

# Policy

## Development within Special Rural Zones



## Development within Special Rural Zones

To provide guidance to landowners and Council to ensure that the use and development within Special Rural Zones is in a manner appropriate to the intentions of the zoning, has minimal impact on neighbouring properties and the environment, and provides guidelines for the protection and rehabilitation of remnant vegetation.

Adopted:	28/03/2001 #884
Last reviewed:	22/11/2006 #581 28/04/2010 #105 11/07/2012 #163 16/12/2015 #076
Legal Authority:	Local Government Act Section 2.7 – The Role of Council Planning and Development Act 2005 (as amended) Metropolitan Region Scheme Town Planning Scheme No.2

### Policy:

Development within the Special Rural Zones should be in accordance with the provisions of Council's Town Planning Scheme No. 2 Division 8 - Special Rural Zone (6.11) and the specific Development Conditions for each Zone contained in the Third Schedule of the Scheme. The policy should also be read in conjunction with Council's Health (Keeping of Horses and Equine Premises) Local Law 1997 and any other relevant legislation. The following relates to development not specifically mentioned in the Scheme provisions but is generally acceptable within the Special Rural Zone.

### General Principles:

- Development to occur in accordance with the Subdivision Guide Map.
- No further clearing outside of the building envelope (as per Scheme requirements).
- Rehabilitation of natural vegetation outside the building envelope or in Special Rural Zones where no building envelopes have been defined by virtue of the Scheme, within the front 15m to be of species native to the locality.
- All works and development to be within the building envelope where possible.

- Nutrient Retentive Effluent Disposal Systems to be used on all properties.
- Fire management principles to be adhered to.
- Remnant Vegetation to be preserved where possible.
- Run-off to be managed so as not to impact on wetland and bushland areas.

## 1. Developers Responsibilities

### 1.1 General Requirements

That all Special Rural Subdivisions include, as conditions of subdivision approval, the following:

- Appropriate signage identifying permitted uses within the particular zones.
- The landowner providing an annexure to the sale documents advising prospective purchasers of the Scheme and Policy requirements and any other relevant matters.
- The approved building envelopes to be surveyed and pegged.

### 1.2 Front Fencing

Except where fencing standards are specified in the Town Planning Scheme Text, the minimum standard of front boundary fencing for Special Rural Zoned land is to be:

- Posts:
  - Are to be sawn or split jarrah or tandalith treated 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 is to be provided at 60m centres maximum.
- 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.
- 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 tandalith treated pine is required no less than 120mm diameter installed horizontally

with the top edge approximately level with the top of the posts 1200mm above the ground level.

- 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.

### 1.3 Battleaxe Legs

The minimum total width of the battleaxe leg is to be 10m (single lot) and 15m (two lots), with the minimum standard of construction of an access driveway within battleaxe leg is to be:

• Construction	150mm Limestone, 75mm road base & 2 coat seal.
• Width (servicing one lot)	3m wide with 2 coat seal, and 1 metre shoulders on each side to be of road base construction.
• Width (servicing two lots)	3m wide with 2 coat seal, and 1.5 metre shoulders on each side to be of road base construction.
• Intersection with Road	Kerbed (tangent to tangent) & lit (solar street light).
• Drainage	V drains as required.
• Turnaround Area	150mm limestone, 75mm road base (at end of driveway to facilitate emergency vehicle turnaround).

## 2. All Special Rural Zones

### 2.1 Parking of Truck/Commercial Vehicles

Parking of Commercial vehicles on Special Rural zoned properties is to be in accordance with the requirements of the City's Commercial Vehicle Parking Local Planning Policy.

### 2.2 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 is not to 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.

**Table 1. Shed Areas**

<b>Lot Size</b>	<b>Acceptable Aggregate Area</b>	<b>Wall Height</b>	<b>Roof Height</b>	<b>Delegation</b>
< 10,000 m <sup>2</sup>	200 m <sup>2</sup>	4m	6m	300 m <sup>2</sup>
10,000 m <sup>2</sup> – 30,000 m <sup>2</sup>	250 m <sup>2</sup>	5m	6m	300 m <sup>2</sup>
> 30,000 m <sup>2</sup>	300 m <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) are to provide written details of the intended use of a proposed shed and include reasons justifying why a variation should be granted.

