Council

ATTACHMENT 4

# TPP 19 – KENDENUP RURAL SURROUNDS

Meeting Date: 24 November 2026

Number of Pages:  10

Town Planning Scheme No. 3

Town Planning Scheme Policy No. 19.

# KENDENUP RURAL SURROUNDS

## Purpose

1. The present settlement pattern at Kendenup is centred on the village with an extensive range of residential sized lots of in the order of 1,000m$^2$ or more.

2. The surrounding district consists of some 1,300 relatively small rural lots extending from west of Albany Highway to the east of the Great Southern railway. The surrounding district is predominantly zoned Rural however with lot sizes ranging from 8ha to 50ha, some action is needed to consider a more appropriate planning framework to reflect this intense Rural zoned lot pattern.

3. Key elements to that planning framework will be land use control to avoid/reduce land use conflict and subdivision control to avoid the introduction of additional lots.

## Objectives

1. To provide guidance to assist in land use control to avoid/reduce land use conflict from the inappropriate location of particular land uses.

2. To provide guidance to avoid the creation of additional lots.

## Background

1. This policy applies to the Kendenup rural surrounds as shown on the plan attached to this policy. The plan has been adapted from the Planning Vision (TPS Policy No. 18) and shows the Council's future planning concepts including proposed Rural Smallholding Zoning and Rural Residential Zoning.

2. The reason for the creation of this policy is that the Department of Planning (DOP) and the Western Australian Planning Commission (WAPC) advised the Council that:

   *'Blanket rezoning not supported:*
   *a) Ignores existing rural uses being carried out on the land and would fetter these ongoing uses (rezoning removes some rural use permissibilities);*

*b) Area identified contains land parcels identified by Department of Agriculture and Food Western Australia (DAFWA) as containing priority agricultural land;*
*c) Land area identified is approximately 17,000ha, this would be irreversibly removed from agricultural production;*
*d) Intention to maintain existing number of lots is acknowledged, however the only basis for this is existing lot pattern. Does not respond to actual constraints such as land capability etc. and does not appear to have a grounding in any other land use planning principles. Given that lot sizes vary greatly across the identified area challenges to this intention (in the form of subdivision proposals) are highly likely and unwanted intensification of lots will be difficult to resist based on this rationale alone; and*
*e) Proposed boundary to zoning may also be challenged similar to manner described in (d) above, particularly between townsite and proposed rural residential area in the south east that is designated to remain rural.'*

3. This reasoning of the WAPC ignores the facts that:

a) the subject wide array of nearly 2,000 lots have been in existance since the 1920's;
b) housing and intensive activities exist. There are presently some 170 houses in the village and some 300 houses in the rural surrounds giving a total of 470 houses;
c) few broadacre activities exist and the issue of priority agricultural land in this area is not a relevant consideration as the land has been subdivided into smaller lots since the 1920's;
d) regardless of land capability, existing lots can be sold as is;
e) retaining the broad Rural Zone will mean very little control is available for land use and resubdivision leading to land use conflict; and
f) the proposed zonings would have set in place a range of controls over land use and subdivision.

4. The settlement pattern of Kendenup consists of 595 lots and reserves in the village which is the centre of the district. The pattern surrounding the village contains a range of relatively small rural lots from west of Albany Highway to the east of the Great Southern railway line. This surrounding area includes in the order of 1,300 lots. The total number of lots including the village is some 1,900. Lot sizes in the surrounding rural district range from 30-50ha to the east, 18-40ha to the north, 8-30ha to the west and 10-25ha to the south.

5. Kendenup presents a number of problems and opportunities, as the village is a historic subdivision created in the early 1920's. The venture subsequently failed in 1923. During the last 10 to 20 years, many individual titles have been released sometimes creating conflict between buyers and service providers as many of the lots had no access to basic services such as constructed roads, power and water. As some

ownerships involve multiple titles, owners can sell individual titles with no reference to planning agencies or servicing authorities. Unsuspecting buyers then find services such as roads and power may not exist.

