

## **CITY OF KWINANA**

### **TOWN PLANNING SCHEME NO. 2**

## **TOWN PLANNING SCHEME REQUIREMENTS**

### **SPECIAL RURAL ZONE NO. 5**

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 HOUSE
- "AA" - PRIVATE RECREATION  
PUBLIC RECREATION  
HOME OCCUPATION  
PUBLIC UTILITY  
AGED AND/OR DEPENDANT PERSONS ACCOMMODATION  
EQUESTRIAN USES  
STABLES
- "X" - ALL OTHER USES ARE NOT PERMITTED

\*Please see attached detailed interpretations for each use.

Within the area which corresponds with the Rural – Water Protection Zone of the Metropolitan Region Scheme, uses incidental to the residential use of the land including recreation facilities for the private use of the occupier may be supported subject to the advice of the Department of Environment Water and Catchment Protection.

**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. DEVELOPMENT REQUIREMENTS

- 1.1 The minimum setbacks from the boundaries of lots shall be;
  - a) Front - 15m, unless Council is of the opinion that site conditions are such that a reduction of the setback distance is warranted. In any event, the front setback shall not be less than 7.5m,
  - b) Others - 10m.
- 1.2 Not more than one dwelling may be erected on a lot.
- 1.3 No habitable dwelling shall have a floor level less than 2m above the highest known water level.
- 1.4 The minimum lot size shall be 2 hectares.
- 1.5 Nutrient Retentive Effluent Disposal (NRED) System will be required for all new development. Please contact Council's Environmental Health Department for further details regarding effluent disposal.

## 2 WATER SUPPLY PROVISIONS

- 2.1 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 operation bore is connected to the supply in which case Council may permit the minimum capacity to be reduced to 20,000 litres. 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.

## 3. TREE PRESERVATION

- 3.1 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.
- 3.2 Within the land designated as Tree Preservation Areas, 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.

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

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

#### 4. FRONT FENCING

##### 4.1 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.

##### 4.2 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.

##### 4.3 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.

##### 4.4 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.

##### 4.5 *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.*

## **5. KEEPING OF STOCK**

The keeping of horses or stock within Special Rural Zones wherein it is permitted shall be subject to a management plan agreed to by Council. The management plan may include the limitation on numbers, areas from which standards, or any other matter necessary to avoid soil, vegetation, landscape or environmental degradation.

## **6. FURTHER INFORMATION**

6.1 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 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.

### **PRIVATE RECREATION**

Means the use of land for parks, gardens, playgrounds, sports arenas whether intended for public participation in sport or spectating, or other grounds for recreation which are not normally open to the public without charge, but does not include a Motor Racing Track.

### **PUBLIC RECREATION**

Means the use of land for a public park, public gardens, foreshore reserve, playground or grounds for recreation which are normally open to the public without charge.

### **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.

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.

STABLES

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