

Certification

The Maryville Downs Estate Structure Plan is prepared under the provisions of the Shire of Chittering Town Planning Scheme No. 6

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

15 May 2009

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: **01 August 2026**

Table of Amendments

| Amendment No. | Amendment Summary | WAPC Endorsed Date |
|---------------|--|--------------------|
| 1 | Stage 12 - Modification of lot yield and clarification of bushfire provisions | 01 August 2016 |
| 2 | Stage 11 - Modification of lot yield and identification of environmental conservation lot. | 24 August 2018 |

Maryville Downs Estate Structure Plan (15 May 2009)

Stage 11

Superseded by
Amendment No.2
(24 August 2018)

Stage 12

Superseded by
Amendment No.1
(01 August 2016)

Below provisions apply to Stage 1-10 only

ADOPTED FOR FINAL APPROVAL by resolution of the Council of the SHIRE OF CHITTERING at the Ordinary Meeting of the Council held on the 19th day of December, 2008 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

[Signature]

PRESIDENT

[Signature]

CHIEF EXECUTIVE OFFICER

[Signature]

DATE

| |
|---|
| LEGEND |
| RE-VEGETATION AREA |
| DEVELOPMENT EXCLUSION ZONE |
| TREE PRESERVATION AREA (MAX AREA OF CLEARING 2000sqm) |
| VINES TO BE ESTABLISHED |
| ATU SITE |
| WATER TANK SITE |
| STRATEGIC FIREBREAK/SEAL |
| BUILDING ENVELOPE |

1. Development Plan: This Development Plan has been endorsed by the Shire Council. Subdivision and development should generally be in accordance with this Plan.
2. Lot Sizes: In considering development and subdivision of the land, the requirements of the Shire of Chittering Town Planning Scheme No. 6 for the Rural Residential Zone apply.
3. Tree Preservation Areas: Tree Preservation Areas are defined on the Development Plan as all naturally vegetated areas. In the areas identified for the preservation of trees, a maximum clearing area of 2000sqm is permitted, other than for drainage and required footpaths. Council may require a land owner, as a condition of building approval, to commence tree planting to its specification, and to maintain these trees for a period of not less than two summer seasons.
4. Building Envelopes: Buildings, water tanks, waste disposal and a building protection zone for the management are to be contained within a cleared area not to exceed a maximum of 2000sqm without the prior approval of Council prior to commencing a building clearing area a vegetation survey is to be undertaken to ensure no rare or endangered flora is present; buildings are to have setbacks in accordance with Local Planning Policy No. 19 Setbacks, with minimum setbacks from natural boundaries as follows:
Rear 20 metres
Side 15 metres
Front 15 metres
5. Fencing: In accordance with Local Planning Policy No. 22 - Fences, the construction of a fence is permitted within the building clearing area, any previously cleared area and adjoining an authorised footpath. Where natural vegetation adjoins a road reserve, no fence is to be constructed between the road reserve and the building clearing area. Elsewhere, no boundary fences are permitted in Tree Preservation Areas identified on the Development Plan, without planning consent of the Council. Where a fence crosses a strategic firebreak a gate of approved design is to be provided.
6. Crossings: The construction of crossings to each lot shall be in accordance with Council's specifications.
7. Potable Water: Each dwelling is to have a water supply from roof catchment of a minimum of 120,000 litres, of which 10,000 litres is to be kept in reserve for fire fighting purposes and filled with a standard Cambick valve.
8. Land Management: The maintenance of any drainage swales, easements, fire breaks, Vegetation Protection, Tree Preservation and Re-vegetation areas on private property is the responsibility of the owner/occupier.
9. Storm, Drain and Water Courses: The siting of houses, construction of dams and the extraction of surface water is not permitted without the approval of the Council, and the relevant State Government Department.
10. Maintenance of Watercourses within Public Open Space and Drainage Reserves: The Shire is responsible for maintenance of watercourses within public open space and drainage reserves and may involve each lot owner within the subdivision with the annual rate notice to recover costs. (Note: Memoranda on file may be required for affected lots eg. "This land lies within an estate where maintenance of drainage works may be required and the owner may have to contribute to the cost of those works.")
11. Fire Control: Strategic Fire Breaks as shown on the Development Plan, have been constructed by the developer and are to be maintained in accordance with the provisions of the Council's Fire Management Plan for the estate; individual fire breaks on private property are to be maintained by the owner/occupier to the satisfaction of the Chief Executive Officer.
12. Effluent Disposal: The Development Plan specifies areas where conventional septic tanks may not be suitable. In these areas, alternative effluent disposal systems shall be limited to high performance environmental systems acceptable to the Council and the Health Department.
13. Permitted Uses: A single house and associated outbuildings are the only permitted uses. Other uses specified in the Town Planning Scheme may be approved at the discretion of the Council. Approval is required for a home business but not for a home office. For any use that may result in degradation of land or water resources or nuisance to neighbours, a management plan may be required as a condition of development approval.
14. Domestic Pets: Cats are not permitted.
15. Stocking Restrictions: Grazing animals are permitted to be kept on the cleared area of any lot, in accordance with Local Planning Policy No. 24 - Stocking Rates. Should any property become degraded through over-grazing the Council may serve notices on the owner/occupier to reduce the number of animals on-site or take other remedial action.
16. Poultry: The keeping of poultry is permitted, in accordance with the Shire's Health Local Law.
17. Non-reflective Materials: All buildings shall be constructed with roofs of non-reflective materials.
18. Drainage: Landowners shall maintain natural drainage lines to prevent erosion and soil export to adjoining lots. There shall be no alteration to natural drainage lines.
19. Waste Disposal: Where indicated on the Development Plan alternative treatment units (ATUs) with nutrient retentive capability are required for disposal of effluent wastes.
20. Re-vegetation: Rehabilitation planting of native species is to be installed by the developer/owner as a condition of subdivision/development approval and maintained by the occupier, as follows: adjoining road frontages where previously cleared - 30m width. Every lot is to have a minimum 20 per cent cover of natural vegetation or rehabilitation planting, protected from grazing animals.
21. Vendor Responsibility: The developer/vendor shall inform prospective purchasers of the lot, in writing, of the provisions of the Council's Town Planning Scheme relating to the management of the land, as specified in the Development and Fire Management Plan.

