

Town Planning Scheme Policy No. 18.1



Planning Vision



April 2014

This Town Planning Scheme Policy No. 18.1 supersedes Town Planning Scheme Policy No. 18
Adopted on 29 April 2014 in accordance with clause 7.6 of Town Planning Scheme No. 3

**SHIRE OF PLANTAGENET
PLANNING VISION
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1. INTRODUCTION

- 1.1 This Shire of Plantagenet Town Planning Scheme Policy No. 18.1 – Planning Vision (Planning Vision) is made under Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). The Director General of the Department of Planning (DOP) agreed in January 2010 the Council could prepare its planning vision.
- 1.2 The Council adopted its Local Planning Strategy to the satisfaction of the WAPC on 30 July 2013. There are aspects of this Planning Vision that have not been approved by the WAPC and there are other strategic initiatives that are not supported by the WAPC.
- 1.3 This Planning Vision was originally adopted by the Council on 9 March 2010 and is a critical document in the long term planning of the whole Shire and looks at all aspects to guide growth and development well into the future. This review has been carried out to ensure the document is up to date.
- 1.4 The time frame for this Planning Vision will be for the next 10 to 20 years and beyond.
- 1.5 In preparing this Planning Vision the Council has had regard to documents such as the State Planning Strategy, the Lower Great Southern Strategy (2007), the State Water Conservation Strategy and the State Sustainability Strategy.
- 1.6 The Shire of Plantagenet has experienced steady population growth over the years. The sub-regional centre of Mount Barker is only 50km from the regional centre of Albany and in recent years is experiencing growth as a result of growth in Albany. The Australian Bureau of Statistics Estimated Resident Population had the Shire population at 4,733 in 2006 and 5,022 in 2012.
- 1.7 Earlier strategic planning documents were a useful starting point in the preparation process. These documents were:
 - Porongurups Rural Strategy (1997)
 - Mount Barker Local Rural Strategy (1997)
 - Mount Barker Townscape Plan Review (2002)
 - Local Planning Strategy (July 2013)
- 1.8 Other strategic planning documents prepared to a draft stage were also useful resource documents for the Planning Vision and these included:
 - Industrial Land Review: Mount Barker (Draft 1998)
 - Mount Barker Commercial Review (Draft 1999)
 - Mount Barker Townsite Strategy (Draft 2002)
 - Kendenup Townsite Review (Draft 1998/2002)
 - Narrikup Townsite Review (Draft 1999/2002)
 - Rocky Gully Townsite Review (Draft 1999/2002)
- 1.9 This Planning Vision replaces all of these earlier strategic initiatives.

1.10 In 2003 consultants prepared a report entitled 'Shire of Plantagenet Local Rural Strategy Environmental Component'. That report assessed the rural parts of the Shire and analysed:

- geology, landform and soils
- land capability and priority agricultural areas
- water resources
- vegetation
- community based natural resource management.

That report was the basis behind the proposals for the rural districts in this Planning Vision.

2. STRATEGIC PLAN

2.1 Introduction

The overall strategic plan for this Planning Vision is that the Strategies and Actions are detailed in Section 3 are implemented. Section 3 is broken into seven core areas of Rural District, Settlement Hierarchy, Urban Settlement, Industrial, Risk, Sustainability and Special Control Areas. Sustainable development and practices is the key principle underlying this Planning Vision. This section discusses issues and formulates the vision.

2.2 Rural Issues

- Catchment management based planning is essential.
- Farming is the predominant use on private property within the Shire and is likely to remain so for the foreseeable future.
- The overall long term sustainability of traditional farming on individual lots may be marginal. The wholesale subdivision of these areas is not an alternative. The Council supports the current variety and range of lot sizes throughout the rural areas and does not see this as a precedent to further subdivide.
- Strategies for intensification and diversification need to be encouraged. While limited subdivision may assist in raising capital for implementation of such strategies, it will also contribute to increasing land values and reduce the potential of the land to cater for a range of farming activities.
- A strategy protecting important farming areas from further subdivision should stabilise land prices over time and facilitate consolidation of farms.
- Western Australia has a very small area of productive farmland and this resource must be protected.
- Rural Residential types of subdivision throughout farming areas will result in inefficient development which will place increasing burdens on Council and service authorities in terms of upgrading and maintaining services.
- Indiscriminate Rural Residential subdivision has the potential to conflict with land that has a high capability for horticulture and other intensive agricultural activities.
- Restricting Rural Residential subdivision within specific parts of the Shire can accommodate demand whilst ensuring it will not impact on farming.
- Ensure reticulated potable water is appropriately used.
- Identify any specific Special Control Areas.
- Provide for Rural Smallholding forms of development.

2.3 Rural Vision

- Protect areas identified as Priority Agricultural from inappropriate development;
- Provide an environmentally sensitive approach to rural settlements and growth;
- Support the subdivision of Conservation Lots with appropriate covenants and controls;
- Consolidate the existing urban settlement of Mount Barker;
- Encourage the development of the Rural Villages of Kendenup, Narrikup, Rocky Gully and Porongurup;
- Clearly define areas predominantly used for traditional farming and preclude Rural Residential forms of development in these areas;
- Encourage tourist nodes based on existing developments or features and include new nodes in appropriate locations;
- Preclude inappropriate subdivision and non rural development to protect rural and visual qualities;
- Protect good horticultural land particularly by the preclusion of subdivision for non horticultural purposes;
- Consolidate Rural Residential and Rural Smallholdings in nodes on appropriately zoned land;
- Include provision for Rural Smallholdings areas on land in reasonable proximity to the townsites;
- Protect identified Special Control Areas;
- Recognise the scenic importance of Albany Highway, Muir Highway, Chester Pass Road and Denmark-Mount Barker Road, Porongurup Road, St Werburghs Road, Woogenellup Road and Spencer Road as key tourist routes by the use of setbacks and appropriate/sensitive screening techniques which retain views.
- Ensure tree plantation locations have regard to and protect important vistas on key tourist routes;
- Encourage appropriate bush fire management planning to be incorporated in development and rezoning proposals; and
- Protect and enhance water resources. Developments such as Rural Residential and Rural Smallholdings will not be required to be connected to reticulated potable water.

2.4 Urban Issues

- Future suburban development should be clustered and separated by foreshore reserves, public open space and landscaped buffers in order to retain a balance between the natural environment and development;
- Maintain inner urban residential densities in Mount Barker at in the order of R17.5 where reticulated sewerage is or is likely to be available;
- Energy efficient housing and subdivision design is encouraged;
- The urban core of Mount Barker should be consolidated;
- Protection of the significant vegetation surrounding Mount Barker;
- Utilise reserves, foreshore reserves and public open space to provide a comprehensive system of pedestrian/cycleways linking the town centre with existing and proposed suburbs and facilities;
- Screen future development from major traffic arteries by vegetated buffer strips wherever possible and appropriate;
- Ensure all development is specifically designed to minimise the export of nutrients and sediment into waterways;
- Ensure development and growth of the rural villages is planned; and
- Encourage the use of upgrading of Rights-of-Way for coordinated vehicular and pedestrian access for urban areas where intensification is proposed and to avoid the use of battleaxe driveways onto existing roads.

2.5 Urban Vision

- Maintain Mount Barker's essential village character as a country town;
- Contain urban sprawl and retain public open spaces and natural bushland near the town centre;
- Preserve the mix of natural bushland and historic and picturesque built environment;
- Prevent the development of an excessively large urban area by encouraging rural villages to grow;
- Provide for alternative lifestyles through the development of Rural Residential and Rural Smallholdings preferably located close to townsites and particularly not on Priority Agricultural land;
- Recognise the value placed on conservation of the environment by the overall community;
- Protect the environment and particularly waterways and water bodies;
- Consolidate existing residential areas to enable better facilities and services to be provided close to where people live;

- Optimise the utilisation of existing infrastructure investment;
- Encourage energy efficient subdivision and housing design;
- Encourage sustainable development as the quality of the waterways, remnant vegetation and the environment must be protected and managed through proper and efficient coordinated land use planning; and
- Encourage conceptual structure plans for the rural villages.
- Always consider fire safety in planning proposals.

2.6 Commercial Issues

- Support the role of the centre as the commercial core of Mount Barker;
- Support continued commercial growth and development;
- Support continued tourism growth;
- Support appropriate and sensitive development and redevelopment that maintains the village character of Mount Barker;
- Plan for pedestrians; and
- Provide opportunities for employment.

2.7 Commercial Vision

- Ensure that enough land exists to cater for long term commercial growth;
- Provide for the continued growth of commercial development within the town centre which has a means of creating associated employment opportunities;
- Reduce the need for residents to travel to other commercial centres for services that can be provided in Mount Barker.
- Encourage the redevelopment and infill development of the existing commercial area;
- Oppose the creation of large new centres in inappropriate locations outside the centre;
- Allow for additional office space and encourage the redevelopment of existing sites;
- Support the principle of new uses for old buildings and the revitalisation of the town centre;
- Discourage ribbon development outside the centre;
- Provide a pleasant, attractive and convenient pedestrian environment and network;
- Support and continue the use of townscape improvement programs and retain the village-like character of the town;

- Revitalise and support the economic competitiveness of the centre;
- Recognise and support the continued growth of tourism in appropriate areas; and
- Continue to provide appropriate levels of accessibility and car parking, and allow for time-shared reciprocal use of car parking areas.

2.8 Industrial Issues

- Industrial development needs to be located in an appropriate area away from urban settlement;
- Industries in or near urban areas must be low key and low impact;
- Ensure industrial development is specifically designed to minimise the export of nutrients and sediment into waterways; and
- Ensure industrial development is screened.

2.9 Industrial Vision

- Protect and promote the long term future of industry in appropriate and sustainable locations with an adequate supply of land for a variety of uses;
- Provide a framework for rational and coordinated industrial development;
- Establish industrial land requirements for the next 30 years;
- Ensure the special industrial area of Yerriminup, located on the corner of Albany Highway and Yerriminup Road is developed by LandCorp as a high priority; and
- Facilitate the change of the existing service industrial area in Mount Barker to a commercial area.

3. STRATEGIES AND ACTIONS

3.1 Rural District

3.1.1 Strategic Rural Planning Objectives

The strategic objectives are to:

- (i) protect areas of agricultural significance for sustainable and diverse production from inappropriate land use and practices, and conserve its non-urban character whilst accommodating other complementary rural activities;
- (ii) promote sustainable economic growth in rural areas by identifying and securing suitable land and water resources for existing and future requirements;
- (iii) maintain, support and enhance rural infrastructure and settlements;
- (iv) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
- (v) provide for a range of rural lifestyle and small-scale economic opportunities in proximity to existing settlements and within these settlements where appropriate;
- (vi) ensure urban and rural-residential development are located and managed to:
 - (a) minimise impacts on rural lands;
 - (b) protect and enhance the rural landscape and environmental values;
 - (c) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
 - (d) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the Council or servicing authorities in terms of upgrading or maintaining services;
- (vii) ensure that land use is managed in accordance with integrated catchment management and natural resource management principles;
- (viii) strategically manage the allocation of land resources, in a manner consistent with maintaining a high standard of quality of lifestyle expectations of the community, in order to provide for employment opportunities and be responsive to changing economic and social trends;

- (ix) promote appropriately located, designed, serviced and managed tourist development;
- (x) ensure the natural environment is protected and managed in a responsible and sustainable manner;
- (xi) ensure that heritage values are protected and managed in a responsible and sustainable manner; and
- (xii) develop and implement townsite strategies to accommodate an increased population which:
 - (a) is achieved in an orderly and co-ordinated manner commensurate with the availability or provision of infrastructure;
 - (b) minimises disruption to existing agricultural pursuits;
 - (c) reinforces the role of and opportunities for existing towns;
 - (d) recognises prime agricultural land, landscape and environmental values; and
 - (e) encourages creative planning and design opportunities and outcomes.

Note: The areas included in the rural districts are shown on Figure 1 – Rural and Agriculture Land Use Plan at the end of Appendix 6.

3.1.2 Priority Agriculture

3.1.2.1 Purpose

The purpose of Priority Agriculture is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources.

To provide for intensive agricultural and horticultural production; including market gardens, orchards, vineyard enterprises and piggeries that meet national standards.

3.1.2.2 Objectives

The Council's objectives in managing and guiding land use development and subdivision within Priority Agriculture will therefore be to:

- (i) require the protection of the rural infrastructure and land resource;
- (ii) require planning to avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals;

- (iii) support the improvement of resource and investment security for agricultural and allied industry production;
- (iv) require protection and enhancement of bio-diversity of these areas;
- (v) encourage value-adding opportunities to agricultural products at source;
- (vi) support a wide variety of productive agricultural and rural activities; and
- (vii) support subdivision where it provides for boundary adjustments, realignments, farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement for intensive agricultural and/or horticultural activities.

3.1.2.3 Policies

The Council's policies in controlling development and influencing subdivision are to:

- (i) the Council will encourage a diversity of well managed and sustainable rural and agricultural activities where landowners and operators contain impacts on their own properties and where they adopt 'good neighbour' practices designed to allow agriculture to continue on surrounding properties without conflict;
- (ii) confirm that the existence of a second house is not to be construed as justification for the subdivision of the land whether under the Planning and Development Act 2005 or the Strata Titles Act 1985;
- (iii) confirm that rural residential or rural smallholdings subdivisions will not be supported unless and until the land has been identified on the plans in this Planning Vision and has been rezoned for that purpose; and
- (iv) only support proposals for non-agricultural subdivision and development when they are justified by an Agricultural Impact Assessment.

3.1.3 General Agriculture

3.1.3.1 Purpose

The purpose of General Agriculture is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

3.1.3.2 Objectives

The Council's objectives in managing and guiding land use, development and subdivision within General Agriculture will be to:

- (i) encourage the protection of the rural infrastructure and land resource;
- (ii) encourage the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, intensive agricultural production (such as piggeries);
- (iii) recommend support for subdivision where it provides for boundary adjustments, realignments and farm restructuring and new lot creation which promotes effective land management practices and environmental and landscape enhancement; and
- (iv) support appropriate non-rural uses where they are compatible with adjoining and nearby rural uses, environmental attributes and landscape to complement the primary productive use of the land where a site contains remnant vegetation and other environmental features or lacks realistic potential for agricultural use the Council will consider the proposed non-rural uses as the predominant use on its merits.

