01 JULY 2031

Date of Expiry

Table of Amendments

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

EXECUTIVE SUMMARY

This Local Structure Plan (LSP) involves 21 privately owned lots in the locality of Mount Helena. The existing lots range in size from 1.3162ha to 4.0084ha and are generally in the order of 1.5 – 2.8ha. All but one of the subject lots are zoned for ‘Residential Development’ under the Shire of Mundaring Local Planning Scheme No 4. Lot 27 Johnston Rd is zoned ‘Rural Residential’.

Topographically the site is gently inclined with gradients of between 2-10% and Charlotte Creek traversing the site. All lots have been developed for rural residential purposes. A large portion of the site contains cleared land used historically for grazing with isolated pockets of native regrowth vegetation.

The LSP provides for coordinated subdivision of the subject area into a combination of R5 and R2.5 coded lots. Some variations to lot sizes and frontages have been allowed for to suit the site conditions in these locations. The retention of existing dwellings and setbacks from the creek has resulted in larger lots in some locations.

In regard to Public Open Space (POS), in consultation with the Shire the required 10% provision is to be provided through a combination of land and cash-in-lieu.

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PART ONE – IMPLEMENTATION

1. LSP AREA

The subject area comprises:

Lot No.	27 Johnston	Area ha	2.2713
Lot No.	29 Johnston	Area ha	1.5707
Lot No.	30 Johnston	Area ha	2.9289
Lot No.	32 Johnston	Area ha	2.8327
Lot No.	100 Dean	Area ha	1.516
Lot No.	101 Dean	Area ha	1.3162
Lot No.	1 Bernard	Area ha	2.026
Lot No.	2 Bernard	Area ha	4.0089
Lot No.	3 Bernard	Area ha	2.7505
Lot No.	28 Bernard	Area ha	2.3623
Lot No.	35 Bernard	Area ha	1.7704
Lot No.	36 Bernard	Area ha	2.2763
Lot No.	37 Bernard	Area ha	2.0234
Lot No.	38 Bernard	Area ha	2.0234
Lot No.	39 Lion	Area ha	1.8944
Lot No.	42 Lion	Area ha	2.0436
Lot No.	11 Lion	Area ha	2.1158
Lot No.	12 Lion	Area ha	1.6195
Lot No.	13 Lion	Area ha	1.6148
Lot No.	40 Hummerston	Area ha	2.0335
Lot No.	41 Hummerston	Area ha	2.0436

The total land area is 45.0422 ha.

2. LSP CONTENT

Part One of this report contains the statutory section. It contains only the LSP map, Staging Plan and statutory planning provisions and requirements.

Part Two contains the explanatory information to support the statutory component. It is to be used as a reference guide to interpret and justify the implementation of Part One.

3. INTERPRETATION AND SCHEME RELATIONSHIP

3.1 Interpretation

All terms used in this document shall have the same meaning as given to them in the Shire of Mundaring Local Planning Scheme No 4 (LPS 4).

3.2 Scheme Relationship

This LSP provides for the subdivision and development of the subject land. Its adoption fulfils the intent of Section 5.17 of LPS 4, which establishes the requirement for comprehensive planning, high design standards and cost effective servicing, which are sensitive to the environment, prior to the subdivision of land within the municipality.

In the event of any inconsistency between LPS 4 and this LSP, LPS 4 shall prevail.

4. OPERATION

This Local Structure Plan comes into effect on the day on which it is approved by the Western Australian Planning Commission (the Commission) and is valid for a period of 10 years from that date, or another period as determined by the Commission in accordance with Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015.

5. SUBDIVISION AND DEVELOPMENT REQUIREMENTS

5.1 Lot Sizes

(a) Subdivision of the land shall be carried out in accordance with this LSP, which has been developed in accordance with the Subdivision Design Requirements contained in Section 5.8 of LPS 4. Lot sizes are consistent with those provided under the R5 and R2.5 coding contained in the Residential Design Codes.

(b) Lot 36 Bernard St is identified as having subdivision potential to a maximum of two (2) lots with a variation to the minimum lot size requirement for the R2.5 density. Subdivision is to ensure the watercourse is contained within the boundaries of one lot.

(c) Lot 27 Johnston St is zoned Rural Residential. This Structure Plan specifically provides for its subdivision up to a maximum of two (2) undersized Rural Residential lots set back 10m from the western side of Charlotte Creek high water mark, providing the remaining land parcel east of Charlotte Creek is ceded free of cost for Public Open Space.

5.2 Site & Soil Evaluation

A Site and Soil Evaluation, consistent with the Government Sewerage Policy 2019, is to be submitted as part of any application for subdivision and/or development demonstrating the suitability of the land for onsite effluent disposal, identifying potential contamination of waterways and providing recommendations for specific system types and locations for onsite effluent disposal.

5.3 Significant Trees

A significant tree survey and retention / removal plans are to be submitted as part of any application for subdivision and/or development. These plans are to inform subdivision design and lot configuration so as to maximise the retention of habitat and other significant trees.

5.4 Waterway Custodian Lots

(a) Lots 27, 29 and 30 Johnston Street; Lots 101, 28, 35, 36, 37 and 38 Bernard Street and Lot 41 Hummerston Street require a Foreshore Management Plan which details the retention of existing vegetation, new riparian plantings within at least 10 metres each side of the waterway(s) (subject to circumstances) and the ongoing management requirements.

(b) Lots 27, 29 and 30 Johnston Street; Lots 101, 28, 35, 36, 37 and 38 Bernard Street and Lot 41 Hummerston Street require a Section 70A (Transfer of Land Act 1993) notification be required that alert prospective landowners that the subject lots are 'Waterway Custodian Lots', and advising of landowner obligations to manage the waterway in accordance with an approved Foreshore Management Plan.

(c) All applications for subdivision and/or development of 'Waterway Custodian Lots' are to comply with the requirements of cl. 5.7.5 (Watercourse Protection) of LPS 4.

5.5 Drainage

All lots are to provide a detailed drainage plan, consistent with the approved Local Water Management Strategy approved by the Department of Water and Environmental Regulation. Individual applications for subdivision shall demonstrate that drainage will not impact on other private landholdings.

