

<b>Technical Report</b>			
<b>TRIM Number:</b>	<b>PA20/717</b>	<b>Synergy Number:</b>	<b>PA20/717</b>
<b>Lodgement Date:</b>	<b>12 August 2020</b>	<b>DAU Date:</b>	
<b>Address:</b>	<b>Lot 27,14 Dalley Street, Byford</b>		
<b>Proposal:</b>	<b>Outbuilding to existing House</b>		
<b>Land Use:</b>	<b>Residential – Single House</b>	<b>Permissibility:</b>	<b>Refer to land use section</b>
<b>Owner:</b>	<b>Michael Andrew Van der Lecq</b>		
<b>Applicant:</b>	<b>As above</b>		
<b>Zoning:</b>	<b>Urban Development</b>	<b>Density Code:</b>	<b>N/A</b>
<b>Delegation Type:</b>	<b>12.1.1</b>	<b>Officer:</b>	<b>Helen Maruta</b>
<b>Site Inspection:</b>	<b>No</b>		
<b>Advertising:</b>	<b>No</b>		
<b>Outstanding Internal Referrals:</b>	<b>No</b>		
<b>External Referrals:</b>	<b>No</b>		
<b>Within a Bushfire Prone Area:</b>	<b>Yes</b>		
Part 10A, Cl. 78B of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts the requirement for a BAL assessment.			

### **Introduction:**

A planning application has been received 12 August 2020 for an oversized and overheight 'Outbuilding' at Lot 27, 14 Dalley Street, Byford. The outbuilding would replace an existing 'Outbuilding' in the same location. The existing outbuilding is smaller in size and scale than the new proposed 'Outbuilding'.

The subject lot is zoned 'Urban Development' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). The site lies within the Byford District Structure Plan (BDSP) and the Byford Townsite Local Development Plan (LDP), which provide the relevant land use permissibility and indicative zoning applicable to the site.

The subject site is identified as 'Residential' and aligns to a low density R Coding of R5. The outbuilding is incidental to the existing residential use and is therefore considered an appropriate land use. This report recommends that the outbuilding as proposed be approved subject to appropriate conditions.

**Background:**



**Figure 1: Location Plan**



**Existing vs proposed**

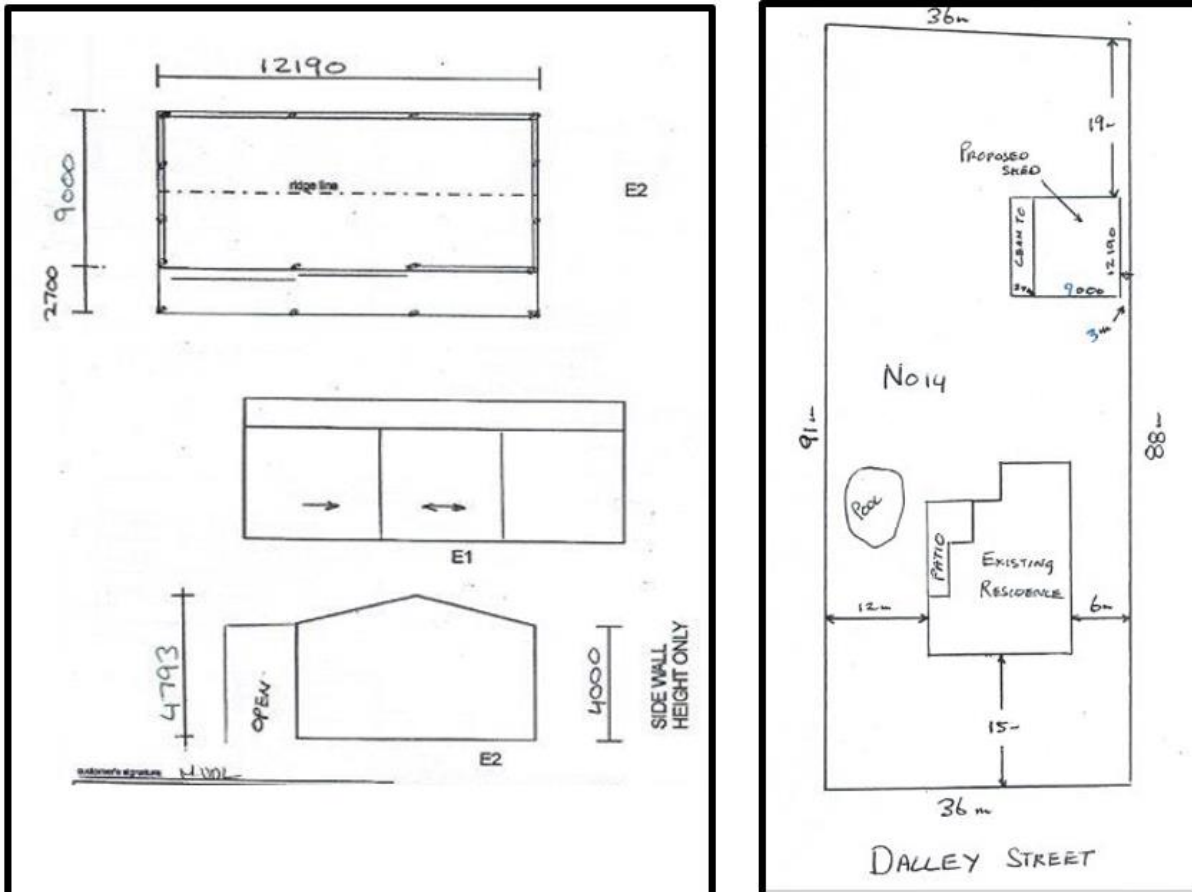
Existing Development:

The subject site is located within the old Byford Townsite. The site is 3220.28m<sup>2</sup> in area and accessed via Dalley Street. The site is currently developed with a single house, swimming pool, water tank and outbuilding as shown in Figure 1 above.

### Proposed Development:

The application seeks approval for construction of a replacement outbuilding, proposed to be located to the rear of the dwelling. The applicant has provided information that the outbuilding would be used for the general storage of household equipment and vehicles. The applicant also provided information that the outbuilding will be connected to the existing tank and underground stormwater pipes for disposal of stormwater.

The new outbuilding is both oversized and overweight, as detailed in the following plans:



**Figure 2: Proposed Plans**

The proposed outbuilding would have a floor area of 109.71m<sup>2</sup> with an open lean-to (32.9m<sup>2</sup>) featuring a length of 12.19m and width of 9m. The proposal would have a wall height of 4m and a ridge height of 4.79m. The outbuilding was initially proposed to be set back 1m from the southern (side) lot boundary however following an objection, this setback was increased to 3m, to match existing. The outbuilding would be set back approximately 22m from the eastern (rear) boundary. The outbuilding is proposed to be constructed entirely out of colorbond, coloured dune which is a light beige colour, matching the existing dwelling.

### **Community / Stakeholder Consultation:**

The application was advertised to adjoining landowners for a period of 21 days, from 18 August 2020 - 8 September 2020, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP14). During this period, one submission objecting to the initially proposed 1m side setback was received. As previously stated, subsequent to the objection, the applicant amended the location of the outbuilding to be set

back 3m from the boundary, to match existing and ensure retention of the existing vegetation hedge.

Notwithstanding the amendment, the submitter still raised concern in relation to the location of the outbuilding and has stated they would prefer it to be located to the rear corner of the property.

### **Statutory Environment:**

#### Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Metropolitan Region Scheme;*

