

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
01-May-2024	21-50674-2

10 April 2024

Director General
Department of Planning, Lands and Heritage
140 William Street
PERTH WA 6000

Via email: Charlotte.Lavictoire@dplh.wa.gov.au

Attention: Charlotte Lavictoire; Senior Planning Officer

Dear Charlotte,

**Application for Development Approval
No. 76 Albert Road, Middle Swan**

Lateral Planning acts for Mr. Paul Ramsay, the owner of No. 76 (Lot 21) Albert Road, Middle Swan (**Site**) in respect of the enclosed Application for Development Approval (**Application**). The Application seeks approval for a rural structure and associated earthworks at the north-eastern extent of the Site.

We refer to the additional information submitted by Lateral Planning in respect of a separate Application for Development Approval which seeks approval for various existing and proposed rural structures associated with Ramsay's Horse Transport.

To assist with your consideration of the Application, we provide below and enclosed:

- Endorsed Application for Development Approval form and checklist;
- Overview of the proposed works;
- Town planning assessment; and
- Development plans.

The enclosed Application is associated with the domestic use of the Site and Ramsay's Horse Transport operations. Further information is provided throughout this correspondence.

Site Particulars

The Site is located at Lot 21 (No. 76) Albert Road, Middle Swan, shown at Figure 1 below.



Figure 1: Site Location

The Site comprises a single lot, legally described as Lot 21 on Plan 5834, Certificate of Title Volume 1580 and Folio 669. The Site has a total land area of 6.91ha, with a frontage of 150m to Albert Street. The northern, eastern and southern lot boundaries adjoin similar rural landholdings.

The Site is generally divided into two zones: the Equine Zone and Infrastructure and Admin Zone. The Equine Zone contains a dwelling, several paddocks and day stables for domestic horses. The Infrastructure and Admin Zone accommodates all 'back-of-house' services, vehicle and transportables storage and on-site office (converted donga). The Proposed Works are contained within the Infrastructure and Admin Zone.

The use zones are shown below.



Figure 2: Paddocks and Infrastructure

Land Use History

For over 70 years, the Site has operated as an equestrian facility. Prior to the 1950's, the Site was part of the Jane Brook Lodge, which comprised the Site and surrounding properties. In the late 1940's, the Site and southern adjoining property were purchased by Mick and Louis Taylor, who operated a commercial racehorse training facility until the sale of the Site to the Department of Housing. The Site operated as the WA Agistment Centre before being leased to Les Bunnings for the purpose of equestrian show jumping, training and education.

Additional information on the historic use of the Site and various aerials are provided within the additional information prepared by Lateral Planning associated with the substantive application.

Proposed Development

The Application seeks retrospective approval for earthworks and prospective approval for a storage shed (rural structure) (**Proposed Works**). The prospective element of the Proposed Works comprises a 35m by 25m shed associated with Ramsay's Horse Transport and the landowner's domestic rural pursuits captured within the additional information submitted by Lateral Planning dated 8 February 2024. The shed is a predominantly enclosed space, intended to provide storage for products and equipment associated with Ramsay's and domestic storage of hobby pursuits (e.g. vintage and unique vehicle collection).

Earthworks to provide a level base have already been implemented.

The Proposed Works are proposed for the north-eastern extent of the Site, within the Infrastructure and Admin zone shown at Figure 2. Development plans showing the Proposed Works are enclosed to this letter.

Town Planning Considerations

Swan Valley Planning Scheme

The Site is subject to the Swan Valley Planning Scheme No. 1 (**Scheme**) and is therefore excluded from the Metropolitan Region Scheme and City of Swan Local Planning Scheme No. 17.

Zoning and Land Use

Pursuant to the Scheme, the Site is included within the 'Swan Valley Rural' zone. The Site is not subject to any Special, Additional or Restricted Use provisions, and is outside of the Perth Airport Special Control Area.

Clause 21 of the Scheme sets out the zone objectives for the Swan Valley Rural zone, as follows:

1. *Seek to protect rural land in the Swan Valley from incompatible land use and development.*
2. *To provide lots no smaller than four hectares to support a range of rural land uses including hobby farms and equestrian activities.*
3. *To facilitate hospitality and tourism land use where it complements rural land uses, does not detract from rural character and amenity.*

4. *To ensure land use and development respects the Swan Valley's cultural heritage and natural environment.*

Having regard to the Application and relevant site history, we note:

1. The Site has consistently been used for horse stabling, agistment and training for the past 70 years, resulting in a strong integration of the use of the Site into the locality. Ramsay's Horse Transport is characteristically a rural use, focused on the care and transport of horses. Low-scale domestic horse training provides a much-needed facility for the locality, minimising travel distance for nearby users.

Compatibility with the locality has been demonstrated through 70 years of consistent operations from the Site. The use of the Site is consistent with the predominance of horses and horse related infrastructure through the locality which has been developed around the Site for the past 70 years.

All built structures at the Site which are associated with horse care, training and transport are located away from the public realm, within the Infrastructure zone. The location and extent of structures does not undermine the rural character of locality, while maintaining the general amenity of the locality.

2. The Site is approximately 6ha in area; there is no proposed subdivision or development which impacts lot size.
3. No hospitality or tourism uses are proposed. The use of the Site is consistent with, and maintains the rural character and amenity.
4. As above, the Site has been used for horse agistment, care and transport for at least 70 years. The use of the Site has become part of the fabric of the locality, and has a strong history within the wider locality. The materiality and construction styling of structures at the Site is consistent with the rural landscape and does not impact on the natural environment.

In this regard, the use of the Site as proposed within the substantive application is consistent with the objectives of the Swan Valley Rural zone and capable of approval.

As the Proposed Works form a part of Ramsay's Horse Transport (storage of equipment, no training or stabling) and the landowner's domestic rural pursuits (e.g. vintage and unique vehicle collection), the Application proposes development only. Land use considerations for the on-site uses are captured within the substantive application lodged with the DPLH.

All land uses contained within the substantive application are capable of approval and satisfy the objectives of the Swan Valley Rural zone.

Development Standards

Appendix 5 of the Scheme sets out the relevant site and development standards applicable to the Swan Valley Rural zone. The Table below summarises the required and proposed development standards.

As the proposed structure is associated with domestic and agricultural pursuits, the overall area has been attributed equally for the purpose of site coverage calculations. That is, 50% is attributed as domestic footprint and 50% attributed as agricultural footprint.

REQUIRED		PROVIDED
MINIMUM SETBACKS		
Primary Street	30m	175m
Side (northern) Boundary	15m	15.0m – 20.3m (17.65m average)
Rear (eastern) Boundary	15m	7.5m
MAXIMUM SITE COVERAGE		
Domestic building footprint	10% of lot area or 500m ²	437.5m ² (0.63% of site area – 1.41% of lot area allowing for the substantive application)
Agricultural building footprint	300m ²	437.5m ² (0.63% of site area – 2.89% of lot area allowing for the substantive application)
MAXIMUM BUILDING HEIGHT		
Wall height (pitched)	6m	5m
Roof Pitch height	9m	6m

Total proposed domestic building footprint is 437.5m²; Table 2 of the Scheme notes a maximum domestic building footprint area of 500m² and 10% of site area. The total domestic building footprint area corresponds to on 1.41% of site area, incorporating all structures captured within the substantive application. The total domestic structures are appropriate having regard to overall site area, the rural construction style and positioning of the Infrastructure Zone away from neighbouring dwellings.

Concerning site coverage for agricultural uses, the proportion of the Proposed Works associated with Ramsay’s Horse Transport increase the agricultural footprint by 437.5m², to 2,302.5m². All proposed and existing structures are of a rural form, being constructed of typical agricultural materials, scale and design. Through a considered approach to design and scale, the agricultural structures are consistent with the general amenity of the locality while providing for the indoor storage of products and equipment which are presently in an ‘open-air’ format.

We note that the structures associated with Ramsay’s Horse Transport may not be appropriately categorised as ‘agricultural’ for the purposes of site coverage calculations.

Notwithstanding the classification of the existing and proposed structures, Table 2 of Appendix 5 provides discretion to approve agricultural building footprint exceeding 300m² where the following criteria are satisfied:

- a) *Existing and approved development on the lot;*

All structures on the Site are associated with the existing domestic and equestrian uses, which have operated at the Site (under several separate businesses) for approximately 70 years. All 'agricultural' structures at the Site are associated with Ramsay's Horse Transport, a low impact equine land use best suited to the locality.

All development on the lot is associated with an established, well managed use and allows the landowner to securely store domestic and equine equipment. The combined development area is appropriate for the Site noting the modest overall percentage of site cover, character of all built form and general rural locality which is broadly dominated by similar and complimentary uses.

- b) *Impact of the proposed development on land under vines or orchards;*

No vines or orchards are located on the Site or adjoining properties.

- c) *Purpose for which the proposed agricultural building is proposed;*

The Proposed Works are associated with the domestic and low impact equine use of the Site.

- d) *Any other matters the Commission deems relevant.*

The combined floor area of all 'agricultural' structures (accounting for the structures captured within the substantive application) total 2.89% of the lot area, maintaining rural amenity. All structures provided at the Site are associated with the domestic uses of the landowner and / or equine uses of the landowner. The Proposed Works do not impact on general amenity of the locality, are consistent with the objectives of the Scheme and Swan Valley Rural zone, and provide for the secure storage of equipment associated with the use of the Site.

Having regard to the eastern lot boundary, the proposed shed has a setback of 7.5m in lieu of the 15m required by the Scheme. The proposed boundary setback is consistent with the alignment of existing structures which have been on the Site for a considerable period. Positioning of the proposed shed in a consistent alignment ensures a coherent boundary condition. We also note that there are no existing structures (residential or agricultural) are in proximity to the Proposed Works, where any amenity impacts will be appropriately managed. As such, the proposed alignment of the Proposed Works relative to the eastern lot boundary is considered appropriate.

Conclusion

This Application seeks approval for a proposed storage shed and associated earthworks. The prospective element of the Proposed Works comprises a 35m by 25m shed associated with

Ramsay's Horse Transport and the landowner's domestic rural pursuits captured within the additional information submitted by Lateral Planning dated 8 February 2024. The shed is a predominantly enclosed space, intended to provide storage for products and equipment associated with Ramsay's and domestic storage of hobby pursuits (e.g. vintage and unique vehicle collection).

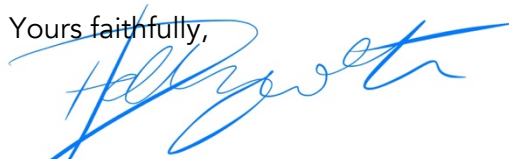
The substantive application provided extensive information which demonstrates that structures at the Site have been in place since at least 1979, thereby establishing the character and amenity experience within the locality which is dominated by equine uses.

The Proposed Works are suitable for the scale of the Site and the general rural aesthetic of the locality, while providing an opportunity to store necessary equipment indoors.

The development is suitable for the location and capable of approval.

Should you require any further information or clarification in relation to this matter, please contact Daniel Hollingworth on 0434 433 000.

Yours faithfully,



Daniel Hollingworth
Lateral Planning

Encl.