

<b>Technical Report</b>			
<b>Application No:</b>	<b>PA20/504</b>		
<b>Lodgement Date:</b>	<b>19 June 2020</b>	<b>DAU Date:</b>	
<b>Address:</b>	<b>35 King Jarrah Circle, Jarrahdale</b>		
<b>Proposal:</b>	<b>Outbuilding to Single 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>David Adrian Livesey</b>		
<b>Applicant:</b>	<b>Eco Sheds and Homes</b>		
<b>Zoning:</b>	<b>Special Residential</b>	<b>Density Code:</b>	<b>R2.5</b>
<b>Delegation Type:</b>	<b>12.1.1</b>	<b>Officer:</b>	<b>Helen Maruta</b>
<b>Site Inspection:</b>	<b>Yes</b>		
<b>Advertising:</b>	<b>Yes</b>		
<b>Outstanding Internal Referrals:</b>	<b>Yes</b>		
<b>External Referrals:</b>	<b>No</b>		
<b>Within a Bushfire Prone Area:</b>	<b>Yes</b>		

### **Introduction:**

A planning application dated 17 June 2020 and received 19 June 2020 has been received for a proposed 'Outbuilding' at Lot 22, 35 King Jarrah Circle, Jarrahdale. The proposal seeks to vary the deemed-to-comply provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) by way of floor area, wall height and ridge height. Such variations require an application for development approval to be submitted and assessed against the Design Principles of the R-Codes.

The subject lot is zoned 'Residential' in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). An outbuilding is considered incidental to the existing 'Residential – Single House' land use which is able to be considered within the 'Urban Development' zone in accordance with the Shire's TPS2.

This report recommends that the 'Outbuilding' as proposed be approved subject to appropriate conditions.

### **Background:**

#### Existing Development:

The property is located within the Chestnuts estate in the Jarrahdale Townscape Precinct. The site is currently developed with a Single House and a swimming pool as shown in Figure 1 below:



**Figure 1: Aerial Photograph**

### Proposed Development

The development application seeks approval for an outbuilding, to be located to the northern portion of the site. The applicant has provided information that the outbuilding would be used for parking of private vehicles, caravan, trailer, and the general storage of household equipment.

The proposed outbuilding would have a floor area of 126m<sup>2</sup> featuring a length of 14m and width of 9m. The proposal would have a wall height of 4m and a ridge height of 5.2m and be set back 5m from the northern boundary and 30m from the eastern (rear) boundary. The outbuilding is proposed to be constructed entirely out of colorbond, coloured dark blue, to help blend in to the natural setting of the landscape. The proposal is also located outside of the approved building envelope for the land.

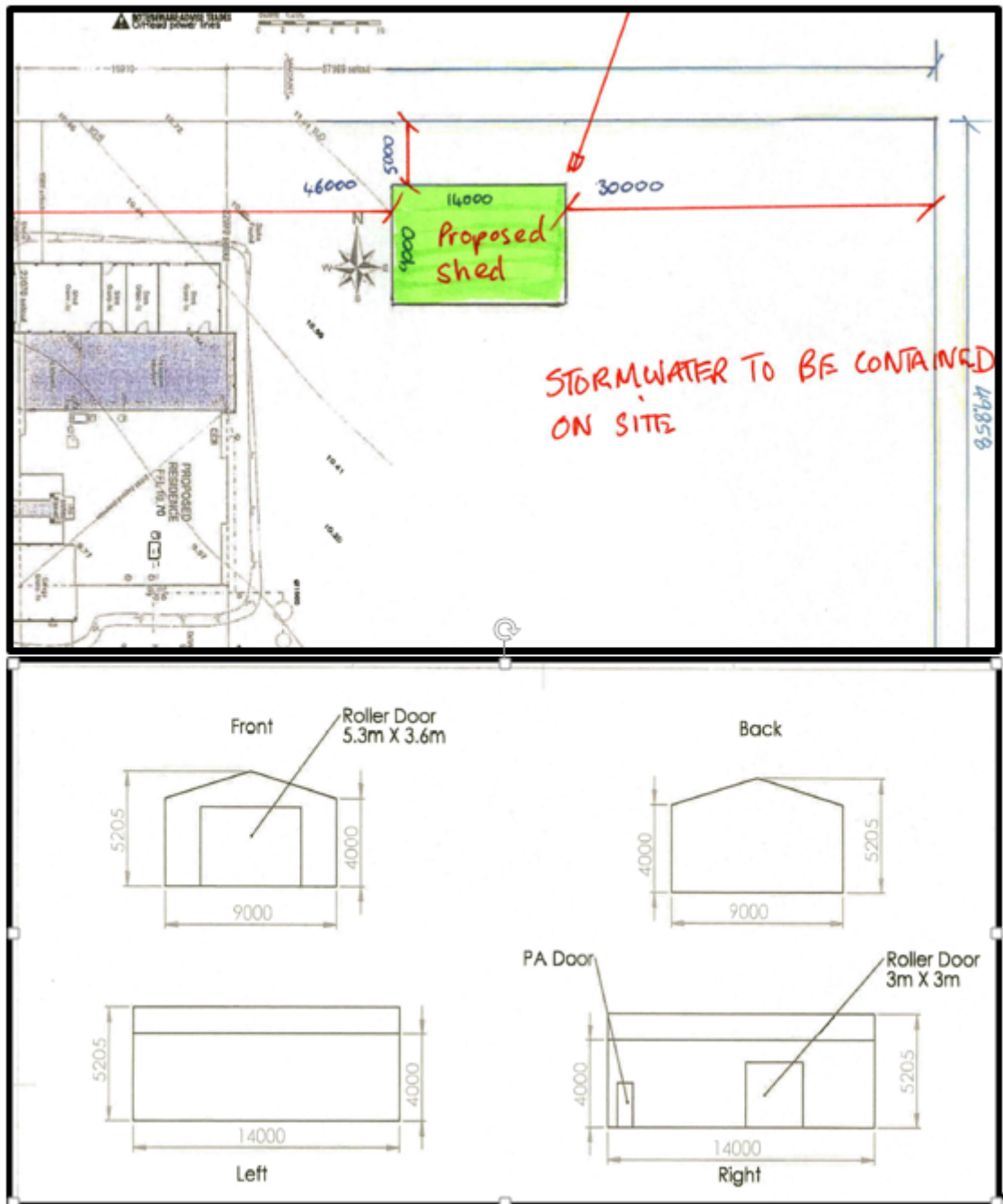


Figure 2: Proposed Plans

### Community / Stakeholder Consultation:

The application was advertised to adjoining landowners for a period of 21 days, from 29 June 2020 to 20 July 2020, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. One submission objecting to the proposal was received. In summary, the objection states the following concerns relevant to the proposal:

- Scale of outbuilding inconsistent with the Chestnut Estate;
- Siting of the outbuilding and its proximity to common boundary;
- Use of the outbuilding not clearly defined which could potentially result in noise and light pollution.

These matters of concern will be discussed as part of the 'Form of Development and Amenity' section later in this report.

## **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 (Volume 1);

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3;
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers.

## **Planning Assessment:**

### Land Use

The subject property is zoned 'Special Residential' under the Shire's Town Planning Scheme No. 2 (TPS2). The proposed outbuilding is incidental to the existing single house and therefore falls within the 'Residential – Single House' land use which is a permitted use in the 'Special Residential' zone, in accordance with TPS2.

### Form of Development and Amenity

The proposal seeks variations to the 'deemed-to-comply' requirements of the R-Codes in relation to the floor area, wall height and ridge height. The table below highlights the variations to which Council must determine whether the relevant 'Design Principle' has been met:

<b>R-Codes Design Principle Assessment – Outbuilding</b>		
Deemed-to-Comply Provision	Proposed Development	Design Principle
Outbuildings that:		
iii. collectively do not	A floor area of 126m <sup>2</sup> is	P3 Outbuildings that do

exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the site area (448m <sup>2</sup> ) whichever is lesser	proposed.	not detract from the streetscape or the visual amenity of residents or the neighbouring properties.
iv. do not exceed a wall height of 2.4m;	A wall height of 4.m is proposed.	
v. do not exceed a ridge height of 4.2m;	A ridge height of 5.2m is proposed.	
viii. are setback in accordance with Tables 2a and 2b. Where the wall height is 4m with a length of 10m the required setback is 1.5m	A side setback of 5m is proposed.	

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 46m from the primary street boundary and is proposed to be located towards the rear of the property, behind the existing dwelling. It is therefore considered that the outbuilding would not “*detract from the visual amenity of the streetscape*”, in accordance with the design principle of the R-Codes.

To satisfy the second provision an assessment has been undertaken to determine the impact of the proposed outbuilding on the neighbouring properties. The objection, as previously stated, relates to scale, siting and use of the outbuilding. This objection was received from the neighbour to the north where the proposed setback of 5m is compliant with the R codes, acknowledging that the scale is greater.

#### *Siting:*

The submitter is concerned that the 5m setback has the potential to detrimentally impact their visual amenity and the submitter has stated they would prefer the outbuilding to be moved further to rear.

The setback of the outbuilding is consistent with the lot boundary setbacks stipulated under the ‘deemed-to-comply’ provisions of the R-Codes, which permits an outbuilding with a wall length of 14m and a wall height of 4m to be set back a minimum of 1.5m from the boundary. Given the outbuilding is set back 5m from the

lot boundary it therefore complies with the deemed-to-comply provisions on the R-Codes.

*Visual Impact:*

The applicant has provided information that the location of the outbuilding has been influenced by a number of site constraints specifically that the proposed location would not result in the requirement to remove trees. As shown in Figure 3 below, the site contains a fruit orchard to the rear, significant mature trees to the east and south and an irrigation area for the septic system to the south of the dwelling.



Figure 3 Siting Plan

The photographs below show the existing fencing and vegetation along the common boundary, which is considered to ameliorate the bulkiness of the outbuilding.



**Figure 4: View from location of shed overlooking the neighbours site**



**Figure 5: View from location of shed overlooking the boundary**

This panoramic image also portrays the overall layers of green that existing between the single dwelling on the northern adjoining property, and the location of the proposed outbuilding:





**Panoramic image**

Officers consider that the proposal would not adversely impact on the visual amenity of the neighbouring property due to the existing mature vegetation along the boundary and between the outbuilding and the neighbouring dwelling. In addition the applicant has provided information that more trees will be planted along the common boundary to address the concerns raised. Officers consider that the proposal would not adversely impact the visual amenity of the neighbouring property, consistent with the design principle of the R-Codes. A condition can be imposed to require suitable planting to provide further layers of vegetation to help moderate any potential amenity impact.

**Scale:**

The submitter is concerned that the size of the outbuilding is not consistent with the size of outbuildings in the Chestnut estate and is likely to adversely impact on their property. In addition to the R-Codes, Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19) sets out exemptions for outbuildings. It states that an outbuilding in the 'Special Residential' zone is exempt where the floor area is no more than 100m<sup>2</sup>, with a wall height of no more than 3.2m and a ridge height of no more than 4.5m where it is setback in accordance with the R-Codes (1.5m). Outbuildings of 100m<sup>2</sup> therefore are considered consistent with this locality. The proposed outbuilding, with a total floor area of 126m<sup>2</sup>, exceeds the as of right acceptable floor area under this policy by 26m<sup>2</sup>. Any outbuilding larger than this is not considered inconsistent with the locality but requires further consideration. As previously stated, it is considered that the proposal by way of its scale and siting would not adversely impact on the amenity of adjoining landowners, or amenity of

the general locality. It is capable of being supported, notwithstanding the oversized and overheight nature.

Use:

The submitter is concerned that due to the size of the outbuilding, there is potential for it to be used for other purposes other than storage such as industrial which would likely to result in noise and light impacting on their amenity.

The applicant has provided information that the outbuilding will be used primarily for parking of his private vehicles, caravan, trailer and household goods. Furthermore, any approval would be for the land use of 'Residential - Single House', which would prevent it being used for other (non-residential type) purposes. Officers are satisfied that the use of the outbuilding is consistent with that of a 'Single House'. Furthermore, a condition is recommended to ensure the outbuilding would not be used for commercial purposes or for human habitation.

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

In addition to consideration of the R-Code design principles, LPP4.19 also sets out additional performance criteria for outbuildings. An assessment against this criteria is contained in the table below:

Provision	Officer Comments
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 a caravan, trailer, personal vehicles, and various household goods associated with three adults residing on the property.  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;	Officers do not consider the proposed variations to be excessive or inconsistent with the character of the area. There are similar outbuildings of that scale and height found within the Chestnut Estate. Notwithstanding other development, it is considered that the proposal would not adversely impact on the character or amenity of the locality or that of neighbouring properties.
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 state that the subject property should have 55% of open space. The proposal would result in open space of 91.3%, 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	The proposed outbuilding is located behind the existing dwelling and setback 46m from the primary street, and therefore would not be visually intrusive from the streetscape.  It would be set back 5m from northern lot boundary and

neighbouring properties;	although would be visible from the neighbouring property, it is considered that it would not have an adverse impact on the amenity of the neighbouring property, as detailed previously.
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	Due to the primary street setback, no screening to the front is considered to be required.  It is considered that there is sufficient existing vegetation to reduce the visual impact of the outbuilding from the neighbouring property. The applicant is supportive of planting additional trees along the northern boundary to further screen the outbuilding from view. A condition is recommended in this regard.
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.

### Conclusion:

The application seeks approval for the construction of an outbuilding with a floor area, wall height, and ridge height varying the deemed-to-comply requirements of the R-Codes. 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.

### 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: Consistent with TPS 2 provisions for the Residential zone.</b>			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comment: The proposal is considered to be consistent with orderly and proper planning. There are no proposed Local Planning Schemes or amendments that affect this application.</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: SPP 7.3 Residential Design Codes</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"/>
<b>Comment: Refer to the R-Code assessment section of this report.</b>			
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"/>
<b>Comment:</b>			
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"/>
<b>Comment: The subject site has an existing building envelope.</b>			
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"/>
<b>Comment: No reports or reviews of TPS2 have been published under the Planning and Development (Local Planning Schemes) Regulations 2015.</b>			

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"/>
<b>Comment: The site is not reserved under TPS2</b>			

## 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"/>
<b>Comment: The site nor any development on the site is identified as heritage.</b>			

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"/>
<b>Comment: There is no identified cultural heritage significant to the site or surrounding area.</b>			

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"/>
<b>Comment: The proposal is considered to be consistent with surrounding development in terms of its size, scale and design.</b>			

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: Proposed outbuilding that is incidental to the existing 'Residential – Single House' land use is consistent with the 'Residential' designation of the land under the LPS3 and is therefore consistent with the character of the locality. No environmental impacts by proposal.</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: Stormwater to be contained on site.</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: No vegetation to be removed as a result of the proposal.</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: Stormwater to be contained on site.</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 type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" 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 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>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<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 checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to the Consultation section of this report.</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>			