6. Assuming in the next 20 years or so, all of the lots in the village and the surrounds shown on the map attached are developed with houses, then the total 1,900 lots could generate a population of 4,370 people based on the average 2.3 persons per dwelling occupancy rate. This is larger than the present population of Mount Barker which is approximately 2,500 persons and almost as large as Narrogin which has a population of 5,000 persons.

**Policy Criteria:**

**In assessing land use and subdivision proposals in the Kendenup rural surrounds, the criteria below will be considered.**

General

1) The area containing rural lots with areas of 10ha or less to the north, west and south of the village following the west side of the railway south to Williams Road should in the future be zoned Rural Residential with appropriate standards for development and subdivision.

2) Another area proposed for future Rural Residential zoning is to the south east of the village and the railway line south from Newdegate Road to Pellew Road based on the existing lot pattern.

3) The final area proposed for future Rural Residential zoning is an area to the south east to the north of Woogenellup Road near Nindiup and Scott Roads.

4) The bulk of the rural surrounds will in the future be zoned Rural Smallholdings which will allow for the existing lots of over 10ha but less than 50ha. The present number of lots within this area should not be increased but there is the need in some areas to adjust the lot pattern to reflect features such as waterways and remnant vegetation.

5) Where relevant other Town Planning Scheme Policies such as 13 (Feedlots), 14 (Rural Tourist Accommodation and Additional Houses) and 15 (Commercial Plantations) will need to be considered.

6) The Council recognises there are some remaining existing broadacre farming operations in the area the subject of this policy and these can continue.

Future Rural Residential Areas

7) Key objectives of these areas will be to:

a) Allow for the construction of houses on individual lots but to require the lot to have legal constructed road access and expected services at the landowners expense;
b) Provide for the protection of creeklines and remnant vegetation;
c) Encourage revegetation to minimise visual impact and reduce the risk of salinity and erosion;
d) Integrate development with the landscape whilst providing for bushfire protection and management; and
e) Minimise the risk of land use conflict.

8) Subdivision shall be based on the existing lot numbers and pattern and further subdivision that creates additional lots will not be favoured. The rationalisation of the existing lot pattern may be supported where it reflects features such as waterways, remnant vegetation and other significant natural features. Rural Residential lot sizes should range from 4,000$m^2$ to 10ha. Additional lots will not be favoured except in exceptional circumstances.

9) The following land uses will be permitted subject to legal constructed road access and access to services by the owner:

- Single house; and
- Home occupation.

10) The following land uses may be permitted subject to the consent of the Council after advertising:

- Bed and breakfast;
- Cottage industry;
- Craft shop and gallery;
- Home business; and
- Other incidental or non defined activities considered appropriate by the Council which are consistent with the objectives of this area and that do not result in land use conflict.

<u>Future Rural Smallholding Areas</u>

11) Key objectives of these areas will be to:

a) allow for the construction of houses on individual lots but to require the lot to have legal constructed road access and expected services at the landowners expense;
b) provide for rural smallholding lots based on the existing lot pattern for small scale rural pursuits;
c) conserve and enhance the landscape quality of the area by ensuring development is sensitively designed and integrated with the landscape;
d) provide for the protection of creeklines and remnant vegetation;
e) encourage revegetation to minimise visual impacts and reduce the risk of salinity and erosion;

f) provide for bushfire protection; and
g) minimise the risk of land use conflict by not favouring inappropriate land uses without adequate buffers incorporated on site.

12) Subdivision shall be based on the existing lot numbers and pattern and further subdivision that creates additional lots will not be favoured. The rationalisation of the existing lot pattern may be supported where it reflects features such as waterways, remnant vegetation and other significant natural features. Additional lots will not be favoured except in exceptional circumstances.

13) The following land uses will be permitted subject to legal constructed road access and access to services by the owner:

- Single house; and
- Home occupation.

14) The following land uses may be permitted subject to the consent of the Council after advertising:

- Aquaculture;
- Bed and breakfast;
- Cellar sales;
- Chalet;
- Cottage industry;
- Craft shop and gallery;
- Gallery/Restaurant;
- Home business;
- Horse stables;
- Horticulture;
- Rural use;
- Telecommunication infrastructure;
- Tourist accommodation;
- Winery; and
- Other incidental or non defined activities considered appropriate by the Council which are consistent with the objectives of this area and that do not result in land use conflict.

