

Technical Report			
TRIM Number:	PA20/604	Synergy Number:	PA20/604
Lodgement Date:	14/07/2020	DAU Date:	
Address:	Lot 383, 12 Gaddara Corner, Byford		
Proposal:	Outbuilding		
Land Use:	Residential – Single House	Permissibility:	Refer to land use section
Owner:	Ashley and Nicolle Weeks		
Applicant:	As above		
Zoning:	Residential	Density Code:	R20
Delegation Type:	12.1.1	Officer:	Ryan Fleming
Site Inspection:		Yes	
Advertising:		Yes – From 29/07/2020 – 19/08/2020	
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 14 July 2020 for proposed Outbuilding at Lot 383, 12 Gaddara Corner, Byford.

The subject lot is zoned 'Residential' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). The outbuilding is considered incidental to the existing 'Residential – Single House' land use as it is to be used for general domestic storage. This land use is permitted within the 'Residential' zone in accordance with the Shire's TPS2.

As an objection has been received during the course of the advertising period, DAU does not have discretion to make a decision on the application. The proposal is therefore reported to Council for determination.

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

Background:

Existing Development:

The subject site of 676.72m² is located within the residential area of Byford by the Scarp. The site is currently developed with a single house.



Figure 1: Aerial imagery

Proposed Development:

The development application seeks approval for an outbuilding used for general domestic storage. The outbuilding would have a floor area of 31.55m², be located with a nil setback to the rear (south) lot boundary and 1m from the side (west) lot boundary. It would have a wall height of 2.7m and a ridge height of 3.21m.

The proposal seeks approval against the 'Design Principles' of the R-Codes to address the variations to the DTC requirements by way of rear setback and wall height. The proposal is compliant with the overall outbuilding height as set out in the DTC requirements, under Clause 5.4.3.

Community / Stakeholder Consultation:

The application was advertised for a period of 21 days to the adjoining landowners to the east and south. The consultation was conducted from 29 July 2020 – 19 August 2020 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During this period, one submission was received objecting to the proposed development. In summary, the objection states the following concerns in relation to the proposal:

- Building bulk impact;
- Colour and materials; and
- Loss of sunlight and overshadowing impacts to the open space of the objector.

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

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (DRAFT)
- Byford District Structure Plan (BSP)
- Byford Main Precinct – The Glades Local Structure Plan (LSP)
- State Planning Policy 3.1 – Residential Design Codes (R-Codes)

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 and Town Planning Scheme No.2 (TPS2):

The subject property is zoned 'Residential' under the Shire's Town Planning Scheme No. 2 (TPS2). The applicant has advised that the outbuilding is to be utilised for the purpose of general domestic storage. The proposal therefore falls within the 'Residential – Single House' land use which is a permitted use in the 'Residential' zone, in accordance with TPS2.

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.

Local Planning Scheme No.3 (LPS3):

The Shire's Draft Local Planning Scheme No.3 (LPS3) has been endorsed by Council at its Special Council Meeting of 22 June 2020 and has now been sent to the Western Australian Planning Commission (WAPC) for final approval. As such, it is considered a seriously entertained document and Officers are required to give due regard to it when assessing a development application.

The subject property is to remain zoned 'Residential' under LPS3 and as such there is considered to be no adverse impact on the implementation of LPS3 by the proposal.

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)	8.164m	2.7m	N	6m	27.3m	Y
Secondary street (west)	3.865m	2.7m	N	1.5m	17.9m	Y
Rear (south)	8.164m	2.7m	N	1m	0m	N
Side (east)	3.865m	2.7m	N	1m	1m	Y
		AD Provision	Proposed	OK	Comment	
Open Space		50%	61.6%	Y		
Outdoor Living		30m²	227m²	Y		
Min. Dimension		4m x 4m	4m	Y		
Location		Behind St Setback	Y	Y		
Accessibility		Habitable Room	Activity and Family Room	Y		
Roof Coverage		20m²	191m²	Y		

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	31.55m ²	Y	
Max wall height of 2.4m	2.4m	2.7m	N	
Max ridge height of 4.2m	4.2m	3.218m	Y	
Not within primary or secondary street setback area	Primary: 6m Secondary: 1.5m	27.3m 17.9m	Y	
Open space consistent with Table 1	80%	85.74%	Y	
Setbacks	Rear (south): 1m	0m	N	Refer to design principle consideration below

As previously stated, the proposal seeks minor variations to the DTC requirements of the R-Codes in relation to the rear setback and wall height. All other aspects of the proposal are compliant with the DTC requirements. The table below highlights the variation:

R-Codes Design Principle Assessment – Outbuilding		
Deemed-to-Comply Provision	Proposed Development	Design Principle
C3 Outbuildings that: iv. do not exceed a wall height of 2.4m; 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>	A wall height of 2.7m is proposed. A setback of 0.5m is proposed to the rear (south) 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.

Firstly, an outbuilding is required to be set back behind the building line to the primary street. The outbuilding in this instance is set back 27.8m from the primary street boundary and is to be located behind the dwelling. Additionally, the proposal would be set back 18.1m from the secondary street boundary, with the narrow portion of the outbuilding façade facing this direction. Officers consider that the outbuilding would not detract from the streetscape, due to its lack of visibility and setbacks to the streetscape.

Secondly, an assessment has been undertaken to determine the impact of the proposed outbuilding on the neighbouring properties. The objection, as previously stated relates to building bulk, overshadowing and use of colour and materials. This objection was received from the neighbour to the east where the setback is compliant and the only variation is the wall height.

With regard to the objection, it is acknowledged that a portion of the outbuilding roof would be visible from the complainant's property, which is to the side (east) boundary. The outbuilding would mostly be screened from the neighbours view by the 1.8m high colourbond fence that exists between the properties. In addition, there is a retaining wall separating the two properties with an approximate height of 0.5m. As the outbuilding is to be on the lower side of the retaining wall, this will reduce the visibility of the development from the eastern adjoining property. Officers consider the approximate visibility of the outbuilding as follows:

Estimation of the Visible Portion of the Outbuilding			
Colourbond fence and retaining wall combined height	Outbuilding wall height	Outbuilding ridge height	Estimated visible portion of the outbuilding
2.3m	2.7m	3.218m	0.918m

The photographs below show the existing view from the objector's property.



Figure 2: View from the neighbour's alfresco area.



Figure 3: View from the neighbour's sitting room.

Officers consider that due to the overall outbuilding height and the levels of the different properties, while the outbuilding would be visible, it would not adversely impact on the amenity of the neighbouring property.

In relation to the concern of overshadowing, noting that the objector's property is to the east of the subject site, Officers consider that the proposal would not overshadow the objector's property. Any impact of overshadowing would be to the property to the south. Clause 5.4.2 of the R-Codes deals with solar access and sets out a methodology for measuring the impact. The DTC requirements of the R-Codes state that properties with an R-Code of R25 or lower should overshadow not more than 25% of an adjacent site. The proposal is compliant with this requirement, shadowing only 3%.

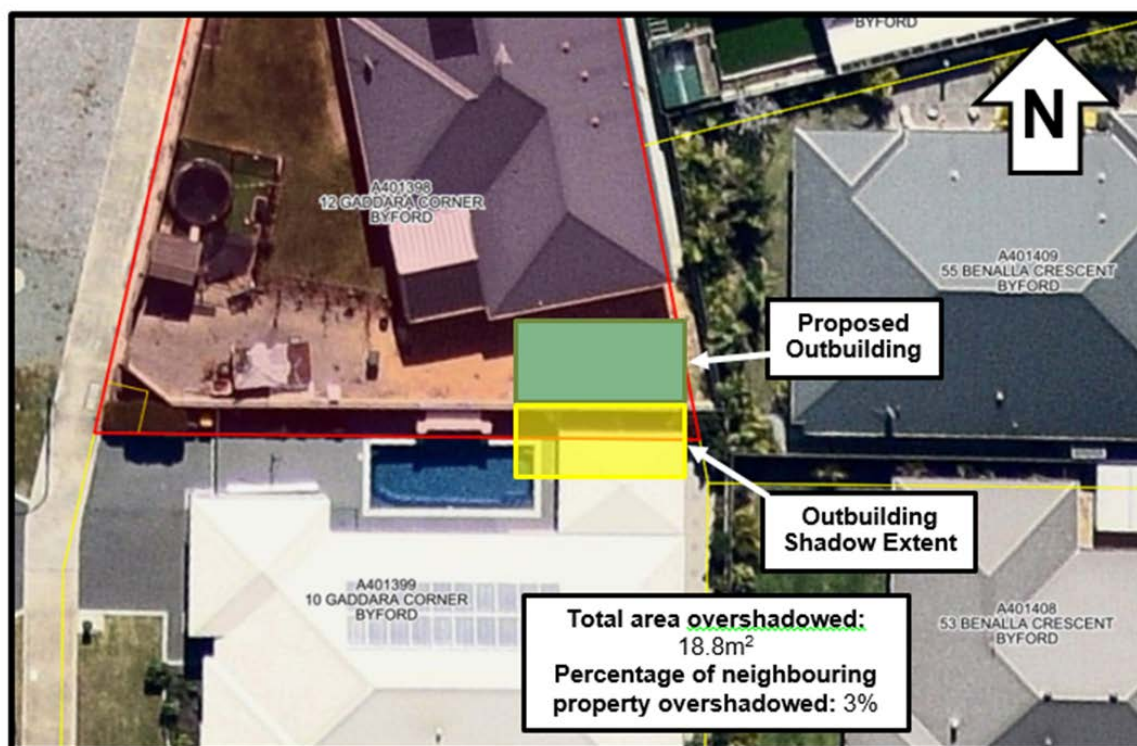


Figure 4: Overshadow plan

Finally, the objection raised concern in relation to the colour of the proposed development and the use of materials were considered reflective. To address the neighbour's concerns, the applicant has agreed to amend to the cream colour of the outbuilding to a shade of green to match the dividing fence. Officers have recommended a condition to this effect. The use of colorbond is considered a non-reflective material.

In relation to the impact on the neighbour to the south where the setback variation is proposed, there would be an 8.16m wall length abutting the property boundary with a nil setback (in lieu of 1m). The subject site is 0.5m lower than the neighbour to the south, with a retaining wall separating the properties. Officers consider that this height difference reduces concerns of visual amenity impacts imposed by the setback reduction and the wall height variation. Officers therefore consider that the proposed outbuilding is consistent with the design principle, not adversely impacting the property to the south by way of visual amenity.

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.
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. 61.55% open space is provided in lieu of the 50% required.
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	Compliant	The outbuilding would be sufficiently setback from the streetscape to ensure that it is not visible and is located behind the dwelling. The proposal will be visible from neighbouring properties, though due to the subject site being 0.5m lower than the neighbours, there is not considered to be an adverse impact to visual amenity.
Whether non-reflective materials are proposed on the building;	Compliant	The applicant has proposed a shade of green as the colour and 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 that the applicant has made adequate effort to address the concerns of the objector. Officers consider regardless of the objector's concerns, that the proposal meets the relevant design principle of the R-Codes.

Options and Implications:

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

Option 2: Council 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 and outbuilding wall height variation. The application has received an objection from an adjoining neighbour and this item is therefore presented to Council for determination.

For the reasons outlined in the report, Officers consider that the application is acceptable and that it meets the design principles of the R-Codes. It is therefore recommended that Council approve the application subject to conditions.

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 that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: 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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

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

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Officers consider the proposal is almost fully compliant with a 1m variation to the rear lot boundary and 0.3m wall height variation of the outbuilding. Officers consider these minor variations do not result in any adverse bulk impacts on the locality,			

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 TPS2 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, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Stormwater to be ensured that it is managed via standard condition. Officers confident this can be achieved through standard direction of flows to connection pits.			

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

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

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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

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