



**DEVELOPMENT APPLICATION  
HOMESTEAD AND VARIOUS EQUESTRIAN  
FACILITIES**

**LOT 100 (NO.206) PINJAR ROAD, MARIGINIUP**

**CITY OF WANNEROO**

**JULY 2018**

**Issue 2**



**BURGESS** | DESIGN  
GROUP  
TOWN PLANNING + URBAN DESIGN



# Lot 100 (No.206) Pinjar Road, Mariginiup

City of Wanneroo

## DEVELOPMENT APPLICATION HOMESTEAD AND VARIOUS EQUESTRIAN FACILITIES

Issue 2: July 2018

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## 1. INTRODUCTION

Burgess Design Group has been appointed by Land Group WA – Pinjar Road Pty Ltd, for the provision of town planning and urban design consultancy services for the preparation of a Development Application and the coordination of statutory approvals for the proposed homestead and various equestrian facilities on Lot 100 (No.206) Pinjar Road, Mariginiup (the subject “site” or “land”).

The proposed development comprises a homestead, stables, caretaker’s dwelling, equestrian exercise yard, and fenced paddocks intended for private use only. This application also seeks retrospective planning approval for clearing of vegetation and some minor preliminary earthworks.

The following report provides an overview of the site characteristics, the local and regional context, findings of preliminary technical investigations and explains the rationale of the Development Application design and the statutory framework that will guide its implementation.

The Development Application has been formulated in collaboration with a team of specialist consultants, who have provided technical input in relation to matters as follows:

|                                |  |
|--------------------------------|--|
| <b>Bowden</b>                  | Arboriculture Assessment & PiCUS Sonic Tomograph Test  |
| <b>KCTT</b>                    | Civil Engineering                                      |
| <b>Land Group WA</b>           | Architectural Plans (Site, Floor, and Elevation Plans) |
| <b>MNG</b>                     | Detail Survey  |
| <b>WF Landscape Industries</b> | Landscape Plan   |

### 1.1 ABBREVIATIONS

Abbreviations used in this report are summarised below for ease of reference:

|                |   |
|----------------|---|
| <b>AHD</b>     | Australian Height Datum   |
| <b>ASS</b>     | Acid Sulfate Soils  |
| <b>BAL</b>     | Bushfire Attack Level   |
| <b>CCW</b>     | Conservation Category Wetland   |
| <b>DER</b>     | Department of Environment Regulation                                    |
| <b>DPS2</b>    | City of Wanneroo District Planning Scheme No.2                          |
| <b>EWSP</b>    | East Wanneroo Structure Plan  |
| <b>FES</b>     | Fire and Emergency Services   |
| <b>LSP</b>     | Local Structure Plan  |
| <b>MRS</b>     | Metropolitan Region Scheme  |
| <b>SPP 3.7</b> | Draft State Planning Policy 3.7 - Planning for Bushfire Risk Management |
| <b>UWPCA</b>   | Underground Water Pollution Control Area                                |
| <b>WAPC</b>    | Western Australian Planning Commission                                  |

## 2. SITE DESCRIPTION/DETAILS

### 2.1 LEGAL DESCRIPTION, RESTRICTIONS AND ENCUMBRANCES

Lot 100 Pinjar Road, Mariginiup is registered in the ownership of Land Group WA – Pinjar Road Pty Ltd.

The site is formally described as:

- Lot 100 on Diagram 68092, Certificate of Title Volume 1936 Folio 855.

The site comprises a total legal land area of 5.4370ha. Refer to **Appendix 1 – Certificates of Title and Survey Plans**.

### 2.2 LOCATION

The subject site is located within the suburb of Mariginiup, and is situated approximately 4km north of the Wanneroo Town Centre, and 8km north east of Joondalup Town Centre.

The site gains direct access to Pinjar Road which is classified as an ‘Other Regional Road’ road under the Metropolitan Region Scheme (MRS). Pinjar Road intersects with Wanneroo Road providing access to the wider Perth region. **Figure 1 – Location Plan** shows the site’s location.

### 2.3 EXISTING AND HISTORICAL USE AND DEVELOPMENT

The site is currently vacant, and cleared of all vegetation, with the exception of established trees that will be retained wherever possible. Refer to **Figure 2 –Aerial Photograph**.

