

RESIDENTIAL DEVELOPMENT ASSESSMENT SHEET

APPLICATION DETAILS			
		FILE NO:	PA21/404
		SYNERGY NO:	PA21/404
OFFICER NAME	Helen Maruta	APPLICATION NO.	
PROPOSAL	Ancillary Dwelling		
LOCATION	Lot 12, 365 Jarrahdale Road, Jarrahdale		
APPLICANT	Arnold Schiebaan Building Design		
OWNER	Clinton and Jenna Wells		
APPLICATION RECEIVED	3 May 2021	APPLICATION DATED	27 April 2021
ZONING	Rural	LOT AREA	145,332m ²

REFERRALS		
	Y / N	Comment
DAU Comments	Y	
Heritage Precinct	N	
WAPC	N	
Main Roads	N	
Heritage Council	N	
Scheme Heritage Listed	N	
Internal	Y	
Other	N	

Introduction:

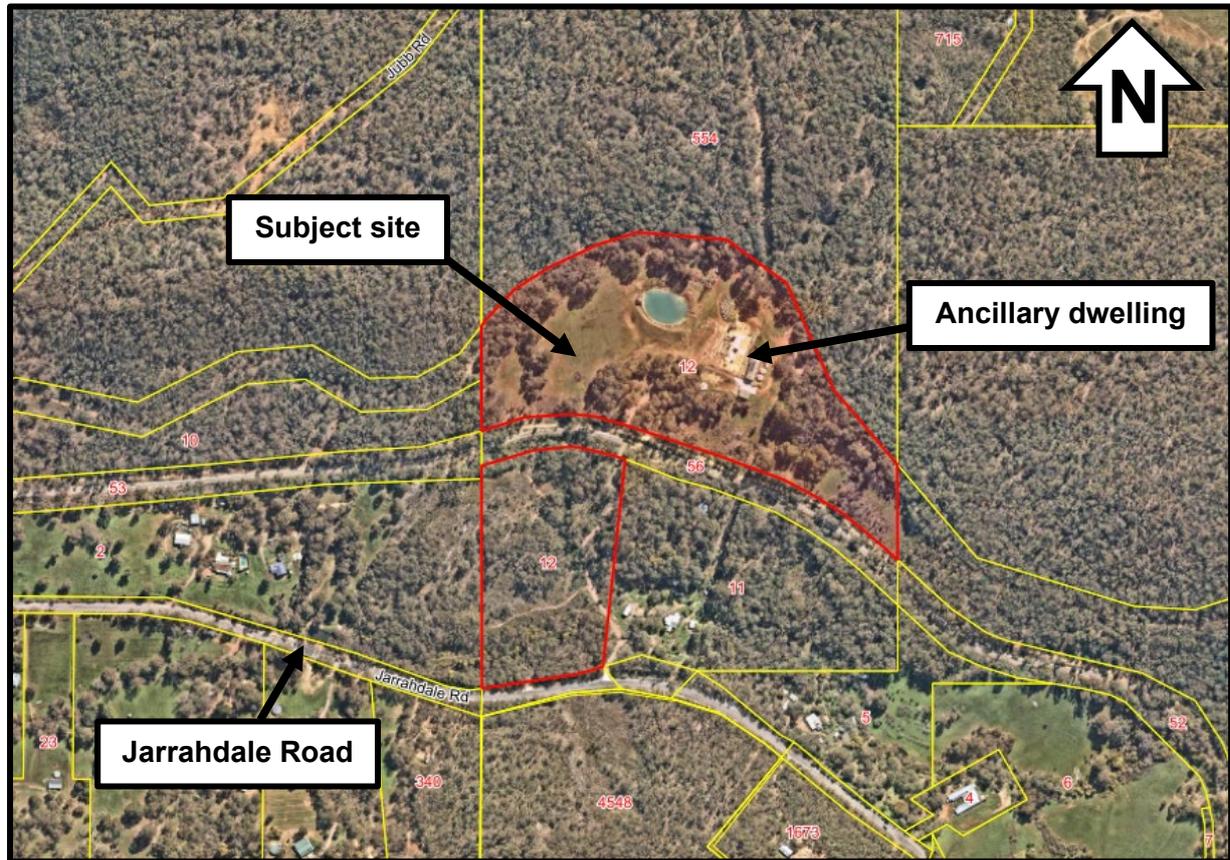
A planning application was received on 3 May 2021 for proposed Ancillary Dwelling at Lot 12, 365 Jarrahdale Road, Jarrahdale.

The subject lot is zoned 'Rural' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). An 'Ancillary Dwelling' is an 'AA' use in the 'Rural' zone which means it is a discretionary use capable of consideration for approval.

The proposed Ancillary Dwelling seeks variations to Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1) by way of floor area. Officers do not have delegated authority to determine development applications which vary Local Planning Policies in accordance with Delegated Authority – 12.1.1 – Determination of Development Applications. The proposal is therefore being presented to Council for determination.

Background:

The subject site lies within a predominately rural area locality of Jarrahdale. The site is currently developed with an outbuilding, dam and water tanks. The Shire approved the construction of a single dwelling to which works are now under way.



Proposed Development

The proposed ancillary dwelling is an already existing dwelling located within a portion of the outbuilding on site. Recently, approval was granted for a new primary dwelling on the block and so now approval is sought to convert this dwelling into an ancillary dwelling. The ancillary dwelling is compliant with the deemed-to-comply requirements of the R-Codes and the requirements of LPP4.1, with the exception of the floor/plot ratio area being 110m² in lieu of the 100m² allowance under LPP4.1.

Development approval is required due to the discretionary nature of the land use and because the proposal results in a Bushfire Attack Level (BAL) rating of Flame Zone.

Community / Stakeholder Consultation:

Given the siting of the proposed development and the land use permissibility under TPS2, advertising was not required to be undertaken in accordance with LPP1.4.

Statutory Environment:Legislation

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

State Government Policies

- State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Local Planning Policy 4.1 – Ancillary Dwellings (LPPP4.1)
- Local Planning Policy 1.4 – Consultation for Planning Matters

Planning Assessment:**Orderly and Proper Planning:**

Clause 67 of the regulations, specifically A – J, considers State and Local Planning Policy frameworks including Draft Schemes, Strategies, State Planning Policies, Local Planning Policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning.

When considering the state and local planning policy framework the following documents are relevant:

TPS2

The aims and objectives of the 'Rural' zone under TPS2 includes "*The purpose and intent of the Rural Zone is to allocate land to accommodate the full range for rural pursuits and associated activities conducted in the Scheme Area*" The proposal provides for residential accommodation to facilitate occupiers of the land to carry out rural pursuits, consistent with the TPS2 objective.

LPS3

The subject site would remain zoned 'Rural' under LPS3 where a Single House and Ancillary Dwelling are both permitted uses. The proposal is therefore considered consistent.

LPS

The subject site is designated as 'Rural land' under the draft LPS with the purpose of maintaining the integrity of the Shire's rural character. The proposal, by way of its design would not adversely impact on the rural character of the area, consistent with the objectives of the LPS.

Form of Development and Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed.

5.1.2 STREET SETBACK						
5.1.3 LOT BOUNDARY SETBACK						
5.1.4 OPEN SPACE						
DWELLING 1		D-t-C	Proposed	OK	Comment	
Front Setback to Dwelling	Min Avg	20m	400m	Y		
5.2.1 Setback to Garage or Carport		4.5m	N/A	N/A		
5.2.3 Surveillance of Street		Habitable room	N/A	N/A	Location of the block does to allow for street surveillance. Already provided to the driveway by the primary dwelling.	
5.2.4 Street Wall / Fence		1.2m solid height	N/A	N/A		
5.2.5 Sightlines Truncation Structure Height (Max)		1.5m X 1.5m 0.75m	N/A	N/A		
5.2.2 % of Garage Door or Wall Width of Frontage		50% (single level) 60% (2 storey*)	N/A	N/A		
5.2.6 Retained Dwelling		Existing dwelling to be upgraded	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
Ground Floor						
North – Rear	10m	4.1m	Y	10m	101m	Y
West – Side	8m	4.1m	Y	10m	327m	Y
East – Side	8m	4.1m	N	10m	66m	Y
		AD Provision	Proposed	OK	Comment	
Open Space (%)		80%	99.3%	Y		
5.1.6 BUILDING HEIGHT						
		D-t-C	Proposed	OK	Comment	
Top of External Wall (Roof Above)		6m	4.1m	Y		
Top of External Wall (Concealed Roof)		8m	N/A	N/A		
Top of Pitched Roof		10m	6.1m	Y		
Note: Above provisions are Category B "default provisions". Refer to Clause 5.1.6 for A and C provisions and interpretations.						

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	No additional bays provided.	Y	2 existing bays available within the dwelling's garage, more parking available within the outbuilding itself and the property is large enough to accommodate uncovered parking of many vehicles.
No. Visitors Bays	NA			
Design of Parking: Width	2.4m + 0.3m			
Depth	5.4m internal			
Manoeuvring	6.0m			
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 access arrangements, no additional driveway proposed.
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 access arrangements, no additional driveway proposed.
Access in a Forward Gear If:	<ul style="list-style-type: none"> Driveway serves 3 or more dwellings. Distance from bay to street is greater than 15m. If the street is a Primary, District or arterial road (Refer Scheme Map) 		N/A	
Grouped & Multiple Drive Widths	<ul style="list-style-type: none"> Minimum width of 4.0m, 3.0m to retain dwelling. Allow vehicles to pass each other if drive serves 6 or more dwellings. 		N/A	
Pedestrian Access CI 5.3.6	<ul style="list-style-type: none"> Separate pedestrian path, 1.2m wide for 10 or more units. Clear sightlines for pedestrians for communal drive to 2 dwellings. Multiple Dwgs. – stairs & protection 		N/A	
5.3.9 STORMWATER MANAGEMENT				
Storm Water	<ul style="list-style-type: none"> All Storm Water to be Retained on-site 		Y	Method: No additional roof coverage. Existing arrangements to be maintained into water tanks.

5.5.1 ANCILLARY DWELLINGS				
C1 Ancillary dwelling associated with a single house and on the same lot where:	D-t-C	Proposed	OK	Comment
Lot Area	350m ²	145,332m ²	Y	
Maximum plot ratio area	70m ²	110m ²	N	
Parking	Complies with Clause 5.3.3 C3.1	Refer to the above Clause 5.3.3 assessment	Y	
Behind street setback line	20m	400m	Y	

5.5.1 ANCILLARY DWELLINGS				
Design	Compatible colour, roof pitch & materials as the dwelling	Existing outbuilding form of the structure to remain. Utilises elements such as awnings, verandahs and patios to achieve compatible design & pitch to the dwelling	Y	
Open Space & OLA	80% Open space	99.3%	Y	

State Planning Policy 7.3 – Residential Design Codes Volume 1	
Objective	Proposal
<p>Clause 5.5.1: Ancillary Dwellings</p> <p>P1: Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residents of the single house, sharing some site facilities and services.</p>	<p>The proposal is for an Ancillary Dwelling, located within the existing outbuilding on the property, which would allow for people to live independently from the main house. It is located near to the main dwelling, though separated by a retaining wall, ensuring a level of independency between the two dwellings. It is noted that the proposal only has a single bedroom and so would only facilitate a small-scale increase to the residential use of the land. The proposal would also share services and the driveway with the main house, due to the proximity of the dwelling to the ancillary dwelling.</p>
<p>P2: Ancillary dwellings to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.</p>	<p>With regard to amenity, as previously stated, the proposal by way of built form would be consistent with a typical rural outbuilding. The portion of the structure to be utilised as the ancillary dwelling will be closest to the dwelling. The proposal would be located 66m to the closest portion of the lot boundary (north-east), which borders State Forest. The dwelling would be located 400m to the primary street, separated by a neighbouring development, dense native remnant vegetation and a railway line. The ancillary dwelling would be located 300m to the nearest neighbouring residence, thereby not being visible from roads or neighbouring properties. These setbacks are well in excess of the deemed-to-comply setback of 20m to the primary street boundary and 10m to lot boundaries as identified by the R-Codes.</p> <p>Due to the form of the development and its location, it is considered that the proposal would not compromise the amenity of the surrounding area, consistent with the R-Code design principle.</p>

Local Planning Policy 4.1 – Ancillary Dwellings

LPP4.1 aims to ensure that Ancillary Dwellings are designed and located to appear visually related to and subservient to the main house. The objective of this is to protect against the increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.

Local Planning Policy – Ancillary Dwelling Provisions			
Element	Design Requirements	Proposed	Compliant
a) Siting	An Ancillary Dwelling is to be located behind the building line of the primary dwelling.	Located behind primary dwelling	Yes
b) Scale	An Ancillary Dwelling shall have no more than two (2) bedrooms. An Ancillary Dwelling shall appear subservient in scale to the primary dwelling.	One bedroom The proposed ancillary dwelling is considered to appear subservient to the primary dwelling	Yes Yes
c) Access/ Parking	A maximum of one (1) covered car parking space shall be provided in addition to those required for the primary dwelling. No additional crossovers will be permitted. Vehicle access shall be shared with that of the primary dwelling.	No additional covered parking spaces proposed. No additional crossovers proposed	Yes Yes
d) External Appearance	Incorporates habitable design elements such as awnings, verandahs, patios. An Ancillary Dwelling is to be finished with a material of similar colour to the primary dwelling.	Design includes patios. The ancillary dwelling is located within an outbuilding and is not finished with similar materials as the primary dwelling.	Yes No

Local Planning Policy 4.1 – Ancillary Dwelling Objectives	
Objectives	Proposal
1. Ensure that Ancillary Dwellings are designed and located to appear visually related with the primary dwelling and minimise impact on the amenity of the locality.	<p>As previously mentioned, the proposed ancillary dwelling would be located within the existing outbuilding on the property. It is located near to the main dwelling, ensuring a strong level of visual relatedness is able to be achieved.</p> <p>Also as previously mentioned, the proposal would be located on the property in a position where it would not be visible from the streetscape nor neighbouring properties. This is due to the isolated location the block, large setbacks of the development to any boundaries and the presence of dense vegetation screening. Officers therefore consider the proposal would not result in an adverse amenity impact on the locality.</p>
2. Ensure that Ancillary Dwellings are subservient to the primary dwelling.	<p>The proposed ancillary dwelling would only take up a small section of the existing outbuilding, whereas the dwelling would be far larger and more prominently located on site. The floor area of the main dwelling is 463m², being far greater than the ancillary dwelling and also bearing a 37m width and a high level of architectural detail. Officers consider that the ancillary dwelling would therefore appear subservient. It would also be located to the rear of the main house as approached from the driveway, which comes in from the south-west. The additional 10m² would still result in the proposal being smaller in scale than the main dwelling and thus appear subservient.</p>
3. Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.	<p>It is highly unlikely that subdivision of the subject site may occur in the future as the site is 14.5ha and zoned 'Rural'. Under TPS2 subdivision of 'Rural' zoned blocks may only occur should there be a minimum of 40 hectares for the created properties. The property is to remain zoned 'Rural' under LPS3 and so in the future subdivision would likely not be supported either.</p> <p>Given the proposal is in close proximity to the main house it is considered it would not appear as a grouped or multiple dwelling situation and so would not in itself encourage future subdivision.</p>

The proposal is considered consistent with the objectives of LPP4.1 due to its siting and minimal impact on the amenity of the locality. The Ancillary Dwelling only seeks a minor plot ratio variation of 10m². Had the plot ratio been reduced by this amount, there would be no requirement for the Ancillary Dwelling to be located behind the building line of the main

dwelling or to share the crossover. Given the building is existing it is considered unreasonable to require for the plot ratio to be reduced by this modest amount.

Conclusion

The application seeks approval for the change of use of an existing Single House to an Ancillary Dwelling and Construction of Single House. The proposal requires development approval due to the BAL rating of the Single House and the plot ratio variation of the Ancillary Dwelling. The proposal is considered to be consistent with the objectives of the policy and therefore recommended for approval.

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

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Consistent with Residential use which is permitted/discretionary in the 'Rural' zone.			
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 <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Consistent with the principles of orderly and proper planning and LPS3 - Refer to R-Code assessment			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code assessment and SPP3.7 Bushfire.			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES X	NO <input type="checkbox"/>	N/A
Comment: Consistent with objectives of LPPP4.1 -Ancillary Dwellings			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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

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

Development:

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

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

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

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to R-Code Assessment - compliant with design principles			

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 <input checked="" type="checkbox"/>
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
Comment: Vegetation is proposed to be removed in order to maintain an APZ however this is not considered to adversely impact on the amenity of the locality or the environment			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation,	YES	NO	N/A
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subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: BAL assessment provided demonstrating BAL-19 can be achieved with an APZ			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES x	NO <input type="checkbox"/>	N/A
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
y) any submissions received on the application	YES	NO <input type="checkbox"/>	N/A x

Comment: Not advertised.			

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

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