

<b>Technical Report</b>			
<b>TRIM Number:</b>	<b>PA21/445</b>	<b>Synergy Number:</b>	<b>PA21/445</b>
<b>Lodgement Date:</b>	<b>13/05/2021</b>	<b>DAU Date:</b>	
<b>Address:</b>	<b>Lot 219, 210 Masters Road, Darling Downs</b>		
<b>Proposal:</b>	<b>Shed / Patio / Stables</b>		
<b>Land Use:</b>	<b>Stables</b>	<b>Permissibility:</b>	
<b>Owner:</b>	<b>Matthew and Tyne Palmer</b>		
<b>Applicant:</b>	<b>N/A</b>		
<b>Zoning:</b>	<b>Rural</b>	<b>Density Code:</b>	<b>R2</b>
<b>Delegation Type:</b>	<b>12.1.1</b>	<b>Officer:</b>	
<b>Site Inspection:</b>	<b>Yes</b>		
<b>Advertising:</b>	<b>Yes</b>		
<b>Outstanding Internal Referrals:</b>	<b>No</b>		
<b>External Referrals:</b>	<b>No</b>		
<b>Within a Bushfire Prone Area:</b>	<b>Yes</b>		
Part 10A, Cl. 78B of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts the requirement for a BAL assessment.			

### **Introduction:**

The purpose of this technical assessment is for Council to consider a development application for a retrospective outbuilding and stable, and a prospective proposed patio at Lot 219, 210 Masters Road, Darling Downs. The retrospective proposal seeks variations to Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers. The application also received an objection during the consultation period.

The application is presented to Council as Officers do not have delegated authority to determine development applications where objections have been received that cannot be addressed through design or mitigated through conditions in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

For the reasons outlined in the assessment, it is recommended that Council approve both the retrospective and the prospective developments proposed, subject to conditions.

### **Background:**

#### Existing Development:

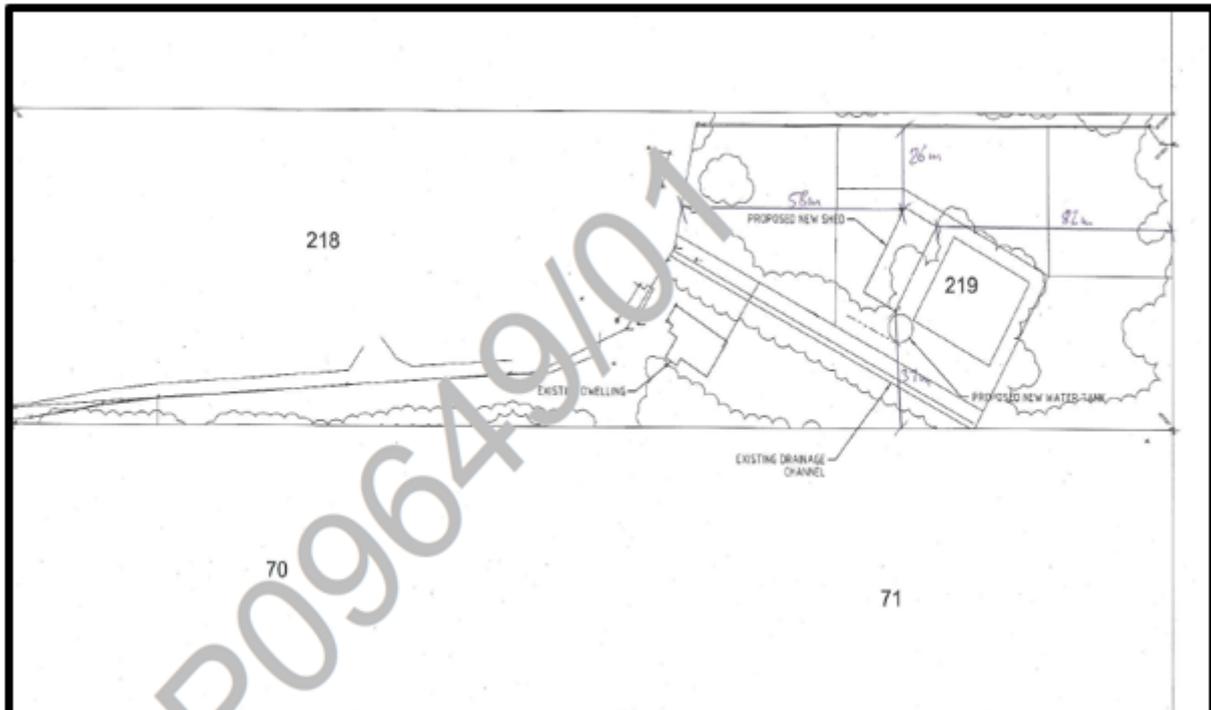
The subject property is located on the eastern side of Masters Road in Darling Downs. Equine land uses and large rows of established vegetation are defining characteristics of the area. In the Masters Road locality, moderately sized outbuildings and open-framed stable structures are visible from the streetscape and properties through rows of mature vegetation. These are defining elements of the general equine and rural residential character of the area.