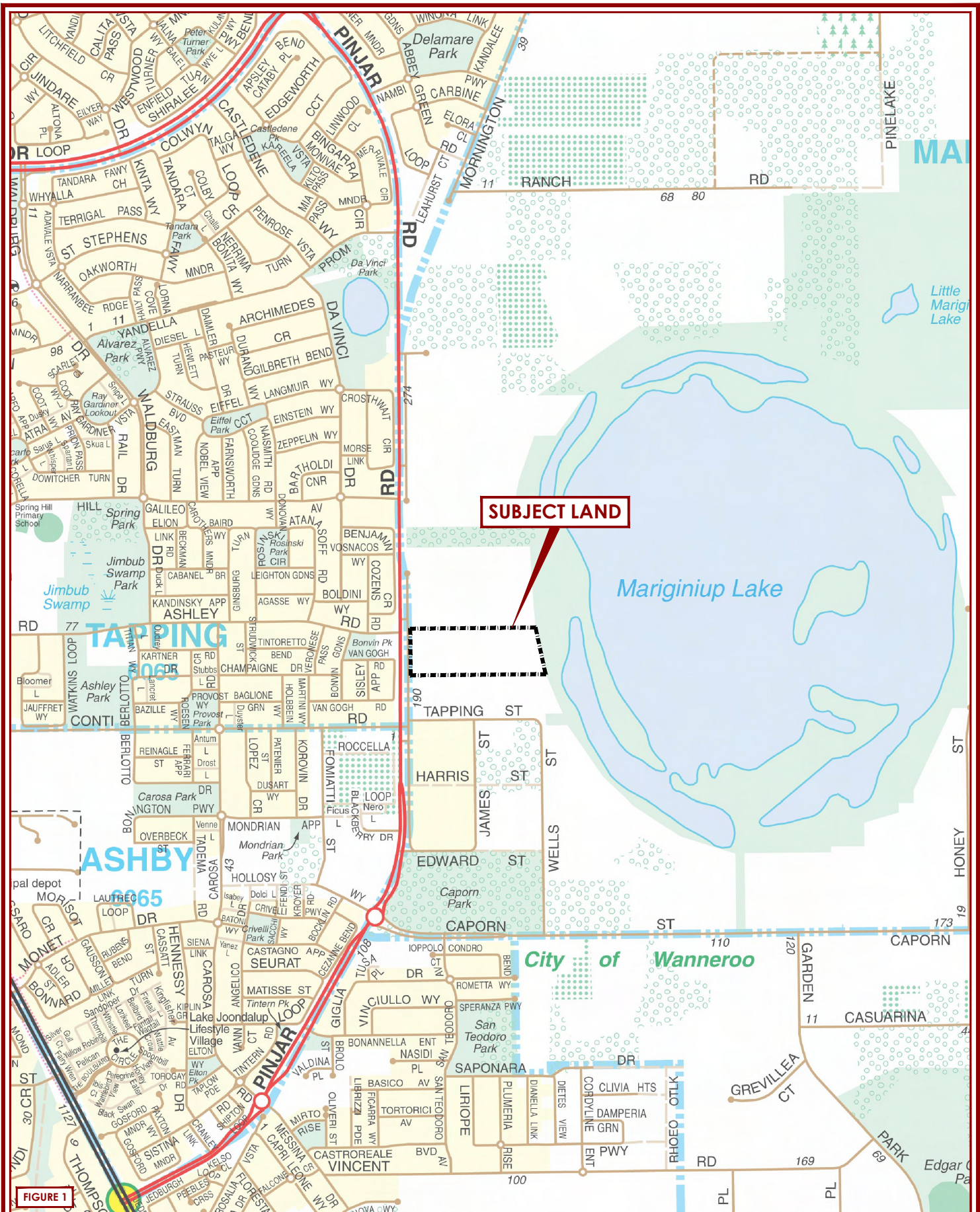
#### 2.3.1 Cultural Heritage Sites

The Department of Indigenous Affairs’ on-line enquiry system did not reveal the presence of any sites of indigenous significance. The site does not contain any structure of non-indigenous significance nor locally known or identified sites.

The site has no identified European cultural heritage significance.

### 2.4 SURROUNDING LAND USE AND DEVELOPMENT

The surrounding area is characterised by agricultural and peri-urban uses, comprising a range of market gardens, poultry, mushroom and turf farms, plant nurseries, and rural living lots.



**SUBJECT LAND**

**FIGURE 1**

All areas and dimensions are subject to survey, engineering and detailed design and may change without notice. © Copyright of Burgess Design Group.



NORTH

0 100 200 300 400 500m

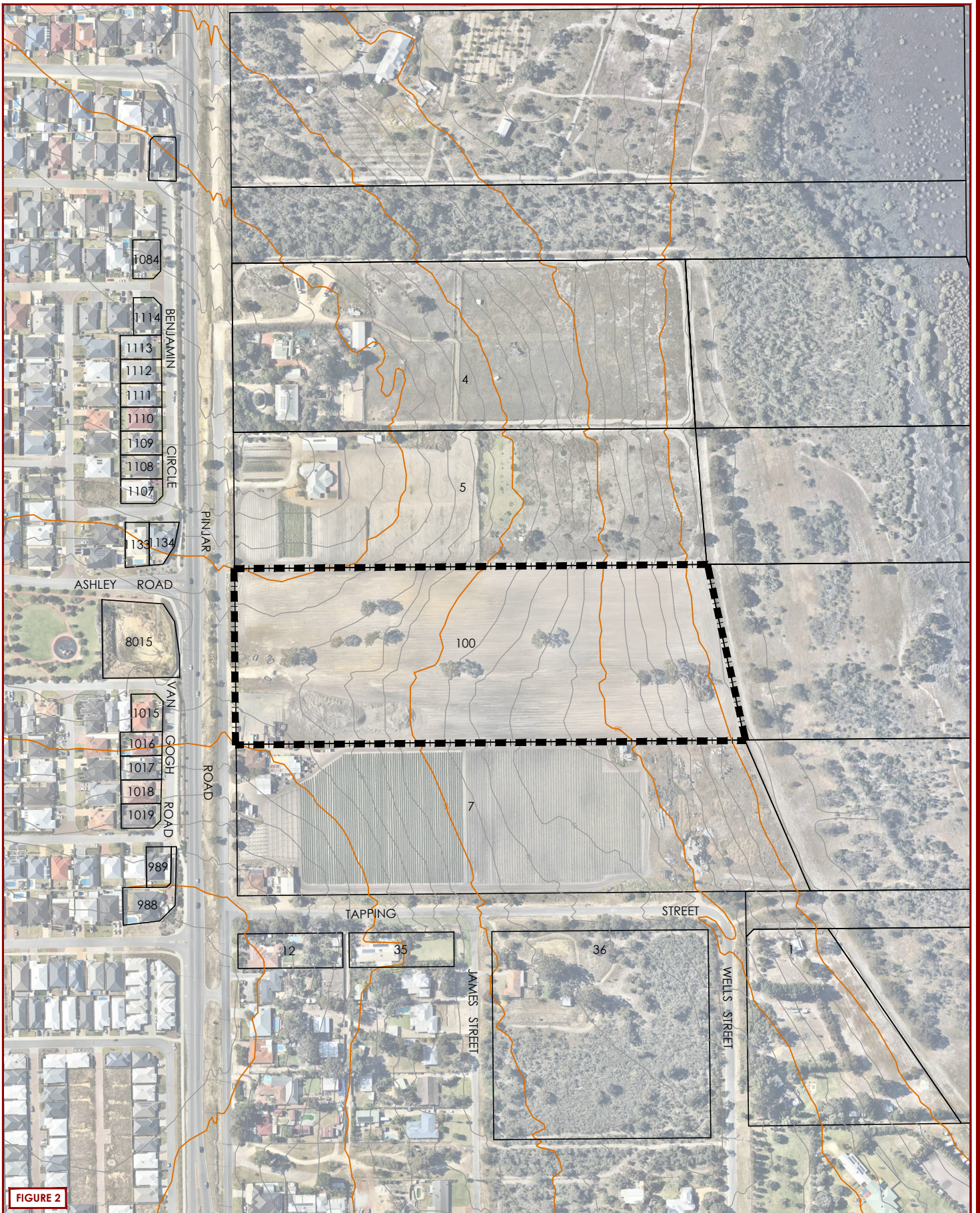
SCALE 1:15,000 (A4)

**LOCATION PLAN**

**LOT 100 PINJAR RD**

**MARIGINIUP**





**FIGURE 2**

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**LEGEND**



Subject Land



NORTH



**AERIAL PHOTO  
LOT 100 PINJAR RD  
MARIGINIUP**



## 2.5 SITE ANALYSIS

### 2.5.1 Topography

The site gently slopes from 59.61m on the western boundary to 44.24m AHD on the eastern boundary. Refer to **Appendix 2 – MNG Detail Survey**.

### 2.5.2 Geotechnical

#### Acid Sulphate Soils

The Department of Environment Regulation (DER) database identifies the site as having a *'low to nil risk of acid sulphate soils occurring within 3m of natural soil surface'*. Based on the DER database, there is likely to be a low risk of disturbing potential or actual ASS during earthworks in low lying areas.

#### Soil Contamination

A search of the DER's Contaminated Sites Database indicates the site has not been registered as a contaminated site.

