

11/03/2024
City of Swan
PO Box 196
Midland, WA, 6936

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
25-Mar-2024	21-50920-1

ATTENTION: Mr Rohan Sim – Planning Officer.

Dear Sir/Madam

RE: PROPOSED 3 BEDROOM HOLIDAY ACCOMMODATION (SINGLE STOREY) AT LOT 628 (819) GREAT NORTHERN HIGHWAY, HERNE HILL

Tuscom Subdivision Consultants is pleased to represent our client, Mr Ing Toh Tiong in presenting an application to construct one (1) three (3) bedroom Holiday Accommodation (Single Storey) on No. 819 (Lot 628) Great Northern Highway, Herne Hill (herein referred to as the subject site). Please refer to the provided plans, and letter below for our performance criteria and justification for the development above.

PROPOSAL

The proposal seeks planning approval for one (1) three (3) Bedroom Holiday Accommodation that meets the requirements which are specified by the City of Swan's Swan Valley Planning Scheme No.1. The proposal provides temporary short-stay accommodation for tourists, couples or small families who wish to relax in rural and natural settings.

DESCRIPTION OF SITE

1.1 GENERAL

The subject site fronts onto Great Northern Highway directly opposite Hyem Road in Herne Hill. The 4.05ha land is predominately vacant, with a frontage of 126.95m and a depth of roughly 378m. There are two (2) existing dwellings on site, and six (6) outbuildings located at the rear of the existing dwellings.

The dwelling on the on the Southern side was built around 1970 and is currently tenanted. This dwelling and three (3) outbuildings close to this property will be retained in this application.

The dwelling on Northern boundary was built before 1953. The existing dwelling is not in a good condition and is currently vacant. The owner is planning to renovate the dwellings and the surrounding outbuildings into a holiday accommodation.

The front part of the property where the existing dwellings are located is predominantly flat at 20.5m AHD - 21m AHD. The subject site then slopes towards the Western boundary abutting a natural creek (Susannah Creek) at 5m AHD.

1.2 PLANNING IN BUSHFIRE PRONE AREAS

Based on the Bushfire Prone map, the proposed site has around one-third of the lot designated as DFES bushfire prone, located towards the rear West. However, the proposed guesthouse will be built on the North of the site, approximately 250m away from the bushfire prone area. The main construction material used is double face bricks, which have a high fire resistance rating.

Based on the above, it can be concluded that the proposed development is not directly subjected to bushfire threat, hence there is no requirement to provide further information such as the Bushfire Management Plan for this development.

1.3 PLANNING IN FLOODPLAIN AREAS

As per the Swan River Flood Study, the Western section of the subject site has been identified as being prone to major river flooding. The expected floor level during a 1 in 100 (1%) AEP flood is around 7.40 AHD, and a part of the lot falls under the floodway.

To protect against such flooding, it is recommended that the minimum habitable floor level should be at least 7.90 AHD. The proposed building is located around 13m above the flood area and is located at a safe distance of 260m. The finished floor level of the building will be 21.09FFL, which is detailed in the provided plans.

PLANNING CONTEXT

2.1 LOCAL PLANNING FRAMEWORK - Swan Valley Planning Scheme No.1

Predominant Use and Incidental Use

The subject site is zoned 'Priority Agriculture' under the City of Swan's Swan Valley Planning Scheme No.1. ('herein referred to as the Scheme') and comprises an area of approximately 4.05ha.

The objectives of the 'Priority Agriculture' zone are:

1. "To protect priority agricultural land in the Swan Valley including existing vineyards and other areas of horticulture from incompatible land use and development."
2. "To provide for long-term agricultural production in the Swan Valley by preventing further subdivision of land and protecting good quality soils from non-agricultural use and development."
3. "To limit hospitality and tourism development and land use to where it is incidental and complements agricultural production and does not detract from the rural character and amenity of the area."
4. "To ensure all land use and development enhances the cultural heritage, natural environment and protects the unique rural landscape character of the Swan Valley."

It is well noted that 'Priority Agriculture' is the main predominant use in the locality. From historical information, we found that the site has been used for agricultural use in the past.

Attached are some historical aerial photographs of the site from 1953, 1974 and 1985.



Photo taken from Landgate aerial photographs record in 1953.