3.1.3.3 Policies

The Council's policies in controlling development and influencing subdivision within General Agriculture will be to:

- (i) confirm that the existence of a second house is not to be construed as support or justification for the subdivision of the land whether under the Planning and Development Act 2005 or the Strata Titles Act 1985;
- (ii) confirm that rural residential or rural smallholdings subdivisions will not be supported unless and until the land is identified on the plans in this Planning Vision and has been rezoned for that purpose; and
- (iii) require proposals for non-agricultural uses to be supported and justified by an Agricultural Impact Assessment.

3.1.4 Subdivision and Development Standards for Priority Agriculture and General Agriculture

3.1.4.1 Subdivision – General

1. In Priority Agriculture and General Agriculture areas, there shall be a presumption against the subdivision of land unless the Council is satisfied:
 - (i) the lots have already been divided by significant natural or man-made features such as a significant road, a railway line or above ground pipeline, and an undesirable precedent would not be set;
 - (ii) the lots are for farm adjustment and the erection of houses is restricted through a ‘tied lot’ in accordance with the Planning and Development Act 2005;
 - (iii) the adjustment of lot boundaries where the application, if approved, will not result in the creation of additional lots;
 - (iv) the lots are for specific uses such as recreation facilities and public utilities;
 - (v) the lots are required for the establishment of uses ancillary to the rural use of the land (eg. Rural Industry, abattoir, canning works), or are required for the travelling public and tourists (eg. service stations, motels) and there is approved and substantial on-the-ground development in the opinion of the Council;
 - (vi) of the need to excise a conservation lot;
 - (vii) that the subdivision is necessary to enable the carrying out of an intensive agricultural pursuit and is in accordance with this Planning Vision; and
 - (viii) the balance of title also meets agreed objectives, standards and development controls.
2. The Council will not support subdivision which in its opinion will have the potential to adversely affect the rural landscape or be prejudicial to the agricultural use of the land of the locality.
3. The Council will not recognise the surrounding historic pattern of settlement alone as justification to support a subdivision proposal.

4. The Council will only support proposals for non-agricultural subdivision and development when they are justified by an Agricultural Impact Assessment.
5.
 - (i) The Council wishes to ensure limited parts of the rural lands are protected for intensive agricultural and horticultural operations. With this in mind, rural planning unit P6 and the portions of rural planning units P8 and P11 west of Albany Highway will be considered for lots down to 50ha subject to detailed justification. That justification requires reports to be signed off as acceptable by the Department of Agriculture and Food and the Department of Water (where appropriate) prior to the submission of a subdivision application to the WAPC.
 - (ii) The 50ha lot size has been selected by the Council as an appropriate size for an intensive activity to establish, but soils and water analysis will determine the actual lot size. It also means that persons wishing to establish a new intensive activity will be more likely to be in a financial position to purchase such a landholding and commence the activity.
 - (iii) Larger lots will mean people may not be in a position to purchase and then establish the intensive activity. Retaining larger lot sizes does not mean intensive agricultural and horticultural activities will be established largely due to cost of the land purchase at the outset. It is pointed out only a small portion of the rural areas have been identified for this form of subdivision (subject to detailed justification) down to a 50ha minimum. The bulk of the rural lands involve a presumption against further subdivision as per WAPC policy.
 - (iv) The 50ha minimum lot size will mean that resultant lot has the ability to be used for intensive agriculture and horticulture in the future as it is there in place as a lot. It may not be fully used immediately but it is in place and ready for an intensive operation to be established. Financial institutions will not lend money on a promise of possible subdivision at some stage in the future once an intensive activity has been established at a great cost.
 - (v) This matter has been discussed with officers from the Department of Agriculture and Food and the Department of Water. The area selected represents a

small part of the rural lands in the Shire and is in an area where water availability appears to be good under Department of Agriculture and Food research to date. It is agreed larger lots for intensive agricultural and horticultural operations are good in theory but the main factor which stops them from establishing is the high cost of land purchase for large holdings.

3.1.4.2 Subdivision for Agricultural Purposes

1. In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, there is a general presumption against the further subdivision of land in Priority Agriculture and General Agriculture, except where it can be clearly demonstrated that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands. Subdivision supported by the Council under this criteria shall have minimum lot sizes as set out for each planning unit described in Appendix 6.
2. In addition, in the case of subdivisions creating new or additional lots, new lots of less than 80ha will not be supported, except where the lot is a minimum of 50ha in Priority Agriculture and General Agriculture in specific planning units identified in Appendix 6 and all of the following criteria are met:
 - (i) an agronomist's report or similar demonstrates that each new lot will contain a minimum of 40ha in Priority Agriculture and General Agriculture with a high-capability rating (class 1 or 2) for annual or perennial horticultural production;
 - (ii) a hydrologist's report or similar demonstrates that each new lot has the capacity to capture and store water of a sufficient quantity and quality as applicable to the potential agricultural production on that lot and the State water management agency is prepared to agree that the capture of that water is within the limits of an endorsed Water Allocation Management Plan or is within the sustainable yield for that sub-catchment;
 - (iii) the total lot area incorporates the minimum area of 40ha of high-capability land, plus the water capture and storage area, plus an area for farm

- infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties, setbacks from watercourses and wetlands, plus the retention of any remnant vegetation that should be protected from clearing;
- (iv) that the remaining rural holding is a minimum of 80ha and is considered suitable for continued agricultural production based on lot size, land capability, land suitability, water availability, has appropriate fire protection measures in place, lot configuration and advice from any relevant government agency; and
 - (v) the application for subdivision when submitted includes written confirmation from the Department of Agriculture and Food and/or the Department of Water where appropriate that the reports from the agronomist and the hydrologist are accepted.
3. The Council will not support the subdivision of land within Priority Agriculture and General Agriculture unless complying with one or more of the following criteria:
- (i) one of the new lots is to be amalgamated with an adjoining property, or lot boundaries are to be relocated, and no additional lots are created;
 - (ii) an existing approved non-rural use is to be excised from the overall holding, and the use is not ancillary to existing agricultural practices;
 - (iii) the proposed lots are of a similar or larger size to those in the surrounding area;
 - (iv) the land is severed by a public facility or significant road, where this causes severe impost to agricultural production on the land;
 - (v) an established and producing horticultural activity of not less than 40ha in Priority Agriculture and General Agriculture is to be excised from the overall holding and the Council considers that the remaining land is suitable for continued agricultural production based on land capability, water availability, lot configuration and advice from any relevant government agency; and
 - (vi) the subdivision is consistent with the relevant Policies of the WAPC.

3.1.4.3 Development Requirements

1. Development must conform to the following standards:
 - (i) Minimum Front Setback – 10m
 - (ii) Minimum Side Setback – 5m
 - (iii) Minimum Rear Setback – 10mexcept as otherwise indicated in this section and agreed to by the Council.
2. Where the land adjoins State Forest, National Park, Conservation Reserve or other timbered Crown or Council controlled land, in the opinion of Council, the setback from the common boundary shall be 50m.
3. A reduction of the setbacks required in the preceding clauses may be permitted where the topography, soil conditions, location or shape of the lot are such as to make adherence to the requirement impractical and the application is justified by the applicant. In determining any such reduction, Council will consider:
 - (i) any alternative development sites on the property;
 - (ii) possible bush fire hazards;
 - (iii) environmental impacts;
 - (iv) effluent disposal;
 - (v) visual impact; and
 - (vi) servicing/infrastructure implications.
4.
 - (i) With the exception of a house, where the proposed development is for a non-agricultural purpose, the Council shall require a minimum setback of 100m from existing intensive agricultural activities on any adjoining title, whether owned by the applicant or a third party, with the exception of urban development where the Council will require a minimum setback of 200m subject to having an approved Agricultural Impact Assessment.
 - (ii) Notwithstanding (i) above, the Council may approve a lesser setback where the applicant can demonstrate to the satisfaction of the Council that land use conflicts may be ameliorated by appropriate management design or buffer planting. The Council may however require greater setbacks to effectively manage buffers, environmental

impacts, and any other potential land use conflict to which could arise in the opinion of the Council.

- (iii) When establishing setbacks all development and changes in land use under advice from the Department of Water shall have regard to potential impacts on rivers, wetlands and groundwater aquifers and the Council may require details of measures to manage the application of fertilisers or the methods proposed for the disposal of effluent as required.
- (iv) In determining proposals for the establishment of extractive industries and other development on land within General Agriculture, the Council shall seek to ensure that the setbacks assist in maintaining environmental and landscape qualities of the locality so they are not detrimentally affected and that adequate provision is made for more intensive use of rural lands.

3.1.4.4 Planning Considerations

In assessing applications for development, the Council will consider the following:

- (i) the availability of services required to support the proposed development and the economic impact of the provision of, extension or upgrading of those services that may be required;
- (ii) the adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development; and
- (iii) the need to enforce such conditions as the Council deems appropriate in order to minimise any adverse effect the development may have on the general environment of the area.

3.1.4.5 Additional Houses

1. The Council may grant approval of more than one house on any lot provided the lot exceeds 10ha in area, where the land is managed for agricultural production, where the occupants are engaged in those specified predominant land uses or activities and where the proposal meets the requirements of any local planning policy.
2. Approval for or the existence of an additional house on one title is not to be construed as justification for the

subdivision of the land whether under the Planning and Development Act 2005 or the Strata Titles Act 1985.

3. Regardless of other provisions in TPS3, the Council will not support four or more houses on any title/lot regardless of the house type.
4. The only exception to the above is that the Council will consider, if appropriately justified by the applicant, up to four houses on any title/lot where a dwelling is included on the Municipal Heritage Inventory and/or on the WA Heritage Council's State Heritage Register and where there is a Heritage Agreement, to the satisfaction of the Council (in consultation if appropriate with the WA Heritage Council), to conserve and appropriately maintain the heritage significance of the house.
5. The applicant is required to appropriately justify the need for more than one house on any title/lot.

3.1.4.6 Bushfire Management

The Council will need to be satisfied that development will comply with the Council's Annual Firebreak and Fire Hazard Reduction Notice and any relevant policy on bushfire protection and that an acceptable fire management plan will be implemented.

3.1.4.7 Reasons for Refusal of Planning Application

The Council may refuse an application for planning consent where in its opinion the proposed development will:

- (i) adversely affect the rural landscape;
- (ii) adversely impact upon the agricultural use of the land and adjoining/nearby areas;
- (iii) cause detrimental environmental impacts;
- (iv) result in unacceptable fire management risk;
- (v) place unacceptable servicing requirements which have not been appropriately addressed by the applicant;
- (vi) the impacts of the proposed use/development can not be adequately contained on the application site; and
- (vii) in the opinion of the Council will result in an undesirable planning outcome and will be contrary to the orderly and proper planning of the locality.

3.1.4.8 Agricultural Trade Lots

In providing for farm build up, the creation of an Agricultural Trade Lot will be supported where:

- (i) the lot is a minimum of 50ha;
- (ii) there is a statutory restriction imposed that prohibits the development of a house on the lot and the lot does not contain an existing house;
- (iii) the lot is 'tied' by title as an Agricultural Trade Lot;
- (iv) all lots have legal access to a constructed road which is part of the public road system; and
- (v) that the remaining rural holding is a minimum of 80ha and complies with the requirements of this Planning Vision, considered suitable for continued agricultural production based on lot size, land capability, land suitability, water availability, has appropriate fire protection measures in place, lot configuration and advice from any relevant government agency.

3.1.4.9 Farm Restructuring

In the case of farm restructuring or boundary adjustment, where no additional lots are created, the principal issue of consideration in assessment will be improving the sustainability and viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land. Where a farm consists of multiple titles and the proposal is to consolidate the main operation into a single title, consideration will be given to the creation of lots smaller than the outlined criteria or in other parts of this Planning Vision, provided that:

- (i) the smaller lots have sufficient size to allow for the construction of a house and other farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties;
- (ii) the smaller lots are located so as to have minimal adverse impact on the viability and sustainability of the main farming property;
- (iii) the total number of resulting lots is not greater than the original number of lots; and
- (iv) the lots have frontage to a legal road reserve from which practical access can be obtained or, the Council being satisfied with the proposed method of access to the lots.

In the case of farm rationalisations, where boundaries are realigned along existing fence lines, contours, creek lines, ridge lines, other topographic features or similar, rather than along rigid survey alignments, subdivision is and will be

supported where it can be clearly demonstrated that the changes will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands.

Special variations to these criteria may be stated for each planning unit as listed in this Planning Vision according to the specific circumstances that apply within that planning unit.

A development and land use has environmental impacts which can be detrimental, or if sensibly planned and managed, can be beneficial. Such benefits can be environmental, social and economic and Council will require and encourage the use of best management practices to be included in any subdivision and development of land.

3.1.4.10 Catchment and Land Management

When assessing any proposal, Council will consider the degree to which the following guidelines have been addressed.

- i) Support catchment management initiatives aimed at improving water quality within the catchments through encouragement of best management practices and, where possible, providing an advisory or educative role with proponents for development of land for agricultural or non-agricultural purposes.
- ii) Offers tangible measures to protect and enhance the remaining native vegetation within freehold land, particularly within strategically important riparian zones.
- iii) Uses existing land resource and capability information in the Planning Vision Environmental Component background document for guidance on areas likely to contain land that is physically suitable or unsuitable for particular uses, and the land management issues that need to be considered.
- iv) For specific land use proposals, encourage proponents to undertake more detailed mapping and assessment as a precursor to land development.
- v) Promote a greater level of awareness of current rural land management requirements and responsibilities by obtaining and displaying within an appropriate location, a range of locally relevant 'Code of Practice' and 'Best Management Practice' documents relevant to local agricultural activity.

- vi) Support the adoption of improved land management and codes of practice through encouragement and promotion of a 'green and clean' image for the Shire's agricultural produce.

3.1.5 Rural Residential Zone

3.1.5.1 Purpose

The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

3.1.5.2 Objectives

The Council's objectives in managing and guiding land use, development and subdivision within the Rural Residential zone will therefore be to:

- (i) encourage a variety of lot sizes and appropriate designs which accommodate environmental opportunities and constraints and landscape protection requirements;
- (ii) encourage the introduction of clearing and land management controls and restrictions, and environmental repair where appropriate;
- (iii) provide the opportunity for subdivision where identified in this Planning Vision, in order to provide for the more efficient use of existing rural-residential areas in close proximity to existing townsites (where essential services are available and where the existing landscape and conservation values of the locality will not be compromised);
- (iv) facilitate the conservation of native vegetation, water courses and water bodies and other environmental features and, where appropriate, to provide for environmental repair;
- (v) encourage opportunities for innovative design and clustering of houses and other structures to minimise the impact on adjacent land uses, protect landscape and remnant vegetation and to utilise the more efficient use of services.