### 2.5.3 Hydrology

#### Groundwater

The subject site is situated within the Wanneroo Groundwater Management Area. It should be noted, however, that the site is not included within an existing Underground Water Pollution Control Area (UWPCA).

#### Wetlands

There are no mapped wetlands over the subject site.

The subject site is located adjacent to Mariginiup Lake, a Conservation Category Wetland (CCW). Conservation Category Wetlands are described as wetlands with high conservation value for either natural or human use.

### 2.5.4 Flora/Vegetation

The subject site is not identified as a Bush Forever Site. The site is however adjacent to Bush Forever Site No.147 – Mariginiup Lake and adjacent bush land.

The site is largely vacant and cleared of most vegetation.

Bowden Tree Consultancy prepared an Arboriculture Assessment and PiCUS Sonic Tomograph Test and Report for the remaining trees located within the subject lot.

The arboriculture assessment noted that tree number six has extensive degradation attributable to infestation by termites, with further investigation using PiCUS sonic tomography revealing a paucity of internal solid wood (21%) at the cross section.

As such, Bowden recommended the removal to ground level where a high pedestrian/vehicle frequency is proposed within or adjacent to the drip-line of the tree.

The Arboriculture Assessment recommended that, during the proposed construction and development to ensure tree health and longevity is not compromised, it is imperative that tree protection measures are utilised as outlined in the Australian Standard 4970 (2009): Protection of Trees on Development Sites. These measures include identifying tree protection zone/s (trunk diameter x 12) for tree/s adjacent to any excavation/ construction, the installation of protective fencing prior to and for the duration of the project to exclude machinery and construction wastes, and the use of mulching and irrigation during seasonal periods of low rainfall (Refer to **Appendix 3**).

### 3. PLANNING FRAMEWORK

Outlined below is a summary of the relevant strategic and statutory planning documents that guide the use and development of the site.

#### 3.1 STRATEGIC FRAMEWORK

##### 3.1.1 North-West Sub-regional Planning Framework

The subject land is identified as 'Urban Expansion' under the North West Sub-regional Planning Framework. The Framework specifies that East Wanneroo is in '*close proximity to existing development and infrastructure within the Wanneroo locality and form a logical consolidation of existing urban areas.*'

##### 3.1.2 East Wanneroo Structure Plan (EWSP)

In 2011, the WAPC adopted the EWSP to guide future MRS amendments and provide a framework for the preparation of structure plans. The subject land falls within the 'East Wanneroo North District', and is identified as 'Potential Urban'.

#### 3.2 STATUTORY FRAMEWORK

##### 3.2.1 Metropolitan Region Scheme

The subject site is zoned 'Rural' under the Metropolitan Region Scheme (MRS) (refer to **Figure 3 – MRS Map**).

##### 3.2.2 Metropolitan Region Scheme Amendment 1308/41

In April 2016, the WAPC advertised MRS Amendment 1308/41. The purpose of this amendment is to rezone approximately 2,099.80ha from the 'Rural' zone to the 'Urban Deferred' zone in the Metropolitan Region Scheme (MRS).

The proposed amendment will ultimately facilitate future residential development, schools, commercial centres, public open space / conservation areas (amongst other uses) in accordance with the East Wanneroo Structure Plan (EWSP) (refer to **Figure 4 – MRS Amendment 1308/41 Plan**). The WAPC is currently reviewing the proposed amendment in light of submissions.

##### 3.2.3 District Planning Scheme No.2 (DPS2)

The subject site is zoned 'Rural Resource' under the City of Wanneroo District Planning Scheme No.2 (DPS2) (Refer to **Figure 5 – DPS2 Map**).

Pursuant to clause 3.17.1 the objectives of the 'Rural Resource' zone are to:

- a) *Protect from incompatible uses or subdivision, intensive agriculture, horticultural and animal husbandry areas with the best prospects for continued or expanded use;*
- b) *protect from incompatible uses or subdivision basic raw materials priority areas and basic raw materials key extraction areas.*

The proposed development is located within an area where predominantly intensive agriculture, horticulture, basic raw materials extraction and other rural activities operate. Land Group WA – Pinjar Road Pty Ltd accepts the existence of potential noise, dust, odours and pesticide use from nearby properties, and considers the proposed use compatible with these established land uses.

### **Building and Development Standards**

DPS2 clause 3.17.2:

*When considering applications for subdivision or for Development Approval for development which relates to land which is within the Rural Resource Zone, Local government shall have regard to the relevant matters listed in Clause 67 of the deemed provisions and in addition to the following matters:*

- a) The contents of any Local Rural Strategy adopted by Local government and the Western Australian Planning Commission*
- b) Within the Rural Resource Zone the priority uses are intensive agriculture, horticulture and basic raw materials extraction*
- c) The Local government shall not support any use or subdivision or zoning that is, or potentially could be, incompatible with the carrying out of the priority uses referred to in sub clause 3.17.2 (b)*
- d) Unless proved otherwise to the satisfaction of the Local government on a case by case basis, rural residential development is considered an incompatible use*
- e) There is a presumption in favour of applications for agriculture and intensive agriculture in the agricultural resource areas identified in the Local Rural Strategy subject to the acceptable management of any offsite environmental and land use impacts*
- f) There is a presumption in favour of applications for the extraction of basic raw materials in the basic raw materials resource areas identified in the Local Rural Strategy subject to the management of offsite impacts and an approved land restoration plan to a standard suitable for intended subsequent long term land uses*
- g) Notwithstanding the presumptions in sub clauses (e) & (f) above the Local government will not support any proposals that adversely impact on any designated Bush Forever site, conservation category wetlands and their buffers, important heritage sites and important sites of Aboriginal significance*
- h) In the Rural Resource Zone, erection of a single house shall be subject to Development approval*

The proposed dwelling and equestrian facilities are for private/domestic use only, and it does not restrict the use and expansion of priority uses on adjoining properties. As such, the proposed development is considered to be consistent with the objectives of the Rural Resource zone.



Clause 3.17.2(b) states that within the 'Rural Resource' zone, the priority uses are intensive agriculture, horticulture and basic raw materials extraction. Whilst the proposed equestrian facilities do not necessarily fall within these specific land use categories, the keeping of livestock, including horses, is common practice within the East Wanneroo area and is therefore considered to be a compatible land use within the zone, and will have a minimal impact on the surrounding properties.

The proposed development is intended to be an interim use given that the land is identified as 'Urban Expansion' under the WAPC draft North-West Sub-regional Planning Framework, and is subject to MRS Amendment 1308/41 to rezone the land to the 'Urban Deferred' zone. As such, the proposal is consistent with the East Wanneroo Structure Plan and subsequent the provisions of DPS2.

### **Residential Development Standards**

Clause 3.17.3:

*'Where residential development is carried out in the Rural Resource Zone, the following provisions shall apply:*

*no person shall construct any building or undertake any development or other works, other than a fire break or an equivalent alternative proposed by Local government or an access way, closer than 7.5 metres to a street alignment or 4 metres to any other boundary.'*

- a) *Notwithstanding that "Grouped Dwelling" is designated as a not permitted use class in the Rural Resource Zone in Table 1, the Local government may approve the development of a maximum of two grouped dwellings on a lot if having regard to all relevant considerations it is reasonable to do so provided the Local government is satisfied of all the following facts:*
  - i. *The lot is a minimum of 5 hectares in area if situated south of Flynn Drive and 8 hectares in area if situated north of Flynn Drive;*
  - ii. *Both dwellings will be erected in a position that complies with all other provisions of the Scheme, subject to any discretionary modifications by the Local Government;*
  - iii. *The second dwelling is necessary or desirable to provide accommodation on the lot for a person or persons who will assist in the lawful management or exploitation of a rural or other resource on the land consistent with the objectives of the Zone;*
  - iv. *There is no current proposal for or intention of any person to propose subdivision of the lot including strata or survey strata subdivision.*
- b) *If the Local government approves or has at any time before the gazettal of the scheme approved a second dwelling on a lot in the circumstances set out in paragraph (a), that approval shall not be and shall not be taken to be support in any way for the future subdivision or strata subdivision of the lot or provision of separate certificates of title in respect of the two dwellings on the lot.*

- c) *It is the intent of the preceding paragraphs (b) and (c) that a second dwelling on a lot in this zone should be allowed to facilitate the carrying on of rural and resource exploitation uses, and the provisions should expressly not be used presently or in the future to support fragmentation of the land, or the alienation of ownership or use of either of the dwellings from the ownership and control of the person carrying on the rural or resource exploitation use.*
- d) *Notwithstanding anything set out in the preceding paragraphs, any approval by the Local government for two grouped dwellings under the preceding paragraph (a) shall in any case require a person seeking approval for a second dwelling to grant a Restrictive Covenant in gross in favour of the Local government against the lot prepared at that owner's expense by solicitors for the Local government precluding the owner or any future owner of the lot from seeking strata subdivision or subdivision approval in any form for the lot.*

The proposed homestead and the caretaker's dwelling associated with the equestrian facilities are consistent with this provision as detailed in Section 4.3.2 of this report.