5.6 Road Design

Detailed design for construction of the 20m wide road reserve proposed over Lot 11 Lion St and Lots 1, 2 & 3 Bernard St which demonstrates an alignment which appropriately responds to the retention of significant trees and the coordination with other infrastructure requirements to the specifications of the Shire of Mundaring.

5.7 Bushfire Management

All applications for subdivision and/or development are to provide a Bushfire Management Plan which considers the bushfire risk from vegetation proposed to be retained and/or planted within the structure plan area, including watercourse riparian areas and public reserves not otherwise maintained to a low threat state in accordance with Clause 2.2.3.2 of Australian Standard AS3959.

5.8 Battle-axe Lots

Subdivision applications proposing the creation of battle axe lots will not be supported.

5.9 Land Uses

Use class permissibility is contained in Table 1 of LPS 4. The requirements for the Residential zone apply for all lots. This LSP has no specific requirements in terms of land use, other than specific controls on the extent of uses prescribed within this document.

5.10 Development Setbacks

Development of the lots created through this LSP shall comply with the Residential Design Codes in all respects except as follows:

- a) Building setbacks shall comply with the requirements of the Bushfire Management Plan that forms part of this LSP.

5.11 Public Open Space

(a) There are no Regional or Foreshore reserves required for this site.

(b) Clause 143(1)(c) of the Planning and Development Act 2005 (the Act) enables the Commission to grant approval for subdivision with conditions. Clause 153(1) enables the Commission to impose conditions requiring the setting aside of land within the subdivision for parks, recreation grounds or open spaces generally (Public Open Space – POS) or the payment of cash-in-lieu of land.

(c) The Commissions Development Control policy on Public Open Space in Residential Areas (DC 2.3) deals with the provision of Public Open Space taking the form of cash-in-lieu. Section 4.3.1 specifically identifies that a cash payment in lieu of land being given up as POS would be appropriate where public open space is planned in another location by way of a town planning scheme or local structure plan.

(d) It has been established through consultation with the Shire of Mundaring (required under cl.153(2) of the Act) that a combination of cash-in-lieu and land will be provided to satisfy the required 10% Public Open Space requirements to enable the creation of a consolidated POS along the alignment of Charlotte Creek north of Dean Street. This will require the provision of cash-in-lieu payments from owners who apply for subdivision of their properties where there has been no land identified within this structure plan as POS. Pursuant to cl.154 of the Act these funds will be paid into a dedicated Public Open Space Trust Fund for this locality and used for the purchase of land that has been identified in this structure plan as POS that is in excess of the 10% standard requirement. This purchase will occur at the time of subdivision of the land that contains the POS and must involve the creation of at least two lots excluding the area to be set aside as POS. Should there be any balance funds at the completion of the purchase of all of the POS identified in the structure plan, those funds can be used, with the approval of the Minister, for the improvement or development of the open space as per cl.154(2)(c).

