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Town Planning



Residential Dwelling Block 16 Section 2, Deakin

Planning Report to support Works
Approval Application

November 2021

Document Control

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1 Introduction

This Planning Report has been prepared to support a Works Approval application and provides:

- A written description of works proposed
- An assessment of the planning context
- A statement which addresses the relevant design and planning matters in accordance with the provisions of the National Capital Plan.

2 Subject Site



Figure 1: Site context



Figure 2: Subject site

2.1 Context

The site is situated within the Deakin/Forrest Residential Area Precinct sited between National Circuit and State Circle (refer to Figure 1).

The Deakin/Forrest residential area's importance to the National Capital stems from its frontage to the Main Avenue of State Circle, its location within the Griffins' Land Axis, and from its close proximity and relationship to Parliament House.

The residential area is an example of the twentieth century 'Garden City' planning concepts that the Griffin's adopted in their designs for Canberra.

The Deakin/Forrest residential area forms part of the original 'Blandfordia' subdivision by the Federal Capital Advisory Committee and the Federal Capital Commission, which was based on 'Garden City' and 'City Beautiful' concepts.

Surrounding blocks are all developed for residential use and the block is located approximately 174 m to the south east of the Prime Minister's Lodge.

2.2 Site Details

The site is Block 16 Section 2 Deakin, 75 National Circuit the site comprises an area of 1,535m² (Figure 2).

The block is currently developed with a single story detached dwelling (approx. 209m²), carport, shed, semi circular driveway and pool.

The site contains ten identified trees or tree groups or shrubs, these are identified on the tree assessment included in the tree protection and removal plan 201.

A 2.125 m wide sewer easement is located along the length of the rear boundary.

2.3 Land Tenure

A Crown Lease was granted on 28 May 1958 for a term of 99 years, the lease commenced on 10 April 1958.

The use in the Crown lease is for residential purposes.

3 Description of Works Proposal

3.1 Design Statement

The architectural brief for a new dwelling at 75 National Circuit, Deakin was created by the property owners who have lived at this address for over a decade. It is a special place: the location, the street, the aspect, the block orientation are all ideal...however the house no longer suits their needs.

Aside from the utilitarian aspects you'd expect to find in a brief for a new home, the owners emphasised the desire for the dwelling to reflect the character of the homes of the area, particularly ones of a mid-century / modernist ilk.

The proposed dwelling takes its architectural cues from some of the most celebrated mid-century homes in Canberra. The Birch House in Yarralumla (1967 - Noel Potter), House at Fergusson Crescent, Deakin (1957 - Neville Ward) and Vasey Crescent, Campbell (1960 - Roy Grounds) to name a few.

- Understated scale.
- Refined details.
- Horizontal expression.
- Exaggerated eaves.

These are all statements which could begin to describe the new residence. The material palate has been kept simple and refined consisting of expressed concrete, natural timber and glazing.

The other element that is set to become the hero of the new dwelling is the landscape. The house is well set back from the street allowing a generosity of deep-rooted soft landscape to the entry and address. The topography of the block slopes significantly down the rear boundary. The proposed tri-level house along with the new landscape steps down, sympathetic to the fall of the land.

The proposal seeks to create a beautiful and modestly-scaled home. One that is both respectful to its setting while paying homage to the elegant architectural dwellings of the 50s and 60s.

3.2 Proposed Works

The proposal is for the demolition of the existing residential dwelling and the construction of a new detached mid-century, Palm Springs inspired split level (two storey) residential dwelling with parking provided in a garage on the lower level. The dwelling is set within the landscaping; the formal entry provides a stone step and bridge over a landscaped zone connecting to the upper entry level of the home. Adjacent to the formal entry is a landscape courtyard with circular roof opening which provides light and water for a tree within the courtyard.

The lower level at the rear of the dwelling surrounds a large outdoor landscaped entertaining area with deck and pool.

A driveway on the north western side of the dwelling provides access to the garage.

Works will include:

- Demolition and disposal of the existing residential dwelling (approximately 209 square metres) and other structures (carport, garden shed, swimming pool and deck).
- Civil earthworks to construct a basement and bitumen access ramp and driveway.

- Removal of six trees or tree groups as shown on the Tree Protection/Removal Plan 201.
- Entry features a bridge over sloped landscape zone.
- New two storey residential dwelling of
- Garage and rumpus, wine cellar to lower level
- Upper level includes 4 beds, study, bathrooms, formal lounge, kitchen, dining and lounge.
- Lift between upper and lower level.
- Outdoor entertaining area and new pool.
- Landscaping and associated works.

The existing driveways and verge would be maintained and protected during works.

3.2.1 Gross Floor Area

The proposed GFA schedule for the development

Area	GFA m ²
Garage	136
Lower Ground	48
Middle ground	202
Upper Ground	186
Total	572
Total Block area	1,535

Structures and court areas

Area	Area m ²
Court bridge	21
Entertaining area	65
Pool area	91
Upper court	33
Total	210

The proposed plot ratio is 0.37.

The proposed site coverage for the proposal is approximately 38%.

3.2.2 Building Height

The proposed height of the building is approximately 6 metres.

Lift overrun and chimneys protrude above the roof as shown on elevations.

3.2.3 Setbacks

The setbacks to the main building would provide for privacy and access to the dwelling and privacy for neighbouring dwellings as follows:

- Front setback to the main building line is 14.4 metres.
- Side setback to north west to the lower ground is 3.6 metres and 2.4 metres to the upper level.
- Side setback to the south east is zero metres to the lower ground and 3.6 metres to the upper level.
- Rear setback to main building line is 14.2 metres.

3.2.4 External Materials and Colours

The materials proposed are depicted in Drawing WA36-01 Materials Palette and include:

- Concrete blockwork to the lower ground for structure and retaining walls
- In-situ exposed concrete for feature walls, structural floor and roof
- Charcoal colour aluminium framed glazing
- Natural Charred timber battens for the front façade
- Operable louvres in a charcoal finish
- Metal deck roof charcoal finish
- Painted Steel in charcoal finish for structural columns and beams.
- Barestone panels in light grey finish
- Clear frameless glass for pool fencing.

- Timber decking and crazy pavers in landscaping.

3.2.5 Civil Works

Civil works would be required to excavate the site to construct the lower level basement and pool.

New bitumen pavement to one of the driveways in the verge.

3.2.6 Landscape

Landscaping has been provided in general accordance with Deakin/Forrest Residential Precinct Landscape and Sustainability Guidelines which provide guidance for proposals in this area.

A landscape plan has been prepared by Harris Hobbs Landscapes and is included with this application (301 Landscape Plan).

A large landscaping zone is proposed in front of and surrounding the dwelling.

The landscape design has retained 4 trees or tree groups on the site, some of which will be relocated and incorporated into the new landscape design.

The landscape design incorporates 33 new trees along with a range of shrubs, accent plantings, ground covers and climbers as shown in the Landscape images and detail plan 401.

The landscape design provides for 64% of soft planting area. This includes 22% canopy coverage of the site by existing and proposed trees at maturity in accordance with the landscape and sustainability guidelines.

The existing evergreen hedge plantings along the front boundary would be maintained, new concrete pillars are proposed (shown in WA 30-1 Front Elevation) which will include a letterbox and house number.

A section of new timber paling fence (1.8 m high) is proposed on the north-western boundary.

3.2.7 Vehicle access and Parking

The existing driveway and parking arrangements consist of 2 driveway access points to National Circuit, a semi-circle vehicle set down and carport to the northwest boundary.

The proposal maintains this similar arrangement with the following amendments

- The driveway on the north western side would lead to a basement carpark rather than a carport (with a garage door facing the side boundary not the street)
- front boundary access is maintained and slightly flared at the boundary to allow for vehicle turning
- The surfaces all to be repaved and made good

- No other changes are proposed to the existing verge crossings are proposed and the existing verge trees are to be maintained and protected
- The semi circular bitumen driveway would be maintained, but regraded and repaved.
- A garage capable of accommodating up to five vehicles is provided approximately 3 metres below street level.

3.2.8 Sustainability

The new dwelling has been designed around environmental and solar passive principles. The house opens to the north and incorporates louvres and exaggerated eaves allowing in winter sun while shading summer sun.

Eaves are provided to reduce solar penetration to windows in summer, and an awning provides shade to part of the outdoor entertainment area on the northern side.

Other Environmentally Sustainable Design initiatives incorporated into the proposal include:

- Onsite water detention and reuse
- Photovoltaic Roof Panels
- 7 Star NATHERS
- In-slab hydronic heating/cooling system
- Double glazed / thermally broken window system

The landscape and building design proposed ensures that privacy will be provided to neighbours.

Minimal windows are proposed to the side elevations, particularly the west, to avoid overlooking opportunities and an operable sun and privacy screen is included to western windows in the dining room. A retaining wall and planter is proposed on the north-west boundary to provide screening to the neighbouring dwelling.

A larger setback is provided from the main building line to the eastern boundary which will maintain appropriate solar access and privacy to the dwelling on this side.

3.3 Solar Access

The solar diagrams WA17-01, 02 and 03 demonstrate that the design will maintain good solar access for the residence to the south-western side with some overshadowing occurring in the later afternoon in winter to the western façade of Block 15.

3.4 Schedule of Proposed Works

It is expected that works will commence following works and building approvals in early 2022.

4 Planning Context

4.1 Australian Capital Territory Planning and Land Management Act 1988 (the Act)

This Commonwealth legislation provides for the planning of the ACT and the management of land in the Territory. Part II of the Australian Capital Territory (Planning and Land Management) Act 1988 (the Act) establishes the National Capital Authority, and provides the functions of the authority, with one of their functions to prepare and administer a National Capital Plan (NCP) and to keep it under constant review and propose amendments when necessary.

In prescribing matters to be covered in the National Capital Plan, the Act requires the Plan to set out:

- the planning principles and policies for giving effect to the object of the Plan;
- general standards and aesthetic principles to be adhered to in the development of the National Capital; and
- general policies for land use, and for the planning of national and arterial road systems throughout the Territory.

The Act also provides that the Plan may specify:

- areas of land that have the special characteristics of the National Capital as Designated Areas. The Plan may set out detailed conditions of planning, design and development in Designated Areas, including priorities for carrying out these activities.

A definition of works is provided in this Act;

works includes:

- (a) the construction, alteration, extension or demolition of buildings or structures;
- (b) landscaping;
- (c) tree felling; or
- (d) excavations;

but excludes anything done inside buildings or structures.

It also sets out the requirements for works in designated areas to be subject to planning and approval by the Authority.

4.2 National Capital Plan

The National Capital Plan (NCP) is the strategic Plan for Canberra and the Territory...“is the strategy and blueprint giving effect to the Commonwealth’s interests and intentions for planning, designing and developing Canberra and the Territory”.

The NCP maintains a broad oversight of planning in the Territory and importantly an interest in the planning, design and development of those areas having the special characteristics of the National Capital.

At its broadest level the Plan prescribes broad land use controls across the whole of the Territory and includes more detailed planning provisions for areas to which the Commonwealth have a specific interest and intentions.

The object of the National Capital Plan is "to ensure that Canberra and the Territory are planned and developed in accordance with their national significance."

The subject land is identified as Designated Land, so the NCA is the relevant planning authority and development is to be assessed against the requirements of the National Capital Plan.

4.2.1 The Statement of Planning Principles

The Statement of Planning Principles in part 2 the NCP provides objectives and principles under the following themes:

- General matters
- Productivity
- Sustainability
- Liveability
- Accessibility

The proposal is considered to be broadly consistent with these principles.

4.3 General Policy Plan

The site is located within the Urban areas under the General Policy Plan of the NCP.

The project is consistent with the broad principles and policies for the Urban Areas which are to accommodate future growth within distinct self contained towns maintaining the hierarchy of centres.

Uses permitted in the Urban areas include residential use.

4.4 Central National Area

The site is within the designated, Central National Area, within the Deakin/Forrest Residential Area Precinct.

Development within the Central National Area as defined in this part is also guided by a series of general principles (derived from 'The Griffin Legacy Propositions') and detailed conditions of planning, design and development applicable to all precincts within the Central National Area.

As the proposal is for demolition of an existing dwelling and construction of a new dwelling. The principles or policies of the CNA do not particularly relate to this proposal, but policies include; maintaining the Garden City and City Beautiful values which underpin Canberra's quality of life, enhancing the vistas to the national attractions and icons, providing streets with a quality architecture and landscape character that fosters a compact, connective and pedestrian friendly environment for central city living.

The proposal is considered to respond to these policies.

4.5 Deakin/Forrest Residential Area Precinct Code

The site is within the area subject to Deakin/Forrest Precinct code in the NCP. Objectives for this area include:

1. The residential areas of Deakin and Forrest that lie between State Circle and National Circuit will maintain and enhance the character of the National Capital and will be planned and developed in accordance with its national significance.
2. The principle residential character of the area and the use of the land primarily for residential purposes are to continue.
3. Design of buildings in proximity to the Prime Minister's Lodge must reflect the dominant urban design character of the locality.

4.5.1 Land Use

Land uses in the Precinct are identified in Figure 30 (Figure 3), which show the area as being for residential. On residential blocks residential and home business uses are permitted.

The proposed use is residential which is a permitted use in accordance with the Precinct code in this area.

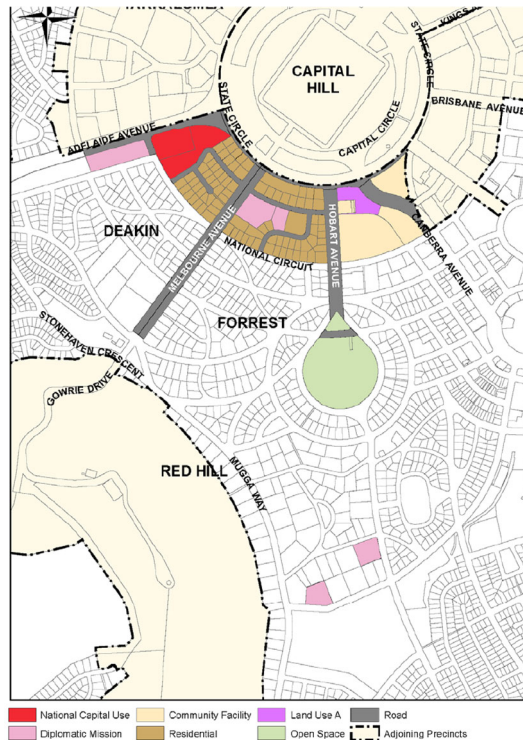


Figure 3: Extract from Figure 30 in NCP Land use in the Deakin Forrest Residential Precinct

4.5.2 Detailed Conditions of Planning Design and development

The precinct code provides detailed conditions of planning design and development provided in Table 1 below.