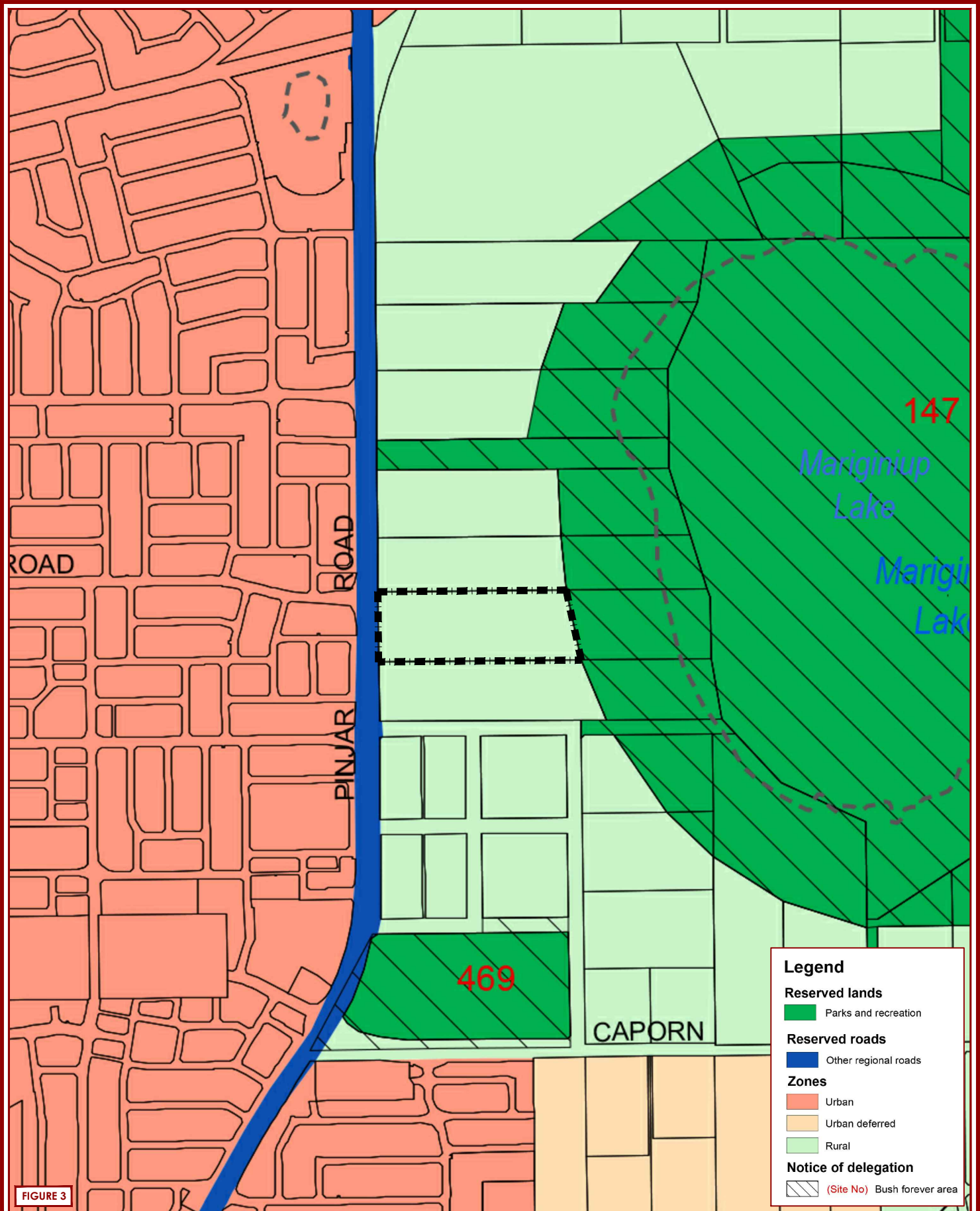


FIGURE 3

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**LEGEND**

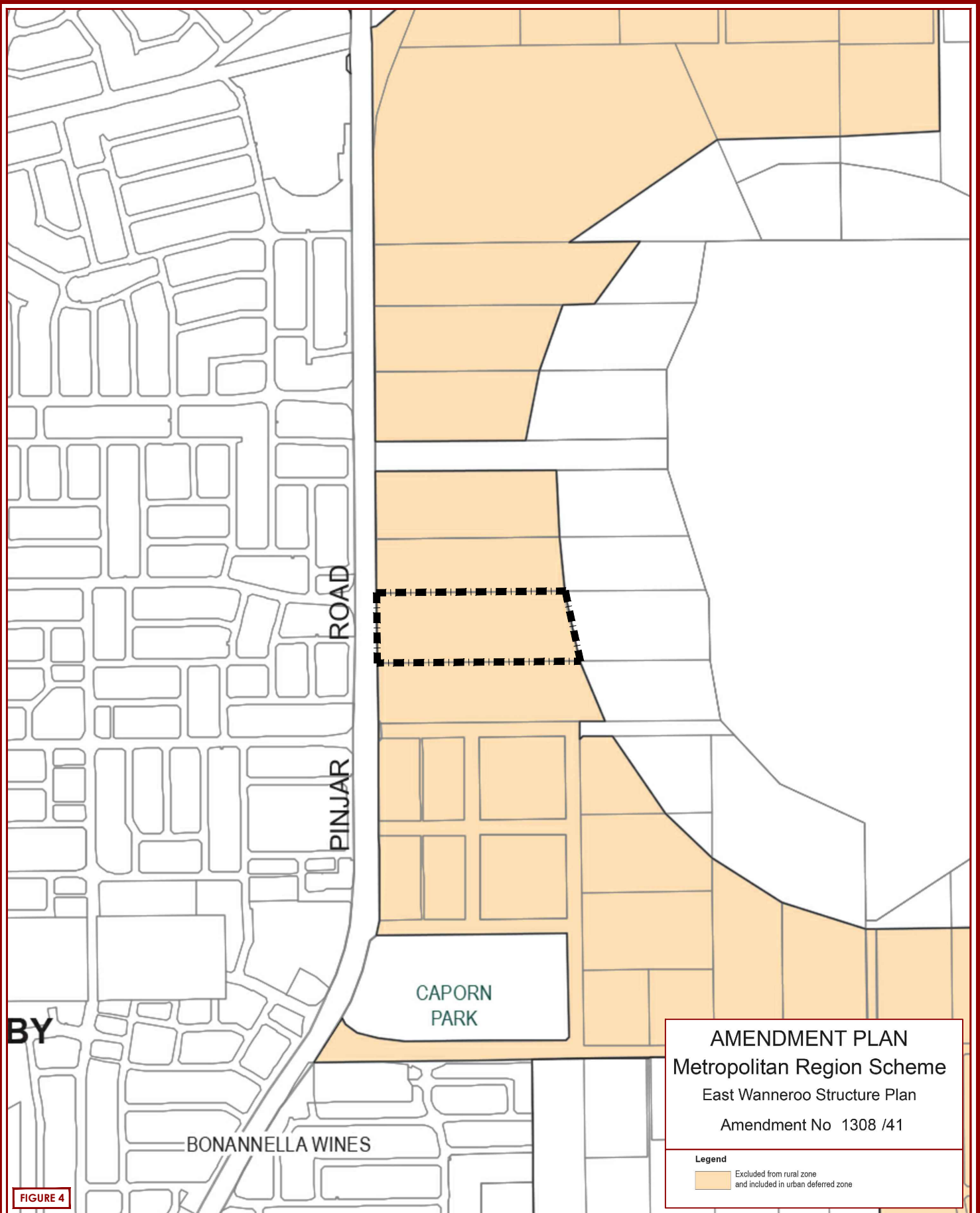
 Subject Land



NORTH



**METROPOLITAN REGION SCHEME MAP**  
**LOT 100 PINJAR RD**  
**MARIGINIUP**

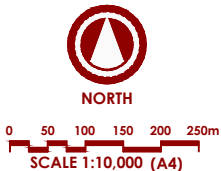


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**LEGEND**

Subject Land



**MRS AMENDMENT 1308/41 PLAN**  
**LOT 100 PINJAR RD**  
**MARIGINIUP**



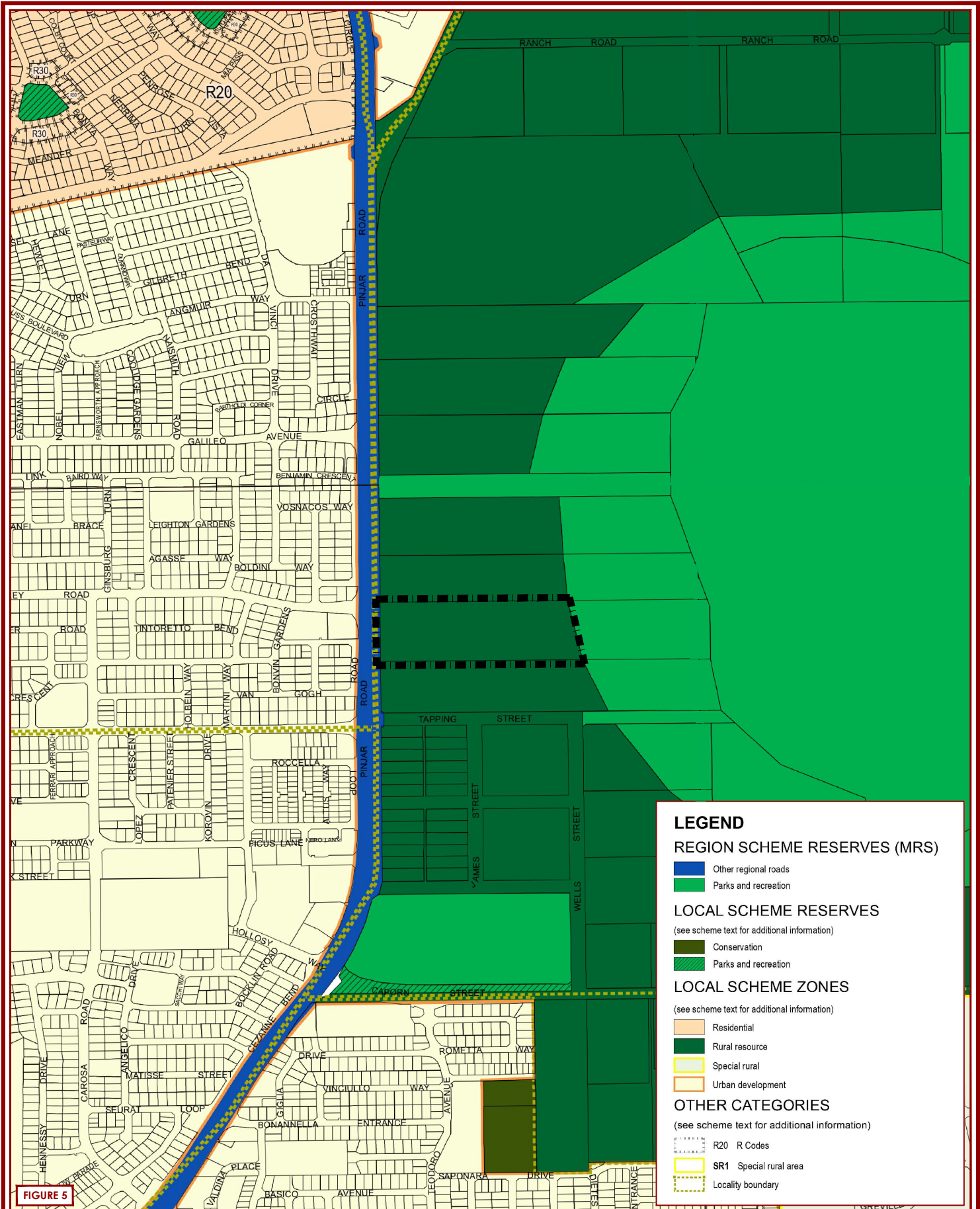


FIGURE 5

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**LEGEND**

Subject Land



NORTH



**DISTRICT PLANNING SCHEME NO.2 MAP**  
**LOT 100 PINJAR RD**  
**MARIGINIUP**

### 3.3 WAPC GUIDING POLICIES

#### 3.3.1 State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Draft State Planning Policy 3.7 - Planning for Bushfire Risk Management (SPP 3.7) specifies how land use should address bushfire risk management in Western Australia.

