

**SUMMARY OF SUBMISSIONS**  
**Proposed Outbuilding**  
**Lot 4, 9 Bushel Road, Serpentine**

Submitter	No	Submitter Comments	Officer Comment
<p>Element WA for Rifici, PS A52900</p>	<p>1</p>	<p>Dear Sir</p> <p><b>SUBMISSION PROPOSED SHED LOT 4 BUSHEL ROAD, SERPENTINE</b></p> <p><b>element</b> act on behalf of Mr Peter Rifici the owner of Lot 788 Walker Road, Serpentine in respect to a submission on the above-mentioned matter. It is understood that the Applicant proposes a shed which:</p> <ul style="list-style-type: none"> <li>• Is not contained within the building envelope for the subject lot.</li> <li>• Seeks a 4.5m setback in lieu of 10m from the side boundary.</li> <li>• Has a height of 5.2m in lieu of 5.0m.</li> </ul> <p>Our submission on the proposal is as follows.</p> <p><b>Submission</b></p> <p>The subject lot is zoned Rural Living A under Town Planning Scheme No.2 (TPS2). Condition 8 of Appendix 4A RLA 28 of TPS2 to which applies to the site states as follows:</p> <p><i>All buildings and effluent disposal systems to be located within the building envelopes defined on the approved Building Envelope Plan unless otherwise approved in writing by the Council.</i></p> <p>Further to the above, Clause 5.12.9 (c) and (d) of TPS2 provide as follows:</p> <p><i>5.12.9 In addition to the provisions contained in Appendix 4A or Appendix 4B and other such provisions of the scheme as may affect it, any land which is included as part of the Rural Living A or Rural Living B zones shall be subject to the following conditions:</i></p> <p><i>c) a building envelope with an area not exceeding 1,000 square metres in area shall be defined in a position to be agreed by the Council and no building</i></p>	

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		<p><i>envelope shall be closer than 20 metres to the primary street boundary or closer than 10 metres to any other lot boundary;</i></p> <p><i>d) no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council;</i></p> <p>The proposed shed is not contained within the building envelope that is applicable to the subject lot. The building envelope is setback 30 metres from the rear boundary, and the shed is located 13m from the same boundary.</p> <p>The proposal is further in conflict with the setback provisions under 5.12.9 (c) of TPS2, as a side setback of 4.5m is proposed in lieu of 10m.</p> <p>The Shire's Local Planning Policy 4.19 Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19) is relevant to the proposal. LPP4.19 states as follows:</p> <p><i>The Shire recognises that outbuildings and sheds are a necessary component to meet the storage needs of residential, rural and commercial properties. However, there is a need to ensure that outbuildings are sensitively located, constructed to a high design quality, and appropriately scaled so as to protect the amenity of the locality. This policy also acknowledges the size of outbuildings and sheds in the various zoned land in the Shire can vary due to differences in lot sizes.</i></p> <p>It is understood that the shed is 5.2m in height which exceeds the 5.0m building height set out within Table 1 LPP4.19.</p> <p>LPP4.19 provides that the following matters require consideration in determining an Application for Development Approval for a shed under the policy:</p> <p><i>2.2 The Shire will consider the following matters in respect of an application for development approval:</i></p>	

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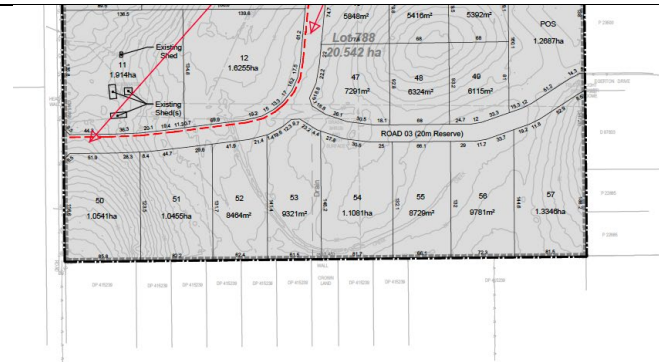
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		<p><i>2.2.1 Whether a size variation is required to satisfy specific needs of the owner/applicant;</i></p> <p><i>2.2.2 Whether a size variation is excessive, considering the character of the surrounding area;</i></p> <p><i>2.2.3 Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.</i></p> <p><i>2.2.4 Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;</i></p> <p><i>2.2.5 Whether non-reflective materials are proposed on the building;</i></p> <p><i>2.2.6 Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and</i></p> <p><i>2.2.6 Consideration of comments from the affected adjoining landowners.</i></p> <p>Our Client objects to the proposed shed on the following grounds:</p> <ul style="list-style-type: none"> <li>• The shed is located 13 metres from the rear boundary and the building envelope is setback 30m from the same boundary. As such the shed is setback 17m closer to the rear boundary than provided for by the building envelope. No justification is provided with the Application to advise of the rationale as to why the shed cannot be contained within the building envelope.</li> <li>• The subject lot was recently created, and based upon aerial photography, is undeveloped. Thus, there are no on-site constraints, buildings or otherwise, which would prevent the location of shed within the building envelope. Given the size and scale of the shed it would therefore be readily visible from Bushel Road and adjoining properties.</li> </ul>	<p>Clause 5.12.9 (d) of TPS2 provides the discretion for development to be considered outside of the building envelope. LPP4.19 establishes a general setback of 10m to lot boundaries for outbuildings, which the proposal complies with.</p> <p>A dwelling has been approved for the subject lot and would screen the proposed outbuilding from the street upon completion.</p>

