

Technical Report			
TRIM Number:	PA20/637	Synergy Number:	PA20/637
Lodgement Date:	27/07/2020	DAU Date:	
Address:	Lot 1147, 221 Abernethy Road, Byford		
Proposal:	Outbuilding		
Land Use:	Residential – Single House	Permissibility:	Refer to land use section
Owner:	B and K Smith		
Applicant:	As above		
Zoning:	Urban Development	Density Code:	R12.5
Delegation Type:	12.1.1	Officer:	Ryan Fleming
Site Inspection:	No		
Advertising:	Yes – From 05/08/2019 – 26/08/2019		
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.			

Introduction:

A planning application has been received on 27 July 2020 for proposed Outbuilding at Lot 1147, 221 Abernethy Road, Byford.

The subject lot is zoned 'Urban Development' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). 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.

The proposal is reported to DAU for determination as Officers have delegation to determine a 'Residential – Single House' land use under delegation 12.1.1.

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

Background:

Existing Development:

The subject site is located in a newly developed area of Byford, along Abernethy Road. The site currently contains a single house. There is no vegetation on the property.



Figure 1: Aerial Image

Proposed Development:

The development application seeks approval for an outbuilding with an attached carport to the front to be used for general domestic storage. The outbuilding would have a floor area of 47.63m² and the area of the carport would be 15.45m², with a wall height of 2.4m and a ridge height of 3.18m. The building would have a nil setback to both the southern and western lot boundary.

The proposal seeks approval against the 'Design Principles' of the R-Codes to address the variation to the rear (south) and side (west) setbacks.



Figure 2: Proposed Plans

Community / Stakeholder Consultation:

The application was advertised for a period of 21 days to the adjoining landowners to the west and south. The consultation was conducted from 4 August 2020 – 25 August 2020 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During this period, two submissions were received objecting to the proposed development.

The objections raise the following concerns in relation to the proposal:

- Visual amenity;
- Overshadowing; and
- Impact of sand dispersing onto neighbouring property.

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 (Local Planning Schemes) Regulations 2015*

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 (TPS2)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Byford District Structure Plan (BSP)
- Byford Main Precinct – The Glades Local Structure Plan (LSP)

Planning Assessment:Land Use:

The subject property falls within the Byford Main Precinct – The Glades Local Structure Plan (LSP). The LSP provides a designation of 'Residential R12.5' to the subject property. An approved single dwelling (which is a 'Residential – Single House' land use within TPS2) already exists on the property.

The proposed outbuilding and attached carport are incidental to the existing 'Residential – Single House' land use, which is a permitted use within the zone and LSP.

Byford District Structure Plan (BSP):

The BSP designates the subject property as 'Residential' with an R-Code of 'R20'. Further detailed designations are provided through the local structure plan.

Byford Main Precinct – The Glades Local Structure Plan (LSP):

The subject property is designated by the LSP as 'Residential' with an R-Code of 'R12.5'. Officers have therefore conducted a full R-Code assessment for the proposed outbuilding against this designation, found in the form of development and amenity section of this report.

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.

Town Planning Scheme No.2 (TPS2):

The aim and objectives of the 'Urban Development' zone under TPS2 includes *"Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity"*. The proposal provides for an outbuilding to the existing dwelling. It is considered that the proposal will result in the maintenance of an appropriate level of amenity as addressed in the Form of Development and Amenity section of assessment.

Local Planning Scheme No.3 (LPS3):

LPS3 has been advertised, endorsed by Council and sent to the WAPC for final approval. As such, it is a seriously entertained document and has to be considered during planning assessment. It is noted that the subject property is designated 'Urban Development' according to the draft LPS3 map. As there is no proposed change in zoning between TPS2 and LPS3 for the subject property, Officers consider that LPS3 would not be prejudiced by supporting this application.

The above objective of the Urban Development Zone is facilitated through structure plans to which the proposal is consistent as previously stated.

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					
5.3.1 OUTDOOR LIVING AREAS					
DWELLING 1		D-t-C	Proposed	OK	Comment
Front Setback to Dwelling	Min Avg	3.0m / 6.0m	N/A	N/A	N/A
5.2.1 Setback to Garage or Carport		4.5m	N/A	N/A	N/A
5.2.3 Surveillance of Street		Habitable room	N/A	N/A	N/A
5.2.4 Street Wall / Fence		1.2m solid height	N/A	N/A	N/A

5.2.5 Sightlines Truncation Structure Height (Max)	1.5m X 1.5m 0.75m	N/A	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	N/A		
5.2.6 Retained Dwelling	Existing dwelling to be upgraded	N/A	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						
Primary street (north)	5.5m	2.4m	N	7.5m	30.7m	Y
Side (west)	9.25m	2.4m	N	1.5m	0m	N
Rear (south)	5.5m	2.4m	N	1m	0m	N
Side (east)	9.25m	2.4m	N	1.5m	16.5m	Y
Boundary Walls	D-t-C Length	D-t-C Height	Proposed Length	Proposed Height	Comments	OK
	AD Provision	Proposed	OK	Comment		
Open Space (%)	55%	70.65%	Y			
Outdoor Living (m²)	N/A	N/A	N/A	OLA not required for properties with an R-Code density of R12.5.		
Min. Dimension (m)	N/A	N/A	N/A			
Location	N/A	N/A	N/A			
Accessibility	N/A	N/A	N/A			
Roof Coverage	N/A	N/A	N/A			

5.4.3 OUTBUILDING				
Provision	D-t-C	Proposed	OK	Comment
Not attached to a dwelling	Not attached	Not attached	Y	
Non-habitable	Non-habitable	Non-habitable	Y	
Accumulatively less than 60m²	60m ²	47.63m ²	Y	
Max wall height of 2.4m	2.4m	2.4m	Y	
Max ridge height of 4.2m	4.2m	3.198m	Y	
Not within primary or secondary street setback area	7.5m	30.7m	Y	
Open space consistent with Table 1	55%	70.65%	Y	

Setbacks	Rear (south): 1m Side (west): 1.5m	0m 0m	N	Refer to the below design principle consideration
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The proposal seeks a minor variation to the deemed-to-comply requirements of the R-Codes in relation to the lot boundary setbacks. All other aspects of the proposal are compliant with the Deemed-to-Comply (DTC) requirements and as such the outbuilding would be exempt from requiring a development application if the outbuilding were set back 1m from the western lot boundary and 1.5m from the southern boundary (in lieu of nil as proposed).

The table below highlights the variation to which Council must determine whether the relevant 'Design Principle' has been met:

R-Codes Design Principle Assessment – Outbuilding		
Deemed-to-Comply Provision	Proposed Development	Design Principle
C3 Outbuildings that: viii. are setback in accordance with Tables 2a and 2b. <i>Where the wall height is 3.5m or less and the wall length is 9m or less, the required setback is 1m.</i>	viii. a setback of 0.5m is proposed to the rear lot boundary.	P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or the 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 proposed outbuilding is to be located to the rear of the lot. Although it may be visible from the street, behind the existing garage, the scale of the building and the setback would result in the outbuilding not being visually prominent. It is therefore considered that the proposed development is consistent with the design principle of the R-Codes and would not "detract from the visual amenity of the streetscape.

Secondly, an assessment has been undertaken to determine the impact of the proposed building on the properties adjacent to where the nil setback is proposed to ensure it does not adversely impact on the amenity of neighbouring residents, specifically in relation to the objections.

One objection relates to the impact of overshadowing to the property to the south. Section 5.4.2 of the R-Codes specifically deals with overshadowing and states that development on lots coded R25 and lower should not overshadow more than 25% of the site area of an adjoining property. An overshadowing analysis identifies that a total area of 15sqm, or 2.7%, of the adjoining property would be overshadowed which takes into account the height differences of the two properties.

The percentage of overshadowing over the southern property is therefore compliant with the deemed-to-comply requirements of the R-Codes.

As mentioned, the proposal is required to meet the design principle in order for approval to be recommended. The total wall length built up to the boundary would be 12m. In addition, the land at the subject site is 33.4AHD whereas the adjacent property to the west is at 33AHD, lower than the subject site.

The first 3m of the building is associated with the carport which would be unenclosed, reducing the visual impact over the adjoining property (through a void area being read with light flowing through the carport structure). In addition, the outdoor living area of the adjacent property is located at the west of the dwelling. Given the scale of the proposed development and the layout of the adjacent property to the west, it is considered that the reduced setback would not adversely impact on the visual amenity of the residents, consistent with the design principle of the R-Codes.

Other Considerations:

Given that the development is proposed to be built up to two lot boundaries and the site has a higher ground level than that of its neighbours to the west and south, stormwater is required to be managed to ensure it does not adversely impact on these neighbours. To ensure this, a condition is recommended to require stormwater to be contained onsite and connected to the lot connection pit at the front of the property. At building permit stage, the applicant will be required to demonstrate how stormwater runoff will be contained which will require guttering to be installed on the building.

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:

LPP4.19 Clause 2 Assessment		
Provision	Compliant	Officer Comment
Whether a size variation is required to satisfy specific needs of the owner/applicant;	Compliant	No floor area variation is proposed. The outbuilding is to be for general domestic storage.
Whether a size variation is excessive, considering the character of the surrounding area;	Compliant	No floor area variation is proposed. The proposal is considered consistent with the expected size requirements of outbuildings under the R-Codes for the locality.
Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.	Compliant	No variation is proposed to open space. 70.65% open space is provided in lieu of the 55% required.
Whether the development is sited behind the front setback line for	Compliant	The outbuilding would be sufficiently setback from the streetscape to ensure that it is not visible and is located behind the dwelling. The outbuilding would be

the dwelling, visible from the street or neighbouring properties;		visible from adjoining neighbouring properties, though screened by the existing fence and as it is not varying the deemed-to-comply requirements for outbuilding height is not considered to result in an adverse visual amenity impact.
Whether non-reflective materials are proposed on the building;	Compliant	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	N/A	Screening is not considered required as the proposal does not result in an adverse visual amenity impact on neighbouring properties or the streetscape.
Consideration of comments from the affected adjoining landowners.	Compliant	Officers consider regardless of the objector's concerns, that the proposal meets the relevant design principle of the R-Codes and is supportable.

Options and Implications:

Option 1: DAU may resolve to approve the application subject to conditions.

Option 2: DAU may resolve to refuse the application subject to reasons.

Option 1 is recommended.

Conclusion:

The application seeks approval under the 'Design Principles' of the R-Codes for a minor setback variation to the southern and western lot boundaries. The application has received two objections. Following assessment, it is recommended that the outbuilding be supported on the basis that it meets the objectives of the design principles of the R Codes.

Attachments:

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the TPS2 and LPS3 sections of this report.			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <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			
Comment: Refer to the orderly and proper planning section of this report.			

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the R-Code assessment section of this report.			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – None Applicable to this area from what I can determine	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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the R-Code assessment section of this report.			

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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the LPS and BSP sections of this report.			

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: Officers consider the proposal is almost fully compliant with only a minor setback variation proposed. Not considered to adversely impact the amenity 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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 LSP and BSP and is therefore consistent with the character of the locality. No environmental impacts by proposal.			

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 <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,	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Stormwater to be directed			

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 –	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
I. The proposed means of access to and egress from the site; and			
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
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 –	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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			
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"/>
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Comment:

y) any submissions received on the application

YES

NO

N/A

Comment: Refer to the Community / Stakeholder Consultation section of this report.

Za) the comments or submissions received from any authority consulted under clause 66

YES

NO

N/A

Comment:

Zb) any other planning consideration the local government considers appropriate

YES

NO

N/A

Comment: