

Local Planning Policy

POL-TP-126 Building and Development Standards - Rural Zones

1. Objective

To prescribe building and development standards applicable to all development within the General Rural, Swan Valley Rural, Special Rural, Rural - Residential, Rural Living, Resource and Landscape Zones and ensure that the development of land within rural areas is consistent with the principles of proper and orderly planning and furthers the objectives of the relevant zone.

2. Policy statement

2.1 Application for subdivision

With the exception of the requirements for a structure plan, the Council, in making recommendations to the Commission on any proposal for subdivision of land shall have regard to any relevant adopted Local Planning Policy and the requirements set out hereafter.

Information accompanying an application should include:

- a) A statement explaining how the proposal complies with the intent of the relevant zone and, where required, the Outline Development Plan.
- b) A description of the site characteristics of the subject land including an analysis of land capability and suitability for the proposed use and development, existing land forms and land uses.
- c) An assessment of landscape qualities, including analysis of vegetation cover, skylines, ridge-lines, vistas, stream environs, and other features.
- d) Details about the proposed use of the lots and the viability of lot sizes for the intended use.
- e) A subdivisional guide plan showing proposed staging of subdivision, ingress/egress, lot sizes, lot numbers, building envelopes and expected population density.
- f) Retention of significant stands of vegetation on the land.
- g) Other such requirements as specified by Council.

2.2 Building standards

Council will not support the total area of buildings on any rural lot exceeding 10% of the lot area.

All buildings and structures within the rural zones shall be constructed of external materials and colours in a form which does not detract from the visual amenity of the locality. The Council may require the submission and approval of a schedule of materials and finishes for any proposed building within a rural zone prior to considering an application for development approval or issuing a building licence.

No dwelling unit shall be approved or occupied unless it is connected to and has an adequate supply of potable water as follows:

- a) Water Corporation of Western Australia mains connection; or
- b) A 120,000 litre minimum capacity water tanks(s) connected to sufficient roof catchments, or
- c) Some other form of approved water supply with adequate guaranteed quality and quantity, or
- d) An approved combination of items a), b) and c).

For the purpose of ensuring that each rainwater tank has a reasonable roof catchment, no dwelling of less than 130 square metres roof area shall be permitted where the dwelling relies solely on roof catchment of rain water for its potable water supply.

2.3 Building envelopes

Where building envelopes are, pursuant to a town planning scheme, required to be depicted on an Outline Development Plan or Subdivision Guide Plan, all buildings shall be located within the building envelopes shown on those Plans. For the purpose of this clause "buildings" shall include dwellings, outbuildings, effluent disposal systems, stables and any other building or structure similar to the foregoing.

Building envelopes shall be determined having regard to criteria contained in any relevant local planning policy.

The Council may, having regard to any relevant local planning policy, approve the relocation or modification of a building envelope.

Council may at its discretion, approve the construction of the following structures outside of building envelopes: water tanks, windmills, stock watering and feed trough, and roofed structures open on all sides for the purpose of providing shade and shelter for animals.

Where any inconsistency arises between this policy and any other policy this policy shall prevail to the extent of that inconsistency.

2.4 Environmental considerations

In a General Rural zone and Resource zones no more than 10% of a lot shall be cleared without Council's approval.

In the Rural Residential and Landscape zones, remnant vegetation shall not be removed, or modified in any way, except with the approval of the Council and where, in its opinion, the removal is necessary in the following circumstances:

- a) For the purpose of building envelopes and access ways;
- b) Trees are considered to be a hazard;
- c) For fire fighting purposes or construction of strategic fire breaks; and
- d) Control of weed infestation.

In areas where the Council considers the land to be deficient in vegetation cover, the owner of the land may be required, as a condition of subdivision or other approval to commence development or adoption of an Outline Development Plan, to plant and maintain vegetation to the specification and satisfaction of the Council.

All existing vegetation within 30 metres of a stream, creek, watercourse, flood plain, or permanent or seasonal areas of inundation, or on land which has slopes in excess of 20% shall not be modified except with the approval of the Council.

No dams shall be constructed without the approval of the Council in the Rural Residential or Landscape zones.