3.1.5.3 Policies

The Council's Policies in controlling development and influencing subdivision within the Rural Residential zone will therefore be to:

- (i) consider approving low-key development where the applicant suitably demonstrates the development/use is consistent with the objectives for the zone;
- (ii) ensure that subdivision and development comply with a Subdivision Guide Plan, this Planning Vision and the principles of any relevant local Planning Policy adopted by the Council: and
- (iii) not support additional rural residential areas unless outlined in this Planning Vision.

3.1.5.4 Subdivision and Development Standards

3.1.5.4.1 Subdivision

1. Subdivision must generally be in accordance with a Subdivisional Guide Plan adopted in a Scheme Amendment.
2. The Council will seek the following in Rural Residential subdivisions:
 - (i) all lots should be suitable and capable of sustaining appropriate development in the opinion of the Council including the proponent suitably addressing environmental, natural resource management, servicing, fire management and visual impact issues and any other matter as determined by the Council;
 - (ii) the lot size should be a minimum of 4,000m² and there should be a variety of lot sizes depending upon land capability;
 - (iii) where any house is proposed to be constructed on a lot below 4ha in area which is not to be connected to a reticulated mains water supply, that house shall be provided with sufficient roof catchment or other methods acceptable to the Council and the provision of a rain water catchment tank with a minimum capacity of 92,000L prior to occupation unless alternative arrangements are made to the satisfaction of the Council for an adequate supply of potable water. The DAFWA Farm Note No. 64/2004 (84/1990) 'Rainwater tanks' is to be used to calculate roof catchment areas; and

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

3.1.5.4.2 Development

1. Only one house will be permitted on any lot in the Rural Residential zone.
2. The Council may permit ancillary accommodation if:
 - (i) appropriately justified by the applicant and addresses relevant planning consideration; and
 - (ii) approval however is not considered to be:
 - (a) justification for subdivision of the land under the Planning and Development Act 2005 or the Strata Title Act 1985; and
 - (b) it is located within the same building envelope as the first or primary house.
3. Development for other uses, in the opinion of the Council, will not be granted planning approval on any lot within the Rural Residential zone, unless the specific zone allows for such other uses and a house exists on the lot, or is to be constructed as the first stage of the development proposal unless appropriately justified by the applicant and agreed to by the Council.
4. Unless otherwise provided for in the Subdivision Guide Plan or Zone or Schedule in the Scheme, the building setbacks from lot boundaries shall 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 or Council managed land: 50m

5. 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.
6. For the purposes of guiding subdivision and development in specific Rural Residential zone, the provisions set out in Schedule 5 of TPS3 shall apply to the specified zones. Future subdivision will be required to generally accord with the Subdivision Guide Plan prepared for the specified area referred to in Schedule 5 of TPS3 and such a plan of subdivision shall form part of the Scheme.

3.1.5.5 General Development provisions relating to a Rural Residential Zone

Subject to the provisions in TPS3 applicable to any specific Rural Residential zone, the following provisions shall be applicable to all land included in the zone.

3.1.5.5.1 Land Use and Development

- (i) In addition to a building permit, planning consent is required for development where proposed outside a building envelope does not meet setbacks and for all discretionary uses. All development shall be in accordance with a Subdivision Guide Plan unless such variation is specifically approved by the Council.
- (ii) Unless otherwise provided for in the Subdivision Guide Plan or special conditions, not more than one house may be constructed or occupied on a lot within the zone. In addition to any other general Scheme provision, land included in a Rural Residential zone will be subject to any provision set out against it in the adopted Subdivision Guide Plan.

- (iii) No building, outbuilding or fence shall be constructed of materials or be of a colour which in the opinion of the Council is detrimental to the character or natural landscape of the locality.
- (iv) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council may, from time to time, specify standards for fire resistant buildings consistent with Australian Standards for Bushfires (AS 3959).
- (v) Fencing design and materials are to be to the Council's satisfaction. The Council shall not approve fibro cement or similar materials which are considered to be inconsistent with the rural character of the area.
- (vi) The Council may take any action which it considers necessary to reduce or eliminate any adverse effects on the environment caused solely or partly by the stocking of animals or by other development on a lot and any expense in this regard which may be incurred by the Council, shall be recoverable from the registered owner of the land.
- (vii) Within any Creekline Protection Area identified on a Subdivision Guide Plan, the following provisions are to apply to an area with the minimum width of 10m, measured outwards from the top of both banks of the water course or the flood plain as determined in consultation with the Department of Water (DOW):
 - (a) No new dams, artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks without approval of the DOW.
 - (b) The activities of stock to be controlled such that the problems of erosion, pollution and vegetation degradation do not occur.
 - (c) No spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50m from the water course, shall be established on all land

within the amendment areas. The no spray requirements will not preclude carrying out of noxious weed control in accordance with the DAFWA requirements and also fire breaks required in accordance with the Council's Annual Firebreak Notice.

3.1.5.5.2 Building Envelopes and Building Exclusion Areas

Where required by the Subdivision Guide Plan and controls for a specific zone a building envelope or building exclusion area for a lot shall be defined so as to attain the maximum flexibility for the location of buildings, but subject to:

- (i) avoidance of significant landscape and environmental elements;
- (ii) avoidance of areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;
- (iii) the envelope containing an effluent disposal area in accordance with the provisions of the Scheme; and
- (iv) conforming to the building setback requirements of the Scheme.

Buildings must be contained within the building envelope defined on a Subdivision Guide Plan for the zone.

The Council may at its discretion approve the relocation of a building envelope, or construction of a building outside the building envelope if it is satisfied that the amenity of the area, the privacy of adjoining properties and the landscape or environment of the area will not be detrimentally affected.

3.1.5.5.3 On site Effluent Disposal

- (i) The area for the disposal of effluent through an ATU shall be sited so as to be no closer to a stream line or waterway than a distance of 30m or 50m for a wetland, and where soil types are assessed by the Council as having unsuitable absorption ability the minimum distance will be 100m where conventional on site effluent

disposal systems are proposed. Generally, unsuitable soil types or landforms will be deep light sands, or soils subject to water logging or with a shallow water table.

- (ii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 1.2m and where soil types are assessed as having unsuitable absorption capacity the minimum vertical clearance shall be 2m.
- (iii) The Council's preference for all new Rural Residential zones will be for the provision of ATU systems in preference to conventional on site disposal systems.

3.1.5.5.4 Tree Preservation and Landscape Enhancement

- (i) Within any Rural Residential zone, no indigenous tree or substantial vegetation may be felled or removed unless with the approval of the Council, except:
 - (a) trees which are dead, diseased or dangerous;
 - (b) for the purpose of a firebreak required by a Regulation or Local Laws, or for bush fire fuel reduction purposes;
 - (c) for an accessway;
 - (d) for the purpose of any approved development works; and
 - (e) within the defined/approved building envelope.
- (ii) Where land in a proposed Rural Residential zone is considered by the Council to be deficient in tree cover and that such deficiency would upon development result in loss of landscape values, the Council may require that the planting and maintenance for a period of two years of additional trees. Additional planting may be required as a special provision at the time of rezoning or as a condition of subdivision or planning approval.

3.1.5.5.5 Fire Control

- (i) Within a fuel reduction area identified on a Subdivision Guide Plan or a Fire Management Plan (FMP), all substantial vegetation capable of creating a fire hazard will be removed to the satisfaction of the Council.
- (ii) Within an area identified on a Subdivision Guide Plan or FMP as subject to parkland clearing, the density of substantial vegetation will be reduced to a level satisfactory to the Council.
- (iii) Ongoing management of strategic firebreaks, fuel reduction areas, areas subject to parkland clearing and other fire control measures on private property required by the FMP or the Bushfires Act 1954 is the responsibility of individual lot owners unless stipulated on a FMP or Subdivision Guide Plan.
- (iv) The Council shall require all landowners to minimise the amount of inflammable materials on their land and clear all inflammable materials save for live-standing trees within a 20m radius around all buildings.
- (v) The Council may direct a landowner to clear all inflammable material from the land where it constitutes a fire hazard and should the landowner not do so within a reasonable period, the Council is empowered to carry out that work and any expense in this regard which may be incurred by the Council shall be recoverable from the registered owner of the land.
- (vi) The Council may require provision of a suitable water source for fire fighting and registration on Title of any necessary easements in favour of the Council.
- (vii) All structures in high bush fire risk areas to be constructed to the relevant Australia Standard (AS 3959).
- (viii) Road design is to allow for safe egress in event of an emergency. The use of culs-de-sac will not be favoured.

3.1.5.5.6 Outbuildings

- (i) The maximum permitted floor area of outbuildings is 200m² unless otherwise agreed by the Council.
- (ii) The maximum floor area above is the total gross area of all outbuildings on the lot excluding garages, carports or other structures that are substantially attached to the house unless otherwise agreed by the Council.

3.1.5.6 Zoning Requirements for Rural Residential

3.1.5.6.1 Should an owner of land within the District or a proponent request the rezoning of a site to Rural Residential, the Council shall require that owner or proponent to provide to the Council a submission supporting the rezoning, and such submission shall include the following:

- (i) a clear statement of the objectives of the proposal;
- (ii) a statement indicating the relationship of the proposal to this Planning Vision, and any other approved planning study adopted by the Council and specific to the area in which the subject land is located;
- (iii) a full description of the site characteristics of the subject land including an analysis of the geology and soil types of the area, existing land forms and land uses;
- (iv) a landscape assessment including an analysis of slopes, vegetation cover, skylines, vistas, stream environs and identifiable natural features;
- (v) information regarding the availability of potable/non-potable/secondary water, and the methods whereby it is proposed to supply potable water to service each proposed lot;
- (vi) a brief outline of the planning structure, including the proposed areas to be subdivided, areas to be set aside for public open space, pedestrian accessways, trails, community facilities, those physical features including places, things, buildings and structures intended to be conserved or preserved;

- (vii) identification of any special development controls considered necessary or desirable; and
 - (viii) such other particular information details or documents as the Council reasonably requires to decide upon the merits of the rezoning.
- 3.1.5.6.2 The Council may consider a Scheme Amendment Request (SAR) be lodged in advance of full rezoning documentation. Council has an existing policy titled 'Scheme Amendment Requests' which allows proponents to gain an indication of support or otherwise from the Council prior to preparing a Scheme Amendment.
- 3.1.5.6.3 If the Council upon receiving a submission for a SAR is prepared to approve the proposal in principle, it shall require the owner of the subject land to submit the documents necessary to effect a rezoning prepared in accordance with the requirements of the Scheme and the Regulations. If the Council is prepared to accept a Scheme Amendment, it may resolve to do so with or without modifications and thereafter it shall proceed in accordance with the provisions of the Regulations.
- 3.1.5.6.4 The Council as a condition of giving approval in principle to a SAR for proposed rezoning of land to Rural Residential may require the owner of the subject land to enter into an agreement with the Council to comply with such terms and conditions relevant to amenity and orderly and proper planning as the Council considers appropriate to ensure that the subject land is developed in an acceptable manner.
- 3.1.5.6.5 The Council shall not initiate a rezoning of the subject land, or continue the procedures for rezoning if the owner refuses or fails to enter into or comply with such agreement.
- 3.1.5.7 Provisions for Specific Rural Residential Zones
 - 3.1.5.7.1 In addition to the general provisions set out in the Scheme, the provisions set out in Schedule 5 of TPS3 shall apply to the control of land uses and development in the specific areas referred to therein. Where there is an endorsed Subdivision Guide Plan for any specific area referred to in

Schedule 5, it shall form part of the Scheme, and future subdivision within any such specific area shall generally be in accordance with such Subdivision Guide Plan.

3.1.5.7.2 The Scheme Amendment documents provided in accordance with the Scheme shall include a Subdivision Guide Plan showing:

- (i) the proposed ultimate subdivision including approximate lot sizes and dimensions;
- (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities and such other matters relevant to the amenity and orderly and proper planning of the area as the Council considers appropriate;
- (iii) those physical features including places, things, buildings and structures which it is intended to conserve or preserve;
- (iv) the proposed staging of the subdivision where relevant;
- (v) strategic firebreaks, where required; and
- (vi) other matters deemed appropriate by the Council.

Scheme Amendment documents are to include a Fire Management Plan and where relevant, a Local Water Management Strategy to the satisfaction of the DOW.

3.1.6 Rural Smallholdings Zone

3.1.6.1 Purpose

The purpose of the Rural Smallholdings zone is to provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

3.1.6.2 Objectives

The Council's objectives in managing and guiding land use, development and subdivision within the Rural Smallholding zone are to:

- (i) encourage the opportunity for a range of rural and semi-rural pursuits on cleared land where part-time or full time income may be generated;

- (ii) allow the opportunity for subdivision where identified in this Planning Vision where the existing land use, landscape and conservation values will not be compromised;
- (iii) to encourage rural smallholdings with a variety of lot sizes consistent with the physical, environmental and landscape characteristics of the land which are capable and suitable of sustaining appropriate development in the opinion of Council including the proponent suitably addressing environmental, natural resource management, servicing, fire management and visual impact;
- (iv) to facilitate the conservation of native vegetation; and
- (v) in appropriate circumstances, the use of innovative design and clustering of houses and other structures to minimise the impacts on adjacent land (including agriculture) and provide for on-going use of land for rural pursuits, whilst protecting landscape and environmental values and utilising services efficiently.

3.1.6.3 Policies

The Council's policies in controlling land use development and influencing subdivision within the Rural Smallholdings zone are to confirm that the existence of a second house is not to be construed as support or justification for the subdivision of the land under the Planning and Development Act 2005 or the Strata Titles Act 1985.

3.1.6.4 Subdivision and Development Standards

3.1.6.4.1 Subdivision

1. Subdivision and development must be generally in accordance with a Subdivision Guide Plan adopted in a rezoning document.
2. The Council will seek the following for Rural Smallholdings subdivisions:
 - (i) lot sizes ranging from 4ha to 40ha or more depending on local conditions;
 - (ii) design, development and management provisions to provide a variety of housing and lifestyle opportunities;
 - (iii) opportunities for home business, industry-cottage, tourist and rural pursuits where part time or full time income may be

derived from specialty agricultural production and value adding activities, arts, crafts and hobbies, small scale home manufacturing, home office, home based medical, health and similar activities;

- (iv) an identifiable rural lifestyle theme (eg. conservation lots, bush blocks, equestrian parks; permaculture estate);
- (v) all houses shall be provided with sufficient roof catchment or other methods acceptable to the Council and the provision of a rain water catchment tank with a minimum capacity of 92,000L prior to occupation unless alternative arrangements are made to the satisfaction of the Council for an adequate supply of potable water. The DAFWA Farm Note No. 64/2004 (84/1990) 'Rainwater tanks' is to be used to calculate roof catchment areas; and
- (vi) 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 capacity of the rainwater catchment tank shall be 50,000L along with sufficient roof catchment or other methods acceptable to the Council;

The Council may consider Rural Smallholding lot sizes below 10ha, subject to a scheme amendment with the applicant suitably addressing land suitability and capability, servicing and other matters considered relevant by Council.

3.1.6.4.2 Development

1. Only one house will be permitted on any lot unless provided for in the Rural Smallholding zone special provisions.
2. The Council may permit ancillary accommodation if:

- (i) appropriately justified by the applicant and addresses relevant planning consideration; and
 - (ii) approval however is not considered to be:
 - (a) justification for subdivision of the land under the Planning and Development Act 2005 or the Strata Title Act 1985;
 - (b) it is located within the same building envelope as the first house.
- 3. Development for other uses, in the opinion of the Council, will not be granted planning approval on any lot within the Rural Smallholdings zone, unless a house exists on the lot, or is to be constructed as the first stage of the development proposal unless appropriately justified by the applicant and agreed to by the Council.
- 4. Unless otherwise provided for in the Subdivision Guide Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of:
 - (a) from a road boundary: 20m
 - (b) from other boundaries: 10m
 - (c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or Council managed land: 50m
- 5. 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.
- 6. For the purposes of guiding subdivision and development in specific Rural Smallholdings zone, the provisions set out in Schedule 13 of TPS3 shall apply to the specified zones. Future subdivision will be required to generally accord with a Subdivision Guide Plan prepared

for the specified area referred to in Schedule 13 and such a plan shall form part of the Scheme.

3.1.6.5 General Development provisions relating to a Rural Smallholdings Zone

Subject to the provisions in Schedule 13 of TPS3 applicable to any specific Rural Smallholdings zone, the following provisions shall be applicable to all land included in such a zone.

3.1.6.5.1 Land Use and Development

- (i) In addition to a building permit, planning consent is required for development where proposed outside a building envelope does not meet setbacks and for all discretionary uses. All development shall be in accordance with the Subdivision Guide Plan unless such variation is specifically approved by the Council.
- (ii) No building, outbuilding or fence shall be constructed of materials or be of a colour which in the opinion of the Council is detrimental to the character or natural landscape of the locality.
- (iii) All buildings constructed shall, by virtue of materials and design, to be consistent with the relevant Australian Standards for Bushfires (AS 3959). The Council may, from time to time, specify standards for fire resistant buildings.
- (iv) Fencing design and materials are to be to the Council's satisfaction. The Council shall not approve fibro cement or similar materials which are considered to be inconsistent with the rural character of the area.
- (v) The Council may take any action which it considers necessary to reduce or eliminate any adverse effects on the environment caused solely or partly by the stocking of animals or by other development on a lot and any expense in this regard which may be incurred by the Council, shall be recoverable from the registered owner of the land.
- (vi) The keeping of livestock will not be permitted unless the applicant can demonstrate to the Council upon request that the animals are

correctly yarded and lots will be managed to ensure that the soil and vegetation are not denuded. In considering any request to keep animals, the recommendations of the DAFWA may be sought.

- (vii) Within any Creekline Protection Area identified on a Subdivision Guide Plan, the following provisions are to apply to an area with the minimum width of 10m, measured outwards from the top of both banks of the water courses or the floodplain as determined in consultation with the Department of Water:
- (a) No new dams, artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks without approval of the DOW.
 - (b) The activities of stock to be controlled such that the problems of erosion, pollution and vegetation degradation do not occur.
 - (c) No spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50m from the water course, shall be established on all land within the amendment areas. The no spray requirements will not preclude carrying out of noxious weed control in accordance with the DAFWA requirements and also fire breaks required in accordance with the Council's Annual Firebreak Notice.

3.1.6.5.2 Building Envelopes and Building Exclusion Areas

Where required by the Subdivision Guide Plan and controls for a specific zone a building envelope or building exclusion area for a lot shall be defined so as to attain the maximum flexibility for the location of buildings, but subject to:

- (i) avoidance of significant landscape and environmental elements;
- (ii) avoidance of areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;

- (iii) the envelope containing an effluent disposal area in accordance with the provisions of the Scheme; and
- (iv) conforming to the building setback requirements of the Scheme.

Buildings must be contained within the building envelope defined on the Subdivision Guide Plan adopted by the Council for the zone.

The Council may at its discretion approve the relocation of a building envelope, or construction of a building outside the building envelope if it is satisfied that the amenity of the area, the privacy of adjoining properties and the landscape or environment of the area will not be detrimentally affected.

3.1.6.5.3 On Site Effluent Disposal

- (i) The area for the disposal of effluent through an ATU shall be sited so as to be no closer to a stream line or waterway than a distance of 30m or 50m for a wetland, and where soil types are assessed by the Council as having unsuitable absorption ability the minimum distance will be 100m where conventional on site effluent disposal systems are proposed. Generally, unsuitable soil types or landforms will be deep light sands, or soils subject to water logging or with a shallow water table.
- (ii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 1.2m and where soil types are assessed as having unsuitable absorption capacity the minimum vertical clearance shall be 2m.
- (iii) The Council's preference for all new Rural Smallholdings zones will be for the provision of ATU systems in preference to conventional on site disposal systems.

3.1.6.5.4 Tree Preservation and Landscape Enhancement

- (i) Within any Rural Smallholdings zone, no indigenous tree or substantial vegetation may be felled or removed unless with the approval of the Council, except:

- (a) trees which are dead, diseased or dangerous;
 - (b) for the purpose of a firebreak required by a Regulation or Local Law, or for bush fire fuel reduction purposes;
 - (c) for an accessway;
 - (d) for the purpose of any approved development works; and
 - (e) within the defined/approved building envelope.
- (ii) Where land in a proposed Rural Smallholdings zone is considered by the Council to be deficient in tree cover and that such deficiency would upon development result in loss of landscape values, the Council may require that the planting and maintenance for a period of two years of additional trees. Additional planting may be required as a special provision at the time of rezoning or as a condition of subdivision or planning approval.

3.1.6.5.5 Fire Control

- (i) Within a fuel reduction area identified on a Subdivision Guide Plan, or a FMP all substantial vegetation capable of creating a fire hazard will be removed to the satisfaction of the Council.
- (ii) Within an area identified on a Subdivision Guide Plan or FMP as subject to parkland clearing, the density of substantial vegetation will be reduced to a level satisfactory to the Council.
- (iii) Ongoing management of strategic firebreaks, fuel reduction areas, areas subject to parkland clearing and other fire control measures on private property required by the FMP or the Bushfires Act 1954 is the responsibility of individual lot owners unless stipulated on a FMP or Subdivision Guide Plan.
- (iv) The Council shall require all landowners to minimise the amount of inflammable materials on their land and clear all inflammable

materials save for live-standing trees within a 20m radius around all buildings.

- (v) The Council may direct a landowner to clear all inflammable material from the land where it constitutes a fire hazard and should the landowner not do so within a reasonable period, the Council is empowered to carry out that work and any expense in this regard which may be incurred by the Council shall be recoverable from the registered owner of the land.
- (vi) The Council may require provision of a suitable water source for fire fighting and registration on Title of any necessary easements in favour of the Council.
- (vii) All structures in high bush fire risk areas to be constructed to the relevant Australia Standard (AS 3959).
- (viii) Road design is to allow for safe egress in event of an emergency. The use of culs-de-sac will not be favoured.

3.1.6.5.6 Outbuildings

The maximum permitted floor area of outbuildings is 300m², unless otherwise agreed by the Council.

The maximum floor area above is the total gross area of all outbuildings on the lot excluding garages, carports or other structures that are substantially attached to the house unless otherwise agreed by the Council.

3.1.6.6 Zoning Requirements for Rural Smallholdings

3.1.6.6.1 Should an owner of land within the District or a proponent request the rezoning of a site to Rural Smallholdings, the Council shall require that owner or proponent to provide to the Council a submission supporting the rezoning, and such submission shall include the following:

- (i) a clear statement of the objectives of the proposal;
- (ii) a statement indicating the relationship of the proposal to this Planning Vision, and any other approved planning study adopted by the

Council and specific to the area in which the subject land is located;

- (iii) a full description of the site characteristics of the subject land including an analysis of the geology and soil types of the area, existing land forms and land uses;
- (iv) a landscape assessment including an analysis of slopes, vegetation cover, skylines, vistas, stream environs and identifiable natural features;
- (v) information regarding the availability of potable/non-potable/secondary water, and the methods whereby it is proposed to supply potable water to service each proposed lot;
- (vi) a brief outline of the planning structure, including the proposed areas to be subdivided, areas to be set aside for public open space, pedestrian accessways, trails, community facilities, those physical features including places, things, buildings and structures intended to be conserved or preserved;
- (vii) identification of any special development controls considered necessary or desirable; and
- (viii) such other particular information details or documents as the Council reasonably requires to decide upon the merits of the rezoning.

3.1.6.6.2 Where the Council is of the opinion that the total area of the land to be subdivided and the number of lots that the subdivision will yield are not of such magnitude that strict adherence to all of the criteria outlined in the Scheme is required to enable the Council adequately to assess the proposal, then the Council may permit a relaxation of the requirements in the Scheme.

3.1.6.6.3 If the Council upon receiving a submission for a SAR is prepared to approve the proposal in principle, it shall require the owner of the subject land to submit the documents necessary to effect a rezoning prepared in accordance with the requirements of the Scheme and the Regulations. If the Council is prepared to accept a Scheme Amendment, it may resolve to do so with or without

modifications and thereafter it shall proceed in accordance with the provisions of the Regulations.

3.1.6.6.4 The Council as a condition of giving approval in principle to a SAR for proposed rezoning of land to Rural Smallholdings may require the owner of the subject land to enter into an agreement with the Council to comply with such terms and conditions relevant to amenity and orderly and proper planning as the Council considers appropriate to ensure that the subject land is developed in an acceptable manner.

3.1.6.6.5 The Council shall not initiate a rezoning of the subject land, or continue the procedures for rezoning if the owner refuses or fails to enter into or comply with such agreement.

3.1.6.7 Provisions for Specific Rural Smallholdings Zones

3.1.6.7.1 In addition to the general provisions set out in the Scheme, the provisions set out in Schedule 13 of TPS3 shall apply to the control of land uses and development in the specific areas referred to therein. Where there is an endorsed Subdivision Guide Plan for any specific area referred to in Schedule 13 it shall form part of the Scheme, and future subdivision within any such specific area shall generally be in accordance with such Subdivision Guide Plan.

3.1.6.7.2 The Scheme Amendment documents provided in accordance with the Scheme shall include a Subdivision Guide Plan showing:

- (i) the proposed ultimate subdivision including approximate lot sizes and dimensions;
- (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities and such other matters relevant to the amenity and orderly and proper planning of the area as the Council considers appropriate;
- (iii) those physical features including places, things, buildings and structures which it is intended to conserve or preserve;
- (iv) the proposed staging of the subdivision where relevant;

- (v) strategic firebreaks, where required; and
- (vi) other matters deemed appropriate by the Council.

Scheme Amendment documents are to include a Fire Management Plan and where relevant a Local Water Management Plan to the satisfaction of the DOW.

3.1.7 Tree Plantations

3.1.7.1 Plantations are a 'P' (permitted) use in the Rural zone and planning consent of the Council is not required for such a use where criteria specified in TPS3 are satisfied. TPS3 contains five Special Control Areas wherein an application for planning consent is required or alternatively where plantations are not permitted. The Special Control Areas are:

1. Kendenup Townsite
2. Rocky Gully Townsite
3. Narrikup Townsite
4. Mount Barker
5. Porongurup

3.1.7.2 Although planning consent is not required in the rural districts not part of a Special Control Area, in accordance with TPS3, proponents will need to submit to the Council:

- (a) a plantation management plan prior to the commencement of any site works or plantings;
- (b) a harvesting plan two years prior to the anticipated harvesting date.

3.1.7.3 The issue of spraying plantations to control insect damage is a matter the Council will have regard to. The Council requires plantation operators provide advice before a plantation is to be aerially sprayed in order that monitoring of spray drift can be carried out by the Council officers. The Council will be prepared to accept a specific protocol to be prepared by the proponent in the form of an aerial spray application management plan which addresses the Code of Practice and the following points:

- (a) Restrictions on the wind direction and wind speed under which aerial spraying may occur.
- (b) Provisions for a buffer zone adjacent to any urban area that is not to be aerially sprayed, the width of which can

be negotiated depending on the chemical types and any restrictions on wind direction that may apply.

- (c) An aerial spraying record to be logged by the pilot and submitted to the Council prior to and following application events.

- 3.1.7.4 The Council recognises the intentions of the timber industry in its Code of Practice for Timber Plantations in WA and supports the thrust of such a document. The Council administers Town Planning Scheme Policy No. 15 on the understanding that all operators abide by the Code of Practice.
- 3.1.7.5 Another plantation industry is the establishment of carbon plantations to create carbon offsets through the establishment and management of plantations dedicated to that purpose. These carbon plantations generally are not subject to harvesting and must be left in place for 70 years. The accumulated carbon dioxide in these plantations is 'traded' with entities that have an obligation to reduce their greenhouse gas emissions profile (such as vehicle manufactures and petroleum companies). Carbon dioxide sequestered by these plantations needs to be certified under the National Greenhouse Friendly Program of the Commonwealth Government Department of Climate Change.
- 3.1.7.6 For these carbon plantations to be certified, they must be established on land that was not vegetated (forest) prior to 1 January 1990. This means the focus is on cleared farmland to ensure there is no clearing of remnant vegetation. The environmental benefits of such plantations are obvious and include lowering of water tables (and salinity levels), improved biodiversity (including habitat linkages), improved soil conservation and reduced sediment loads in waterways. Also from a local government perspective, additional road construction and maintenance is not required as the plantation is not to be harvested.
- 3.1.7.7 Carbon plantations do generate areas of concern particularly from a local government perspective. After the initial planting and other than annual firebreak maintenance, nothing is returned to the local community. There is essentially no production of food from the land which once was carrying livestock and/or being used for cropping. There is the real potential, that extensive areas planted to carbon plantations will lead to the depopulation of rural areas

which in turn will mean small towns will not be sustainable due to population drift potentially leading to the closure of many small rural towns. This loss of agricultural production could have a negative impact on the Australian gross domestic product. Similar potential negative impacts were raised when the blue gum plantation industry was commenced in the late 1980's however, that industry with harvesting occurring every 10 years has meant rural populations stabilised. On the other hand, the carbon plantations are generally not to be harvested meaning the land is lost from food production and the population drift will occur.

- 3.1.7.8 With the intention of retaining land for agricultural production of food on a broadscale for crops and livestock, through to smaller scale intensive horticultural and specialist agricultural activities, carbon plantations will not be favoured in areas south of the 500mm rainfall isohyet as shown on Figure 1 (Rural and Agricultural Land Use Plan) of Appendix 6. The majority of the areas north of this isohyet are shown as general agriculture on Figure 1. The restriction of carbon plantations to the north of this line will mean the sustainability of Mount Barker and the rural villages will not be compromised. It is recognised that with potential changes in climate and with potential reduced rainfall, this 500mm isohyet line may overtime move further southwards. For the purposes of this Planning Vision the line for limiting carbon plantations will be that as shown on Figure 1 of Appendix 6.
- 3.1.7.9 The Council may favour variations to whole of farm planting in instances south of the 500mm isohyet where belts of carbon plantation trees are planted in conjunction with a traditional farming activity (agroforestry). This will enable the property to continue to produce food and crops whilst there are positive carbon and environmental benefits. The Council may also favour the establishment of a carbon plantation south of the 500mm isohyet where the existing farmland has been degraded to a point where it is not possible to re-establish traditional farming activities.
- 3.1.7.10 When a carbon plantation is proposed for areas north of the 500mm isohyet, they will be treated in accordance with the standards for commercial plantations discussed earlier and the Code of Practice for Timber Plantations.

3.1.8 Aquaculture

3.1.8.1 Domestic and worldwide demand for aquaculture products is increasing. TPS3 defines aquaculture as follows:

‘means the use of land for the purpose of rearing and breeding of fish or crustaceans under controlled conditions for sale’.

3.1.8.2 Such a use is permissible at Council’s discretion in the Rural zone after advertising and it has the potential to allow farmers to further diversify their rural activities. The Department of Fisheries is the government regulatory body which considers all aquaculture proposals where the product is to be offered for sale.

3.1.8.3 One issue of concern to the Council is the potential impact of agricultural chemicals applied on nearby farmland and adjacent to waterways which supply the water to aquaculture developments. Many of the species grown in aquaculture developments are susceptible to chemicals.

3.1.8.4 The Council will consider aquaculture proposals on their individual merits and in doing so will have regard to the activities carried out on nearby properties together with the use of best practice principles by the proponent.

3.1.9 Rural Industry

3.1.9.1 Rural Industry involves the handling, treating, processing or packing of primary products grown, reared or produced in the locality, and includes a workshop servicing plant or equipment used for rural purposes in the locality. Such an industry is a ‘P’ (permitted) use in the Industrial and Special Industrial zones and is an ‘AA’ (discretionary) use in the Rural zone under TPS3.

3.1.9.2 Rural industries need to incorporate landscaping and tree planting to adequately screen the activity to minimise its visual obtrusion. Such industries producing high volumes of effluent will not be permitted where such effluent could affect groundwater or increase nutrient loading to waterways unless approved management techniques are set in place. Appropriate buffer areas will be required to these activities.

3.1.9.3 Applications for planning consent for rural industries must incorporate management plans detailing the methods by which pollutants such as dust, noise, airborne emissions and effluent are to be managed. The management plans should include details such as vehicular access, hours of operation,

estimated noise levels, buffer zones and details of proposed signage.

3.1.10 Landscape Protection

3.1.10.1 TPS3 contains provision for the creation of Landscape Protection zones. The objective of this zone is to provide for limited subdivision and development where it can be demonstrated to be compatible with the protection of, and where appropriate, rehabilitation of landscape qualities, flora and fauna, both on and adjacent to such areas.

3.1.10.2 The Scheme requires the preparation of a submission supporting the creation of a Landscape Protection zone. That submission is to include:

- (i) A statement as to the purpose or intent for which the zone is being created.
- (ii) The reasons for selecting the particular area, the subject of the proposed zone including a full explanation of the site's environmental and landscape features it is proposed to protect.
- (iii) A plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.
- (iv) A comprehensive assessment of all planning, engineering, environmental and landscape considerations which are deemed to be relevant to the subdivision and development of the land.
- (v) A subdivision and/or development plan for the zone clearly demonstrating that any landform, vegetation and physical constraints have been met in terms of the development concept, lot size, lot shape, road layout, strategic firebreaks, open space and environmental management proposals.
- (vi) Where the proposal includes land within the area of the Porongurups Rural Strategy, a detailed Visual Impact Assessment (VIA) of the land and the subdivision/development proposal will be required. The VIA shall include photographs and plans as necessary to depict components of the VIA and an explanation of the design/subdivision mechanisms to be utilised to ensure the proposal meets the outcomes/recommendations of the VIA.

- (vii) Demonstration that the development proposal will result in the maintenance or enhancement of the area's social, landscape and environmental features with specific discussion of the following issues, where deemed necessary:
- visual amenity;
 - infrastructure servicing and human servicing;
 - building envelopes/development areas;
 - rare or endangered flora and/or fauna;
 - protection of landscape features;
 - public use areas/reserves;
 - wildfire management measures;
 - exotic pests/weeds;
 - specific landuses and activities on land;
 - dieback control;
 - solid and liquid waste disposal;
 - revegetation/regeneration, installation, maintenance and control;
 - adverse environmental impacts, including any offsite impacts; and
 - building standard and design considerations.

3.1.10.3 The Scheme also requires the preparation of a subdivision guide plan/development guide plan that shows:

- (i) The proposed ultimate subdivision and/or development including approximate lot sizes and dimensions, and proposed road reserve widths.
- (ii) Areas to be set aside for Public Open Space, pedestrian accessways, community facilities and other matters considered appropriate by Council.
- (iii) Any land based environmental management measures proposed.

3.1.10.4 This type of zone can allow for more intense forms of development in capable and suitable areas. That more intense development may have a similar density to rural residential but will involve clusters of smaller lots in the order of 2,000m² to 4,000m² in a particular portion of a site whilst areas of substantial remnant vegetation, creek lines or a

continued agricultural activity is/are protected from development. Such areas are to be located close to existing villages to avoid adverse impacts on the broader agricultural areas.

- 3.1.10.5 One option for this form of development is that the lots could possibly be subdivided into Survey Strata lots and the significant landscape features become Common Property lots under the overall Strata concept. It is not necessary that all Landscape Protection zones be subdivided by way of Strata Titles but it is likely Strata Titles will be the predominant form of land title selected due to its flexibility and the ability to incorporate a Management Statement to guide activities and responsibilities on the land.
- 3.1.10.6 Zoning of land to Landscape Protection is considered critical to ensure appropriate land use and management controls are set in place with the backing of the Town Planning Scheme. Attempts to avoid appropriate zoning through the use of such things as Strata restrictions or Covenants on the Certificates of Title will be strongly opposed as this is seen as a departure from the principles of the Planning and Development Act 2005.
- 3.1.10.7 Due to the ethos of Landscape Protection, specific areas may contain Scheme controls to preclude the keeping of pets such as cats and dogs that may have an adverse impact on areas of remnant vegetation or fauna features being preserved as part of this form of zoning mechanism.
- 3.1.10.8 The WAPC on the advice of the DOP required the Council to delete all reference to Landscape Protection from the first editions of the draft LPS. It is retained in this Planning Vision as it is considered a legitimate planning control mechanism in the TPS3.

3.1.11 Conservation Lots

- 3.1.11.1 The WAPC Policy DC 3.4 allows for the subdivision of land to create a conservation lot subject to specific criteria being met. Such lots may be created to preserve significant environmental features and remnant vegetation. In summary the criteria are:
- (i) The vegetation has been identified in an approved strategy, catchment plan or specific assessment of an appropriate report.
 - (ii) The Department of Parks and Wildlife (DPAW), National Trust or other relevant agency has provided

- advice supporting the suitability of the lot particularly if it is below 40ha and that agency has agreed in principle to administer a conservation covenant.
- (iii) 85% of the conservation lot has high environmental values or is covered by native or regenerated vegetation and/or wetland.
 - (iv) The conservation lot has an appropriate shape.
 - (v) A conservation covenant in perpetuity with DPAW National Trust or alternative agency is registered on the Certificate of Title.
 - (vi) The remaining agricultural lot is of sufficient area for agricultural use and retains some native or regenerated vegetation.
 - (vii) Landowners wishing to create more than one conservation lot are to do so through rezoning to a conservation themed Rural Residential or Rural Smallholdings zone.
- 3.1.11.2 Vegetated lots that contain more than 75% remnant vegetation of high quality and where the vegetated lot is at least 20ha in area will be considered for conservation lot status.
- 3.1.11.3 The Council will support the once-off subdivision of such a lot into a maximum of two lots (regardless of the original lot size provided the 20ha minimum is adhered to for the parent lot). This support is on the basis that both lots created are subject to a conservation covenant being placed on both new Titles, building envelopes (3,000m² maximum) being carefully selected and nominated, low fuel zones being identified and any other measures considered relevant to maintain the strict conservation theme.
- 3.1.11.4 Where a conservation lot adjoins DPAW or Conservation Commission managed lands, the owners must liaise with the relevant agency in respect to features such as the fire management strategy to avoid duplication of features such as firebreaks. A vegetation survey will study the presence or absence of declared rare flora, threatened ecological communities and its habitat values for fauna.
- 3.1.11.5 Only one house per conservation lot will be permitted and chalets will not be permitted.
- 3.1.11.6 A Memorial must be placed on the Certificate of Title for each new lot advising that the land has been subdivided

once under this system and no further subdivision will be entertained by Council or the WAPC.

- 3.1.11.7 Where it is proposed to subdivide one vegetated lot to create two conservation lots, it is not considered the lots should be rezoned as this is in effect a time and cost penalty on a conservation lot owner which should not be the situation. A landowner who has chosen not to clear remnant vegetation should be encouraged and supported in this stance and not penalised.

3.1.12 Homestead Lots

- 3.1.12.1 Homestead lots are created around an existing home and associated infrastructure on broadscale farming properties to provide a wider range of options for existing farming families to remain on the farm.

- 3.1.12.2 The creation of these lots has a number of benefits which would be appropriate in much of the Shire's rural area. These benefits include:

- being able to rationalise farm finance;
- allowing children to remain on the farm, build a house without tying up finance on the existing residence;
- allow contractors, and other rural residents to live in the area;
- allows existing infrastructure to be retained; and
- assists in retaining the rural population and workforce.

- 3.1.12.3 The WAPC Policy DC 3.4, Subdivision of Rural Land, permits these subdivisions in the Wheatbelt which includes the Shire of Plantagenet. The creation of Homestead lots will be supported by Council where:

- the lot has an area of up to 20ha where the lot size is intended to retain the home, infrastructure, water source and any other appropriate features;
- the lot responds appropriately to the topography and will not require the clearing of existing remnant vegetation;
- the lot has an adequate water supply for domestic, land management and fire management purposes;
- the lot fronts a constructed public road; and
- the homestead lot has not been previously subdivided from the farming property.

- 3.1.12.4 The Council will also consider supporting the creation of a homestead lot where it:
- will contain an existing rural industry or other intensive economic activity associated with the residence and surrounding land; and
 - where Council believes the proposal is justified on its individual merits.

3.1.13 Horticulture

- 3.1.13.1 TPS3 defines Horticulture in the following way:

‘includes both annual and perennial varieties. Annual refers to the commercial market gardening of all varieties of shallow rooted vegetables that can be sown and harvested within a twelve month period and the soil is cultivated at least once a year. Perennial refers to the commercial production of all varieties of long lived fruit and nut species, generally deep rooting and where land is only cultivated deeply at the initial planning stage. This interpretation includes all forms of commercial flower and wildflower cultivation and production commonly referred to as floriculture.’

- 3.1.13.2 Horticulture is a use that Council may, at its discretion, permit in the Rural zone.
- 3.1.13.3 Council encourages viticultural activities on capable and suitable land throughout the rural areas. The EPA has a code of practice for the establishment and development of vineyards and Council will require all such proposals adhere to that code of practice. The Department of Health (DOH) has 2012 guidelines for appropriate separation distances which includes vineyards.
- 3.1.13.4 As a general rule, Council when considering applications for horticultural activities such as vineyards, will have regard to the proximity of the more intense forms of residential development such as urban subdivision, Rural Residential or Rural Smallholdings. Council will also have regard to physical terrain and the extent of areas of remnant vegetation to buffer the vineyard from the more intense development.
- 3.1.13.5 Noise emitting bird scaring devices commonly known as ‘gas guns’ can be a potential source of complaint from residents in urban or semi urban areas. In some cases, Council when granting approval to a horticultural activity such as a

vineyard, may impose a condition which precludes the use of such devices.

- 3.1.13.6 The potential problem of spray drift is now not as much of an issue as it was in the past due to the high cost of chemicals and more appropriate (environmentally and economically) application practices.
- 3.1.13.7 In respect to vineyards, associated activities can include cellar sales. These activities are defined and listed as a specific use class in TPS3 and the Council may at its discretion permit such a use after public consultation. Each particular case is considered on its merits.
- 3.1.13.8 The development of wineries to produce wine from vineyards is an activity that Council will consider based on the individual merits of each proposal. Impacts on neighbours, waterways and transportation routes will all be considered by Council. Effluent disposal from wineries is another matter Council will ensure is addressed thoroughly to meet national standards and guidelines. The Scheme requires the use of public consultation before a decision is made by the Council.

3.2 Settlement Hierarchy

- 3.2.1 The settlement pattern is well established with Mount Barker as the hub together with rural villages at Kendenup, Narrikup, Porongurup and Rocky Gully. There is the need for further long term growth in and around these villages and Mount Barker to accommodate population growth well into the future.
- 3.2.2 There is clear pressure for more growth in two distinct areas and these are firstly the land located between Mount Barker and Porongurup. This area will be under increasing pressure for tourist and tourist accommodation facilities and lifestyle and rural diversification properties in the form of Rural Residential and Rural Smallholdings. Secondly is the area stretching from Kendenup, through Mount Barker and Narrikup southwards to the municipal boundary with the City of Albany. Albany Highway is the central axis of this second area which will be under pressure for tourist and tourist accommodation facilities and again lifestyle and rural diversification properties.

While this growth pressure is acknowledged, linear expansion of lifestyle lot developments in these areas is not supported. Rural Residential and Rural Smallholdings proposals will therefore only be supported in those areas close to existing townsites/rural villages as identified in this Planning Vision.

- 3.2.3 The LGSS includes a hierarchy for the region's settlements. It classifies Mount Barker as a sub-regional centre and contains a

series of rural villages including Kendenup, Narrikup, Porongurup and Rocky Gully.

3.2.4 The principal planning issues for rural villages are:

- ageing infrastructure and the cost of upgrades;
- cost of extending infrastructure to support development;
- availability of water and wastewater services;
- identification and funding of town water resources, deep sewer and sewage treatment;
- issues relating to the tenure of land adjacent to and in townships, in particular limited availability of freehold land and conservation reserves, national parks and native title claims adjacent to town sites;
- maintenance of existing community assets;
- loss of community services and facilities such as health and education;
- foreshore management issues;
- groundwater pollution and impact of on-site effluent disposal;
- size and location of existing lots i.e. Residential and Rural Residential in the township;
- incorporation of land for tourist accommodation;
- impacts of historical subdivision and current development trends;
- access to reliable internet services; and
- impact of natural hazards such as bushfires.

3.2.5 An objective of this Planning Vision is to encourage development of the rural villages of Kendenup, Narrikup, Porongurup and Rocky Gully. The development of these villages will occur over time and at differing rates. With development occurring in these villages, it will reduce the pressure on the Mount Barker urban area for urban sprawl to occur. The planned growth of these villages is a key part of the overall strategic planning initiatives of the Council.

3.2.6 Before the Council will consider subdivisional, zoning or development proposals of a large nature or which may require a coordinated planning approach, a conceptual structure plan for the overall village will be required.

3.2.7 Accepted guidelines for the preparation of conceptual structure plans are as follows:

Form and content of conceptual structure plans

- description of rural settlement (current form and long term development including present and ultimate population);
- existing planning considerations (zoning etc); and
- details required to develop the conceptual structure plan:
 - land capability analysis based on general land forms, not detailed site by site assessments;
 - identification and protection of areas of remnant vegetation;
 - identification of low lying areas and areas subject to inundation;
 - identification of potential source of water supply*;
 - identification of potential effluent disposal system and location of treatment works *; and
 - identification of capacity of power and telecommunication services to cater for the anticipated population *.

* Will need detailed assessment at subsequent rezoning stages.

The conceptual structure plan will show

- location and density of housing areas;
- road layout (short and long term);
- public open space and method of contribution;
- commercial areas;
- service trades and/or light industrial area;
- community purpose sites;
- fire management plan;
- waste transfer station location;
- environmental considerations;
- ethnographic and heritage issues;
- infrastructure (short and long term) including water source and location of effluent disposal site; and
- estimated time frame for development.

3.2.8 This Planning Vision requires the above guidelines be used as a minimum requirement to plan for the overall pattern of settlement. Subsequent rezoning proposals for more intense development such

as Residential, Tourist or Rural-Residential will need to address critical issues in detail to the satisfaction of the various relevant government agencies and the Council.

- 3.2.9 Appendices 1 to 5 include the conceptual structure plans for the sub-regional centre of Mount Barker and the rural villages of Kendenup, Narrikup, Porongurup and Rocky Gully. Each Appendix includes a description of the centre and the guidelines for the future long term growth of the centre and the rural villages.

3.3 Urban Settlement Issues

3.3.1 Public Open Space in Residential Areas

3.3.1.1 The WAPC, when considering proposals to subdivide Residential zoned land into more than three lots, requires the provision of an area of 10% of the site for public open space (POS).

3.3.1.2 WAPC Policy requires 10% of the gross subdividable area be given up at the subdivision stage as POS and acknowledges that cash-in-lieu should be encouraged where either the land given up would be too small to be of practical use, there is adequate open space in the locality or open space has been forfeited in previous subdivision.

3.3.1.3 The Planning and Development Act 2005 requires POS for subdivision involving three lots or more and provides a mechanism for the Council to require the payment of cash-in-lieu of the land contribution. There are strict requirements in respect to how cash-in-lieu funds are held and used. The approval of the Minister for Planning is required before the Council can use cash-in-lieu funds.

3.3.1.4 The Council in November 2007 adopted a comprehensive Public Open Space Strategy for Mount Barker and this sets the basis for where such funds can be utilised in reasonable proximity to the actual subdivision that contributed the funds. Existing parks and recreation reserves are to be improved by the use of these funds.

3.3.2 Home Occupation/Business in Residential Areas

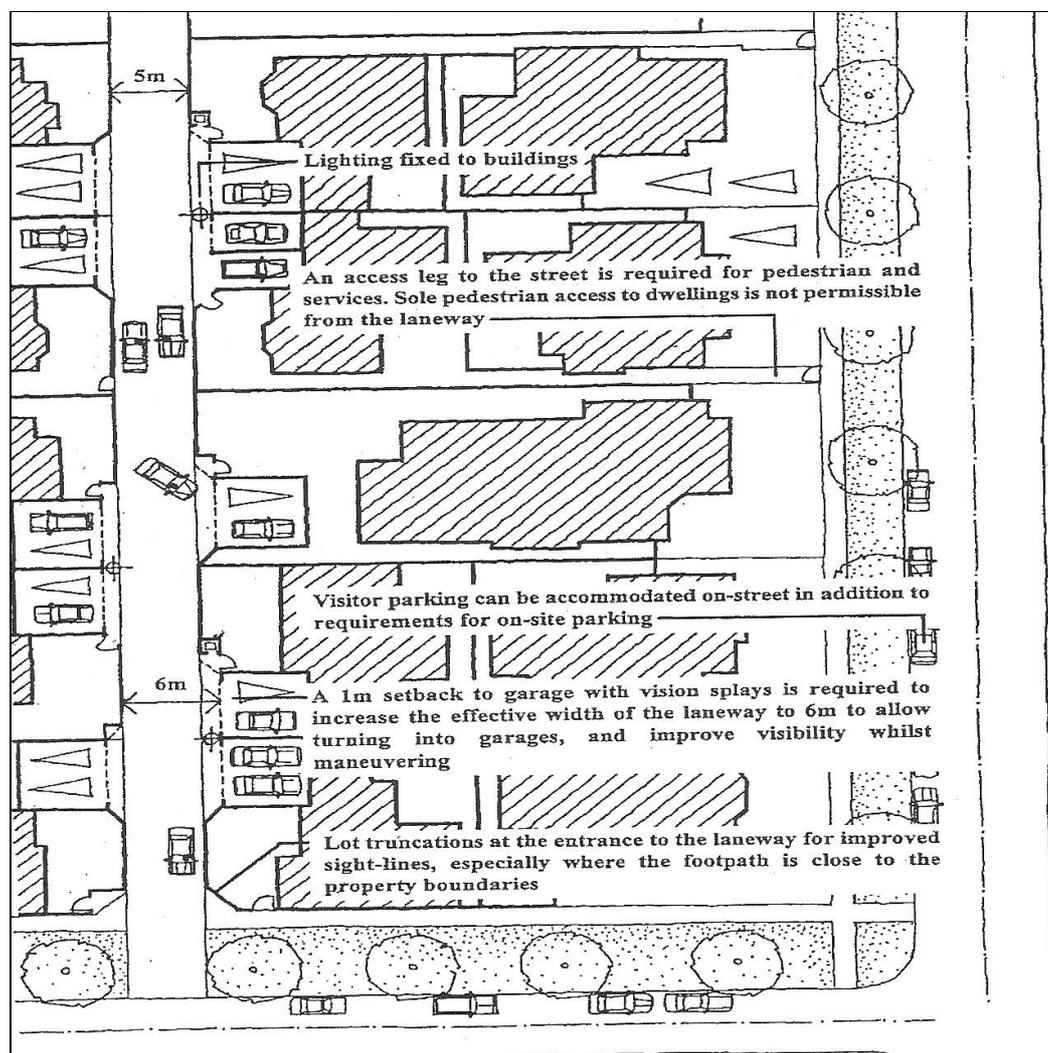
3.3.2.1 Both of these uses are 'AA' (discretionary) in the Residential zone and the ability to allow such uses to establish gives people the opportunity to set up a small business from their home. Once the business grows then there will be the expectation that it should move to an appropriate zone such as Commercial if the floor area and employee numbers exceed the limits set by the definitions.

3.3.3 Rights-of-Way in Mount Barker Residential Areas

- 3.3.3.1 There are several Right-of-Way (ROW) abutting Residential zoned lots in the various parts of the Mount Barker urban area.
- 3.3.3.2 Under the Transfer of Land Act 1893 (as amended), the present landowners of abutting lots (provided those lots were on the survey in which the ROW was created) have the right to upgrade, seal and drain and to use (along with guests and invitees) the ROW for vehicular and pedestrian access.
- 3.3.3.3 The use of a ROW can improve access for infill housing development where, on appropriately coded land, a new house is erected to the rear of an existing one on the lot. The ROW is then used as the sole vehicular access to the street network for the new house at the rear of the existing house. This facilitates greater use of urban land without detrimentally affecting the existing streetscape by the introduction of a series of battleaxe driveways to provide the new house at the rear with road access.
- 3.3.3.4 It is preferable in an urban design sense for houses to face streets and laneways (ROW) rather than be enclosed in backyards. Houses facing the ROW also create better surveillance for these areas which have traditionally created a security issue.
- 3.3.3.5 New housing development adjacent to an unmade or unsurfaced ROW increases vehicular use and this creates management problems.
- 3.3.3.6 The ultimate aim in a ROW situation is to encourage new housing development in appropriately coded areas to be designed to orientate the rear house towards the ROW. The upgrading of ROW to a sealed and drained standard will be required in these areas of intensification.
- 3.3.3.7 Development proponents with a house having sole vehicular access via the ROW will be required (as a condition of development approval/subdivision) to seal and drain the portion of ROW abutting the subject property and make trafficable the remainder of the ROW to the closest public street. Rather than the physical construction and draining, the Council will require a contribution to the appropriate level of upgrading required. That contribution will be placed in a special fund by the Council for the exclusive use of ROW upgrading in that area.

- 3.3.3.8 The WAPC generally requires the provision of a pedestrian access leg to the public street for postal, visitor, rubbish collection and public utilities (water, telephone, electricity etc.). This can be in the form of a portion of the rear lot or as common property in the case of a strata. A 1.5m width is favoured by the Commission but it may accept a 1.0m width for this access leg.
- 3.3.3.9 Where there is an expectation that pedestrians will use the ROW, especially where the pedestrian access legs mentioned above have not been provided, lighting will need to be provided at appropriate intervals as an essential component of the ROW design.
- 3.3.3.10 Where the Council is seeking to upgrade a ROW to encourage further infill development facing the ROW, the Council may seek the dedication of the ROW as a public road.
- 3.3.3.11 The WAPC recognises that vehicles can pass safely (at low speed) in a 5m wide ROW and as such they may not need widening if they only provide access to garages. If they are needed for pedestrian access and rubbish collection widening in some areas will be required. If garages are to be located at right angles to the ROW, they should be set back at least 1.0m from the property boundary to provide a manoeuvring distance of 6.0m. Truncations must be included in fencing and structures in these instances to improve visibility.
- 3.3.3.12 As an alternative to widening a ROW the Council may consider a one way traffic flow system, and/or on-site parking bays immediately adjacent and parallel to the ROW (not in the ROW) and wider sections within the ROW to enable vehicles to pass more easily.
- 3.3.3.13 Where the ROW meets the public streets, a 2.8m truncation (2m x 2m) will be required wherever possible to provide additional sight distances for both vehicular and pedestrian traffic. As an alternative to truncations, traffic calming devices may be used in the ROW.
- 3.3.3.14 The figure below is a sketch from WAPC Planning Bulletin 33 which shows schematically how a 5m wide ROW can be used to provide good access to what has traditionally been the rear of lots.

Figure 1 – Typical 5m Laneway in an Established Residential Area



Source: WAPC Planning Bulletin 33

3.3.3.15 As the need arises and development pressures grow the Council will prepare or require developers to prepare an overall plan for the creation of a dedicated road from a ROW in respect to the kind of information shown on the figure above including details of drainage, traffic calming measures, widened areas, car parking areas, pedestrian access, lighting and so on to ensure a high standard residential environment is achieved.

3.3.4 Urban Stormwater Management

3.3.4.1 The management of stormwater run-off is important for a variety of reasons including the health of the waterways. The adoption of and use of water sensitive design principles, which ensure stormwater is managed on site, is

advocated. The use of sedimentation basins and revegetation is needed to minimise erosion and to ensure nutrients and silt are not transported into the waterways. Stormwater management should be consistent with the Department of Water Stormwater Management Manual for Western Australia to ensure protection of waterways.

3.3.4.2 The present urban stormwater system consists of a variety of types established over many years. The existing older urban areas pose a difficult management problem. In more recent times conditions have been imposed on subdivision approvals by the WAPC on the request of the Council for the developer to provide a nutrient stripping/sediment retention drainage management plan for both during the construction phase and upon completion of the subdivisional works. Urban Water Management Plans may be required to be prepared to the satisfaction of the DOW.

3.3.4.3 In residential areas drainage devices can include swales on road verges, retention and settling ponds and the redirection of stormwater to artificial or natural wetlands.

3.3.4.4 The aim of nutrient stripping/sediment retention drainage management plans or Urban Water Management Plans is that there will be no net increase in phosphorus/nutrient exports and nil export of sediment from the site in question.

3.3.4.5 The principles of water sensitive urban design will be a requirement particularly for new subdivisions that lead to the creation of more properties, more roads and ultimately more houses and runoff from hard surfaces. In designing such systems, the Stormwater Management Manual for WA produced by the Department of Water shall be used.

3.3.5 Energy Efficiency in Subdivisional Design and House Design

3.3.5.1 Objectives of energy efficient design are:

- To assist in achieving a desirable quality of subdivision design with energy efficiency as an important component.
- To assist in achieving a desirable quality of housing design with energy efficiency as an important component.
- To promote designs which respond effectively to climate and incorporate energy conservation measures to facilitate sustainable development that reflects the terrain and the character of Mount Barker.

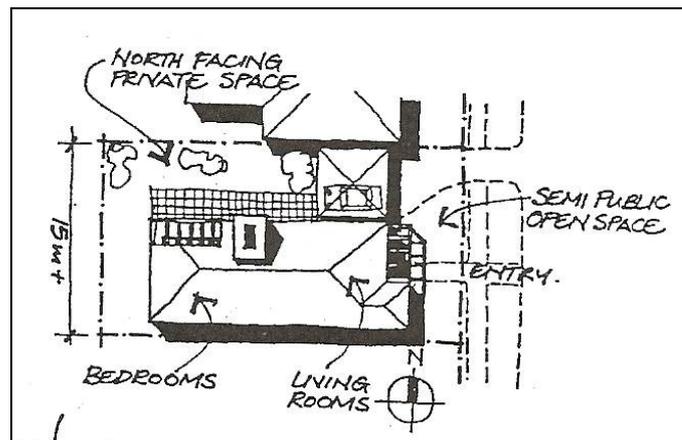
- 3.3.5.2 Lot layout for solar access requires a predominantly north-south/east-west street orientation. An important consideration is for lots to be orientated in such a way as to enable good winter sun access to suitably located and sized windows or yard spaces.
- 3.3.5.3 Important components of residential subdivision design are:
- To provide a range of residential lot sizes to suit the variety of dwelling and household types with area and dimensions that meet user requirements;
 - To provide lots which are orientated and dimensioned to suit energy efficient housing which can minimise energy use for heating in winter and cooling in summer or which respond to local climatic conditions;
 - To provide lots with area and dimensions that protect environmental features and take account of site constraints;
 - To arrange lots to front streets, major streets and parkland such that development enhances personal safety, traffic safety, property safety and security, and contributes to streetscape and park quality;
 - To facilitate development which uses land and infrastructure efficiently, and which encourages cost savings in housing to benefit the economy and the environment;
 - To provide lots which facilitate safe and efficient vehicle access without street frontages being dominated by garages and parked cars or creating unsafe conditions along major roads; and
 - The provisions of vegetated areas of parks and recreation to help absorb the greenhouse gas emissions of a typical home.
- 3.3.5.4 In respect to lot layout for residential subdivisions, lot size and dimensions should enable dwellings to be sited to:
- Protect natural or cultural features;
 - Acknowledge site constraints including noise, soil erosion, poor drainage, saline soils and bushfire risk;
 - Minimise earthworks and retaining walls on sloping sites;
 - Capitalise on views; and

- Provide space for appropriate planting for microclimate management and energy conservation.

3.3.5.5 As with lot layout and subdivision design, north facing spaces for a house is a very important design consideration to strive for wherever possible.

The following sketch is an example of site planning for a single house on the east-west lot.

Figure 2 – Site Planning for a Single House



3.3.5.6 Important features in residential building design that add to energy efficiency are:

- Roof insulation to a minimum value of R2;
- Roof ventilation;
- Ability of the building to utilise cross breezes and ventilation;
- Minimise west and east facing windows or provide adequate summer shading with awnings, eaves (minimum 600mm) or pergolas;
- Good quality door and window seals;
- Use of energy efficient glazing;
- Primary living areas with good solar access facing north;
- Adequate wall insulation (minimum value of R1.5);
- Installation of energy efficient fixtures such as solar hot water systems, solar pva cells, skylights or star rated appliances as recommended by the Office of Energy Efficiency;

- Environmental initiatives such as rainwater tanks, alternative on-site effluent disposal treatment units when no reticulated sewerage is available, 'healthy living' items such as low allergen homes, domestic waste recycling and the use of garden composting bins;
- Gardens which include appropriate shade trees and vegetation on the western side of the dwelling and provision for deciduous trees on the northern side of the dwelling.

3.3.5.7 The Council will encourage the use of rainwater tanks in Residential areas which are serviced with reticulated water and attempt to reduce reticulated water consumption. The Council also encourages the installation and use of approved grey water recycling systems in domestic situations. The Council in January 2013 adopted its Town Planning Scheme Policy No. 21 entitled Water Efficiency in Residential Development (incorporating Rainwater Tanks, Greywater Reuse and Water Efficiency Practices).

3.3.6 Height Control

3.3.6.1 In order to ensure the character and built form of Mount Barker and the rural villages within the Shire are maintained to an acceptable standard, the Council will not support houses that are constructed over two storeys in height. Houses over two storeys in height are not considered appropriate and will detract from the visual amenity of the Residential area and be contrary to the orderly and proper planning of the locality.

3.4 Industrial

3.4.1 Projected Demand

3.4.1.1 The future demand for industrial land in and around Mount Barker is difficult to predict. Major or significant industrial uses have located in larger regional locations such as Albany, Bunbury or Esperance. It is likely that industries that would locate in the area will be those that are already located in town or newly emerging industries that would serve the local market.

3.4.1.2 The long-term prospects for the location of value-added timber production are difficult to ascertain. Major timber product industries would need to be located close to the raw materials or adjacent to major ports, including Albany and Bunbury. However, the potential for value-added wood products is very high as a showplace for wood

products. The lack of industrial land for new businesses to establish has been a problem in recent years.

3.4.2 Future Directions

- 3.4.2.1 The kinds of industries expected include activities such as earthmoving contractors, freight and stock transport businesses, cement batching plants, panel beaters, vehicle wrecking yards, furniture manufacturing businesses and basic raw materials storage yards together with other land extensive activities.
- 3.4.2.2 There will be a general presumption that caretaker's dwellings will not be permitted to establish in the industrial areas due to potential conflict with buffer requirements and the potential to restrict development of other industries in this area. If the Council wishes to consider such a proposal it must be incidental to the predominant use, only one permitted on a lot and the total area limited to a maximum of 100m² measured from external wall surfaces.
- 3.4.2.3 The existing service industrial areas which are located in the central town area will be encouraged over time to become a more service trades/light commercial area with a less industrial appearance and impact.
- 3.4.2.4 The Mount Barker Sub Regional Centre Appendix 1 provides detailed comment about the Yerriminup Special Industrial zone to the south of Mount Barker, the existing Industrial zone on McDonald Avenue and the Special Industrial zone also on McDonald Avenue. With the changes proposed in that Appendix, there will be adequate industrial land to cater for future growth. That Appendix also proposes the Service Industrial zoned land near the town centre be rezoned to Commercial and Residential to be a more appropriate use for its location.
- 3.4.2.5 The Council in 2013 rezoned its depot site at Lot 151 Muir Highway from Special Industrial to Industrial. In partnership with LandCorp, the northern portion of this site is to be subdivided into some 16 industrial lots in 2014.

3.5 Risk

3.5.1 Land Use Planning Process

- 3.5.1.1 Land use planning can be used to reduce the impact of risks associated with natural hazards. It guides the use of land and can reduce risk whilst enhancing sustainability for areas prone with natural hazards such as bushfire, flooding and landslip.

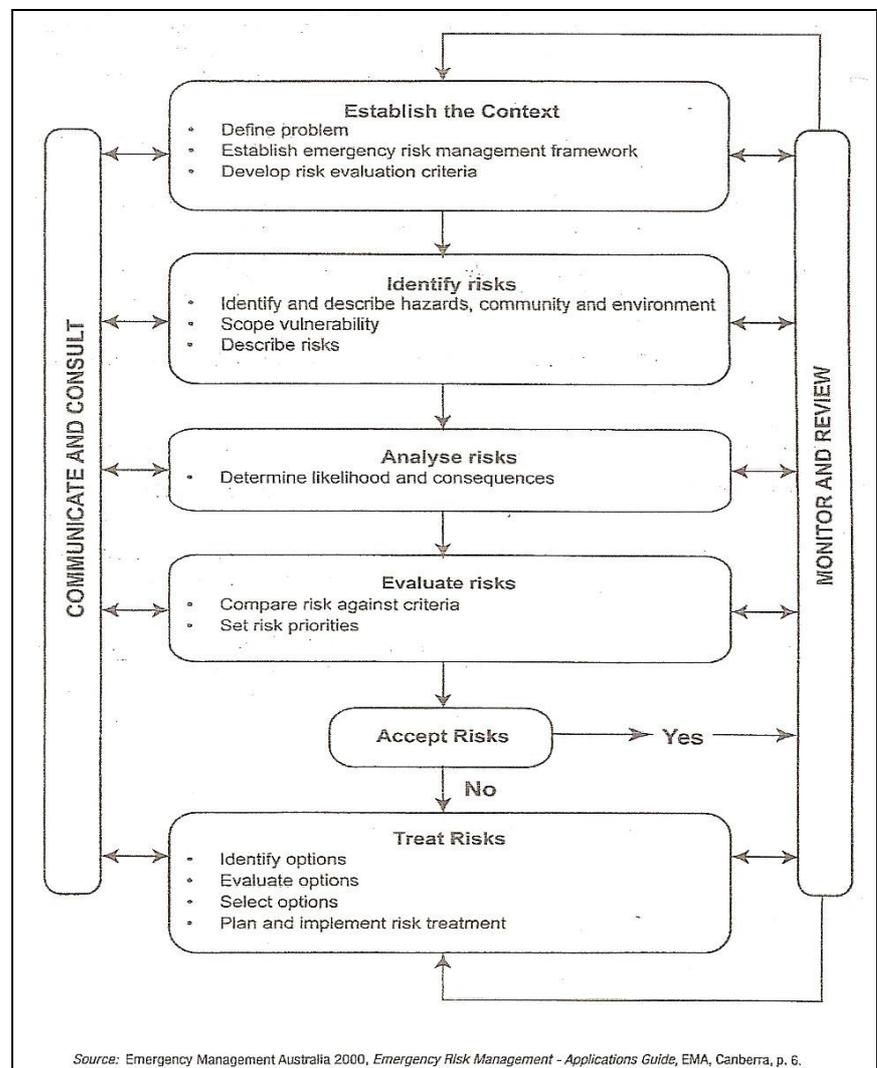
- 3.5.1.2 Natural hazards are essentially meteorological and/or geological phenomena that have the potential to create emergency or disaster situations for communities and the environment. Land use planning can contribute to natural hazard risk reduction and improves community safety and sustainability.
- 3.5.1.3 Natural elements that can combine to create or lead to hazards include:
- Climate
 - Geology
 - Soils
 - Vegetation cover
 - Slopes
 - Land forms
 - Hydrology
 - Fire
- 3.5.1.4 Direct and indirect losses associated with natural hazards include:
- Loss of life
 - Physical suffering
 - Emotional suffering
 - Damage to property
 - Reduced productivity
 - Degraded environment
 - Loss of species and habitats
 - Damaged infrastructure
 - Weakened economy
 - Destabilised community coherence, political situations
 - Reduced quality of life.
- 3.5.1.5 Over the years there have been changes in settlement patterns with people moving to more hazardous areas. Community attitudes demand particular land use activities and design requirements from a lifestyle perspective without regard to the impact on the environment. Building in bushfire prone areas for 'rural retreats' is an example of creating a risk situation as is building in flood prone areas.

- 3.5.1.6 Risks can be reduced and avoided with good land use planning that addresses human activity and natural processes. The 'National Strategy for Ecologically Sustainable Development' by the Australian Government in 1992 contained the following core objectives of sustainable development:
- To enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations.
 - To provide for equity within and between generations.
 - To protect biological diversity and maintain essential ecological processes and life-support systems.
- 3.5.1.7 To maintain and plan around natural systems is essential. Some relevant steps can be:
- Locating development away from sites where natural processes could be affected by development;
 - Implementing management practices during and after development to protect particular natural processes;
 - Maintaining the maximum amount of natural vegetation cover, including ground and understorey vegetation, especially on slopes above 10 degrees;
 - Using flat, low-lying areas for activities upon which the impact of floods will be minimal, such as, open space, agriculture, habitat protection or conservation;
 - Maintaining natural flow regimes of rivers and ground water systems;
 - Maintaining the absorptive capacity of soils;
 - Maintaining or creating wetlands as a means of absorbing peak flows from floods;
 - Maintaining riparian vegetation to protect streams from erosion and changes to stream profiles;
 - Implementing risk reduction practices, such as hazard reduction burning, and slope stabilisation, that reflect natural regimes and maintain the risk reduction capacity of the natural environment; and
 - Avoid any development in flood plains or areas subject to 1:100 year flood events.
- 3.5.1.8 It is important to avoid exposure to risk wherever possible and this can be done by avoiding areas where

development will increase the likelihood of risk. Design and siting controls can be used to reduce the risk. Controls can be set in place that involve setbacks, lot sizes, development exclusion areas, low fuel zones, density of development and so on.

3.5.1.9 The Commonwealth Government’s Emergency Management Australia in its ‘Planning for Safer Communities’ manual suggested a series of steps be applied in the emergency risk management process. The steps are shown in the following figure.

Figure 3 – Steps in the Emergency Risk Management Process



3.5.2 Bush Fire

- 3.5.2.1 With the heavily vegetated nature of parts of the Shire the risk from bushfire is ever present. Additional human activity increases the risk of starting bush fires. The vegetation is one of the reasons why people find the Shire an attractive place to settle. This vegetation combined with sometimes steep slopes increases the fire risk.
- 3.5.2.2 For more intensive development such as conventional Residential development through to Rural Residential and Rural Smallholdings, the Council will require fire management measures (as recommended by a fire management plan) to be integrated into Scheme provisions and subdivision guide plans of land which is being rezoned. These Fire Management Plans will have a critical bearing on and will substantially influence the subdivisional form envisaged for the land.
- 3.5.2.3 In the preparation of a Fire Management Plan the Council expects proponents/consultants to have due regard to the 'Planning for Bush Fire Protection' document produced by FESA and the DOP.
- 3.5.2.4 As part of the Fire Management Plan the Council will expect the document to detail what fire facilities and equipment will be provided and if appropriate what level of financial contribution will be paid by the developer towards the fire equipment in the immediate area.
- 3.5.2.5 The Council will prefer new developments (in particular Residential, Rural Residential, Rural Smallholdings and tourist) to take place in land which has already been cleared of substantial vegetation by past farming practices. If vegetated land was proposed for more intense development then extensive vegetation clearing would be required for fire safety reasons and this is not a sustainable approach.
- 3.5.2.6 Fire Management Plans will address amongst other things relevant:
- Site suitability (including slope analysis);
 - Access for fire vehicles and escape routes for residents;
 - The provision of, or contribution to, adequate fire fighting equipment and services;
 - The design and construction of buildings for fire resistance AS3959;

- The design of development such that BAL40 and BAL-F2 construction standards are not required (BAL – Bushfire Attack Level);
- Nominating the intended BAL for each lot;
- The positioning of building envelopes where larger lots are proposed;
- Clarification of management responsibilities for public open space and reserves;
- Ensuring tree preservation measures do not conflict with fire protection objectives; and
- Increasing public awareness and education.

3.5.2.7 It is considered worthwhile that street organisations of residents (similar to Neighbourhood Watch) should be formed to plan and monitor strategies for reduction of fuels, bushfire preparedness, removal of leaf litter from roofs and gutters, procedures in crisis situations including fire drills and evacuations. Such organisations should work with the local bush fire brigades.

3.5.3 Flood and Impact on Waterways

3.5.3.1 In areas earmarked for future more intense development such as the Rural Villages, Rural Residential, Rural Smallholdings forms of development, proponents/consultants will need to provide estimates of potential flood levels for events such as a 1 in 100 years flood to the satisfaction of the DOW and the Council.

3.5.3.2 The Council will not support development in areas subject to flooding or inappropriate filling of areas subject to flooding without support from the DOW for these kinds of actions. The filling of an area subject to flooding will only transfer the flood waters to another location that may have not been susceptible to flooding in the past but the fill proposals could change flood water behaviour. Filling of flood prone land is generally not a sustainable action.

3.5.3.3 The Council will also encourage the DOW to prepare flood studies for all of the rivers within the Shire to provide the basis for comprehensive risk assessment.

3.5.3.4 There is a growing awareness of environmental issues related to developments and the maintenance of water quality related directly to stormwater runoff. The maintenance and improvement of water quality is essential

to ensure long term sustainability of urban areas and the water systems.

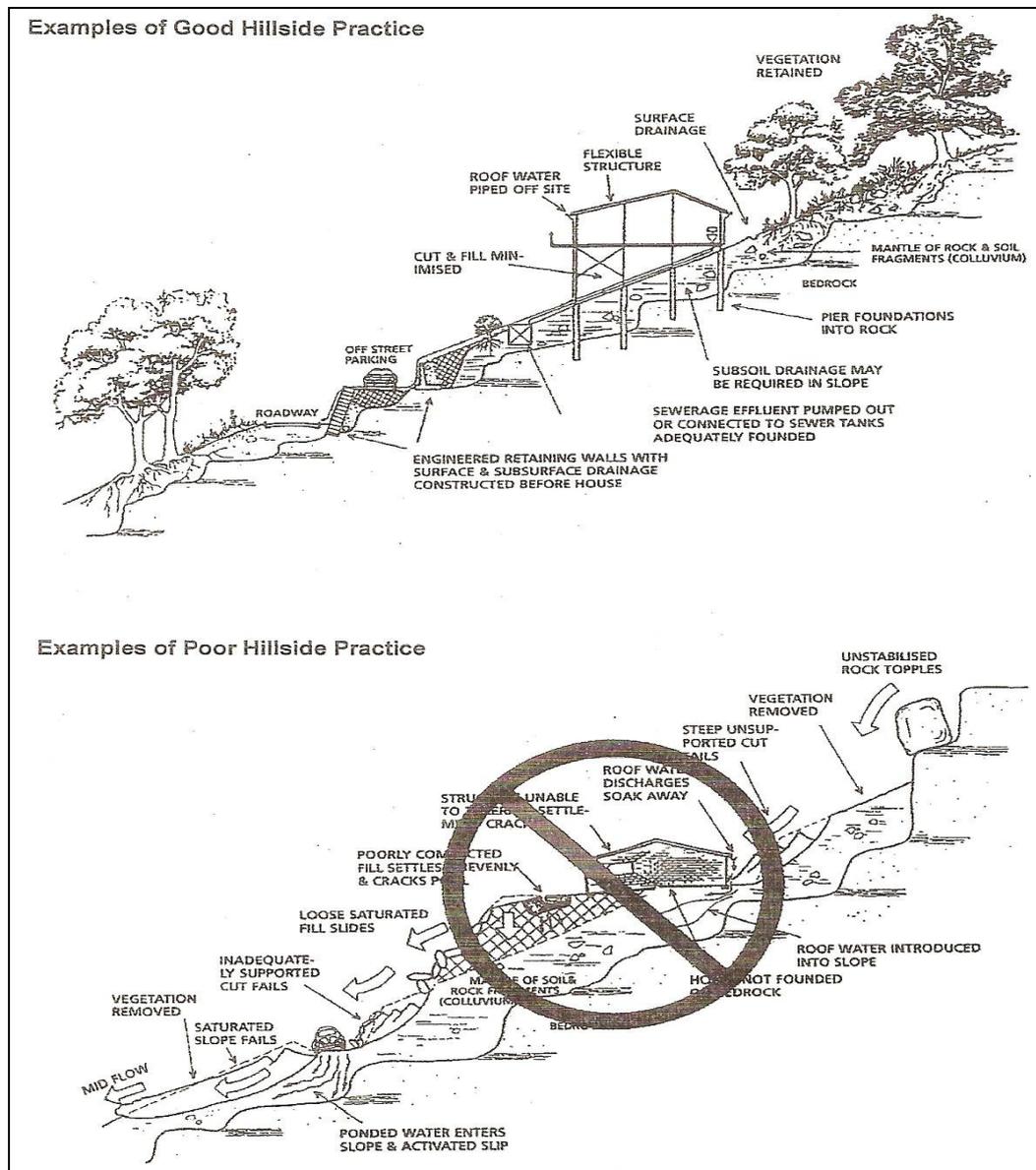
- 3.5.3.5 Materials such as animal wastes, oils and greases, fertilisers and pesticides are carried by stormwater into wetlands, lakes, rivers and inlets. This influx can lead to high input of nutrients into water bodies.
- 3.5.3.6 For new large scale subdivisions the Council requires the preparation of an Urban Water Management Plan to address the development of the subdivision both during the construction phase and upon completion of the subdivisional works.
- 3.5.3.7 The Council will require all developments and subdivisions that may have a potential impact on water quality to adopt a water sensitive urban design approach. The DOW Stormwater Management Manual for Western Australia is to be used as a guide for the basic principles to be adopted for developments and subdivisions.

3.5.4 Landslip

- 3.5.4.1 Landslip is a movement of a mass of rock, debris or earth down a slope. Instances of landslip occur as a result of instability of the natural slope. Features that can indicate natural slope instability of the natural slope instability include:
- Irregular surfaces – area of hummocks and depressions indicating disturbed material;
 - Benches – anomalous flat areas in uniform sloping areas;
 - Scars – areas where vegetation has been stripped during slope movement;
 - Scraps – linear features showing vertical displacement of the ground surfaces;
 - Cracks – linear features showing lateral displacements of the ground surface;
 - Debris mounds – deposits of debris on or at the base of slopes;
 - Disturbed vegetation – for example, tilted trees; and
 - Seepage – presence of water or springs, possibly indicated by dense vegetation.

- 3.5.4.2 In developed areas indications that movement may have occurred include cracking, breaking, tilting and/or subsidence of built features.
- 3.5.4.3 In respect to Plantagenet, there are no recorded instances of landslip events but this does not mean the matter should not be addressed particularly in areas where steep slopes are involved and development of one form or another is being contemplated. The Gold Coast City Council produced a brochure on guidelines for control of slope instability. From that brochure the following are examples of good and poor hillside practice;

Figure 4 – Landslip



Source: Emergency Management Australia 2000. Emergency Risk Management – Applications Guide, EMA, Canberra

3.5.5 Acid Sulfate Soils

3.5.5.1 The issue of acid sulfate soils has been identified in the Perth metropolitan region as being a potential risk during land redevelopments. Significant groundwater problems can result from the disturbance of acid sulfate soils. When waterlogged, these soils are harmless, however, if exposed to air by excavation or by the lowering of the water table, the sulfide minerals are oxidised, releasing sulfuric acid and heavy metals into the environment.

3.5.5.2 This can affect the design life of concrete and metal infrastructure that has not been specifically designed to be acid resistant, may cause severe groundwater contamination, and may affect aquatic life in wetlands that receive groundwater and stormwater discharge from the affected area.

3.5.5.3 As a general guide where a potential development or subdivision involves the dredging or pumping out of wetlands or swamp like terrain that may lead to acid sulfate soils being exposed, then the developer or subdivider must address the issue to the satisfaction of the DPAW to ensure a risk is not being created.

3.5.5.4 In the Shire, Lake Barnes to the north west of Narrikup has been found to be acidic resulting from draining.

3.5.5.5 Where any development proposal involves low-lying, waterlogged areas, there should be no soil disturbance or drainage. All developers will need to carry out the necessary testing to the satisfaction of the DPAW before any works proceed.

3.5.6 Climate Change

3.5.6.1 The issue of and risks associated with climate change are continuing to be investigated by numerous agencies and groups throughout the world. It may have the affect of requiring alterations to the day to day operations of businesses, State and Local Government into the future. Results of climate change include higher temperatures, altered rainfall patterns and more frequent or intense extreme events such as heatwaves, drought and storms.

3.5.6.2 With recent climate change studies it is becoming apparent we can expect to live and work in a climate that is warmer,

with different patterns of rainfall, less available moisture retained in the soil and more severe storms.

3.5.6.3 The Australian Greenhouse Office, Department of the Environment and Water Resources in 2007 released a report entitled 'Climate Change Adaptation Actions for Local Government'. The objective of that report was to identify climate change adaptation actions that are applicable to climatic conditions and climate impact risks that can be implemented by Australian Local Governments. That report summarised projections as follows:

- the majority of Australia may warm 0.4 to 2.0°C by 2030 and up to 6°C by 2070 with slightly less warming near the coast – this may result in more evaporation and hot days and fewer cold nights
- annual rainfall will generally decrease in the south and east (mainly in winter and spring)
- wetter summers may be experienced by some inland and eastern coastal areas
- more frequent extreme rainfall.

3.5.6.4 The Council will need to ensure it carefully monitors the various potential climate change impacts as over a period of some time climate changes could mean this district becomes a wheat growing area and industries such as horticulture and tree plantations may become marginal due to decreased rainfall and warmer temperatures except for in the southern parts of the Shire. This of course will, if the assumptions are correct, take many years to have an effect, but climate change is an issue that cannot be ignored.

3.6 Sustainability

3.6.1 The State Government's definition of sustainability is the process of meeting the needs of current and future generations through simultaneous environmental, social and economic improvement.

3.6.2 This Planning Vision has built upon and strengthened the sustainability principles used in the Council's earlier strategic planning documents. It promotes containing the urban settlement in close proximity to the townsites and by this discourages wasteful urban sprawl. The concept of promoting rural villages again promotes sustainable principles by controlling the spread of closer forms of settlement.

3.6.3 The State Water Conservation Strategy promotes sustainable water use and this Planning Vision assists by not insisting that Rural

Residential types of developments be connected to reticulated scheme water. Although this is a requirement of the WAPC in its SPP2.5 it is not a sustainable practice to require additional Rural Residential land owners to place a further drain on an already stretched resource due to the potential for a higher water use for stock, fruit trees and other Rural Residential activities.

- 3.6.4 Through this Planning Vision the sustainable approach to energy efficient subdivision design and housing design is fostered and promoted.
- 3.6.5 The use of conservation lots and the encouragement for owners to retain these vegetated lots with support from the Council for a once-off subdivision promoting a sustainable approach to planning in the rural districts. The Council does not feel a landowner with a potential conservation lot should be penalised in terms of time and money by being forced to rezone the land before a subdivision for conservation lots can be approved. A once-off subdivision should be supported without the need to rezone the land but as stated, be subject to strict conservation controls. This is a form of encouragement rather than a burden on the landowner.
- 3.6.6 The Council also strongly promotes the water sensitive urban design principles and water efficiency measures particularly for more intense Rural Residential, Rural Small Holdings and Residential forms of development. Nutrient stripping, sediment retention drainage management plans or Urban Water Management Plans are now a standard requirement of the Council for medium to large scale subdivision proposals.
- 3.6.7 Another key factor in measuring and ensuring sustainable development is the need for the submission of a Fire Management Plan as part of any proposals to rezone land for Rural Residential and Rural Smallholding forms of development. The Fire Management Plan plays a large part and influences the actual design of any proposed subdivision by ensuring housing for example is located in areas already cleared by past farming practices and retaining areas of remnant vegetation.
- 3.6.8 This Planning Vision has the underlying intent of ensuring development activities continue to take place but that it occurs at a sustainable rate and in sustainable locations. It lays the foundation for sustainable development and the encouragement of sustainable land use practices for the long term for the benefit of future generations whilst still maintaining the character of the whole Shire.

3.7 Special Control Areas

- 3.7.1 Clause 3.8 of Town Planning Scheme No. 3 contains special control areas provisions relating to tree plantations in particular areas.

- 3.7.2 Special control areas can include a variety of issues such as vegetation protection, environmental significance, off site impacts, water catchments, development areas, building design and salinity management.
- 3.7.3 One special control area in this Planning Vision is the Mount Barker Waste Water Treatment Plant Buffer Special Control Area and is shown on the plans in Appendix 1. As stated earlier the Water Corporation has advised existing and proposed land uses would be considered compatible with this area. Other land use proposals would need to obtain Water Corporation approval.
- 3.7.4 Other special control areas have been shown over the Water Corporation buffer areas around its existing water treatment plants and the Denmark River Catchment as a drinking water source.

4. MONITORING AND REVIEW

- 4.1 This Planning Vision was originally adopted by the Council in accordance with the provisions and procedures set by Clause 7.6 of Town Planning Scheme No. 3 on 9 March 2010. Since that time the Council has created Enterprise zones in both Kendenup and Rocky Gully.
- 4.2 As part of the continued implementation of this Planning Vision, the Council will consider the introduction of Amendments to Town Planning Scheme No. 3 which will enable initiatives such as proposed Special Control Areas and other zoning changes to be enacted.
- 4.3 This Planning Vision continues to be monitored on a regular basis, particularly in terms of the population growth rates, take up of the various types of lots and the relative distribution of development across the whole Shire.
- 4.4 The monitoring will help determine the success and effectiveness of Planning Vision and the implementation of its various recommendations.
- 4.5 The Council adopted its Local Planning Strategy (LPS) in July 2013 and referred it to the WAPC for final approval. The WAPC approved the LPS in August 2013. That LPS does not contain all of the Council's long term future strategic planning initiatives as several were not supported by the WAPC on the advice of the DOP. The Council will continue to promote its Planning Vision as this is the Council's aims and objectives for this local area. The Planning Vision best suits the Council's local needs and circumstances and addresses long term future planning and development.

5. APPENDICES

- Appendix 1:** Mount Barker Sub Regional Centre
- Appendix 2:** Kendenup Rural Village
- Appendix 3:** Narrikup Rural Village
- Appendix 4:** Porongurup Rural Village and Environs
- Appendix 5:** Rocky Gully Rural Village
- Appendix 6:** Rural Planning Units