

# SPECIAL PROVISIONS

## APPENDIX 4A – RURAL LIVING A ZONE PROVISIONS RELATING TO SPECIFIED AREAS

SPECIFIED AREA OR LOCALITY	SPECIAL PROVISIONS TO REFER TO
<p>26. Lot 1254 Abernethy Road, Oakford.</p>	<p>1 Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p>Use classes permitted (P)</p> <p>Single House</p> <p>Public Recreation</p> <p>Public Utility</p> <p>Discretionary Uses (AA)</p> <p>Ancillary Accommodation</p> <p>Home Occupation</p> <p>Rural Use</p> <p>Stables (refer to clause 6 below)</p> <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the planning guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>2 No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation.</p> <p>3 The subdivider shall undertake topsoil stripping proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, for the entire building envelope of each in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal.</p> <p>4 No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Provision 1. Prior to any such clearing, the developer of the land owner shall seek and obtain the written consent of the Council.</p> <p>5 The subdivider shall place notifications on the certificates of title for each lot advising prospective purchasers of the restrictions relating to the keeping of horses.</p> <p>6 The keeping of horses is restricted to a maximum of one (1) horse per lot and as such shall be required to be stabled overnight to the satisfaction of the Shire. Planning approval is required for the land use prior to commencement.</p> <p>7 The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate</p>
	<p>including the planting of indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.</p> <p>8 The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement of those trees and shrubs, planted by the subdivider to the satisfaction of the Council.</p> <p>9 The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide</p>

<p>26. Lot 1254 Abernethy Road, Oakford. (Cont.)</p>	<p>Plan, water supplies and equipment and other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>10 Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.</p> <p>The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited:</p> <ul style="list-style-type: none"> <li>a. A Geotechnical Report;</li> <li>b. Site characteristics, constraints and opportunities;</li> <li>c. Capacity of land to support proposed use;</li> <li>d. Fit-for-purpose water use strategy; Issues to be determined at time of subdivision;</li> <li>e. Recommended monitoring and implementation framework;</li> <li>f. Building and effluent disposal envelopes and minimum pad heights;</li> <li>g. Any reserves or easements required.</li> </ul> <p>11 At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>12 The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>13 A Subdivision Guide Plan for the subdivision of land into Rural living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirement of Clause 5.9.3.</p> <p>14 The Subdivision Guide plan referred to in Clause 12 shall be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the</p>
	<p>land be developed</p> <p>15 The subdivider shall upgrade by widening and sealing Abernethy Road along the full length of the property and construct the proposed road junctions at Abernethy Road and Kargotich Road, including preparation of design drawings, to the satisfaction of Council. The Casuarina trees lining both sides of Abernethy Road and Kargotich Road, shall be preserved from removal or damage. The subdivider shall be responsible for ensuring that no damage occurs to the Casuarina trees through works done by all service providers and contractors.</p> <p>16 The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognized as posing a "moderate to low" acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>17 The subdivider is to place a notification on the title of each lot advising</p>

26. Lot 1254 Abernethy Road, Oakford.  
(Cont.)

potential purchasers that their property may be subject to periodic inundation in storm and flood events and dwellings should therefore be designed with flexibility and consideration for possibilities such as dwellings on stumps. In addition, purchasers are to be advised that direct stormwater connection to the Shire's roadside drainage system is not permitted.

*[inserted by No. 157, GG 28/08/2009]*