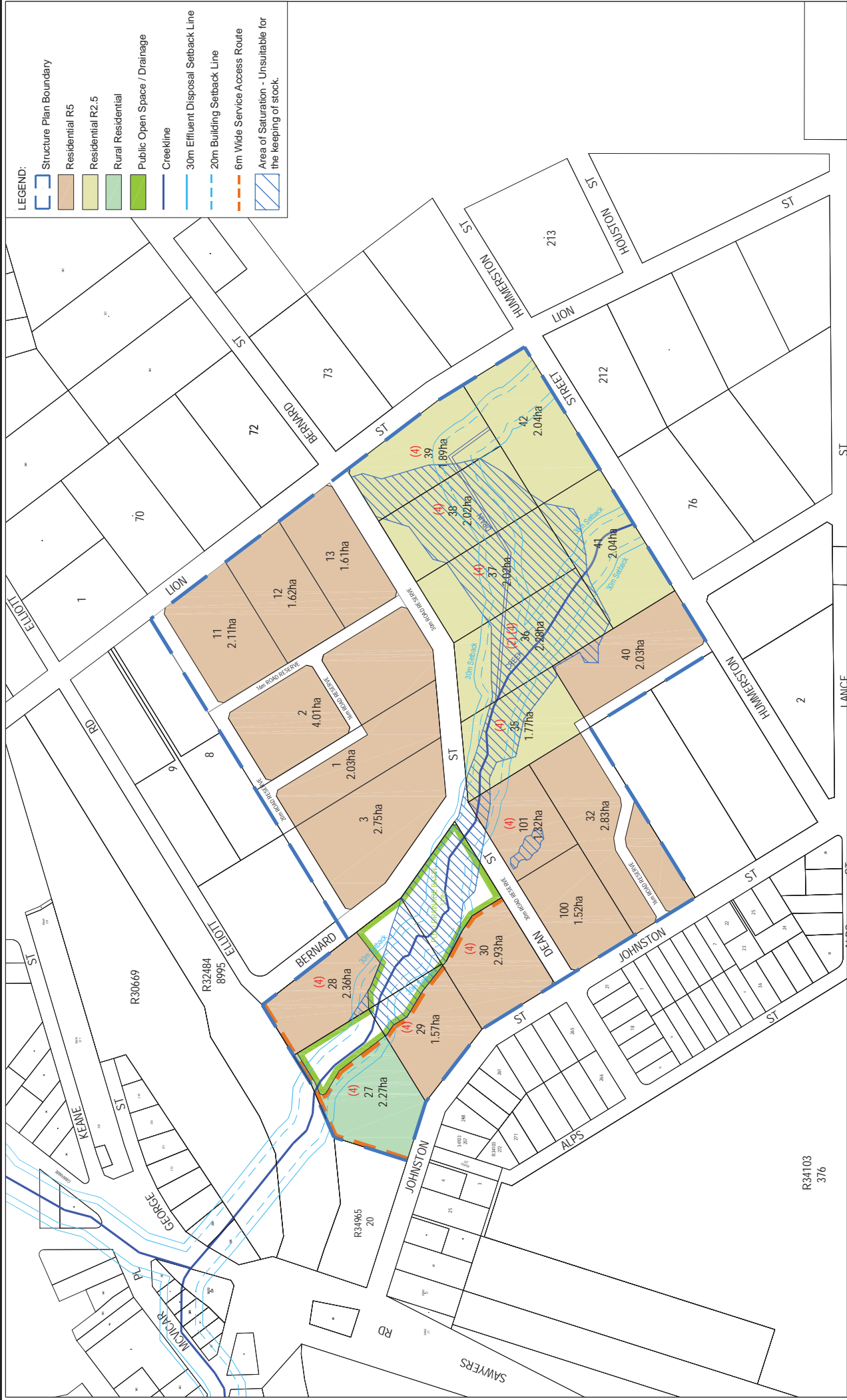
6. STAGING

(a) Due to the fragmentation of land ownership, the staging of subdivision is predominantly dependent on the ambitions and financial capacity of individual landowners. Services are generally available across the structure plan area. Some landowners are reliant on others for road frontages to complete the new subdivision road connections. In relation to this, the impacts of bushfire also need to be taken into consideration when establishing staging.

(b) Plan 2 identifies the potential staging of subdivision based on the factors described above. It is not a conclusive or final plan and subject to variation, especially as the properties are all separately owned. It is provided to establish an indicative roll out of subdivision applications in groups. These may comprise individual landowner subdivision applications and these themselves may be in stages within the groupings identified. Each individual subdivision application will need to comply with the general subdivision requirements for any subdivision, and the specific requirements contained within this structure plan.

7. OTHER REQUIREMENTS

Copies of Certificates of Title for each lot within the LSP area are provided at Appendix 1.



LEGEND:

- Structure Plan Boundary
- Residential R5
- Residential R2.5
- Rural Residential
- Public Open Space / Drainage
- Creekline
- 30m Effluent Disposal Setback Line
- 20m Building Setback Line
- 6m Wide Service Access Route
- Area of Saturation - Unsuitable for the keeping of stock

Plan 1


STRUCTURE PLAN

VARIOUS LOTS
MT HELENA
Shire of Mundaring


NOTE:

1. Areas and dimensions are subject to survey.
2. Lot 36 - Variation allowable to the minimum lot size requirement for the R2.5 density code and subdivision to incorporate the watercourse within the boundaries of one lot.
3. Subdivision applications proposing the creation of battle axe lots will not be supported.
4. 'Waterway Custodian Lots' - Signifies lots have environmental value and landowner management obligations (refer text).
5. Watercourse crossing points are to be limited to lot boundaries and co-ordinated between adjoining lots where practical.


DATE: 28.01.2021



NORTH



0 50 100 150 200m
SCALE 1:5000
ORIGINAL PLAN SIZE: A3



STATEWEST
PLANNING

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PART TWO – EXPLANATORY

1. PLANNING BACKGROUND

1.1 Introduction & Purpose

This LSP has been prepared to coordinate subdivision of the subject properties as and when the respective owners choose to proceed. It has been prepared to address the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Mundaring Local Planning Scheme N^o. 4.

1.2 Land Description

1.2.1 Location

The subject site is located at the south-eastern edge of the Mount Helena townsite (refer Location Plan).

1.2.2 Area and Land Use

The subject site is 45.0422ha in area and comprises 21 privately owned lots. They are described below:

Lot	House and Street	Area (Ha)
Lot No. 27	(19) Johnston	2.2713
Lot No. 29	(25) Johnston	1.5707
Lot No. 30	(31) Johnston	2.9289
Lot No. 32	(49) Johnston	2.8327
Lot No. 100	(16) Dean	1.516
Lot No. 101	(18) Dean	1.3162
Lot No. 1	(1154) Bernard	2.026
Lot No. 2	(1072) Bernard	4.0089
Lot No. 3	(1276) Bernard	2.7505
Lot No. 28	(1743) Bernard	2.3623
Lot No. 35	(1337) Bernard	1.7704
Lot No. 36	(1185) Bernard	2.2763
Lot No. 37	(1093) Bernard	2.0234
Lot No. 38	(1011) Bernard	2.0234

Lot No. 39	(1365) Lion	1.8944
Lot No. 42	(1225) Lion	2.0436
Lot No. 11	(1725) Lion	2.1158
Lot No. 12	(1625) Lion	1.6195
Lot No. 13	(1525) Lion	1.6148
Lot No. 40	(325) Hummerston	2.0335
Lot No. 41	(475) Hummerston	2.0436

Historically, much of the land was cleared for agricultural and orchard use. Now, most lots remain in a predominantly cleared or parkland cleared state with small pockets of regrowth. A portion of the lots have been replanted with exotic species, such as pine. All lots contain dwellings and supporting outbuildings. The creek is predominately in a degraded state with sections modified to create garden, stock and leisure uses.

1.2.3 Legal Description and Ownership

Copies of the Certificates of Title for each of the lots within the LSP area are attached at Appendix 1. The subject lots are described below:

Lot number and Street Address	Volume	Folio	Registered Proprietor
Lot 27 (No 19) Johnston St.	1993	802	SJ Millett & HC Silversides
Lot 29 (No 25) Johnston St.	1432	543	R Watson
Lot 30 (No 31) Johnston St.	1283	870	S Brayley
Lot 32 (No 49) Johnston St.	1154	557	S & G Pavey
Lot 100 (No 16) Dean St.	2669	483	R & A Lorkiewicz
Lot 101 (No 18) Dean St.	2669	484	H Gill
Lot 1 (No 1154) Bernard St.	1223	161	D Parsons
Lot 2 (No 1072) Bernard St.	1718	875	M & J Cousins
Lot 3 (No 1276) Bernard St.	1473	664	R Ragg
Lot 28 (No 1743) Bernard St.	1350	566	R & D Bacon
Lot 35 (No 1337) Bernard St.	1367	982	A Mercieca
Lot 36 (No 1185) Bernard St.	1277	880	J & P Reilly
Lot 37 (No 1093) Bernard St.	1398	692	C Melis & N Robertson
Lot 38 (No 1011) Bernard St.	1198	602	M Vandenadort
Lot 39 (No 1365) Lion St.	47	266A	R & R Oliver

Lot 42 (No 1225) Lion St.	1326	944	D Tomasi
Lot 11 (No 1725) Lion St.	1858	354	Magnum Plant Hire PTY LTD
Lot 12 (No 1625) Lion St.	1858	355	R & M Beaman
Lot 13 (No 1525) Lion St.	1858	356	E & R Hardy
Lot 40 (No 325) Hummerston St.	1018	498	M Oliver
Lot 41 (No 475) Hummerston St.	2022	666	R & L Davies

1.3 Planning Framework

1.3.1 Zoning and Reservations

The site is zoned 'Urban' under the MRS.

The site is currently zoned 'Development' under the Shire of Mundaring LPS 4. It contains no local or regional reserves, although there is a Regional Parks and Recreation reserve north and west of the LSP area as shown in the Location Plan.

1.3.2 Regional and Sub-Regional Structure Plans

The subject site has been identified as part of the existing Mt Helena hinterland under the WAPC's North Eastern Hills Settlement Pattern Plan. It has been identified as having a combination of soft and hard constraints, but no absolute constraints. It is a proposed growth area and the subdivision of the land after the adoption of the LSP will assist in achieving this.

1.3.3 Planning Strategies

1.3.3.1 LPS 4 Local Planning Strategy

The Shire of Mundaring has a Local Planning Strategy that supports LPS 4. In terms of Mount Helena, the Strategy specifically identifies the area bounded by Johnston Street, Hummerston Street, Lion Street and Elliot Road, a portion of which is now the subject of this LSP, to be investigated for potential residential expansion. In suitable locations which are primarily cleared and suitable for effluent disposal the Strategy supports residential development at R5 and/or R2.5, subject to suitable investigative reports and the rezoning of the land from Rural to Urban in the MRS. Amendment 12 to TPS4 was gazetted in August 2018 rezoning the land from Rural Residential 2 to Development, following the rezoning in the MRS from Rural to Urban.

1.3.3.2 Shire of Mundaring POS Strategy

The Council also has a Public Open Space (POS) Strategy which does not identify the Structure Plan area as a location requiring land to be provided as POS. In consultation with the Shire they have requested the provision of a 'pocket park' and the remaining portion to be cash-in-lieu. This LSP outlines these provisions and that, in accordance with Section 153 of the Planning and Development Act 2005, arrangements be made subject to Western Australian Planning Commission approval for a cash-in-lieu contribution by the landowner/applicant to

the Shire of Mundaring. This would facilitate the purchase or upgrade of POS directly related to the structure plan area.

1.3.3.3 Shire of Mundaring Local Biodiversity Strategy

(a) Produced in 2009, this Strategy was utilised as a key component in the Councils LPS 4, which was gazetted in 2014. The two documents work together in trying to balance the need for growth in order to create a sustainable community whilst retaining valuable natural resources where practicable.

(b) The Strategy in its recommendations recognised the development potential of the LSP area and Charlotte Creek. This LSP sets aside the northern portion of the Creek in public ownership (POS) and the southern section in private ownership with relevant management plans and easements to ensure adequate maintenance of biodiversity and providing Shire access. This approach creates a linear corridor that can be re-vegetated to create an ecological asset.

(c) The designations of Local Natural Areas (LNA) in the Shire as part of the Strategy have been done via aerial images. Site investigations have shown that an area in the LSP area mapped for protection is exotic planted species, like pines. The LSP through the provisions of LPS4 clause 5.9.3.7 respond to this matter.

(d) Furthermore, the site has been rezoned since the production of the Local Biodiversity Strategy and would now be more appropriately designated as an LNA 'Limited Protection / Already Committed by Zoning'.

1.3.4 Policies

There are several policies that may have the potential to affect the proposed LSP. These are listed below, with comments on how the LSP complies.

1.3.4.1 WAPC DC 1.1 – Subdivision of Land General Principles

This policy sets out the process of land subdivision, including the need (in some cases) for Structure Plans to coordinate subdivision, developer contributions, and the provision of infrastructure.

1.3.4.2 WAPC DC 1.7 – General Road Planning

This policy provides for road construction and/or upgrading contributions for subdivisions that utilize existing roads. This will be required in this instance and is addressed within this LSP.

1.3.4.3 WAPC DC 2.2 – Residential Subdivision

DC 2.2 provides broad guidance on residential subdivision, including lot sizes, lot configuration, and connections to infrastructure. The LSP complies with these.

1.3.4.4 WAPC DC 2.3 – Public Open Space in Residential Areas

In consultation with the Shire and as outlined in the Shire's POS Strategy the LSP area is not identified as a location for the provision of POS. Notwithstanding, the standard residential subdivision requirements, ie, 10%, will apply and take the form of a combination of land and cash-in-lieu for POS. This outcome enables a 'pocket park' in the structure plan area and the

consolidation of POS within Mount Helena as outlined in the Shires POS Strategy. The fragmented land ownership within the LSP area supports this approach. The Shire will follow the Development Control Policy 2.3 regarding the upgrade or acquisition of land as per the POS strategy and/or provisions of this policy.

1.3.4.5 WAPC DC 2.6 – Residential Road Planning

This is a follow up policy to DC 1.7. It focuses on residential road hierarchy and road design, critically permeability, variety, legibility and accessibility. It accommodates motor vehicle, cycle and pedestrian traffic movement. These aspects are incorporated into the design.

1.3.4.6 SPP 3.1 Residential Design Codes

Being zoned Development, the site is subject to the preparation of a structure plan as per clause 5.16 of LPS4. The prepared LSP incorporates the Residential Design codes in designating R5 and R2.5 zoning for the subject site as shown on Plan 1

1.3.4.7 SPP 3.7 Planning in Bushfire Prone Areas

This Structure Plan is located within a bushfire prone area and is therefore subject to the provisions of SPP 3.7. A Bushfire Management Plan has been prepared (Appendix 3) which identifies how the risk arising from bushfires is to be mitigated and is discussed within the Site Conditions and Constraints section.

1.3.4.8 SPP 2.9 Water Resources

A Local Water Management Strategy (LWMS) has been prepared addressing the key principles and general objectives of the policy. The outcomes of this Strategy are discussed in the Site Conditions and Constraints and Land Use and Subdivision Requirements sections.

