

OUTBUILDING - DEVELOPMENT ASSESSMENT SHEET

| APPLICATION DETAILS | | | |
|-----------------------------|--|--------------------------|-----------------------|
| OFFICER NAME | Ryan Fleming | APPLICATION NO. | PA21/446 |
| PROPOSAL | Outbuilding | | |
| LOCATION | L138, 81 Bucker Street, Whitby | | |
| APPLICANT | As below | | |
| OWNER | Thomas Mullan and Margaret Waters | | |
| APPLICATION RECEIVED | 13/05/2021 | APPLICATION DATED | 12/05/2021 |
| ZONING | 'Urban Development' | LOT AREA | 599.987m ² |
| STRUCTURE PLAN | DSP – 2020 Mundijong District Structure Plan LSP – Whitby A | LDP | N/A |
| LAND USE | 'Residential – Single House' | PERMISSIBILITY | Permitted |

| INTERNAL REFERRALS | | |
|---------------------------|-------|--------------------------|
| | Y / N | Comment |
| Emergency Services | N/A | No comments |
| Engineering | N/A | No comments |
| Health | N/A | No comments |
| Building | Y | No comments, BA required |
| Environment | N/A | No comments |
| Compliance | N/A | No comments |

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"/> |
| Comment: proposal for an outbuilding for domestic storage, which falls within the 'Residential – Single House' land use, which is able to be considered within the 'Urban Development' zone and the 'Residential' designation under the LSP and DSP | | | |
| 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: property to remain rezoned 'Urban Development' under draft LPS3, proposal remaining as being able to be considered in that zone, so that means that there would be no change or adverse impact on LPS3 | | | |
| c) any approved State planning policy | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Comment: r-code assessment | | | |
| d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) | 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: r-code assessment | | | |
| 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 (include building envelope) | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Comment: LDP provisions considered in the R-Code assessment below | | | |
| 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: refer to R-Code 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 | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Comment: consistent with character by way of consistent land use | | | |

| | | | |
|--|---|---------------------------------------|--|
| 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 checked="" type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Comment: standard stormwater condition | | | |

| | | | |
|--|--|---------------------------------------|---|
| 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 type="checkbox"/> | NO <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Comment: | | | |

| | | | |
|--|--|---------------------------------------|---|
| 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 type="checkbox"/> | NO <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
|--|--|---------------------------------------|---|

Comment: 1 objection received

| | | | |
|---|--|---------------------------------------|---|
| 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"/> |
|---|--|---------------------------------------|---|

R-CODE ASSESSMENT

| 5.1.2 STREETScape | | | | | | |
|---|--------------------------------|------------------|----|---------|----------|----|
| 5.1.3 LOT BOUNDARY SETBACKS | | | | | | |
| Lot Setbacks | Length | Height | MO | D-t-C | Proposed | OK |
| Carport Extension | | | | | | |
| Primary street (south) | 7.5m | 3.1m | N | 6m | 17m | Y |
| Side (west) | 2.7m | 3.1m | N | 1.5m | 0.5m | N |
| Side (east) | 2.7m | 3.1m | N | 1.5m | 13m | Y |
| Rear (north) | 7.5m | 3.1m | N | 1m | 1m | Y |
| Outbuilding | | | | | | |
| Primary street (south) | 6.8m | 3.2m | N | 6m | 19.7m | Y |
| Side (west) | 6.5m | 3.2m | N | 1.5m | 0.7m | N |
| Side (east) | 6.5m | 3.2m | N | 1.5m | 13m | Y |
| Rear (north) | 6.8m | 3.2m | N | 1m | 4m | Y |
| Lean-to | | | | | | |
| Primary street (south) | 6.8m | 2.4m | N | 6m | 26.2m | Y |
| Side (west) | 3.5m | 2.4m | N | 1.5m | 0.7m | N |
| Side (east) | 3.5m | 2.4m | N | 1.5m | 13m | Y |
| Rear (north) | 6.8m | 2.4m | N | 1m | 0.5m | N |
| 5.4.1 OPEN SPACE AND 5.3.1 OUTDOOR LIVING | | | | | | |
| | D-T-C Provision | Proposed | OK | Comment | | |
| Open Space (%) | 50% | 40.55% | N | | | |
| Outdoor Living (m ²) | 30m ² | 36m ² | Y | | | |
| Min. Dimension (m) | 4m | 5.4m x 6.8m | Y | | | |
| Location | Behind S. S/B | Y | Y | | | |
| Accessibility | Primary Living Space | Living room | Y | | | |
| Roof Coverage | At least 2/3 uncovered (20sqm) | 21m ² | Y | | | |

| 5.4.2 SOLAR ACCESS FOR ADJOINING SITES | | | | |
|--|-------|----------|----|--|
| | D-t-C | Proposed | OK | Comment |
| Overshadowing | 25% | 0% | Y | The development is not bordering a southern boundary that would cast a shadow. |

Note: R25 and lower 25%, R30 – R40 35%, R-IC or above R40 50% of adjoining site area.

