

## CITY OF KWINANA

### TOWN PLANNING SCHEME NO. 2

## **TOWN PLANNING SCHEME and COUNCIL POLICY REQUIREMENTS**

### **SPECIAL RESIDENTIAL ZONE (HOMESTEAD RIDGE)**

Although care has been taken in compiling this document, the Council accepts no liability for errors or omissions in the text.

For legal purposes, references should be made to the Town Planning Scheme No. 2, the Government Gazette of 20 November 1992, and subsequent amendments.

*It should be noted that the Policy requirements are printed in italics.*

**The uses permitted within the zone are determined by cross referencing to the following symbols:**

“P” - DWELLING

“AA” - GROUPED DWELLING OF NOT MORE THAN TWO  
HOME OCCUPATION  
AGED AND/OR DEPENDANT PERSONS ACCOMMODATION

“X” - ALL OTHER USES ARE NOT PERMITTED

\*Please see attached detailed interpretations for each use.

**The symbols have the following meaning:**

“P” A use that is permitted provided it complies with the relevant standards and requirements laid down in the City of Kwinana Town Planning Scheme No. 2 and all conditions (if any) imposed by the Council in granting planning consent;

“AA” A use in respect of which the Council exercising discretionary powers available to it may approve under the City of Kwinana Town Planning Scheme No. 2.

## 1. BUILDING ENVELOPES

- 1.1 All buildings (including sheds, pergolas and garages), earthworks and effluent disposal systems must be located wholly within the building envelope approved by Council (copy enclosed).
- 1.2 Notwithstanding the provisions of 1.1 above, Council may permit a variation in the requirements of the approved building envelope if it is shown to the satisfaction of Council that a proposed relocation of a building envelope is desirable or necessary.
- 1.3 When giving consideration to variation of building envelopes, Council shall have consideration for;
  - a) the preservation of existing screening vegetation;
  - b) the proximity of building envelopes and development on adjacent lots;
  - c) the effects of such variation on views from adjacent lots;
  - d) the size of the building envelope, in that the area of the envelope should be approximately 1,000m<sup>2</sup> and should not be greater than one half the area of the lot.
- 1.4 The use and development which requires the issue of a building or other licence or involves the removal of vegetation shall be established within the building envelope.
- 1.5 *Should the landowner require a building envelope in excess of these parameters, the matter should be considered by Council having regard to the effect that such a building envelope will have on the amenity of the Special Residential Zone.*
- 1.6 *Where a variation is proposed which reduces the distance between the building envelope and the side and rear lot boundary to less than 4m, the proponent shall provide written support from the landowners of adjoining lots towards which the building envelope setback reduction is proposed at the time of lodgement of the request for variation. Such written support should be in the form of pro-forma reflected in attachment B.*
- 1.7 *Variations to building envelopes should not result in separation distances between the building envelope and boundary of less than 3m (except adjacent to a area of Public Open Space or Pedestrian Access Way where the minimum setback being 2m) and not result in separation distances between building envelopes on adjoining lots being less than 7m.*

- 1.8 *In addition to the requirements of Division 7 Clause 6.10.3 (f) & (i) of the Scheme, development and activities which require the issue of a licence required by Council or that involves the removal of vegetation shall be established within the building envelope.*
- 1.9 *Formal gardens should be located within building envelopes with planting outside the building envelope generally being limited to rehabilitation of native vegetation.*

## **2. TREE PRESERVATION**

- 2.1 To retain rural character of an area and avoid the creation of wind erodible conditions, the Council may designate any group or clump of trees and substantial vegetation as Tree Preservation Areas or may designate Tree Preservation Areas in accordance with a Plan of Subdivision.
- 2.2 The Council may require the land owner to undertake a tree planting programme on lots nominated by Council as being deficient in vegetation cover.
- 2.3 Within the land designated as Tree Preservation Areas, or outside of building envelopes no indigenous tree, shrub or other substantial vegetation may be removed except as hereunder;
- a) Trees which are dead, diseased or dangerous;
  - b) For the purpose of a firebreak required by a regulation or by-law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land;
  - c) For the purpose of an access driveway for a residential dwelling as approved by Council.
- 2.4 Removal of indigenous trees, scrub or other substantial vegetation for any purpose other than the above exceptions, shall require the written approval of Council.