15) Intensive agricultural pursuits (other than horticulture) such as piggeries, feed lotting and poultry farms will generally not be permitted due to buffer requirements. The keeping of livestock should be restricted to fenced pastured areas. Animal numbers should not exceed stocking rates recommended by the Department of Agriculture and Food.

<u>Both Future Rural Residential and Rural Smallholdings Areas</u>

<u>Vegetation</u>

16) In order to protect existing remnant native vegetation, no clearing shall occur except for:

    a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended) and/or the Shire of Plantagenet Annual Fire Break Notice;
    b) Clearing required to establish a low fuel buffer;
    c) Clearing that may reasonably be required to construct an approved building and curtilage;
    d) Clearing to gain vehicular access to a house approved by the Council;
    e) Trees that are dead, diseased or dangerous;
    f) Removal of woody weeds; and
    g) When a clearing permit has been obtained from the Department of Environment and Conservation.

    No clearing shall be permitted within creekline protection areas other than weed removal.

Foreshore Management and Tree Planting

17) The Council may request at the time of subdivision the preparation of a Foreshore Management Plan for an affected creekline and associated vegetation in consultation with the Department of Water and the Department of Environment and Conservation.

18) The Council may request at the time of subdivision, tree and vegetation planting areas be established and be appropriately maintained.

Effluent Disposal

19) On-site effluent disposal for houses shall be the responsibility of the individual landowner. The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by the Council. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.

20) It is the Council's preference that all on-site effluent disposal systems shall be Alternative Treatment Unit (ATU) systems. Separation from waterways and groundwater shall be determined by the Council. A minimum setback of 50m from the creekline and 30m from the identified edge of flood plain shall be required.

21) No more than one effluent disposal system will be permitted on one lot unless approval has been granted for short stay holiday accommodation or some other approved use that requires an additional system(s).

Bushfire Management

22) The Council may require the preparation of a Fire Management Plan if a subdivision of land is proposed.

23) The Council may request at the time of subdivision the installation of strategic firebreaks, emergency access points and fire hydrants and the implementation of relevant responsibilities identified in a Fire Management Plan.

24) The Council may require that individual landowners are responsible for the maintenance of Building Protection Zones around approved buildings and any strategic firebreak where it crosses the landowner's lot.

Road Upgrading/Drainage

25) The Council may, at the time of subdivision or development, require roads be constructed by the subdivider or developer to the Council's specification and satisfaction to provide access to the particular lots from the nearest appropriate constructed road. This may involve a contribution to the upgrading of the nearby constructed access road.

26) The Council may, at the time of subdivision or development, require the preparation of a comprehensive Stormwater Management Plan for the site using water sensitive design principals.

Water Supply

27) Where lots are not serviced by a reticulated water supply each house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from underground water supplies or rainwater storage systems to the satisfaction of the Council.

28) Where rainwater storage systems are proposed, the house shall be provided with sufficient roof catchment. The DAF Farm Note No. 64/2004 (84/1990) 'Rainwater Tanks' is to be used as a guide to calculate roof catchment areas.

29) Where, in addition to the requirements for a supply of potable water for any house, additional water supplies are required for fire fighting and secondary purposes including land management, the house, shed or other outbuildings must have sufficient roof catchment and rainwater catchment tank with minimum capacity for an additional 50,000 litres or other methods acceptable to the Council.

Building Setbacks

30) Building setbacks from lot boundaries should be a minimum of:
    a) from a road boundary: 15m
    b) from other boundaries: 5m
    c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation (this may need to be larger depending upon DEC advice in particular instances) or Council managed land: 50m

31) In the case where a lot has more than one street frontage, the Council may at its discretion permit the construction of buildings nearer to the secondary street frontage nominated by the Council, but not nearer than 10m to that street or streets where there is no endorsed building envelope or building exclusion area.

