

**Special rural rezoning,  
subdivision and development, Banjup**

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**Lot 147 Acourt Road Banjup**

**G P, G, E D and R A Panizza**

**Report and recommendations of the  
Environmental Protection Authority**

**Environmental Protection Authority  
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## Background

The site is located approximately 500m west of Nicholson Road on Acourt Road in Banjup (see attached map). An existing "Special Rural" zone is located to the east, consisting of 22 lots for the purpose of keeping kennels. The site is gently undulating Bassendean sands with approximately 50% of the site (generally to the rear) being vegetated with banksia woodland.

The site is over a Priority 2 Source Area as defined by the Water Authority of Western Australia (WAWA) for the protection of groundwater supplies and is also in the Jandakot Underground Water Pollution Control Area. The proposed development was first raised with the Environmental Protection Authority in December 1989, at which time preliminary advice was offered. The subdivision and rezoning were subsequently referred to the Authority by the Department of Planning and Urban Development in February 1990 and August 1990 respectively. Due to the potential impacts on the groundwater protection areas as mentioned above, the Authority decided that formal assessment was warranted, and the level of assessment was set at Consultative Environmental Review (CER).

At the present time a land-use study (Jandakot Land Use and Water Management Study) for the Jandakot Water Mound is being prepared for the WAWA and the Department of Planning and Urban Development, and an Environmental Protection Policy for the same area is also being prepared under the Environmental Protection Act 1986. Thus this and other developments over the water mound are being assessed by the Authority in the interim phase before the finalisation of these documents. It is hoped that once they are completed, they will give a better indication of the acceptability of specific types of development on this public water supply area.

Whilst the Authority is continuing to assess individual rural residential developments in this interim phase, it would expect them to conform with the principles regarding the siting of effluent disposal systems, vegetation retention and revegetation, control of stocking rates and others as discussed in this report. These principles are generally consistent with the approach being taken in the catchment of the Peel-Harvey Estuary.

## Proposal

The proponents, GP, G, ED and RA Panizza, propose to rezone, subdivide and develop Lot 147 on Acourt Road, Banjup to create 20 "Special Rural" lots ranging in size from 2ha to 2.7ha. The site is currently zoned "Rural" under the City of Cockburn's Town Planning Scheme No 1 and the City of Cockburn's proposed Town Planning Scheme No 2 and has inadequate land use controls for the proposed "Special Rural" use. Through the rezoning process it is intended to apply special provisions to the scheme limiting the the allowed uses and activities, and a copy of these provisions is included in this report. The proposed scheme provisions form part of the proposal as assessed and are extremely important in aiding the management of environmental impacts affecting the proposal. Consequently, if the proposal were to proceed, they should be stringently applied by the Local Authority.

The proponent also proposed to initiate a replanting scheme on the areas that have been cleared, utilising native species at a minimum rate of 500 plants per hectare.

## Public submissions

During the public review period, eight submissions on the proposal were received by the Authority, including five individual submissions, two government department submission and one local authority submission.

Of the eight submissions, four were opposed to the proposal, two gave conditional support, one gave full support and one was awaiting the outcome of the environmental assessment before making a decision on the proposal. Opponents of the proposal had the following concerns/suggestions:

- land use planning is a huge issue and the current direction of travel is very worrying;
- concern over any developments that will compromise groundwater supplies (ie there should not be intensification of land use over groundwater supply areas);

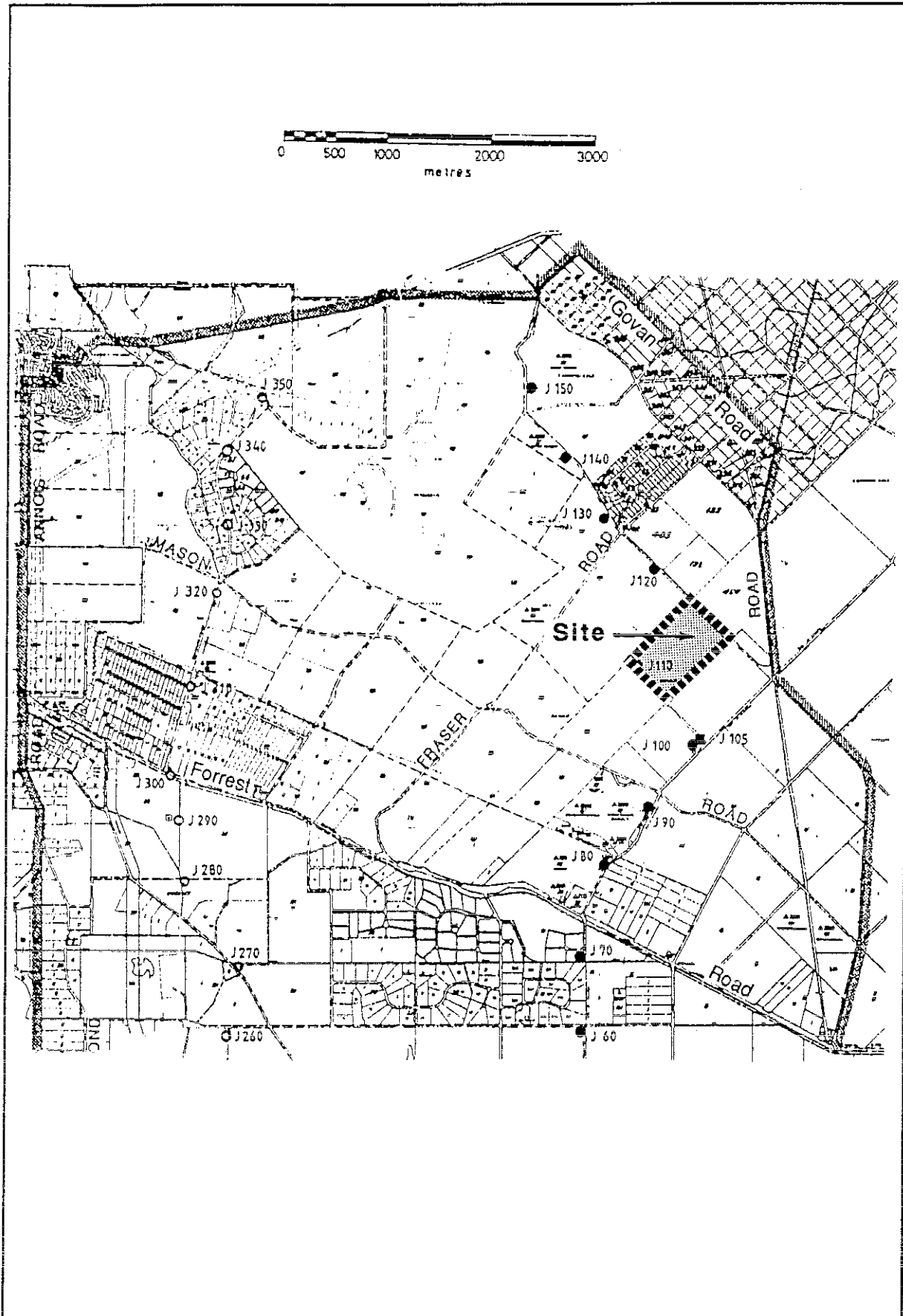


Figure 1: Location map.

