

Technical Report			
Application No:	PA20/738		
Lodgement Date:	18/08/2020	DAU Date:	
Address:	LOT 208 (NO. 434) KARGOTICH ROAD, OAKFORD WA 6121		
Proposal:	EQUESTRIAN ACTIVITY (HORSE ARENA)		
Land Use:	EQUESTRIAN ACTIVITY	Permissibility:	AA
Owner:	MIKE DAGOSTINO		
Applicant:	MIKE DAGOSTINO		
Zoning:	Rural	Density Code:	R2
Delegation Type:		Officer:	WA Planning
Site Inspection:	No		
Advertising:	Yes		
Outstanding Internal Referrals:	Yes		
External Referrals:	No		
Within a Bushfire Prone Area:	Yes		

Introduction:

A planning application dated 18/08/2020 has been received for proposed Horse Arena at 434 Kargotich Road, Oakford Wa 6121.

The subject lot is zoned Rural in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). A HORSE ARENA is considered a 'Equestrian Activity' which is a 'AA' use within the Rural zone in accordance with the Shire's TPS 2. The proposed development is considered to be a 'Equestrian Activity' land use in this instance as the building is intended to be used for the training of horses in association with the stabling and agistment of horses that currently occurs on site.

This report recommends that the HORSE ARENA as proposed be approved subject to appropriate conditions.

Background:

Existing Development:

The site features sheds, stables, several horse paddocks and a residence. Already used for equestrian activities including agistment and training.

Proposed Development/Site Context:

The proposed development is for an undercover horse arena on site. The structure would measure 60m by 25m, with a wall height of 6.4m and ridge height of 7.04m. It is proposed to enclose the northern and eastern elevations with "Domain" colorbond cladding over the cross bracing. A perimeter fence in the form of 1.5m high timber kickboards are also proposed for safety and aesthetics.

The development is proposed to be located with a setback of 186m from Kargotich Road and 80m from the northern lot boundary. A 150,000 litre rainwater tank is also proposed. The

proposed development will enable the proponent to undertake intensive training to enhance and improve their World Eventing Ranking as part of the National Eventing Squad. The covered structure will enable training to be undertaken throughout the year. For private use only.

Community / Stakeholder Consultation:

Advertising was carried out for a period of 21 days, during which time 1 submission was received in support of the application.

Statutory Environment:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Draft Local Planning Scheme No.3
- Draft Local Planning Strategy
- Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers

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 proposed development would be used for the training of horses and is considered to be an 'Equestrian Activity' land use. Within the Rural zone, an 'Equestrian Activity' land use is an 'AA' use and requires the development approval of the Shire. Equestrian developments are a common feature of the Rural zone and are considered to be an appropriate and acceptable use.

The objective of the Rural zone is to provide for the full range of rural pursuits and associated activities within the Shire area. Officers consider the proposed use to be a rural pursuit and consistent with the objective of the Rural zone.

Rural Strategy 2013:

The Shire's Rural Strategy (Strategy) outlines key themes that future development within rural areas should be considered against. Generally, the Strategy requires rural areas to maintain

a rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

The subject land is within the Rural Policy area, which seeks to maintain the integrity of the Shire's rural and agricultural character along with retaining and enhancing the rural lifestyle. The proposed development is considered to meet these objectives and is considered to be consistent with the Rural Strategy Review 2013.

Draft Local Planning Strategy 2020:

The Rural land use category within the Shire's Draft Local Planning Strategy (LPS) provides for a full range of rural land uses, tourism opportunities, rural enterprise and the preservation of the natural landscape. Rural enterprise land is identified in the Oakford area where many smaller lot sizes already exist and accommodate light industrial and intensive agricultural land uses.

The extension of the Rural Use on the subject lot is considered to be consistent with the Draft Local Planning Strategy 2020.

Draft Local Planning Scheme No. 3 2020:

The proposed development is considered to meet the objectives of the Rural zone within the Draft Local Planning Scheme No. 3 (LPS 3) given that the continuation of the 'Rural use' maintains the specific local rural character and is compatible with the primary use of the land. The objectives of Draft LPS 3 are specifically:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

The Draft Scheme also introduces the use classification of 'Rural Pursuit/Hobby Farm' which would be applicable to the proposed development and is a 'P' use within the 'Rural' zone.

Built form and Amenity

The proposed structure is a large structure, however, being located 80m from the closest adjacent lot boundary reduces the potential to impact the amenity of adjoining neighbours by means of the visual impact of the development.

Further to this the proposed development is setback 186m from the front boundary. Officers consider that, given the context of the site and adequate setbacks it is unlikely that the proposed development will have visual impact on the adjoining neighbours and therefore will not impact on the amenity of the area.

Stormwater Management:

The proposed development would result in a significant amount of stormwater run-off, which will need to be contained on site. The recommended method is for a rainwater tank for this type of development given the soil type of the property. Due to the large lot size, Officers are satisfied that this can be managed through a condition of approval. Generally water tanks do not require development approval and could be installed after lodgement of a building permit. Officers have advised the applicant on acceptable locations to avoid the requirement for development approval.

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.

Conclusion:

The proposal under consideration is for an enclosed horse arena to be used in conjunction with the existing equestrian activities operating on the same site. The arena will enable the proponent to undertake intensive training associated with being a part of the National Eventing Squad and will enable training/coaching to occur in all weather conditions throughout the year. Officers consider the proposed development is a 'Equestrian Activity' land use, which is a AA use within the Rural zone. The proposed development is considered to be consistent with both objectives of the Rural Strategy and Draft Local Planning Strategy and capable of approval. The proposed development is considered unlikely to impact on amenity of the locality by means of the site specific context and is recommended for approval subject to conditions.

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

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"/>
Comment:			
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"/>
Comment: The proposed development has also been considered within the context of Draft Local Planning Scheme No. 3 and is considered compatible			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: SPP 3.7 Planning in Bushfire Prone Areas – low risk site, no BAL required			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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"/>
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"/>
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Reserve 19895 runs through an area of the property, however this land will not be affected by this application.			
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"/>
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"/>
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"/>
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"/>
Comment:			
o) the likely effect of the development on the natural environment or water resources and any means that are	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

proposed to protect or to mitigate impacts on the natural environment or the water resource			
Comment:			
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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <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, manoeuvring and parking of vehicles	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for 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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <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"/>
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"/>
Comment: existing equestrian activities making this development suitable and appropriate			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: 1 submission received in support			
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"/>
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"/>
Comment:			