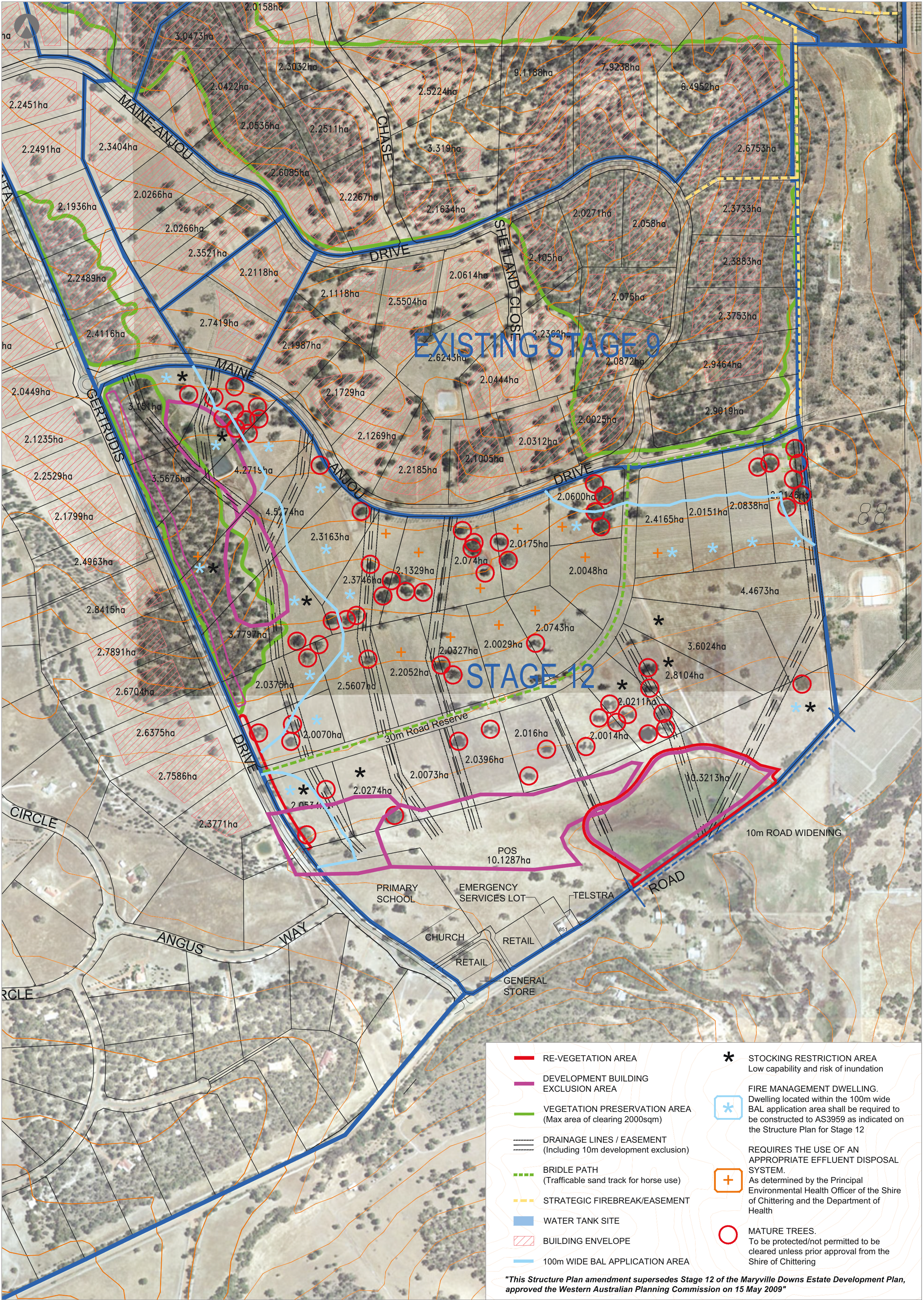
Signed for and on behalf of the Western Australian Planning Commission.

[Signature]

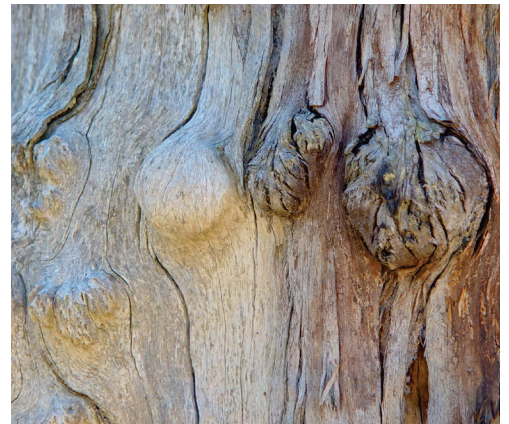
an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the Planning and Development Act 2005.

[Signature] Witness

15 MAY 2009 Date



MARYVILLE ESTATE - SHIRE OF CHITTERING STAGE 11 - REVISED STRUCTURE PLAN

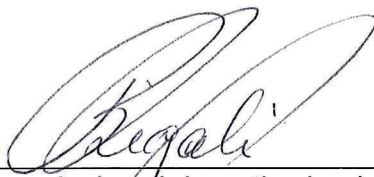


PROJECT TEAM

| | |
|------------------------------|---------------------|
| Town Planning + Urban Design | Roberts Day |
| Pritchard Francis | Engineering |
| Land Assessment Pty Ltd | Land Capability |
| Strategen | Bushfire Management |
| RPS | Environmental |
| MNG | Surveyors |

IT IS CERTIFIED THAT AMENDMENT NO. 2 TO STAGE 11 MARYVILLE
DOWNS WAS APPROVED BY RESOLUTION OF THE WESTERN
AUSTRALIAN PLANNING COMMISSION ON: **24 AUGUST 2018**

Signed for and on behalf of the Western Australian Planning Commission

A handwritten signature in black ink, appearing to read 'Regali', is written over a horizontal line.

an officer of the Commission duly authorised by the Commission pursuant
to Section 16 of *the Planning and Development Act 2005* for that purpose.

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PART ONE - IMPLEMENTATION

PART ONE – IMPLEMENTATION

1.0 STAGE 11 AREA

These requirements apply to Lot 650 McGlew Road, Lower Chittering being the land contained within the inner edge of the line denoting the boundary shown on the Stage 11 Structure Plan Map (Plan No. 1).

2.0 OPERATION

The Maryville Downs Estate Structure Plan came into effect on 15 May 2009.

3.0 STAGING

- a. Staging of this area will be in response to market demand. Any staging will ensure compliance with the Bushfire Management Plan and any associated fire fighting infrastructure.
- b. A public access easement in gross is to be provided at the first stage of subdivision, to ensure vehicle access to the general public and fire and emergency services between Stage 11 and the existing stages of Maryville Downs Estate.

4.0 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

4.1 Land Use Zones and Reserves

The Stage 11 Structure Plan Map (Plan No. 1) outlines land use, zones and reserves applicable within the Structure Plan area.

