

Local Planning Policy No. 25 – Spencers Brook Special Control Area (SCA3)

1. Preliminary

This local planning policy has been prepared to provide guidance to landowners and developers of lots located in the Spencers Brook Special Control Area (SCA3) taking into consideration the significant site constraints of the area.

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. Application of the Policy

2.1 Definitions

“R-Codes” means State Planning Policy 7.3 – Residential Design Codes.

2.2 Application

This Policy applies to the Spencers Brook Special Control Area as identified in the Shire of Northam's Local Planning Scheme No. 6, known as SCA.

3. Policy Objectives

The purpose of this Policy is to guide assessment and decision-making for development in the policy area to achieve the purpose of the special control area, which is:

- (a) To preserve the ecological values of the river and riparian zone;
- (b) To avoid development which would negatively impact upon the qualities of the area;
- (c) To ensure that land use in the area does not degrade the area;
- (d) To ensure that any development takes place in such a manner so as to safeguard the lives and property of people in the area; and
- (e) To ensure that any development does not adversely alter the capacity of the floodway to convey floodwaters.

4. Approval requirements

Development approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

In considering an application for development approval, the local government will have regard to the following –

- There is a presumption against development of land within the Spencers Brook control area for more intensive land uses, such as residential, commercial or rural uses.
- Applications where the development may result in an obstruction to major river flows and increase flood levels upstream will not be approved.
- Applications within the floodplain will be subject to a minimum habitable floor level of 0.5 metres above the predicted 1 in 100 year flood level, as determined by the Department of Water and Environmental Regulation, to provide adequate protection from major floods.
- Applications for development where the lot is abutting an undedicated road and/or unconstructed road or a lot that does not have direct frontage to a dedicated and/or unconstructed road may be refused until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided.
- Comments and advice provided from any relevant authority sought during the assessment of the application.

Amalgamation of lots prior to approval of a development application may be required to achieve the purpose and objectives of the special control area and this policy, particularly if significant variations are proposed.

The Development Plan in Appendix A of this policy identifies lots that are considered suitable for development and those lots where it may be necessary to amalgamate prior to any further development. Development will only be supported on the lots that comply with this policy and are identified as suitable for development as discussed in the Detailed Site Investigation Report prepared by Altus Planning dated January 2019.

5. Development Guidelines

General Provisions

The following provisions apply generally to development proposals in the Spencers Brook Special Control Area.

Location of Development

- All development to comply with the provisions of the R5 density code of the State Planning Policy 7.3 – Residential Design Codes.
- Notwithstanding the provisions contained elsewhere in the Scheme and this Policy, any variations to the setback and siting requirements will be considered on the basis of existing structures, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.
- No ancillary infrastructure shall be constructed in front of the dwelling, including but not limited to carports, sheds, water tanks and telecommunications infrastructure.
- Amalgamation of lots may be necessary to facilitate suitable development as identified on the Development Plan (Appendix 1), particularly where building setback requirements cannot be satisfied.

Building Design & Materials

- Dwellings and outbuildings shall be designed and constructed of materials in keeping with the amenity of the site. The Council will be supportive of traditional Australian rural style dwellings with wide verandahs, simple forms and passive solar orientation. Walls and roofs with natural, muted toning will be supported.
- Proposals for second-hand or re-purposed dwellings, such as 'dongas' will not be supported.

- Sheds are to be designed and constructed of materials and colour schemes which are complementary to the main dwelling on the site. Where shed walls are constructed of concrete, it shall be coloured or bagged in appropriate earthy tones.
- Tree Planting/Landscape screening may be required as condition of development approval.

Excavation & Fill

- Excavation and fill is limited to a maximum of 500mm above or below existing ground level over the whole site unless otherwise required by comply with flooding provisions.
- Retaining walls should be a maximum height of 750mm.
- If a building is on stumps, the underfloor perimeter of the building must be enclosed.
- The maximum height of floor level above adjacent natural ground level for any stumped structure is 1m unless otherwise required to comply with flooding provisions.

Flooding

- The development of any lots within the SCA (whether they are contained within the floodplain or not) need to be accompanied by evidence that the development will not obstruct major river flows and increase flood levels upstream.
- Development of any lots within the SCA that are not within the Department of Water and Environmental Regulation's Flood Study will not be supported unless accompanied by a Flood Risk Assessment prepared by a suitably qualified person.
- Development wholly located within a defined 1 in 100 AEP floodplain area will generally not be supported.
- A minimum habitable floor level of 0.5m above the 1 in 100 flood level shall be provided. (Note: the maximum building height of 9m set by clause 4.10.1 of LPS6 should be considered in the design of the dwelling.)
- The Department of Water and Environmental Regulation will be consulted during the application process.

Access

- Lots 16-43, 142-145, 150-152 and 28780 abut Thomas Street, which is a dedicated but unconstructed road. The Shire may require that some or all of the road be upgraded, or a contribution made to upgrade the road, as part of a development application.

- Lots 1-15 either abut vacant Crown land or the railway reserve, or therefore do not abut a dedicated and/or constructed road. Accordingly, development of these lots would not be permitted unless other permanent access arrangements could be made, such as some form of easement or right-of-carriageway through another lot/s to a dedicated and/or constructed road.

Service & Drainage Requirements

- No dwelling shall be constructed or approved for construction unless connected to an approved reticulated water service (i.e. scheme water).
- If no reticulated power supply is available, the landowner must demonstrate sufficient power is available to supply the dwelling and ancillary infrastructure. If a wind turbine or other structures are proposed, they must be incorporated into the approved plans.
- On-site effluent disposal shall be the responsibility of the individual landowner. The disposal of effluent shall be by way of an approved wastewater system in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Bushfire Management Control

- All applications for development approval shall be accompanied by a Bushfire Attack Level Assessment (BAL) Report prepared by a suitably qualified person.
- Landowners are responsible for the implementation, and any ongoing requirements, outlined in the BAL Report.

Land Uses

- In determining applications for discretionary uses listed in the zoning Table, the Council shall have regard to the general objectives of the zone, the key objectives and provisions of this policy.
- In order to ensure non-residential uses provide for the protection of the rural townsite amenity, the Council will not grant development approval unless it is satisfied that the proposed use would not have an adverse impact on the amenity of the locality;
- In addition to the general development provisions, in granting development approval, the Council may assess and where appropriate apply conditions in relation to any of the following matters:
 - advertising signage,
 - vehicle access and parking,
 - Building location and setbacks,
 - External appearance, colours and finishes,
 - Size and scale of non-residential buildings and land-uses,
 - Storage and disposal of wastes,
 - Emission of noise, dust and odour,

- Extent and standard of landscape screening,
- Hours of operation.

DRAFT