### 2.3 Wetlands and Lakes

All applications to alter wetlands, or construct dams or lakes are to be referred to the Department of Environment and Regulation prior to consideration by Council. Council will not support any application -

- should any removal of associated indigenous vegetation be proposed,
- where there is a likelihood of changing the hydrology (e.g. altering water levels or regimes),
- where there is a likelihood of deterioration in water quality or contamination of groundwater, or
- the proposal is likely (in the opinion of the Manager Environmental Health Services) to result in mosquitoes, midges and other 'nuisance pests'.

#### 2.4 Fuel Storage (domestic use only)

- Storage and refuelling area to be bunded and covered to the satisfaction of Council, Department of Water and the Department of Mines and Petroleum.
- Landowners to advise Council in writing prior to the installation or storage of more than 205 litres of fuel.
- Storage of fuel (more than 205 litres) within the Jandakot Groundwater Protection Zone should not be permitted.
- Landowners to inform Council of any spillage.

#### 2.5 Replanting

- Rehabilitation of remnant bush and degraded areas should be with local native species (trees and shrubs etc.).
- 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.
- 'Exotic' plants (including but not limited to; palms, foreign species, bamboo, fruit trees, etc.) should not be planted outside the building envelope.

#### 2.6 Battleaxe legs

- Are to be maintained by the landowner(s) to the construction standard as approved by council at the time of subdivision.

#### 2.7 Access/Egress

In order to ensure minimal impacts on native vegetation it is important that driveways are constructed in an environmentally sensitive manner. Prior to the construction of a driveway the property owner is to have due regard to the following requirements:

- Landowners are to advise the City of Kwinana on the location of a driveway prior to construction;
- Driveway(s) are to be located so as to minimise the removal of native vegetation;
- Driveway(s) are to generally be no more than 4 metres in width, any application for a wider access may be supported subject to a letter of justification to be approved by the City of Kwinana;
- One driveway permitted per lot. Any additional driveways require the approval of the City of Kwinana and may be supported subject to a letter of justification and in accordance with appropriate Fire Management practices.

## 2.8 Rainwater Tanks

All rainwater tanks are to be constructed of non-reflective/neutral materials and be sympathetic to the surrounding landscape/environment elements. If a pump is required consideration is to be given to locating the pump away from adjoining property boundaries and/or enclosing the pump with noise insulation material so as not to cause a noise nuisance to adjoining properties.

## 2.9 Placement of Buildings

Land owners should ensure an appropriate low fuel zone be achieved around dwellings and other habitable structures. This should be achieved by setting back dwellings away from building envelope boundaries and through the use of ornamental gardens and the use of turf. It should be noted that ornamental gardens are to be confined within building envelopes (if applicable).

## 2.10 Entry Statements and Verges

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

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

Applications for entry statements greater than 3 metres 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 is not to detract from the area.

Verge treatments are subject to the approval in accordance with Council Policy Street Trees and Verge Treatments. Any associated clearing of native vegetation from the verge area is subject to written consent from the City and a licence being obtained from the Department of Environment and Regulation.

- 2.11 As per the City's operative Town Planning Scheme, no more than one residential dwelling is permitted per Special Rural lot. Should a landowner wish to construct a dwelling on a lot that already has an existing dwelling, the landowner is to submit an application for Planning Approval with the City. Applications are to detail the intended timeframe of demolition works or stipulate the intended use of the original house including any proposed modifications. Continual use of original dwellings for residential purposes is not permitted.

## 3. Properties with Building Envelopes (Zones 12,13,14,15,16):

### 3.1 Building Envelopes

- Except for 'Marri Park' (Special Rural Zone No. 14), building envelopes should be of about 2000m<sup>2</sup> in area.

- Building envelopes should be generally of a rectangular shape.
- 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 features of the property, and does not affect adjoining landowners.
- Building envelopes should not encroach on Areas of Landscape Protection reflected in the operative Town Planning Scheme.
  
- Building Envelope Amendments
  - When considering a request to vary building envelopes Council is to have regard to the effect of such variation on the rural residential amenity of the locality, privacy of adjoining residences, existing vegetation, areas of landscape protection, bush fire protection and rural landscape proximity to drains, wetlands, the associated fringing vegetation and the need to maintain separation between areas of inundation and drains.
  - Building envelopes are not to be defined or varied in location or dimension to the extent that their external border is less than 10 metres from side or rear lot boundaries or 15 metres from the front lot boundary.
  - No consultation with adjoining landowners is required where building envelopes are defined or varied to a distance equivalent to 25% (or greater) of the Effective Lot Width or Depth of the lot from the side or rear boundaries respectively or where the reduction in setback is less than 10% of the current approved distance (see attachment A).
  - Where a building envelope is defined or proposed to be varied to a distance equivalent to, or between, 20-25% of the Effective Lot Width or Depth of the lot, the proponent is required to provide Council with the written support of landowners adjoining the boundary to which a reduction including envelope setback distance is proposed with the request for a building envelope variation.
  - The written support of adjoining landowners is to be in the form of the standard pro forma, should include copies of the approved building envelope and the proposed building envelope variation both endorsed by the adjoining landowner.
  - Where a building envelope is proposed to be defined or varied to a setback of between 10m and a distance equivalent to 20% of the Effective Lot Width or Depth of the lot from the side and rear lot boundaries, Council is to write to landowners of lots adjoining the lot boundary to which a reduction in building envelopes setback is proposed, seeking comments on the proposed variation. Adjoining landowners' response should be received within 14 days of the advice.

### 3.2 Orchards / Gardens

- Unless specified in the Subdivision Guide Map, all gardens and orchards are to be wholly within the building envelope.



- The abovementioned gardens/orchards are to be for personal/domestic purposes only, and not part of a commercial operation (i.e. no sales of produce).

### 3.3 Paddocks (Except Marri Park/Newbold Road)

- All paddocks for horses to comply with Council's Health (Keeping of Horses and Equine Premises) Local Laws 1997.
- No further clearing of remnant or regrowth vegetation to occur to facilitate paddock location.
- Paddocks outside the building envelope should only be located on existing cleared areas.
- Paddocks should be fenced to the satisfaction of Council.
- Stables and yard to be constructed within the building envelope.
- 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.
- 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 Environment.

### 3.4 Cut & Fill

- Cut and fill should be retained within the building envelope where possible.
- Cut and fill should not be located within 10 metres of any boundary.
- 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.
- All retaining walls are to be within the building envelope.

### 3.5 Fencing (Within the building envelope)

- Council encourages the use of rural type fencing (wooden post and wire/mesh, max. 1.4m high) should the landowner wish to fence the building envelope.
- Fencing between 1.4-2.1m to be of a rural and open nature requires letters to be sent to neighbouring landowners and a report to Council. The area surrounding this fencing is to be planted with screening vegetation native to the locality.

- Security mesh type fencing is not permitted unless both the mesh and poles are painted/coated in a black or similar dark colour.
- Non rural or screening fencing should be painted a neutral non-reflective colour such as green, olive, brown etc.
- 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])
- Fencing outside the building envelope for stock paddocks is to be post and wire/railing only.
- Fencing to be constructed so that stock can not access wetlands or remnant vegetation.
- No fencing to go through wetlands, remnant vegetation or areas of Landscape Protection without the approval of Council.

#### **4. Properties without Building Envelopes:**

##### **4.1 Remnant / Indigenous Vegetation**

- Area (as percentage of the block) of remnant vegetation to be retained on uncleared undeveloped blocks should be not less than 70%;
- Clearing of remnant vegetation on partly cleared developed blocks should not be permitted.
- Area (as percentage of the block) of indigenous vegetation to be rehabilitated on cleared blocks should be not less than 20%;

Any proposal to vary these requirements requires Council consideration.

Where paddocks are planned to be located in previously cleared areas, the landowner should replant with native species or rehabilitate remnant vegetation of an area(s) of an equal size (up to 40% of the site) to the satisfaction of Council's Manager Planning Services if other areas of the property are deficient of vegetation.

As part of the development approval Council requires, in most cases, that a management plan be developed for the care and rehabilitation of areas of remnant or replanted vegetation. The Criteria for Environmental Management Plans be developed which include methods of replanting and rehabilitating indigenous bush species including:

- Local native trees and shrubs etc;
- Watering and fertilising regimes;
- When and what to plant;
- Protection from pests / livestock, i.e. fencing;
- Weed control;
- Access

- Monitoring program;

Fencing to be constructed so that stock cannot access wetlands or remnant vegetation.

#### 4.2 Replanting

All development applications within the Special Rural Zones where there are no building envelopes should include the rehabilitation of at least the front 15 metre setback area if this area is currently deficient in vegetation cover. The rehabilitation should be undertaken in a manner that minimises fire hazard.

# Attachment A

## Interpretation

For the purposes of this policy, 'Effective Lot Width or Depth' means the distance measured between two opposing side lot boundaries, half way along the direct line between the midpoints of the end lot boundaries (refer to diagram below).

