

Technical Report			
Application No:	PA20/1142		
Lodgement Date:	19 November 2020	DAU Date:	
Address:	471 Jarrah Road, Hopeland		
Proposal:	Shed		
Land Use:	Industry Light	Permissibility:	
Owner:	Michael Cornhill		
Applicant:	Michael Cornhill		
Zoning:	Rural	Density Code:	
Delegation Type:	12.1.1	Officer:	Helen Maruta
Site Inspection:		Yes	
Advertising:		Yes	
Outstanding Internal Referrals:		No	
External Referrals:		No	
Within a Bushfire Prone Area:		Yes	

Introduction:

A planning application dated 22 October 2020 and received 20 November 2021 has been received for 'Shed' at 471 Jarrah Road, Hopeland.

The subject lot is zoned 'Rural' in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). The proposed shed will be used in association with the existing 'Industry - Light' land use approved by Council in February 2002. The development is capable of approval under the current Town Planning Scheme No. 2 (TPS2), representing an extension to an existing approved use. Under the Proposed Local Planning Scheme No. 3 (LPS3), the use becomes a prohibited use and could still be permitted as an extension under the non-conforming use provisions.

Background:

Existing Development:

The subject site is 32,892.23m² in area and has a 270m frontage to Jarrah Road. Access to the site is via Jarrah Road, to the north-east, which links up to Karnup Road further to the north. The site abuts a Western Power easement containing a high voltage power line which runs in a north to south direction along the western boundary on the adjoining lot. The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, extractive industries, cattle studs and rural lifestyle lots.

The site operates an 'Industry - Light' land use which was approved by Council in 2002. The business involves manufacturing/adapting of transportable buildings and prefabricated sheds, dongas and dwellings. The site has a large cleared area with a hardstand used for parking and storage of various commercial vehicles and machinery associated the operations, in line with the existing approval.

The site also contains a single dwelling, outbuilding, workshop, fuel storage facility and machinery sheds located on the northern portion of the site.

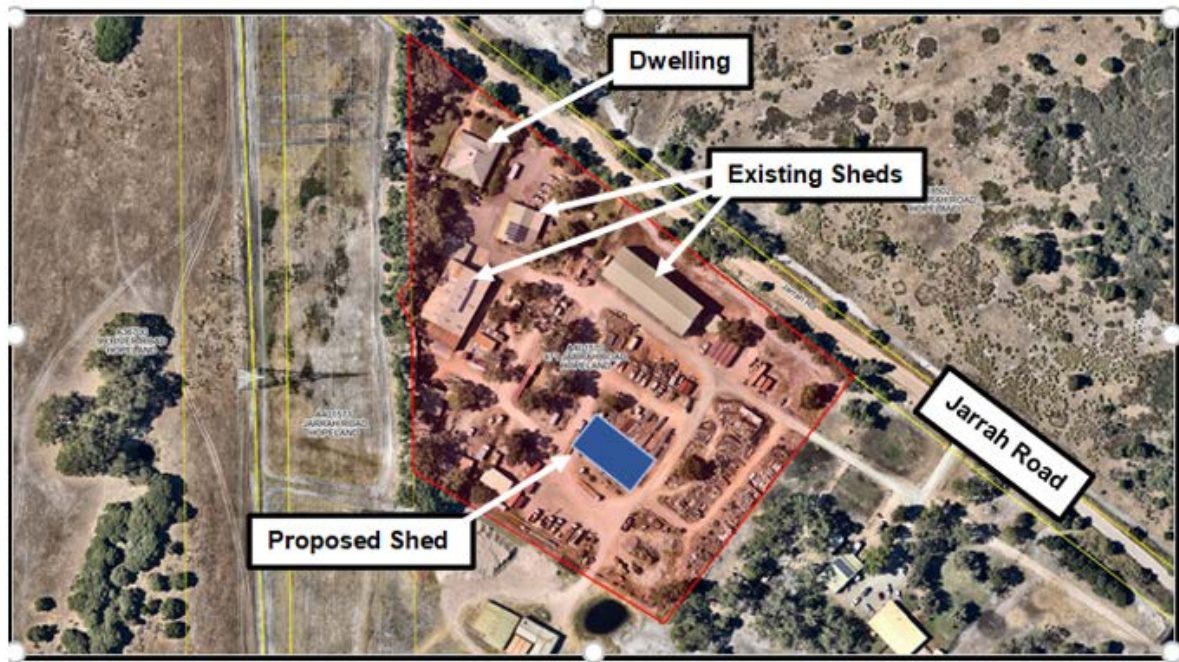


Figure 1 Aerial Image of the Site

Proposed Development/Site Context:

The application seeks approval for the construction of a new shed for storage, set- back approximately 100m from Jarrah Road and 72m south of the existing workshop. The existing driveway and crossover would provide access to the proposed shed. The shed would be used for parking of commercial vehicles, earth moving machinery, prefabricated transportable buildings and materials incidental to the existing operations which are currently stored outside, throughout the property.

The proposed shed measures 36m in length and 18m in width (648m²), with a wall height of 5.1m and ridge height of 6.69m and would be setback 48m from the eastern boundary and 42m from the southern (rear) boundary. The shed is proposed to be open on both sides constructed entirely out of colourbond, with a green colour.

Community / Stakeholder Consultation:

The application was advertised to adjoining landowners for a period of 21 days, from 6 November 2020 – 27 November 2020, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP14). During this period, no submissions were received.

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 2.5 – Rural Planning

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Rural Strategy Review 2013;
- Draft Local Planning Scheme No.3
- Draft Local Planning Strategy
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions.

Land Use

The subject property is zoned 'Rural' under TPS2. The proposed shed will be used in association with the existing 'Industry - Light' land use approved by Council in February 2002. It will be providing shelter for the vehicles, materials and equipment associated with the predominant activity onsite which relates to the construction and fabrication of sheds, transportable buildings and dwellings. The definition of the Industry and 'Industry- Light' under TPS 2 is as follows:

Industry – means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- a) The winning, processing or treatment of minerals;*
- b) The making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or the canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- c) The generation of electricity or the production of gas;*
- d) The manufacture of edible goods*

and includes, when carried out on land upon which the process is carried out an in connection with that process, the storage of goods, any work of administration or accounting, or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:

- i the carrying out of agriculture;*
- ii site work on buildings, work or land;*
- iii in the case of edible goods the preparation of food for sale from the premises;*

iv panel beating, spray painting or motor vehicle wrecking.

The 'Industry- Light' land use is defined as

"...an industry:

- (i) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and*
- (ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services."*

As the proposed development will be used to store goods onsite, associated with the existing approved activities as previously mentioned, the development is considered to fall within the 'Industry Light' land use of TPS 2. It is therefore an extension to the existing approved use.

In this regard Clause 22 of LPS3 states:

"(1) Unless specifically provided, this Scheme does not prevent –

(a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

(b) the carrying out of development on land if

(i) before the commencement of this Scheme, the development was lawfully approved; and

(ii) the approval has not expired or been cancelled. (2)

(2) Subclause (1) does not apply if –

(a) the non-conforming use of the land is discontinued; and

(b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the nonconforming use."

The site would therefore be able to continue operating legally Council would also, under Clause 23(1) of Proposed LPS3, grant extensions and alteration to such non-confirming use.

Aims and Objectives of TPS2

The purpose and intent of the 'Rural' zone specified in clause 5.10.1 of TPS2 is to *"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

The proposed is an extension associated with an approved land use within the 'Rural' zone. The shed will provide storage space to the site, consolidating the external storage across the site. This will significantly improve the visual appearance of the property, aligning it more towards being sympathetic to the existing rural character established within the locality.

Looking at the objectives of the Rural zone under proposed LPS3, the proposed development is analysed as follows: are as follows:

- To provide for the maintenance or enhancement of specific local rural character.
 - The shed will reduce the appearance of materials stored throughout the site and provide a consolidated area where storage is to occur. The removal of the materials will more closely align the site with the expected form of development within the 'Rural' zone and importantly amenity of the area.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the 'Rural' zone.
 - The activities onsite are not being intensified as a result of the proposed shed. The proposed development will reduce visual impacts associated with the existing outdoor storage component of the existing operations from neighbouring properties, aligning the site more closely with the expected level of amenity within the 'Rural' zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
 - The proposed development will introduce a form of development, which is commonplace within rural zones. Furthermore, the visual reduction in the materials and vehicles being stored onsite will provide Officers with a good degree of certainty that the development in its entirety will be more sympathetic to its rural surrounding.

Officers consider the development is consistent with the approval use, and brings the development into closer alignment with the expectations of the Rural zone.

While the development does not facilitate 'agricultural production', there is a strong emphasis that development preserves and protects the natural landscape. In this regard, Officers consider that the consolidated approach to the storage of materials and vehicles as a result of the proposed shed will bring the site into a state which aligns with the rural landscape.

Built Form and Amenity

Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19) sets out design principles for sheds. The policy recognises that outbuildings and sheds are a necessary component to meet the storage needs of residential, rural and commercial properties.

The relevant objectives of the policy are as follows:

- *“Ensure that the siting, design and scale of outbuildings/sheds are site responsive and respect the character of the locality; and*
- *Ensure that outbuildings/sheds do not have a detrimental visual impact which adversely affects the amenity of the surrounding area or that of adjoining landowners.”*

The design principles contained within LPP4.19 are addressed in the table below:

Provision	Officer Comments
Whether a size variation is required to satisfy specific needs of the owner/applicant;	<p>The applicant has provided information that the additional space is required to garage commercial vehicles, earth moving machinery, prefabricated transportable buildings and materials associated with the existing 'Light Industry' land use.</p> <p>It is considered that the applicant has demonstrated the need for the size of the outbuilding especially given the amount of external storage that is being undertaken from the site.</p>
Whether a size variation is excessive, considering the character of the surrounding area;	<p>Large sheds are commonplace within rural areas. The general locality comprises of large sheds associated with Transport Depots, Poultry Farms and Rural Industries. Officers in this regard, do not consider the proposed floor area to be excessive or inconsistent with the character of the area.</p>
Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.	<p>The proposal is not associated with the Residential land use and therefore the open space provision does not apply. However, there is sufficient open space associated with the Residential Land use.</p>
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	<p>The proposed outbuilding is located behind the existing dwelling and set back 100m from the primary street. It therefore would not be visually intrusive within the streetscape.</p> <p>The shed would be set back 42m and 48m respectively from southern and eastern lot boundaries. Although the shed would be visible from the southern neighbouring property, the form of the shed itself is not considered to adversely impact upon the amenity of the neighbouring property, as large sheds are commonplace in rural zones.</p>
Whether non-reflective materials are proposed on the building;	<p>The applicant has proposed a colourbond material for the walls and roof, which is considered non-reflective.</p>
Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	<p>Due to the primary street setback and the location of the shed behind the existing workshop, no further screening to the front is considered to be required.</p>
Consideration of comments from the affected adjoining landowners.	<p>No concerns were raised by the adjoining neighbouring property owners during public consultation.</p>

Options and Implications

Option1

That Council APPROVES the development application subject to appropriate conditions.

Option 2

That Council REFUSES the development application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks approval for the construction of a storage shed associated with an existing 'Industry - Light' land use. The proposed development is currently capable of approval under TPS2 and would enjoy non-conforming use under LPS3.

Officers are satisfied that the proposal does not seek to intensify the land use, and will improve the visual amenity of the subject site and surrounding properties to ensure alignment with the intended amenity for the area under LPS3. As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

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

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: The development is capable of approval under the current Town Planning Scheme No. 2 (TPS2), representing an extension to an existing approved use. Under the Proposed Local Planning Scheme No. 3 (LPS3), the use becomes a prohibited use and could still be permitted as an extension under the non-conforming use provisions.			
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed shed will be used in association with the existing 'Industry - Light' land use approved by Council			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: T			
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:			
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 proposed shed would not adversely impact on the amenity of the streetscape or that of neighbouring properties. Large sheds are commonplace within rural areas. The general locality comprises of large sheds associated with Transport Depots, Poultry Farms and Rural Industries. Officers in this regard, do not consider the proposed floor area to be excessive or inconsistent with the character of the area.			
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The shed will reduce the appearance of materials stored throughout the site and provide a consolidated area where storage is to occur. The removal of the materials will more closely align the site with the expected form of development within the 'Rural' zone and importantly amenity of the area.			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

Comment: Condition of approval "All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted at any time".			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: No Further landscaping is proposed as part of the application			
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 checked="" type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal does not seek to intensify the land use, and therefore no increase on the traffic movements.			
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 checked="" 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

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