The Council, when considering development proposals under this paragraph shall consider the following:

- a) Impact upon existing and future Water Corporation of Western Australia surface catchment areas;
- b) Impact upon stream environments;

- c) Water area and capacity;
- d) Purpose of the dam;
- e) Visual intrusion including embankment heights;
- f) Stability of the structure, and in that connection the need for structural engineering design or certification.

2.5 Keeping of livestock

An application for approval to commence development shall be required where within the rural zones where it is proposed to keep livestock at stocking rates or in a manner contrary to:

- a) The recommendations of the Department of Agriculture;
- b) Any local law of the City of Swan;
- c) Any requirements specified in Schedule 11 of the district zoning Scheme;
- d) Any local planning policy of the City of Swan;
- e) If required by any other requirement of the Scheme.

Where the Council is of the opinion that the keeping of livestock may be detrimental to the amenity of an area, or is causing environmental degradation of the land including but not limited to soil erosion, dust pollution or damage to trees and other vegetation, the Council may:

- a) Determine that the development requires a development approval; or
- b) Revoke its development approval; or
- c) Require an owner to undertake a management programme to its satisfaction to mitigate its concerns.

2.6 Fire management plans

The purpose and intent of a Fire Management Plan is to reduce the threat to residents, fire fighters and property in the event of a bush fire within or near a site. It takes the form of documentation, available for inspection by land owners, which assesses the fire risks associated with a site and identifies measures required to be undertaken for fire protection.

A Fire Management Plan shall contain the following:

- a) A Fire Management Guide Plan
- b) Identification of Property Owner's Responsibilities
- c) Identification of Developer Responsibilities
- d) Identification of the Shire of Swan's Responsibilities
- e) Use of Domestic Water Supplies

It shall also include such of the following as are requested by the Council:

- a) An introduction and site location
- b) Site details
- c) Statutory Conditions
- d) An assessment of the fire risk
- e) Estate Layout and Road Pattern

- f) Strategic Firebreak System
- g) Alternative Firebreaks
- h) Dwelling Construction guidelines
- i) Fire Fighting Facilities
- j) Design details of proposed gates

Where Council has approved a Fire Management Plan over the land the subject of:

- a) An Approved Outline Development Plan; or
- b) A development approval issued or granted by the Council; or
- c) An approval or certificate given by the Council in respect of any application under the Strata Titles Act 1985; or
- d) An approval by the Western Australian Planning Commission of a subdivision application, an application to commence development, a strata plan of subdivision or survey strata plan of subdivision; or
- e) Any other approval for the development or use of land whatsoever

or a combination of any of the above, that land shall not be developed or used otherwise than in conformity with the Fire Management Plan.

The Council shall not take action for an alleged planning offence in respect of the failure to comply with a Fire Management Plan unless notice of the Fire Management Plan has been given through a notation on the Certificate of Title to the relevant land under Section 70A of the Transfer of Land Act 1893 or unless the Council is aware that the person required to comply has been given notice of the terms of the Fire Management Plan, or has been notified of the availability of the Fire Management Plan for inspection at the Council offices.

An approved Fire Management Plan may be varied from time to time by the Council provided that the owner of any land affected by the variation is consulted in writing regarding the terms of the variation prior to the variation being effected.

To provide for the convenience of landowners whose land is subject to an existing Fire Management Plan, the provisions of section 3.6 of the policy are to apply to all Fire Management Plans approved by Council whether approved prior to or following the adoption of the policy.

It is the responsibility of the developer or applicant to meet all costs involved in the preparation of a Fire Management Plan and site inspection.

If an owner of any rural zoned land affected by a variation to a Fire Management Plan is aggrieved by a requirement of Council the owner may request the Council in writing for a re-consideration of this requirement, and shall not exercise the right of appeal hereinafter referred to before the expiration of thirty-five (35) days from the date of delivery to the Council of the request for re-consideration so as to allow an opportunity to the Council to consider the request at its next meeting.

2.7 Cluster development within the general rural, rural residential and landscape zones

The intent of this subclause is to address the possibility of strata cluster subdivisional development being approved as an alternative to conventional subdivisional development in the General Rural, Rural Residential, and Landscape zones. To that end the following paragraphs apply.

