

22 November 2023

Planning Officer  
Planning Department  
City of Joondalup  
PO Box 21  
JOONDALUP WA 6919

Dear Sir/Madam,

## **RE: PROPOSED LOT 1 (No. 39) KINGSLEY DRIVE, KINGSLEY**

Please, see (below) the written justifications for the Proposed Variations to the Residential Design Codes (R-Codes) and the "Development in Housing Opportunity Areas Local Planning Policy" at the aforementioned property;

### **■ Development in Housing Opportunity Areas LPP – Subsection 1 – Public Domain Interface**

The Development in Housing Opportunity Areas LPP stipulates that *"Blank walls, vehicle access and building services (e.g. bin store, booster hydrant) shall not exceed 20% of the total lot frontage to the public realm..."*

The Proposed Variation proposes a driveway that exceeds the 20% maximum where it meets the lot boundary, and is justified below:

- Given that the front boundary of the lot measures 10.06m, it is physically impossible to have a driveway that takes up less than 20% of the total lot frontage, as this would equate to a driveway that is 2.012m wide.
- In conjunction to the above, The City of Joondalup's "Crossover Guidelines Residential and Non-Residential" dated June 2019, states *"For new single dwellings located within HOA's, a crossover servicing this dwelling can only be 3.0m in width"*.

### **■ Development in Housing Opportunity Areas LPP – Subsection 6 – Rear and Side Setbacks – Side Setbacks**

The Development in Housing Opportunity Areas LPP stipulates that *"A wall may be built up to one side lot boundary behind the street setback and within the following limits..."*

A Proposed Variation proposes a lot boundary wall to two separate lot boundaries, and is justified below:

- The Proposed Variation is consistent with the Design Principles for the LPP in that
  - *The dwelling is designed to respond to passive solar design principles...*
- The Proposed Variation is consistent with the Design Principles of the R-Codes for 5.1.3 P3.2 in that it:
  - *Makes more effective use of space for enhanced privacy for the occupants and outdoor living areas;*
  - *Does not compromise the design principle contained in clause 5.1.3. P3.1;*
  - *Does not have any adverse impact on the amenity of the adjoining property;*
  - *Ensures direct sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted.*
- The Proposed Variation is a direct result of the narrow nature of the site, including the additional provisions of the Housing Opportunity Areas LPP.
- The Proposed Variation has no direct impact upon the solar access, either to the subject site, or to any adjoining site.

▪ **Development in Housing Opportunity Areas LPP – Subsection 7 – Resident Parking - Location**

The Development in Housing Opportunity Areas LPP stipulates that *“Where a dwelling does not orient to a primary street, the garage shall be located behind the dwelling building line and not face the primary street...”*

A Proposed Variation proposes a side access entry in which the garage faces the primary street, and is justified below:

- The Proposed Variation is not an unusual proposal in the context of modern design practices in Western Australia.

Many homes in, particularly in the Greater Perth Area utilise side-entry design to effectively maximise the design functionality at the site. On a narrow lot, such as the subject site, a side entry positively contributes to the design outcome on the site, by allowing a Bedroom at the front, with the Entry behind. The external walkway around to the Entry does not count toward site coverage and does not contribute any zero-lot boundary wall, which is a positive for the design.

- The Proposed Variation is only considered to be “non-compliant” by the City of Joondalup’s Development in Housing Opportunity Areas Local Planning Policy.

The statewide Residential Design Codes and the specific Local Planning Policies of other Local Authorities do not prohibit this design practice, which indicates that it is generally considered good practice.

▪ **R-Codes Design Principle 5.2.3. – Street Surveillance**

The Residential Design Codes (R-Codes) requires “the street elevations of the dwelling to address the street with clearly definable entry points visible and accessed from the street”.

A Proposed Variation proposes the Entry is not visible from the street. This is justified below:

- The Proposed Variation is consistent with the Design Principles of the R-Codes for 5.2.3. P3 in that it is:
  - *“...designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.”*
- The residence has been deliberately designed to ensure there is no chance of concealment or entrapment – every part of the front setback and approach to the dwelling is clearly visible through major openings from the Sitting, Entry and Bedroom.
- Though the Entry is not visible from the street, is not an unusual proposal in the context of modern design practices in Western Australia.

Many homes in, particularly in the Greater Perth Area utilise side-entry design to effectively maximise the design functionality at the site. On a narrow lot, such as the subject site, a side entry positively contributes to the design outcome on the site, by allowing a Bedroom at the front, with the Entry behind. The external walkway around to the Entry does not count toward site coverage and does not contribute any zero-lot boundary wall, which is a positive for the design.

- It is disputed that the Entry is not “clearly definable” from the street.

Though agreeing it is not visible from the street, it is still accessible from the street – there is no other way to enter the Lot except for from the street.

Further, the lot is built to the boundary on the garage side. There is a path leading from the driveway around to the Entry and it is not unreasonable to assume that any visitor would follow this path. A visitor will actively seek out the Entry, and it will not be difficult to locate, by following the path.

Because of the boundary-to-boundary construction at this site, it is not possible for a visitor to end up anywhere except the Entry.

## ▪ **Development in Housing Opportunity Areas LPP – Subsection 11 – Tree Canopy and Deep Soil Areas – Landscape Area**

The Development in Housing Opportunity Areas LPP stipulates that “The minimum landscape area is to be calculated as 20% of the site area” and “A minimum of 50% of the area between the front of the dwelling and the street lot boundary (front setback area) shall be landscape area”.

The Proposed Variation proposes an overall landscaped area of 66.01m<sup>2</sup> and a front setback landscaped area of 47.44%. This is justified below:

- The Proposed Variation (overall site landscaping) is only minor in nature. The overall landscaped area is only 3m<sup>2</sup> short. There is additional landscaped area on the side which far exceeds the requirements for landscaping at the site, but these do not qualify due to their depth.