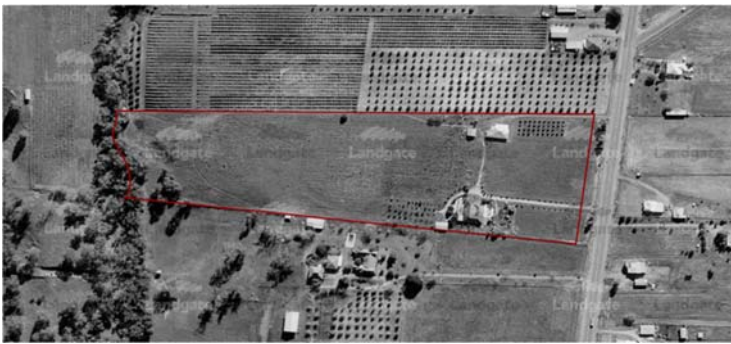


Photo taken from Landgate aerial photographs record in 1974.



Photo taken from Landgate aerial photographs record in 1974.

The use of agricultural land for tourism accommodation is not new and is generally accepted as being an important opportunity as an 'off farm' income.

Under Swan Valley Planning Scheme No.1, zoned 'Priority Agriculture', Holiday Accommodation is considered as an 'I' use, which means "that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme".

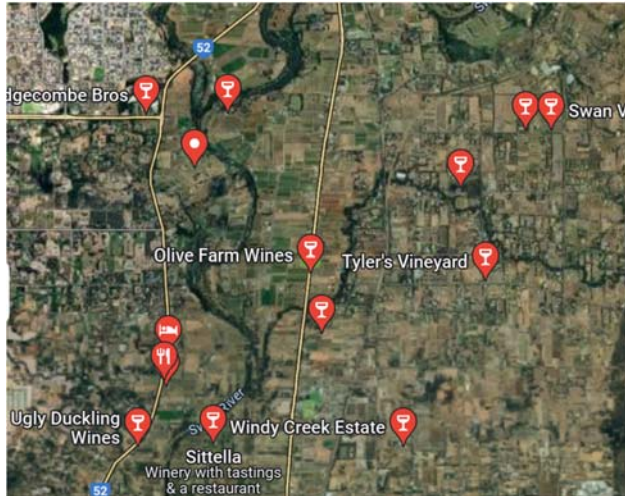
The owner is aware that currently there is no proposed and existing agricultural use operating on the subject site. However, this does not remove the site's ability to be used as operating agricultural production.

Even though it is acknowledged that agricultural use is the main priority for this area, not all landowners are able to conduct agricultural projects due to water availability. Water availability is the major limiting factor for intensive agriculture in the Swan Valley. Water is currently over-allocated and there is no additional water available for licensing. The option to purchase traded water is uneconomic for landowners to establish their new viticulture or horticulture projects.

This is the main reason that the site has no agricultural production at this stage. However, given that this property falls under priority agricultural zone, there are many established viticulture and horticulture sites in the vicinity. In our opinion, this provides context for the holiday accommodation as incidental use to the main use (agricultural) of the area.

We understood that the incidental development in this area was created to protect Swan Valley as viticulture center against intrusion from non-rural land uses (primary agricultural production). However, we believe that the main intention of the scheme *is to avoid large stand alone tourism activities* such as water parks, resorts/ hotel, or theme park. The current proposal is for a small-scale development that will not have any impact to the overall land use of the area, due to the below reasons:

1. The proposed holiday accommodation is replacing the existing dwelling that was existed before 1953. The existing dwelling has total area of 318.29sqm which include of a main house, 2 sheds and an outbuilding. The proposed holiday accommodation is only proposing 294sqm of building area, it is smaller than the existing structures on site.
It can be noted that owner just wished to renovate the existing older dwellings that have been part of the area for more than 71 years to a new building which will be use as holiday house accommodation.
2. In line with the existing site conditions, the proposed holiday accommodation is located at the front part of the lot and utilising existing access provided on the right-hand side of the site. We also propose 1.2m new fencing to separate the residential area (existing house and holiday accommodation unit) and the agricultural land at the rear. This will clearly demarcate the two uses.
3. The owner will minimise the clearing of natural vegetation for this development. All matures tree are to be retained on site.
4. The holiday accommodation activities have little effect in contributing pollution or degradation of the surrounding environment.
5. It is well understood that the site is currently under used for its intended agricultural development but given there will be 67 % (2.72ha) of the area that are still available for future agricultural development. We are confident that agricultural development like what has happened in the pasts can still be done on site. Only a remainder of the area of the subject site or 33% (approximately 1.33ha) is proposed to be used as holiday accommodation and an existing single house (Residential).
6. The proposed holiday accommodation is well connected to the use of the other surrounding established agricultural lands. This development is surrounded by existing viticulture's in the area; hence it provides applicable context for this proposal to exist. The holiday accommodation is to cater for tourists to experience rural or Agri-tourism nearby. The incidental development will naturally relate to the "agricultural use" of the land, whether it is currently existing on subject site or in the vicinity. Please see attached location of viticultures in the area.