## **3. BUILDING SPECIFICATIONS**

- 3.1 No building construction or associated earthworks shall be commenced unless first authorised by Council by issue of a building licence.
- 3.2 All residences and carports shall be of stone or masonry construction unless the express approval of Council is obtained to vary this requirement.
- 3.3 The minimum habitable floor area of a dwelling shall be 120m<sup>2</sup>.

- 3.4 No dwelling or carport roof or outbuilding shall be constructed of highly reflective materials.
- 3.5 Notwithstanding the provisions of condition 3.4 above, outbuildings may be constructed of metal or other materials approved by Council provided the external colour and texture produces a neutral non-glaring finish.
- 3.6 The minimum lot size shall be 2,000m<sup>2</sup>.
- 3.7 **OUTBUILDINGS**  
*Outbuildings are not to exceed 100m<sup>2</sup> in area:*
- *With enclosed structures such as garages/sheds/workshops being limited to a maximum aggregate area of 75m<sup>2</sup>. The remainder may include unenclosed structures (90% open walled) such as patios and gazebos.*

#### **4. FRONT FENCING**

- 4.1 The minimum standard of front boundary fencing shall be;
- 4.1.1 Posts:  
Shall be sawn or split jarrah or tanalith pine or other suitable material approved by Council not less than 120mm diameter sunk 750mm minimum into ground, with soil well consolidated. Posts to finish not less than 1.2m above ground, set at 4m centres maximum. Post material in the ground to be treated with an approved preservative.
- Posts to be drilled at 300mm centres maximum to receive fencing wire.
- Strainer assemblies for ends and corners to be constructed using a brace post and end post, a horizontal stay and a diagonal brace wire running from the top of the brace post to the base of the end post. Struted strainer posts shall be provided at 60m centres maximum.
- 4.1.2 Wires:  
Approved, 3.15mm diameter high tensile, galvanised fencing wire (or bonded plastic coated equivalent) to be strained to achieve a final tension of 135kg after consolidation.
- Top wire to be installed 50mm below top of post.
- 4.2 All other boundary fencing shall be of a rural and open nature and shall exclude asbestos, pickets, sheet iron and any other material which in the opinion of Council would detract from the semi-rural amenity of the area.

- 4.3 Fencing at or within the building envelope may at the discretion of Council be of a closed screening nature provided the condition, scale and colour of the fence does not detract from the semi rural amenity of the area and Council may require that the fencing be finished in a neutral harmonious colour on the outside face.
- 4.4 *Council will generally support the installation of formal gates with supports built of brick, stone, or limestone. The proponent should demonstrate that the gates open inwards and are visually permeable, and that the supports will not detract from the amenity of the area or compromise the safe movement of vehicles.*

## **5. SCREEN FENCING**

- 5.1 *In considering an application for a screen type fence, Council shall consider sufficient justification exists in terms of providing privacy and/or safety.*
- 5.2 *Fences or walls must comply with the following standards:*
- *The condition, scale and colour of the fence does not detract from the rural amenity of the area. Fences such as brushwood, timberlap and colourbond are acceptable subject to being finished in suitable colours (eg olive green, browns or a neutral colour). Fibro fences are not acceptable.*
  - *Shall not exceed 1.8m in height.*
  - *Sufficient vegetation be planted to soften the impact to the street and surrounding properties.*
  - *The fencing shall not be established between the dwelling and the primary public road.*
  - *The fence is completely within the building envelope but does not wholly enclose an area of greater than 15% of the area of the building envelope (including gates).*
  - *The fence does not obstruct significant views or landscape features.*

## **6. COMMERCIAL VEHICLES AND ACCESS**

- 6.1 No person shall within a Special Residential Zone:
- a) Park or allow to remain stationary for more than four hours consecutively;
    - i. more than one commercial vehicle,
    - ii. any vehicle which due to size or load is not capable of being completely housed within a domestic garage approved by Council,
    - iii. a vehicle which together with its load exceeds 3m in height;
  - b) Repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage of a domestic building;
  - c) Park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

- 6.2 No direct vehicular access shall be permitted from any proposed lot onto Wellard Road and the road notated as “Road A” on the Subdivision Guided Map

## **7. NON-COMMERCIAL VEHICLES**

- 7.1 *In considering requests to keep private vehicles such as caravans, recreational vehicles, boats and trailers that exceed 3m in height and/or cannot be completely housed within a domestic garage approved by Council, the parking of such vehicles must comply with the following standards:*
- *The vehicle must be parked wholly within the property boundary (ie no verge or street parking permitted).*
  - *Adequate screen type planting to the neighbouring properties and street must be installed and maintained to the satisfaction of Council.*
  - *The vehicle must not be parked closer than 4m from any boundary.*
  - *The vehicle must be kept in a neat and tidy condition and in working order.*

## **8. KEEPING OF DOGS**

No more than two dogs may be kept on any lot within the Special Residential Zone.

## **9. BORE LOCATION**

- 9.1 *All bores to comply with the requirements of the Department of Water.*
- 9.2 *Can be located outside the building envelope providing that no vegetation is affected.*
- 9.3 *All bores to be established in accordance with the Manager Environmental Health Services recommendation, with a minimum of 30m from on-site effluent disposal systems.*

## **10. DRIVEWAYS**

- 10.1 *The construction of a driveway(s) within the Special Residential Zone does not require planning approval, although the construction of a crossover requires Council approval under the Local Government Act.*

## **11. FURTHER INFORMATION**

Please feel free to contact the officers of Council’s City Planning Department if you require an explanation of any of these conditions.

## **INTERPRETATIONS:**

### DWELLING

Means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by;

- a single person
- a family, or
- no more than six (6) persons who do not comprise a single family.

### HOME OCCUPATION

Means an occupation or profession carried on in a dwelling house by a person resident therein that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, waste water, or waste products;
- b) does not entail the employment of any person not a member of the occupier's family except in the case of a professional person;
- c) does not occupy an area greater than 20m<sup>2</sup>;
- d) does not require the provision of any essential service main of greater capacity than normally required in the zone in which it is located;
- e) is not advertised by a sign exceeding 0.2m<sup>2</sup> in area;
- f) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the neighbourhood in which the business is located;
- g) is so conducted that, with the exception of a sign complying with paragraph (e) hereof, no indication is given that the house is used for other than residential purposes;
- h) does not involve the use of commercial vehicles exceeding 1 tonne in weight for the delivery and collection of materials to or from the premises; and
- i) does not require the outdoor storage of materials or supplies;
- j) has been granted planning approval of Council for a specified period.

### AGED AND/OR DEPENDANT PERSONS ACCOMMODATION

Means self contained living accommodation on the same site as a single house and may be attached but without direct internal access to the principal dwelling or detached from the single house existing on the lot and subject to the following requirements:

- a) Comprises a habitable area of no greater than 40 m<sup>2</sup>.
- b) Is located no more than 10m from the principal dwelling.
- c) Is not rented, leased or sold to persons other than aged or dependent persons or relatives of the same family as the owners of the principal residence for commercial gain
- d) Does not comprise of more than 1 bedroom, 1 dining/living room, 1 kitchen and ablution facilities.

- e) Does not contain a laundry and the laundry facilities are shared between the principal residence and the additional accommodation.
- f) It is to be of an appearance and style similar to the main dwelling and appear as a single residence and not a grouped dwelling.
- g) A statutory declaration to be signed by the owners and each person for whom the ancillary accommodation is intended and submitted to Council with the building licence application.