Overall, there is sufficient landscaping across the site to ensure positive amenity to the site and the surrounding streetscape.

- The Proposed Variation (front landscaping) is also only minor in nature. The discrepancy is only approximately 2.5%, which is not a major discrepancy.

It is important to note that it is very difficult to achieve the 50% requirement in the front setback, due to driveway requirements and additional paving requirements to service the pedestrian entry to the residence.

It should be noted that every effort has been made to comply with the requirements, with a severe taper proposed to the driveway to facilitate the landscaping requirements.

## ■ **Development in Housing Opportunity Areas LPP – Subsection 16 – Size & Layout of Dwellings**

The Development in Housing Opportunity Areas LPP stipulates that *“dwellings shall have a minimum ceiling height of 2.7 metres in habitable rooms and 2.4 metres in non-habitable spaces”*.

The Main Bedroom, Bed 2, Bed 3 & the Study does not provide the minimum ceiling height as specified above. This is justified below:

- The Proposed Variation does not impact the actual size or usability of the rooms.

Though the ceiling height is under the 2.7m requirement, this does not have any realistic negative impact on the space.

- A ceiling of 31c + the wall plate = 2.692m in height – that is 8mm short of the requirement, 0.8cm.

There is no negative impact by being 8mm under the ceiling height requirement.

- A ceiling height of 2.949m allows the main living areas (Kitchen, Dining & Living) to stand out as a feature.

When contrasted to the 2.692m ceilings in the front of the home, the 34c ceilings to the rear will provide an aesthetic impact, giving added interest to the key heart of the home – the living areas.

Where Bedrooms are practical places for sleeping, Living spaces are creative spaces for family and togetherness, which benefit from the increased ceiling heights and contrast to the other areas.

The Development in Housing Opportunity Areas LPP also stipulates that dwellings shall have bedrooms with a minimum area of 9m<sup>2</sup> and 3m dimension. There is minor variations to these sizes proposed. This is justified below:

- The Proposed Variation does not impact the actual usability of the rooms.

Though the room sizes are slightly under the requirement in some cases, these do not have any substantial impact on the bedrooms, their functionality and their ability to be furnished in a practical manner.

- The Proposed Variation is not atypical to the construction of residential homes in Perth.

Though the room sizes are slightly under the requirement in some cases, these are still in-line with standard design and construction practices across the industry. Whilst “Housing Opportunity Areas” stipulate minimum sizes, these sizes would typically be considered adequate and be considered close to industry standard.

- The Proposed Variation is the result of a design on a tightly constricted lot.

The subject site is of quite narrow (as reflected in the Garage Width Variation) which creates specific challenges in the sizes that can be included in the design. It is also important to note that the design is limited by setback requirements, and in coverage requirements, including the limitations set out by the landscaping requirements of the HOALPP.

#### ▪ **Development in Housing Opportunity Areas LPP – Subsection 18 – Natural Ventilation**

The Housing Opportunity Area Local Planning Policy (HOALPP) states *“All rooms, with the exclusion of store rooms, shall have operable windows. Window opening design shall maximise natural ventilation”*.

The Proposed Variation proposes a design which does not have an operable window in the WC, and is justified below:

- The proposed variation allows for an efficient & functional design, particularly in facilitating a spacious 4-bedroom home.
- It would be fair to comment that this room will still be functional even though it doesn't have an operable window.

#### ▪ **R-Codes Design Principle 5.1.3. – Lot Boundary Setback**

The Residential Design Codes (R-Codes) states *“Buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b...”* Tables 2a and 2b proceed to specify that where a wall includes a major opening, that wall is required to be set back 1.5m from the lot boundary. Further, these Tables specify that the maximum wall length for a 1.0m setback should be 14m.

The Proposed Variation proposes that the Bed 1 & Bed 2 walls which have a major opening be positioned at a setback of less than 1.5m. This is justified below:

- The Proposed Variation is consistent with the Design Principles for 5.1.3 P3.1 in that the buildings are set back to ensure they:
  - *Reduce impacts of building bulk on adjoining properties*
  - *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
  - *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*
- The Proposed Variation is compliant to the requirements for visual privacy.

Though it may not be compliant within the typical definition, the boundary fencing at the site will act as a permanent and solid screening to avoid any loss of privacy on the adjoining property.

As required by the Dividing Fences act, the fence will be 1.8m in height on the boundary, which surpasses the requirement for 1.6m of screening above the floor level of the room. In addition, the screening requirements for visually privacy would usually permit some permeability within the screen – though the solid fence provides none, ensuring that visual privacy is maintained.

- The Proposed Variation is consistent with the Development in Housing Opportunity Areas Local Planning Policy subsection 18 (18.2) in that it provides Bed 1 and Bed 2 with windows in an external wall which:
  - *Has a minimum glass area not less than 15% of the floor area of the room;*
  - *Comprise a minimum of 50% clear glazing; and*
  - *Is openable for 50% the size of the window*

For the reasons aforementioned, it is my opinion that the requested Proposed Variations are reasonable to request and are keeping with the Design Principles of the Residential Design Codes and the Development in Housing Opportunity Areas Local Planning Policy, and that the proposed outcomes will match the intended outcomes of the Residential Design Codes and the Development in Housing Opportunity Areas Local Planning Policy. The end product will be a functional and aesthetic home that respects its surrounding neighbours and the natural existing conditions at the site.

Should you have any further queries regarding the Proposed Variations or any other aspect of the design and drawings, please, do not hesitate to contact me.

Yours, Faithfully



**Mark Mattioli**  
Building Designer