Based on the above, there are sufficient reasons and contexts for this proposal to be supported. The holiday accommodation will be able to coexist with the primary land use.

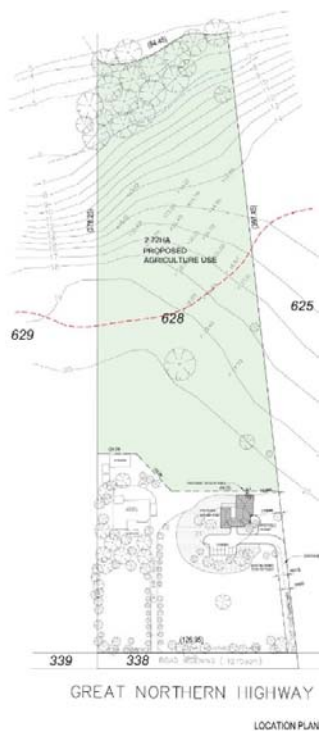
2.2 LAND SUMMARY

A summary of the proposed uses, and the associated zoning classification is provided in the below Table.

LAND USE	AREA	DESCRIPTION
Future Agricultural use	2.71 Ha	Not proposed on this application, but it allows 67 % of the subject site area to be developed for future agricultural use.
Holiday Accommodation	1 chalet – 294 sqm	
Single House and outbuildings (existing)	598 sqm	Retained dwelling and outbuildings.

In total, only 33% of the subject site is proposed to be used for non-agricultural purposes (Residential dwelling and Holiday Accommodation).

Please see below:



Should the owner wish to develop their land for agricultural use in the future, the current proposal will complement this and be able to co-exist.

‘Holiday Accommodation’ as a land use is consistent with the character of the broader locality. It is common for chalets and tourist accommodation to be provided in the Swan Valley area. Given this, ‘Holiday Accommodation’ is an appropriate ‘Incidental’ land use on the site.

2.3 GENERAL DEVELOPMENT REQUIREMENTS

Part 5 of the Swan Valley Planning Scheme No.1 provides the site and development requirements for each zone within the Scheme. Clause 37 of Part 5 refers to Schedule 5 of the Scheme, which provides the Additional Site and Development Requirements for all zones. The below table is an extract from ‘Schedule 5 – Additional Site and Development Requirements’ from the scheme.

Zone	Provision	Comments
All Zones		
	1. Subdivision	Not applicable – no subdivision proposed
	2. Development 2.1 No more than one dwelling/single house (excluding ancillary dwellings and caretaker’s dwellings) is permitted on any lot in any zone, except in the Residential zone subject to compliance with all relevant Scheme requirements.	The subject site contained two dwellings with six outbuildings already established on site for more than 70 years. The existing house close to Southern boundary and three (3) outbuildings are to be retained. The existing house on the Northern boundary and three (3) outbuildings are

		<p>to be renovate / rebuild as holiday accommodation.</p> <p>We understood that as there are two dwellings on site, the newer dwelling on the Southern side is a non- conforming use under this Scheme. However, Swan Valley Planning Scheme No.1 allows non-conforming use/ structure/ building to remain as it was lawfully used before the commencement of this Scheme.</p>
	<p>2.2 All development is to minimise impacts on native vegetation and include adequate buffers from bushland, wetlands and waterways, in accordance with any relevant planning policies and State planning policies.</p>	<p>Existing Bushland, vegetation and any wetlands to be retained on site.</p>
	<p>2.3 All development is to be consistent with the rural character of the Swan Valley, in accordance with any relevant Scheme provisions and planning policies.</p>	<p>It is considered the proposal is consistent with the rural character of the Swan Valley for the following reasons:</p> <ul style="list-style-type: none"> • Through the use of building colours and materials that are reflective of the rural character in the area. • There is sufficient setback from the primary, rear and side boundaries. • Ensuring there is adequate landscaping provided on the site by retaining existing mature trees on site. • Ensuring the agricultural land use is the predominant use on the site by using only minimal area for non-agricultural uses.
	<p>2.4 All development must include landscaping, fencing, access and car parking in accordance with relevant planning policies or may be conditioned as part of development approval.</p>	<p>The development design incorporates landscaping, fencing and suitable access from Great Northern Highway.</p>
	<p>2.5 On-site effluent disposal is to be in accordance with the Government Sewerage Policy, including any buffers to the Swan-Canning Development Control Area and special requirements for nutrient management within sewage sensitive areas.</p>	<p>The proposed development and existing single house will be connected to the existing on – site effluent system.</p>

Priority Agricultural Zone		
	1. Subdivision	Not applicable – no subdivision proposed
	2. Development 2.1 No development may occur within the Priority Agricultural zone without the approval of the Commission (unless exempted under Clause 56 of this Scheme)	The proposal is submitted for development approval.
	2.2 All applications for development approval must satisfactorily demonstrate how the proposed development is consistent with the aims of the Scheme, objectives of the zones, any other relevant provisions of the Scheme, planning codes and planning policies	As detailed above, the proposal is consistent with the objectives of the Priority Agricultural zone. An assessment of the site-specific provisions is also provided in the below table.
	2.3 All outbuildings and rural structures are to comply with the following: a. Floor area not to exceed 200m ² for an individual building or structure, or a total of 300m ² on the lot for non-commercial uses, hobby farms, lifestyle properties and similar uses; b. Floor area of outbuildings and rural structure for commercial rural uses to be at the discretion of the Commission based on satisfactory demonstration of commercial justification as part of a development application. c. Location, design and landscaping to be in accordance with any relevant policy.	The proposed holiday accommodation floor area is 294sqm, however it does not dominate over other uses. The proposed design also ensures that all mature trees are retained to ensure preservation of the natural environment.
	2.4 An ancillary dwelling – rural is to be located behind the single house and screened from view from primary and secondary (where applicable) streets, in accordance with any relevant planning policy	Not applicable – no ancillary dwelling proposed.
	2.5 Development associated with non-rural uses such as tourism and hospitality must be located and designed so as to avoid impacts or interruption to existing or possible future use of rural land for agriculture. Adequate buffers and/or management plans may be required as conditions of approval to prevent land use conflict.	The proposed Holiday Accommodation is located in the front portion of the lot, away from agricultural productions which reduces any land use incompatibility within the site.

	2.6 All development is to be in accordance with the minimum setbacks, maximum site coverage and maximum building height outlined in Table 1, unless otherwise specified in a planning policy prepared under this Scheme.	Please see the explanations as per Table 1 Below.
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As required in Clause 2.6 above, the below Table is an extract from ‘Schedule 5 – Additional Site and Development Requirements’ from the scheme. The below table provides an assessment of the Minimum Setbacks, Maximum Site Coverage and Maximum Building in the ‘Priority Agricultural’ zone.

Table 1: Minimum setbacks, maximum site coverage and maximum building height in Priority Agriculture zone			
Requirement			Comments
Minimum setbacks			
Lots 1500 m2 and greater	Primary street setback	30m	78m provided
	Rear and Side boundary	15m	15m to Northern boundary and 78.67m to the Southern boundary. 295.6m to the rear boundary
Maximum site coverage			
Lots greater 5000 m2	Aggregate total building footprint	N/A	
	Domestic building footprint	10% of lot area or 500m2, whichever is the lesser.	1 Holiday Accommodation (Chalet): 294 sqm
	Agricultural building footprint	300m2 floor area	N/A
Maximum building height			
	Wall height – 6m		2.7m provided
	Roof pitch – 9m		5.4m provided

2.4 CAR PARKING

The holiday accommodation is proposing three 3 car parking bays. Located to the front of the property. The car parking will be screened with landscaping and mature trees retained on site.

2.5 SPP 5.4 (STATE PLANNING POLICY 5.4 – ROAD & RAIL NOISE

Given the nature of the proposal, we seek the Commission’s consideration to allow us to submit the noise report for this development as condition of the planning approval (prior to the issuance of the building permit).

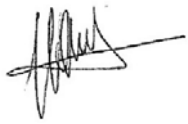
CONCLUSION

Compared to the existing development on the subject site, the proposal will significantly improve the amenity of the locality by introducing a new development that is visually appealing and will in line with the current zoning and provide positive outcomes to the locality.

Should you have further queries or seek clarification concerning the matters raised above, please do not hesitate to contact the undersigned at 9316 8388 or nuri@tuscom.com.au.

Thank you.

Yours faithfully

A handwritten signature in black ink, consisting of several vertical strokes followed by a horizontal line that extends to the right.

Nuri Widhi Wulandari
Project Manager
Tuscom Subdivision Consultant