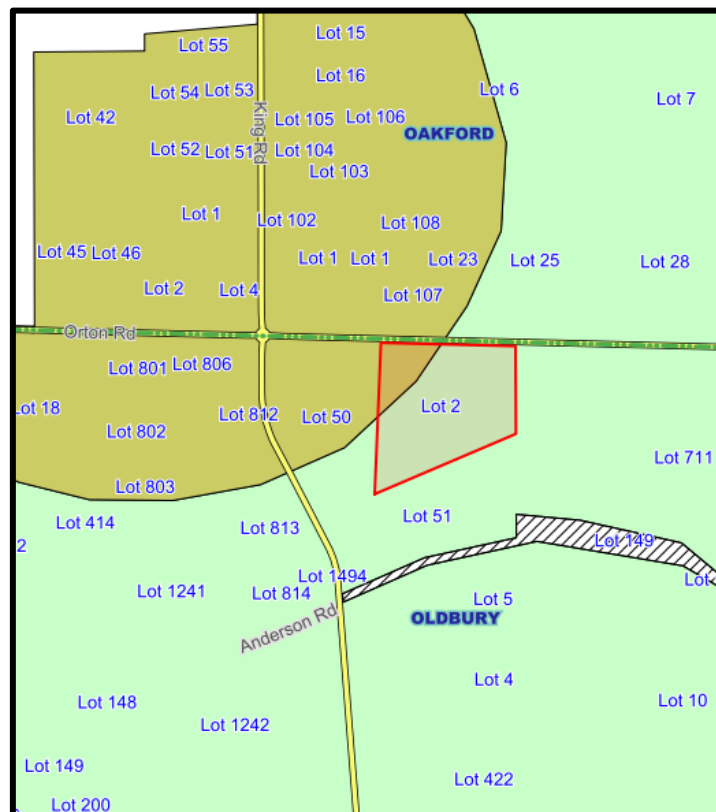


RESIDENTIAL DEVELOPMENT ASSESSMENT SHEET

APPLICATION DETAILS			
OFFICER NAME	David Quelch	APPLICATION NO.	PA22/892
PROPOSAL	Dwelling and Rural Workers Dwelling		
LOCATION	582 Orton Road, Oldbury		
APPLICANT	Rural Building Company Pty Ltd		
OWNER	Tony Cukrov		
APPLICATION RECEIVED	31 August 2022	APPLICATION DATED	31 August 2022
ZONING	Rural and Rural Groundwater Protection (north west corner of site)- see diagram below	LOT AREA	10.5 hectares



REFERRALS		
	Y / N	Comment
DAU Comments	Y	
Heritage Precinct	N	
WAPC	N	
Main Roads	N	
Heritage Council	N	
Scheme Heritage Listed	N	
Internal	Y	<u>Building</u> : No comments.

REFERRALS		
	Y / N	Comment
		<p><u>Environment</u>: I note that the applicant has not responded to the request to specify if any vegetation will be removed. This information is needed for a proper assessment.</p> <p><i>Planner's Comments</i>: Further discussion with the applicant has confirmed that no vegetation removal is required for the construction of the new dwelling</p> <p><u>Health</u>: Prior to occupation of the new proposed dwelling an effluent disposal application needs to be submitted to the satisfaction of the Shires Environmental Health Services.</p> <p>Prior to occupation of the workers accommodation further information is required of how many people will be staying there to know if the existing effluent system has sufficient capacity. (See further comments below).</p> <p><i>Hi David,</i></p> <p><i>Thanks for that. That information is helpful for when they send the effluent disposal application through. However, they will still need to provide that information when the application is given.</i></p> <p><i>Kind regards,</i></p>
Other	N	

PREAMBLE

Given that the proposal is for both a new 'Dwelling' and to convert the existing dwelling into a 'Rural Workers Dwelling', then this report will be divided into to two (2) parts with a separate assessment for each aspect of the proposal.

