

Applicant justification for consultation – 8 Roe Court, Padbury

Item	Item	Required	Item
1	6. Side and rear setbacks (HOALPP)	<p>6.1 Ground floor 1m Upper floor 2m</p> <p>6.2 <u>Boundary walls</u> Average height: 3m To one side boundary only</p>	<p><u>6.1 side and rear setbacks</u></p> <p>1. The setback variations for the new development from the side boundaries for the upper floors can be attributed to the narrow nature of the new lots, which are being created to avoid a battle-axe configuration that will result in a rear dwelling being concealed to the rear of the land (with no outlook over the street) and the creation of an unsecure battle-axe driveway.</p> <p>2. It should be recognized that strict compliance with the setback provisions of the Policy for the upper floor would result in each dwelling comprising insufficient internal living areas to accommodate the future occupants and the design of an upper floor with little to no articulation. In this instance, the proposed new dwelling will comprise a varying setback to provide an element of articulation when viewed from the adjoining properties.</p> <p>3. The setback variation for the upper floors from the side boundaries (i.e. less than 400mm) are considered to be minor and will not have an adverse impact on the adjoining properties in terms of bulk and scale.</p> <p>4. The offending walls will not have an adverse impact on the streetscape in terms of bulk and scale.</p> <p>5. The proposed development on the subject land meets the ‘deemed to comply requirements’ of Element 5.4.2 C2.1 (i.e. ‘Solar access for adjoining sites’) of the R-Codes and will not impact or impede any existing or future developments on the adjoining properties. In fact, the development will not cast a shadow over the adjoining western property at 12 noon on 12 June (i.e. winter solstice).</p> <p>6. The proposed development has been designed to provide for the effective use of all available space and the creation of adequate internal and external living areas which will benefit the future occupants of each dwelling. It should be noted that the lot boundary setbacks for the ground floor complies with the City’s Policy.</p> <p>7. Despite the poor orientation of the land, each dwelling has been provided with adequate openings to allow for good access to natural light and ventilation.</p> <p>8. Those portion of each dwelling comprising reduced setbacks to the internal lot boundaries will abut a side setback area for the adjacent dwelling within the same development (see Site Development Plans). Given this, it is contended that the reduced setback will not have an adverse impact on any key habitable spaces associated with proposed adjacent dwelling within the development to the proposed setback variation. The separation between the dwelling along the internal boundary will allow for access to natural light and ventilation.</p> <p>9. That portion of Unit A comprising a reduced upper floor setback to the eastern side boundary will abut the side setback area of the existing single detached dwelling on adjoining Lot 360 (No.10) Roe Court which comprises a covered structure. Given these facts, the setback variation for Unit A from the eastern side boundary will not have an adverse impact on any major openings and/or outdoor living areas associated with</p>

			<p>the existing dwelling on adjoining Lot 360.</p> <p>10. That portion of Unit B comprising a reduced setback to the western side boundary abuts a vacant/unused residential lot at adjoining Lot 101 (No.6B) Roe Court. As previously mentioned, the proposed development will not cast a shadow over the adjoining western property at 12 noon on 12 June (i.e. winter solstice). Given these facts, it is contended that the minor setback variations for Unit B and will not impede or restrict any future development on adjoining Lot 101 or impact the living area for the future dwelling on that lot.</p> <p>Having regard for the above it is contended that those portions of the proposed development on the subject land satisfies the Objectives of Clause 6 of the City's Policy, will not have any impact on the streetscape or the adjoining properties and may therefore be approved by the City.</p> <p><u>6.2 boundary walls</u></p> <p>1. The variation to the average wall height (i.e. between 250mm and 520mm) for the parapet walls within the development are considered to be minor and will not have an adverse impact on the adjoining properties or the streetscape.</p> <p>2. In addition to the above, the variations to the wall height can be attributed to the fall in natural ground levels down the subject land and the need to provide for a 2.7 metre internal ceiling height of the dwelling.</p> <p>3. The proposed development on the subject land meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.</p> <p>4. The parapet walls are well setback from the front boundary. As such, the extent of parapet walls for the proposed development will not have an adverse impact on the local streetscape in terms of bulk and scale.</p> <p>5. The proposed development complies with the visual privacy provisions of the R-Codes. In addition, the parapet walls will assist with providing for improved privacy for the occupants of the new development.</p> <p>6. The proposed parapet walls provide for the effective use of the land and will assist with providing good internal living area for each dwelling.</p> <p>7. It should be noted that the recent changes to the R-Codes allows for parapet walls to comprise a 3.5 metre wall height. As such, the City's Policy (of applying a 3 metre wall height average) is out of date with the recent changes to the planning framework.</p> <p>8. The lengths of the parapet walls meet the 'deemed to comply requirements' of the City's Policy.</p> <p>9. That portion of Unit B to be built up to the western side boundary will abut a vacant/unused residential zoned lot on adjoining Lot 101 (No.6B) Roe Court (see Figure 3 – Aerial Site Plan). It is contended that the proposed parapet wall for Unit B along the western boundary will not impede or restrict any future development on the</p>
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			<p>adjoining property.</p> <p>10. That portion of Unit A to be constructed up to the eastern side boundary abuts the extensive front yard area for the existing single detached dwelling on adjoining Lot 360 (No.10) Roe Court (see Figure 3 – Aerial Site Plan). Given this and the fact that the proposed parapet wall for Unit A will not cast a shadow over the adjoining property (at 12 noon on 21 June – winter solstice), it is contended that the extent of parapet wall on the boundary will not have an adverse impact on any outdoor living areas or major openings associated with the existing dwelling on the adjoining eastern property.</p> <p>Having regard for the above it is contended that those portions of the proposed development on the subject land satisfies the Objectives of Clause 6 of the City's Policy, will not have any impact on the streetscape or the adjoining properties and may therefore be approved by the City.</p>
2	18. Natural ventilation (HOALPP)	<p>18.1 All rooms, with the exclusion of store rooms, shall have operable windows. Window opening design shall maximise natural ventilation.</p> <p>18.2 Habitable rooms shall have a window in an external wall which:</p> <ul style="list-style-type: none"> • Minimum glass area of ≥15% of the floor area of the room. • Clear glazing and openable minimum of ≥50% of the required glass area. 	<p>1. Amended plans have been prepared providing sufficient window sizes and openings to the bedrooms 3 & 4 of each dwelling in accordance with the requirements Clause 18.2 of the City's Policy. The calculations for each opening has been provided on the plans.</p> <p>2. It is deemed that the offending rooms for each dwelling (i.e. powder room) are not habitable spaces and will not be used by the future occupants for each dwelling for long periods of time. Given this, the use of these rooms will not result in high energy usage through the use of mechanical ventilation and light.</p> <p>3. In addition to the above point, the offending rooms will not be serviced by air conditioning due to the low usage of these rooms. This would assist with keeping energy consumption down.</p> <p>4. All habitable rooms for each dwelling have been provided with adequate openings to allow for good access to natural light and ventilation, in accordance with the City's Policy.</p> <p>Having regard for all of the above it is contended that the configuration of the powder room for each dwelling satisfies the Objectives of Clause 18.1 of the City's Policy, will not result in excessive energy usage and may therefore be approved by the City</p>
4	7. Resident Parking – location (HOALPP)	<p>7.4 Garage maximum width relative to frontage at setback line (facing primary street): Standard 50%</p>	<p>1. The proposed variation to the maximum permitted garage width is considered minor and will not have an adverse impact on the adjoining properties or the local streetscape in terms of bulk and scale. Furthermore, the garage door width for each dwelling will allow for two (2) vehicles to be parked within the garage and avoid cars being parked within the front setback area.</p> <p>2. Each dwelling will comprise an upper floor that will cantilever forward over a portion of the garage to reduce the overall impact of the garage on the street (i.e. the garage becomes less dominant).</p> <p>3. The proposed development has been designed with a variable setback along the street frontage to help provide an interesting and articulated front façade. This includes the inclusion of windows sizes, the use of varying materials/colours and extensive landscaping to provide for an interesting façade when viewed from the street.</p>

