

<b>Agenda Reference</b>	
<b>13.1 Late Item: PROPOSED CARPORT WITH REDUCED BOUNDARY SETBACKS – NORSEMAN</b>	
Location / Address	Lot 154 on DP 222909 (HN 35) Mildura Street Norseman
File Reference	DA01.2023
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	24 July 2023
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

## Summary

It is recommended that an application for development approval (DA01/2023) to develop a carport on the aforementioned lot with reduced front and side boundary setbacks be approved.

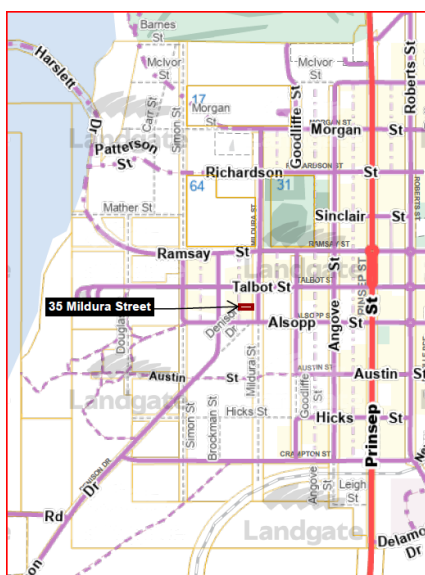
## Background

Lot 154 (HN 35) Mildura Street comprises an area of 1,012 m<sup>2</sup> with a 20.12 metre long frontage to Mildura Street.

It contains an existing single house centrally located within the lot, setback about 6 metres from the lot's Mildura Street frontage. There are also a number of existing outbuildings located within rear yard of the lot and between the existing dwelling and the common boundary between lots 154 and 155.

Current access to the subject land is available from both Mildura Street and a rear laneway. Access from Mildura Street is via a recently constructed crossover bridging an open drain that extends along the west side of Mildura Street.

A location map and a recent aerial photo of lot 154 are provided in **Figures 1** and **2** below.



**Figure 1 – Location Map**



**Figure 2 – Aerial photo of lot 154**

## Proposal

The proposal is for a freestanding 30m<sup>2</sup> (7.5 m x 4.0 m) size carport within lot 154 for the parking of a single motor vehicle. The total height of the carport will be 3.2 metres (measured from existing ground-level to the roof ridge), with a wall height of 2.5 metres.

It is proposed to set back the front of the carport **1.16 metres** from the lot's Mildura street boundary and thereafter, extend the carport westwards along the common boundary of lot 154 and adjoining lot 153 for a distance of **7.5 metres**, just north and partially forward of the existing dwelling on lot 154.

The carport will comprise a steel-frame with a metal clad roof and walls on 3 sides. The front of the carport – facing Mildura Street – will be open.

Plans and elevation drawings illustrating the layout and design of the proposed carport are provided at **Attachment 1** to this report.

### Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*
- *Shire of Dundas Local Planning Scheme No. 2 (LPS 2)*

The subject land is zoned **Residential** under LPS 2 with a density coding of **R10**.

Under this coding, and subject to meeting prescribed criteria, a **minimum front boundary setback of 3.75 metres** is required whilst a **minimum side boundary setback of 1.5 metres** is required.

If the proposed development were to accord with these and other applicable criteria - such as vehicle access to the lot being from a laneway or right-of-way where this is available - the proposed development would be exempt from obtaining development approval. However, because reduced side and front boundary setbacks for the carport are proposed, and vehicle access is proposed from Mildura Street (the **primary street**) rather than the existing rear laneway, the approval of Council is required.

Hence this application.

In determining whether development approval ought to be granted to the proposed carport with reduced front and side boundary setbacks, Council is required to have regard to the **design principles** cited in the R Codes corresponding to the **deemed-to-comply boundary setbacks** prescribed in the R Codes applying to this type of development.

These design principles are as follows:

#### **5.2.1 Setback of garages and carports**

*P1.1 Carports and garages set back to maintain clear sight lines along the street, to not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and to the appearance of dwellings.*

*P1.2 Garages and/or carports set back to ensure any vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian, cycle or dual-use path.*

### Policy Implications

The Shire has no local planning policies that apply to the proposed development.

### Financial Implications

There are no specific financial implications for the Shire of Dundas relating to the proposal.

### Strategic Implications

There are no goals nor specific objectives cited in the Shire's *Strategic Community Plan 2022-32* that directly apply to the proposed development.

However, it ought to be borne in mind that one of the implications of granting development approval to a carport proposed within the front setback of lots that abut a rear laneway is that it potentially sets a precedent for future carports and garages to be developed within other lot front setbacks, contrary to the vehicular provisions of the R Codes.

It ought to be noted that Council previously approved a similar carport development upon 26 Johns Street in May 2022 with a reduced front and side setback and vehicle access being permitted from the primary street (being Johns Street). The proposal under consideration here is similar.

Whilst proposals of this type may not be considered a significant issue in a small-sized relatively remote town or community (given low traffic volumes on Norseman's local streets), the cumulative effect of allowing carports in lot front setbacks – especially without any specific design controls – can result in a 'sea of vehicles' being visually prominent from the primary street and could potentially adversely impact Norseman's streetscapes.

In light of the above, and where Council is prepared to consider allowing carports within lot front setbacks, it is suggested that Council develop and adopt a local planning policy to guide and articulate the circumstances in which such proposals might be allowed. The policy ought to also include design guidelines that will ensure that where a carport is allowed within a front setback, its design and form will be consistent with the design and form of any existing dwelling upon the lot, or it will integrate with any proposed dwelling upon the lot.

In developing design guidelines, the focus also ought to be on achieving consistency in respect to roof form, colours and materials of the dwelling on the lot (whether existing or proposed) and the screening of the carport from the primary street, either by vegetation, walls, fences or a combination of these.

#### Neighbour Consultation

Where a development proposal is to be assessed against one or more design principles of the R Codes applying to the type of proposed development, or may have a possible impact on the amenity of adjoining owners and occupiers, notifying and inviting affected owners and occupiers to view and comment on the proposal might be warranted.

Where notification is given, the owners/occupiers have 14 days (from the date of being informed about the proposal) in which to provide any comment to the Shire on the proposal.

The adjoining owner/occupier of Mildura Street was notified in writing by the Shire of the proposed carport development and invited to comment upon it. The Shire **did not receive any response** from the adjoining owner/occupier of 33 Mildura Street.

#### Comment

As Council previously approved a similar carport development upon 26 Johns Street in May 2022 with vehicle access being approved from the primary street (being Johns Street), and that the Shire recently **approved the construction of a crossover from Mildura Street to lot 154**, it will be difficult in this instance **not to approve this proposed carport development**.

#### Determination Options

In determining the application, Council has the option of:

- A. Approving the application for development approval with or without conditions; or
- B. Refusing to approve the application for development approval.

It is recommended that the application be approved.

#### Voting Requirements

Simple Majority

## **Officer Recommendation**

That Council, pursuant to clause 68(2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVE** development application **DA 01/2023** to develop a **carport with reduced front and side boundary setbacks** upon Lot 154 (HN 35) Mildura Street Norseman, generally in accordance with the sketch plans drawn by Kevin Hindmarsh accompanying development application DA01/2023, subject to the following **conditions**:

- (i) The carport floor space and the connecting driveway from Mildura Street being designed and constructed to the requirements and satisfaction of the Shire of Dundas, prior to the use of the carport commencing;
- (ii) Stormwater run-off from the carport, the floor space beneath it, and the connecting driveway being suitably drained to the specifications and satisfaction of the Shire of Dundas, prior to the use of the carport commencing; and

## **Advice Notes**

1. If the approved development has not been fully developed within 2 years from the date of this approval, the approval will expire and be of no further effect.

The approval may be extended beyond the approval expiry period where a request has been received and approved by the Shire of Dundas within 3 months of the approval expiry date;

2. When all of the conditions imposed on this approval have been fulfilled (unless otherwise agreed to by the Shire), please contact the Shire to arrange an inspection by a Shire officer to confirm that all the conditions of this approval have been fulfilled to the Shire's satisfaction.

Failure to fulfil all the conditions of this approval (unless otherwise agreed to by the Shire) prior to the use commencing is considered a breach of, and may invalidate, the approval granted.

Moved Cr:

Seconded Cr:

## **Resolution**

Carried by: Simple Majority

For:

Against