| 3.10 ELEMENT 10 – INCIDENTAL DEVELOPMENT | | | |
|---|---------------|---|-----------|
| Large and multiple Outbuildings | | | |
| D-t-C R-Codes | D-t-C LPP4.19 | Proposed | Compliant |
| 60m ² in area or 10% site area (lesser) | N/A | 44.2m ² | Y |
| Setback as per Table 2a: West: 1.5m North: 1m | N/A | 0.7m to west side boundary 0.5m to north rear boundary | N |
| Wall height 2.4m | N/A | 3.2m | N |

| | | | |
|--------------------------------|-----|---|------------|
| Ridge height 4.2m | N/A | 4.2m | Y |
| Not in a street setback: 6m | N/A | 17m | Y |
| Open Space and OLA compliant | N/A | Open space not compliant (40.55 in lieu of 50% requirement) OLA is compliant | N Y |

| Assessment of Variations | | | | |
|---|---|---|-------------------------|---|
| Planning Element | Design Principles | D-t-C | Proposed | Comment |
| 5.1.3 – P3.1 & P3.2 Lot Boundary Setback | <p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. | <p>Side (west) carport/patio wall setback: 1.5m</p> <p>Rear (north) setback: 1m</p> | <p>0.5m</p> <p>0.5m</p> | <p>In terms of building bulk, the proposal seeks variation to the length and height of walls on the western lot boundary. The inclusion of a low scale patio at the rear of the lot would reduce the impacts of building bulk onto the rear neighbour; however, no aspect of the proposal would result in any reduction to the impacts of building bulk on the adjoining property to the west. Generally, building bulk would be mitigated by reducing the height of development, providing vegetative screening or altering the design to reduce the physical appearance e.g. proposing an open sided and/or open roofed design or a further setback outbuilding. The proposal has not reduced any height requirements or proposed any vegetative screening. Part of the proposal does include open sided structures; however, the increased height and length of the proposed open sided structures is considered to outweigh the reduction to building bulk.</p> <p>In terms of what the R-Codes allows, the R-Codes permits a boundary wall with a maximum height of 3.5m for a maximum length of 9m. There is also allowance under the R-Codes for open sided structures to have posts up to the lot boundary for a maximum length of 10m but only where the height is 2.7m or lower. This equates to a maximum length of 19m of wall that could be built up to a lot boundary (or 63.3% of the shared lot boundary) in accordance with the R-Codes.</p> <p>Including the existing 14.1m long carport, the additions proposed would result in a 26.8m long wall constructed up to the western lot boundary (or 89.3% of the shared lot boundary). This would comprise of 20.3m open sided wall (being the existing carport, extension to the carport and patio) and 6.5m of solid wall (being the outbuilding). Additionally, only 3.5m of the open sided walls would comply with the maximum 2.7m wall height allowed under the R-Codes. While the 6.5m length of solid wall would comply with the 3.5m maximum height allowed for boundary walls, as an outbuilding the R-Codes applies a separate maximum wall height of 2.4m.</p> <p>Furthermore, the subject site is raised approximately 350mm higher than the adjoining property to the west as a result of levelling works undertaken as part of the subdivision of the estate. As a result, the height of any development as viewed from the western neighbour's property will appear higher and more imposing. Given the scale of development proposed up to the western lot boundary beyond what the R-Codes allows and with no mitigation, Officers consider the proposal would have an increased building bulk impact and would not meet this design principle.</p> <p>In relation to the second relevant design principle in relation to amenity, Officers consider the significant building bulk of the proposal would result in an adverse visual amenity impact to the neighbouring property to the west. The image below shows the existing development and, image above the view of proposed development from the adjoining property.</p> |

| Assessment of Variations | | | | |
|----------------------------|--|---|-------------------------|---|
| Planning Element | Design Principles | D-t-C | Proposed | Comment |
| 5.1.4 – P4 Open Space | <p>Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities. | 50% | 40.45% | <p>In terms of the building bulk design principle for open space, it is somewhat similar to the building bulk design principle lot boundary setbacks; however, is assessed against a different baseline. The subject site has a density code of R20 applied through the Whitby Precinct A Local Structure Plan. This density coding requires a minimum of 50% of the site to be retained for open space, the proposal reducing the open space on the site to 40.45%.</p> <p>Officers consider the intent for the 50% open space requirement for these R20 designated areas is to enable elements like gardens, such that residential amenity is maintained on the lot itself, on adjoining lots and on the general public realm. Currently on the lot and adjoining lots, complying with the 50% outdoor space requirement, there are areas relieved of building that creates some sense of openness, albeit in a disjointed way. This would be in contrast to the proposed development, that would largely remove any sense of open land on the subject property.</p> <p>This is considered to detract from the general amenity that is otherwise afforded through the control over open space, and the open areas that design results in. Officers consider that the development is not consistent with the design principle or the expectations of the density code.</p> |
| 5.4.3 – P3 Outbuildings | Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | <p>Wall height: 2.4m</p> <p>Side (west) setback: 1.5m</p> | <p>3.2m</p> <p>0.7m</p> | <p>The proposed outbuilding would have a wall height of 3.2m in lieu of the 2.4m maximum permitted under the R-Codes. The outbuilding would be located to the rear of the dwelling and screened from view from the street removing the potential for any impact to the streetscape. As indicatively shown in the perspective of the proposal in Figure 5, the outbuilding is considered to be visually prominent, as viewed from private outdoor areas of the adjoining property. As previously discussed, open areas free of building are reasonably expected in low density areas that typify the Residential R20 density code. The proposed wall height and reduced lot boundary setback to the western lot boundary, combined with the other aspects of the proposal are considered to result in a development that presents an adverse visual impact onto the neighbouring property to the west as discussed earlier in this report. For this reason, the proposed outbuilding is not considered to meet the relevant design principle.</p> |