General conditions state that:

“To ensure excellent urban design for this important residential precinct adjacent to Parliament House, the quantitative standards, with the exception of building height and plot ratio, may be varied where it can be demonstrated that this would result in an excellent urban design outcome”.

The general conditions also state that all residential development proposals are subject to public notification and consultation with lessees and residents in the Deakin/ Forrest residential area.

Table 1: Detailed Conditions of Planning Design and Development

General Conditions	Commentary
The principal residential character of the area and the use of the land for residential purposes are to continue.	The proposed development is for residential use in accordance with this condition.
Development throughout the area, except for sites fronting State Circle, should not be more than two storeys in height and generally no more than eight metres above the natural ground level.	The design is for a two storey residence with height generally 6 metres, with some minor elements protruding from the roof.
Development throughout the area, except for sites fronting State Circle, should have a maximum plot ratio of 0.4.	The plot ratio for the proposed development is 0.37 which is below the maximum plot ratio requirement.
Design of buildings in proximity to the Prime Minister's Lodge should reflect the dominant urban design character of the locality.	The building is located approximately 174 m to the south east from the lodge. The building adopts a sleek and modern mid-century style two storey design which will be set within a landscaped zone which retains the existing street landscaping and residential streetscape aesthetic.
Roof mounted aerials, masts and satellite dishes should be located to have a low visual impact.	Two chimneys will be located protruding from the roof, but will be sited at the lower roof level to minimise visual impacts.

The Precinct Code also provides specific controls for other parts of the Precinct, but these are not relevant to this site.

4.6 General Codes

The NCP contains three General Codes which apply to particular works and areas subject to the NCP. These include:

- Design and Siting General Code
- Signs General Code
- Telecommunications General Code

The Design and Siting General Code is relevant to this proposal.

4.6.1 Design and Siting General Code

The Design and Siting General Code in the NCP applies to works within certain precincts and areas and includes the Deakin/Forrest area. In relation to a detached house, the design and siting general code states that the objectives of the policies are to provide for the residential amenity of the occupants of the house and the maintenance of amenity of adjoining houses and to ensure that an acceptable environmental quality is obtained in the neighbourhood. The proposals' response to the relevant sections of the Design and Siting General Code are provided in Table 2 below.

It is noted that the code states that:

The quantitative standards contained in these conditions are objective guides to the performance standards adopted by the National Capital Authority. Compliance with the quantitative standards will therefore not necessarily result in works approval unless the performance standards have, in the opinion of the National Capital Authority, also been achieved. On the other hand, works approval may be given under special circumstances when the performance standards can be achieved without complete compliance with the quantitative standards.

Table 2: Detailed Conditions of Planning Design and Development

General Conditions	Commentary
Conditions for Detached Houses	
General Conditions	
<p>Conditions established prior to the offer or grant of lease</p> <p>Any special design and siting requirements contained in the conditions of lease, or in the conditions of building approval, or in any plan or document that is exhibited or otherwise made available for public inspection prior to the offer or grant of a lease, will constitute the National Capital Authority's conditions in respect of the development of a lease and will over-ride any other condition stated herein with which it may conflict. If considered by the National Capital Authority to be relevant such requirements will apply to any subsequent alteration, extension or rebuilding. The general conditions will also apply with the exception of those that are modified by any special design and siting requirements notified prior to the offer or grant of a lease.</p>	<p>There are no special design and siting requirements in the Crown Lease, nor are there any other known development conditions which apply to development on this block.</p>
<p>Rebuilding</p> <p>The National Capital Authority will consider a proposal for rebuilding or any major alteration of an existing building which materially alters the bulk or appearance of the building, only if it is accompanied by a plan indicating a scheme of comprehensive development of the block in accordance with the policies for the area in which the block is located.</p>	<p>The proposal is not for rebuilding or alteration to an existing building.</p>
<p>Garages and carports</p> <p>If it is not intended to erect a garage or carport at the time of lodging a plan for a new detached house, the plan should show by means of a dotted line the place where a garage or carport could be erected.</p>	<p>Lower ground garage is proposed as part of the works.</p>

General Conditions	Commentary
Buildings in relation to front boundaries	
Performance standards	
The planning objectives in requiring buildings to be set back given distances from front property boundaries are:	
a. to enable a building to be sited so that its occupants can, as far as possible, be assured of an outlook that will not be obstructed by neighbouring buildings that might otherwise be erected closer to the front property boundary	The building is sited so that the occupants have an outlook onto the front landscaping zone with surveillance to the street. The main building is set well back from the front property boundary.
b. to provide an area adjacent to the street or open space for landscape treatment so that the garden character which is a major environmental feature of suburban Canberra can be preserved and maintained	A large landscape area is provided in front of the building line incorporating existing and relocated plants along with a variety of new feature plantings and trees The proposal retains the existing front hedge along the front boundary.
c. in certain circumstances, to protect the sightlines of drivers of motor vehicles.	The proposal retains the existing semi-circular driveway which will allow forward vehicle access to the street and good sightlines for motor vehicles.
Quantitative standards	
One storey buildings	
The building line of a one storey building may be more than but not less than 6 metres from the front property boundary.	The building proposed is two storeys.
Buildings of more than one storey	
The building line of buildings of more than one storey may be more than but not less than 7.5 metres from the front property boundary.	The building line of the main building façade is set back 14.4 m from the front boundary.
Corner blocks	
Each corner block will have two building lines. The building line in respect to the major frontage must be in accordance with one storey buildings and Buildings of more than one storey above. The building line in respect to the minor frontage must be not less than 4.5 metres in the case of a one storey building and not less than 6 metres in the case of a two storey building.	Not applicable, the block is not a corner block.

General Conditions	Commentary
<p>Structures in front of buildings</p> <ol style="list-style-type: none"> Except where provided for below, no structure, including fences, car shelters or clothes hoists, but excluding lighting posts, letter boxes and retaining walls of a reasonable height will be permitted between a minimum building line and a front property boundary. Where a pedestrian walkway abuts a block along the side boundary, a fence or wall not exceeding 1.2 metres in height may be permitted. Walls and/or fences not exceeding 1.2 metres in height may be erected along frontage boundaries abutting pedestrian walkways. Walls and/or fences not exceeding 1.2 metres in height may be permitted between the building line and a frontage boundary abutting a designated open space, where in the National Capital Authority's opinion the proposed fence or wall will create no adverse affect on the landscape character of the open space. Walls, including gates, may be erected to enclose or partly enclose a courtyard in front of the minimum building line provided that: <ul style="list-style-type: none"> - The courtyard so formed must not at any point traverse more than one half of the width of the block measured at the same point and must be a minimum distance of 3.0 metres from the front property boundary. - The walls and gates must not exceed a height of 1.8 metres above natural ground level - Materials must be the same as or similar to those of the main building - The walls and gates must be at least partially screened and softened in appearance by landscape planting to the satisfaction of the National Capital Authority - For corner blocks a courtyard may be provided in respect of each property frontage. Gates may be permitted abutting front property boundaries, provided they are incorporated in existing hedges. Gates in hedges must not exceed 1.8 metres in height or such lesser height as the National Capital Authority may determine in a particular case having consideration for the nature of the hedge. For the purpose of this condition a hedge must be well established and vigorous at the time of lodgement of an application for a gate. 	<p>Formal entry to the new dwelling is provided via a structural low bridge over the landscape zone into the main building entry. The bridge encroaches slightly into the front setback.</p> <p>A retaining wall is proposed along either side of the ramp into the driveway.</p> <p>Small concrete pillars incorporating the letter box and street residence number to be provided along the front boundary in line with the existing hedge. As shown in WA30-01 and in SK81-01 Concept Street Perspectives.</p>

