

Technical Report			
Application No:	PA20/197		
Lodgement Date:	5 March 2020	DAU Date:	22 April 2020
Address:	693 Mundijong road oldbury		
Proposal:			
Land Use:	Rural Workers' Dwelling and Single House	Permissibility:	
Owner:	Robert David Davies		
Applicant:	Rural Building Company Pty Ltd		
Zoning:	Rural	Density Code:	R2
Delegation Type:	12.1.1	Officer:	Helen Maruta
Site Inspection:	No Desktop Analysis has been undertaken		
Advertising:	Yes		
Outstanding Internal Referrals:	No		
External Referrals:	No		
Within a Bushfire Prone Area:	Yes		

Introduction:

A planning application dated 3 March 2020 and received 5 March 2020 has been received for proposed Single House and Rural Worker's dwelling at Lot 101,693 Mundijong Road oldbury.

The subject lot is zoned 'Rural' in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). A Single House a 'P' use and a 'Rural Workers' Dwelling is an 'AA' use within a 'Rural' zone in accordance with the Shire's TPS 2.

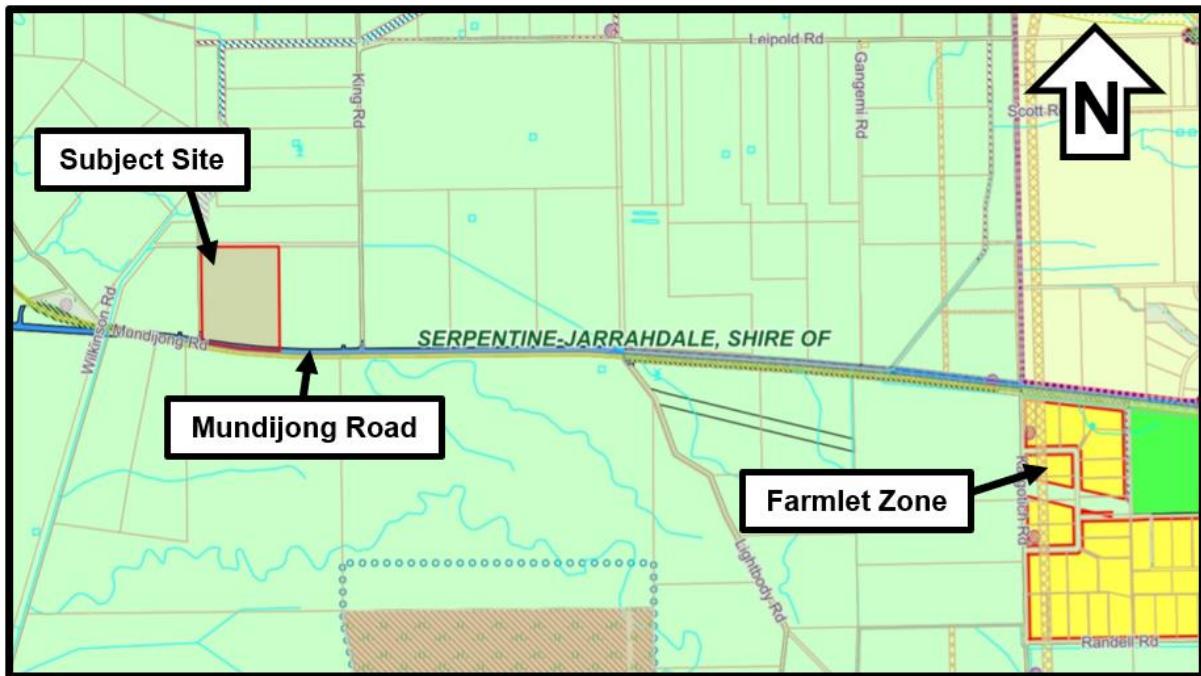
This report recommends that the proposal be approved subject to appropriate conditions.

Background:

Existing Development

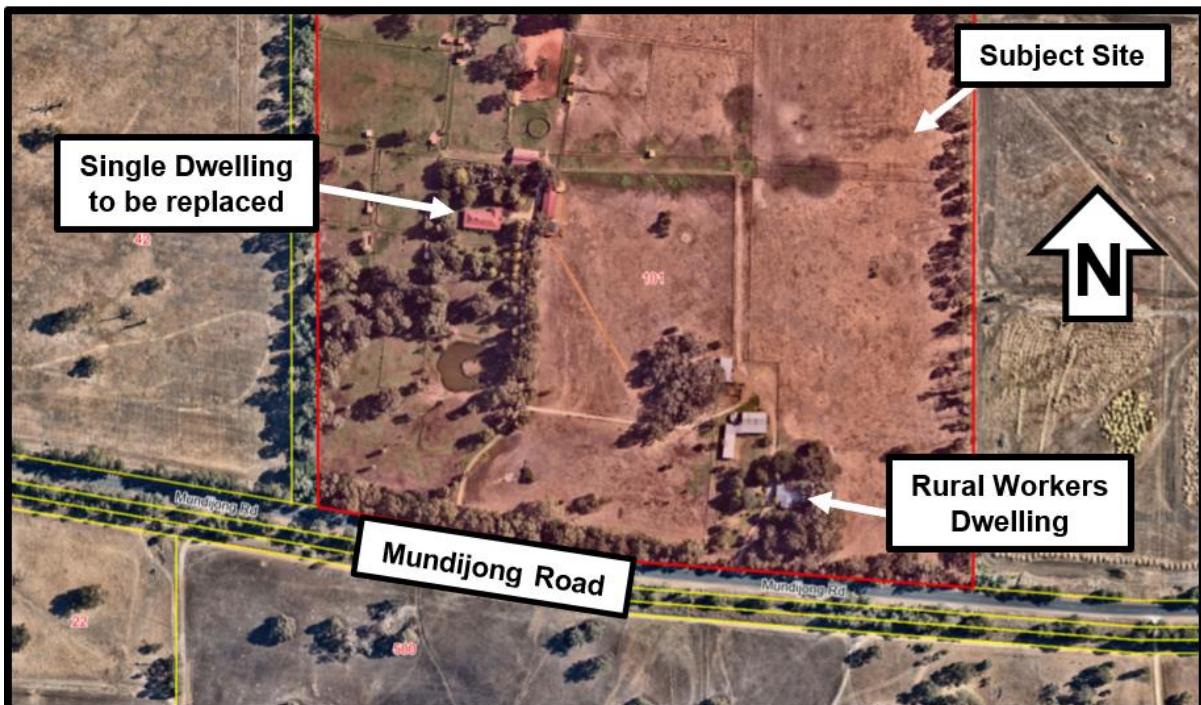
The subject site is 33.06ha in area and is located on the northern side of Mundijong Road with an approximate 500m frontage to Mundijong Road. A Water Corporation drain abuts the northern boundary of the property and an unconstructed road reserve abuts the western boundary of the property. The site is generally cleared, containing a small amount of dense vegetation, located on the north-western side and eastern boundary of the property.

The general locality comprises of rural living properties used for a variety of rural uses that include grazing, equestrian activities, holding yards, dairy farms, market gardens, sheep yards, cattle studs and rural lifestyle lots. The locality also consists of 'Farmlet' properties as shown on Figure 1 below located to the south east of the subject site which are predominantly hobby farms used for rural pursuits.



The subject site comprises of two dwellings and farm buildings. The dwelling which is proposed to be converted to a 'Rural Workers Dwelling' is located on the southern portion of the site as shown on Figure 2 below. The applicant provided information that the dwelling, which is 192m², was built in 1979 to provide accommodation to poultry farm workers on the subject site prior to 2005. There is no record to show that this has approval as a 'Rural Workers Dwelling'.

The main dwelling is located on the western portion of the subject site. The replacement dwelling is proposed to be built in the same location. The applicant provided information that the main dwelling, which was built in 1997, will be replaced with a larger dwelling.



Proposed Development

The development application seeks approval to construct a replacement single house and conversion of an existing dwelling to a rural workers dwelling. The proposal comprises of the following:

- Demolition of the existing main residence, which was built in 1997;
- Construction of a replacement single house in the same location;
- Conversion of the second dwelling with a floor area of 192m² to a 'Rural Workers' dwelling;
- Use of the same services; and
- Use of the existing driveways for the new dwelling and Rural Workers' dwelling.

The replacement 'Single House' is compliant with the Deemed-to-Comply requirements of the R-Codes and therefore is not discussed within the report. To be able to have a 'Rural Workers Dwelling', there must be a 'Single House' located on the lot. For this reason it has been included on the application.

Community / Stakeholder Consultation:

The application was advertised to adjoining landowners for a period of 21 days, from 20 March 2020 - 10 April 2020, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. At the conclusion of consultation, one letter of non-objection was received.

Statutory Environment:

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Metropolitan Region Scheme*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Rural Strategy Review 2013;
- Draft Local Planning Strategy;

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- State Planning Policy 2.5 - Rural Planning;
- SPP3.7 - Planning in Bushfire Prone Areas;

Local Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 4.14 - Rural workers' Dwelling (LPP 4.14);

Planning Assessment:

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment.

