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26 August 2021

Shire of Serpentine Jarrahdale
6 Paterson Street
MUNDIJONG WA 6123

Via email: rfleming@sishire.wa.gov.au

Attention: Ryan Fleming, Statutory Planning Officer

Dear Ryan,

Submission for Retrospective Outbuilding at Lot 219 (No. 210) Masters Road, Darling Downs

This submission has been prepared by Altus Planning on behalf of Tyne and Matt Palmer ('clients'), the landowners of No. 210 Masters Road, Darling Downs ('subject site' or 'site'). Our instructions are to provide planning justification for the retrospective outbuilding ('the development') and respond to the neighbour's submission from the public consultation period.

We are aware that the development does not meet the relevant deemed-to-comply standards of the Shire's *Local Planning Policy 4.19 - Outbuildings Sheds, Garden Sheds and Sea Containers* ('LPP 4.19' or 'Policy') with respect to floor area, height and setbacks and therefore requires an assessment under the relevant design principles.

Approvals History

On 4 April 2013, the Shire approved a 360m² (30m x 12m) outbuilding and water tank for the site within the centre of the property.

On 29 May 2014, a revised location for this outbuilding was approved within the north-west corner of the site and setback 1m from the northern lot boundary ('2014 approval' - Shire's ref. P09649/02). The outbuilding was approved with a 5.14m and 6.57m respective wall and

ridge height. It is understood no objections were received from neighbouring lots regarding this approval.

Locality Context

The site in question exists as an approximate 2ha lot zoned 'Rural' under the Shire's *Local Planning Scheme No. 2 ('LPS 2')* with neighbouring properties ranging in size between 2-4ha. Like the subject site, they similarly contain single dwellings, outbuildings and various other structures including water tanks, stables and lean-tos. As for the subject site, for those lots that have been subdivided it is common for outbuildings to be located within close proximity of neighbouring properties.

With respect to natural features, extensive mature vegetation exists on the site and surrounding lots and is either interspersed throughout the respective lots or located along existing property boundaries.

The Development

The outbuilding is setback 4m from the northern lot boundary with an average setback of approximately 6.5m to the western boundary. Notwithstanding there is a slightly different footprint and minor change in height, the subject development is effectively that of the 2014 approval, albeit in a revised location.

The development itself is approximately 350m², with its footprint existing in an approximate 24m x 15m configuration. It has a maximum wall height of 5.2m and a ridge height of 6.8m. The outbuilding will be clad in "heritage galvanised" sheeting to provide a rural aesthetic consistent with other outbuildings in the locality. At its eastern end is a covered hobby/outdoor seating area, which is open-sided on its east and south elevations and with dimensions of 3.8m and 4.6m for the wall and ridge heights respectively.

LPP 4.19 Design Principles Assessment

The objectives of the *Policy* are set out as follows:

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

With respect to the above, Clause 2.2 of *LPP 4.19* sets out a series of considerations for outbuildings requiring development approval. These are tabled below and include our corresponding justification.

Clause 2.2 of <i>LPP 4.19</i>	Justification
<p>2.2.1 Whether a size variation is required to satisfy specific needs of the owner/applicant;</p>	<p>The outbuilding will store rural/firebreak maintenance equipment (e.g. wheeled-water tank, ride-on lawn mower, scissor lift for tree pruning, backhoe, a mulcher, chainsaws, whipper snippers etc.). It will also provide secure parking for personal vehicles, including two ATVs and a boat. In addition, a horse float, various equine equipment and a horse cart are to be parked within the outbuilding.</p> <p>The smaller portion will contain an undercover open-sided hobby area, a BBQ and outdoor seating as well as an associated storage area for tools and other miscellaneous domestic items.</p> <p>The additional floor space is required to safely accommodate the various storage needs as well as provide convenient access to these items.</p>
<p>2.2.2 Whether a size variation is excessive, considering the character of the surrounding area;</p>	<p>Neighbouring properties within the surrounding area all contain outbuildings, many of which exceed the deemed-to-comply floor space standards of the <i>Policy</i>. These outbuildings are generally located within a development "cluster", with the rest of the site being relatively clear of other buildings.</p> <p>The development achieves this cluster effect by consolidating floor area space into one structure and being located within close proximity to the dwelling.</p>
<p>2.2.3 Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes;</p>	<p>Given the rural zoning of the site, this R-Codes requirement is not applicable.</p>

Clause 2.2 of LPP 4.19	Justification
	<p>Notwithstanding, the outbuilding has been located to make the most effective use of the site via the following:</p> <ul style="list-style-type: none"> • Vehicle movements within the site will be minimised due to its proximity from the existing driveway; • It improves convenience for the occupants as stored items are easily accessible given the relatively short distance between the dwelling and the outbuilding; and • It allows the portion of the site behind the dwelling to remain undeveloped for the future accommodation of horses on the site, consistent with its rural zoning.
<p>2.2.4 Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;</p>	<p>The outbuilding is located behind the dwelling and is not visible from the street owing to the lot configuration and approximate 240m distance from Masters Road.</p> <p>It is screened from the main outdoor areas of the abutting western neighbour's property, No. 212 Masters Road ('No. 212'), due to the existing structures on their lot (water tank, outbuilding and stables).</p> <p>Furthermore, the 6m high landscape screening is proposed along the north-west (communal) lot boundary to provide additional screening from the rear "access track" portion of No. 212 (i.e. between their stable and the communal boundary).</p> <p>With respect to the adjoining northern neighbour at No. 224 Masters Road ('No. 224'), there is adequate existing mature vegetation which provides sufficient screening already.</p> <p>The outbuilding is orientated in an east-west manner, perpendicular to No. 212. In combination with its 6.5m average setback to this boundary, its visual mass is minimised.</p>

Clause 2.2 of LPP 4.19	Justification
2.2.5 Whether non-reflective materials are proposed on the building;	The “heritage galvanised” materials will not create any undue reflective issues given the roof pitch and that the adjoining mature trees on No. 224 overshadow the outbuilding for a large portion of the day.
2.2.6 Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	<p>As previously stated, the outbuilding is entirely hidden from the street.</p> <p>With respect to screening, the existing structures on No. 212 prevent a direct view of the subject outbuilding from the dwelling itself and its main outdoor areas.</p> <p>The proposed 6m high landscape screening will also minimise any views from the rear access track portion of No. 212</p>
2.2.7 Consideration of comments from the affected adjoining landowners.	See later section for response to neighbour’s submission.

Based on the above, the outbuilding is consistent with the design principles of *LPP 4.19*.

Planning and Development (Local Planning Schemes) Regulations 2015

As per Clause 67(2) of the ‘Deemed Provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the following matters are considered relevant to this application and are addressed in the following table.

Clause 67(2) Matter	Justification
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	As the development meets the design principles of <i>LPP 4.19</i> , it is therefore also consistent with the relevant scheme objectives as set out in Clause 1.6 of <i>LPS 2</i> .
(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	The previous section has justified the development under the design principles of <i>LPP 4.19</i> . An analysis against the relevant zone objectives of draft <i>Local Planning Scheme No. 3</i> (<i>‘LPS 3’</i>) has also been undertaken in the relevant later section of this Submission.

Clause 67(2) Matter	Justification
government is seriously considering adopting or approving;	Based on the above, the outbuilding is in accordance with the requirements of orderly and proper planning.
(g) Any local planning policy for the Scheme area;	As previously stated for sub-clause (b), this submission has demonstrated consistency with the design principles of <i>LPP 4.19</i> .
(m) The compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) 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;	<p>Like other outbuildings within the locality, the subject development is located behind, and in close proximity to, the dwelling which maintains an appropriate domestic storage connection with the residence. As previously stated, this allows the rest of the site to remain undeveloped for the future accommodation of horses on the site.</p> <p>With respect to its overall form, the east-west orientation ensures the longest façade facing away from No. 212, thereby minimising building bulk. Furthermore, existing structures on No. 212 prevent a direct view of the subject outbuilding from the dwelling itself and its main outdoor areas. The proposed 6m high landscape screening also assists in this regard.</p>
(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;	<p>(i) There are no environmental impacts as a direct result of the outbuilding.</p> <p>(ii) The character of the locality comprises dwellings with associated large outbuildings and other structures. These are located behind the dwelling with either floorspace consolidated into one large structure or contained within a series of smaller outbuildings spread throughout the site.</p> <p>(iii) There are no social impacts as a direct result of the development.</p>