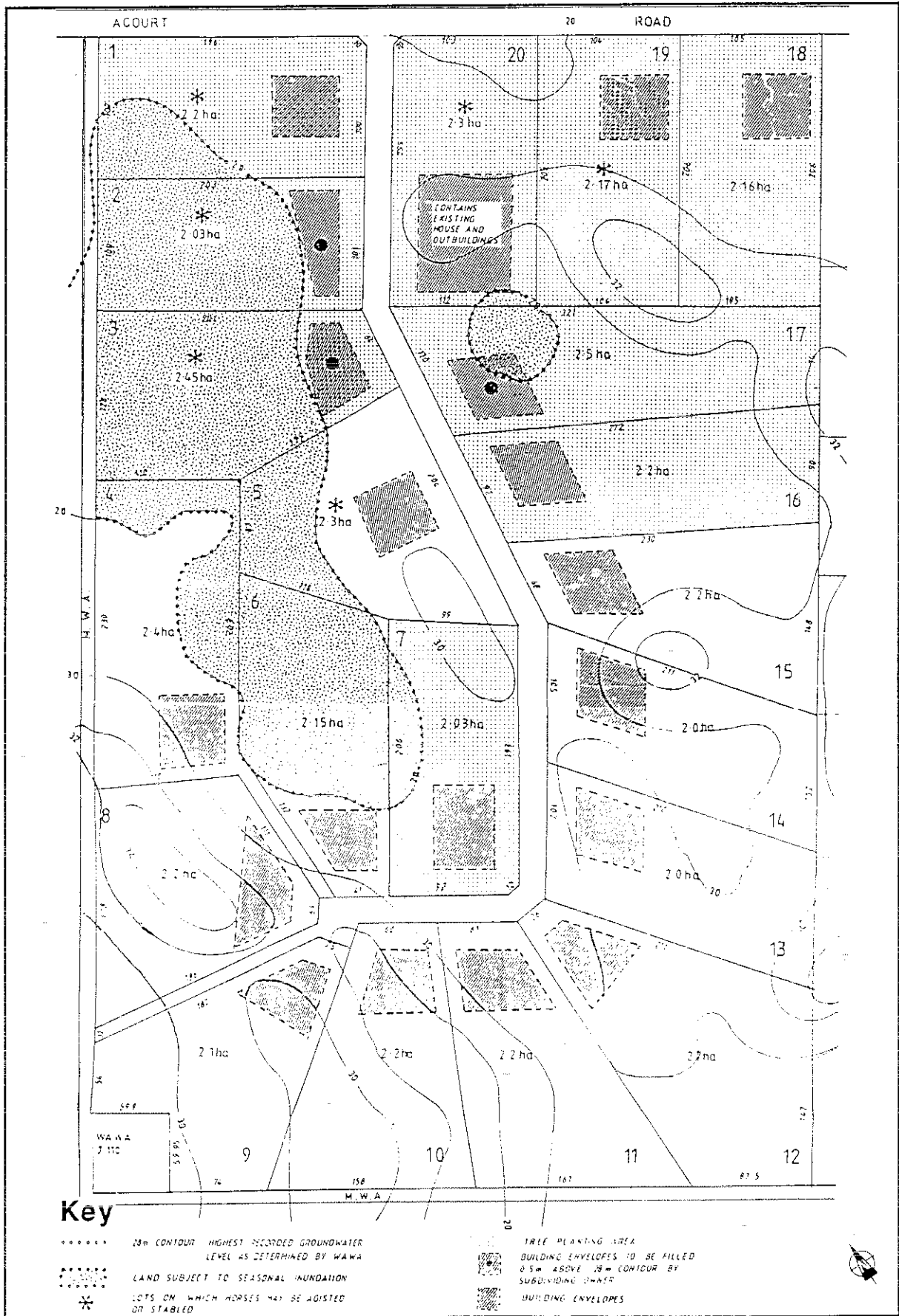


Figure 2: Site plan.

- there is a responsibility to protect water supplies on a local and global scale;
- protection of groundwater supplies will be cheaper than remedial measures;
- polluting groundwater will put more pressure on the hills catchments and supply areas;
- protection of water supplies extremely significant given that 80-90% of Western Australia's population depends on water supplies in the Perth region.
- revegetation of "Special Rural" lots could be used for commercial purposes (eg native seed orchards); and
- climatic change (particularly in terms of groundwater level changes and reduced rainfall) has not been addressed;
- problems with "Special Rural" developments from septic tanks, high watertables in many areas and vegetation clearing;
- no development should be allowed until the Environmental Protection Policy is finalised or the WAWA/EPA agree on development guidelines; and
- concern over rare flora in the region generally.

## Environmental issues

With so much of Perth's domestic water supply coming from groundwater resources (particularly during the summer months), protection of existing groundwater supplies is of paramount importance. Thus on this site, the potentially adverse environmental impacts from the development (primarily nutrient pollution from effluent disposal systems and horses) must be managed to prevent further degradation of groundwater quality and quantity.

For this particular site, the Environmental Protection Authority believes the impacts can be managed (with modifications to the proposal) to make the project environmentally acceptable.

The developer in a development such as this is usually only involved in the establishment phase of the project, and there is a need to make recommendations that will affect the development in the future. As the Local Authority has certain powers over the on-going management of the development through the relevant Town Planning Scheme, the Authority believes it is necessary for the Local Authority to make the appropriate adjustments to the Town Planning Scheme as part of the proposed rezoning process to enable adequate on-going management controls to be in place before the development proceeds.

### Recommendation 1

**The Environmental Protection Authority has concluded that the proposed "Special Rural" development on Lot 147 Acourt Road Jandakot as modified during the process of interaction between the proponent, the Environmental Protection Authority, the public and the government agencies that were consulted is environmentally acceptable, and recommends that the project could proceed subject to the proposed Scheme Provisions and the Environmental Protection Authority's recommendations in this report.**

The Authority's experience is that it is common for details of a proposal to alter through the detailed design and construction phase. In many cases alterations are not environmentally significant or have a positive effect on the performance of the project. The Authority believes that such non-substantial changes, and especially those which improve environmental performance and protection, should be provided for.

**The Authority has concluded that for the proposal to be environmentally acceptable, the following design constraints and management provisions must be applied. These fall into two categories: those which apply to the developer and are implemented prior to the issuing of titles for the proposed lots; and those which apply to the Local Authority and must be reflected in the Local Authority's Town Planning Scheme.**

**To be applied to the developer:**

To protect the groundwater it is important to minimise the application of nutrients to the land above. One way of doing this is to specify larger lot sizes to reduce the intensity of septic tanks and another is to restrict any horticultural pursuit to within the building envelope in line with a normal domestic garden.

**Recommendation 2**

**The Environmental Protection Authority recommends that lot sizes must be no less than 2 hectares, and contain a building envelope no greater than 10 per cent of the total lot area to the satisfaction of the Environmental Protection Authority.**

Retention of native vegetation and revegetation has many benefits including:

- nutrient uptake;
- wildlife habitat retention/creation;
- maintenance of groundwater levels; and
- aesthetics.

Thus the Authority considers it essential that existing vegetation be retained and a replanting programme undertaken where necessary.

**Recommendation 3**

**The Environmental Protection Authority recommends that with the exception of minimal clearing necessary for the building envelopes, fences, firebreaks, access and servicing, there is to be no removal of vegetation, and areas already cleared are to be revegetated with appropriate trees and perennial shrubs to a density of 800 stems per hectare to the satisfaction of the Environmental Protection Authority. The developer shall be responsible for replacing losses of plants in the first three years.**

In a development such as this, there are many advantages in retaining stormwater on-site including groundwater recharge, increased availability for plants and the retention of nutrients on-site.

**Recommendation 4**

**The Environmental Protection Authority recommends that stormwater must be contained on-site to the extent that a 1 in 10 year storm event will be contained for three to four days before leaving the property to the satisfaction of the Environmental Protection Authority.**

**The following recommendations should be implemented through the Local Authority's Town Planning Scheme:**

**Recommendation 5**

**The Environmental Protection Authority recommends that outside the area cleared for the building envelopes, fences, firebreaks, access and servicing, the existing vegetation and the revegetation established under Recommendation 2 above shall be maintained to the satisfaction of the Environmental Protection Authority.**



Overstocking can lead to many problems including excessive nutrient loading, damage to vegetation, and as a result of this, erosion problems. This is particularly relevant on the easily erodible Bassendean sands, and the following recommendation is aimed at minimising potential environmental impacts.

### **Recommendation 6**

**The Environmental Protection Authority recommends that the only permissible primary land use be residential, and no more than one residence shall be permitted on each lot unless it can be demonstrated that an additional residence would not result in excessive nutrient application. Ancillary land uses may be permitted provided they do not involve excessive nutrient application or the clearing of land contrary to Recommendations 1 and 2 above (developer). Vegetation shall be protected from damage by grazing livestock. The type and numbers of livestock shall be controlled in order to prevent excessive nutrient input. Fertiliser application shall be minimised and limited to the building envelope. These measures shall be carried out to the satisfaction of the Environmental Protection Authority.**

To minimise the environmental impact of nutrients from on-site effluent disposal systems on the groundwater and any nearby wetlands, adequate setback distances are required.