4.2 Lot Size

No lot within the Structure Plan Area is to be less than 2.0ha in area.

4.3 Bushfire Prone Areas

- a. Lots declared bushfire prone are in accordance with the Bush Fire Management Plan included in Appendix A (as amended and approved by the decision maker). These lots are required to be constructed in accordance with the identified Bushfire Attack Level to AS3959 requirements.
- b. Relevant requirements of the Bush Fire Management Plan may be imposed as conditions of subdivision.

4.4 Notifications on Title

In respect of applications for the subdivision of land the Shire of Chittering may recommend to the WAPC that conditions of subdivision approval be imposed requiring the following notifications on title pursuant to Section 165 of the Planning and Development Act 2005:

- a. That the land is not capable of being serviced with either reticulated water or sewerage services and that additional planning and building requirements apply;
- b. Ensure landowners and prospective purchasers are aware that each lot is subject to an approved Bushfire Management Plan and BAL assessment and that specific building and management requirements may apply.

4.5 Restrictive Covenant

Lots 36 and 37 on the Structure Plan shall be subject to a restrictive covenant to protect the indicative high conservation value vegetation identified in the Shire of Chittering Local Biodiversity Strategy.

4.6 Further subdivision

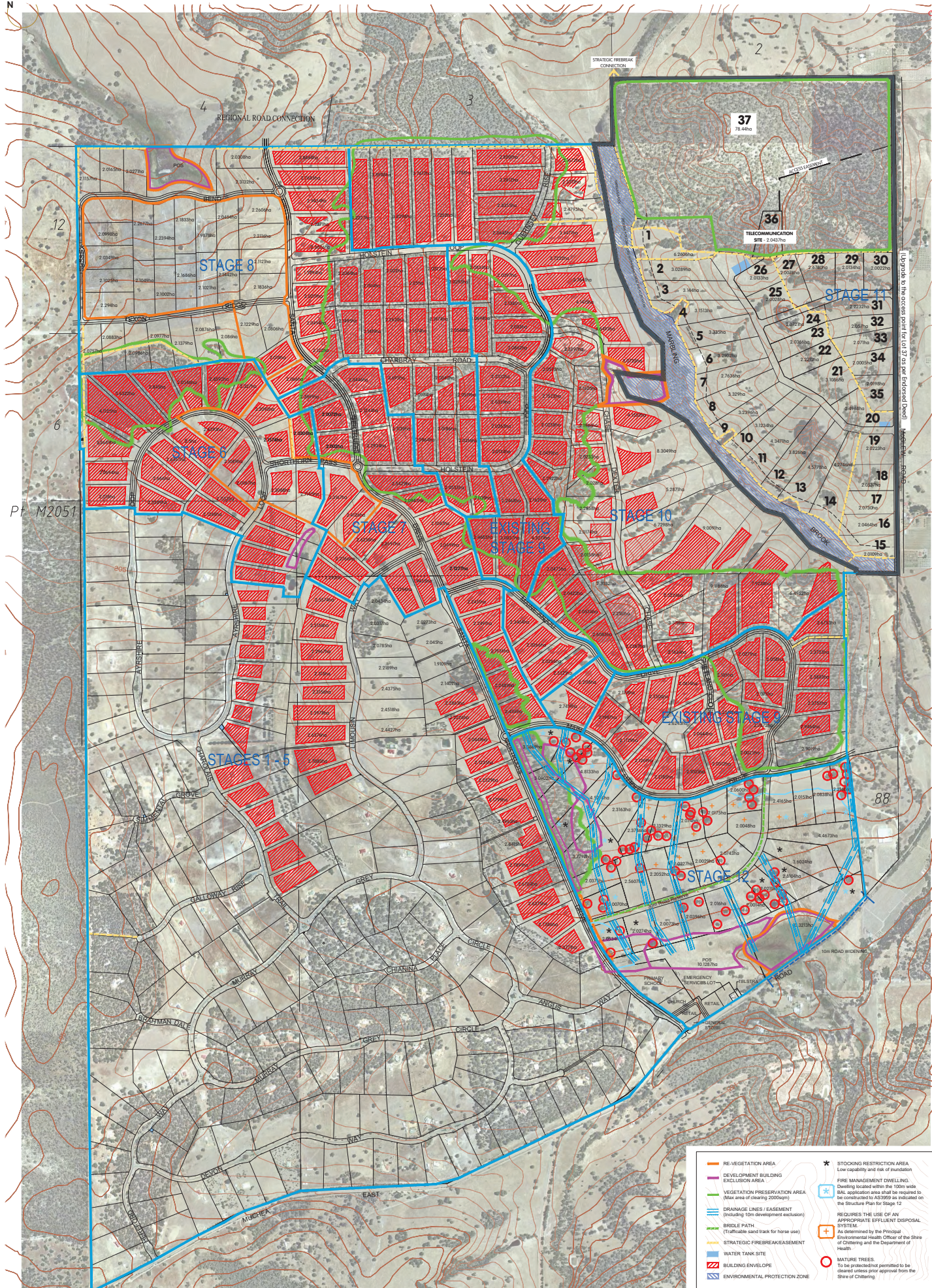
No further subdivision is permitted.

