

8 February 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,

**Additional Information – 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 Application for Development Approval lodged for the Site dated 12 May 2022 (**Application**).

We refer to our meeting on Monday 11 December 2023 in which we discussed the Application, particulars of the on-site operations and need for additional, clarifying information to be prepared for consideration by the Department. As such, please see below and attached:

- Overview of Ramsay's Horse Transport;
- Clarification on the location and use of existing and proposed structures;
- Consideration of the land use classification; and
- Updated Equine Management Plan.

Please note that this Application relates only to Ramsay's Horse Transport and domestic structures associated with the occupants of the Site.

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 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.

Below is an aerial image from 1965 showing several stables and training yards within dedicated paddocks associated with the use of the Site for equestrian care and training.

Ramsay's Horse Transport

Ramsay's Horse Transport operates Western Australia's largest horse truck fleet, providing weekly transport services to and from Western Australia, Adelaide, Victoria, New South Wales, and Queensland. Ramsay's Horse Transport also provide local transport within Western Australia, primarily transporting racehorses, studs and horses requiring urgent care and evacuation.

Ramsay's Horse Transport undertake a bi-weekly transportation programme, operating on Monday and Wednesday. Both are set out below:

- Monday.
 - Monday AM a Ramsay's Horse Transport employee departs the Site, towing a horse float stored on-site;
 - Horses are collected throughout the Perth and Peel regions;
 - Generally, between 5 and 10 horses are collected. Occasionally, 20 horses will be collected. All horses are collected in one trip (i.e. the float size is selected based on bookings to ensure only one vehicle movement from and to the Site);
 - Depending on the location of the horses, collection takes approximately 8 hours;
 - Horses are transported back to the Site and stabled (boarded) overnight in the south-eastern stables, where they are fed;
 - Horses are not transferred to any external exercise areas on a Monday;
 - Boarded horses are loaded onto a horse float Tuesday morning for interstate transportation.
 - No further vehicle movements occur until Wednesday morning.
- Wednesday.
 - Horse float arrives at approximately 7am from interstate;
 - The float contains approximately 20 horses;
 - Horses are removed from the interstate float and transferred to smaller floats (stored on-site), which then depart the site for delivery throughout Perth and Peel;
 - Approximately 5 horses are stabled (boarded) in the south-eastern stables, as the delivery destination is regional Western Australia. If stabled, horses generally depart the Site Thursday morning;

- All boarded horses are contained to the south-eastern stables.

All waste and rubbish is collected from within the stables and placed in a skip bin, which is collected by a private contractor on Wednesday afternoons.

On-site Training

Horse riding clinics and training sessions are undertaken from the central arena up to twice a month. For each session, no more than 5 visitors are permitted, with two on-site staff (owners of the property) taking the sessions.

Visitors' vehicles and horse floats are parked near the southern property boundary, between paddocks F and J (refer Figure 4). The training arena is approximately 1,800m², positioned at the centre of the Site. Visiting horses leave the Site at the end of the training session, and do not have access to paddocks throughout the Site.

Proposed and Existing Structures

The Application seeks approval for proposed and existing structures, summarised in the table below:

EXISTING	PROPOSED
Office	Residential garage
Residential dwelling	Indoor horse arena and training
Day Stables (x4)	Preparation shed
Septic system (x2)	Open sided shed
Stables (south-eastern)	

All existing and proposed structures are identified on the development plans submitted as part of the Application package. However, for clarity on the location, use and typology of existing and proposed structures, we provide the below summary for your information.

Existing Structures

Office

An existing donga is positioned within the Infrastructure and Admin zone, generally toward the eastern lot boundary adjacent to vehicle circulation areas. The donga was previously a 4-bedroom transportable dwelling used to accommodate overnight guests.

The donga is now used as the on-site office associated with Ramsay's Horse Transport administration. The donga contained 4 separate offices and bathrooms, communal kitchenette and dining space and alfresco space. The alfresco is contained within the roof line and does not project beyond the donga structure.

Photos of the office spaces are enclosed to this submission for your information.

Residential Dwelling

A two-bedroom (70m²) dwelling is located centrally within the Site, toward the southern lot boundary. The dwelling is a non-invasive, high-quality transportable dwelling, constructed with a large verandah structure to all sides.

The dwelling is constructed in the position of a former dwelling, which had become dilapidated and unfit for habitation. A dwelling has been provided on the Site in the general position of the existing dwelling since at least 1965.

Day Stables

Four day stables are located at the south-eastern extent of the Equine Zone of the Site. Each day stable is located in a separate paddock, and of brick and Colorbond construction (refer development plans). Day stables are associated with domestic horses only.

Below is an aerial image of the Site from 1974 which identifies the existing day stables in their current position. Note that in 1974 ten separate day stables were provided throughout the Site, with the current four having been retained since.



Figure 3: Historic Aerial (1974)

Septic Systems

Two septic systems have been installed: one adjacent the existing dwelling and one adjacent the office. Both systems incorporate septic tanks and leach drains for safe harvesting and disposal of effluent.

South-eastern Stables

Two stables are located in the south-eastern extent of the Site. A 6-horse stable is located adjacent the eastern lot boundary. The 6-horse stable also incorporates two additional open alcoves for informal care of horses but does not provide stabling. An open horse pen is provided

to each of the 6 pens. The second stable is positioned immediately west, which incorporates ten pens and central thoroughfare.

The south-eastern stables are associated with Ramsay's Horse Transport and provide overnight stabling on Mondays. As above, horses may be stabled overnight on Wednesdays. Note that Wednesday stabling is infrequent.

Figure 4 below shows that the south-eastern stables were constructed between 1974 and 1979, and have been in the same location and same format for the ~45 years which have followed.



Figure 4: Historic Aerial (1979)

Proposed Structures

Residential Garage, Indoor Horse Arena and Preparation Shed

The Application seeks approval for a shed to be located to the south of the site office. The shed is to be divided into three separate areas as follows:

- Residential vehicle storage;
 - Comprises 300m² of the shed area, to be used for the storage of domestic vehicles of our Client.
 - The vehicle area allows indoor storage of passenger vehicles, boat, caravan, and hobby (vintage) trucks.
 - No commercial vehicles are stored in the shed.
 - Access and security is provided by way of three roller doors oriented to the east.
- Indoor horse arena and training space; and
 - Central 300m² within the shed area, used for indoor training.
 - Two external roller doors allow access for deliveries and maintenance.
- Tie, set up and saddle area.

- 500m² of the shed is provided as indoor horse care and incidental storage.
- Six 25m² stables are provided around a central tie and saddle set up area.
- Feed and tack (equipment) stores are located adjoining the training space, allowing for secure, indoor storage

Open Sided Shed

An open sided shed (lean-to style) is proposed as a westerly extension to the existing south-eastern stables. The proposed open sided shed has a total area of 176m² and is to have a materiality and construction style to match the existing stables.

The additional storage is proposed to provide weather protection for rural equipment which is currently stored outside.

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, which are 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. Through the enclosed Equine Management Plan, operational

management practices ensure that potential emissions are suitably managed on-site to maintain amenity. Relevantly, 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, toward the south-eastern extent. The location of structures maintains and does not undermine the rural character of locality, while maintaining the general amenity.

2. The Site is approximately 6ha in area and does not propose any 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 (consistent with the past 70 years of operation) is consistent with the objectives of the Swan Valley Rural zone and capable of approval.

As set out within this submission, the Application seeks approval for the following use 'elements':

- Short-term boarding of horses;
- Training of horses and riders;
- Transportation of horses;
- Agistment and exercising of horses;
- Caring and training of caring for horses; and
- Single residential dwelling and incidental, separate home office.

Noting the use elements undertaken at the Site, the Application therefore seeks approval for the following land uses:

Animal Establishment

means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

Equestrian Facility

means land and premises used for the commercial agistment, training or exercising of horses, or the training of riders, drivers, jockeys and others in the care of horses or horsemanship, and may include permanent employment of persons who are not members of the occupier's household.

Single House

a dwelling standing wholly on its own green title or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

With reference to table 3 of the Scheme, the land uses for which approval is sought have the following permissibility.

LAND USE	PERMISSIBILITY
Animal Establishment	'A'
Equestrian Facility	'D'
Single House	'P'

As above, all land uses are capable of approval at the Site. In our view, the Animal Establishment and Equestrian Facility use elements are inextricably linked, each separately correlating with a component of Ramsay's Horse Transport. It is not considered that the agglomeration of the Animal Establishment and Equestrian Facility land uses amounts to a 'use not listed' as the commercial operations comprise several elements, each of which operate separately and in combination with one another.

All existing and proposed structures are associated with the above land uses.

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.

REQUIRED		PROVIDED
MINIMUM SETBACKS		
Primary Street	30m	175m
Side (southern) Boundary	15m	8.5m (existing stables); 22m (dwelling)
Rear (eastern) Boundary	15m	3.5m (existing stables); 50m (office)
MAXIMUM SITE COVERAGE		
Domestic building footprint	10% of lot area or 500m ²	70m ² (dwelling), 176m ² (office), 300m ² (garage) (0.78% of lot area)
Agricultural building footprint	300m ²	1,565m ² (existing and proposed) (2.26% of lot area)
MAXIMUM BUILDING HEIGHT		
Wall height (pitched)	6m	3.6m (max across Site)
Roof Pitch height	9m	5.1m (max across Site)

Total domestic building footprint is 556m²; Table 2 notes a maximum domestic building footprint area of 500m². However, the total domestic building footprint area corresponds to on 0.78% of site area, as compared to the 10% permitted for lots of 5,000m². The total domestic structures are appropriate having regard to overall site area and the rural construction style. The structures provide for a high-quality residential amenity, while allowing secure, indoor storage for hobby vehicles (e.g. boat, caravan, vintage trucks).

With respect to the maximum site coverage for agricultural building footprint, we note that the total building footprint associated with Ramsay's Horse Transport is 1,865m², corresponding with all existing and proposed structures. We note that the structures associated with Ramsay's Horse Transport are not of an agricultural nature nor do they serve an agricultural use and may not be a relevant consideration to the Application.

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 is satisfied:

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

All structures on the Site are associated with the existing equestrian use, which has 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.

The structures pre-date any nearby sensitive land uses and house only horses or equipment associated with horses. All development on the lot is associated with an established, well managed use.

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

No vines or orchards are located on the Site.

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

As above, all structures are associated with Ramsay's Horse Transport, a low impact equine use.

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

The combined floor area of all 'agricultural' structures total 2.26% of the lot area, maintaining rural amenity.

Conclusion

This Application seeks approval for a single dwelling at the Site and several structures associated with Ramsay's Horse Transport. All existing structures at the Site for which approval is sought have existed since at least 1979, at a time when planning approval was unlikely to be required. Separately, the Application seeks prospective approval for additional structures associated with the residents of the Site and additional indoor storage for Ramsay's.

All existing and proposed structures are suitable for the scale of the Site and the general rural aesthetic of the locality. The land uses which are present at the Site are capable of approval and are consistent with the objectives of the Swan Valley Rural zone.

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.