### **Recommendation 7**

**The Environmental Protection Authority recommends that conventional on-site effluent disposal systems must be located and installed such that there is at least a 2 metre vertical separation between the base of the leach drain and the highest recorded groundwater level or bedrock, and at least a 100 metre horizontal separation between the disposal system and the nearest water body to the satisfaction of the Environmental Protection Authority.**

The Authority believes that any approval for the project based on this assessment should be limited to five years. Accordingly, if the proposal has not been substantially commenced within five years of the date of this report, then such approval should lapse. After that time, further consideration of the proposal should occur only following a new referral to the Authority.

It should be noted that the recommendations contained in this report do not prevent relevant Authorities from refusing the development on grounds other than environmental (e.g. planning, protection of water supplies).

It should also be noted that if the recommendations in this report are converted to Ministerial Conditions which subsequently conflict with other conditions/provisions applied through the planning process (e.g. scheme provisions, subdivision conditions), then the Conditions as set by the Minister for the Environment take precedence.

# **Appendix 1**

**City of Cockburn Town Planning Scheme No. 2  
Amendment No. 53**



## TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

## THE CITY OF COCKBURN TOWN PLANNING SCHEME NO. 2

## AMENDMENT NO. 53

The Cockburn City Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act 1959 (as amended) hereby amends the above Town Planning Scheme by:

1. rezoning Jandakot Agricultural Lot 147, Acourt Road, Banjup from Rural to Special Rural.
2. including the following Scheme Provisions within the Sixth Schedule - Special Rural zones of the Scheme Text the following:

## 11.0 ACOURT ROAD, BANJUP

## 11.1 LOCALITY

The land comprising J.A.A. Lot 147 (Acourt Road).

## 11.2 PROVISIONS

The following provisions shall apply specifically to the Special Rural Zone Area referred to in Clause 11.1 of this Schedule.

## 11.2.1 Zoning Table

(1)	Civic Building	AA
(2)	Educational Establishment	AA
(3)	Home Occupation	AA
(4)	Kindergarten	SA
(5)	Office within a dwelling	AA
(6)	Private Recreation	SA
(7)	Public Utility	AA
(8)	Hobby Farm	AA
(9)	Single House	P
(10)	Stables	SA
(11)	Veterinary Consulting Rooms	AA
(12)	Veterinary Hospital	SA

- 11.2.2 The Council shall not give Planning Consent for Private Recreation, Hobby Farm or Stables unless the Water Authority of Western Australia has formally advised that it would issue a licence for a water bore to extract the quantity of groundwater necessary for the development.

- 11.2.3 The agistment or stabling of horses may only be permitted on the lots indicated for this purpose on the Subdivision Guide Plan - Special Rural Zone 11.0 - Acourt Road, Banjup.

- 11.2.4 A use that is not mentioned in Clause 11.2.1 of this Schedule shall not be permitted.

- 11.2.5 Subdivision of the land defined in Clause 11.1 of this Schedule shall be generally in accordance with the approved Subdivision Guide Plan - Special Rural Zone 11.0 - Acourt Road, Banjup.

- 11.2.6 The minimum lot size shall be 2 hectares.
- 11.2.7 On receipt of a written request from the landowner to amend the building envelope, the Council may:
- (1) agree to relocate the building envelope;
  - (2) agree to extend the building envelope;
  - (3) refuse to amend the boundaries of the envelope.
- 11.2.8 Notwithstanding Clause 11.2.7, the building envelope shall not be located nearer to a boundary of a lot than the minimum building setback distance set out under Clause 5.4.1(5) of the Scheme Text.
- 11.2.9 No clearing shall be permitted outside the building envelope, as designated on the Subdivision Guide Plan of this Schedule except for the following:
- (a) The removal of trees which are dead, diseased or dangerous.
  - (b) For the purpose of providing a firebreak as required by a regulation or by-law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land.
  - (c) For the purpose of providing any access driveway for a residential dwelling as approved by Council.
  - (d) To permit development as approved by the Council under Part 6 of the Scheme.
- 11.2.10 Prior to the subdivision of the land described in Clause 11.1 of this Schedule, the subdivider shall:
- (1) provide fire breaks as required for each lot to a standard approved by the Council and the Bush Fires Board;
  - (2) within the Tree Planting Area defined on the Subdivision Guide Plan, plant trees within 20 metres of the road frontages and within 10 metres of the perimeter of the building envelope and all other lot boundaries, and arrange for all trees planted to be maintained to the satisfaction of Council until such time as the lot is transferred to the purchaser;
  - (3) ensure that each building envelope and accessway link to the adjacent road reserve is either located above or filled to a minimum height of 0.5 metres above the highest known water table.
- 11.2.11 The trees planted within the Tree Planting Area designated on the Subdivision Guide Plan - 11.0 Acourt Road, Banjup, shall be maintained by the purchaser of the lot.
3. include the Subdivision Guide Plan - Special Rural Zone 11.0 - Acourt Road, Banjup within the Sixth Schedule of the Scheme Text; and
  4. Amending the Scheme Map and Scheme Text accordingly.

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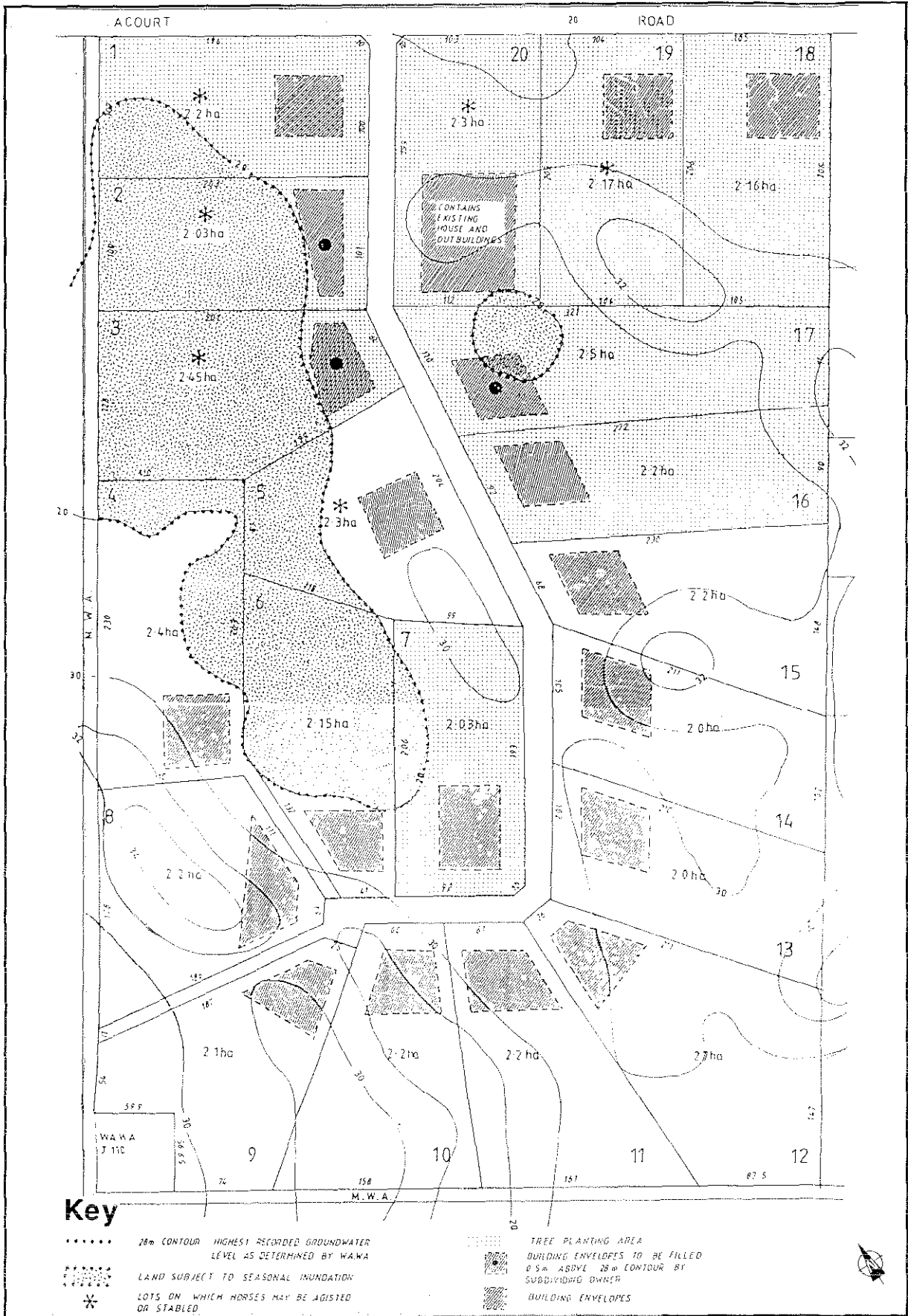


Figure 2: Site plan.

