

SITE PLAN

Lot 203
43 Macartney Street, York

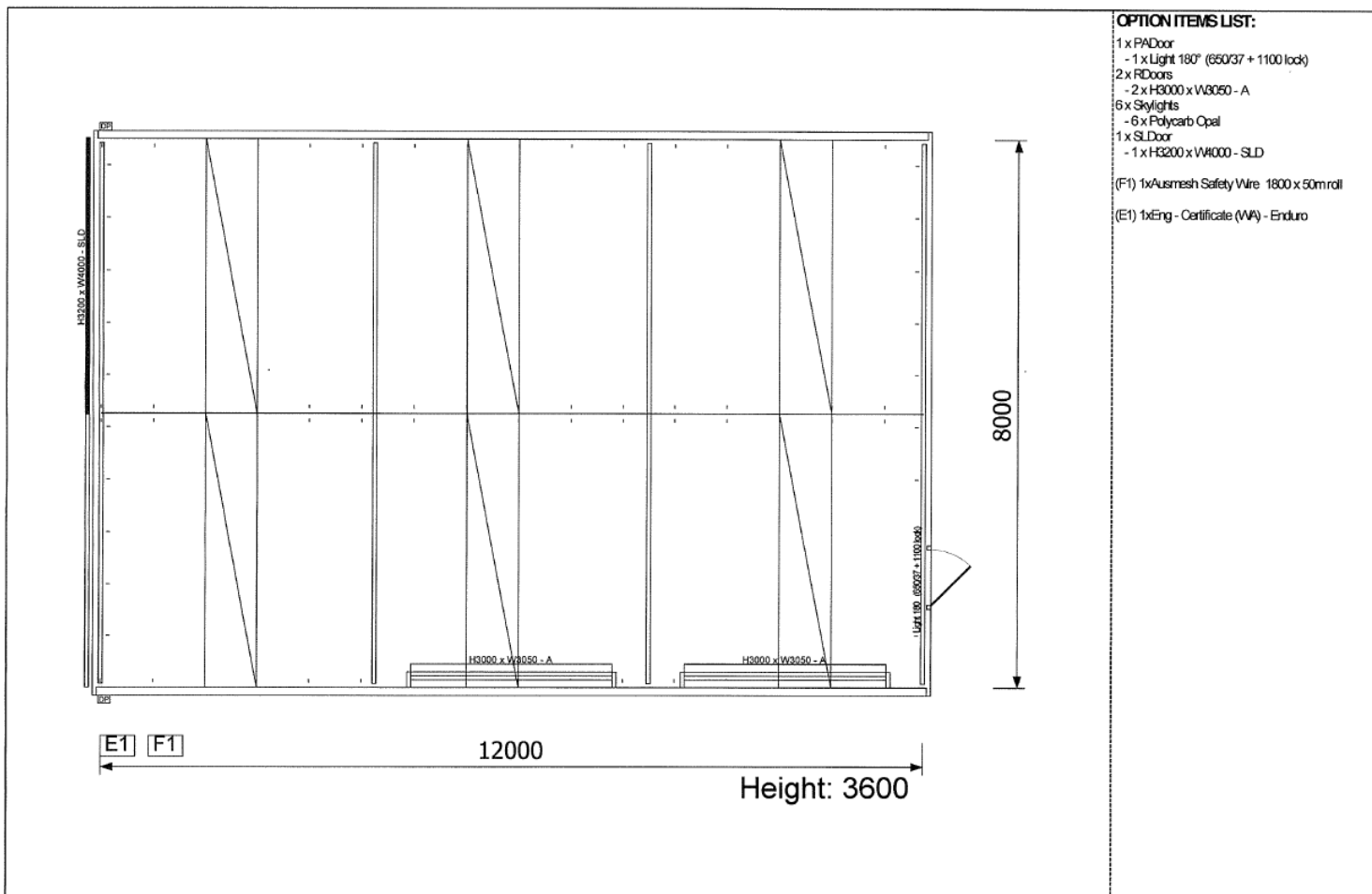


ITEM 9.1.1
APPENDIX 1

TECHNICAL DRAWINGS



ITEM 9.1.1
APPENDIX 2



- OPTION ITEMS LIST:**
- 1 x PADoor
 - 1 x Light 180° (650/37 + 1100 lock)
 - 2 x RDoors
 - 2 x H3000 x W3050 - A
 - 6 x Skylights
 - 6 x Polycarb Opal
 - 1 x SLDoor
 - 1 x H3200 x W4000 - SLD
- (F1) 1xAusmesh Safety Wire 1800 x 50m roll
- (E1) 1xEng - Certificate (WA) - Enduro

| | | | |
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| Company: Action Sheds Phone: 1300778628 Email: matcolm@actionsheds.com.au Address: 55 Erceg Road, Yanggobup, WA, PC 6164 Produced by Endurance TruQuote v2.9.0.0 | | CLIENT NAME: Jamie & Bronwyn Hewitt SITE ADDRESS: TBA York, WA, PC 6302 | TITLE: PLAN VIEW QUOTE No: ASH/MB20907 SCALE: NTS REV: A DATE: 12/12/2014 PAGE: 01 of 01 |
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SCHEME ASSESSMENT

DA No. P948

Address: Lot 203 (43) Macartney Street, York

Proposal: Construction of a shed.

8.5. MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The property is zoned Residential R10/R30. The property is not connected to the reticulated sewer therefore provisions of the R10 apply.

4.8. Residential Zone

4.8.1. Objectives

- a) *to encourage single houses as the predominant form of residential development*
- b) *to require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- c) *to achieve a high standard of development and residential amenity.*

The proposal is consistent with the relevant objectives.

4.8.2. Site Requirements

In accordance with the R-Codes

Development has been assessed against the R-Codes.

4.8.3. Development Requirements

In the Residential zone the local government may require preparation of an Outline Development Plan in accordance with Clause 5.10 before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

Not applicable.

4.8.4 Additional requirements for subdivision and/or development which the local government may apply in the Residential zone shall be laid down in Schedule 5.