General Conditions	Commentary
<p>Building in relation to Side Boundaries</p> <p><i>Performance standard</i></p> <p>Requirements for side distances are intended to achieve the following objectives:</p> <ol style="list-style-type: none"> to allow adequate light and ventilation and to preserve the privacy of neighbours in some cases to provide a space wide enough for vehicles to pass by the house on one side at least to provide access for fire control and to inhibit the easy escape of fire to create a spatial separation between detached buildings for reasons of civic design. 	<p>The building has been designed to ensure appropriate light, ventilation and privacy is provided to the dwelling and neighbours. Limited windows are provided on the western façade, with operable louvres providing screening for privacy and to reduce solar access to the dining windows in the summer. Planter boxes are provided above the retaining wall along the western boundary with plantings that will provide screening to the neighbouring residence.</p> <p>Vehicular access to the garage is provided by a ramp on the western side and pathways and access can be provided to either side of the house for emergency access and for access to the sewer easement.</p> <p>An appropriate amount of spatial separation is provided between the building, with landscaping encircling the dwelling and siting it within the landscape context of the residential street.</p>
<p><i>Quantitative standards</i></p> <p>One storey buildings</p> <p>The minimum distance between the side walls of a one storey building and the side boundary of a block will be a combined distance of 4.5 metres with a minimum distance on any one side of 1.8 metres.</p> <p>Buildings of more than one storey</p> <p>The minimum distance between the side wall of a building of more than one storey and the side boundary will be $H/2$ for an effective frontage of up to 23 metres, plus an additional 0.5 metres for every 3 metres of effective frontage over 23 metres, provided that the distance between the side wall and the boundary is at least 3 metres.</p> <p>H = Height of building</p> <p>‘Height of building’ means the difference between the mean natural ground level of that length of the side boundary which is adjacent to the building and the highest point or points of the parapet, eaves or fascia in the case of flat roofs or roofs pitched at less than 45 degrees. Where the roof is pitched at more than 45 degrees the highest point will be measured to a line midway between the top of the eaves or fascia and the ridge.</p>	<p>The building is two storeys in height. Therefore the quantitative standard for the setback is 3 metres, based on a building height of approx. 6m and a side building length of 24.6m (effective frontage to side boundary).</p> <p>Side setback to the western boundary to the lower ground is 3.6 metres and 2.4 metres to the upper level.</p> <p>Side setback to the eastern boundary is zero metres to the lower ground, where a retaining wall forms part of the building and 3.6 metres to the upper level.</p> <p>While the proposal encroaches into the minimum side setbacks it is considered that an appropriate level of separation, privacy and solar access would be maintained for both occupants of this dwelling and the neighbours in accordance with the performance standard.</p> <p>Landscaping along both side boundaries (shown on the Landscape Plan 301) will also provide additional green spaces and provide screening to the neighbours.</p>

General Conditions	Commentary
Buildings in relation to rear boundaries	
<p><i>Performance standard</i></p> <p>Requirements for rear distances are intended to allow adequate light and ventilation to preserve the privacy of neighbours and to ensure the provision of a service yard</p>	<p>The building has been sited to provide a rear outdoor entertaining area, pool and landscaping to the rear of the dwelling. The large setback from the building to the rear boundary provides good opportunities for windows and outdoor living and private open spaces to optimise winter sun on the northern aspect.</p> <p>Privacy is maintained by appropriate separation and screening through landscape plantings.</p>
<p><i>Quantitative standards</i></p> <p>The minimum distance between the rear wall of a single storey building and the rear property boundary must be 4 metres and the corresponding distance for a 2 storey building must be 7.5 metres.</p>	<p>Rear wall of the proposed building is 14.2 metres from the rear boundary.</p>
Plot Ratio	
<p><i>Performance standard</i></p> <p>The application of a plot ratio is intended to place an upper limit on the amount of floor space in a building development on a site.</p>	<p>A maximum Plot ratio of 0.4 applies as per the Precinct Code.</p>
<p><i>Quantitative standard</i></p> <p>The plot ratio must not be greater than 0.35 for a block larger than 550 square metres or 0.4 for a block smaller than 450 square metres provided that a building or buildings with floor space of up to 192 square metres may be erected on a block larger than 450 square metres.</p>	<p>A maximum Plot ratio of 0.4 applies as per the Precinct Code.</p>
Garages, carports and outbuildings	
<p><i>Performance standard</i></p> <p>Exceptions to the above policies with respect to setbacks and building lines of garages, carports and outbuildings are permitted in certain circumstances to achieve greater opportunities for use of the lessee's block, without adversely affecting the neighbouring blocks.</p>	<p>The swimming pool is partially within the rear setback zone, but it is part of a functional outdoor space and is considered appropriate without being detrimental to the neighbouring properties.</p>
<p><i>Quantitative standards</i></p> <p><i>Building to side or rear boundaries behind rear wall of main buildings</i></p> <p>A garage, carport or outbuilding may be erected behind the rear wall of the main building on or adjacent to the side or rear boundary if the walls on or adjacent to that boundary have no perforations and are of an approved material. The wall should not exceed a mean of 2.5 metres in height measured from the natural ground level and must not exceed 24 square metres in area.</p>	<p>Not applicable a basement garage is proposed</p>