The subject site is classified as a bushfire prone area by the Fire and Emergency Services (FES) Commissioner as identified on the Map of Bush Fire Prone Areas. Designation of an area as bushfire prone reflects the potential of bushfire to affect that site. It acts as a trigger to determine whether bushfire protection planning and building requirements apply.

SPP 3.7 specifies that all strategic planning proposals, subdivisions and development applications within a designated bushfire prone area will need to be accompanied by either a Bushfire Hazard Level assessment, a BAL Contour Map and/or a BAL assessment.

A Bushfire Hazard Assessment has been undertaken for the proposed development. The Bushfire Hazard Assessment classifies the majority of land within and surrounding the site as either managed or non-vegetated, not considered to pose a bushfire risk and/or as having a 'low' BHL rating. Development within these areas does not require the application of SPP3.7 or the Guidelines. Importantly, this includes all structures proposed as part of this application. Refer Appendix 4 for the complete Bushfire Hazard Assessment.

### 3.4 LOCAL PLANNING POLICIES

#### 3.4.1 Local Planning Policy 5.3 - East Wanneroo

The subject site falls within the LPP 5.3 policy area. LPP 5.3 sets out provisions related to consideration of applications for planning approval of a rural nature submitted within the Policy Area.

The following provisions are relevant to this application:

#### **Consideration of Applications for Planning Approval of a Rural Nature**

*'2.3.1 a) In considering applications for planning approval of a rural nature which are submitted for land located within the Policy Area and where the land is:*

- i. Considered at that time to have future urban or industrial potential, and*
- ii. zoned General Rural or Rural Resource under DPS 2; the City shall have regard for the possibility of future urban or industrial use of that area and the desirability of facilitating that possible future urban or industrial use. No further subdivision of that land shall be supported unless the purpose of that subdivision is to facilitate possible future urban or industrial use.*

*b) Should the type of rural use proposed be a 'permitted' use under DPS 2 in the General Rural or Rural Resource zone, then the City shall consider the imposition of conditions of approval aimed at minimizing the impacts of the proposed use on possible future urban or industrial use in the area concerned.*

*2.3.4 In considering applications for planning approval of a rural nature under 2.3.1, 2.3.2 or 2.3.3 above, the City shall consider the possible impacts the proposal may have on possible future urban or industrial use of land in the vicinity of the proposal, including:*

- *Odour*
- *Noise*
- *Chemical spray drift*
- *Vibration*
- *Light spill*
- *Visual impact*
- *Traffic*
- *Fragmentation of land*
- *Any other impacts on possible future urban uses.'*

The proposed development is not considered to significantly impact possible future urban development given that there are various intensive agricultural and horticultural uses that are currently operational within the vicinity of the subject site. These uses would also need to cease operations to allow for urban development to occur.

The proposed development is considered to be an interim land use until such a time that urban development can occur. Land Group WA – Pinjar Road Pty Ltd intends to redevelop the site for Urban purposes subsequent to the approval of a future Local Structure Plan.

The planning process for the East Wanneroo Structure Plan area is extensive and complex, with the MRS Amendment 1308/41 to rezone the site from 'Rural' to 'Urban Deferred' yet to be approved. Prior to lifting of Urban Deferment a District Structure Plan (DSP) is required for the EWSP area. The preparation of a DSP is expected to take between 3-5 years to be approved due to the fragmentation of landowners, with a Local Structure Plan to follow thereafter.

Given that urban development is at least 5-10 years away, and Land Group WA – Pinjar Road Pty Ltd intends to redevelop the site for residential purposes at that future time, this development is not considered to impede the future potential of the land or surrounding properties.

As such, this proposed development is considered to satisfy the requirements of LPP 5.3.

## 4. PROPOSED DEVELOPMENT

### 4.1 LAND USE

This application seeks approval of a homestead, and various equestrian facilities, comprising:

- Stables
- Caretaker's dwelling
- Equestrian exercise yard and paddocks

These proposed uses are classified as 'Single House', 'Stables', 'Ancillary Accommodation' and 'Equestrian Activity', respectively, under DPS2.

#### Land Use Definitions

A 'Single House' means the same as as defined in State Planning Policy 3.1 – Residential Design Codes (R-Codes).

The R-codes define these use as follows:

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 dwelling on titles with areas held in common property.'*

DPS2 defines these uses as follows:

Stables: *'means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.'*

Caretaker's Dwelling: *'means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.'*

Equestrian Activity: *'means any land or buildings used for the showing, competition or training of horses and includes a riding school.'*

#### Land Use Permissibility

A Single House, Stables and Equestrian Activity are 'D' uses within the 'Rural Resource' zone. 'D' uses are not permitted, unless the City grants its approval after following the procedures laid down by subclause 6.2.2.

A Caretaker's Dwelling is an 'A' use within the 'Rural Resource' zone, which means the use is not permitted unless the Local government has exercised its discretion and has granted development approval after giving notice in accordance with Clause 64 of the deemed provisions. The proposed caretaker's dwelling is intended to be occupied by employees that would care for and train the horses, and maintain the grounds.



As such, the proposed development can be considered and approved by Council.

## 4.2 SITE AND BUILDING LAYOUT

The application proposes the following structures:

- Homestead (which includes verandah, carport and porch)
- Stables
- Caretaker's dwelling (which includes garage, verandah and courtyard)
- Equestrian exercise yard
- Fenced paddocks
- Landscaping and access roadways
- Training track around the property perimeter
- New front and side fences, and
- Associated earth works (new proposed levels over the whole site)

The proposal is considered to be generally consistent with requirements of both DSP2 for land zoned 'Rural Resource' and LPP 5.3 and will not result in an inappropriate planning outcome.

## 4.3 BUILT FORM CHARACTER AND DETAIL

The proposed development has been designed, sited and landscaped to minimise the visual impact of buildings on neighbouring properties (refer to **Plans 1 & 2**). The built form is modern, although it includes design aspects such as a skillion roof that is reflective of the existing rural character.