Not applicable.

- (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*
No new planning scheme or amendment applies.
- (c) *Any approved statement of planning policy of the Commission.*
Nil.
- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*
Nil.
- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*
SPP 3.1. Residential Design Codes

| Element | Requirement | Actual | Variation | Comment |
|---------|----------------|-----------------|-----------|--|
| Setback | Primary – 7.5m | Primary – n/a | n/a | The development has been set back a minimum of 5m from |
| | Secondary – 3m | Secondary – >3m | nil | |

| | | | | |
|------------|--|--|-----|---|
| | Other/Rear – Table 2a 2b (1.5m)/6m | Other – 5m | nil | the side setback which exceeds the requirement. This is to ensure that the impacts associated with an oversized floor area do not impact the neighbouring property. |
| Open Space | 0.6 x 3642 = 2185.2m ² Therefore 1456.8m ² of developable area | Dwelling ~16 x 18 = 288m ² Existing skillion open shed ~6 x 12 = 72m ² Total = 360m ² Plus Proposed shed 12 x 8 = 96m ² =456m ² < 1456.8m ² Check (3642 – 456 = 3186m ² > 2185.2) Therefore complies. | | |

5.2.3. Street Surveillance

This principle refers to dwellings however the applicant has considered the impact of passive surveillance. The location will allow the landowners to view the shed from their dwelling which will allow surveillance of the shed.

5.3.7. Site Works

Site works are minimal as the site is predominantly flat. A sand pad of 100mm has been allocated.

5.3.9. Stormwater Management

Stormwater is to be managed on site to the satisfaction of the local government – condition of approval.

5.4.1. Visual Privacy

There are no windows on the western side of the shed.

5.4.2. Solar access for adjoining sites

The deemed to comply provisions are not all applicable to this development. The development will not shadow more than 25% of the adjoining site as indicated in C2.1.