The property has been developed with a single house, residential outbuildings, paddocks and the retrospective stable and outbuilding, the subject of this application. Works on the retrospective outbuilding were halted pending the outcome of the development assessment process.

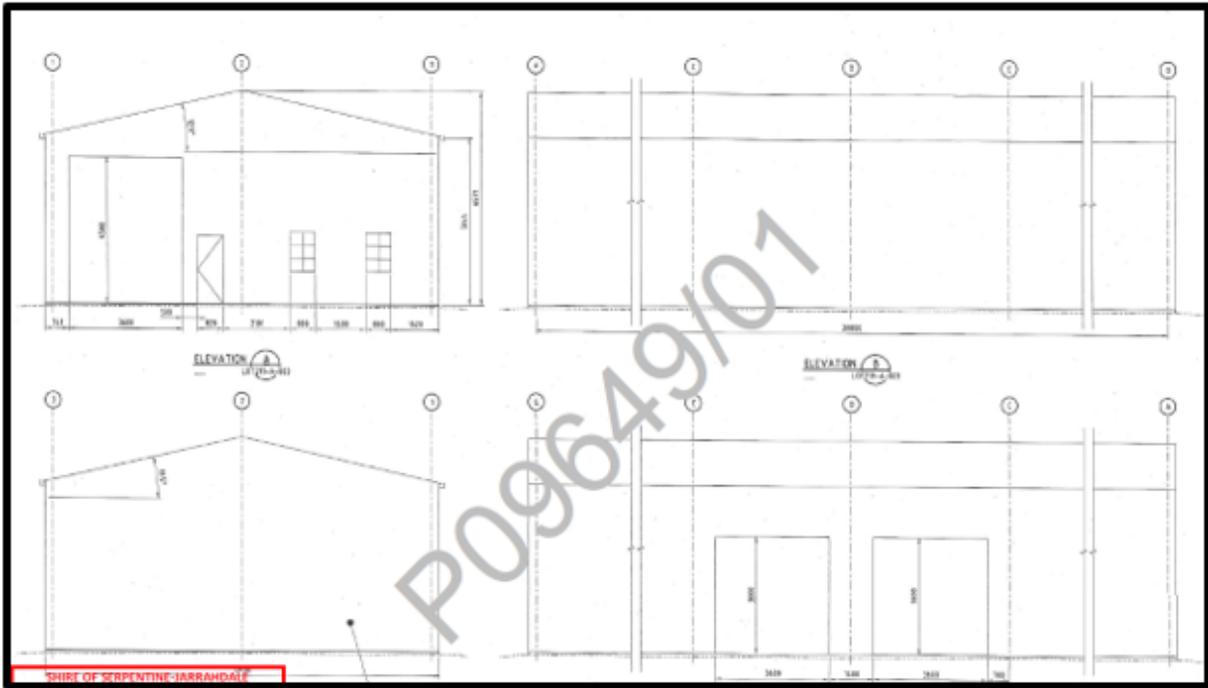


Figure 1: Site context

Planning approval was initially granted in 2013 for a 376m<sup>2</sup> outbuilding located 58m to the west boundary, 82m from the east boundary and 26m to the north boundary. The wall height of the outbuilding was approved at 5.1m and a ridge height of 6.5m. Approved plans depicted below:

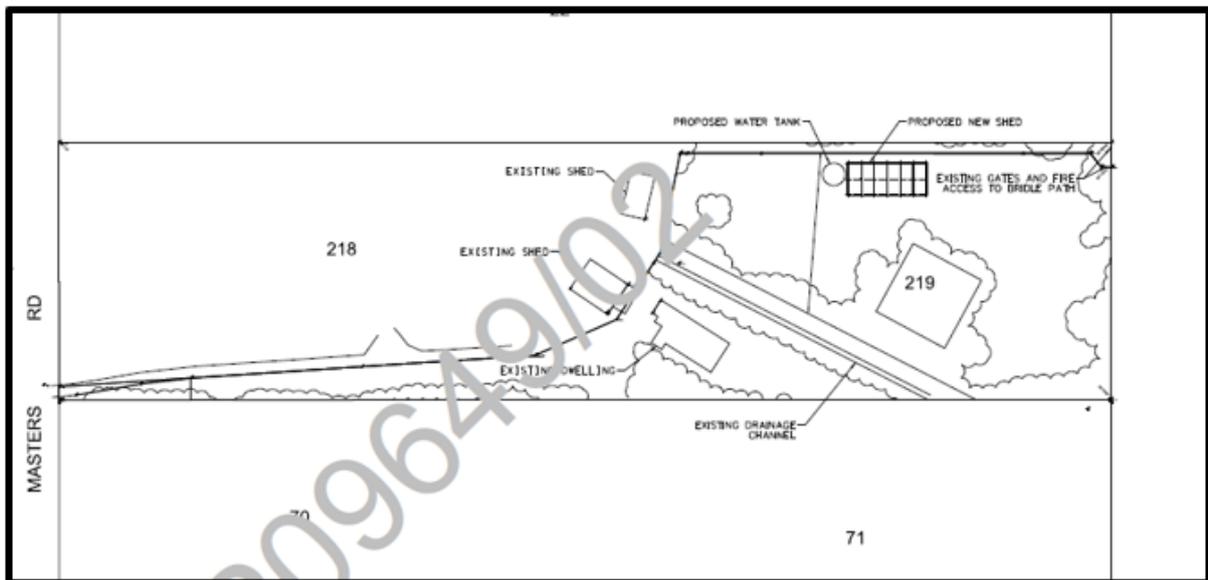


2013 Site Plan

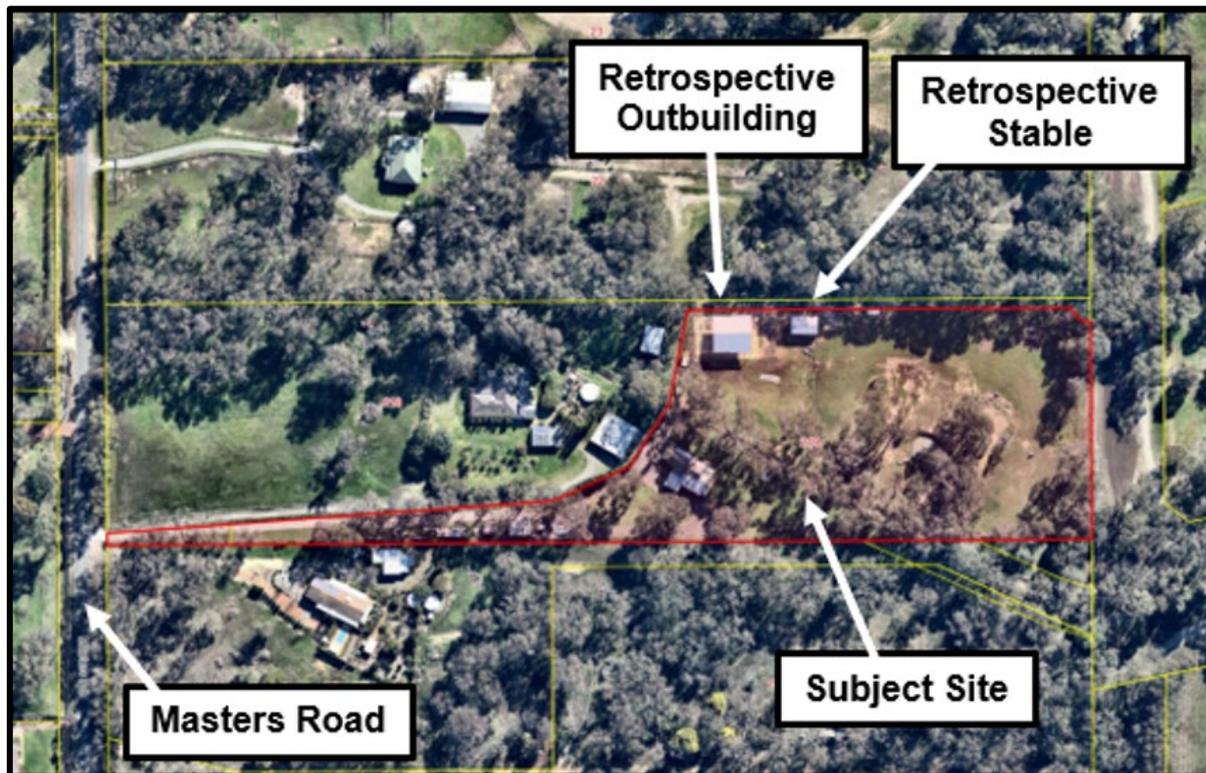


2013 Elevations

In 2014, the approved plans were amended to re-orientate the shed to an east-west direction and reducing the northern setback to 4m, from what was approved previously at 26m. Setbacks to the east and west were only slightly modified. The approved amended 2014 plans are provided below.



2014 Amended Site Plan



The development is now being constructed further west of what was the approved, amended location.

This is now being constructed as setback at 4m from the north boundary, and 4m from the west boundary.

Development:

The application seeks retrospective approval for an outbuilding with a floor area of 345m<sup>2</sup>, wall height of 4.6m and ridge height of 6.8m. The retrospective outbuilding is located 4m from the northern and western lot boundaries.

The application also seeks retrospective approval for a stable with a floor area of 83.5m<sup>2</sup>, a wall height of 3.8m and a ridge height of 4.6m. The retrospective stable is also located 4m from the northern lot boundary. Finally, the application seeks approval for a proposed patio, attached to the outbuilding. The patio would be 55.6m<sup>2</sup> in floor area, a wall height of 3.8m, a ridge height of 4.6m and be located 4m from the northern lot boundary. The patio would be open-sided apart from the side which abuts the outbuilding.



- The location of the shed would result in impacts to the neighbour's property; and
- That sunlight and ventilation access will be adversely impacted.

The concerns raised in the objection are addressed under the relevant headings of the report.

Officers received a new submission from the applicant on 26 August 2021 specifically seeking to provide further justification for the outbuilding component of the proposal.