NEW DWELLING ASSESSMENT

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Land Use Permissibility- pursuant to the 'Shire of Serpentine Jarrahdale Local Planning Scheme NO. 2', the proposed new 'Dwelling' is located within the 'Rural Groundwater Protection Zone' and pursuant to 'Clause 5.1202' the use of a 'Dwelling' is an 'AA' use which means that the Council may, at its discretion, permit the use.</p> <p>The proposed dwelling use is considered to be a reasonable planning outcome given that subject site already contains an existing residence and therefore the use of a dwelling on the land has already been established. The existing dwelling is clearly being used by the owners to manage the sizable and intensive agricultural use of the land and is therefore consistent with the purpose of the 'Rural Groundwater Protection Zone'.</p>			
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 of approving	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Land Use Permissibility- pursuant to the 'Shire of Serpentine Jarrahdale Local Planning Scheme NO. 3' (draft amendment), the proposed new 'Dwelling' is located within the 'Rural Zone' and the use of a</p>			

' Dwelling ' ('Single House') is a 'P' use which 'means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme.

Further, the site is located within the 'Special Control Area 3- SCA3- Jandakot Groundwater Protection'. The objectives of this provision are as follows:

- To protect groundwater quality and quantity.
- To ensure land uses within the SCA are compatible with the protection and maintenance of groundwater.
- To prevent the contamination of groundwater which may result from land uses.

Development approval shall be required for all development with SCA3.

Further, the site is located within the 'Special Control Area 6- SCA6- Buffers'. The objectives of this provision are as follows:

- To control development within close proximity of a site which may be considered a nuisance or offensive by virtue of noise, dust, gas, odour, fumes, lighting overspill and health concerns.
- To control development so that it does not jeopardise or conflict with the ongoing operations of existing approved uses.
- Designate separation distances to properties with offsite impacts as contained within Schedule 6.
- Separation distances shall be designated in accordance with the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses. Where a separation distance range is recommended, the separation distance shall be based on the scale of the operation with potential offsite impacts.

Development approval shall be required for all development with SCA6.

c) any approved State planning policy	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code, State Planning Policy 2.5 – Rural Planning, State Planning Policy No. 2.3- Jandakot Groundwater Protection Policy and State Planning Policy 3.7- Planning in Bushfire Prone Areas assessments below.			
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 X
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment:			
f) any policy of the State	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code, State Planning Policy 2.5- Rural Planning, State Planning Policy No. 2.3- Jandakot Groundwater Protection Policy and State Planning Policy 3.7- Planning in Bushfire Prone Areas assessments below.			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
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 X
Comment: the subject site is not located with a Structure Plan or Local Development Plan area.			
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 X
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 X
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
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 X
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code assessment below.			
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to assessment section of the report.			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy) assessment section of the report below.			
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the proposed new dwelling does not require any vegetation removal. The retention of nearby canopy trees will help screen or soften the development.			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, <u>bushfire</u> , soil erosion, land degradation or any other risk	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the subject site is located within a 'Bush Fire Prone Area'. The application is not exempt from requiring development approval under 'Part 10A- Bushfire risk management' as the building is a habitable building and the lot size is greater than 1100sqm. The submitted 'Bushfire Management Statement' prepared by 'Entire Fire Management' and dated 9/8/2022 has determined that the new dwelling can achieve a Flame Zone BAL 12.5 rating provided that strategies (including creation of Asset Protection Zone- i.e. vegetation management) outlined in the BMS are applied in perpetuity.			
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 X
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 X
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 X
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 X

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 X
Comment:			
w) the history of the site where the development is to be located	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
P03782/06 (Document No: OC14/12975)- development approval issued for 'Outbuilding (Shed)' on 2 October 2014.			
P03782/04 (Document No: OC11/8207)- development approval for a 'Shade house' issued on 3 January 2012.			
P03782/03 (Document No: OC11/7459)- development approval issued for 'Lettuce washing facility and associated outbuilding' on 26 September 2011.			
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 X
Comment:			
y) any submissions received on the application	YES <input type="checkbox"/>	NO X	N/A <input type="checkbox"/>
Comment:			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment: no submissions received.			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment:			

5.1.2 STREET SETBACK					
5.1.3 LOT BOUNDARY SETBACK					
5.1.4 OPEN SPACE					
5.3.1 OUTDOOR LIVING AREAS					
DWELLING 1 (R2)		D-t-C	Proposed	OK	Comment
Front Setback to Dwelling	Min Avg	20m / 10m	40m	Y	
5.2.1 Setback to Garage or Carport		4.5m	40m	Y	
5.2.3 Surveillance of Street		Habitable room	Bedroom 2 and 3	Y	
5.2.4 Street Wall / Fence		1.2m solid height	N/A	N/A	None proposed
5.2.5 Sightlines Truncation Structure Height (Max)		1.5m X 1.5m 0.75m	N/A	N/A	None proposed
5.2.2 % of Garage Door or Wall Width of Frontage		50% (single level) 60% (2 storey*)	N/A	Y	None proposed

DWELLING 1 (R2)	D-t-C	Proposed	OK	Comment		
5.2.6 Retained Dwelling	Existing dwelling to be upgraded	Refer to 'Rural Workers Dwelling' assessment section of the report.	N/A	N/A		
Building Design	Is dwelling in a Heritage Precinct? N		Y			
* See specific Clause provisions – 5.16						
Lot Setbacks	Length	Height	MO	D-t-C	Proposed	OK
Dwelling						
North- N/A- primary st frontage	N/A	N/A	N/A	N/A	N/A	N/A
South	7m (varied)	2.7m	Y	10m	Substantial setback	Y
East	6.1m (varied)	2.7m	No	10m	Substantial setback	Y
West	11.1m (varied)	2.7m	No	10m	20m	Y
	AD Provision	Proposed	OK	Comment		
Open Space (%)	80%	Over 95%	Y			

5.1.6 BUILDING HEIGHT				
	D-t-C	Proposed	OK	Comment
Top of External Wall (Roof Above)	6.0m	2.7m	Y	
Top of External Wall (Concealed Roof)	7.0m	N/A	N/A	
Top of Pitched Roof	9.0m	6.1m	Y	

5.3.3, 5.3.4, 5.3.5 ACCESS AND CAR PARKING				
	D-t-C	Provided	OK	Comment
No. Car Bays / Dwg.	2 car bays	Double garage	Yes	
No. Visitors Bays	NA	N/A	N/A	
Design of Parking:				
Width	2.4m + 0.3m	6m	Yes	
Depth	5.4m internal	6.1m	Yes	
Manoeuvring	6.0m	In excess of 6m	Yes	
Vehicular Access:	<ul style="list-style-type: none"> From a ROW if available. Driveways limited to 40% of the frontage, 3.0m min and 6m/9m max. 		Y	Existing vehicular access to be utilised, no new proposed crossover or driveway.
Driveways:	<ul style="list-style-type: none"> Setback 0.5m to a Side Boundary & Street Pole. Setback 6.0m from an intersection. Aligned at right angles to the street. Location to avoid street trees, or replaced at developers cost. 		Y	Existing.

5.3.8, 5.3.9, RETAINING WALLS AND STORMWATER MANAGEMENT			
Setback of Retaining	<ul style="list-style-type: none"> Retaining setback in accordance with Table 1, 2 & Fig. 2 provisions subject to above. 	Y	No retaining wall or fill proposed.
Storm Water	<ul style="list-style-type: none"> All Storm Water to be Retained on-site 	Y	Soakwells. Standard drainage condition required.

5.4.2 SOLAR ACCESS FOR ADJOINING SITES				
	D-t-C	Proposed	OK	Comment
Overshadowing	25%	0%	Y	No overshadowing as the development is substantially well setback from all boundaries.
Note: R25 and lower 25%, R30 – R40 35%, R-IC or above R40 50% of adjoining site area.				

RURAL WORKERS DWELLING ASSESSMENT

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment Land Use Permissibility- pursuant to the 'Shire of Serpentine Jarrahdale Local Planning Scheme NO. 2', the proposed 'Rural Workers Dwelling' is located within the 'Rural Groundwater Protection Zone' and pursuant to 'Clause 5.1202' the use of a 'Dwelling' (including 'Rural Worker Dwelling') is an 'AA' use which means that the Council may, at its discretion, permit the use.</p> <p>The proposed rural workers dwelling use is considered to be a reasonable planning outcome given that no new buildings and works are required that could contaminate drinking water and is therefore consistent with the purpose of the 'Rural Groundwater Protection Zone'.</p> <p>Note- pursuant to TPS NO.2, a 'Rural Workers Dwelling' <i>'means a dwelling:</i></p> <p><i>(a) which is on land upon which there is already erected a dwelling, and which is occupied by persons engaged in any of the following uses on that same land: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and</i></p> <p><i>(b) which can also accommodate family members involved in the operation of an agricultural enterprise on that land.</i></p>			
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Land Use Permissibility- pursuant to the 'Shire of Serpentine Jarrahdale Local Planning Scheme NO. 3' (draft amendment), the proposed 'Rural Workers Dwelling' is located within the 'Rural Zone' and the use of a 'Rural Workers Dwelling' is an 'I' use which <i>'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 all relevant development standards and requirements of this Scheme'</i>. In this case, the subject site is used for intensive agriculture and the rural workers dwelling is related to the predominant use and therefore considered to be permitted.</p> <p>Further, the site is located within the 'Special Control Area 3- SCA3- Jandakot Groundwater Protection'. The objectives of this provision are as follows:</p> <ul style="list-style-type: none"> To protect groundwater quality and quantity. To ensure land uses within the SCA are compatible with the protection and maintenance of groundwater. To prevent the contamination of groundwater which may result from land uses. <p>Development approval shall be required for all development with SCA3.</p>			

Further, the site is located within the 'Special Control Area 6- SCA6- Buffers'. The objectives of this provision are as follows:			
<ul style="list-style-type: none"> ▪ To control development within close proximity of a site which may be considered a nuisance or offensive by virtue of noise, dust, gas, odour, fumes, lighting overspill and health concerns. ▪ To control development so that it does not jeopardise or conflict with the ongoing operations of existing approved uses. ▪ Designate separation distances to properties with offsite impacts as contained within Schedule 6. ▪ Separation distances shall be designated in accordance with the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses. Where a separation distance range is recommended, the separation distance shall be based on the scale of the operation with potential offsite impacts. 			
Development approval shall be required for all development with SCA6.			
c) any approved State planning policy	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code, State Planning Policy 2.5 – Rural Planning and State Planning Policy No. 2.3- Jandakot Groundwater Protection Policy.			
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 X
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment:			
f) any policy of the State	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code, State Planning Policy 2.5- Rural Planning and State Planning Policy No. 2.3- Jandakot Groundwater Protection Policy.			
g) any local planning policy for the Scheme area	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the 'Local Planning Policy 4.14: Rural Workers' Dwelling' assessment section of the 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 X
Comment: the subject site is not located with a Structure Plan or Local Development Plan area.			
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 X
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 X
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
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 X
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

Comment: Refer to assessment section of the report.			
n) the amenity of the locality including the following – IV. Environmental impacts of the development V. The character of the locality VI. Social impacts of the development	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to assessment section of the report.			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
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 X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the existing dwelling is proposed to be used as a rural workers dwelling and therefore no building and works are required and consequently does not require any vegetation removal.			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, <u>bushfire</u> , soil erosion, land degradation or any other risk	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the subject site is located within a 'Bush Fire Prone Area'. The proposed rural workers dwelling is exempt from requiring development approval under 'Part 10A- Bushfire risk management' as the building is already used for the purpose of accommodation and no new buildings and works are proposed.			
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 X
Comment:			
s) the adequacy of – III. The proposed means of access to and egress from the site; and IV. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment: No new vehicle access to the rural workers dwelling is proposed (i.e. vehicle access for the existing dwelling will be used).			
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 X
Comment:			
u) the availability and adequacy for the development of the following – VI. Public transport services VII. Public utility services VIII. Storage, management and collection of waste IX. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) X. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
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 X
Comment:			
w) the history of the site where the development is to be located	YES X	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: P03782/06 (Document No: OC14/12975)- development approval issued for 'Outbuilding (Shed)' on 2 October 2014. P03782/04 (Document No: OC11/8207)- development approval for a 'Shade house' issued on 3 January 2012. P03782/03 (Document No: OC11/7459)- development approval issued for 'Lettuce washing facility and associated outbuilding' on 26 September 2011.			
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 X

Comment:			
y) any submissions received on the application	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment: no submissions received.			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A X
Comment:			

STATE PLANNING POLICY 2.3: JANDAKOT GROUNDWATER PROTECTION ASSESSMENT

The purpose of the Jandakot Groundwater Protection Policy is ‘...to protect the Jandakot Groundwater Protection area from development and land uses that may have a detrimental impact on the water resource’.

It is considered that proposal meets the purpose of this policy as the conversion of the existing dwelling to a rural workers dwelling does not require any alteration and additions or intensification of land use and therefore will not increase the risk of drinking water contamination. Likewise, the new dwelling (also located within the Rural Groundwater Protection Zone) does not represent a significant change in land use while no vegetation removal is required and the effluent disposal system will need to be approved by Council’s Environmental Health Services. Overall, the proposal does not pose a threat to the retention of native vegetation or wetlands and will not increase the risk of drinking water contamination.

LOCAL PLANNING POLICY 4.14: RURAL WORKERS DWELLING ASSESSMENT

Development approval is required for the use of a ‘Rural Workers Dwelling’ under the Rural Groundwater Protection Zone which states that ‘*The use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy)*’. Given that the existing dwelling will be used for the rural workers dwelling, and consequently no buildings and works are required, it is considered unnecessary to make an assessment against the ‘Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy)’ (refer to assessment for the new dwelling).

However, it is necessary to undertake an assessment against ‘Local Planning Policy 4.14: Rural Workers’ Dwelling’ which is provided below.

1. Planning approval is required for the construction of all Rural Workers’ Dwellings: application lodge with Council for assessment.

2. A single house must have already been established on the land or be intended to be established on the land at the same time as the Rural Workers’ Dwelling: subject site contains an approved existing house that is proposed to be used as a rural workers dwelling while a new dwelling is also proposed as part of this application.

3. Applications for development approval shall also be assessed against the acceptable, performance based criteria and unacceptable provisions set out in Table 1 and Table 2 of this Policy: refer to assessments below.

4. Where an application is to be lodged for consideration against some or all of the performance based criteria in Table 1, the Applicant shall clearly demonstrate (in writing with cross references to any applicable plans) how the performance based criteria had been achieved: the applicant has not provided a detailed written assessment against the requirements of this policy, however has submitted sufficient information to demonstrating the nexus between the rural workers dwelling and the rural use of the land.

5. Performance based applications will be assessed against:

5.1 Addresses key objectives of this Policy.

5.2 Justifies reasons for non-compliance.

5.3 Mitigate issues of non-compliance, which may include: • appropriate landscaping/screening vegetation. • addresses cumulative variation. • incorporates fire management mechanisms. • proximity to residential dwellings: refer to Table 1 assessment.

6. Applications for development approval which achieve one or more of the 'Unacceptable Development' criteria will be deemed unacceptable and automatically refused : refer to Table 1 assessment.

7. Rural workers' dwellings shall not be approved except where the dwelling is associated with an approved and genuine rural use. The Shire must be satisfied in each case that the intentions of the landowner are genuine and the need for the dwelling is capable of being maintained for a reasonable period of time. Justification as to why the rural workers' dwelling is warranted shall be provided as part of the development application: refer to Table 1 assessment.

8. One (1) rural workers' dwelling is permitted on any rural lot: only one rural workers dwelling is proposed (i.e. convert the existing dwelling into a rural workers dwelling) while a new dwelling is also proposed.

9. In accordance with Section 5.10.3(b) of TPS2, a rural lot exceeding 75 hectares may apply for an additional (second) rural workers' dwelling if sufficient justification is provided: not applicable as only one rural workers dwelling is proposed and the subject site has an area of only 10.5 hectares.

10. Due consideration is to be given to setbacks and shall be determined in accordance with Environmental Health requirements. Minimum setbacks requirements are determined by Table 2: the application has been referred to Council's Health department who do not object to the proposal. Also note that the proposed extension meets the Table 2 setback requirements which requires a minimum side setback of 10 metres and minimum rear setback of 20 metres.

11. Rural Workers' Dwellings are to be constructed to a maximum floor area of 200m²: the existing dwelling that is proposed to be used as a rural workers dwelling has a floor area of about 160 sqm (excluding the carport and store) and therefore meets this requirement.

1.2 Additional dwellings should be constructed of a similar material and exterior finish as the primary dwelling on the lot: as previously stated, the existing dwelling is

proposed to be used as a rural workers dwelling and has masonry wall cladding painted white with a light coloured Colorbond roof.

1.3 The existence of a primary dwelling and rural workers' dwelling on any lot excludes the potential for an additional ancillary dwelling to be approved: only one rural workers dwelling has been proposed.

1.4 A minimum of (1) additional car parking space is to be provided: the rural workers dwelling has an existing double carport.

1.5 Applicants shall submit an application for a suitable effluent disposal system at the development application stage: the application does not include an effluent disposal system plan however Council's Health department do not object to the proposal and note that prior to occupation an effluent disposal application is to be submitted to the satisfaction of the Shire's Environmental Health services.

1.6 Rural Workers' Dwellings should be appropriately screened from public roads and potential conflicting land uses (eg intensive livestock operations, livestock yards etc) to ensure rural amenity is preserved and dwellings are not prominent from major thoroughfares: the existing dwelling is to be converted into a rural workers dwelling and is substantially well setback from all lot boundaries (with the exception of Orton Road) and well screened by fencing and vegetation (including roadside vegetation).

1.7 The landowner shall be directly involved in the primary approved rural use operating on the subject land: the landowner will occupy the new dwelling while farm workers will occupy the existing dwelling to be converted into a rural workers dwelling.

1.8 A current and valid Farmland Concession shall be submitted at the development application stage to demonstrate that the rural use is registered for GST and has been in operation for a minimum of twelve (12) months. Where a Farmland Concession is not applicable to a particular use, the Applicant must comply in all respects with this Policy and provide sufficient justification that an additional dwelling is warranted and is associated with the primary use on site: the applicant has not provided a current and valid Farmland Concession however it is clearly evident that the site is used for productive and viable agricultural purposes.

1.9 Subdivision applications arising from the establishment of rural workers' dwellings will not be supported by the Shire: no subdivision being is being sought by the owner.

1.10 The occupiers of the existing dwelling and proposed rural workers' dwelling are to be principally employed or engaged by the landowner or agent of the approved rural use, on a full time basis: both occupiers of the new dwelling and existing dwelling to be converted into a rural workers dwelling will be principally employed in the rural use undertaken on the land.

1.11 Applicants shall place a Section 70A Notification on Title prior to occupancy of the dwelling at the Applicants cost: no notifications are registered on the Certificate of Title however a condition of approval will require the notification to be registered on the title.

1.12 Approval for Rural Workers' Dwellings shall only be granted on the basis that the dwelling is not occupied should the use of the land for the purpose for which the dwelling was constructed case for a period of more than six months: a condition of approval will require the existing dwelling to be used solely for the purpose of a rural workers dwelling and not for rental accommodation.

Table 1- Additional Requirements for Rural Workers' Dwellings				
	Acceptable Development	Performance Based	Unacceptable Development	Planner's Comments
Rural Use	Uses requiring a Farmland Concession	Absence of a Farmland Concession	Hobby, lifestyle or domestic uses	The subject site is used for a genuine rural use (i.e. market garden) and not for hobby, lifestyle or domestic uses.
Size of Lot	> 20 hectares	4 hectares to 20 hectares	< 4 hectare	The subject site has an area of 10.5 hectares and therefore meets the unacceptable development standard. The market garden represents an intensive rural use that needs a high number of employees for day to day farming operations.
Separation distance	Rural workers' dwelling is located within 50 metres of the primary dwelling	The separation distance may be varied to be between 50 and 100 metres from the primary dwelling where Applicants demonstrate that potential constraints exist, having regard to the following: <ul style="list-style-type: none"> • Topography • Watercourses (eg dams, creeks) • Vegetation values (particularly mature trees) • Potential for flooding • Amenity impacts (eg potential visual/odour impacts on adjoining and surrounding properties) • Existing and proposed services. • A written justification of the relevant constraints is to be submitted with the application and will be subject to consultation with adjoining landowners. 	Greater than 100 metres separation distance.	The rural workers dwelling is setback about 82 metres from the main residence and therefore meets the unacceptable development standard. Note that the new dwelling has been deliberately sited to ensure that there is no vegetation removal and comply with the R-Code setback requirements.
Services	Rural workers' dwelling shares the same road access, power and communication infrastructure as the primary dwelling	Rural workers' dwelling shares as majority of services with the primary dwelling	Rural workers' dwelling proposes a new separate road access way. The location of effluent disposal impacts on surrounding waterways and native vegetation due to the impact of nutrient loads.	The rural workers dwelling and main residence will gain vehicle access from existing but separate crossovers onto Orton Road. The rural workers dwelling and main residence have separate wastewater disposal systems.

Table 1- Additional Requirements for Rural Workers' Dwellings				
	Acceptable Development	Performance Based	Unacceptable Development	Planner's Comments
Siting and Design	Sited to minimise impact on the surrounding landscape and environment. Sited to minimise the impact on the suitability of the land to be used for rural purposes.		Isolated or visually prominent locations. Conflicts with other land uses (i.e. stables, intensive livestock operations or livestock yards) on either the subject land or adjacent land.	The existing dwelling will be used as the rural workers dwelling and therefore there will be no change in terms of visual prominence and conflict with other land use activities.

Officer Signature: David Quelch

Date: 29 November 2022



Aerial view of subject site