

## CITY OF KWINANA

### TOWN PLANNING SCHEME NO. 2

## TOWN PLANNING SCHEME AND VARIOUS POLICY REQUIREMENTS

### SPECIAL RURAL ZONE NO. 16

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  
STABLES  
EQUESTRIAN USES

Private recreation only in areas not within the Rural – Water Protection Zone of the Metropolitan Region Scheme.

- “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 Further subdivision leading to the creation of lots of sizes and configurations at variance to Approved Subdivision Guide Maps and endorsed by the Chief Executive Officer will not be permitted and no lot should be less than 2ha in area.

## **2. PRE-SUBDIVISION REQUIREMENTS**

- 2.1 Prior to subdivision, the subdividing owner shall erect a sign in a prominent place to inform future owners of the special conditions imposed on the land under Special Rural Zone No. 16, and that they must consult with Council before commencing any development.
- 2.2 The subdividing owner of the land shall make arrangements to Council's satisfaction to ensure that prospective purchasers are advised of the sand excavation on the adjoining lots.
- 2.3 Prior to the approval of a plan or diagram of subdivision of the subdivider shall define the satisfaction of the Council, the location and size of the building envelopes for each of the proposed lots.

The Council's approval of the building envelopes shall be signified by the designated Officer of Council's signature on a plan showing the building envelopes.

10. The subdividing owner shall undertake a tree planting program over those areas shown on the Special Rural Zone No. 16 subdivisional guide plans at a density of not less than 1,000 stems per hectare, to encompass all land outside building envelopes including Western Power easements, with planting and management within easements being in accordance with Western Power's requirements.

## **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 The minimum dwelling size;
  - a) Floor - no dwelling house shall be constructed with an overall floor area (including walls) of less than 100m<sup>2</sup>.
  - b) Roof - no roof forming effective water catchment area connected to the storage tank shall be less than 120m<sup>2</sup> projected plan area.

### 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 000m<sup>2</sup> in area;
- Equal to or greater than 10 000m<sup>2</sup> and up to 30 000m<sup>2</sup> in area;
- Greater than 30 000m<sup>2</sup> in area.

Applications for sheds larger than the acceptable aggregate area require Planning Approval. Sheds larger than 300m<sup>2</sup> 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.

<b>Table 1. SHED AREAS</b>				
<b>Lot Size</b>	<b>Acceptable Aggregate Area</b>	<b>Wall Height</b>	<b>Roof Height</b>	<b>Delegation</b>
<b>&lt; 10 000m<sup>2</sup></b>	200m <sup>2</sup>	4m	6m	300 m <sup>2</sup>
<b>10 000m<sup>2</sup> – 30 000m<sup>2</sup></b>	250m <sup>2</sup>	5m	6m	300 m <sup>2</sup>
<b>&gt; 30 000m<sup>2</sup></b>	300m <sup>2</sup>	5m	6m	300 m <sup>2</sup>

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 Environment and Regulations. 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 Notwithstanding 5.1, where the Subdivision Guide Plans define effluent disposal areas within building envelopes, these areas shall not be varied and the effluent disposal systems shall be built within.

5.3 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.

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

5.5 *Building envelopes should be of about 2000m<sup>2</sup> in area. Council may consider larger building envelopes, up to 10% of the area of the property. Council needs to be satisfied that the extension is warranted, does not impact on remnant vegetation or other feature of the property, and does not affect adjoining landowners.*

5.6 *Building envelopes should be generally of a rectangular shape.*

5.7 *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).*

5.8 *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

5.9 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.

5.10 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.

5.11 Removal of indigenous trees, scrub or other substantial vegetation for any purpose other than the above exceptions, shall require the written approval of Council.

5.12 The Council may require the land owner to undertake a tree planting program on lots nominated by Council as being deficient in vegetation cover.

5.13 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.

5.14 *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 No horses shall be permitted unless a management plan with the objective of keeping a full vegetation cover on the soil is submitted to the Local Authority which, may after consultation with the Department of Agriculture, approve the keeping of one horse only. Council may withdraw its permission for the keeping of livestock if in its opinion the number, type or management of the stock is leading, or will lead to degradation of the land or the vegetation, in which event such livestock shall be removed in accordance with the direction of Council.

### **6.2 Paddocks**

- a) *All paddocks for horses to comply with Council's Health (Equine Premises) Local Law.*
- b) *No further clearing of remnant or regrowth vegetation to occur to facilitate paddock location.*
- c) *Paddocks outside the building envelope should only be located on existing cleared areas.*
- d) *Paddocks should be fenced to the satisfaction of Council.*
- e) *Stables and yard to be constructed within the building envelope.*
- f) *Fencing of the firebreak, where used as an exercise area, may be supported subject to the satisfaction of Council's Bush Fire Co-ordinator and Manager Environmental Health Services where no nuisance to neighbours is likely to occur.*
- g) *Where paddocks are planned to be located in previously cleared areas outside the building envelope, the landowner should rehabilitate an equivalent degraded area (of at least equal size) with local native species to the satisfaction of Council's Manager Planning Services and Environmental Officer.*

## **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 The subdividing owner of the land shall make arrangements satisfactory to the Council to the effect that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Corporation.
- 8.2 Where the land is subject to the provisions of the Department of Water by-laws applicable to underground water control, the subdividing owner shall inform all prospective purchasers in writing of the Water Corporation's requirements.
- 8.3 Purchasers of lots shall make their own arrangements to provide a portable water supply and shall prior to the occupation of any dwelling house provide a water storage tank with a minimum capacity of 92,000 litres unless an operating bore is connected to the supply in which case Council may permit the minimum capacity to be reduced to 20,000 litres.
- 8.4 For the purposes of this clause, Council shall be satisfied that the tanks have adequate catchment area and in the case of a bore that it has adequate capacity and flow rate. Council shall be satisfied that the water supply for human consumption meets the standards of the Executive Director of WA Health and in the case of any bore water supply, it shall be certified to be acceptable for human consumption.
- 8.5 Within Special Rural Zone No. 16 a well licence must be obtained prior to constructing a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply water and to supply water for irrigated development of an area up to 0.1 hectares. The maximum amount of groundwater permitted to be drawn shall be 1,500 cubic metre annually.

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.*
- 9.3 *Storage of fuel (more than 205 litres) within the Jandakot Groundwater Protection Zone should not be permitted. (Special Rural Zone No. 16 properties are located within the Jandakot Groundwater Protection 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) *Top Rails:*

- *On land zoned Special Rural wherein which the keeping of horses is permitted; in addition to the previous specifications a top rail of tanalith treated pine is required no less than 120mm diameter installed horizontally with the top edge approximately level with the top of the posts 1,200mm above the ground level.*

d) *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 *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.*  
*(Outside the building envelope [non boundary])*
- f) *Fencing outside the building envelope for stock paddocks is to be post and wire/railing only.*
- g) *Fencing to be constructed so that stock can not access wetlands or remnant vegetation.*
- h) *No fencing to go through wetlands, remnant vegetation or Areas of Landscape Protection without the approval of Council.*

#### 11.4 *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.

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 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.

### **PUBLIC UTILITY**

Means any 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 40m<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.

STABLES

Means land and buildings used or adopted for use for the keeping of horses.

EQUESTRIAN USES

Means buildings, facilities and land designed and used for equestrian activities whether or not for commercial gain and includes but is not limited to riding instruction, horse breeding, horse training, agistment, show jumping and dressage.