For the purpose of this subclause, the terms "conventional subdivision" and "cluster subdivision" are explained by the following examples:

- a) A conventional subdivision might involve a 100 hectare lot being subdivided into five lots each of 20 hectares where 20 hectares is the minimum lot size stipulated by a particular Rural Strategy where such a strategy is adopted by the Council and the Commission as a Local Planning Policy.
- b) A strata cluster subdivision in the same circumstances would involve five small strata lots clustered perhaps on one 5 hectare portion of the 100 hectare original lot, leaving 95 hectares in a single lot, protected from further subdivision and development.

Consistent with the intent of this subclause and the aim of preserving the rural and landscape character of the General Rural, Rural Residential, and Landscape zones, cluster subdivision shall only occur in the following circumstances:

- a) Subdivision and development shall be in accordance with an Outline Development Plan formulated for the locality and approved by the Council.
- b) Strata cluster subdivision shall not occur otherwise than for the purpose of permitting residential development on the strata cluster lots.
- c) In the General Rural, Rural Residential and Landscape zones the number of lots produced by strata cluster subdivision shall not exceed the number of lots which could have been produced by conventional subdivision under any relevant Local Planning Policy as adopted by the Council and the Commission, plus a bonus of either:
 - i) additional strata cluster lots equal to the number of additional lots which could have been produced by conventional subdivision under the relevant Local Planning Policy if the original lot area was increased by 10%; OR
 - ii) an additional strata cluster lot for each five lots which could have been produced by conventional subdivision under any relevant Local Planning Policy as adopted by the Council and the Commission,

whichever the applicant nominates.

Where strata cluster subdivision takes place in accordance with the provisions of subclause 8.2.8, no further strata subdivision shall take place in the area of the original lot (from which the strata cluster subdivision was created) otherwise than in accordance with the following provision:

The total of all strata lots created by the first strata cluster subdivision and any subsequent subdivision shall not exceed the total number of lots which could have been produced from the original lot by conventional subdivision in accordance with the relevant adopted Clause 2.4A Policy, together with any bonus approved pursuant to sub-clause 8.2.8.3(c).

2.8 General development conditions applicable to all special rural zones

Subject to the provisions in Appendix 7 applicable to any specific Special Rural Zone, the following provisions shall be applicable to all land included in Special Rural Zones:

- a) Existing public roads within or abutting the area which shall be required for vehicle access purposes after the subdivision shall be constructed to the specification and satisfaction of the Council free of cost to the Council by the developer and new roads within the Special Rural Zone shall be constructed to the Council's rural road standards with bitumen sealed pavement and gravel shoulders where necessary. The Council may from time to time modify its specifications if it is of the opinion that such a modification will contribute to the achievement of the objectives or the purpose and intent of the zone, and will be in accordance with sound engineering practice;
- b) Where public open space associated with a Special Rural Zone is shown on the Subdivisional Guide Plan it shall either be transferred to the Council free of cost in fee simple, or vested in the Crown

free of costs under S.20A of the Act. In the case of any land shown on a Subdivisional Guide Plan as public open space set aside for the land requirements of the Hills Link Road that land shall be set aside on a separate Diagram or Plan of Survey and shall be transferred to the Council in fee simple free of cost to the Council;

- c) Where reticulated water supply is not provided as a condition of subdivision, no dwelling unit shall be constructed or approved for construction unless a roof water tank having a minimum capacity of 90,000 litres, or some other suitable domestic water supply of no less capacity is incorporated in the plan submitted for development approval. No dwelling house will be considered fit for human habitation unless a system for the supply of potable water has been installed and is operating to the satisfaction of the Council. The requirements of this item may be satisfied where the developer produces to the Council evidence from some competent professional person or authority which satisfies the Council that an adequate potable on-site water supply is available, particularly where ground water is to be used as a source of potable water, provided that such evidence must prove to the satisfaction of the Council that potable water is available to each proposed subdivisional lot;
- d) Before the Council gives to the Board any clearance or other approval required from the Council prior to the Board endorsing its approval upon a Diagram or Plan or Survey, the Council may require the subdivider to demonstrate to the satisfaction of the Council the availability of a second class water supply to all lots for other than domestic household purposes. In any case where the Council has stipulated that it requires such a supply the supply of second class water shall be provided by either an earthen dam, a soak, a bore or reticulated from a dam or dams of sufficient capacity to adequately serve each proposed subdivisional lot, or by a combination of such means;
- e) Notwithstanding any provision in the Uniform Building By-laws to the contrary, not more than one dwelling house shall be erected upon any subdivisional lot;
- f) The coverage of each individual lot by buildings shall not exceed 3% of the area of the lot;
- g) No building shall be constructed within the Zone of materials, the nature and colour or texture of which in the opinion of the Council is undesirable for the locality;
- h) Except with the approval of the Council, no boundary fence within a Special Rural Zone shall be constructed of the following materials:
 - i) Asbestos;
 - ii) Metal sheeting;
 - iii) Wooden pickets.

