

SCHEDULE 9 - SPECIFIC CONDITIONS FOR RURAL DEVELOPMENT ON VICTORIA LOCATION 10751

AMD 28 GG 02/12/16

General

The use and development of land within the Special Use Zone encompassing that land currently or previously within Victoria Location 10751 shall be in accordance with the provisions of this Local Structure Plan.

Notwithstanding the above the Local government may recommend a variation to the Development Guide Plan but substantial modifications shall be deemed to be contrary to the scheme.

Development shall accord with the specified development criteria; however, Local government shall generally be guided by the Statement of Intent and relevant Category Policy Statements.

Statement of Intent

The objective of Development Guide Plan No. 1A is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential opportunities and other tourist and recreational uses but at all times having due regard for the relative capabilities of the land.

Development Criteria

The following subdivision and development criteria shall be applied to all land within Development Guide Plan No. 1A.

1. Location of Buildings and Structures

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- 1.1 All buildings in category 3 shall be located within a building envelope not exceeding 3000m² and in categories 1 and 2 within a building envelope not exceeding 4000m². The location of building envelopes shall be determined on site by the landowner in conjunction with Local government with the intention of protecting significant remnant vegetation, reducing the risk of soil erosion, and minimising the external and internal visual impact of dwellings, outbuildings and access arrangements.
- 1.2 All building envelopes and development on any lot shall be setback a minimum of 30 metres from front lot boundaries, 50 metres from rear lot boundaries and 15 metres from side lot boundaries.
- 1.3 Not more than one dwelling house may be constructed on any lot and all buildings shall be located within the designated building envelope as shown on the approved plan of building envelopes.
- 1.4 Local government shall require a buffer distance of 150 metres between the nearest boundary of the waste landfill site and any dwelling consistent with the Department of Environmental Protection's Draft Code of Practice for Country Landfill Management.

2. Building Design and Colour

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- 2.1 Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. No materials or colours shall be used which the Local government considers will have an undue impact on the visual amenity of the adjoining sites or the surrounding locality.
- 2.2 Dwellings and all ancillary buildings shall be restricted to a height of two storeys. However, the height of any building shall not exceed 7.5 metres which is measured vertically from the natural ground level.

- 2.3 The use of fibro cement, metal sheeting or wooden picket for boundary fencing will not be permitted. If fencing is utilised, it shall be of rural construction such as open post and rail or post and wire, to the satisfaction of Local government.

3. Vegetation and Revegetation

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- 3.1 If the Local government considers a lot within the area requires tree cover improvement it may require the owner of the lot as a condition of development, to undertake a tree planting programme to its specifications. It may also require the owner to maintain these trees.
- 3.2 No clearing of trees or vegetation shall occur without the approval of Local government, and where appropriate, Agriculture Western Australia, except for:
- (a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (b) clearing as may reasonably be required to construct an approved building and curtilage, including fences and on-site effluent disposal systems;
 - (c) clearing to gain vehicular access to an approved development on the land;
 - (d) trees which are dead, diseased or in a dangerous condition;
 - (e) clearing required to establish and maintain a low fuel buffer.
- 3.3 Fences shall be erected to protect trees and other remnant vegetation by grazing livestock where required. Local government may request the Commission to impose a condition at the time of subdivision for the fencing of remnant vegetation and revegetation areas.

4. Effluent Disposal

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- 4.1 The disposal of liquid and/or solid wastes on the lots shall be carried out by way of an effluent system approved by the Local government and the health Department of Western Australia. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for development utilising conventional effluent disposal systems shall be setback a minimum of 100 metres from a natural permanent water course, water body or existing drain, and situated 2 metres above the highest known ground water level.
- 4.2 Local government shall require the use of amended soil type effluent disposal systems, such as ECOMAX, Biocycle, Aquarius or other similar approved ATU Systems acceptable to the Health Department of Western Australia, in the following situations:
- where a 100-metre setback from a water course, water body or existing drain cannot be achieved;
 - where soil conditions are not conducive to the retention of nutrients; and
 - in low lying areas.
- Separation from waterways and ground water shall be determined by Local government in accordance with the Health Department of Western Australia and Department of Environmental Protection guidelines.

5. Keeping of Stock

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- 5.1 The keeping and rearing of livestock shall not be permitted in Categories 4 and 5 except for domestic purposes and in such case, shall not exceed one horse or one cow or two sheep, and shall be restricted to an appropriate yard area within the building envelope.
- 5.2 Stock may be permitted in Categories 1, 2 & 3 to a maximum of 5 dry sheep equivalent (DSE) as defined by Agriculture Western Australia. Animal numbers shall not exceed the stocking rates recommended by Agriculture Western Australia in accordance with the pasture type.
- 5.3 The keeping of stock shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance. Where in the opinion of Local government and Agriculture Western Australia the continued presence of animals on any portion of land is likely to contribute, or is contributing to soil degradation, dust nuisance or significant additional nutrient application, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
- 5.4 Where notice has been served on a landowner in accordance with this Clause the Local government may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice. In the event that such action is not undertaken, Local government may carry out such works as are deemed necessary, with all costs being borne by the landowner.

