

ACT Government
Environment, Planning and Sustainable Development
8 Darling Street
Mitchell ACT 2911

STATEMENT AGAINST RELEVANT CRITERIA

CLIENT: Mr Daniel Fay

PROPERTY: Block: 9 Section: 8

ADDRESS: 3 Key Street, CAMPBELL ACT 2612

PROJECT: Proposed construction of a steel framed pergola in powdercoat finish with insulated roof panel cover.

PREPARED BY:

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THE PROPOSAL

The proposed is for the construction of a steel framed 7x7m pergola in powdercoat finish with insulated roof panel cover, sheltering an existing bitumen area. The elegant form of the pergola will provide a modern and light structural appearance not dominating the landscape in any way or conflicting with the architectural styles present within the immediate locality and will aim to strengthen the streetscape and relationship with the existing building.

The proposed development provides a much-needed space of shelter from the weather. The pergola structure frame is built with steel. Manufacturing the structure of steel increases the sustainability of the project, the durability of the steel material ensures that the pergola can withstand different environmental conditions and remain functional for long lifespan of use. The intended purpose of structure will remain long into the future.

Prefabrication is a construction technique that involves manufacturing building components off-site in a controlled environment, and then assembling them on-site. This approach significantly reduces construction waste compared to traditional on-site construction methods. By fabricating components with precise measurements and specifications, waste generated from cutting and fitting materials on-site is minimised. Furthermore, since prefabricated elements are produced in a factory setting, material usage is optimised, and excess waste is minimised. The controlled environment allows for better quality control, reducing the likelihood of errors or the need for rework, which further reduces waste. Overall, prefabrication streamlines the construction process, minimises material waste, and contributes to a more sustainable and efficient building industry.

The areas of the proposed development are as follows:

Site Area: 812.0m²

Existing Ground Floor: 130.0m²

Existing Garage Area: 26.9m²

Existing First Floor: 76.0m²

Existing Terrace: 60.0m²

Total Existing: 292.9m²

Existing Plot Ratio: 36.1%

Proposed Pergola: 45.1m²

Gross Floor Area: 338.0m²

Plot Ratio: 41.6% (5.5% increase)

SITE ZONE

Territory Plan – Land Use Zone: RZ1: Suburban

Zone Objectives:

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character.
- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the original pattern of subdivision and the density of dwellings.
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs.
- d) Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties.
- e) Provide opportunities for home based employment consistent with residential amenity.
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity.
- g) Promote good solar access.
- h) Promote energy efficiency and conservation.
- i) Promote sustainable water use.
- j) Promote active living and active travel.

This proposal is consistent with the RZ1 zone objectives.

The RZ1 Development Table identifies those activities which are permissible within the RZ1. Community Facility Zone subject to a development application in the Merit track.

The Following uses are permitted in RZ1:

DEVELOPMENT	
ANCILLARY USE	PARKLAND
BOARDING HOUSE	RESIDENTIAL CARE ACCOMMODATION
CHILD CARE CENTRE	RETIREMENT VILLAGE
COMMUNITY ACTIVITY CENTRE	SIGN
CONSOLIDATION	SINGLE DWELLING HOUSING (WHERE NOT EXEMPT DEVELOPMENT OR CODE TRACK ASSESSABLE)
DEMOLITION	SECONDARY RESIDENCE
DEVELOPMENT SPECIFIED AS ADDITIONAL MERIT TRACK DEVELOPMENT IN A SUBURB PRECINCT CODE FOR LAND SHOWN ON THE RELEVANT SUBURB PRECINCT MAP	SPECIAL DWELLING
GUEST HOUSE	SUBDIVISION
HEALTH FACILITY	SUPPORTIVE HOUSING
HOME BUSINESS	TEMPORARY USE
MINOR ROAD	VARYING A LEASE (WHERE NOT CODE TRACK OR IMPACT TRACK ASSESSABLE)
MINOR USE	
MULTI-UNIT BUILDING	

Figure 1: Development Table for RZ1 – Suburban

The Development Table also identifies a range of activities which are prohibited in the zone.

The proposal is an ancillary use and of community facility housing and may be assessed in the Merit Track.

CAMPBELL PRECINCT



Figure 2: Campbell Precinct Map

The Hume Precinct code identifies no additional merit track development codes.

The subject site is not situated within any areas that required additional planning provision

Appendix A – Single Dwelling Housing Development Code

This plan shall be used together with the Single Dwelling Housing Development Code, September 2022 and in conjunction with drawing documentation.

This development will comply with the A.C.T Government Environment and Sustainable Development documents, Single Dwelling Housing Development Code *effective 1 September 2022*.

The proposed development meets and satisfies the required rules and criteria as described below:

Large Block = >500m²
Mid-Sized Block = >250-500m²
Compact Block = <250m²

RULE	CRITERIA	DESIGN RESPONSE
ELEMENT1: BUILDING AND SITE CONTROLS		
1.1 Plot ratio – standard blocks		
R1		
This rule applies to standard blocks.	This is a mandatory requirement. There is no applicable criterion.	Compliance achieved.
Plot ratio is:		
a) for large blocks, other than those referred to in item b) – not more than 50%		Plot Ratio = 41.6%
b) for blocks created by subdivision of dual occupancy housing, the greater of –		
i) the plot ratio of the approved development at the time of creation of the new block, or		
ii) the maximum plot ratio calculated for the original block (ie. before subdivision) under:		
A) for RZ1- R6 of the Multi Unit Housing Development Code		
B) for RZ2- R7 of the Multi Unit Housing Development Code		
c) in all other cases – not applicable.		
For the purpose of calculating plot ratio for this rule, the gross floor area includes 18m2 for each roofed car space provided to meet Territory requirements for resident car parking, but does not include basement car parking.		
1.2 Number of storeys		
R2		
The number of storeys does not exceed:	This is a mandatory requirement. There is no applicable criterion.	Compliance achieved.
a) in RZ1, RZ2 and RZ3 – 2		
b) in RZ4 – 3.		Single storey proposed.
Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.		
1.3 Attics and basement car parking – standard blocks - RZ1		
R3		
In RZ1, on standard blocks, attics are not permitted where they are located directly above any 2-storey element of a single dwelling house.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable.
R4		
In RZ1, on standard blocks, basement car parking is not permitted where located directly below any 2 storey element of a single dwelling house.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable.
1.4 Height of buildings		
R5		
Maximum height of building is:	C5	Compliance achieved.
a) in RZ1, RZ2 and RZ3 – 8.5m	Buildings are consistent with the desired character.	
b) in RZ4 – 12m.		No more than 3.53m above natural ground level.

1.6 Solar building envelope - all large blocks approved before 5 July 2013

R7

This rule applies to large blocks approved before 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code. Buildings are sited wholly within the solar building envelope formed by planes projected over the subject block at X° to the horizontal from the height of the ‘solar fence’ on any northern boundary of an adjoining residential block.

X° is the apparent sun angle at noon on the winter solstice.

Values for X are given in Table 1.

The height of the ‘solar fence’ is:

- i) in the primary building zone – 2.4m
- ii) all other parts of the boundary – 1.8m

This rule does not apply to those parts of a boundary where the adjacent part of the adjoining residential block comprises only an access driveway (i.e. a “battleaxe handle”).

The previous rule applies to this part of the boundary.

An example of a typical building envelope is shown at Figure 1.

Note: For the purposes of

C7

Buildings achieve all of the following:

- a) consistency with the desired character
- b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space
- c) do not shadow the windows of habitable rooms (other than bedrooms) of any approved and constructed dwelling on an adjoining residential block at noon on the winter solstice
- d) do not overshadow the principal private open space of any approved and constructed dwelling on an adjoining residential block to a greater extent than a 2.4m fence on the boundary at noon on the winter solstice.

Compliance achieved.

X° = 39°

Refer to East Elevation

1.8 Bushfire

R10

Where identified in a precinct code or current and approved lease and development conditions as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - Construction of buildings in bushfire-prone areas.

This is a mandatory requirement. There is no applicable criterion.

Not Applicable.

1.9 Front boundary setbacks – all blocks

R11

Front boundary setbacks comply with the following:

- a) large blocks - tables 2A, 2B or 2C, as applicable
- b) mid-sized blocks - tables 3A, 3B or 3C, as applicable
- c) compact blocks - tables 3A, 3B or 4, as applicable.

The minimum boundary setbacks for corner blocks apply only to one street frontage nominated by the applicant or nominated in a precinct code as a secondary street frontage. Nomination by a precinct code takes precedence.

Chamfers may be included in the secondary street frontage, but only if the length of the chamfer is less than the length of the front boundary.

Note: Chamfers are ordinarily found at the corner of a block at the junction of streets.

C11

Front boundary setbacks achieve all of the following:

- a) consistency with the desired character
- b) the efficient use of the site
- c) reasonable amenity for residents
- d) pedestrian scale at street level
- e) space for street trees to grow to maturity.

Compliance achieved.

Table 2A: 6m

Refer to Site Plan. Setback 13.585 - 13.130m

1.10 Side and rear setbacks – all blocks

R12

This rule applies to one of the following:

- i) standard blocks that are not part of an integrated housing development parcel
- ii) standard blocks in an integrated housing development parcel that adjoin residential blocks that are not part of that parcel.

Side and rear setbacks for:

- a) large blocks - comply with table 5
- b) mid-sized blocks - comply with tables 6A or 6B, as applicable
- c) mid-sized blocks nominated for alternative side boundary setbacks in a precinct code - comply with table 6C
- d) compact blocks - comply with table 7.

In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code

C12

Buildings and other structures are sited to achieve all of the following:

- a) consistency with the desired character
- b) reasonable separation between adjoining developments
- c) reasonable privacy for dwellings on adjoining residential blocks
- d) reasonable privacy for principal private open space on adjoining residential blocks
- e) reasonable solar access to dwellings on adjoining residential blocks and their associated principal private open space.

Compliance achieved.

Table 5

Refer to Site Plan.
Side Boundary: 5.615 - 5.230m
Rear Boundary: 4.025 - 2.500m

The proposal is consistent with the desired character of Developments. Over 8m from adjoining developments. Private open spaces on adjoining blocks are not visible from the proposed position, therefore not impacting on privacy. The structure is

		lower enough to not have an impact on the solar access of adjoining blocks and their open space.
1.11 Setbacks less than 900mm R13 External walls within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm	C13 Buildings and other structures are sited to achieve all of the following: a) reasonable separation between adjoining developments b) reasonable access for maintenance.	Not Applicable.
1.12 Garages and carports on or near side and rear boundaries – large blocks R14 This rule applies to large blocks. Garages and carports within 900mm of a side or rear boundary comply with the following: The maximum length of all walls facing the boundary is 8m.	C14 Garages and carports are sited to achieve all of the following: a) consistency with the desired character b) reasonable privacy for dwellings on adjoining residential blocks c) reasonable privacy for principal private open space on adjoining residential blocks.	Compliance achieved.
1.14 Allowable encroachments – setbacks R16 Encroachments into the minimum side and/or rear boundary setback are permitted for any of the following building elements: a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, unroofed pergolas, sun blinds c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.	C16 Buildings and other structures achieve all of the following: a) consistency with the desired character b) reasonable levels of privacy on adjoining residential blocks for dwellings and their associated private open space c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Compliance achieved.
R17 a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, light fittings, sun blinds c) landings, steps or ramps, none of which are more than 1m above finished ground level.	C17 a) consistency with the desired character b) reasonable levels of privacy on adjoining residential blocks for dwellings and their associated private open space c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Compliance achieved.
1.15 Allowable encroachments – building envelopes R18 Encroachments outside the building envelope specified in this element are permitted for one or more of the following: a) flues b) chimneys c) antennae d) aerials e) cooling appliances f) heating appliances.	C18 Buildings and other structures achieve all of the following: a) consistency with the desired character b) reasonable levels of privacy on adjoining residential blocks for dwellings and their associated private open space c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Not Applicable.
1.16 Surveillance blocks R19 Where identified in a precinct code or current and approved lease and development conditions as a surveillance block, provide habitable room(s) above the garage with windows facing and overlooking the rear lane.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable.
1.17 Cut and fill R20 The total change in ground level resulting from cut or fill must not exceed 1.5m within 1.5m of a side or rear boundary. The change in ground level is the cumulative total of all level changes within 1.5m of the boundary taken from the Datum Ground Level (DGL) to the new Finished Ground Level (FGL).	C20 Cut and fill is limited so that both of the following are achieved; a) reasonable access to sunlight on the block b) compatibility with the streetscape	Not Applicable.
1.18 Blocks between 500m ² and 550m ²		

R21		
The provisions of this code relating to mid-sized blocks apply to blocks from 500m2 or greater but less than 550m2 that are identified in a precinct code as mid-sized blocks.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable
ELEMENT 2: LEASE AND DEVELOPMENT CONDITIONS – Compliance Achieved		
3.1 Materials and finishes		
R23	C23	Compliance achieved.
Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under Planning and Development Act 2007.	Structures and plant and equipment situated on the roof that are not exempt under Planning and Development Act 2007 achieve all of the following: a) do not diminish the value of the streetscape b) do not diminish residential amenity of neighbouring blocks.	Powdercoat: Monument Insulated Panel: Monument & Smooth Pearl White
ELEMENT 3: BUILDING DESIGN		
3.1 Materials and finishes		
R23	C23	Compliance achieved.
Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under Planning and Development Act 2007.	Structures and plant and equipment situated on the roof that are not exempt under Planning and Development Act 2007 achieve all of the following: a) do not diminish the value of the streetscape b) do not diminish residential amenity of neighbouring blocks.	Powdercoat: Monument Insulated Panel: Monument & Smooth Pearl White
ELEMENT 4: PARKING AND SITE ACCESS – Not Applicable		
ELEMENT 5: AMENITY		
5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013		
R37		
This rule applies to blocks approved under an estate development plan before 5 July 2013 or for which a lease was granted before 5 July 2013. The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).	This is a mandatory requirement. There is no applicable criterion.	Compliance achieved.
5.2 Private open space		
R38	C38	Compliance achieved.
For large blocks approved under an estate development plan on land for which the original Crown lease was granted on or after 1 January 2020, private open space complies with all of the following: a) has a minimum area equal to 60% of the block area, less 50m2 b) has a minimum dimension of 6m for an area not less than 10% of the block c) at least 50% of the minimum area specified in a) is planting area.	Private open space provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following: a) limits site coverage of buildings and vehicle parking and manoeuvring areas b) provides space for planting c) facilitates on-site infiltration of stormwater run-off d) provides outdoor areas that are readily accessible by residents for a range of uses and activities e) provides space for service functions such as clothes drying and domestic storage.	
R38A	C38A	Compliance achieved.
For large blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020, private open space complies with all of the following: a) has a minimum area equal to 60% of the block area b) has a minimum dimension of 6m for an area not less than 10% of the block c) at least 30% of the block area is planting area, with a minimum dimension of 2.5m.	To reduce urban heat island effects, retain water and maintain ecosystem services, and to provide residential amenity on the subject site and protect residential amenity of adjoining sites, private open space achieves all of the following: a) limits site coverage of buildings and vehicle parking and manoeuvring areas b) facilitates on-site infiltration of stormwater run-off c) provides substantial outdoor areas that are readily accessible by residents for a range of uses and activities d) provides space for service functions such as clothes drying and domestic storage e) provides planting areas that demonstrates: i) establishment of landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas	

ii) enhancement of living infrastructure through water-sensitive urban design and providing adequate areas for deep soil zones for ground water recharge, canopy trees and vegetation.		
<p>5.2A Site coverage and tree planting</p> <p>R40B</p> <p>This rule applies to blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Site coverage is a maximum of:</p> <p>a) for large blocks: 40% of the block area</p> <p>b) for mid-sized blocks: 60% of the block area</p> <p>c) for compact blocks: 70% of the block area.</p>	<p>C40B</p> <p>Site coverage and vehicle parking and manoeuvring areas is limited to:</p> <p>a) maximise outdoor areas that are readily accessible by residents for a range of uses and activities</p> <p>b) provide adequate space for service functions such as clothes drying and domestic storage</p> <p>c) provide adequate planting area on the site.</p>	Compliance achieved.
<p>R40C</p> <p>This rule applies to blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Development provides a minimum level of tree planting in deep soil zones, with associated planting requirements as described in table 7a, consistent with the following:</p> <p>a) for compact blocks, at least one small tree</p> <p>b) for mid-sized blocks, at least two small trees</p> <p>c) for large blocks less than or equal to 800m², one small tree and one medium tree</p> <p>d) for large blocks more than 800m², at least:</p> <p>i) one medium tree and one large tree, and</p> <p>ii) one additional large tree or two additional medium trees for each additional 800m² block area.</p>	<p>C40C</p> <p>Tree planting provided in the development ensures:</p> <p>a) Planting or retention of suitably sized canopy trees in deep soil zones, including adequate dimensions for deep soil zones to support healthy canopy tree growth, and provide adequate room for canopy trees</p> <p>b) planting canopy trees of semi-advanced stock and reasonable heights at maturity.</p>	<p>Compliance achieved.</p> <p>1 Large Tree & 3 Medium Trees are existing on site. Plus many young and small trees.</p>
<p>5.3 Principal private open space</p> <p>R41</p> <p>At least one area of principal private open space on the block complies with all of the following:</p> <p>a) minimum area and dimensions specified in table 8.</p> <p>b) at ground level</p> <p>c) directly accessible from, and adjacent to, a habitable room other than a bedroom</p> <p>d) screened from adjoining public streets and public open space</p> <p>e) located behind the building line, except where enclosed by a courtyard wall</p> <p>f) is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June).</p>	<p>C41</p> <p>Principal private open space achieves all of the following:</p> <p>a) is proportionate to the size of the dwelling</p> <p>b) capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation, and it is directly accessible from the dwelling</p> <p>c) accommodates service functions such as clothes drying and domestic storage</p> <p>d) is screened from public streets and public open space with pedestrian or cycle paths</p> <p>e) reasonable access to sunlight to enable year round use</p>	Compliance achieved.
ELEMENT 6: ENVIRONMENT		
6.2 Heritage		
<p>R44</p> <p>This rule applies to land containing places or objects registered or provisionally registered under section 41 of the Heritage Act 2004. The authority shall refer a development application to the Heritage Council.</p>	This is a mandatory requirement. There is no applicable criterion.	Not Applicable
<p>R45</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <p>a) requires groundwork within the tree protection zone of a protected tree</p> <p>b) is likely to cause damage to or removal of any protected trees.</p> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p>	This is a mandatory requirement. There is no applicable criterion.	Not Applicable
<p>R46</p> <p>For sites less than 3,000m², development complies with the Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007.</p>	This is a mandatory requirement. There is no applicable criterion.	Compliance achieved.

This development will comply with the A.C.T Government Environment and Sustainable Development documents, Residential Zones Development Code effective 17 June 2022. Refer to Site Plan.

ELEMENT 7: SERVICES		
<p>7.1 Construction waste management – all zones</p> <p>R48</p> <p>This rule applies to residential development that is likely to generate more than 20m3 of construction waste comprising one or more of the following:</p> <p>a) demolition waste</p> <p>b) construction waste</p> <p>c) excavation material.</p> <p>The management of construction waste is to be endorsed by TCCS.</p> <p>TCCS will endorse waste facilities and management associated with the development if they comply with the current version of the Development Control Code for Best Practice Waste Management in the ACT.</p> <p>TCCS may endorse departures.</p>		
	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Compliance achieved.</p> <p>Pre-fabrication construction. Only waste onsite will be from the exaction of a single footing which will be used onsite.</p>
<p>7.2 Utilities – all zones</p> <p>R49</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The encroachment is to be approved in writing by the relevant service provider.</p>		
	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p>