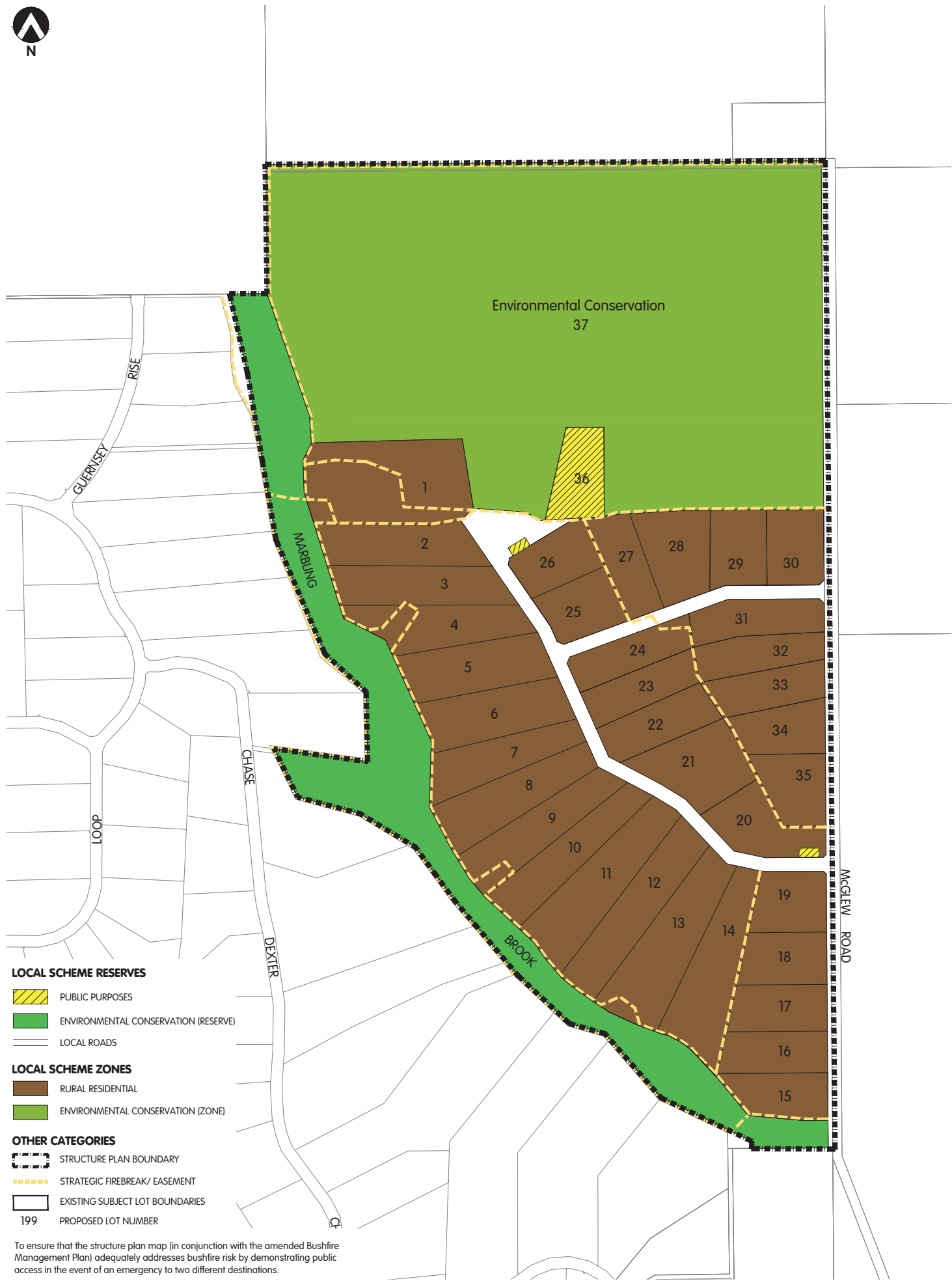
5.0 OTHER REQUIREMENTS

A future Scheme Amendment shall normalise the zones and reserves indicated on the endorsed Structure Plan.

6.0 ADDITIONAL INFORMATION

| ADDITIONAL INFORMATION | APPROVAL STAGE | CONSULTATION REQUIRED |
|---|-----------------------------------|-----------------------|
| Bushfire Management Plan | Subdivision | Shire of Chittering |
| Water tanks for firefighting required by the Bush Fire Management inclusive of access and any relevant easements are to be ceded free of cost to the Shire of Chittering in the corresponding stages of the subdivision. | Condition of subdivision approval | Shire of Chittering |
| Urban Water Management Plan | Condition of subdivision approval | Shire of Chittering |
| Prior to subdivision approval, two way vehicle access is to be demonstrated for each new lot to be created. A public access easement in gross at the first stage of subdivision is to ensure vehicle access to the general public and fire and emergency services between Stage 11 and the existing stages of Maryville via Guernsey Rise. | Subdivision | Shire of Chittering |
| Prior to subdivision approval, a geotechnical report is to be prepared to ensure the proposed lots are capable of accommodating on-site sewerage disposal in accordance with Government Sewerage Policy. Information should demonstrate distances to the highest groundwater level, taking into account seasonal groundwater conditions, soil conditions and land application areas, in accordance with AS/NZS 1547 On-site domestic wastewater management. | Subdivision | Shire of Chittering |





- LOCAL SCHEME RESERVES**
- PUBLIC PURPOSES
 - ENVIRONMENTAL CONSERVATION (RESERVE)
 - LOCAL ROADS
- LOCAL SCHEME ZONES**
- RURAL RESIDENTIAL
 - ENVIRONMENTAL CONSERVATION (ZONE)
- OTHER CATEGORIES**
- STRUCTURE PLAN BOUNDARY
 - STRATEGIC FIREBREAK/ EASEMENT
 - EXISTING SUBJECT LOT BOUNDARIES
 - 199 PROPOSED LOT NUMBER

To ensure that the structure plan map (in conjunction with the amended Bushfire Management Plan) adequately addresses bushfire risk by demonstrating public access in the event of an emergency to two different destinations.

PART TWO - EXPLANATORY SECTION

1.0 INTRODUCTION

This report is prepared on behalf of Bernville Pty Ltd as the owners of Lot 650 McGlew Road, Lower Chittering (the subject site).

The purpose of this report is to amend the Approved Structure Plan for Stage 11 Maryville.

Consistent with the intent of the Approved Structure Plan, the revised structure plan proposes to:

- » Develop the subject site for 35 rural-residential lots (min lot size 2.0ha), one vegetation preservation lot (78ha), a telecommunication lot (2.0ha) and Public Open Space along the Marbling Brook.
- » Provide appropriate fire-fighting infrastructure to service the development.

The approved design for Stage 11 has been reviewed on-site with the project team in terms of road alignments, drainage line crossings and location of building envelopes. The revised Structure Plan proposes a road pattern that better responds to the landform and drainage alignment in stage 11.

2.0 SITE DESCRIPTION AND CHARACTERISTICS

2.1 Location

The Structure Plan area (Stage 11) is located in the northern portion of Maryville Downs, bordered by McGlew Road to the East and Marbling Brook to the West.

2.2 Legal Description

Table 1: Legal Description of the Subject Lot.

| LOT NUMBER | DIAGRAM/PLAN NO. | CT NUMBERS | AREA |
|------------|--------------------------|--------------------|----------|
| 650 | Deposited Plan No. 66292 | Vol 2735 Folio 886 | 207.65ha |

Appendix B contains a copy of the Certificate of Title.

2.3 Existing Use

Lot 650 is currently utilised for rural purposes (grazing) and is predominantly cleared with remnants of bushland along the drainage lines. The northern portion of Lot 650 contains remnant vegetation which will be wholly contained within one proposed lot.

3.0 TOWN PLANNING FRAMEWORK

Shire of Chittering - Town Planning Scheme No. 6.

The Subject land is contained within the 'Rural Residential' zone under the Shire of Chittering Town Planning Scheme No. 6. Stage 11 is currently shown on the endorsed Structure Plan as 'Residential'.

