

R-Code Element 3.4 C3.4.1 & C3.4.2 - 'Lot boundary setback'

P3.4.1 Lot boundary setbacks reinforce the location's streetscape character and are consistent with the existing or desired built form local character.

P3.4.2 The setback of development from lot boundaries provides a transition between sites with different land uses or intensity of development.

The application proposes that the following aspects of the new grouped dwelling development on Lot 169 do not meet the 'deemed to comply requirements of Element 3.4 C3.4.1 & C3.4.2 of the R-Codes:

- i) Unit 1 upper floor will comprise a 1.135 metre setback from the south-eastern internal lot boundary in lieu of 1.5 metres; and
- ii) The overall length of wall for Units 2 to 3 (activity U1 to living U3) will comprise a wall length greater than 14 metres along the south-western side, with no 3 metres setback recess.

1. The setback variations from the relevant lot boundaries are considered to be minor and will not have adverse impact on the existing developments on the adjoining properties.
2. Each dwelling has been designed to have good activation and passive surveillance over the common driveway.
3. The proposed setback variations from the south-western side boundary for the section of wall up to 14 metres (i.e. between Units 2 & 3 – upper floor) is considered to be minor and will not have an adverse impact on the adjoining properties and/or the streetscape in terms of bulk and scale.
4. The offending walls are setback on the property (behind an existing dwelling on the front of the subject land and behind the existing dwellings on the adjoining properties. As such, the lot boundary setback variations will not be visible from the street in terms of bulk and scale.
5. In addition to the above point, the application proposes the planting of a new trees throughout the development to assist with screening the dwellings (and associated setback variation) from being clearly visible from the street and/or the adjoining properties.
6. The overall development on the subject land has been designed to provide effective use of the land and provide adequate private open space areas for the future

		<p>occupants of each dwelling.</p> <ol style="list-style-type: none">7. The proposed development on the subject land meets the 'deemed to comply requirements' of the visual privacy provisions of the R-Codes.8. In addition to the above point, the development on the subject land meets the 'deemed to comply requirements' of Element 3.9 C3.9.1 ('Solar access for adjoining sites') of the R-Codes along with Units 1 & 2 complying with Element 2.2 C2.2.4 ('Solar access and natural ventilation') of the R-Codes.9. That portion of Unit 1 comprising a non-compliant setback from the internal lot boundary will not have an adverse impact on the key sensitive habitable spaces associated with proposed Unit 2.10. That portion of the upper floor between Units 2 & 3 comprising a length greater than 14 metres and not setback 3 metres from the north-western side boundary will abut the outdoor space of the exiting grouped dwellings on adjoining No.26 Colombo Street, which a number of these outdoor spaces comprising a patio (see Figure 1 – Aerial Site Plan). The upper floor of Units 2 & 3 are setback 1.5 metres from the south-western side boundary which provides for sufficient separation. As such, it is contended that the proposed lot boundary setback variation for the upper floor of the development will not have an adverse impact on any key habitable spaces associated with existing grouped dwelling development on adjoining the adjoining south-western property. <p>Having regard for the above it is contended that those portions of each grouped dwelling development on Lot 169 comprising lot boundary setback variations from the relevant lot boundaries satisfy the 'design principles' of Element 3.4 of the R-Codes, will not have a negative impact on the adjoining properties or the streetscape and may therefore be approved by the Town.</p>
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