			<p>4. The design does not result the new dwellings having reduced connectivity within the local streetscape, with the dwelling comprising a major opening to a habitable room and a front porch area orientated towards the street to provide improved passive surveillance of the public realm and activation of the street.</p> <p>5. The garage door width is required to accommodate the needs of the future occupants of each dwelling and to comply with the Australian Standards in terms of the minimum garage width for two (2) vehicles.</p> <p>6. Each dwelling has been designed to effectively use of space and provide for orientation towards the street in lieu of a battle-axe configuration.</p> <p>7. The garage will provide for improved security of the occupants of each dwelling (provide a lockable area for vehicles).</p> <p>8. The proposed development allows for on-site visitor parking, in lieu of visitors parking along the street resulting in potentially traffic safety issues.</p> <p>Having regard for the above it is contended that the proposed garage width for each dwelling satisfies the Objectives of Clause 7 of the City's Policy, will not have any impact on the streetscape or the adjoining properties and may therefore be approved by the City</p>
5	1. Urban Design – Public Domain Interface (HOALPP)	1.3 Blank walls and vehicle access shall not exceed 20% of the total lot frontage to the public realm.	<p>1. The proposed crossover width for each dwelling complies with the maximum permitted width of 4.5 metres prescribed within the City's Policy. This will allow for good and safe access for the vehicles for each dwelling, whilst allowing for a double garage to meet the needs of the future occupants of each dwelling.</p> <p>2. The proposed new dwellings are two (2) storey and provides for major openings to habitable rooms along the upper floor to provide for the activation of front façade of each dwelling, along with enhancing the appearance of the dwellings when viewed from the public realm and to assist with providing improved passive surveillance of the street. Furthermore, the front doors of the new dwellings will be glass to allow for natural light to penetrate into the dwelling.</p> <p>3. In addition to the above point, the dwellings will be provided with a varying front setback, along with the use of varying materials and colours. These aspects will assist with providing articulation and visual intersect of the front façade of each dwelling when viewed from the street.</p> <p>4. In terms of the hardstand area within the street setback area of the new development, it is contended that the hardstand will not have a detrimental impact on the amenity of the local streetscape or any adjoining properties. In addition, the proposed driveway configuration is required to facilitate safe vehicle access and the location of the on-site visitor car parking for the development that is easily accessible from the street.</p> <p>5. Abutting the subject land is a verge area with a width of approximately 5.5 metres along the land's frontage with Roe Court. Portions of the front setback area of the development and verge area will be comprehensively landscaped to help soften any potential negative visual impacts that the proposed hardstand and blank walls may have on the local streetscape. This includes the planting of two (2) mature</p>

			<p>trees within the front setback area for the dwellings and the retention of an existing street tree.</p> <p>6. The proposed development has been designed to make a positive contribution to the local streetscape, with both dwellings comprising street frontage that will allow for activation of the street and improved passive surveillance of the public realm. This is a better option than a battle-axe configuration which results in a driveway along one side of the property that could compromise security for the future residential of each dwelling and the existing dwelling on the adjoining property.</p> <p>7. The proposed driveway has been sited and designed to ensure safe and convenient access for vehicles and pedestrians.</p> <p>Having regard for all of the above it is contended that the extent of crossover width and extent of blank wall along the front façade of each dwelling on the subject land satisfies the Objectives of Clause 1 of the City's Policy, will not have any impact on the streetscape or the adjoining properties, will provide for better vehicle movements/traffic safety and may therefore be approved by the City.</p>
6	11-14. Tree canopy and deep soil areas (HOALPP)	<p>11.1 The minimum landscape area is to be calculated as 20% of the site area.</p> <p>Reduced DSA</p> <p>X4 small trees in lieu of X1 medium tree onsite.</p>	<p>1. Amended plans have been prepared illustrating the landscaping area and deep soil zones.</p> <p>2. The proposed variation to the type/size of tree and required deep soil zone is unlikely to have a detrimental impact on the amenity of the local streetscape or any adjoining properties. In fact, it is contended that the provision of two (2) smaller trees in lieu of one (1) medium tree per dwelling is a better outcome for the development when viewed from the street and/or the adjoining properties.</p> <p>3. The proposed will include the planting of a new tree within the front setback area of each dwelling to enhance the street. In addition, the new trees will provide for good shade over each dwelling and the hardstand associated with the driveway.</p> <p>4. The proposed development has been provided with sufficient landscaping throughout the site, which is consistent with the objectives of the City's Policy and the City's vision to provide adequate coverage of the land to provide a more environmentally sensitive urban area (given the constraints of the land).</p> <p>5. The location of the two (2) new trees for each dwelling will allow for the provision of a tree within the rear yard area to enhance the outdoor living area for each dwelling and improve the amenity of each dwelling for the future occupants.</p> <p>6. The subject land currently comprises little vegetation. As such, the proposed landscaping for the overall development will be a far better outcome than the current situation on the land.</p> <p>7. Concerns are raised in regard to the City's Policy applying the tree size and deep soil requirements prescribed within Volume 2 of the R-Codes (which related to apartments) to single dwellings. It should be noted that most apartment developments are on larger lots and usually provide a communal open space area to accommodate the planting of larger trees and associated larger deep soil zones, whilst single dwellings tend to comprise smaller lot sizes. The City's approach of applying the provision of Volume 2 of the R-Codes on small lots is restrictive, is not achievable and compromises the dwelling layout. Given this,</p>

			<p>it is not practical to apply development standards applicable to an apartment development to a single dwelling. Therefore it must be recognized and acknowledged that there is a predisposition to greater variations to the landscaping requirements (i.e. tree sizes and deep soil zones) to assist with the positioning of a dwelling on the land.</p> <p>Having regard for the above it is contended that the proposed variation to the tree size and deep soil zone requirements for the proposed development on the subject land satisfies the Objectives of Clause 12 of the City's Policy and may therefore be approved by the City.</p>
7	5.4.1 Visual Privacy (R-Codes)	Where subject site and/or adjoining property/s is R50 the following setbacks apply: Bedrooms and Studies = 4.5m	<p>1. The proposed development has been designed to provide a major openings for each dwelling along the front façade to provide for improved levels of passive surveillance over the street and assist with improving security and safety of the public realm.</p> <p>2. Despite the bedroom 2 windows for each dwelling, the proposed development on the subject land has been designed to meet the 'deemed to comply requirements' of Element 5.4.1 C1.1 of the R-Codes. It should be noted that each dwelling has been designed to effectively locate all major openings to habitable rooms in a manner which avoids direct overlooking of any potential rear yard areas of any existing or future dwellings on the adjoining properties. This includes the use of highlight windows where possible to habitable rooms and the orientation of major windows so they do not directly face the adjoining properties.</p> <p>3. A 1.8 metre high dividing fence will be constructed along the lot boundaries to assist with providing sufficient screening and prevent any overlooking from the outdoor living areas for each dwelling on the subject land.</p> <p>4. Removal of the bedroom 2 window for each dwelling along the northern face of the room will reduce the extent of passive surveillance over the street, will restrict access to northern light and reduce the extent of ventilation of the future occupants of the dwelling. This would be a poor planning outcome.</p> <p>5. That portion of the 'cone of vision' extending from the bedroom 2 window of Unit B over the adjoining western property is anticipated to overlook the front setback area of the future dwelling on the adjoining western property (currently vacant). In addition, the overlooking is not direct over the adjoining western property which would restrict overlook the adjoining western property. As such, it is contended that the proposed 'overlooking' from Unit B is unlikely to have any detrimental impacts in terms of visual privacy for the occupants of any future dwelling on the adjoining western property.</p> <p>6. That portion of the 'cone of vision' extending from the bedroom 2 window of Unit A over the adjoining eastern property will extend over the front setback area and covered side setback area of the existing single detached dwelling on adjoining Lot 360 (No.10) Roe Court. As previously mentioned, the bedroom 2 window does not directly overlook the adjoining property and allow for good access to northern winter sun into the dwelling. As such, it is contended that the overlooking from the bedroom 2 window will not have an adverse impact on the existing dwelling on adjoining Lot 360.</p> <p>Having regard for the above it is submitted that the portion of the 'cone of vision' extending from the bedroom 2 windows for each dwelling over the adjoining western and eastern properties are considered to be minor in</p>

			nature, will not adversely impact the amenity of any future/existing dwellings on the adjoining properties and may therefore be approved by the City.
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