

CITY OF KWINANA

TOWN PLANNING SCHEME NO. 2

TOWN PLANNING SCHEME AND VARIOUS POLICY REQUIREMENTS

SPECIAL RURAL ZONE NO. 14

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. Reference should also be made to the various Council Policies which relate to the Special Rural Zones.

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 HOUSE
- “AA” - HOME OCCUPATION
PUBLIC UTILITY
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. GENERAL PROVISIONS

- 1.1 Management use and development of land shall be in accordance with the Approved Subdivision Guide Map endorsed by the Chief Executive Officer and notations contained therein.
- 1.2 Subdivision of the land within Special Rural Zone No. 14 being portion of Estate Lot 701 and Lots Pt 54 and Pt 55 Thomas Road is to be generally in accordance with Plan of Subdivision No. 2 endorsed by the Chief Executive Officer.
- 1.3 The minimum lot size shall be 0.8 hectares with an average lot size of 0.9 hectares over the whole development.

2. PRE-SUBDIVISION REQUIREMENTS

- 2.1 Notwithstanding the provisions of clause 6.10, prior to final approval of a plan or diagram of subdivision the subdivider shall, define to the satisfaction of the Council and the EPA the position of strategic fire breaks and the location and size of the building envelopes for each of the proposed lots on the Plan of Subdivision No. 2. The Council's approval of building envelopes shall be signified by the Chief Executive Officer's signature on a plan showing the building envelopes after receiving written advice from the EPA.
- 2.2 Prior to final approval of a plan or diagram of subdivision the subdivider shall provide fencing along Thomas and Orton Roads to the specification and satisfaction of the City of Kwinana.
- 2.3 All public roads within a Special Rural Zone shall be constructed to the Council's specification and satisfaction.
- 2.4 The access strips of the lots shown as battle-axe lots shall be constructed prior to subdivision to a 2.5m wide road sub-base or gravel standard.

3. DWELLINGS & OTHER STRUCTURES

- 3.1 Not more than one dwelling may be erected on a lot.
- 3.2 No habitable dwelling shall have a floor level less than 2m above the highest known water level.
- 3.3 No dwelling house shall be constructed within Special Rural Zone No. 14 with an overall floor area (including walls) of less than 110m².
- 3.4 *Sheds*
To ensure that the amenity of the locality is not adversely affected, sheds/garages should generally be no larger than the acceptable

aggregate floor area as set out in the parameters of Table 1. Shed Areas for lots:

- Less than 10 000m² in area;
- Equal to or greater than 10 000m² and up to 30 000m² in area;
- Greater than 30 000m² in area.

Applications for sheds larger than the acceptable aggregate area require Planning Approval. Sheds larger than 300m² should be considered by Council if it is satisfied that the use, location and appearance of the building will not either detract from the area or adversely impact on neighbouring properties.

Sheds should be constructed of non-reflective neutral materials and be sympathetic with surrounding landscape/environment elements. Sheds should generally be located where screening vegetation can be utilised.

The use of sea containers for storage purposes within the special rural zone is not considered an appropriate form of shed. Sea containers and other similar storage vessels may be supported on a temporary basis provided it is screened from view of adjoining properties and not located forward of any dwelling.

Lot Size	Acceptable Aggregate Area	Wall Height	Roof Height	Delegation
< 10 000m²	200m ²	4m	6m	300 m ²
10 000m² – 30 000m²	250m ²	5m	6m	300 m ²
> 30 000m²	300m ²	5m	6m	300 m ²

Variations to the maximum aggregate area subject to;

- Neighbour support for sheds larger than the acceptable aggregate area is required. Where objections are received, Council resolution is required.
- Applicant(s) shall provide written details of the intended use of a proposed shed and include reasons justifying why a variation should be granted.

4. EFFLUENT DISPOSAL

- 4.1 All dwellings are to be connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection. The base of the system or the modified irrigation area is to be the required distance above the highest known groundwater level as determined by Council, with a 50m horizontal separation from any wetland, drain or area subject to seasonal inundation as determined by Council.

Note: Council's Health Department can supply a list of suppliers for these alternative 'NRED' systems.

5. BUILDING ENVELOPES & TREE PRESERVATION

BUILDING ENVELOPES

- 5.1 All buildings shall be constructed within the confines of the building envelope as shown on the Subdivisional Guide Map.

Notwithstanding the provisions of this clause, Council may permit a variation in the requirements of the approved plan if it is shown to the satisfaction of Council at the time of application for planning approval that a proposed relocation of a building envelope is desirable or necessary.

- 5.2 Land within the building envelope is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions.

Land outside the building envelope is to be managed in such a manner that there will be no further clearing of the land save for vegetation that has to be removed for housing, firebreaks, outbuildings and accessway construction. The Council's approval shall be deemed as Council's written consent to remove vegetation.

- 5.3 Council may vary building envelopes in order to preserve declared rare flora.