The development does not share a southern boundary (C2.2)

The development complies with the design principles P2.1 as it takes into consideration the existing development having habitable rooms on the eastern side. The shed has purposely been moved south to allow solar access to the northern bedroom (that has an eastern facing window).

5.4.3. Outbuildings.

The local planning policy, Outbuildings in Residential Zones is used to assess Outbuildings in York. Proposals that meet the criteria of the LPP are considered by Council to meet the performance criteria in the R-Codes. See f).

P3. Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The impact to the neighbouring property has been assessed. Due to the existing context and development of the neighbouring property, it is expected that any development on this adjoining lot may impact their desired amenity. It has been concluded that this amended proposal allows for a balance between the impact to the amenity and the applicants right to enjoy and use their land.

- (f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.

Outbuildings in Residential Zones

2.0. Policy Objectives

- a) *To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.*

The proposed shed requires variation from the LPP with regard to the collective floor area. This is due to the applicants need for more storage. The existing shed is not enclosed and they require an enclosed storage shed.

- b) *To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.*

The proposed shed has been located to reduce the impact to the adjoining neighbour. Due to the existing context and development of the neighbouring property, it is expected that any development on this adjoining lot may impact their desired amenity. It has been concluded that this amended proposal allows for a balance between the impact to the amenity and the applicants right to enjoy and use their land.

- c) *To provide direction and clarity on the application of the Performance Criteria with regard to clause 6.10.1 – Outbuildings of the Residential Design Codes (R-Codes).*

R-Codes has since been amended. Development has been assessed against the design principle of 5.4.3. Outbuildings.

7.1. Residential Zones

7.1.1. General

- a) *not attached to the dwelling;*

The outbuilding is at the rear of the property away from the dwelling.

- b) *are non-habitable or used for commercial or industrial purposes;*

Condition of approval

- c) *are not within the primary street setback area;*

Complies with all relevant setbacks.

- d) *do not reduce the amount of open space required in the R-Codes; and*

Does not compromise the open space requirements. See e).

- e) *comply with the siting and design requirements of the R-Codes for the dwelling, with the exception of the rear setback requirements.*

The development complies with the provisions of the R-Codes as assessed against this policy.

| <i>Element</i> | <i>Requirement</i> | <i>Actual</i> | <i>Variation</i> | <i>Comment</i> |
|------------------|--------------------|---|--------------------|--|
| 7.1.2 Floor Area | 100m ² | Existing 6x12 = 72m ² Proposed 12x8 = 96m ² Total = 168m ² | +68m ² | The proposed development alone complies with the floor area requirements however as there is already an existing shed to the north, the collective floor area exceeds the requirement. The |
| • 5% Variation | 105m ² | 168m ² | +163m ² | |
| 7.1.3 Height | | | | The proposed heights do not comply with the requirements however they are under the acceptable 5% variation requirements. The neighbouring property owner has been notified |
| Wall | 3.5m | 3.6m | +0.1m | |
| Ridge | 4.2m | 4.305m | +0.105m | |
| • 5% Variation | | | | |
| Wall | 3.675m | 3.6m | -0.075m | |

| | | | | |
|-------|-------|------|--------|--|
| Ridge | 4.41m | 4.3m | -0.11m | and her comments were taken into consideration |
|-------|-------|------|--------|--|

7.1.4. Materials

a) *Outbuildings on sites located within Council's Restricted Building Materials area, must be constructed in accordance with the adopted Policy.*

The property is not located within this area.

b) *Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may require a report from a structural engineer for use of second-hand building materials.*

The proposed shed is new.

c) *Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.*

Materials and colours are to be of low-reflectivity and complementary to the surrounding development – condition of approval.

(g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

The land is not reserved.

(h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*

The place is not heritage listed nor is it located within a precinct.

(i) *The compatibility or a use or development with its setting.*

A shed is considered an ancillary structure to a dwelling. The shed is compatible in the residential zone.

(j) *Any social issues that have an effect on the amenity of the locality.*

There are potential social issues associated with hobby sheds as the use can sometimes impact the surrounding amenity, particularly with issues associated with noise. The environmental health officer has advised that based on the use as a hobby shed and the likelihood of machinery being used – the level of noise is subject to the Environmental (Noise) Regulations 1997.

This will be included as a note on the condition of approval.

(k) *The cultural significance of any place or area affected by the development.*

The place is not specifically culturally significant.

(l) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

There are not likely to be any impacts on the natural environment. .

(m) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

The land is not subject to such risks.

(n) *The preservation of the amenity of the locality.*

The amenity of the locality has been considered in this assessment. Amendments to the initial proposal were required due to the context of the locality.

The objection from the neighbour included concerns regarding proximity to her boundary and the visual impact from her kitchen window as well as the potential to block light in this area.

Further assessment of the amenity is included in (o).

- (o) *The relationship of the proposal 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 proposal.*

The original proposal being 8m by 16m and located 2m from the property boundary and adjoining neighbour was considered to have a significant impact to the adjoining neighbour with relation to height, bulk and scale.

The neighbouring dwelling is located on the boundary which is unusual in this context and a shed could potentially overshadow the house.

As the neighbouring property owner made an objection raising concerns relating to this, I met with the applicant on site to discuss an amendment to the proposed location.

After considerable negotiations with the landowner and referral to the adjoining property owner, an amended location was proposed.

Based on Table 2a/2b of the R-Codes, a development with a wall height of 4.2m (rounded to 4.5) and a wall length of 12m, with no major openings, is only required to be 1.5m from the property boundary. As there are concerns with the property boundary and alignment (see below and further comments in (zb)) it was considered that an amended setback of 5m from the property boundary (approximately 4m from the fence) is considered adequate in this context.

The objecting landowner still had concerns over the position however it was considered that the impact of height, bulk and scale, in combination with landscaping (condition of approval) would adequately address these from a technical point of view.

It should be noted that the neighbouring fence is not located on its correct alignment and whilst it has been noted/considered, boundary disputes and fence alignments are the responsibility of the respective landowners (see (zb))

In this case, all setbacks and assessment has been considered from the property boundary as indicated on Landgate.

- (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

Access to the shed is from Little Street (the rear of the property) which is parallel to Macartney Street (front of the property). Existing access is considered adequate.

- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
There is not likely to be an increase in existing traffic flows and safety.

- (r) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Not applicable

- (s) *Whether public utility services are available and adequate for the proposal.*

Existing services are adequate.

The applicant has indicated that they will be connecting the shed to power – this is the responsibility of the landowner in collaboration with Western Power.

- (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Not applicable.

- (u) *Whether adequate provision has been made for access by disabled persons.*

Not applicable.

- (v) *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.*

No vegetation will be removed as a result of this shed. The area is already clear.

Landscaping will be required as a condition of approval for the western side of the shed.

- (w) *Whether the proposal is likely to cause soil erosion and degradation.*

The proposal is not likely to cause soil erosion or degradation.

(x) *The potential loss of any community service or benefit resulting from the planning consent.*
Nil

(y) *Any relevant submissions received on the application.*

The neighbouring property owner, D Prisgrove, made two submission on the initial application in relation to her concerns of the development impacting her property. A number of amendments were sent to D Prisgrove who preferred the shed to be moved further south and out of view of her dwelling. The applicant wanted the shed as close as they could to the existing dwelling.

An amendment to the initial proposal, taking into consideration both points of view, was forwarded was forwarded to D Prisgrove who still objected to the proposal.

It is considered that whilst the objection is relevant with regard to impact to amenity, it is considered unreasonable to expect that the landowner/applicant cannot use their land as they wish, within the parameters of the Residential Design Codes and the Shire of York TPS2.

In an area zoned Residential R10, whilst it may be low density, it is expected that development will be present throughout the area.

It is considered that the concerns that were raised by the objector can be managed through conditions of consent as well as through the applicant agreeing to amend the original application.

(z) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*

These impacts have been considered throughout the assessment of the proposal. The main impacts that may be caused in relation to this proposal including noise and light.

Noise – in relation to the used of the shed for hobbies and various activities. This has been addressed in (j).

Light – in relation to the shed potentially blocking light into the neighbouring property. An amended site plan indicating a minimum setback of 5m from the property boundary will still allow light into the dwelling.

Based on the daily motion of the sun throughout the year as seen from the southern hemisphere, it is expected that there may be some blocking of sun mainly during summer mornings however as the sun predominantly moves in the north, it is not likely that this will be significant. It is also worth noting that this would be no more significant than that of a house which in an R10 coded zoning, could very well be built closer than this proposal.

(za) *The comments or submissions received from any authority consulted under clause 7.4.*
Nil

(zb) *Any other planning consideration the local government considers relevant.*

During a site visit, it was brought to my attention that the dividing fence is not located on its correct alignment.

When consulting with the objector, I told her that all setbacks are measured from the property boundaries as indicated on the site plan, and as confirmed by Landgate.

D Prisgrove noted that she had adverse possession of the land as it had been that way for years. I informed her that this was an issues between her and the landowner, and that I would take it into consideration but setbacks are measured from the property boundary.

Landgate records indicate that the boundary is along the dwelling.

However it this has been taken into consideration and as the setback is a minimum of 5m, it would mean the shed is approximately 4m from the adjoining fence, which is still considered acceptable.

SCHEDULE OF SUBMISSIONS

| No. | Date Received | Name | Description of Affected Property | Summary of Submission | Officer's Comment |
|--------------------------|---------------|-------------|----------------------------------|--|---|
| Original Proposal | | | | | |
| 1. | 28-Nov-14 | D Prisgrove | Adjoining neighbour | <p>“... As the sole owner of the cottage ... directly adjoining this proposed development I wish to formally lodge an objection to the plans. Although I have no objection to a shed being placed on the block in question my objection is in regard to the location of the shed on the block.</p> <ol style="list-style-type: none"> 1. The shed appears to be much larger than my whole 1891 brick and iron cottage. Because the owners of 43 Macartney Street have chosen to site the shed close and parallel to their block's side boundary adjacent to my cottage, the only view from my kitchen and back room will be of an unbroken expanse of the wall of the 3.6 to 4.305 metre high shed which will only be a few metres away from my back windows and the shed will dwarf my cottage. 2. It is not clear exactly how near the shed will be to the dividing fence and my cottage as the plan shows “ 2 mtrs (approximately)”. Plans submitted to Council should show precise measurements for approval. 3. Because of the two above points I am concerned that, for half of every day at least, the proposed shed will block natural light from reaching my cottage. It seems that my cottage will be in the shadow of the shed and the back windows and rooms of my cottage will be in darkness. I am alarmed by this, besides the feeling of being hemmed in by this huge structure. 4. As the rear half of 43 Macartney Street is completely vacant at the moment, it seems logical that a better location for the shed would be in one of two other possible places: | <p>The initial proposal measured 8m by 16m. This has since been amended to be 8m by 12m.</p> <p>The site plan has been amended to include a scale and accurate location. The impact of natural light has been considered and the setback was amended by 3m, totalling 5m, to allow for a greater gap between the dwelling and the shed.</p> <p>The applicant wanted the shed to be as close as they could to their dwelling. However when the size of the shed was amended, it was reduced from the northern end.</p> <p>The proposal has been assessed taking into consideration the impact to the neighbouring property within reason to the applicant's needs and the statutory provisions i.e. setbacks, heights etc.</p> |

| | | | | | |
|----|----------|-------------|---------------------|--|--|
| | | | | <p>Either</p> <p>(a) in the centre of the block to allow plenty of light to reach my property and to illuminate the rear rooms of my cottage and for free circulation of fresh air or</p> <p>(b) near and parallel to the opposite dividing fence line... as the rear half of 41 Macartney Street is also completely vacant at this time. The shed would have no adverse affect at all on the dwelling at 41Macartney Street as the house on that block is near to Macartney Street which it faces and only vacant land would be adjacent to the shed.</p> <p>In fact there is only one dwelling that should be taken into consideration when deciding on the location of the shed and that is my cottage. The other dwellings... will be totally unaffected by any choice of placement of the proposed shed.</p> <p>5. I have a query about the construction materials of the proposed shed: Is the shed to be built in Colourbond steel? – I have no information as to the materials used in building the shed and don't know what I'll be looking at from my rear windows. If the shed is to be uncoated silver metal and is near my cottage it will radiate a lot of heat towards my cottage in the very hot York summers. I hope to hear that the material is colourbonded. This would also be more pleasing aesthetically.</p> <p>6. I have been advised by you that the purpose of the shed is purely for storage and I have no objection to that of course.</p> <p>...</p> | <p>The materials have been conditioned to be low-reflective and complementary to the surrounding development.</p> <p>The purpose of the shed is for storage and general hobbies typically associated with personal sheds. The shed cannot be used for commercial, habitable and/or industrial purposes as per the condition of approval.</p> |
| 2. | 1-Dec-14 | D Prisgrove | Adjoining neighbour | <p>"I spoke to my neighbours at 43 Macartney Street on the weekend and they said that they want to site the shed as per the submitted plan because the manufacturer of the proposed shed advised that the shed should have its doors facing the centre of the block and its rear towards my cottage so that the doors would not be facing the weather. It occurred to me today that a compromise could be</p> | <p>Noted.</p> <p>The proposed development complies with the setback requirements of the State Planning Policy 3.1. Residential Design Codes. The amenity of the area</p> |

| | | | | | |
|-------------------------|----------|-------------|---------------------|---|---|
| | | | | <p>if the shed is placed parallel to my boundary with number 43 Macartney Street but the whole shed is moved down nearer to Little street so that the back of the shed is parallel with my small shed and the blank side of the carport end of the house... My main concern remains that I should be able to get light into my kitchen window in winter and not feel hemmed in by the huge blank wall of the shed which would obliterate clear view..</p> <p>...</p> <p>Another concern of the shed being placed so near my house is that the small "alleyway" between the shed and the dividing fence would provide a meeting place at night for undesirable people... For these above reasons I would be happy if the proposed shed were to be built more towards the Little Street end of the block... I formally request that that happen."</p> | <p>has been considered with relation to a Residential area.</p> <p>The impact of safety and surveillance has been considered in this assessment. The location of the shed will allow the landowners to view the shed from their dwelling which will discourage anti-social behaviour.</p> <p>The impact of the shed to the streetscape of Little Street has been considered.</p> |
| Amended Proposal | | | | | |
| 3. | 1-Dec-14 | D Prisgrove | Adjoining neighbour | <p>"... So I request that the shed be sited five metres from the dividing fence. Otherwise we're looking at a setback of only about 4 metres from the fence, I think. I thought that the neighbours had agreed to a setback of six metres (see your emails to me of December 22nd and January 2nd) – maybe they meant from the obsolete boundary line, which would, I think, place the shed about 5 metres from the fence-line anyway.</p> <p>...Can you give me the measurement of the North wall of the proposed shed from the southern boundary of Eaton Street i.e. the dividing fence line between my property and Eaton Street. This should be on submitted plans I believe, but is not. If I don't have adequate measurements, I can't make decisions. We need to look at all the appropriate boundaries , including the southern Eaton Street boundary if the neighbours are not prepared to do the usual thing and go by well-established fence-line boundaries of long-standing..."</p> | <p>The applicant had proposed a 6 metre setback that was further north. As part of the compromise, the shed was moved south by 1m and west by 1m resulting in a setback of 5m from the property boundary as per Landgate mapping.</p> <p>The site plan submitted was sufficient for assessment purposes.</p> <p>All setbacks and boundaries have been considered in the assessment.</p> <p>All submissions are taken into consideration however the decision will be made by Council based on a technical assessment conducted by the relevant officer.</p> |