



**RECOMMENDATION**

**ITEM 2.4: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR GREGSON**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Livestock Grazing and Stables at Lot 195 (140) Lowanna Drive, Marbellup subject to the following conditions:**

- a. The effluent storage and disposal system/s for the use hereby approved shall be designed and constructed to the satisfaction of the City of Albany.
- b. A dust management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- c. A nutrient management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- d. A landscaping plan detailing the size, species and their location shall be submitted for approval in writing, implemented and maintained to the satisfaction of the City of Albany. This shall include a minimum 3m wide landscape buffer along the southern boundary of the lot and plant specimens shall be of advanced growth.
- e. Stormwater disposal and earthwork plans/details shall be submitted for approval and implemented to the satisfaction of the City of Albany.
- f. A vehicular parking and access plan shall be submitted for approval and implemented to the satisfaction of the City of Albany.
- g. The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- h. No signs are to be erected on the lot without the City of Albany's approval, accord with the City of Albany's Sign Policy.
- i. The use and development shall comply with the City of Albany's *Animals Local Law 2001*.
- j. The keeping of livestock shall be restricted to fenced pastured areas of the lot.
- k. No development or stock grazing is permitted within the 'Re-vegetation and Drainage Protection Area' as shown on the Subdivision Guide Plan for Special Rural Area No.22.
- l. Outbuildings shall be designed and constructed of materials which are in character with the landscape. Unpainted zincalume and off-white colours are not permitted.
- m. The combined floor area for all outbuildings on site shall not exceed 240m<sup>2</sup>.

- n. All outbuildings on the site shall comply with the heights contained within Council's Outbuilding's Policy for Special Rural lots over four hectares in size.
- o. The maximum number of horses on the property shall not exceed ten (including the owner's horses). The number of horses must comply with the maximum stocking rates prescribed by the Department of Agriculture and Food Western Australia at all times.
- p. The loading and unloading of stock shall occur entirely within the site.
- q. Horse lessons shall be one on one training and shall not exceed more than eight in any given week.
- r. A suitable water supply shall be provided for the use hereby approved, to the satisfaction of the City of Albany.
- s. Areas of significant remnant vegetation, revegetation, and landscape protection as shown on the Subdivision Guide Plan are to be protected, to the satisfaction of the City of Albany.

**CARRIED 10-2**

**Record of Vote**

Against the Motion: Councillors Bostock and Hammond

**BACKGROUND**

1. At its meeting dated 19 June 2012 Council resolved to lay the item on the table until further advice is received regarding the stocking rates. Staff have further consulted with the Department of Agriculture and Food Western Australia (DAFWA) and the item has been brought back to Council for a decision.
2. This application is to provide horse agistment, livestock grazing, a stable, and a training facility for both personal and client use at Lot 195 (140) Lowanna Drive, Marbellup.
3. The applicant advises it will:
  - Develop a small "boutique" agistment and training facility, initially for up to four agistees with a maximum of ten as the final goal.
  - Provide approximately six to eight, one on one lesson per week to pupils on their own horses.
4. This lot forms part of the Lowanna Country Estate, which consists of 45 lots in total with this lot being the largest within the estate. The lot is currently under Offer by Purchase by the proponents, and a satisfactory response on this application from the City of Albany is a condition of offer.
5. The subject site is over 19.5 hectares in area and is zoned 'Special Rural' area No. 22 under the City of Albany's Town Planning Scheme No. 3 (TPS 3). The area was rezoned to 'Special Rural' as part of Town Planning Scheme Amendment 255 and the lots have just recently been created.

6. The application was advertised for public comment in accordance with clause 5.1.2.3 of TPS 3 (refer to Statutory Implications section below). Nearby landowners to the site were notified, a site notice was placed on the front of the property and an advertisement was placed in a local newspaper. The advertising period closed on 12 April 2012 and a total of six public submissions were received, four were opposed to the application and the other two expressing support.
7. The proposal was also referred to the following State Government agencies, Department of Water, Department of Environment and Conservation and Department of Agriculture and Food Western Australia, a response was received from all agencies.
8. Both the government and public responses will be discussed in further detail under the consultation sections of this report; a full copy of their comments is within the agenda attachment section.
9. The application has been referred to Council for consideration due to the substantive comments received following the advertising period. This is in accordance with the requirements of Council's adopted Guideline "Planning Applications".
10. Council is required to consider the strength of the arguments raised in those submissions and determine whether the scale and intensity of the use is appropriate within the locality.

#### **DISCUSSION**

11. The subject land slopes upwards to the north-east, gradually getting steeper as it reaches the corner of the northern and eastern boundaries. Vehicular access to the property is from Lowanna Drive via an existing crossover and driveway constructed adjacent to the eastern boundary of the lot.
12. The site is currently vacant; there are no permanent structures or buildings located on the property.
13. A vegetation and drainage protection area extends over just under half of the lot and its purpose is to shield the drainage/creek line that flows east to west. There are also two natural water soaks located within this area. This protection area has been fenced off and is not suitable or permitted to be used for development. The proponent is aware that no development or stock grazing is permitted in this area.
14. Although there has been some tree/shrub planting on site (most of which is along the northern boundary), there is no substantial remnant vegetation located outside of the vegetation and drainage protection areas.
15. There is a 10m easement corridor on the certificate of title running along the full length of the eastern boundary to allow for construction of the underground slurry and water pipelines for the proposed Grange mine in Wellstead. The proponent has also advised that there is also an additional fifteen meter corridor which prevents building and planting until the pipeline has been constructed.

16. The proponents have advised that the lot consists of approximately 12 acres of all year winter dry pasture, 12 acres of restricted pasture on deep sand that will be waterlogged for approximately 5 months of the year and 24 acres of restricted land (vegetation and drainage protection area).

**Infrastructure:**

17. Although permanent fencing will be installed in the future, the initial fencing will be electric. A dressage arena approximately 60m x 20m surfaced with sand and suitably drained and a round fenced training yard 20m in diameter and a predominantly flat general riding area is proposed.
18. A central stable block (14m in length by 11.6m in width with a maximum height of 4.3m) will also be constructed, this will house a tack room, feed room, undercover float parking and general storage. A shed (10m in length by 7m in width with a maximum height of 4.6m) for general work area and storage of general equipment and small farm machinery (small tractor etc) will also be constructed. There is also sufficient space adjacent to the stables and general shed for between 2-4 horse floats and a regular vehicular parking.
19. All structures and buildings comply with the setback requirements for the area (require minimum 15m setback required from Lowanna Drive and 10m from all other lot boundaries) and are located within the building envelope as noted on the Subdivision Guide Plan.

**Pasture Management:**

20. The current pasture on site is predominantly kikuyu, the proponents intend on improving the pasture by encouraging a mix of annual and perennial pastures. The management of livestock will be that the horses graze on the pasture as well as being hand fed and stabled at times, if requested by owner for safety reasons or if required to prevent overgrazing of paddocks.
21. Stocking rates are based on a number of criteria, including soil types, feeding and watering regimes etc. The total number of horses allowable on the property will be a determination of DAFWA and will be based on these and other criteria. However, the proponents have indicated that they will keep up to 4 of their own horses in addition to a maximum of 10 agisted horses.
22. DAFWA have advised that they are unable to determine the exact stocking rates applicable to the site until a dust management plan, nutrient management plan, stormwater disposal and earthwork plans are submitted, which are all conditions of approval. In the absence of definitive advice from DAFWA, staff have used their document 'Stocking Rate Guidelines for Rural Small Holdings' for the Swan Coastal Plan and Darling Scarp area to determine the approximate stocking rates. It is noted that for wet soils in the in the Swan Coastal Plan and Darling Scarp area which have similar characteristics to those on site for a large horses it is calculated as one horse per hectare. The site has approximately 10.5 hectares of useable area (not including the revegetation and drainage protection areas) and therefore the estimated stocking rates applicable to the site is 10 horses.

23. Staff recommend that Council restrict the maximum number of horses on the property (including the owners) to 10 and recommend the following condition be placed on the approval;

- *The maximum number of horses on the property shall not exceed ten (including the owner's horses). The number of horses on the site are subject to complying with stocking rates recommended by the Department of Agriculture and Food Western Australia.*

This condition not only restricts the maximum number of horses allowed on the site to one horse per hectare, however also ensures that the number of horses on the property must comply with the stocking rates by DAFWA. For example, if after reviewing the additional information and DAFWA advise that the stocking rates are only 5 horses on the lot, this will be the maximum number allowable. This condition can easily be enforced by Council's compliance officer/s.

**Water Management:**

24. Water is primarily needed for watering stock, and will also be used for irrigating some paddocks and wetting down the dressage arena to prevent dust. Although scheme water is available to the lot, this will be used minimally. Water tanks will be installed and there are also two soaks in the vegetation and drainage protection area, the proponents have advised that the Department of Water (DoW) has given verbal approval that water can be drawn from these soaks and the eastern soak may be dug out further, this will be subject to the separate approval of DoW. DoW has also advised that the installation of a bore is acceptable.

**Vegetation**

25. An approximate 3m strip of trees will be planted along all boundary lines, with the exception of the eastern boundary, where trees will be set in 25m from the boundary (due to the covenants and easements to do with the pipeline) and along internal fence lines once the permanent fencing has been constructed.
26. Timeframes for revegetation of the buffer zone will be agreed with the proponents and form part of the landscape plan as per the recommended condition. The recommended approval condition requires that the landscape plan will be in place prior to commencement of operations. Implementation timeframes will necessarily form part of the landscape plan and must be agreed prior to commencement of activities on the site.

**Dust Management**

27. The most likely source of dust would be from the dressage area during summer months, sprinklers will be installed and the arena will be wet down when in use. Trees and shrubs will also be planted to reduce wind and provide shade to mitigate dust problems.
28. Suitable management of pasture and stocking rates will reduce the risk of dust and land degradation.

29. Implementation timeframes form part of the dust management plan and must be agreed prior to commencement of activities on the site. The recommended approval condition requires that the dust management plan be in place prior to commencement of operations.

**Odour Management**

30. Horses will be managed over the property as opposed to grouped in a central location. Manure from the yards and stables will be composted near the stables and appropriate composting measures will be undertaken to minimise odour.

**Nutrient Management**

31. The most likely source of nutrient export will be the horse manure. The manure from yards and stables will be collected and composted (along with other organic waste from the lot), in a manner to prevent leakage into the soil.
32. The paddocks will be harrowed to break up and spread the manure so that is not left in a concentrated form and the composted manure will be spread back over the paddocks as an organic fertiliser.
33. The subject land is surrounded by the following zones and uses:
- Medium to large rural lots to the north and west used for small scale agricultural activities.
  - Small rural lot to the east currently used for similar small scale livestock (horse) grazing.
  - City Reserve to the north east which is currently bushland and formed part of a group of lots used for the previous City rubbish site and extractive industry (gravel).
  - Special rural lots to the south approximately 1 hectare in size.
34. The proposal is consistent with and meets the objectives, subdivision guide plan and the provisions for Special Rural Area No.22 under TPS 3.

**GOVERNMENT CONSULTATION**

35. The application was referred to the Department of Agriculture and Food Western Australia (DAFWA), the Department of Environment and Conservation (DEC) and the Department of Water (DoW), a summary of their comments is below:

**Department of Water:**

36. As the foreshore revegetation area is identified as a development exclusion zone, no development or stock should occur in this area. DoW has no objections to the proposed equine facilities. The application identifies firebreaks within the foreshore revegetation area, this in conflict with the foreshore management plan (FMP) that was part of the subdivision. The FMP requires the owners of lot 195 to be responsible for maintaining firebreaks outside the revegetation protection area. Grazed paddocks adjacent to the revegetation areas should also minimise the fuel load and fire risk. DoW recommends that the prospective purchasers be given a copy of the FMP and tree planting proposal prepared for the subject lot by Ayton Baesjou Planning.

**Department of Environment and Conservation (DEC):**

37. DEC advises that the City should consider a requirement that native species be used for revegetation. It is also noted that the shallow valley which runs east to west across the site is classified as an area of *Moderate to Low* risk of Acid Sulphate Soil occurrence. DEC recommends that the applicants meet the '*Environmental Guidelines for Horse Facilities and Activities*'. In its present form, the application appears to have several inadequacies with regard to the guidelines, in particular site design, buffers, stocking rates, soil protection groundwater and surface water protection.

**Site Design and Buffers**

38. The proposal is located less than 1 km north of a public drinking water source area ("South Coast Water Reserve") and less than 500m from a Waterways Conservation Act gazetted area ("Albany Management Area"); hence the management of any wetlands or soaks is important. It is also unclear from the plans whether horses are to be excluded from waterways and seasonally boggy areas for which a 30 metre buffer is required in accordance with the '*Environmental Guidelines for Horse Facilities and Activities*'. The application advises that seasonally boggy areas will be restricted for grazing for five months of the year.
39. The proposed stables appear to be located close to neighbours on the eastern side of Lot 195; however the actual distances to neighbours are not stated within the application.
40. The EPA Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land uses (WA EPA 2005) recommends a buffer of 100 - 500m for horse stables depending on size of operation.
41. The composting of manure will occur relatively close to the stables and therefore close to the eastern neighbour. This could cause nuisance odour for the resident.

**Stocking Rates and Soil Protection**

42. It cannot be determined from the application what the stocking rates will be and whether these meet the guideline for soil protection (Table 4), due to a lack of information on soil type and exact area of grazing.

**Groundwater and Surface Water Protection**

43. A minimum separation distance of 1.2m is recommended in the guidelines to protect groundwater from nutrient contamination originating from manure and other nutrient rich wastes.
44. It is recommended that the compost have a weather proof cover in periods of rainfall (to prevent unnecessary generation of leachate) and for leachate from the compost area to be contained and appropriately treated/disposed of.
45. It would be preferable that any leachate from activities on site is contained and either disposed of via septic, sewer, controlled irrigation or transferred to an impervious evaporation pond. Clean stormwater should be directed away from any areas in which it may become contaminated by the use of drainage lines/bunds (if required) to minimise leachate generation.
46. The spreading of manure on site is mentioned but the methods to be used are not detailed. It is assumed the spreading of manure will occur after composting, but it is unclear what equipment (if any) will be used to spread the manure and also whether spreading will be restricted to certain weather conditions (eg not in heavy rainfall periods) and certain areas (eg low-lying or flood-prone areas). It is not discussed how nutrient loads will be managed when applying manure and whether the recommended limits in the guideline for the soil type will be adhered to. The guidelines also mention the need for care to be taken with the use of sawdust and wood waste for bedding, and the environmental risks to waterways which can be associated with drenching.

**Department of Agriculture and Food Western Australia**

47. There were a number of deficiencies in the application presenting challenges for the DAFWA to provide a well considered response. DAFWA is unable to determine if the proposal is likely to cause either land degradation or land use conflict based on the information supplied. However DAFWA provides the following comments;
  - There is no data provided about the soil type information or land contours, which is required to determine nutrient management issues etc.
  - There are no water budget/estimates, application should be conditional on getting approval for a bore.
  - No indication in infrastructure design for managing land degradation e.g. run off rain and dust from livestock movement.
  - No reference to industry guides for stable and arena design. No reference to design of sheds for safe handling /storage chemical.
  - No reference to traffic management.
  - Does not detail nutrient management plan
  - No commitment to maintaining pasture cover at between 50-70% at all times, this is an Industry standard.
  - No assurance that they will protect vegetation.
  - Good indication of consideration for neighbours.

- Dust management, the information provided is good but perhaps not considered all sources of dust.
48. A copy of the submissions received by the government agencies was sent to the proponent. The proponent has provided a response. Although a full copy of their response is within the agenda attachment section, a summary of the main points within the response is as follows;
- Stable and arena will be designed in accordance with industry standards, best practice and welfare requirements.
  - There is no plan to keep large quantities of chemicals on the property, the intention is to maintain the property along organic principles.
  - Pasture will be maintained at minimum 70% coverage, paddocks are to be grazed rotationally and rested when pasture is at 5cm in height.
  - Revegetation on site is to be of local plant species.
  - I have reviewed publication '*Environmental Guidelines for Horse Facilities and Activities*' and plan to adhere to these guidelines.
  - Manure is to be composed as per "best practice" composting guidelines e.g. turning the pile frequently, preventing it from being too wet or dry etc.
  - Stocking rates will be as per DAFWA.
  - Manure will be spread in accordance with environment and best practice guidelines.'
  - Soil testing will be done to ensure appropriate nutrient levels.
49. In summary the comments received from the Government agencies can be suitably addressed and controlled through planning conditions before the commencement of use/development if approval is considered appropriate such as;
- A dust management plan.
  - Stormwater management plan.
  - Detailed earthworks plan.
  - A nutrient management plan.
  - Detailed effluent disposal plans/system.
  - Sufficient water supply is to be made available for the use.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

50. As previously stated a total of six public submissions were received, four were opposed to the application and the other two expressing support of the application, below is a summary of the submissions:

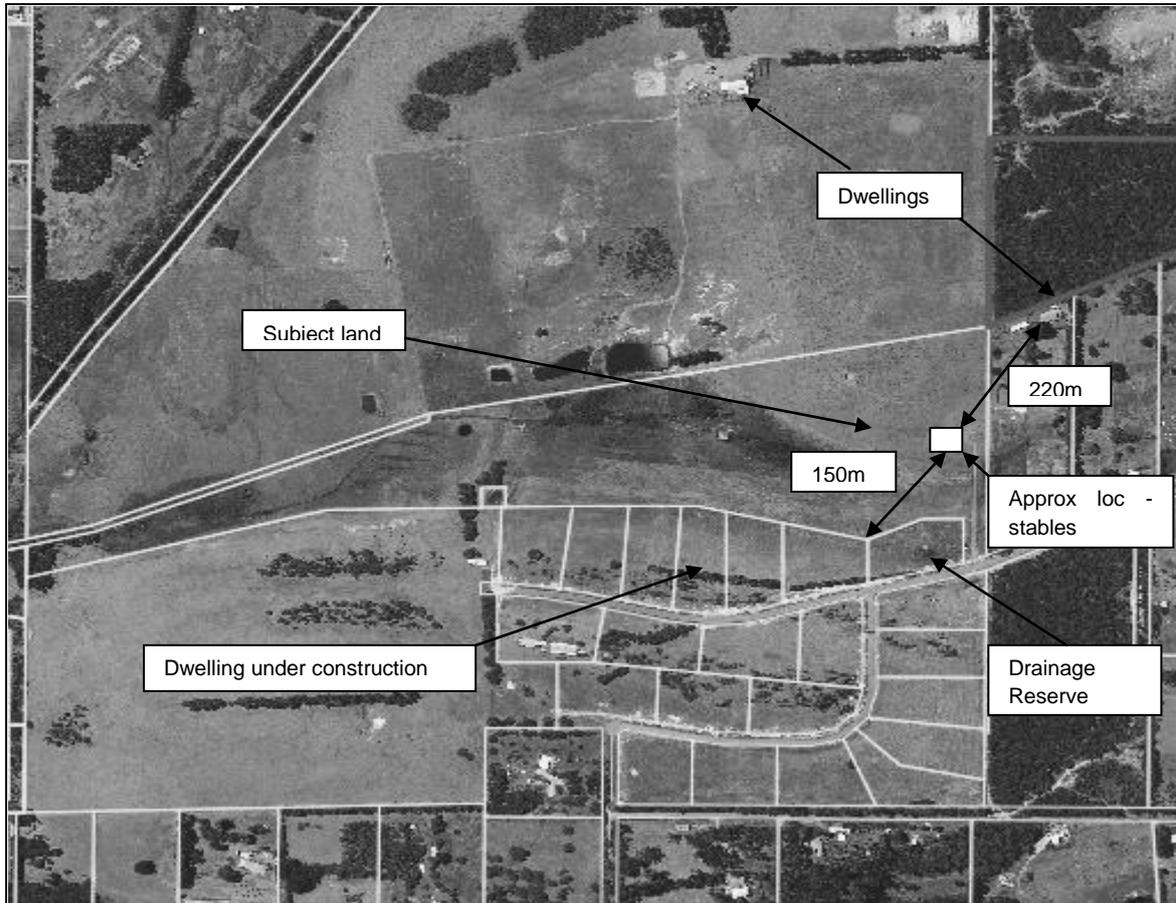
**Opposing**

- The application does not suit the peaceful special rural lifestyle that has been advertised with the Lowanna Estate Subdivision. We have bought and built at this location because we wanted a relaxing, quiet rural aspect, with the benefits of being close to the city centre.
- The plan does not detail the number of horses the applicant is personally allowed to keep;
- Due to the nature of this being a leisure industry, much of it would take place after school and on the weekends, time when we would like to enjoy the relaxing, quiet rural atmosphere we have built in.
- The area proposed for the dressage arena and other main buildings is subject to flooding; therefore significant earthworks would be required to enable this area to be used appropriately. This would also increase the heights of the buildings. During the summer months, parts of the grazing area will be very dry; meaning large amounts of dust will be spread throughout the property where horses are grazing.
- Large numbers of horses promote flies, regardless of whether manure is collected and composted or not.
- Horses can damage fences by leaning over to get the grass on the other side.
- There is no time frame in the application for the planting of trees to screen buildings from view, nor is there any stipulation on what type of trees will be planted.
- Livestock maintained in the proposed segment of land would result in an accumulation of ammonia and waste in the catchment area. This would adversely affect the existing environment as we have noted frogs, kangaroos, etc in this area and would not like to see the natural balance significantly altered.
- We have chosen this site as a clean area with little or no health concerns. With the increase of mosquito-borne viruses, we are worried that as effluent is added to the water catchment area it could potentially become a breeding ground for known or even new viruses which may affect our family.
- We fully expected our outlook to be of a rural aspect; however the erection of several buildings (in excess of the maximum allowed) would destroy our tranquil vista.
- There will be an increase in vehicles associated with the use. Our main concern is that these animals may be ridden off the property, posing a hazard to drivers

**Supporting**

- We would like to express our agreement of the proposal as is; we feel that what has been outlined is an excellent idea and good use of the property in question, which shares our boundary.
- No issue with the proposal, good luck to them and welcome to the neighbourhood.

51. Below is an aerial showing the subject site and the distances the stables are to neighbours dwellings and properties.



52. The Environmental Protection Authority's (EPA) "Separation Distances between Industrial and Sensitive Land Uses" guidelines set out a buffer of 100-500 depending on the size for horse stables. These guidelines focus on protecting sensitive land uses (dwellings etc) from unacceptable impacts on amenity that may result from industrial activities, infrastructure and emissions (including noise and odour etc). As you can see from the map above the closest existing dwelling is over 220m from the proposed stables and the stables are 42m with the manure/compost area over 105 from the closest (eastern) boundary. It should also be noted that the eastern neighbours also keep horses and have yards and stables within 50m of the shared boundary. The next closest neighbour in the estate is too the south-west and they are over 150m from the proposed stables. Given the scale of operation proposed it is considered that the location of the stables and manure/compost area meet the buffer requirements set out by the EPA.

53. Given the concerns expressed during the advertising period regarding the amount of buildings on the lot, the proponent has since removed the paddock shelters from the application and reduced the size of the general storage shed. With these modifications the proposal now complies with the floor area requirements contained within the City's Outbuilding's Policy. It should also be noted that there are possible alternative stable layouts that may utilise less space. To allow minor variations to the design and size staff consider it

appropriate to have a standard condition of approval requiring the application to comply with the Council's Outbuilding's Policy.

54. The main consensus from the submissions is the possible impacts generated by the horses themselves (odour, increase in flies, diseases), however planning approval is generally not required for the keeping of horses for personal benefit and use subject to complying with the stocking rates recommended by DAFWA. Special rural lots are created to allow the mixed use of small rural holding land and for uses such as this, especially this area. Several nearby lots are also used for equestrian activities, the lots are being advertised as perfect for the keeping of horses. The lot lends itself to the keeping of horses whether for commercial gain or not. It should also be noted that the development sign advertising sale consists of a photograph of a horse (refer to photos in the agenda attachment section). Again it is considered that conditions (including a 3m wide landscape buffer) can be applied to the approval that will alleviate the majority of issues relating to noise, dust, increase in traffic etc.
55. A summary of the public comments received were sent to the proponent. A response to all of the submissions has been received from the proponent, a full copy of this, is within the agenda attachment section.

#### **STATUTORY IMPLICATIONS**

56. As per clause 3.1.14 – *Special Rural* of TPS 3 the broad objectives of the Special Rural zone are as follows;
- “To provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in “Schedule 1” to this Scheme), which may include hobby farming, horse breeding, rural residential retreats and intensive agriculture, if it is considered that such use is consistent with the preservation of the rural landscape and amenity”.*
57. The objectives of ‘Special Rural’ area No. 22 are too;
- *“Provide lots with a flexible special rural zoning that among other things, may permit the keeping of domestic stock in accord with the principles of good land management;*
  - *Provide land for rural residential living in close proximity to existing urban areas and facilities; and*
  - *Provide for site beautification in terms of tree/shrub planting and standard of dwelling construction”.*
58. As per the provisions of ‘Special Rural’ area No. 22 the use of livestock grazing and stables are uses that may be permitted subject to the special approval of Council. Although there is no mention of advertising under these provisions, the uses that may be permitted subject to the special approval of Council are generally uses that under the zoning table of TPS are classified as “AA”, which are uses that require advertising (referral to neighbours, sign on site and advertisement in a local newspaper). For consistency across the municipality this application was advertised as per clause 5.1.2.3, as if it was an “AA” use under the zoning table of TPS 3.

59. Under section 5.2 - *Consultations With Other Authorities* clause 5.2.1 states;

*“In considering any application for planning consent the Council may consult with any other statutory, public, or planning authority it considers appropriate”*

**STRATEGIC IMPLICATIONS**

60. This item relates directly to the following elements of the *City of Albany Strategic Plan (2011-2021)*:

**Key Focus Area**

*Sustainability and Development*

**Community Priority**

*A diversified industrial base*

- *Advocate to protect primary production, farming and agriculture as viable industries.*

**POLICY IMPLICATIONS**

61. Council’s Outbuilding’s Policy defines an “outbuilding” as;

*“Any Class 10A building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a dwelling”*

62. The stables and shed are Class 10A buildings and therefore are required to comply with the Policy. As the proponent has reduced the size of outbuildings on the lot the proposal now complies with the acceptable requirements contained in Council’s Outbuilding’s Policy.
63. Given the size of the lot and the intended use, a separate application in the future may be lodged for an exemption to the 240m2 floor area restriction, however this will require to be assessed against the overall objectives of the Policy and on the merits of the application.

**RISK IDENTIFICATION & MITIGATION**

64. The risk identification and categorisation relies on the City’s Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>A third party may lodge an application to appeal to the State Administrative Tribunal of the City’s determination of the application.</i>	<i>Unknown</i>	<i>Moderate</i>	<i>Moderate</i>	<i>The decision is based on sound planning grounds.</i>

**FINANCIAL IMPLICATIONS**

65. The proponent has paid the appropriate fee as per the Planning Application Fees Schedule adopted by Council. This fee is non-refundable.

**LEGAL IMPLICATIONS**

66. Council's determination could allow the proponent or a third party to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**ALTERNATE OPTIONS**

67. Council has the option to refuse the application for Livestock Grazing and Stables. A motion to that effect could be:

*Part 1 of Alternate Recommendation*

*That Council resolves to ISSUE a Notice of Planning Scheme refusal for Livestock Grazing and Stables (Horses) at Lot 195 (140) Lowanna Drive, Marbellup, for the following reason:*

*The proposed use and associated activity is incompatible with the special rural setting of the area, giving rise to increased vehicular movements and activity with a detrimental impact on the amenity of the neighbourhood (odour, dust etc).*

**SUMMARY CONCLUSION**

68. This application is to provide horse agistment (maximum of ten agistees), a training facility, private lessons (up to six to eight, one on one lessons per week), and livestock grazing at Lot 195 (140) Lowanna Drive, Marbellup. Overall the proposal is consistent with the broad objectives of the Special Rural zone and the specific objectives and provisions relating to Special Rural Area No.22 under TPS 3.
69. Staff considers that the proposed use is suitable to the site and in the area. The lot lends itself to a small scale rural venture such as this.
70. The majority of issues expressed in the public submissions were concerned with a perceived loss of amenity. It is considered that the proposed development complies with the minimum separation distances as recommended by EPA. It is considered that the concerns identified by the relevant government agencies and the public can be suitably addressed and controlled through planning conditions (stocking rates, dust, effluent control, landscaping and screening etc).

<b>Consulted References</b>	Council's Outbuildings Policy Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	A221715 (West Ward)
<b>Previous References</b>	Item 2.4 - OCM 19/06/12