4.0 SITE ANALYSIS

4.1 Land Capability Assessment

A land capability report was prepared by Land Assessment Pty Ltd to support rural-residential development within Stage 11 Maryville (Appendix C). The capability assessment focuses on the impact of systems for on-site effluent disposal given the estate will not have access to deep sewerage.

The design for Stage 11 and location of building envelopes has been based upon the findings of the land capability study.

4.2 Remnant Vegetation

The remnant vegetation area located to the north of the stage, comprises an area of 78 hectares. The Revised Structure Plan seeks to include the land containing the remnant vegetation into one large bush lot.

4.3 Road & Access

The roads and access points in the revised plan will improve access to the lots in Stage 11 Maryville Downs. In keeping with Local Planning Policy No 16, a 30-metre road reserve will be maintained to allow for development of a bridle trail within the road reserve, if required.

4.4 Bushfire Management

The revised design for stage 11 has been based upon the findings and recommendations contained in the Bushfire Management Plan (BMP) as prepared by Strategen (Appendix A). The BMP ensures the proposed design complies with *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

5.0 DESIGN MODIFICATION'S

Design

In response to an on-site inspection of the stage 11 landholding by RobertsDay, project engineer and landowners it was concluded the current approved subdivision design could be improved. The Revised Structure Plan proposes a road pattern that;

- » Better responds to the existing landforms in terms of road grades which will be more cost efficient in terms of long term maintenance by the Shire of Chittering
- » Locates crossings of drainage lines in locations with more gentle grades.

The other modification proposed is the relocation of the northern subdivisional road, to an alignment south of the remnant vegetation. The new proposed alignment is located on an existing farm track and will avoid the need to undertake any clearing. In addition the landform compromises a more gentle slope and will ensure a more manageable road for the Shire in the long term.

Building envelopes have been located to ensure compliance with the land capability assessment (i.e. adequate on-site effluent disposal) and to minimise the loss of any existing mature trees.

Given the on-going management and cost associated with the 78ha remnant vegetation if created as a POS area for the Shire, the revised Structure Plan proposes the creation of one large 'bush' lot. The provisions contained in the Structure Plan ensure protection + retention of the remnant vegetation. The proposed building envelope for the conservation lot has been located in accordance with the Bushfire Management Plan (copy attached) as prepared by Strategen.

We believe the subdivision design proposed in the Revised Structure Plan represents an improvement to the approved Stage 11 and will reduce on-going maintenance costs to the Shire.

6.0 BUSHFIRE PLANNING

The land subject of the Structure Plan is designated as 'Bushfire Prone' on the *WA Map of Bush Fire Prone Areas* (DFES 2017). On this basis Strategen has prepared a Bushfire Management Plan (BMP) to inform planning at the subdivision stage. (Appendix A). The BMP has identified a range of bushfire management measures that on implementation will enable all proposed lots in Stage 11 to be developed with a manageable level of bushfire risk and full compliance with the guidelines and AS 3959.

Bushfire Mitigation

The BMP assessed the proposed Structure Plan design against the acceptable solutions and performance criteria of the Planning for Bush Fire Protection Guidelines and proposed the following mitigation measures;

6.1 Asset Protection Zone (APZ)

Strategen has designated APZs around each nominated building site. The width of each APZ has been determined on the basis of compliance with a BAL 29 or lower rating under AS 3959, to demonstrate that bushfire management compliance can be achieved for this site.

The separation distances rely on building envelopes being cleared and APZs being created and regularly maintained prior to any building construction.

6.2 POS

The current Class A forest and Class B woodland vegetation extent within the proposed POS will remain.

POS management will be the responsibility of the developer until such time that these management responsibilities are transferred to the Shire.

6.3 Road Reserves

Internal roads will be in a non-vegetated state following construction; however, road verges will need to be managed to ensure the understorey and surface fuels are kept in a low threat, minimal fuel condition in accordance with Clause 2.2.3.2 (f) of AS 3959. Ongoing road verge management will be the responsibility of the Shire.

6.4 Fuel Management Within Lots

Further to the above APZ requirements, fuel management will need to be implemented by the developer and future landowners throughout grassland areas within all rural residential lots. These grassland areas will need to be slashed or grazed on a regular and ongoing basis to ensure the understorey and surface fuels are kept in a low threat, minimal fuel condition in accordance with Clause 2.2.3.2 (f) of AS 3959.

This is consistent the Shire of Chittering annual firebreak notice which requires all property owners to reduce fire hazards on their property prior to summer by maintaining grassed areas to 50 mm in height over the entire area, by slashing or grazing.

Following subdivision approval, the developer will be responsible for the management of any vacant lots through regular slashing and weed control to ensure the understorey and surface fuels are kept in a low threat, minimal fuel condition in accordance with Clause 2.2.3.2 (f) of AS 3959 until such time that the lots are sold, after which the fuel management responsibility will be transferred to the respective landowners.

6.5 Building Construction Standards

The BMP has assigned BAL-12.5, BAL-19 or BAL-29 building construction standards for each nominated building site based on separation distances from post development classified vegetation and APZs. Although some building sites are located further than 100 m from post development classified vegetation, a BAL 12.5 rating has been recommended for these building sites as an additional precautionary measure.

No development will occur within areas of BAL-FZ or BAL-40, meaning that all proposed development within the project area can achieve a rating of BAL-29 or lower in accordance with Guideline acceptable solution A 1.1..

6.6 Vehicular Access

The proposed internal road network will provide two separate linkages with McGlew Road to the east.

A network of emergency access ways are proposed providing connections to the proposed internal road network, McGlew Road to the east and existing emergency access ways to the west and south of the project area which link with Guernsey Rise to the northwest and Main-Anjou Drive to the southwest. The proposed emergency access ways will provide additional access and egress options while also providing access at the bushland interface to the north for potential fire management and suppression. Emergency access ways linking the internal access network with Main-Anjou Drive to the south; and the proposed cul-de-sac with Gurnsey Road to the west, will be no further than 600 m from a public road at any point in accordance with acceptable solution A3.6.

The above access arrangements comply with acceptable solution A3.1 of the Guidelines in that access and egress will be provided to at least two different destinations, these being to the south via McGlew Road and emergency access ways linking to Main-Anjou Drive; and to the west via emergency access ways linking to Guernsey Drive.

6.7 Water Supply

In lieu of reticulated water supply to the project area, minimum 120 kL rainwater tanks will be installed at each dwelling, as required by the Shire's Water Supply and Drainage Policy, to meet both minimum domestic and fire fighting water volume requirements. For each tank, a minimum of 10 kL will be required to be reserved for fire fighting purpose at all times.

Each rainwater tank will be constructed on a hardstand area adjacent to the dwelling and equipped with a suitable hydrant or standpipe with diesel pump and 20 mm hose reel, which will enable an independent on-site fire suppression capability at each dwelling.

In addition, all rainwater tanks are to be fitted with 50 mm male camlock couplings with full flow valves in accordance with 'Category C Domestic Water Tanks in Bush Fire Prone Areas', as outlined in the Coupling Standard for Static Water Supplies to enable quick refill for fire appliances. Prospective landowners will be responsible for constructing and maintaining the water tanks.

This will ensure that across the 35 residential lots, a minimum of 380 kL will be reserved for fire fighting purposes at all times, which will exceed Guideline requirements.

In addition, a further two, 50 kL static water supply tanks with suitable hydrants/standpipes dedicated for emergency fire fighting purposes will be located as shown on the Structure Plan. Each tank will be sited on appropriate hardstand and with provision of sufficient turn-around areas. All water tanks and associated facilities will be vested in the Shire of Chittering. These provisions will ensure compliance is met with acceptable solution A4.2 of the Guidelines.

6.8 Additional Measure's

1. Notifications is to be placed on the Title of all proposed residential lots to ensure all landowners/ proponents and prospective purchasers are aware that their lot is subject to an approved BMP and BAL assessment, however, since the lot is situated within a designated bushfire prone area (at creation of title), the BAL for proposed buildings may, at the discretion of the Shire of Chittering, need to be confirmed at the building permit stage.

2. A BAL compliance report or individual lot BAL assessment may be prepared at the discretion of the Shire following completion of subdivisional works and prior to the lot title to validate and confirm the accuracy of BAL assessment depicted in the BMP or demonstrate any change in the assessed BAL or other management measures documented in this BMP, which may occur as a result of changes in building location, vegetation class or bushfire management approach.

The developer/land manager and prospective land purchasers are to comply with the current Shire of Chittering annual firebreak notice.

7.0 SUMMARY

The proposed modification to the Maryville Downs Stage 11 Structure Plan will deliver an improvement to the road network. The future development of the Stage 11, facilitated by the Revised Structure Plan, will enhance and contribute to the increasingly high standard of development that is already occurring within the Maryville Estate. The revised Plan for Stage 11 is considered an improvement to the current plan.