#### State Government Policies

- State Planning Policy 7.3 - Residential Design Codes

#### Local Planning Framework

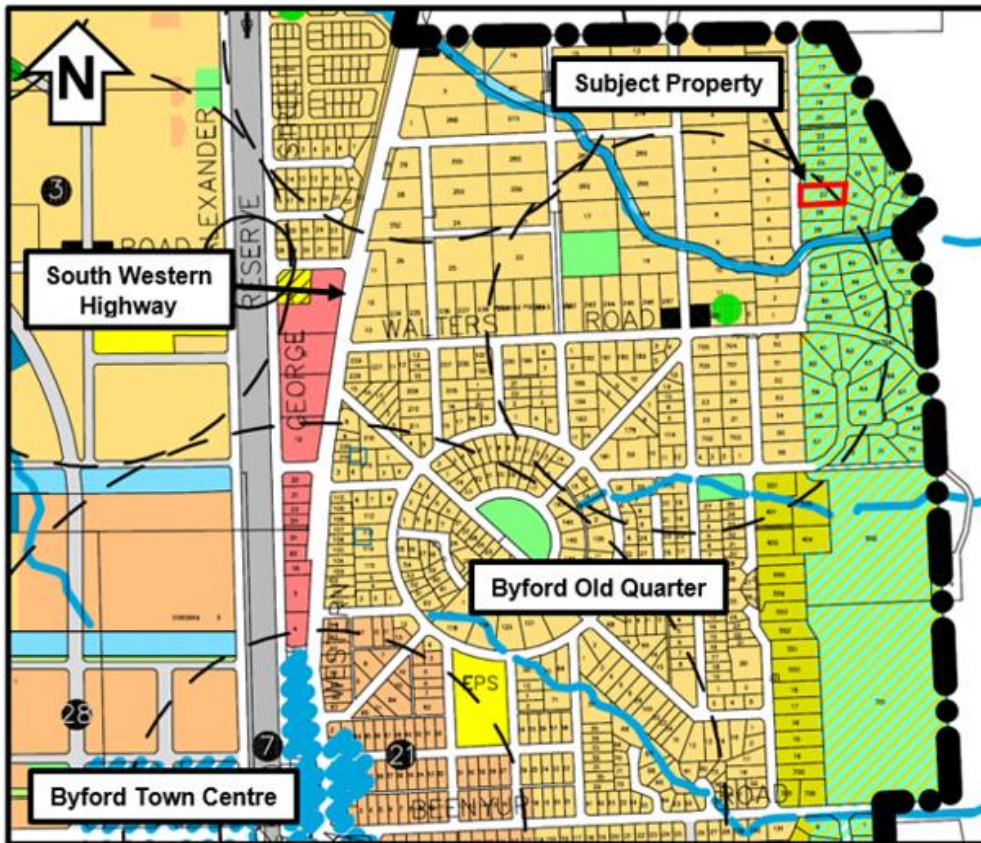
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Local Planning Policy 1.5 - Exempt Development
- Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers

### **Planning Assessment:**

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment.

#### Land Use:

The subject property is zoned 'Urban Development' under the Shire's Town Planning Scheme No. 2 (TPS2) whereby development is generally guided by Structure Plans. The site lies within the Byford District Structure Plan (BDSP) and the Byford Townsite Local Development Plan(LDP), which provide the relevant land use permissibility and indicative zoning applicable to the site as shown on Figures 3 and 4 below. The subject site is identified as 'Residential' and aligns to a low density R Coding of R5. The outbuilding is incidental to the existing residential use and is therefore considered an appropriate land use.



**Figure 3: Byford Structure Plan**

The intent of this area is to retain larger lots as a transition from the adjoining Darling Scarp and parks and recreation reservation, to the higher density residential areas to the west. The scale of the outbuilding is considered consistent with development found in a residential area, which is contemplated as a low density peri urban transition from the natural landscape to an urban landscape.

## Byford Townsite Local Development Plan

Under the LDP, the site is identified within Character Area D as depicted following:



**Figure 4: Byford Townsite Detailed Area Plan**

This residential area contains a variety of housing styles and forms. The LDP identifies an R-Code of R5 for lot sizes with a minimum area of 2000m<sup>2</sup> which includes the subject site. The proposal is considered consistent with this designation.

### Form of Development and Amenity

Development standards for outbuildings are set out under State Planning Policy 7.3 - Residential Design Codes (R-Codes) and Local Planning Policy 4.19 - Outbuildings, Sheds, Gardens Sheds and Sea Containers (LPP4.19). Given the planning framework for the subject site and the lot size, it is considered appropriate to be guided by the development standards for a lot with an R-Code of R5.

### State Planning Policy 7.3 - Residential Design Codes (R Codes)

The proposed development seeks a variation to vary the deemed-to-comply requirements of the R-Codes by way of floor area, wall height and ridge height as detailed in the table following:

R-Codes Design Principle Assessment - Outbuilding		
Deemed-to-Comply Provision	Proposed Development	Design Principle
C3 Outbuildings that: iii. collectively do not exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser; iv. do not exceed a wall height of 2.4m v. do not exceed ridge height of 4.2m	109.71m <sup>2</sup>  4m  4.79m	Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties

In order to determine whether the proposal meets the design principle it can be considered within two key components:

- Outbuildings should not detract from the visual amenity of the streetscape; and
- Outbuildings should not detract from the visual amenity of the residents and neighbouring properties.

The first provision requires an outbuilding to be set back behind the building line to the primary street. The outbuilding in this instance is set back approximately 55m from the primary street boundary and is proposed to be located towards the rear of the property behind the existing dwelling and therefore would not “*detract from the visual amenity of the streetscape*”, in accordance with the design principles of the R-Codes.

Secondly, an assessment has been undertaken to determine the impact of the proposed outbuilding on the neighbouring properties. The objection relates to the proximity the outbuilding would be located from the southern lot boundary. It is worth noting that the setback of the outbuilding to this lot boundary complies with the required setback under the deemed-to-comply requirements of the R-Codes which is 1.5m.

There is existing vegetation along the southern common boundary within the neighbouring property, which provides screening to the development as shown in Figure 1 and the photographs below. The screening vegetation comprises of a hedge with a height of approximately 2m that runs along the boundary and additionally there are trees on the neighbouring property to the south. The vegetation and hedge assists to ameliorate the bulk and scale of the outbuilding in the opinion of officers.

The photographs below show the existing outbuilding viewed from the subject site overlooking the neighbouring property:



**Figure 5: Existing outbuilding**



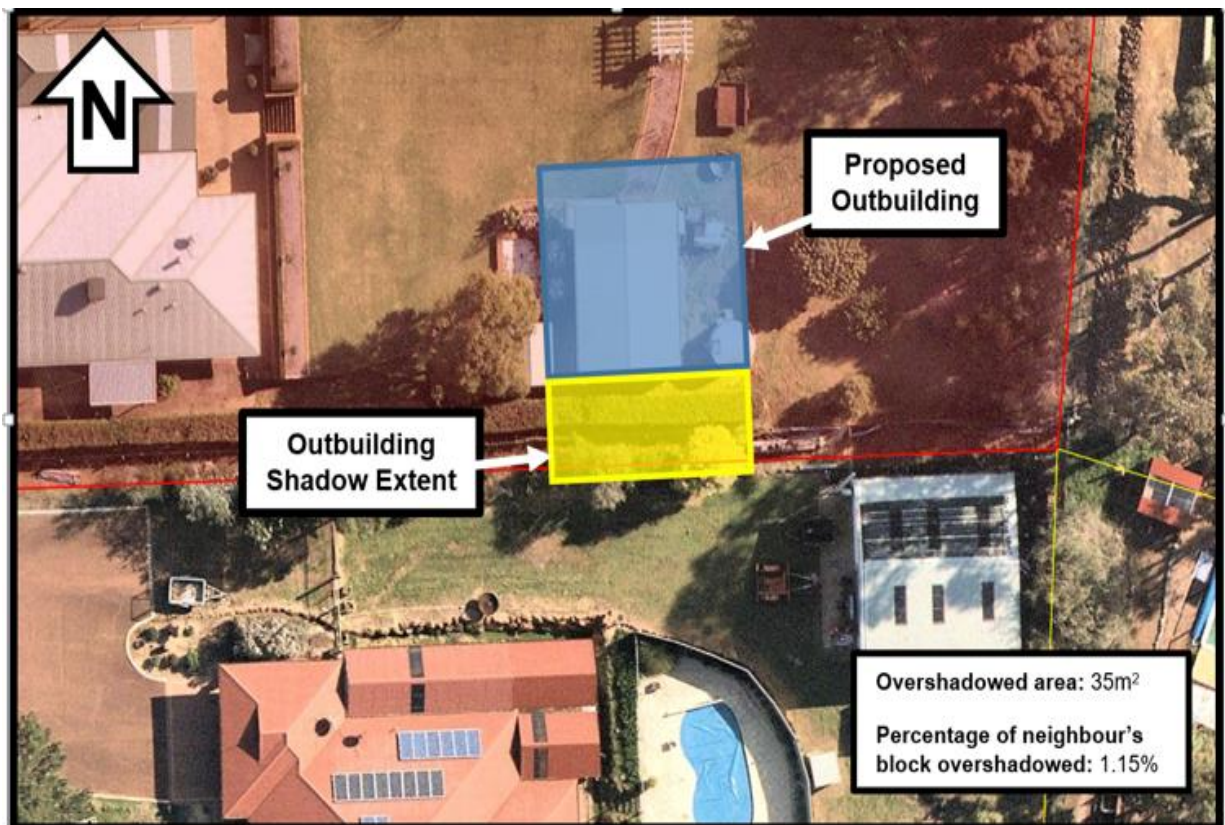
**Figure 6: View from location of outbuilding overlooking the boundary**



Despite the objection received, Officers are of the opinion that the proposal will not detrimentally affect the visual amenity of the amenity of the neighbouring property due to the following reasons:

- The outbuilding is located to the rear of the dwelling and will not detract from the streetscape;
- The side setback has been amended to exceed the setback requirements for a building of a wall height and wall length as required by the R-Codes;
- The existing hedge and vegetation along the common boundary will now be protected as a result of the increased setback, and is considered to provide a reasonable level of screening to the outbuilding and will ameliorate the bulk of the proposed outbuilding;
- The outbuilding will be located approximately 12m from the patio/alfresco of the adjoining dwelling.

In addition to the above, Officers have also included an overshadowing plan that demonstrates the proposal is compliant with the deemed-to-comply overshadowing provisions of the R-Codes. As shown in Figure 7 below, the extent of the shadow will not exceed beyond the existing trees along the lot boundary. As such Officers are satisfied that that the adjoining property would not be negatively impacted by overshadowing.



**Figure 7: Overshadow Plan**

The applicant provided the following justification in support of the location of the outbuilding:

- *“One other thing that makes me very reluctant to consider any other location for the new shed is the fact that for the proposed location no vegetation will need clearing. If it goes anywhere else on the property we would be needing to remove native*

*trees/shrubs as well as established fruit trees. Removing the natives would have a negative impact on the amazing bird life (including black cockatoos) that frequent our property. It would also reduce the sheltered area where bandicoots live along the rear fence line.”*

Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

In addition to consideration of the R-Code design principles when considering development applications for outbuildings, Officers are required to give consideration to the provisions under Clause 2 of LPP4.19. An assessment against the provisions is in the table below:

<b>LPP 4.19 Clause 2 Assessment</b>	
<b>Provision</b>	<b>Officer Comment</b>
Whether a size variation is required to satisfy specific needs of the owner/applicant;	The applicant has provided information that the additional space is required to garage general storage of household equipment and vehicles, It is considered that the applicant has demonstrated the need for the size of the outbuilding.
Whether a size variation is excessive, considering the character of the surrounding area;	The proposal is considered consistent with existing built form in the old Byford area. Historically the Shire has approved similar outbuildings of similar scale and height given the size of the lots.  It is considered that the proposal would not adversely impact on the character of the surrounding area.
Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes	The deemed-to-comply requirements of the R-Codes (R5) state that the subject property should have 70% of open space. The proposal would result in open space of 84.8%, in excess of the R-Code requirement.
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	The outbuilding is sufficiently setback from the streetscape and therefore no additional screening would be required.  The outbuilding would be visible from adjoining neighbouring properties, though screened by the existing fence, hedge and trees along the common boundary. However, is not considered to impact upon the amenity currently afforded to the neighbouring landowners.
Whether non-reflective materials are proposed on the building;	The applicant has proposed a colourbond material for the walls and roof, which is considered generally non-reflective.
Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	Screening from the streetscape is not considered required as the proposal is located at the rear of the dwelling.  No further landscaping is considered to be required to further reduce the visibility from the neighbouring property.
Consideration of comments from the affected adjoining landowners.	Notwithstanding the concerns raised by the adjoining neighbour, Officers consider that the proposal meets the relevant design principle of the R-Codes and LPP4.19 and there is sufficient merit to support the application.

## Conclusion

The application seeks approval for the construction of an outbuilding to the rear of the dwelling. The application has received an objection from an adjoining neighbour and the item is therefore presented to Council for determination.

Notwithstanding the objection received, the proposal is considered to meet the 'Design Principles' of the R-Codes and LPP4.19. Officers are satisfied that the proposal would not adversely impact on the amenity of the area or that of neighbouring residents. As such, for the reasons outlined in the report it is recommended that Council approve the application subject to conditions.

Deemed Provisions – CI 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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to TPS2 section.</b>			
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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
c) any approved State planning policy	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to R-Code assessment.</b>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – <b>None</b> <b>Applicable to this area from what I can determine</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
e) any policy of the Commission	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
f) any policy of the State	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>

**Comment: Refer to R-Code assessment.**

g) any local planning policy for the Scheme area	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

h) any structure plan, activity centre plan or local development plan that relates to the development	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment: Refer to comments on BSP and the Byford Townsite DAP.**

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>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

## Development:

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

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment: The proposal is considered not to adversely impact the amenity of the area by way of built form. Refer to Form Development and Amenity section and the R-Code 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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: The development is consistent with the zoning designation of the property under the BSP and is therefore consistent with the character of development in the locality.</b>			

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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment:</b>			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment:</b>			

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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

u) the availability and adequacy for the development of the following – I. Public transport services	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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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			
<b>Comment:</b>			

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	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

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

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

y) any submissions received on the application	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

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

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