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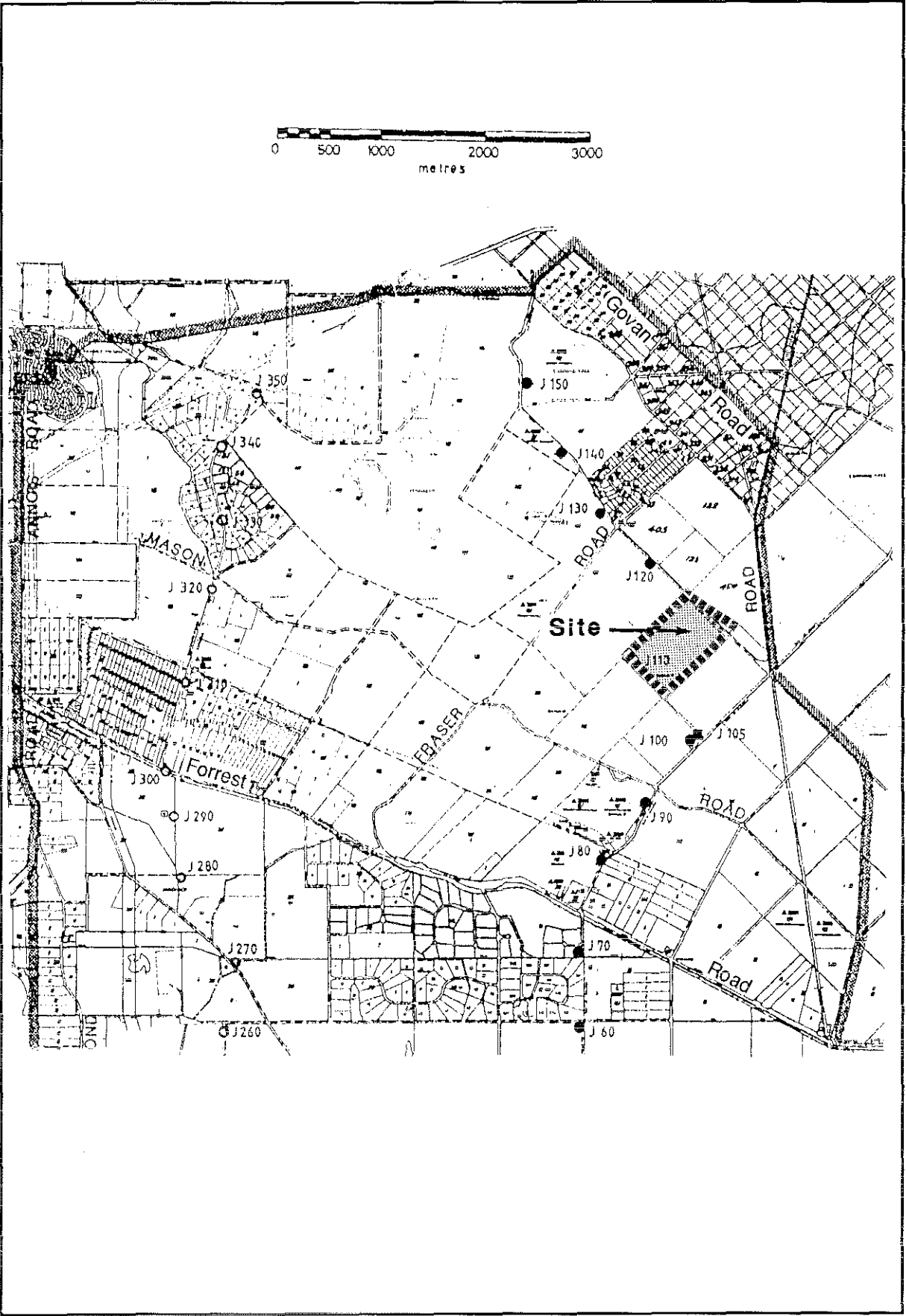


Figure 1: Location map.