### **Statutory Environment:**

- *Metropolitan Regional Scheme (MRS)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Rural Strategy Review 2013
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers

### **Planning Assessment:**

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment. For the purpose of this assessment, discussion is confined to the reasons Officers consider that the retrospective outbuilding should be approved, and specifically those areas where Council is requested to exercise discretion cognisant of the objections that were received.

### Land Use:

The subject property is zoned as 'Rural' under the Shire's Town Planning Scheme No.2 (TPS2). The stable structure would fall within the land use definition of 'Stable', which according to TPS2 is defined as follows:

***Stable*** – “means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.”

The 'Stable' land use is permitted within the 'Rural' zone and so therefore can be considered within this zone.

The outbuilding component of this proposal is intended to be utilised for general domestic or residential use and storage. Officers consider that this would fall within the 'Residential – Single House' land use, which is permitted in the 'Rural' zone under TPS2, therefore being able to be considered.

The subject site is proposed to be rezoned to 'Rural Residential' under the draft Local Planning Scheme No. 3 (LPS3). The outbuilding would fall within the 'Single House' land use, which would be a permitted use in the proposed 'Rural Residential' zone. The stable structure would fall within the 'Rural Pursuit/Hobby Farm' land use, which would be a discretionary use in the 'Rural Residential' zone. Both land uses would be capable of approval under LPS3.

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

In assessing the retrospective outbuilding, Officers have given consideration to the provisions of LPP4.19 which lays out the considerations for outbuildings within the Shire and provides guiding

principles that should be considered where variations are sought. The following variations are sought for the retrospective outbuilding:

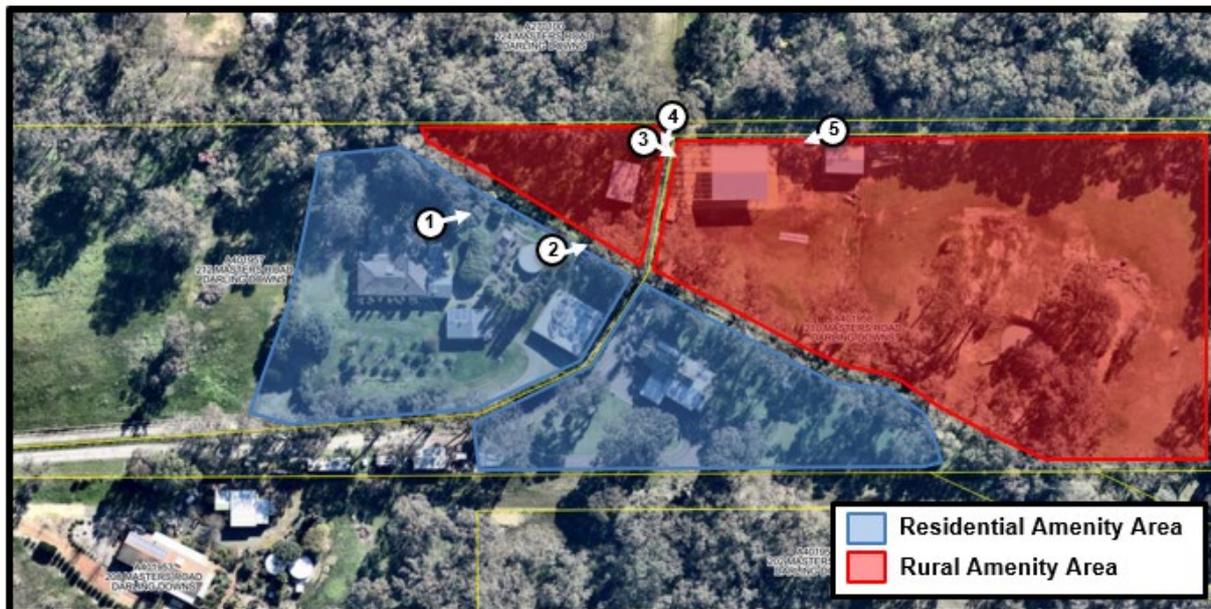
- Accumulative floor area of all outbuildings (including the stable) proposed to be 482m<sup>2</sup> in lieu of the 200m<sup>2</sup> maximum;
- Side lot boundary setback proposed to be 4m to the north and west boundary in lieu of the 10m minimum;
- Wall height proposed to be 5.2m in lieu of the 4.5m maximum; and
- Ridge height proposed to be 6.8m in lieu of the 5m maximum.

As mentioned, the outbuilding is under construction and has been paused pending the outcome of this application.