Future Planning Framework

Under the Shire's *LPS 3*, the subject site and surrounding properties are zoned 'Rural Residential'. The objectives of this zone are set out below:

- *“To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land.*
- *To provide a residential amenity with a rural character.”*

With respect to the above, the following should be noted:

- The subject site exceeds the minimum lot size by 1ha and the size of the outbuilding is proportionate to the site, having regard also to its “battleaxe” configuration.
- The attached hobby/outdoor seating area will improve the resident’s enjoyment of the use of their land and allows a greater amount of domestic-type rural activities to occur on the site.
- The outbuilding has not resulted in the loss of any vegetation nor any recontouring of the site’s topography.
- The outbuilding provides a convenient storage function, within relatively close proximity to the existing dwelling, which is a typical domestic amenity expectation. Furthermore, it is desirable that tools and equipment can be conveniently accessed for property maintenance.

Based on the above, it is submitted that the outbuilding is consistent with the future planning framework for the locality.

Response to Public Consultation

As provided in your 13 July 2021 email, we understand the issues raised by the abutting western neighbour to be as follows:

- *“The height and size of the shed result [sic] in an adverse visual amenity impact;*
- *The shed would not be consistent with the rural living/lifestyle character of the area;*
- *The location of the shed would result in impacts the neighbours property; and [sic]*

- *That sunlight and ventilation access will be adversely impacted.”*

In response, we provide the following comments:

1. As detailed earlier, the existing structures on No. 212 prevent a direct view of the subject outbuilding from the dwelling itself and its main outdoor areas.

Notwithstanding, the east-west orientation of the outbuilding (as opposed to north-south) minimises building bulk as the largest façade of the development does not face No. 212. The proposed landscaping will also assist in this regard.

2. It is necessary for rural properties of this size to have adequate storage. The outbuilding will store rural/firebreak maintenance equipment as well as provide secure parking for personal vehicles. In addition, a horse float, various equine equipment and a horse cart are to be parked within the outbuilding.

These storage needs are consistent with the rural zoning of the property and form an incidental component to the main “rural living” use of the site. The location, size, setbacks and materials of the outbuilding are consistent with other examples on neighbouring lots, which is a character of the locality.

3. As previously stated, the outbuilding will store personal domestic items and equipment for the rural upkeep of the property. It will not be used to store any materials that might emit odours or fumes.

The undercover hobby/outdoor seating area is located at the eastern end of the structure, approximately 30m from No. 212, which will attenuate any noise emissions that might adversely impact the amenity of No. 212.

Glare and light spill will not be issues either due to the construction materials, the overshadowing of the outbuilding from existing vegetation to the north and because there will be no external artificial illumination.

4. Regarding sunlight, the abutting neighbour is located to the west of the outbuilding and thus their property will not be overshadowed during the winter solstice. Any shadows cast by morning sunlight would either be “eclipsed” by the neighbour’s stable or would fall across a rear access track and not the main open area of their site.

Between the neighbour's stable and the outbuilding on the subject site, there is a separation distance of approximately 14m (at the smallest point), which is sufficient to ensure fresh air circulation, particularly given the "open style" rural fencing between the properties.

We therefore respectfully submit that the concerns raised by the neighbour are a non-issue.

Conclusion

The outbuilding is not visible from the street and the existing structures on neighbouring No. 212 prevent a direct view of the development from the neighbouring dwelling and its main outdoor areas. Its east-west orientation also ensures the largest façade is not directly visible from the rear access track of No. 212 and, notwithstanding, the proposed landscaping along the communal boundary will also provide additional screening.

The outbuilding will be used to store rural/firebreak maintenance equipment, personal domestic storage items and vehicles as well as equine equipment. It is not dissimilar to other large outbuildings in the locality and represents a consolidation of floor space to keep the rest of the site free for any future rural uses.

It is therefore our view that discretion should be exercised for the outbuilding.

Should any matters raised above require clarification, I can be contacted on Ph. 6268 0018 or via email at ryan@altusplan.com.au.

Yours sincerely,



Ryan Munyard
Senior Town Planner