

## RESIDENTIAL - DEVELOPMENT ASSESSMENT SHEET

APPLICATION DETAILS			
<b>OFFICER NAME</b>	Ryan Fleming	<b>APPLICATION NO.</b>	PA21/1245
<b>PROPOSAL</b>	Sea Containers – S31 Reconsideration		
<b>LOCATION</b>	L849, 97 Kalyang Loop, Byford		
<b>APPLICANT</b>	As below		
<b>OWNER</b>	Nathan Briggs		
<b>APPLICATION RECEIVED</b>	8/12/2021	<b>APPLICATION DATED</b>	6/12/2021
<b>ZONING</b>	'Urban Development'	<b>LOT AREA</b>	2,001.727m <sup>2</sup>
<b>STRUCTURE PLAN</b>	Redgum Brook North Local Structure Plan	<b>LDP</b>	Redgum Brook – Plan 18 Amended
<b>LAND USE</b>	'Residential – Single House'	<b>PERMISSIBILITY</b>	Permitted

### Background

#### Existing Development

The subject site, which is 2,002m<sup>2</sup> in area, is located on the north-west periphery of the Byford Urban Area. The site is located within the Redgum Brook LDP, which is made up of lots that have a composite designation of 'Residential R20' and 'Light Industry'. This sees the north side of Kalyang Loop being characterised by residential development towards the front, and light industrial development to the rear.

#### Initial Application

The initial application sought retrospective approval for two sea containers to the rear of the property for storage purposes, incidental to the 'Warehouse' land use previously approved. These comprised a 20ft sea container and a 40ft sea container, positioned with a nil setback to the east side lot boundary and a 1.8m setback to the rear boundary (north). The sea containers have a height of 2.59m. The applicant proposed to set back the sea containers to 1m from the neighbouring eastern boundary as opposed to the nil setback. The image below depicts the context of the site and the current location of the sea containers.



On 16 May 2022 Council approved the retrospective application however imposed conditions requiring for both sea containers to be wholly relocated to be within the Light Industry building envelope as depicted on the approved Local Development Plan for the land. Also, a condition was imposed for the painting of the sea containers the same colour as the fence.

### SAT Proceedings

Following the decision, the applicant lodged an appeal with SAT in relation to the conditions requiring relocation of the sea containers and painting them. Mediation was undertaken onsite on 3 August 2022. The applicant voluntarily proposed to revise their application, in order to propose an increased setback to the neighbouring side boundary and to erect a suitable additional screen on top of the side boundary fence, or to apply a screen to the section of the sea container visible above the side boundary fence.

These revised plans form the basis of a request for reconsideration from the SAT, to Council to reconsider the matter.

A reconsideration under Section 31(1) allows for Council to either:

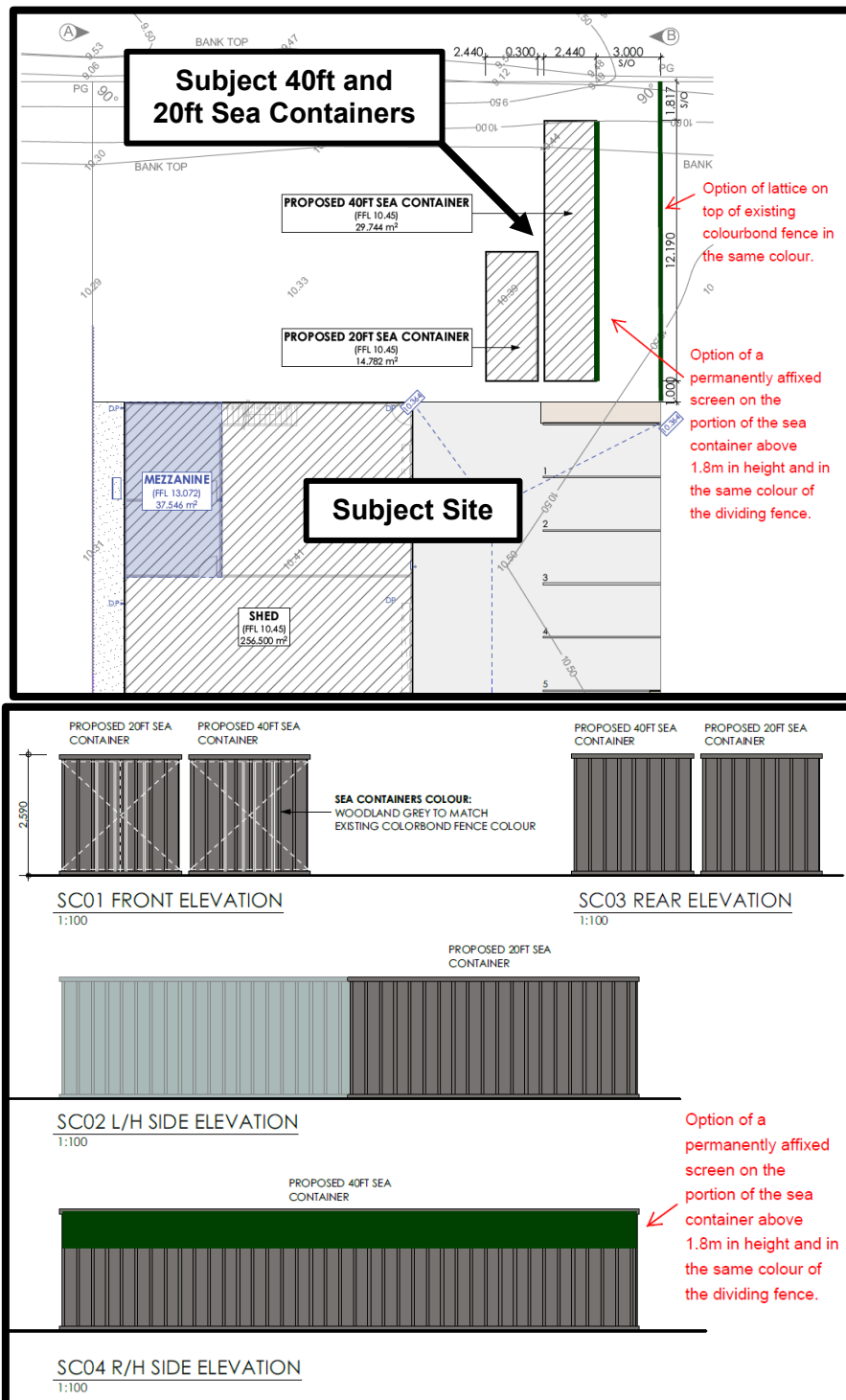
- Affirm the decision;
- Vary the decision; or
- Set aside the decision and substitute a new decision.

### Revised Development

As mentioned, the amended plans identify an increased setback and screening measures to the east, in an attempt to address visual amenity concerns. No changes have been proposed to the set back of the sea containers to the northern boundary. The changes to the proposal are summarised below:

Criteria	Initial Proposal	Revised Proposal
Setback (to east boundary)	1m	3m
Screening Measures	Nil	Provide an affixed screen to the sea container that is the same colour as the fence OR provide a lattice extension on top of the existing dividing fence that is the same colour as the fence.

The proposed changes are depicted on the site plan and elevations below:



**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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: TPS2 considered</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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: LPS3 considered</b>			
c) any approved State planning policy	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – <i>None Applicable to this area from what I can determine</i>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
e) any policy of the Commission	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
f) any policy of the State	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
g) any local planning policy for the Scheme area	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
h) any structure plan, activity centre plan or local development plan that relates to the development ( <b>include building envelope</b> )	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: LSP, LDP and LPP4.19 considered</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>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <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"/>
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**Comment:**

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"/>
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**Comment:**

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"/>
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**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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment: refer to planning assessment**