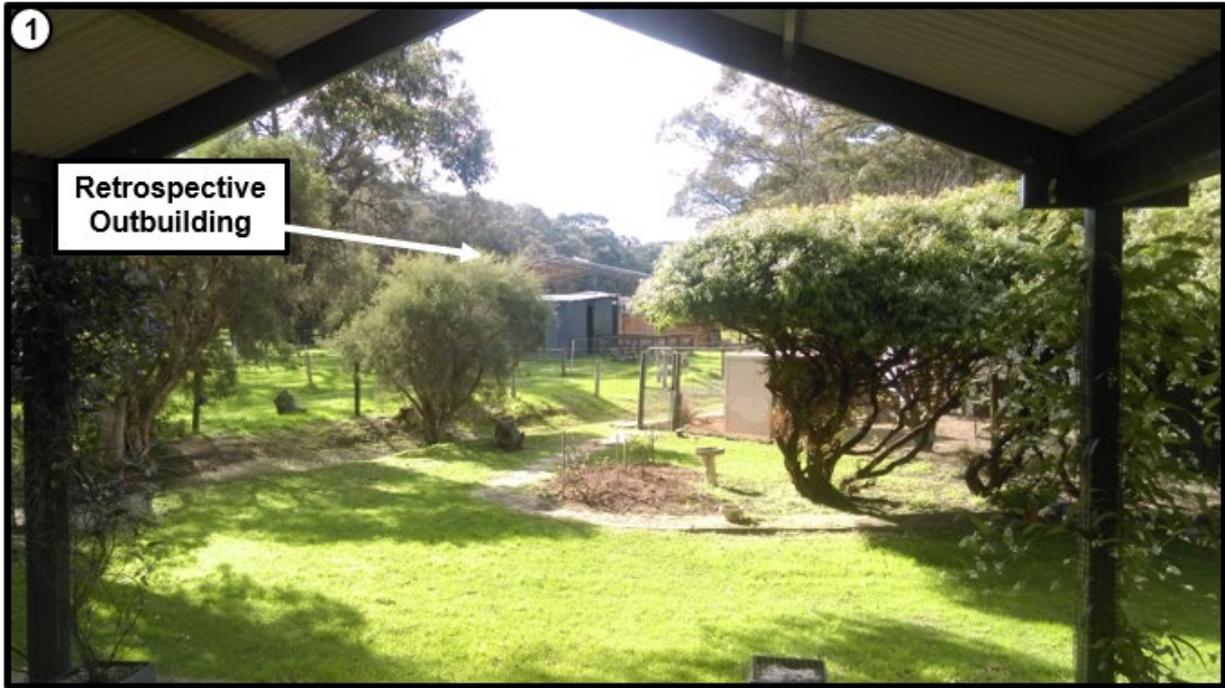
Assessment against the relevant matters required to be considered for variations to LPP4.19 has been provided under the relevant headings below, being building bulk, visual amenity and character.

#### *Building Bulk and Visual Amenity:*

Provisions 2.2.4 and 2.2.6 of LPP4.19 require consideration to the visibility of development from neighbouring properties and whether there is adequate screening. The structure at the setback proposed to the western boundary is partially visible. As shown in Pictures 1 and 2 in Figure Series 4 below, there is a degree of visibility of the outbuilding, which is similar to the filtered view of outbuildings in the general locality. These filtered views are shown below.



**Figure Series 4: Aerial image detailing site photo locations of figure series 4**



**Figure Series 4 continued: View of the retrospective outbuilding from neighbouring properties alfresco and entertainment area**



**Figure Series 4 continued: View from neighbour's backyard**



**Figure Series 4 continued: View near to the dividing fence**



**Figure Series 4 continued: View comparing the scale of the existing stable of the neighbour to the proposed outbuilding**

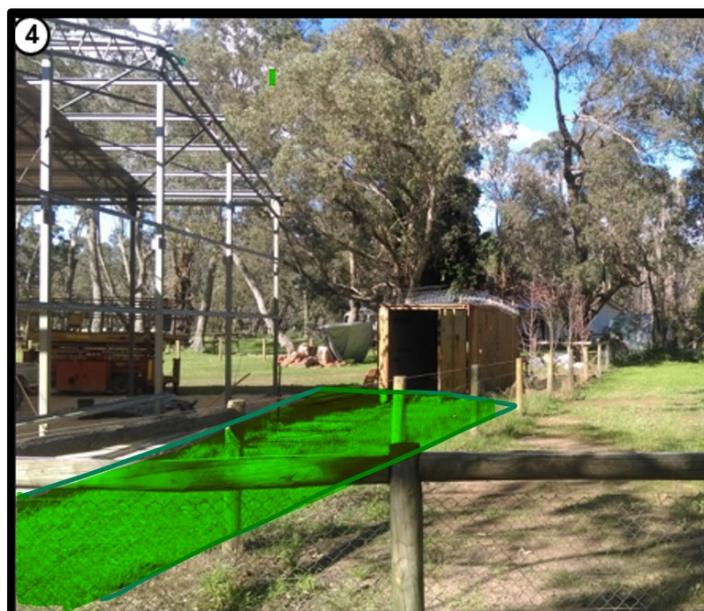


**Figure Series 4 continued: View of the retrospective shed from the bridal trail**

The retrospective outbuilding has been located in a visible position on the subject land, and is viewable in a range of extents from the residential area of the western neighbour. The location of the retrospective development and scale of variations need to be considered against the amenity considerations for the subject locality.

It is very common to find large outbuildings in rural areas, however officer note that there is a 'closer' format of Rural zoned living in this location, as opposed to the more common broad acre open landscape amenity of Rural zoned areas of the Shire. Under LPS3, the land is proposed to be zoned 'Rural Residential' (RR2), which introduces a further consideration regarding a balanced rural and residential amenity.

In balancing these considerations, Officers consider that the retrospective outbuilding can achieve a reasonable amenity outcome through the addition of landscaping, in the area shown below:



This will help to further filter and moderate what is already a partially filtered view, from the single dwelling on the adjoining land:



**Figure Series 4 continued: View of the retrospective outbuilding from neighbouring properties alfresco and entertainment area**

In terms of the northern boundary setback, Officers consider with the presence of the dense, tall mature vegetation along this boundary, the development is screened appropriately to the north.

Additionally, the external and internal areas of the dwelling to the north are not impacted by the visual appearance of the outbuilding as the dwelling is located some distance from the development. This creates a more substantial filtered view through the mature vegetation, which has a high degree of compatibility with the area.

#### *Character of the Area:*

Provision 2.2.2 of LPP4.19 requires consideration to be given to whether the scale of the development is excessive, considering the character of the surrounding area. The applicable objective of LPP4.19 in this instance is as follows:

*“Ensure that the siting, design and scale of outbuildings/sheds are site responsive and respect the character of the locality.”*

Also notable is the Shire’s Rural Strategy Review 2013, which identifies this block as falling within the ‘Residential and Stables’ policy area. The applicable objective of the policy area in this instance is as follows:

*“To maintain and protect the rural living and equine dominated character of the Policy Area.”*

The locality is characterised by rural residential and equine development in line with the expectations set out under the Rural Strategy Review 2013. Larger outbuildings in the locality are commonplace and embody strategies to manage their visual impact including location, landscaping or combination of both. Other large structures present in the surrounding area include stables, which present as

equine development due to design features such as open yards on the side of the structure, limited garage style doors and the like. These structures build on the equine character of the area as they visually reflect the functional needs of equine development. The retrospective outbuilding features a very traditional rural shed form, with its pragmatic steel structure and gable ends enabling the enclosure of an expansive internal space.

Officers consider that the retrospective outbuilding is consistent with the rural residential character expected for the area at the current location, and subject to a condition requiring advanced landscaping in the area between the outbuilding and the western adjoining property, is recommended for approval.

Landscaping is recommended to comprise advanced *Adenanthos sericeus* (Woolly Bush) plantings, or similar advanced species, which have the capacity to form a dense screen to a height of around 4m. The suggested Woolly Bush is a low maintenance, drought tolerant landscaping plant.



**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 retrospective approval for an outbuilding, stable and a proposed patio. Officers recommend that Council approves the application, subject to conditions in order to manage the amenity concerns raised.

**Attachments:**

Deemed Provisions – Cl 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"/>
<b>Comment: Refer to consideration of TPS2.</b>			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: Consideration given to draft LPS3.</b>			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: SPP7.3 considered.</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>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
f) any policy of the State	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: SPP7.3 considered.</b>			
g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: LPP4.19 considered.</b>			
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"/>
<b>Comment:</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>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</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:</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:</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:</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: Refer to the Planning Assessment section consideration has been given to the bulk and amenity impacts of the development.</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: Development considered consistent with the character of the locality.</b>			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation,	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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subsidence, landslip, bushfire, soil erosion, land degradation or any other risk			
<b>Comment:</b>			

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

s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	<b>YES</b> <input 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 of 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: 1 submission noted and addressed in the assessment.</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>			