Land Use

The proposal falls within the TPS2 definition of 'Rural Workers' Dwelling' which is defined as a dwelling:

- (a) *"which is on land upon which there is already a dwelling and which is occupied by persons engaged in any of the following uses on the same land: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and*
- (b) *which can also accommodate family members involved in an operation of an agricultural enterprise on that land."*

The applicant has provided information that the owner of the property is a registered proprietor for primary production for tax purposes. The occupants of the proposed dwelling will be managing a rural use, which involves the commercial breeding, rearing and sale of horses. Officers are satisfied that the proposal constitutes a 'Rural Workers Dwelling' for the purposes of TPS2 and is consistent with the definition above.

In accordance with TPS2, a Rural Workers' Dwelling is an 'AA' use in the 'Rural' zone, meaning the use is not permitted unless Council has exercised its discretion to permit the use. A discretionary use should only be granted approval if the Council is satisfied that the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality.

TPS2

The subject site falls within the 'Rural' zone under TPS2, the objective for which is to *"accommodate the full range of rural pursuits and associated activities conducted within the Scheme area."*

The planning purpose in allowing a rural workers dwelling, as an additional dwelling on a lot in the 'Rural' zone, is to encourage the continuation of rural pursuits and uses consistent with the zoning. Officers are of the opinion that the proposal is in keeping with the overall objective and uses that can be supported in the 'Rural' zone.

Based on the information provided, the proposal is compliant with the objectives of the Rural zone. It is considered that the variation can be supported based on the two dwellings already existing and their built form would not have any adverse effect upon the locality. In addition, Officers consider that approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality. The separation distance is assessed against the objectives of LPP4.14 later in the report.

Local Planning Policy 4.14 - Rural Worker's Dwelling (LPP 4.14)

LPP4.14 sets out requirements for 'Rural Workers Dwellings'. It is based on an application falling within Acceptable Development, Performance Based or Unacceptable criteria. The proposal complies with all the acceptable requirements with the exception of separation distance, as set out in the table below:

Requirement	Acceptable development	Performance based	Unacceptable	Proposal
Rural use	Uses requiring a Farmland Concession	Absence of a Farmland Concession	Hobby Lifestyle or domestic use	Compliant The subject site has an existing Farmland Concession in accordance with the Shire's records.
Size of Lot	>20 hectares	4ha – 20 hectares	<4 hectares	Compliant -subject site is 33.06ha
Separation Distance	Rural workers 'dwelling within 50metres of primary dwelling	<p><i>The separation distance may be varies between 50m and 100m from primary dwelling where applicant can demonstrate that potential constraints exists having regard to the following:-</i></p> <ul style="list-style-type: none"> • Topography • Watercourses • Vegetation values • Flooding • Amenity • Services 	Greater than 100m separation distance	Not compliant – The Rural Worker's Dwelling is located about 194m from the primary dwelling
Services	Rural workers' dwelling shares the same road	Rural workers' dwelling shares as majority of services with the primary dwelling.	Rural workers' dwelling proposes a	Compliant - Services are to be shared

	<p>access power, and communication infrastructure as the primary dwelling</p>	<p><i>new separate road access way.</i></p> <p><i>The location of the effluent disposal impact on surrounding waterways and native vegetation due to the impact of nutrient loads.</i></p>	
Design and Siting	<p>Sited to minimise impact on the surrounding landscape and environment.</p> <p>Sited to minimise the impact on the suitability of the land to be used for rural purposes</p>	<p><i>Isolated or visually prominent locations.</i></p> <p><i>Conflicts with other land uses on either subject land or adjacent land</i></p>	<p>Compliant</p> <p>–The Single Dwelling will not result in removal of any trees as. It will be built in the same location of the existing dwelling.</p> <p>The Rural Workers Dwelling complies with minimum boundary setbacks for the Rural zone.</p>

While LPP4.14 requires ‘Rural Workers Dwellings’ to be located between 50m and 100m of the existing dwelling, it is considered reasonable to consider the variation proposed on its merits given that the existing dwelling proposed to be changed to a ‘Rural Workers Dwelling’ was built in 1979. The separation distance is a typical requirement to ensure that the dwellings share all services where practical, ensuring they do not appear as grouped dwellings. In this instance, the two dwellings will

continue to share all the services as it is currently. The location is also not considered to create future pressure for the subdivision of the land to occur.