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"/>
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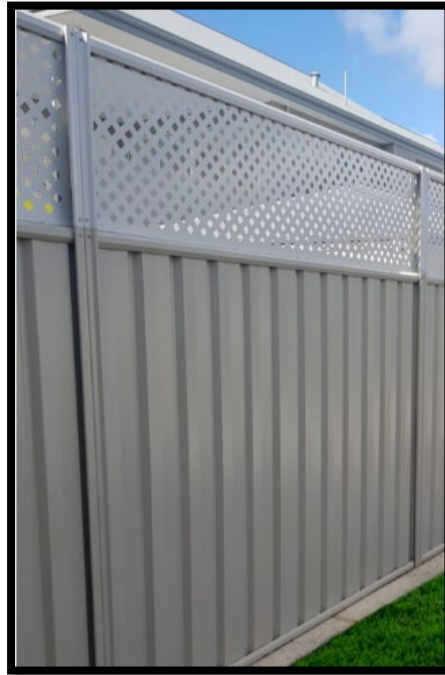
**Comment:**

Condition (b) states “*Within 60 days of the date of this approval, both sea containers are to be wholly relocated to within the approved Light Industry building envelope for the subject land, as depicted on the approved Local Development Plan for the land.*”

As amended, the revised plans would result in the sea containers being set back 3m from the side (eastern) lot boundary. A 3m setback is consistent with the LDP general provisions pertaining to side boundary setbacks.

The amended plans depict the sea containers being screened from the eastern neighbouring lot boundary with either a screen affixed or a lattice extending above the existing colorbond fence. The sea containers are 2.59m in height located alongside a 1.8m high (approximate) boundary fence. It is worth noting that the existing fence in this location is closer to 2m in height. The sea containers, as a result, would only protrude between 600mm and 800mm above the existing boundary fence, shown in the photograph below which is proposed to be screened.

Officers consider the option to erect a suitable lattice screen on top of the existing side boundary fence provides the most effective option of screening to protect amenity. Noting that the sea containers would have their setback increased to 3m, and a lattice screen of 600mm added on top of the colorbond fence in the same colour for an adequate length, it is considered that the amenity of the adjoining property will be protected. An example 600mm lattice extension is shown following:



This would be located above the existing fence, noting that the sea container shown following would be shifted 3m further away from the fence.



**Sea Containers Protruding Above Diving Fence**

The lattice should extend 16.5m from the rear boundary point of the fence, as shown below, to provide an extension 2m past the front of the sea containers.



In terms of the rear setback, it is proposed to remain at 1.817m. This lot boundary abuts Thomas Road. The intent of the LDP setback was to allow for a 10m wide vegetation strip to screen views of the larger sheds contained within the Light Industrial building envelopes.

Notwithstanding the reduced setback of the sea containers, it is considered that due to their smaller scale and height, they would not unduly impact the visual amenity along Thomas Road. The existing locality is characterised by significantly sized sheds, as demonstrated by the applicant, in the photographs below:





Given the proposal is now consistent with the lot boundary setback to the east, as required by the LDP, and as the sea containers are considered less visually prominent than what a shed would be in the proposed location (in terms of both north and eastern boundaries), in addition to the screening measures proposed by the applicant, Officers consider that the reason for the imposition of Condition (b) has been satisfied and can be removed. It is noted the adjoining landowner supports this amended proposal specific to the lattice extension atop the existing fence, as discussed.

Condition (d) states *“Within 60 days of this approval, the south and east facing walls of the sea containers (once relocated) are to be painted consistent with the colour of the existing dividing fence, to the satisfaction of the Shire of Serpentine Jarrahdale.”*

As amended, the sea containers would be set back 3m from the eastern neighbouring lot boundary with a lattice screen above the existing lot boundary fence. It is considered that the additional setback and screening will reduce the visual impact of the development on the neighbouring property and remove the requirement for the painting of the sea containers.

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 checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: standard stormwater condition</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 letter of support received for revised proposal</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"/>
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<b>Comment:</b>			
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