6. Bushfire Management & Control

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- 6.1 Local government may request the Commission to impose a condition at the time of subdivision for the construction of strategic firebreaks to the satisfaction of the Local government and the Bush Fires Board.
- 6.2 Strategic firebreaks shall be designed and constructed so as to avoid erosion impacts and to a standard suitable for all year access by heavy duty fire appliances and two-wheel drive vehicles.
- 6.3 Low fuel buffers, at least 20 metres wide shall be established and maintained around each building.
- 6.4 Local government may request the Commission to impose a condition at the time of subdivision for fire suppression and prevention measures and equipment to be provided in the locality. Local government will facilitate discussions between the subdivider and the Bush Fires Board regarding such requirements.
- 6.5 The subdivider shall make arrangements to the satisfaction of Local government to ensure prospective purchasers, in the transfer of lots, are made aware of the fire management guidelines of the Home Owners Bushfire Survival Manual and the Australian Standard 3959 - 1991 Construction of Buildings in Bushfire Prone Areas.

7. Water Supply Provisions

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- 7.1 The subdivider shall make arrangements satisfactory to the Local government to ensure that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Corporation and that the land is located within the Jurien Groundwater area and that licensing of underground water usage applies in the area.

7.2 Each dwelling shall be provided with a supply of potable water comprising of not less than 120,000 litres of storage directly connected to the necessary roof catchment area to provide this supply.

8. Road Upgrading, Access and Design.

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8.1 Local government may request the Commission to impose at the time of subdivision requirements for the upgrading of Canover Road.

9. Notification of Prospective Owners

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9.1 Provision shall be made to Local government's satisfaction to ensure prospective purchasers of land within the area covered by Local Structure Plan No. 1A are given a copy of these special provisions prior to entering into an agreement to acquire any property.

10. Protection of Landscape Elements

10.1 When subdividing the land, the subdivider will be required to ensure that landscape values are not compromised in areas which are clearly visible from Hill River, the coastline and adjoining roads. This may entail:

- retaining remnant vegetation;
- providing larger lot sizes in sensitive areas;
- locating buildings away from ridge-tops;
- ensuring building design, materials and colour, complement surrounding landscape elements.

11. Horticultural Development

11.1 A Nutrient and Irrigation Management Plan shall be included as part of any proposal for horticultural use and/or development.

12. Buffer Requirements

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12.1 Local government shall consider the Environmental Protection Authorities Guidelines contained in its draft "Industrial Residential Buffer Areas (Separation Distances)" or subsequent adopted policy, when considering applications for horse stables, market gardens and rural pursuits.

Category 1

Category Policy Statement

The objective for Category 1 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 1 only.

- (a) The recommended minimum lot sizes within this category shall range from 4.0ha to 6.0ha.

(b) Stocking of lots within this category will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.

(c) The following uses may be permitted subject to the explanation of symbols in Clause 4.3.2 of the scheme.

- P - Dwelling - Single House
- D - Home Occupation
- A - Stable
- A - Private Recreation
- A - Market Garden
- A - Retail Nursery
- A - Rural Pursuit
- A - Veterinary Clinic and Hospital
- A - Dog Kennels
- A - Industry Rural

Category 2

Category Policy Statement

The objective for Category 2 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 2 only.

(a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 4.0 ha.

(b) Stocking of lots within this category will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.

(c) The following uses may be permitted subject to the explanation symbols given in Clause 4.3.2.

- P - Dwelling - Single House
- D - Home Occupation
- A - Stable
- A - Private Recreation
- A - Market Garden
- A - Retail Nursery
- A - Rural Pursuit
- A - Veterinary Clinic and Hospital

Category 3

Category Policy Statement

The objective for Category 3 is to facilitate Rural Residential development and provide an alternative form of housing to that provided within the Jurien townsite.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 3 only.

- (a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 6.0 ha.
- (b) Stocking of lots will only be permitted with the approval of Local government and will generally require the applicant to demonstrate an appropriate source of imported feed and the restriction of stock to an appropriate yard area.
- (c) Development within this category shall only occur within the building envelope as designated on the approved Plan of Subdivision.
- (d) The following uses may be permitted subject to explanation of symbols in Clause 4.3.2.

P - Dwelling - Single Housing

D - Home Occupation

A – Stable