General Conditions	Commentary
<p><i>Building to side boundary alongside main building</i></p> <p>a. A carport may be erected beside a building on or adjacent to a side boundary and may be enclosed on the side by a wall constructed of brick, masonry or other similar material approved by the National Capital Authority provided that the wall does not exceed a mean of 2.5 metres in height measured from the natural ground level, nor 18 square metres in area.</p> <p>b. A garage may be erected on or adjacent to a side boundary provided that there is not less than 1.8 metres between the garage and the main building erected on the block and provided that the wall on or adjacent to the boundary has no perforations and is constructed of brick or masonry or other similar material approved by the National Capital Authority and does not exceed a mean of 2.5 metres in height measured from the natural ground level nor 18 square metres in area.</p>	<p>Not applicable a basement garage is proposed.</p>
<p>Garages in front of the building line</p> <p>In special circumstances, for example, where a block has a gradient of more than 1 in 10, the National Capital Authority may approve the erection of a garage in front of the building line.</p>	<p>Not applicable.</p>
<p>Walls and fences</p> <p>Walls and fences may be erected on or adjacent to the side or rear boundaries (but behind the front building line) to a height of 1.8 metres above natural ground level. Proposals for walls or fences in excess of that height will be subject to special consideration</p>	<p>Fencing is proposed to enclose the pool area, extending between the dwelling and the rear boundary fence and the eastern boundary fence at a height of approximately 1.4 metres.</p> <p>Retaining walls are included along either side of the garage ramp (variable in height) but from the street elevation will be of a low height (0.2 metres).</p> <p>Retaining walls are also included on the eastern boundary which from the street elevation will be low and set behind the landscape zone.</p>
<p>Height</p> <p>Quantitative standards</p> <p>Detached houses must not be more than two storeys in height. Although certain sites enable the inclusion of basement and/or attic storeys, designs should not be adapted to take advantage of any allowance for basement and attic in circumstances where the design is unsuitable both in relation to the site and the neighbouring buildings.</p>	<p>The building is not more than two storeys in height.</p>

General Conditions	Commentary
<p>External appearance of buildings</p>	
<p>Performance standard</p> <p>The external treatment of buildings including materials, colours and general standard of finish, must ensure that the buildings, walls, etc. are appropriate to and not discordant with the general development and amenity of the locality.</p>	<p>The design proposes the use of a subdued materials palette of greys, browns and black with the use of concrete, aluminium and timber.</p> <p>To the front natural timber battens are proposed to the front façade to provide a lighter and alternative materiality.</p>
<p>Quantitative standards</p> <p>Roofs</p> <p>Permanently highly reflective metal roofs will not be approved. Tiled roofs having a strong pattern or marked colour contrast will not be approved.</p>	<p>Roof material proposed to be to be a dark grey metal roof, which is not highly reflective.</p>
<p>Structures above roofs</p> <p>a. Except as provided for below, structures above roofs are not permitted.</p> <p>b. Structures necessary under the ACT building regulations, and solar energy devices, may be permitted. Proposals may be subject to conditions in respect of type, position, size, height or appearance.</p> <p>c. External television antennae affixed at the rear of the main building in the least conspicuous position when viewed from public areas, may be permitted to extend no more than 1.5 m above the highest point of the roof.</p> <p>d. External television antennae not meeting the requirements of (c) above may be permitted where the need for the proposal for reasonable reception of Canberra channels is established by a report from an appropriately qualified technician.</p> <p>e. A radio transmitter mast or aerial should be on a freestanding structure at the rear of the main building in the least conspicuous position when viewed from public areas.</p>	<p>Aerials or antennas are not proposed.</p> <p>Photovoltaic Solar panels are proposed on the roof and form part of the ESD strategy. These panels are proposed to be installed horizontally (to follow the low pitched flat roof profile and there for not be visible from the street or the neighbours.</p> <p>Two minor chimney elements (to service the 2 fireplaces) are included (and shown on the elevations) and will be no more than 1.2 meters above the roofline)</p>

4.7 Signs General Code

This Signs General code applies to proposals for signage within Designated Areas. However, the code does not apply to signs required to be maintained by law or governmental order or regulation, with a total surface area not exceeding 1.0 m² on any block. The proposal includes a sign for the house number, which is exempt from the requirements of this code.

4.8 Landscape and Sustainability Guidelines Deakin/Forrest Residential Area Precinct Code

The Deakin/Forrest Residential Area Precinct Code - Landscape and Sustainability Guidelines (2018) have been developed by the NCA to provide greater clarity on the general landscape and sustainability provisions of the National Capital Plan. These Guidelines are intended to work in conjunction with the National Capital Plan.

These Guidelines apply to the site, but the guidelines state that they are advisory only and supplementary to the NCP, with the aim to provide advice about the intended planning and design of the precinct.

The key attributes of this guideline have been addressed in the description of the proposal in Section 3 of this report.

4.9 Design Review

Development proposals subject to the following instruments under the National Capital Plan must be considered by the National Capital Design Review Panel:

- Those subject to Development Control Plan 17/01 Manuka Circle Precinct, Canberra Avenue
- Those subject to National Capital Plan - Amendment 91 - City and Gateway Urban Design Provisions.

The NCA may also refer proposals determined to be of significance within Designated Areas that warrant design review.

The project is not of a type that requires review, nor has it been identified by the NCA as requiring design review by the National Capital Design Review Panel.

5 Other Legislation

5.1 EPBC Act

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's central environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places - defined in the EPBC Act as matters of national environmental significance (MNES).

Any project that has is likely to have a significant impact on a matter of National Environmental Significance (NES) must be referred to the Commonwealth to determine whether assessment under the EPBC Act is required.

5.1.1 Matters of National Environmental Significance

The site is an urban residential site within Deakin.

No matters of National Environmental Significance have been identified.

5.2 Copyright Amendment (Moral Rights) Act 2000

This amendment to the Copyright Act protects the moral rights of Australian creators. Moral rights are the unassignable personal right of a creator of a work or maker of a film to:

- be acknowledged as the creator of the work or film (right of attribution); and
- object to derogatory treatment of the work or film (right of integrity).

It is understood that Theo Bischoff was the architect who designed the existing dwelling on this site, but it has been significantly modified by more recent renovations.

Measures have been taken to attempt to contact family members to address the requirements of this Act.

Based on a search of records, it appears that the ACT Heritage Library Manuscript collection contains copies of the plans for the house which provide a record of his design ([HMSS 0159 Theo Bischoff Papers - Libraries ACT](#)).

6 Consultation

A meeting was held with Ilse Wurst at the NCA on Friday 6th August 2021 to discuss the proposal and seek feedback on the design.

The lessee has consulted with all the direct neighbours who are generally supportive of the proposal.

Some verbal concerns were made by the neighbour to the northwest (77 National Circuit) regarding overshadowing and the proximity to the boundary, but were supportive of the proposed retaining wall with planter to provide screening.

The neighbour at 73 National Circuit has provided their in-principle support along with the neighbour to the rear.

Details of communications with neighbours are provided with this application.

7

Document List

List of Documents submitted with this Works Approval Application.

Document	Reference
Locality Plan	WA10-01-Locality Plan
Letter of Authorisation	WA letter of Authorisation TCCS Roads ACT Authorisation.
Written Description of works proposed	Included in this document
Plans or drawings describing the works with drawing numbers	WA15-01 Demolition Plan Demolition Plans and Architectural Plans
Planning Report	This report
Schedule of Proposed works	Included in Section 3 of this report
Detailed Site Plan	Drawing WA 11-01 Site Plan
Architectural Drawings	WA01-01 Cover Sheet WA14-01 Existing Plan WA17-01 Solar Study Summer WA17-02 Solar Study Spring WA17-03 Solar Study Winter WA21-01 Basement Plan WA21-02 Ground Plan WA21-03 Roof Plan WA30-01 Front rear Elevation WA30-02 Side Elevations WA40-01 Sections WA40-02 Sections WA96-01 Materials Palette 80-11-12 Concept Isometrics 80-01-05 Concept Perspectives 81-13 Street Perspective 81-21 Perspective Section

Document	Reference
Landscape Plans	201 TREE ASSESSMENT AND TREE PROTECTION PLAN
Tree Survey and Report	202 LANDSCAPE AREAS PLAN
	301 LANDSCAPE PLAN
	401 LANDSCAPE IMAGES AND DETAIL
Civil Plans	Refer to Engineering Civil Plans
	CIV-GN-0001 Cover sheet
	CIV-GN-0002 General Notes
	CIV-UT-0501 Utilities Plan
	CIV-EV-0900 Landscape Management Notes
	CIV-EV-0901 Landscape Management and Protection Plan
Erosion and Sediment control Plan	CIV-EV-0910 Sediment Erosion Control Notes
	CIV-EV-0911 Sediment Erosion Control Plan
Drawing schedule	This List
A 3D Design Model	Not required
Electrical Plans/Lighting Plans	Not required
Traffic and Parking Assessment Report	Not required
ACT Government Agency Clearances	Letter of Authorisation from ROADS ACT
A Consultation Report	Details of consultation included in this report. Email communications with Neighbours included.
A Site Establishment and Construction (or Demolition) Management Plan	Demolition Works Plan Dilapidation Report Waste and Recycling Management Plan
Cost of Works estimate	Provided for WA application fees in WAel

8 Conclusion

The proposal seeks to create a beautiful and modestly-scaled home. One that is both respectful to its setting while paying homage to the elegant architectural dwellings of the 1950s and 60s.

The new dwelling provides a quality design with refined details, taking cues from other celebrated mid-century homes in Canberra. The house is well set back from the street allowing a generosity of deep-rooted soft landscape to the entry and address. While a tri-level house at a two-storey stature, the building steps down across the site so that from the street it appears as a single level.

The material palate has been kept simple and refined consisting of expressed concrete, natural timber and glazing, and the landscape setting responds to the traditional residential ‘Garden City’ character of the area, originally developed in the 1950s and 60s and to the requirements of the Deakin/Forrest Residential Precinct to ensure high design quality for residential development in this important area of Canberra.

Overall, it is considered that the proposal meets the objectives and the performance standards of the National Capital Plan and should be supported.