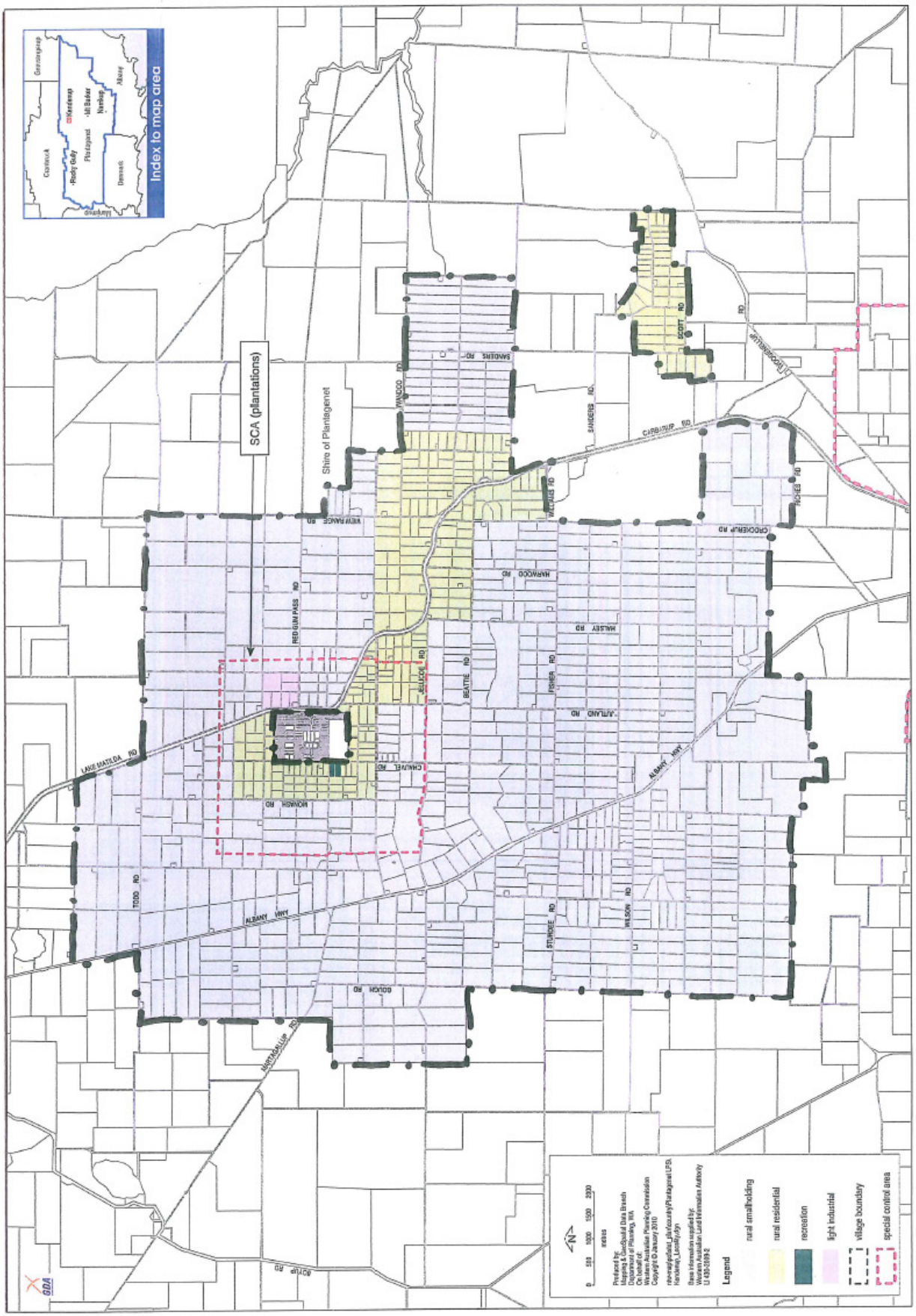
Existing Rural Activities

32) Prospective purchasers and developers need to be aware there may be existing rural activities in the locality and there may be possible impacts including spray drift, noise, dust and long operating hours from these existing rural uses.

Prospective Developers

33) A copy of this TPS Policy will be provided to all prospective developers to ensure they are aware of the Council's position.

Adopted on 1 March 2011 in accordance with clause 7.6 of Town Planning Scheme No. 3.




**Kendenup Locality** **Rural Surrounds subject to TPS Policy No.19** — boundary