- 5.4 *Building envelopes should be generally of a rectangular shape.*

- 5.5 *Orchards / Gardens*

- a) *Unless specified in the Subdivision Guide Map, all gardens and orchards are to be wholly within the building envelope.*
b) *The abovementioned gardens/orchards are to be for personal/domestic purposes only, and not part of a commercial operation (ie no sales of produce).*

- 5.6 *Cut & Fill*

- a) *Cut and fill should be retained within the building envelope where possible.*
b) *Cut and fill should not be located within 10m of any boundary.*
c) *Where cut and/or fill is proposed to encroach over the building envelope no loss of vegetation should occur, and the area is to be replanted with locally native species. The proponent should obtain Council's written approval prior to development.*
d) *All retaining walls are to be within the building envelope.*

TREE PRESERVATION

- 5.7 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.
- 5.8 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.
- 5.9 Removal of indigenous trees, scrub or other substantial vegetation for any purpose other than the above exceptions, shall require the written approval of Council.
- 5.10 The Council may require the land owner to undertake a tree planting programme on lots nominated by Council as being deficient in vegetation cover.
- 5.11 The Council may specify that groups of trees are required to retain the rural character of the locality. No person shall remove without the prior written consent of Council any of those groups of trees.
- 5.12 Planting of any trees, shrubs or the like outside the approved building envelopes shall comprise Australian native species only, to the satisfaction of Council.
- 5.13 *Replanting*
- a) *REHABILITATION of remnant bush and degraded areas should be with local native species (trees and shrubs etc.).*
 - b) *REPLANTING of non native species should be limited to for 'feature planting' along driveways and trees adjacent to dwellings, etc. in accordance with an approved planting plan in degraded areas with no remnant vegetation in the vicinity.*
 - c) *'Exotic' plants (including but not limited to; palms, foreign species, bamboo, fruit trees, etc.) should not be planted outside the building envelope.*

6. STOCK & PADDOCKS

- 6.1 The keeping of horses or stock within Special Rural Zone No. 14 is not permitted.

7. WETLANDS & DAMS

- 7.1 *All applications to alter wetlands, or construct dams or lakes will be referred to the Department of Water prior to consideration by Council. Council will not support any application:*
- a) *should any removal of associated indigenous vegetation be proposed,*
 - b) *where there is a likelihood of changing the hydrology (eg altering water levels or regimes),*
 - c) *where there is a likelihood of deterioration in water quality or contamination of groundwater, or*
 - d) *the proposal is likely (in the opinion of the Manager Health Services) to result in mosquitoes, midges and other 'nuisance pests'.*

8. WATER SUPPLY

- 8.1 Reticulated water shall be supplied to the boundary of all lots within Special Rural Zone No. 14 created by the Subdivision.
- 8.2 Within Special Rural Zone No. 14 a well licence must be obtained prior to commencement of a well or bore to extract groundwater. A maximum amount of 1,500 kilolitres of groundwater annually, may be drawn from each lot to supplement household water supply.

Note: A bore licence application should be made to the Department of Water.

9. FUEL STORAGE (domestic use only)

- 9.1 *Storage and refuelling area to be bunded and covered to the satisfaction of Council, Department of Water and the Department of Mines and Petroleum.*
- 9.2 *Landowners to advise Council in writing prior to the installation or storage of more than 205 litres of fuel (see below – 9.3).*
- 9.3 *Storage of fuel (more than 205 litres) within the Jandakot Groundwater Protection Zone should not be permitted. (The property is located within this zone)*
- 9.4 *Landowners to inform Council of any spillage.*

10. TRUCK PARKING

10.1 *Parking of Truck / Commercial Vehicles (Excluding: 4WD's, Utes, Tractors, Vehicles where load capacity under 2 tonne, and the like...)*

So that the property is not classed as a 'Transport Depot' (which is not permitted) the following should apply:

- a) *Numbers of Vehicles on Property:*
 - *The truck/heavy vehicle is to be owned and or driven by the landowner/occupier only, and exclude 'road trains', 'B-Doubles', and the like.*
 - *The landowner is to initially notify Council in writing of any heavy vehicle parking prior to parking occurring.*
 - *Only the one, abovementioned, vehicle is to be parked on a property within any 24 hour period.*
 - *The truck/commercial vehicle movement from the property should generally be limited to one inward and one outward journey per day.*
 - *Other than for the delivery/removal of goods or services, normally associated with a residence, no other truck or commercial vehicle is to be on the property at any time without Council approval.*
- b) *Storage of Goods:*
 - *Other than for the delivery/removal of goods or services, normally associated with a residence, no unloading or loading of trucks to occur on the property.*
 - *No storage of commercial goods is permitted.*
 - *No fuel storage tanks or fuel pumps, for the refuelling of a truck, are to be kept on the property at any time.*
 - *No truck to be refuelled while on the property.*
- c) *Servicing of Vehicles:*
 - *The servicing of trucks/commercial vehicles and the testing of these engines or other associated equipment is not permitted on the property.*
- d) *Distance from Adjoining Properties:*
 - *Driveway: Can be on the boundary/firebreak, but must be at least 20m from any neighbouring dwelling.*
 - *Sealed: Minimum Requirement - (Minimum thickness: 200mm – Limestone or 150mm – Roadbase)*
 - *Parking: Should be within the building envelope if applicable and be as far away from neighbouring dwellings as possible but no closer than 40m.*
- e) *Noise*
 - *The parking of a truck or commercial vehicle on a Special Rural Zone property is to comply with the Environmental Protection (Noise) Regulations 1997.*

11. FENCING

11.1 The subdividing owner shall construct front boundary fences to the standard specified by Council and all associated costs shall be met by the subdividing owner.