1.3.5 Guidelines

1.3.5.1 Guidelines for the Preparation of Structure Plans (WAPC)

This LSP has been prepared in accordance with these guidelines.

1.3.5.2 Better Urban Water Management Guidelines

Related to SPP 2.9 (above), this sets out a framework for the preparation of reports to ensure an appropriate level of consideration is given to the total water cycle at various stages of land development. The appropriate level of assessment at the LSP stage is a Local Water Management Strategy, which has been prepared for this site and forms part of this LSP.

1.3.6 Other Approvals

On October the 4th 2017 the Minister resolved to approve Metropolitan Region Scheme (MRS) amendment 1277/57 rezoning the land from Rural to Urban. Section 124(2) of the Planning and Development Act 2005 requires LPS4 to be amended so it is consistent with the MRS. The Shire initiated this process with Scheme Amendment 12 and the Council in January 2018 resolved to adopt the Amendment and provide it to the WAPC and Minister for determination. Amendment 12 was approved by the Minister and gazetted in August 2018 rezoning the land from Rural Residential 2 to Development.

2. SITE CONDITIONS AND CONSTRAINTS

2.1 Biodiversity and Natural Area Assets

(a) As mentioned above, most lots have historically been cleared for agricultural grazing or orchards with some pockets of remnant vegetation, regrowth and some replanted with exotic species (refer Aerial Photo attached).

(b) There are no Bush Forever sites on the land.

(c) Under Council's Local Natural Area mapping, the majority of the area has no protection category due to historical clearing. There is a small pocket of vegetation identified for "protection" and this has been addressed through the LSP and Residential density codes. The LSP recognizes the site's natural assets, including Charlotte Creek, which have been assessed as part of the LSP and recognizes that the zoning will provide an opportunity for development of the land. A site-specific botanical assessment of this site has been carried out and is appended to this LSP (Appendix 2). It states that the vegetation on most of the lots is degraded, although there are areas of good quality vegetation, notably portions of Lot 3 Bernard Street in the north-western corner of the site.

(d) The botanical assessment found no threatened ecological communities on the land accessed. Some lot owners would not allow access to their properties. These sites have been assessed from the boundary and will require individual investigation as and when those owners seek to apply for subdivision.

(e) The study indicated that large trees should be retained for fauna habitat, good vegetation be retained where possible and protected from weed and dieback. These aspects have been incorporated into the LSP.

(f) In consultation with the Shire the creek is to be maintained largely in private land. Revegetation will occur through the provisions and requirements of management plans at subdivision stage, which will include easements for Shire access if/when required. This approach will protect the asset and enhance the current poor condition through managed revegetation.

2.2 Landform and Soils

(a) The land is slightly undulating with the highest point on the west and eastern boundaries (290m AHD at Lion Street and 295m AHD at Johnson Street). The land slopes down towards the middle of the site with Charlotte Creek located in the valley at approximately 275m AHD.

(b) Soils have been mapped previously by the Department of Agriculture and Food (DAFWA). This mapping shows that there are two different soil types on the site - Yarragil and Dwellingup. The valley containing the creek is mapped as Yarragil, with Yg4 in the location of the creek and Yg1 on the valley floor with the balance of the site mapped as Dwellingup (D2). This is consistent with soil types east of the Darling escarpment and in valley locations. The capability of these soil types is provided below in Table 1.

(c) In terms of land use, that is residential, there are few limitations across the site. The D2 land unit is the predominant land unit at the north of the site and has long proven capacity to sustain houses, roads and on-site effluent disposal through standard septic tank / leach drain systems. The location of the creek is reflected on the LSP and the 30m setback required for achieving onsite effluent disposal. Nonetheless a site-specific effluent disposal assessment has been carried out that confirms that the site is capable of supporting on-site effluent disposal either through conventional leach drains or ATU systems. A copy of that report is provided at Appendix 3 as part of the Local Water Management Strategy.

(d) Subdivision in accordance with this LSP will not require any substantial excavation or dewatering. No canals or other artificial water features are proposed to be created. The site is within a low Acid Sulfate Soils risk area. Site investigations identified no at risk or “suspect” minerals or conditions during investigations or in soil test holes.

2.3 Groundwater and Surface Water

(a) There is a natural watercourse - Charlotte Creek - through the middle of the site. The Mundaring Environmental Geology 1: 50,000 Geological Map, Geological Survey of Western Australia, 1986 identifies the site as being crossed by a sand filled valley and the centre of this is the location of Charlotte Creek. The creek is seasonal forming from seepage and inflows in winter periods. The historical clearing at the site and road drainage has contributed to the level of soil moisture and will be reduced once drainage basin construction and creek revegetation occurs. Revegetation of the valley floor 10m either side of the creek line will return the ground water levels to a more natural level while allowing the creek to continue its current function.

(b) The location of the creek has been modified through historical excavation and used as a drain for both internal and external (road) water. Soaks have been excavated to assist in lot drainage and to create water features on private properties.

(c) The LSP provides a 30m setback from the creek line for effluent disposal units and a 20m setback for building.

2.4 Bushfire Hazard

The land has been mapped as bushfire prone and a Bushfire Management Plan (BMP) has been prepared for the structure plan site. The BMP has been prepared in accordance with SPP3.7 and Guidelines for Planning in Bushfire Prone Areas version 1.3 and is included in Appendix 3. The BMP demonstrates that future buildings on new lots will be located within areas of BAL-29 or lower.

Table 1

RURAL RESIDENTIAL				HOBBY FARMING/AGRICULTURE			WATER SUPPLY			
Land Unit	Rural retreat (housing, roads & effluent disp.)	House and road constructio n	Effluent disposal (septic tanks)	Grazing	General annual horticulture	General perennial horticulture	Irrigation water supply+ (best option)	Earth dam rating (D)	Groundwa ter bore rating (B)	Stream supply rating (S)
Dwellingup										
D2	III p	II	III p	II	III k	II	V, h,d,g,j (D,B,S)	V h,d	V g	V j
Yarragil										
Yg1	II	II	II	II	II	II	III h,g (D,B)	III h	III g	V j
Yg4	Vo	III f,i	Vo	II	III i,e,k	III i	I (D)	I	II	II

Legend* to Table 1

Capability class			Capability subclass		Land quality	
I	Very high capability		d		Subsoil water retention ability	
II	High capability		e f		Water erosion risk	
III	Fair capability		g		Flood Risk	
IV	Low capability		h i		Groundwater availability	
V	Very low capability		j k		Dam site construction suitability	
			o		Waterlogging/inundation risk	
			p		Surface water availability	
					Soil workability	
					Water pollution risk – by overland flow	
					Microbial purification ability	

2.5 Heritage

2.5.1 European Heritage

A review of Councils Municipal Inventory revealed no sites of significance.

2.5.2 Aboriginal Heritage

A review of the site by the Department of Planning Lands & Heritage Aboriginal Heritage Operations revealed that there are no Aboriginal heritage matters requiring assessment.

2.6 Context and Other Land Use Constraints

2.6.1 Power

Overhead power is available to the site.

2.6.2 Water

Reticulated water is available to the site but may require upgrades to existing infrastructure at subdivision stage.

2.6.3 Sewer

The site is remote from reticulated sewer. Effluent will need to be disposed of on site. As mentioned above, each proposed lot has areas with appropriate locations for either standard effluent disposal or via the use of ATU systems as shown on the attached plan 4 (subdivision concept plan).

2.6.4 Telecommunications

Telecommunications are available to the site.

2.6.5 Roads

Lion Street, Hummerston Street, Dean Street, Johnston Street and a portion of Bernard Street are all sealed roads. Bernard Street north of the Dean Street intersection is not sealed and will require upgrading to the required standard at subdivision stage for lots fronting this road. The lots in the area have multiple directions for access and egress and the additional proposed roads will enhance this connectivity as required under the principles of liveable neighbourhoods.

3. LAND USE AND SUBDIVISION REQUIREMENTS

3.1 Land Use

Land use will be residential and Public Open Space.

3.2 Open Space

(a) A portion of Public Open Space (POS) will be provided in a consolidated location in the shallow valley across Lots 27, 29 & 30 Johnson Street and Lot 28 Bernard Street as a linear corridor incorporating the watercourse, providing a pocket park for residents. Development of the shallow valley POS will involve a weed eradication programme and a bush fire sensitive revegetation programme. It is not proposed to develop the POS for any organized sporting activity and the area will be unirrigated with a suitable community space to provide for passive community enjoyment. POS will be given up as a condition of individual subdivision approvals in the normal manner either as land or as cash-in-lieu.

(b) Consultation with the Shire has indicated that a community pocket park incorporating a section of Charlotte Creek is a desired outcome for the location and that the shortfall of the required 10% POS can be in the form of cash-in-lieu due to the proximity of existing recreational areas and facilities for the future residents as shown on the attached Plan 6.

(c) Due to the fragmentation of lots within this Structure Plan the provision of a consolidated POS will result in some landowners providing land in excess of the standard 10%. These landowners will have the areas in excess of that 10% purchased by the Local Government in accordance with s.154 of the Planning & Development Act at the time of subdivision of their properties. The table at the end of this section identifies the POS obligations of each property within the Structure Plan.

(d) All newly created lots adjoining the POS shall have visually permeable fencing installed to provide passive surveillance.

Public Open Space Schedule

Site Area	45.0422 ha
Less	0 ha
Net Site Area	45.0422 ha
Deductions	0 ha
Gross Subdivisible Area	45.0422 ha
Public Open Space @ 10%	4.5042 ha
Public Open Space contribution	
- Minimum 80% unrestricted	3.6034 ha
- Potential 20% restricted (drainage)	0.9008 ha
Restricted POS proposed	0.1553 ha
Public Open Space provision	3.1834 ha

POS Obligations

Property	Land Area	10% Requirement	Provision as Land or Cash-in-lieu	Subject to Payment under s.154 of the P&D Act
Lot 27 (19) Johnston St.	2.2713ha	2,271m ²	Land at 6,203m ² *	Yes – for 3,752m ² *
Lot 29 (25) Johnston St.	1.5707ha	1,571m ²	Land at 3,058m ² *	Yes – for 1,487m ² *
Lot 30 (31) Johnston St.	2.9289ha	2,929m ²	Land at 1.3400ha*	Yes – for 1.0471ha*
Lot 32 (49) Johnston St.	2.8328ha	2,833m ²	Cash-in-lieu	No
Lot 100 (16) Dean St.	1.5160ha	1,516m ²	Cash-in-lieu	No
Lot 101 (18) Dean St.	1.3162ha	1,316m ²	Cash-in-lieu	No
Lot 1 (1154) Bernard St.	2.0260ha	2,026m ²	Cash-in-lieu	No
Lot 2 (1072) Bernard St.	4.0089ha	4,009m ²	Cash-in-lieu	No
Lot 3 (1276) Bernard St.	2.7505ha	2,750m ²	Cash-in-lieu	No
Lot 28 (1743) Bernard St.	2.3624ha	2,362m ²	Land at 9,173m ² *	Yes – for 6,811m ² *
Lot 35 (1337) Bernard St.	1.7705ha	1,770m ²	Cash-in-lieu	No
Lot 36 (1185) Bernard St.	2.2764ha	2,276m ²	Nil required**	No
Lot 37 (1093) Bernard St.	2.0234ha	2,023m ²	Nil required**	No
Lot 38 (1011) Bernard St.	2.0234ha	2,023m ²	Nil required**	No
Lot 39 (1365) Lion St.	1.8944ha	1,894m ²	Cash-in-lieu	No
Lot 42 (1225) Lion St.	2.0437ha	2,044m ²	Cash-in-lieu	No
Lot 11 (1725) Lion St.	2.1158ha	2,116m ²	Cash-in-lieu	No
Lot 12 (1625) Lion St.	1.6195ha	1,620m ²	Cash-in-lieu	No
Lot 13 (1525) Lion St.	1.6148ha	1,615m ²	Cash-in-lieu	No
Lot 40 (325) Hummerston St.	2.0335ha	2,034m ²	Cash-in-lieu	No
Lot 41 (475) Hummerston St.	2.0437ha	2,044m ²	Cash-in-lieu	No

*Subject to Survey

**Clause 153(3) of the P&D Act prevents the imposition of a cash-in-lieu payment when less than 3 lots are created. The Structure Plan provides for only 2 lots on this property.

3.3 Lot Sizes

Lots are proposed to be either R5 or R2.5 resulting in a minimum lot size of either 2,000m² or 4,000m² in accordance with the R-Coding, apart from Lot 36 Bernard St where a minimum lot size variation is acceptable under this structure plan. Further, Lot 27 Johnston St, which is zoned Rural Residential, can be subdivided to create two undersized lots plus the POS. A conceptual subdivision configuration is provided at Plan 5.

3.4 Movement Network

3.4.1 Existing Roads

As mentioned at 2.6 above, the site is serviced by multiple roads with Hummerston Street on the southern boundary, Lion on the eastern boundary, Johnston on the western and Bernard and Dean linking through the location from west to east. The northern portion of Bernard Road is not fully constructed. It will provide the northern access to the site with internal subdivision roads being constructed off it, as well as providing frontage to some future lots.

3.4.2 Proposed Roads

A subdivision road will be installed on the north boundary of the site, linking Bernard and Lion Streets. That road reserve will be 20m wide (all others in the structure plan are 16m) to provide additional separation from the native vegetation external to the LSP area to the north. As per The Shires Street Tree policy the 20m road reserve will support the retention of potential black cockatoo nesting trees in the road reserve as street trees. The 20m width will support the installation of drainage infrastructure with less impact on the verge vegetation.

3.5 Water Management

The LWMS provided at Appendix 4 details water management across the site. It establishes the surface drainage concept and groundwater movement pattern. It demonstrates that the site can be developed using on-site effluent disposal systems.

3.6 Infrastructure Coordination, Servicing and Staging

3.6.1 Coordination and Staging

Due to the fragmentation of land ownership, it is likely that the subdivision of land within the LSP will take place in stages. These are indicatively shown on Plan 2 but will be dependent on owners' ambitions and capacity, ability for individual subdivisions to be able to comply with policies, especially bushfire policy SPP 3.7, and the property market. Subdivision conditions and the resulting supporting documentation and works will respond to the individual stages.

3.6.2 Services

The Structure Plan area has infrastructure available but will require the installation of additional infrastructure on subdivisional roads and transformers to service proposed lots. These services are all in proximity of the site and as the Shire of Mundaring scheme does not have the provisions for a developer contribution scheme cost sharing arrangements for infrastructure will need to be arranged by individual landowners through private agreements. These items include:

- Reticulated water supply upgrade
- Stormwater drainage
- Bernard Street upgrade

These items will be addressed through any subsequent subdivision conditions.

3.7 Other Requirements

3.7.1 Road Upgrades

Upgrade requirements for existing roads shall be determined by the Local Government at the time of subdivision. All lots shall ultimately be provided with sealed and drained road frontage to Local Government specifications.

3.7.2 New Roads

The proposed new subdivision roads shall be created and constructed by the owners whose proposed lots front that road when those lots are proposed to be created. Where shared roads are proposed the owners of the adjoining lots will be required to share the road requirements in terms of land and cost of development unless alternative arrangements are made, and approved by the Local Government, to ensure that all proposed lots have adequate road frontage.

3.7.3 Fencing

Fencing adjoining POS shall be constructed by the subdivider and shall be visually permeable.

3.7.4 Aboriginal Heritage

All subdividers are to ensure that development of their site conforms with the requirements of the Aboriginal Heritage Act 1972 (as amended).

3.7.5 Effluent Disposal

Effluent disposal systems shall be installed in accordance with the recommendations of the On-Site Effluent Disposal Investigation (Bayley Environmental Services) report contained in Appendix 4 unless alternative arrangements are made with the Local Government based on a Site and Soil Evaluation prepared in accordance with the Government Sewerage policy 2019 that will accompany each subdivision application.

3.7.6 Bushfire

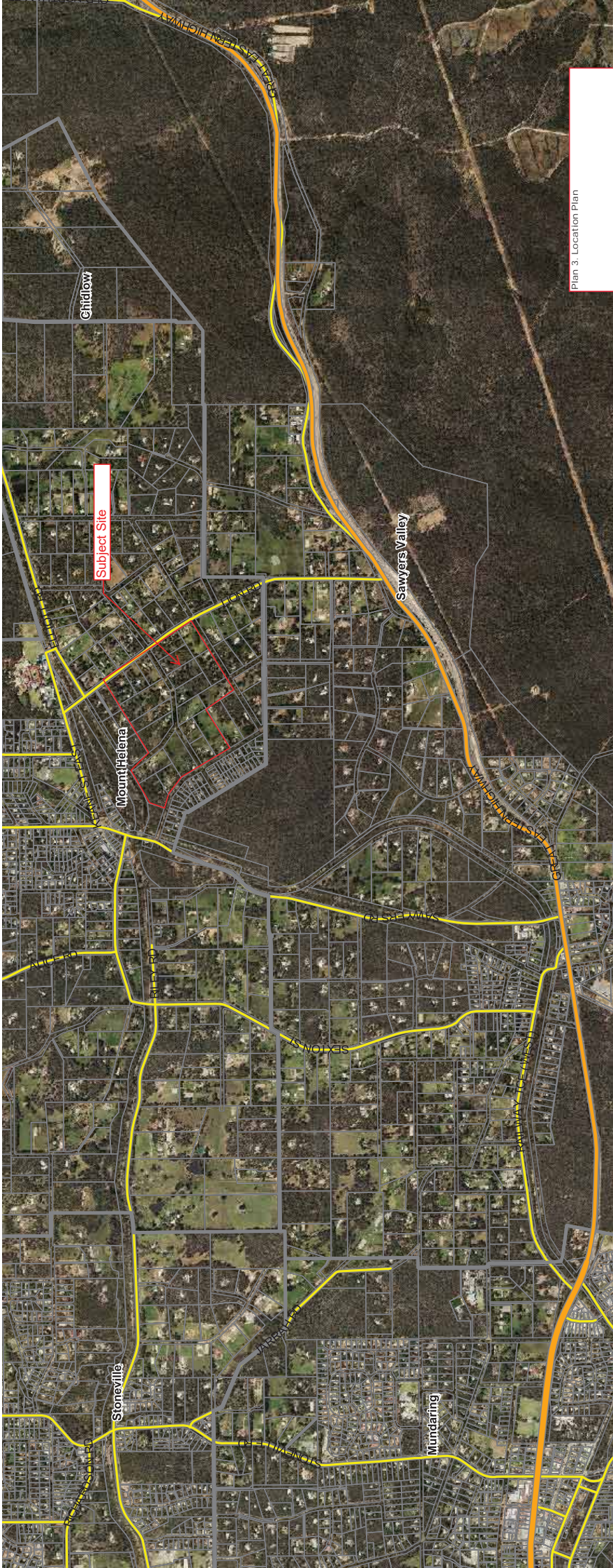
The structure plan area is located within a bushfire prone area. A BMP was submitted as part of the application (Appendix 3) to demonstrate lots within the concept plan are capable of development. To ensure bushfire risk is appropriately mitigated, any subdivision application within the structure plan area will be required to be accompanied by an updated BAL assessment and BMP specific to their site.

3.7.7 Local Natural Areas

(a) Portions of the structure plan area contain Local Natural Areas. Efforts to ensure the appropriate protection of trees are required. Any subdivision application within the structure plan area will be required to be accompanied by a tree retention plan. The requirement for

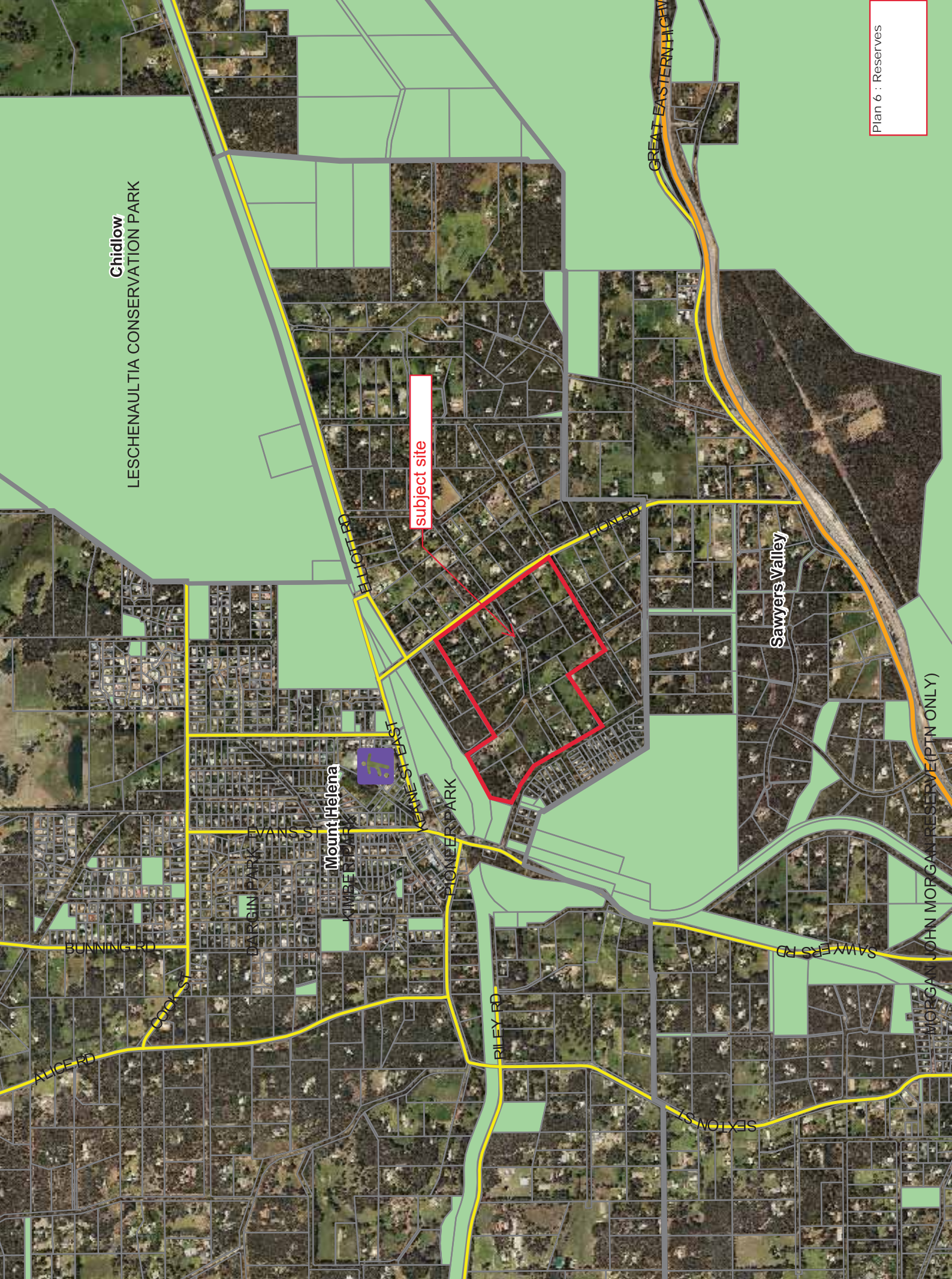
retaining vegetation will need to be balanced with the requirements for clearing for subdivision works and bushfire risk management.

(b) As discussed previously in section 2.1 Biodiversity and Natural Area Assets, a botanical assessment was undertaken for the majority of the lots within the structure plan area (Appendix 2). The outcomes of this are shown in the LSP and through this process under clause 5.9.3.7 of LPS4 the mapped LNA area will require amendment to reflect the actual site conditions. Lot 28 Bernard Street and Lots 27 and 29 Johnston Street were not included as part of this assessment. Regardless, a significant tree survey and retention / removal plan is to be submitted as part of any application for subdivision and/or development.



Plan 3. Location Plan





Chidlow
LESCHENAU LTIA CONSERVATION PARK

subject site