### 4.3.1 Building Form, Colours and Materials

#### Elevations

Conceptual elevations of the building are provided which detail the architectural treatments, and proposed materials.

External finishes are as follows:

|               |                                 |
|---------------|---------------------------------|
| Main walls    | polished concrete panels (grey) |
| Feature walls | architectural stone cladding    |
| Roof          | colorbond surfmist              |
| Gutter/fascia | colorbond surfmist              |
| Window frames | black/grey                      |
| Front fence   | polished concrete panels (grey) |

#### Homestead

The main residence comprises a single storey four (4) bedroom, four (4) bathroom, kitchen, dining, family room, terrace/alfresco area and plunge pool, and an eight (8) car porte cochère. The proposed homestead design elements include polished concrete panels, colourbond roof, feature stone cladding, brick screen walls and glass windows. A skillion roof form is provided that integrates well with the building. Additional details relating to colours,

materials and finishes can be provided as part of an application for a building licence, if required (refer to **Plan 3 – Homestead, elevations and perspective**).

### **Caretaker's Dwelling**

The building comprises a single level three (3) bedroom dwelling with two (2) bathrooms, two (2) car garage, verandah and court yard. The finish of this dwelling is similar to the homestead residence with polished concrete panels and colourbond roof, and provides an open plan kitchen/dining area and family room.

The proposed caretakers' dwelling includes an air-lock. The proposed air-lock will be sealed with an industrial isolation hygiene door; and a fully sealed self-closing fire rated door. The airlock will have mechanical air filtration to ensure that most odours and dust will be eliminated. Employees will be able to easily move between the stables, the road access way area and caretaker's dwelling without affecting the inward flow of air into the residence, since at least one door is kept closed at all times. The airlock also provides an area to store coats and boots.

**Plan 4** shows that the propose caretakers dwelling does not open to the stables. As such, the proposed development complies with the City's Animal Local Law 1999.

### **Stables**

The proposed building comprises stables, office, feed, tack, crush/tie-ups, wash bay areas. The building contains eight (8), 4m x 5m stables with 1.5m high walls constructed of concrete panels, mesh clerestory windows above, and viewing windows at the end of each stable. At the side of the stable block is a drive-thru loading area with roller doors for stable access. There are also roller doors for separate access to the feed, crush, tie-up and wash bay areas (refer to **Plan 4**).

### **Equestrian Exercise Area**

The proposed covered equestrian exercise area is 404.27m<sup>2</sup>. The proposed structure will be a steel framed construction, with colourbond roof cladding, and a polished concrete panel wall (refer to **Plan 5, Elevations 11-14**).

### **Other Improvements**

The application proposes the development of seven (7) fenced paddocks. The paddocks will be fenced 500mm from the training track. Other improvements include landscaping and access roadways, training track around the property perimeter, new front and side fences; and, associated earth works (new proposed levels over the whole site).

**Plan 4** includes shading devices/canopies in each paddock. The shaded canopy is 13.6m<sup>2</sup> and 3.4m in height. The canopies will be constructed using concrete panels, steal columns and an ASKIN performance panel (cool room insulation composite panel) roof.

### 4.3.2 Building Setbacks and Site Coverage

#### Homestead

The proposed Homestead has a total area of 911.71m<sup>2</sup> and is located at the front of the site. The Homestead is setback 13.48m from the northern boundary, 76.60m from Pinjar Road, and 81m from the southern boundary. As such, the proposed development complies with DPS2 setback requirements for residential development in the 'Rural Resource' zone.

#### Stables

The proposed stables are 608.67m<sup>2</sup>, and setback 76.6 metres from Pinjar Road (western) boundary. The stables have been designed and sited to minimise potential issues such as noise and odour problems for adjoining neighbours.

#### Caretaker's dwelling

The caretaker's dwelling is 148m<sup>2</sup> in area and is setback 55.575 metres from Pinjar Road (western) boundary, 58.475 metres from the south boundary, and 62.50 metres to the north boundary.

The caretaker's dwelling is setback 10.4m from the stables and caretaker dwelling, consistent with the City's Animal Local Law 1999, as Local Law 42(1)(a).

#### Equestrian Exercise Yard

The covered equestrian exercise yard is 404.27m<sup>2</sup>. The yard is setback 57.453 metres from the Pinjar Road, and 18.502 metres from the southern boundary.

### 4.4 LANDSCAPING

This application proposes the following:

- 3.0m wide landscaping strip along the side boundaries;
- 5.0m wide landscaping strip on the rear boundary; and,
- 5.5m wide landscaping strip on the front boundary.

All landscaping areas are shown on **Plan 1**.

A central bitumen path is proposed as a major landscape feature linking the fenced paddocks with the homestead, stables and caretaker's dwelling. There are a number of existing trees that will be retained on site. All trees to be retained are as shown on **Plan 6 – Landscape Plan**.

WF Landscape Industries prepared a Landscape Plan for the site. The following plant species have been selected:

- Olive Tree
- Platanus acerifolia (London Plane)
- Pyrus Bradford (Ornamental Pear)
- Prunus fastigiata (flowering plum)
- Royena Lucinda

- *Syzygium australae*
- *Juniper conferta*

The areas to be planted are indicated on the Landscape Plan. London Plane trees and *Juniper conferta* will be planted along the verge (western boundary), with olive trees on the northern, southern and eastern lot boundaries. London Plane trees will also be planted along the centre of the property (along the access track).

The purpose of this vegetation is to provide visual screening to adjoining properties, to assist with dust management and to improve the environmental characteristics of the site in general. It should be noted, the London Plane trees and Olive trees are listed on the City's Recommended Plant Species List.

## 4.5 VEHICLE ACCESS AND PARKING

### 4.5.1 Movement and Access

Access to the site is via Pinjar Road. Pinjar Road is reserved as an 'Other Regional Road' under the MRS, and classified as a 'Distributor A' road under Main Roads WA Road Hierarchy.

In 2005 Pinjar Road was re-aligned, with the subject land located on the former Pinjar Road alignment.

Vehicles movements are expected to be consistent with the volume of traffic normally expected for a rural residential lot in an active rural resource area. The proposed equestrian facilities are for private/domestic use only. In this regard, vehicle movements generated are not anticipated to adversely impact the amenity of the area.

### 4.5.2 Car Parking

The number of on-site car parking bays to be provided is determined by DPS2 (clause 4.14) and by the R-Codes. The table below identifies the parking requirements, and the parking provided:

**Table 1: DPS2 & R-Codes Car Parking Requirements**

| Use Class            | Number of On-Site Car Parking Spaces                 | Number of Car Parking Bays Provided |
|----------------------|--|-------------------------------------|
| Single House         | 2  | 6                                   |
| Equestrian Activity  | 1 per 4 people accommodated but not less than 5<br>5 | -                                   |
| Caretaker's Dwelling | 2  | 2                                   |
| <b>Total</b>         | 9  | 8                                   |

As specified above, the development requires a total of 9 car parking bays, to meet the requirements of DPS2 and the R-Codes. A total of 8 car parking bays are proposed, resulting in a shortfall on one (1) bay. This car parking shortfall is considered to be acceptable given that proposed equestrian facilities are for private/domestic use only, and there is adequate car parking spaces for residents.

This is not a riding school nor is the site open to the public.

## 4.6 FENCING

### 4.6.1 Front Fence

This application proposes the construction of a 2.3 metre high polished concrete panel fence, and auto sliding gate that abut the Pinjar Road boundary (refer to **Plan 1**). The proposed fence is truncated 3m where the crossover meets the property boundary to ensure adequate site lines and safe movement. Given that the wall exceeds 1.8m in height and is solid over 1.2m Council's discretion is sought.

### 4.6.2 Side and Rear Fences

This application proposes the installation of 1.80 metre garrison fencing on the side and rear boundaries. A portion of the side fencing will be a concrete screen wall. On the northern boundary a 2.0 metres high concrete screen wall, 97.70 metres in length is proposed. On the southern boundary a 1.80 metres high concrete screen wall, 58 metres in length is proposed. The concrete screen walls are proposed to protect the neighbour's rural amenity.

### 4.6.3 Paddock Fencing

Paddock fencing will be installed in accordance with the City's Animals Local Law 1999 (as amended) requirements.

## 4.7 SIGNAGE

The application does not include signage.

## 4.8 EARTHWORKS

### Retrospective Planning Approval

This application seeks retrospective approval for clearing and earthworks carried out at the site in response to the City's correspondence dated 13 January 2017. A detail survey prepared by MNG shows the current contour levels and existing trees on site (refer **Appendix 2**).

KCTT has prepared earthworks plans that show the proposed finished surface contours for the site (refer to **Appendix 5**). These proposed earthworks are not yet complete. As such, this application seeks approval to complete the earthwork to provide acceptable slopes and pads for construction as shown on the proposed earthworks plans.

The proposed earthworks plans include the shaping of the site for the development of; a new house pad and associated structures; driveways at the western end of the site; and to incorporate a horse racing track that generally follows the external boundaries of the site.

For the comfort of the horses and riders, the track has been designed such that the grade is continuous on the straights, and then evenly graded around the bends.

Land Group WA – Pinjar Road Pty Ltd acknowledges that there has been an error on their part, in that the preliminary earthworks undertaken to date required approval by Council. Initially, the site was partially cleared and the topsoil removed and stockpiled with the intent to simply remove the existing reticulation system prior to submitting a development application. The removal of the reticulation system resulted in varying levels across the site. As such, with the intent to lodge a development application for a homestead and various equestrian facilities the contractors levelled the site to some degree.

The preliminary earthworks undertaken to date were done so to inform the design process for this application. It was always intended to provide this Development Application to Council and in doing so, include earthworks proposals.

#### 4.9 CLEARING OF VEGETATION

A clearing permit is not required as all vegetation cleared to date is not classified as native vegetation. Non-native vegetation or native vegetation that has been intentionally sown, planted or propagated for the purpose of landscaping, or commercial exploration, is not considered to be native vegetation under the Environmental Protection Act 1986 (the Act).

Section 3(1) of the Act states:

*‘Native vegetation means indigenous aquatic or terrestrial vegetation, and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition but does not include vegetation in a plantation.’*

Section 51A of the Act states:

*‘Native vegetation has the meaning given by section 3(1) but does not include vegetation that was intentionally sown, planted or propagated unless —*

*that vegetation was sown, planted or propagated as required under this Act or another written law; or*

*that vegetation is of a class declared by regulation to be included in this definition.’*

A search of historical aerial photographs show that the site was extensively cleared between 1985 and 1995 and vegetation of a ‘landscape’ nature was subsequently planted. This vegetation was not indigenous and was strategically planted. As such, the cleared vegetation is not classified as native vegetation and is thus exempt, allowing clearing to occur without a clearing permit (refer **Figure 6 - Historical Aerial Photographs 1985-2003**).

#### 4.10 TIME LIMITED APPROVAL

This application seeks a time limited approval for a period of 20 years or until such time that a Local Structure Plan is approved over the site and servicing infrastructure is available.

Pursuant to Deemed Provisions Schedule 2 Part 9 Clause 72 the City can impose a condition limiting the period of time for which development approval is granted.

A time limited approval is suitable given that there are various planning phases that need to be completed before the land can be developed for urban purposes. Moreover, Land Group WA – Pinjar Road Pty Ltd is a WA building and property development company committed to the future redevelopment of the site. As planning progresses, the value of the land will increase, and therefore it will be financially viable and in the landowner's best interests to develop the site.



## HISTORICAL AERIAL PHOTOGRAPHS 1985 - 2003

**AERIAL PHOTOGRAPH - 19 JUNE 1985**



**AERIAL PHOTOGRAPH - 06 FEBRUARY 1995**



**FIGURE 6**



**AERIAL PHOTOGRAPH - 24 FEBRUARY 2000**



**AERIAL PHOTOGRAPH - 21 DECEMBER 2003**



## 5. PROPOSED OPERATIONAL OVERVIEW

The purpose of this application is to create a high quality equestrian based rural lifestyle development on the subject land. The proposal provides for a main residence and caretakers dwelling, plus allows for 4 horses to be kept on the property with all necessary equestrian facilities and training areas.

The horses shall be contained at all times within fenced paddock areas or in the stables, as indicated on **Plan 1**.

The site will be landscaped to a high quality, including the front verge area, to ensure an appropriate streetscape for abutting Pinjar Road.

The proposed development is for private/domestic use only, so there is no need to specify any particular hours of operation.

## 6. CONCLUSION

Burgess Design Group, on behalf of Land Group WA – Pinjar Road Pty Ltd, has prepared the preceding Development Application seeking planning approval of a homestead and various equestrian facilities on Lot 100 (No.206) Pinjar Road, Mariginiup. This application also seeks the retrospective approval of some associated clearing and preliminary earthworks.

The proposed development is considered to be generally consistent with City's District Planning Scheme No.2, and local policies in regards to building and development standards within the 'Rural Resource' zone.

Land Group WA – Pinjar Road Pty Ltd acknowledges the future planning and urban development potential in East Wanneroo and intends to ultimately redevelop the site subsequent to the rezoning and approval of a local structure plan over the land. Given that the planning process is extensive, and approval of a local structure plan is at least 5-10 years away, the proposed development is an interim use that the City can support.

In light of the above, Burgess Design Group respectfully seeks Council's approval for the proposed development on Lot 100 Pinjar Road, Mariginiup at its earliest convenience.