11.2 *Minimum standard of front fencing is:*

a) *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. Strutted strainer posts shall be provided at 60m centres maximum.*

b) *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.*

c) *Various mesh fencing fabrics:*

- *Centres of supports, strainers, bracers and fixing to Manufacturer's specification, to be supplied by the Applicant and approved by the Council.*

11.3 Notwithstanding 11.2 except with the approval of the Council, no boundary fence or internal fence shall be constructed of the following materials;

- a) asbestos
- b) metal sheeting
- c) wooden pickets.

Any approval of the Council to use any of the materials referred to in this item for a boundary fence shall not be regarded as satisfying the requirements of this condition unless the approval refers in express terms to the request for the use of those materials.

11.4 *Other Fencing*

(Within the building envelope)

- a) *Council will encourage the use of rural type fencing (wooden post and wire/mesh, max. 1.4m high) should the landowner wish to fence the building envelope.*

- b) *Fencing between 1.4-2.1m to be of a rural and open nature will require letters sent to neighbouring landowners and a report to Council. The area surrounding this fencing to be planted with screening vegetation native to the locality.*
- c) *Security mesh type fencing will not be permitted unless both the mesh and poles are painted/coated in a black or similar dark colour.*
- d) *Non rural or screening fencing should be painted a neutral non-reflective colour such as green, olive, brown etc.*
- e) *The development of screen fencing should be connected or be in the vicinity of the dwelling and should incorporate planting of vegetation to further limit the visual impact.*

11.5 Entry Statements and Verges:

Land owners are required to provide the City of Kwinana with a scaled plan outlining the proposed size of and materials used in the proposed entry statement, and shall obtain the written consent of the City of Kwinana to construct an entry statement.

Entry statements shall be designed and constructed of materials that are visually sympathetic with the surrounding built and natural environments and shall be constructed so as not to dominate the streetscape or impact the rural character of the area.

Applications for entry statements greater than 3m in length either side of the main accessway require Planning Approval and may be supported if it is satisfied the location and appearance of the structure will not detract from the area.

12. AREA OF LANDSCAPE PROTECTION

- 12.1 Areas of Landscape Protection are shown on the Scheme Map according to the legend thereon and provide specific conservation provision in addition to the development provisions of the underlying zone of the land.
- 12.2 Council's objective in setting aside Areas of Landscape Protection is to conserve areas of natural ecological value or landscape amenity whilst at the same time allowing development as provided in the Zoning Table No. 1 of the Scheme.
- 12.3 No person shall, in any area of Landscape Protection, without Council's Planning Approval in writing;
 - a) Carry out clearing of trees or other vegetation;
 - b) Carry out any filling, dredging or changes to the contour of the land;
 - c) Erect any advertising sign,
 - d) Erect or construct any building or outbuilding,
 - e) Degrade any natural wetland system,
 - f) Detract from the amenity of the locality.

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- 12.4 In considering an application for Planning Approval in respect of any land within an Area of Landscape Protection, Council shall have regard to the following:
- a) The overall impact of the proposed development on the landscape amenity of the area and the desirability of limiting or modifying the siting, construction, design or materials of any building or associated services;
 - b) The need for an overall management plan prepared by Council in consultation with the affected owners as a prerequisite to any Planning Approval being issued;
 - c) The extent to which any subdivision proposal should guarantee the protection of natural ecological features or areas of landscape amenity;
 - d) The desirability of minimising the effect of new road construction including earthworks and clearing of vegetation within road reserves.

13. PEEL HARVEY

13.1 For the purposes of this Scheme, the Peel-Harvey Coastal Plain Catchment means the Peel-Harvey Coastal Plain Catchment as set out in the State Planning Commission Statement of Planning Policy No. 2, together with any amendments thereto.

13.2 Council shall be guided by the objectives and policy statements contained in the Environmental Protection Policy (Peel-Harvey Estuarine System) 1991 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the Council.

14. JANDAKOT GROUNDWATER PROTECTION ZONE

14.1 The property is located within the Metropolitan Region Scheme 'Rural – Groundwater Protection' Zone.

15. FURTHER INFORMATION

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

15.2 Please feel free to contact the officers of Council's Ranger Services Department if you require information regarding the firebreak requirements.

15.3 Please feel free to contact the officers of Council's Health Department if you require information regarding effluent disposal.

INTERPRETATIONS:

DWELLING HOUSE

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 20m²;
- 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 0.2m² 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.

PUBLIC UTILITY

Means and works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or similar services.

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 40m².
- b) Is located no more than 10m from the principal dwelling.

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- 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.