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		<ul style="list-style-type: none"> <li>• The subject lot was purchased 2020 and as such the current landowner would have been made aware of development constraints relevant to the lot. This is inclusive of the building envelope.</li> <li>• The building envelope is 20 metres by 50 metres and thus can easily accommodate the proposed shed. Furthermore, the shed is 13.5% of the area of the building envelope. This leaves 86.5% of the building envelope available for future development.</li> <li>• The approval of the shed outside the building envelope would set an undesirable precedent. Building envelopes are specifically provided to contain development to provide appropriate building separation and retain rural-residential amenity. Our Client has an approved subdivision over lot 788 (refer to excerpt below). The proposed development outside of the building envelope would, if approved, place development in closer proximity than anticipated. As stated previously, approval of the proposal would create an undesirable precedent for similar development on adjoining lots which may lead to proliferation of development with reduced setbacks along the common boundary with our Client's landholding.</li> </ul>	<p>Noted.</p> <p>There is already an existing trend within surrounding estates and throughout the Shire for outbuildings to be located towards the rear of lots and outside of the building envelope. This provides a greater level of amenity for residents of the same lot as well as surrounding residents, which are generally located closer to the street.</p> <p>Notably, the lots within the subject estate feature revegetation to the rear, which will provide a screen to the future lots to the rear, mitigating the potential for visual impacts from outbuildings.</p>

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- The size of the shed is 135m<sup>2</sup> which will have a visual impact on the amenity of the locality especially in consideration of a reduced setback to the rear boundary. The width of the shed as proposed is 37.5% of the width of the rear lot boundary. Setting back the shed into the building envelope would reduce the impact of the width of the shed as it would provide for greater horizontal separation. Furthermore, there is no screening proposed to ameliorate the visual impact of the shed

- Whilst the reduced side setback proposed is not to our Client's boundary, it again facilitates development outside of the building envelope, with no cogent planning rationale to justify such a departure.

In considering the Application the Shire is required to have regard to Clause 67 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Relevant matters for consideration are as follows:

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

The proposed outbuilding is smaller in area than what is permitted under LPP4.19, it also exceeds the 10m rear boundary setback permitted under LPP4.19. Lastly, there is revegetation planted along the rear boundary of the subject site which will provide screening as it establishes.

Officers acknowledge the reduced side boundary setback; however, given the distance between the outbuilding and surrounding residences, the impact is considered to be low,

Noted. These matters have been considered as part of the technical assessment and the proposal is considered to be acceptable.

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		<p><i>(fa) any local planning strategy for this Scheme endorsed by the Commission ;</i></p> <p><i>(g) any local planning policy for the Scheme area;</i></p> <p><i>(h) any structure plan or local development plan that relates to the development;</i></p> <p><i>(m) the compatibility of the development with its setting, including —</i></p> <p style="padding-left: 40px;"><i>(i) the compatibility of the development with the desired future character of its setting; and</i></p> <p style="padding-left: 40px;"><i>(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;</i></p> <p><i>(n) the amenity of the locality including the following —</i></p> <p style="padding-left: 40px;"><i>(i) environmental impacts of the development;</i></p> <p style="padding-left: 40px;"><i>(ii) the character of the locality;</i></p> <p style="padding-left: 40px;"><i>(iii) social impacts of the development;</i></p> <p><b>Conclusion</b></p> <p>Having regard to the matters raised within this advice, it is considered that the proposed development is contrary to the amenity of the locality and is not compatible with its setting due to the location of the proposed shed outside of the building envelope. This is further exacerbated by the reduced setback of 4.5m to the side boundary. The size of the shed 135m<sup>2</sup> and height 5.2m further aggravates the visual impact of the proposal.</p> <p>Further to the above, the shed is not sensitively located as per LPP4.19, and for this reason and others stated, the Application in its current form should be refused.</p>	<p>The proposed outbuilding is considered to be consistent with the development expectations for the area. Although located outside of the building envelope, the proposed development meets the standards provided for outbuildings under LPP4.19, with the exception of ridge height and side boundary setback. The ridge height variation is minor and unlikely to be noticeably</p>

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		<p>Finally, we reiterate, if approved, that the development would set an undesirable precedent for similar development on adjoining lots.</p> <p>Should you have any queries or require clarification on the above matter, please do not hesitate to contact the undersigned.</p> <p>Yours sincerely,</p>	<p>different from a compliant development. There is existing revegetation works to the rear and further revegetation is expected to be provided when the adjoining property to the rear subdivides. Officers consider the proposed development aligns with the expectations for such development established under LPP4.19 and therefore acceptable as proposed outside of the building envelope.</p>
<p>L Mungoma &amp; W Chiko A406416</p>	<p>2</p>	<p>Good Morning,</p> <p>We have no objection to the proposed shed.</p> <p>Regards,</p>	<p>Noted</p>