The relevant objectives of LPP4.14 relating to the separation distance are as follows:

- *Ensure that rural worker's dwellings are provided, constructed and located in such a way so as to minimise their impact on the surrounding amenity and landscape;*
- *Limit the opportunity for a rural worker's dwelling to establish and facilitate subdivision;*

Officers consider that the 'Rural Workers Dwelling' will not detrimentally impact on the amenity of the locality as the built form is consistent with the rural homesteads within the locality. Furthermore, the dwelling is set back approximately 50m from Mundijong Road and 120m from the eastern boundary thereby complying with the minimum setbacks for the 'Rural' zone. As depicted in Figure 1 above, the dwelling is screened from view by mature vegetation surrounding the dwelling and along the side and street boundaries. As such, will not adversely impact on the amenity of the locality.

The separation distance restriction is intended to ensure that the additional dwelling does not lead to indirect pressure on future subdivision of the land. In that regard, Officers do not consider the second dwelling is a trigger to facilitate future subdivision as the two dwellings have been on site for the past 27 years. The dwelling subject to the Rural Workers Dwelling, has historically been used to provide accommodation to farm workers. Officers are satisfied that the intent of the additional dwelling will be used to provide accommodation to farm workers. Furthermore, the minimum lot size requirement for a lot in the 'Rural' zone is 40ha therefore the site does not have subdivision potential in any case.

As discussed above, the subject site is used for breeding of horses, which requires workforce resources particularly during the mare foaling season. It is noted this requires supervision by full time workers. Particularly for newborn foals which require supervision and veterinary treatment as part of routine husbandry.

It is considered that the proposal is compliant with the objectives of LPP4.14. Officers are satisfied that there is a valid rural use occurring onsite and it has been demonstrated that there is a need for workers to reside at the premises to effectively manage the operations.

The proposal is consistent with the purpose and intent of the 'Rural' zone and has been carefully considered on its individual merits. Accordingly, approval of the proposed development is recommended.

Rural Strategy Review 2013

The Shire's Rural Strategy is a strategic land use-planning document that identifies a range of distinct policy areas and policy overlays that provides a clear direction for strategic

planning of the Shire's rural areas. The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review.

The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The objectives of this policy area relevant to this proposal are:-

- *To retain and maintain traditional agricultural use in this policy area;*
- *To retain and enhance the rural lifestyle and character of the area; and*
- *To protect Local Natural Areas and encourage revegetation.*

Officers consider that the proposal is consistent with the objectives of the Rural Policy Area under the Rural Strategy Review by allowing the rural workers to reside at the subject site. This would improve the quality of lifestyle for the occupant in not having to travel to and from the site daily and outside of standard working times. The proposal also involves the construction of a replacement dwelling. It is considered that the proposal would allow the farm workers to be onsite 24 hours a day a required land use. The development is considered consistent with the objectives under the Strategy by way of retaining rural uses and rural character.

State Planning Policy 2.5

The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. The relevant objective of the policy to this proposal are :

- support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

Officers have considered that the proposal is supportive of the rural economy and can be carefully managed so as to not adversely impact on the environmental and landscape values, consistent with the objectives of SPP2.5.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, DAU has the following options:

Option 1: DAU may resolve to approve the application subject to conditions.

Option 2: DAU may resolve to approve the application unconditionally.

Option 3: DAU may resolve to refuse the application subject to reasons.

Option 1 is recommended.

Conclusion:

The application seeks approval for the construction of a replacement Single Dwelling and conversion of the second dwelling to a 'Rural Workers' Dwelling. For the reasons outlined and discussed within the report and information provided in support of the proposal justifying the policy variations, the proposal is considered consistent with the objectives of LPP4.14 and purpose and intent of a Rural zone and is therefore capable of approval.

Deemed Provisions – Cl 67 Matters to be considered by local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Consistent with the objectives of the Rural Zone and provisions in relation to Rural Worker's Dwellings.

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Consistent with the objectives of the planning framework subject to conditions.

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Consistent with the objectives of SPP2.5 – Rural Planning and SPP3.7 – Planning in Bushfire Prone Areas – Refer to Orderly and Proper Planning section of Assessment.

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – None Applicable to this area from what I can determine	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Consistent with the objectives of LPP4.14 – Rural Worker's Dwellings subject to

conditions – refer to Variations section of report.

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

o) the likely effect of the development on the natural	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Refer to Orderly and Proper Planning section of report			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: No trees will be removed . The subject site is already established with landscaping, no additional landscaping is considered to be required.			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Consistent with SPP3.7 in relation to bushfire.			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			

s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manouvering and parking of vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: No new access is proposed.			

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: The rural use is existing and the only new traffic generated would be from the occupants of the rural workers dwelling.			

u) the availability and adequacy fir the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

y) any submissions received on the application	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment: