

Technical Assessment			
TRIM Number:	PA21/804	Synergy Number:	
Lodgement Date:	31 January 2022	DAU Date:	
Address:	L228, 28 Aquanita Rise, Darling Downs		
Proposal:	Retrospective Fence Extension		
Land Use:	-	Permissibility:	-
Owner:	Rawry and Clare Woodend		
Applicant:	Rawry and Clare Woodend		
Zoning:	Rural Living A	Density Code:	R2
Delegation Type:	12.1.1	Officer:	Ryan Fleming
Site Inspection:	Yes		
Advertising:	Yes – 1 objection		
Outstanding Internal Referrals:	No		
External Referrals:	No		
Within a Bushfire Prone Area:	Yes		
Part 10A, Cl. 78B of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts the requirement for a BAL assessment.			

Background

Existing Development

The subject site, which is 4274.8m² in area, is located within a rural residential area of Darling Downs. The site is currently developed with a residence and associated outbuildings. There is an existing colourbond fence onsite extending along the entire west rear boundary, as well as the majority of the north and south side boundaries. This is shown in the blue colour on the aerial image below. This was recently extended by 4.8m, shown in yellow, and has been the matter of complaint and compliance investigation. The Applicant seeks to achieve compliance through a retrospective development application.

Officers undertook research on the history of development on the site. It appears that once the dwelling was established, a colourbond fence was erected without approval in mid-2015. No complaints have been recorded in respect of the fence, which is the majority of the boundaries behind the street setback line.



Figure 1: Aerial Plan

Development

The application seeks retrospective approval for a further 4.8m extension of the Colourbond dividing fence along the northern lot boundary. The subject extension has been constructed recently. The fence is of a typical 1.8m high Colourbond construction, continuing the existing design and green colour.

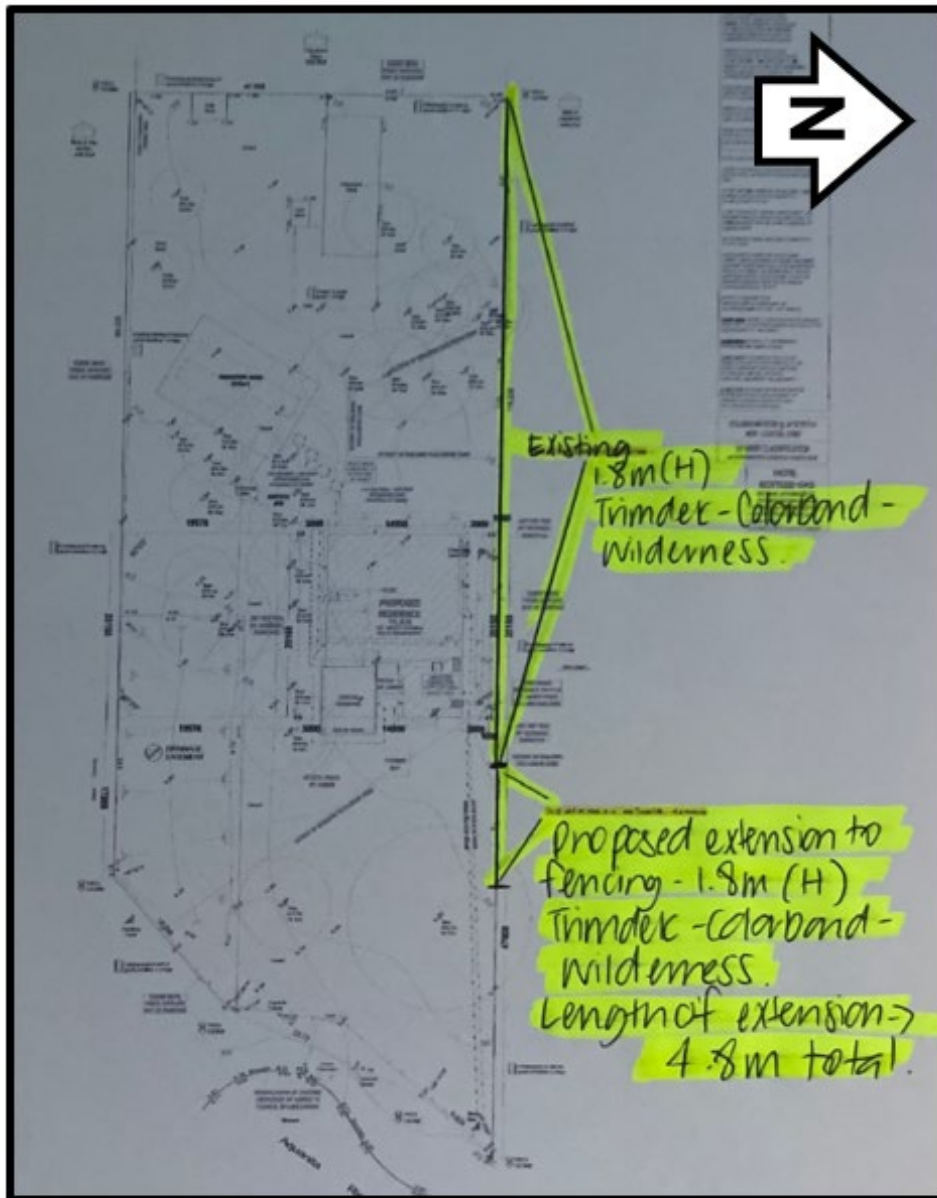


Figure 2: Site Plan

Community / Stakeholder Consultation

The application was advertised to the adjoining landowner from 31 January 2022 to 14 February 2022, in accordance with the Shire’s Local Planning Policy – Public Consultation for Planning Matters. One submission was received objecting to the proposal for the following reasons:

Issue		
Nature of Concern	Applicant Response	Officer Response
<ul style="list-style-type: none"> Amenity – “Our view of the trees has been blocked. For us it is very claustrophobic looking at this fencing from our lounge room... It is something we do not expect to be doing in this 	<ul style="list-style-type: none"> No response received from the Applicant 	<ul style="list-style-type: none"> The amenity concerns have been addressed within the form of development and amenity section of this report. The reflectivity concerns have been

Issue		
Nature of Concern	Applicant Response	Officer Response
<p><i>semi-rural area as it is designed to be an open area, with the area code of post and wire or post and rail.</i></p> <ul style="list-style-type: none"> • Reflectivity – The neighbour raised concerns that the fence extension increases sunlight reflection to their lounge room. • Retrospective nature of the works – <i>“We are still waiting for that section of colourbond fence to be replaced with the original post and rail...”</i> 		<p>addressed within the private amenity section of this report.</p> <ul style="list-style-type: none"> • Officers note this comment.

These concerns are discussed in full within the relevant sections of this assessment.

Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies

South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

Local Planning Framework

Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3

Shire of Serpentine Jarrahdale Local Planning Strategy

Shire of Serpentine Jarrahdale Fences Local Law

Planning Assessment

A full technical assessment has been carried out below against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. For the purpose of this assessment, discussion is confined to the objection resulting in the item being presented to Council and the variations to Town Planning Scheme No. 2, where Council is required to exercise discretion.

Form of Development and Amenity

Clause 67 of the Deemed Provisions, under sub-clauses m) and n), requires that consideration be given to the consistency of development with the built form within the locality and for any adverse impacts to amenity.

The Shire's TPS2 and Fences Local Law sets out standards for dividing fences. Clause 5.12.9.(l) of TPS2 states:

“Lot boundary fencing shall be of post and rail or post and wire unless otherwise approved by Council.”

Furthermore, the third schedule of the Fences Local Law is applicable to this area and states:

“A lot boundary fence shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council's Town Planning Scheme.”

The consideration of amenity and character is particularly concerned with those elements of public amenity, which are visible from the public street. This is particularly the street setback area, which presents the development to the public domain, and particularly unified and consistent fencing helps to enhance the rural residential aesthetic expected within the Rural Living A zone.

In this regard, the image below shows the section of red fencing within the street setback area is post and rail, and contributes significantly to the retention of rural residential amenity and character.



This also, as viewed from the street, achieves a consistent street character of large homes set within a spacious surround with the perception of a relaxed open character aided by the fencing at the front and front returns of property boundaries. The streetscape as an important measure of amenity is not compromised by the development.



Figure 3: Aquanita Rise streetscape, with the subject site at the end of the cul-de-sac (to the right)

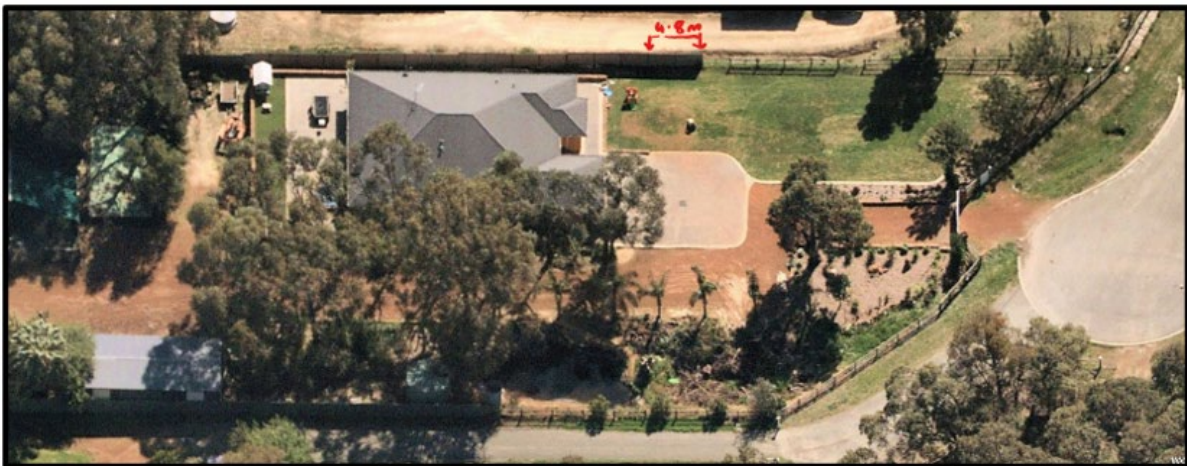
The objective of the 'Rural Living A' zone under TPS2 further identifies the expectations for development and public amenity within this area. Clause 5.12.2 of TPS2 states:

“The Rural Living A Zone is intended to cater for rural residential development on a range of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.”

In accordance with this, consideration should be given to the maintenance of the existing rural character of the locality. In terms of the existing character of the locality and established streetscape, this features broad vistas which include the Darling Scarp landscape, large strands of mature vegetation and low-density residential development. Fencing as viewed from public areas is retained by this development, by virtue of the post and rail aspects being those visible from the street. The colourbond fence established in circa 2015, and the recent extension undertaken, are generally hidden from the streetscape and not considered to pose an adverse amenity impact. The following images below show the fencing existing, and the fencing that was extended:



Extent of fencing before extension



Fencing as extended

Private Amenity:

To further consider the consistency of the development with the requirements of the Deemed Provisions, Officers need to give consideration to the level of amenity afforded directly to the neighbouring property by the development. Concerns were raised in a submission received relating to visual amenity impacts though the reflective materials of Colourbond fencing.

The orientation of the neighbour's dwelling is mainly north facing. The area between the neighbour's house and the fence is utilised for a driveway purpose. The images below depict the neighbouring property on the north side of the fence.

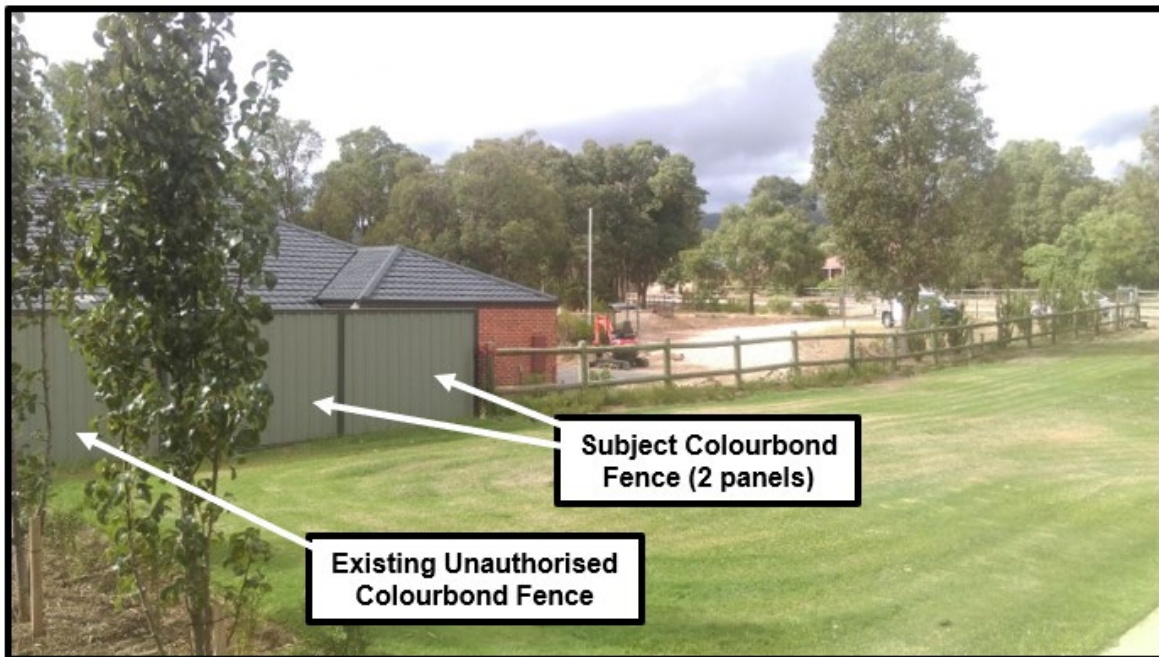


Figure 4: The fence extends 4.8m beyond its current point, the streetscape is visible to the right of the photo; Existing Colourbond fence visible is unauthorised

However, Officers note that there are major openings to the lounge room and a study that are on the south elevation. This is shown visually in Figure 5 below.

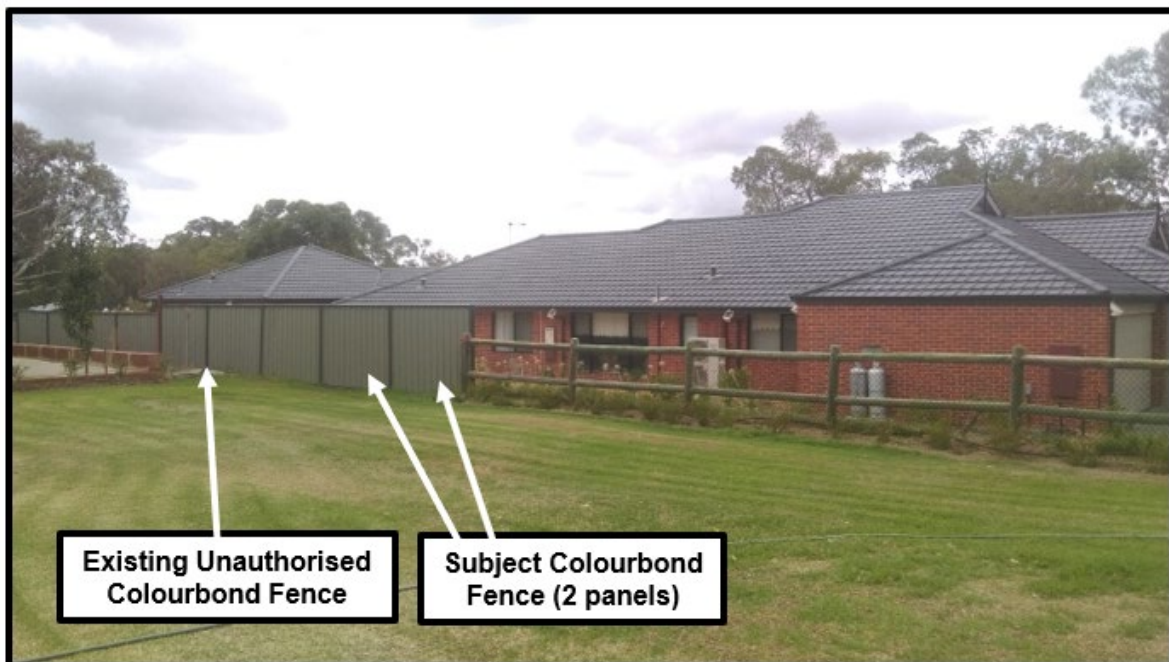


Figure 5: The fence extends 4.8m beyond its current point, the neighbour's dwelling is pictured in the background

In this regard, the fencing extension does not pose any additional impact to the private amenity of the neighbouring property. It is orientated with a mainly northern aspect, and is not considered to be adversely impacted by the fence.

Conclusion

The application seeks variation to the fencing requirements of TPS2. The proposal is considered consistent with the objectives of the zone in TPS2, by virtue that the non-

compliant fencing is not visible in public streetscape areas and does not impact in an unacceptable way on private amenity. Officers recommend the application be approved.

Attachments:

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: TPS2 considered			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: LPS3 considered – no change to fencing requirements with the proposed rezoning to			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input 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: The built form of the proposal is considered in the planning assessment section			

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 planning assessment to consider the impact of the proposal on the character of the locality			

o) the likely effect of the development on the natural environment or water resources and any means that are	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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proposed to protect or to mitigate impacts on the natural environment or the water resource			
Comment:			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Comment:

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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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"/>
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Comment:

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

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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Requirements of the Shire's Local Fences Law considered