Any approval of Council to use any of the materials referred to in this item for a boundary fence shall not be regarded as satisfying the requirements of this item unless the approval refers in express terms to the request for the use of those materials.

The Council may require that any fencing of whatsoever kind be constructed and the cost of the fencing be borne by the subdivider.

- i) All buildings upon lots which abut public open space shall present an appearance to the public open space which in the Council's opinion is complementary to the public open space area;
- j) The Council may in the interest of landscape preservation require building envelopes to be shown on one or more lots on the Subdivisional Guide Plan lodged with the Council under the provisions of this Scheme. Where a building envelope is defined for a lot in the Subdivisional Guide Plan, no building shall be constructed on that lot unless it is within a defined building envelope, except where it is shown to the satisfaction of the Council at the time of the application for development approval

or for a building permit, that the proposed location will be less detrimental to the preservation of the landscape or to the environment than if it was sited within the building envelope;

- k) The Council may require that each lot within the area proposed to be subdivided shall be supplied with a boundary firebreak no less than 3 metres wide constructed to the satisfaction of the Council. As an alternative, or in addition to the above requirements, Council may, after consultation with the Bush Fire Service of WA, require the provision of Strategic Fire Breaks constructed and maintained to the satisfaction of Council;
- l) No lot shall display a sign, hoarding or bill-board without the prior consent of the Council, and in any event the Council shall not give approval to the display on any lot of a sign, hoarding or bill-board other than a single sign advertising activities conducted on site and any such sign shall not exceed 0.2 square metres in area;
- m) With the intention of preventing overstocking or other practices detrimental to the amenity of the Zone, the approval of the Council is required prior to the commencement of any intensive agricultural pursuit or the breeding or keeping of animals for commercial gain. In giving approval for the purpose of this item, the Council may impose limits of stocking or such other conditions as to the Council seem fit, and may modify or vary such conditions to take account of seasonal changes;
- n) Where trees are proposed to be removed, the Council as a condition of development approval may require suitable mature trees to be planted to replace them and the cost of replacement to be borne by the developer;
- o) Any area for tree preservation shown in a submission lodged with the Council pursuant to paragraph 8.2.1.2, and indigenous trees which are:
 - i) Contiguous to a creek or water course;
 - ii) Critical landscape elements such as view corridors and skylines; or
 - iii) Any area of trees or shrubs which, in the opinion of the Council, are worthy of preservation, shall not be felled except where such indigenous trees are dead, diseased or dangerous or where the felling is for the purpose of a firebreak required by the preceding provisions of this paragraph or by any rule, regulation or by-law.Notwithstanding the preceding provisions in this item, the Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or otherwise to take account of the physical features of the subject land;
- p) The Council may, by notice served upon individual landowners or upon a subdivider of land within a Special Rural Zone, require the preservation of groups of trees and thereafter no landowner shall cut, remove or otherwise destroy any tree or vegetation unless the Council rescinds the notice or order;
- q) The Council may require the developer or owner of land within a Special Rural Zone to advise future landholders of the restrictions in relation to the clearing of the land.

2.9 Development conditions applicable to the Swan Valley rural zone

The purpose and intent of the Swan Valley Rural Zone is to promote the area primarily as a horticultural, recreational, tourism and landscape resource, with areas containing high quality horticultural soils and scarce plastic clays receiving special protection.

Having regard to the purpose and intent of the zone, the Council shall apply the following guidelines when dealing with applications for approval to commence development or otherwise planning for development within the zone:

- a) The Council shall not approve of any development where, in its opinion, such development would:
 - i) conflict with the planning objectives of Area B as specified in the Swan Valley Planning Act;
 - ii) Jeopardise the high quality horticultural soils;
 - iii) Jeopardise scarce plastic clays;
 - iv) Detract from the rural character and amenity of the area, or
 - v) Cause a nuisance by the production of noise, dust, smell or other pollutants.

The Council may approve the rearing or agistment of horses, sheep, cattle, goats or beasts of burden on land not considered suitable for horticultural use, provided that neither the use nor potential use of adjacent high quality soils for horticultural purposes, nor the rural character and amenity of the area, is adversely affected;

The Council may approve the establishment of tourist orientated recreational and cottage industry uses where, in the opinion of the Council, such uses have the potential to enhance the purpose and intent of the zone provided that such development is:

- a) Compatible with item a) above; and
- b) Designed, sited and landscaped to complement and enhance the rural character of the locality;

The Council shall not approve of any development, which in the opinion of the Council, is considered incompatible with its location in areas subject to high aircraft noise levels;

The Council shall not approve the removal of high quality horticultural soils to areas outside the zone;

The Council shall ensure that development on land adjoining the Swan River, Great Northern Highway and West Swan Road is designed, sited and landscaped in a manner which enhances the role of such routes as attractive entrances to and thoroughfares through the Swan Valley;

The Council, when considering applications for development of dwellings and other structures shall have regard to the following development control principles:

- a) All structures shall be designed having regard to suitable materials and colours to accord with the rural character of the locality;
- b) Landscaping about structures shall, where necessary, be required for screening purposes and to enhance the rural character of the locality;
- c) All structures shall be sited unobtrusively.

The Council shall ensure, where possible, that signs associated with development are:

- a) Limited to the promotion of horticultural produce, recreational and tourist facilities, and
- b) Sited to complement and enhance the rural character of the locality.

2.10 Off-street parking

In any application for approval to commence development in a Rural Zone, provision shall be made for the off-street parking of motor vehicles in accordance with the Vehicle Parking Standards policy, except where otherwise provided for in this policy.

2.11 Setback requirements

The setback requirements for all developments in a Rural Zone shall be in accordance with the provisions of Table 1.

3. Definitions

Refer to Schedule 1 of Local Planning Scheme No. 17 for land use definitions.

Document control

Document approvals:			
Version #	Council adoption		
1.	18 March 2008		
2.	10 September 2014		
3.	14 March 2018		
4.	17 March 2021		
5.	14 June 2023		
Document responsibilities			
Custodian:	Manager, Statutory Planning	Custodian Unit:	Statutory Planning
Document management:			
Risk rating:	Low	Review frequency:	4 Years
Next review:	2027	ECM Ref:	1072956
Compliance requirements:			
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015		
Industry:			
Organisational:	City's Local Planning Scheme No. 17 Clause 4.2.15 - Rural Residential Zone Clause 4.2.16 - Special Rural Zone Clause 4.2.17 - Swan Valley Rural Zone Clause 4.2.18 - Rural Living Zone Clause 4.2.19 - Resource Zone Clause 4.2.20 - Landscape Zone Clause 4.2.21 - General Rural Zone Clause 5.1 - Compliance with Development Standards and Requirements. Clause 5.5 – Variations to Site and Development Standards and Requirements Delegated Authority - 27 Statutory Planning		
Strategic Community Plan:	B1 Planned and facilitated growth		

TABLE 1 - SITE REQUIREMENTS

Rural Zones	Minimum Effective Frontage in Metres	Minimum Setbacks		
		Front	Side	Rear
General Rural	50	30	20	30
Rural Residential	30	20	20	10
Landscape	50	30	20	30
Other Requirements and/or variations:	Where a lot is less than 1 ha in area, or in a Landscape Zone the subject of a cluster development proposal, the minimum setbacks shall be in accordance with the requirements of the Residential Design Codes applicable for the particular lot size.			
Special Rural	Where the development is proposed in a Special Rural Zone where other setbacks and site requirements have been specified as applicable to that lot, then the requirements of that Special Rural Zone shall apply.			
Resource Swan Valley Rural Rural Living	To be negotiated with the Council at the time of an application for approval to commence development.			