

19th January, 2024



**ANTHONY &
ASSOCIATES
DESIGNERS**

ANTHONY & ASSOCIATES
DESIGNERS PTY LTD

ATF B&M FAMILY TRUST
T/AS ANTHONY & ASSOCIATES
DESIGNERS

ABN 20 438 317 251

Suite 9 / 20 Gibberd Rd, Balcatta WA 6021
Phone – 08 9240 8080
info@anthonyandassociates.com.au

**ATTN: Planning Department
City of Joondalup,
PO Box 21,
Joondalup WA 6919**

RE: Proposed Residence at 9 Marybrook Road, Heathridge, R-20/40

This letter is to accompany the development application for the proposed addition to the above-mentioned property. We have endeavored to comply with all Deemed-to-comply provisions of the R-Codes and believe that most of the aspects of the R-Codes have been satisfied; however, there are some areas where variations are being sought. For these, we have provided appropriate justifications in line with the design principles of the applicable R-Codes.

HOA-LPP sub section 4.1 & R - Codes Clause 5.1.6 – Building Height

The maximum wall and roof height is 7.51m approx in lieu of 6.0m as permitted under R-Codes (Table 3 – Maximum Building height). Variation is being sought and we would like to make points of the following to support our justification:

- The natural ground line varies from approx 10.5m at front, to 12.0m at rear. Due to gradual change in natural ground line, it is difficult to maintain a constant building height. As seen from the building elevations, the building height at front (i.e where the natural ground line higher) is much lower than that of rear.
- The 7.51m max wall height is measured from the lowest point of the ground line.
- Front elevation shows consistency with streetscape and building height creates no adverse impact on amenities of adjoining properties or streetscape including road reserve and public open space reserve.

HOA-LPP sub section 6.3a & 3b & R - Codes Clause 5.1.3 - lot boundary setback

1. Western boundary setback

The length of the rear wall on the Western boundary is 6.89m with a maximum wall height of 5.71m whereas, the average setback is 1.08m in lieu of 1.2m required and the average setback for the upper floor is 1.18m in lieu of 2.0m required.

2. Eastern boundary setback

The setback to the eastern boundary is 0m in lieu of 1m required and the average setback for the upper floor is 1.89m in lieu of 2.0m required.

As a result, a variation is required and we would like to make points of the following to support our request.

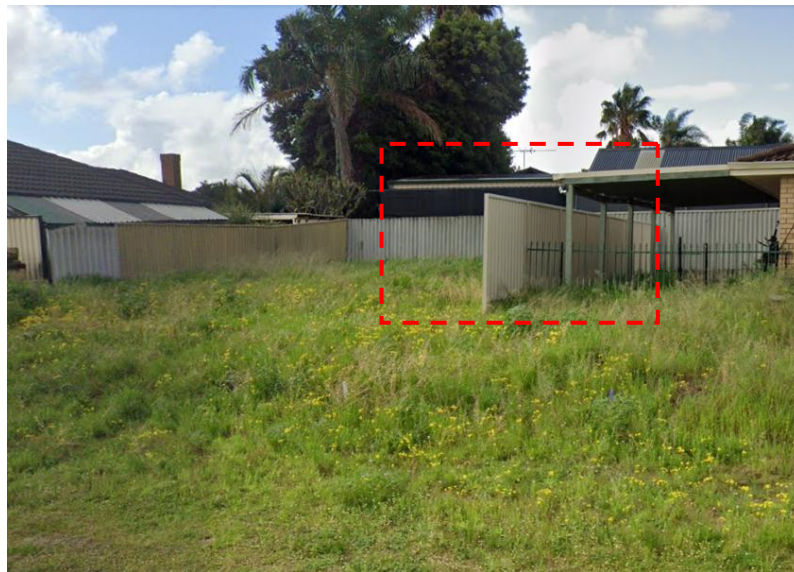
- The residence design takes advantage of the slightly tapered angle of the lot and facade undulation makes it more usable, because of which, there will be no building bulk on the adjoining neighbours.
- Designs have made good use of space considering the lot sizes. The shortfall is very minimal for western boundary, namely of 0.12m for ground floor and 0.82m for the upper floor.
- On the eastern boundary we have proposed a parapet wall . This is mainly due to its small lot size.
- The space already has significant ventilation, but the main point of argument would be that if it was required to be 1.0m setback, then the living would need to be reorientation the other way, as due to lot size and shape, there would be no other options ie need to run North south. But doing that would result in much less North-facing aspects/ solar gain to internal areas in winter and also result in more usable outdoor living space.

- I might be good to propose a semi open style roof over Alfresco or keep roof but have skylights and this will help get more light through and help support our argument above.
- There is no major opening provided from the upper floor habitable space (bed 2). Also, opening of the ground floor (kitchen) has been restricted to a highlight window, because of which there will no overlooking issues into sensitive areas of adjacent neighbours.
- Also, the site is not overdeveloped in terms of both site coverage and landscaping.

HOA-LPP sub section 6.4a & 4c

The length of the parapet wall on the Eastern boundary is 12m in lieu of 9m permitted. Subsequently, a variation is being sought and we would like to make points to support our request:

- The parapet wall has part of a garage and part is of the living area, so we can say half for non-habitable and half for habitable space with no opening on the wall.
- The incursion will have no detrimental impact on the neighbour's residence as there is a high colorbond fence between both the lots, it can be seen in the below attached picture. Also, it is seen that there is no habitable space adjacent to the fence.



- The design of houses has made good use of space. The site coverage is 51%, which is well below the requirement of 45% open space.
- Overshadowing is also compliant & well below the maximum allowed, namely at 9.0%.

HOA-LPP sub section 7.1 & R - Codes Clause 5.2.1 - Setback of Garages & Carports

The front setback to the garage setback is 4.5m in lieu of 5.5m required. As a result, a variation is required and we would like to make points of the following to support our request.

- As seen from the plans, the small lot size is been difficult to achieve the required setback.
- The small part of the front facade has been designed to protrude out, which results in the part reduction of the setback. All site planning requirements such as parking and utilities have been satisfied.
- The minor reduced setback will have no detrimental impact on any neighbour.
- There is no adverse effect on the amenity of adjoining neighbours.

HOA-LPP sub section 8. Solar access for adjoining sites

The building is orientated and incorporates external shading devices in order to minimise direct sunlight to habitable rooms between late September and early March, and permit winter sun. There is no provision of shading device on the Western side in lieu of the shading device required for the kitchen and study area. Subsequently, we are seeking a variation and would like to make points of the following to support our request:

- We have provided a highlight window for both the spaces I.e kitchen and study.

- Also, after a quick analysis of the sun path angle, the mid summer sun which will be at 81deg, will not pass the highlight windows.
- The design takes advantage of solar access with living areas and outdoor living areas orientated and designed with adequate size and positioned openings to maximize winter solar access. Also, our overshadowing is compliant

HOA-LPP sub section 18.1 - Natural Ventilation

All rooms, with the exclusion of store rooms, shall have operable windows, whereas the ground floor powder room has no openings to the external wall in lieu of natural ventilation required. Subsequently, a variation is being sought and we would like to make points to support our request:

- The location of PDR is such that it can be accessed easily from 3 different spaces, referring to plan its on the
- centre portion with no external wall.
- The design of the house had the intention to allow as much natural light into habitable rooms. By nature of this, some non-habitable spaces, in this instance, the powder room is best located internally, where access to natural light and ventilation is not possible.
- There will be a provision of mechanical ventilation as a standard requirement. Thus, we believe this variation should be granted.

HOA-LPP sub section 18.2 - Natural Ventilation

Bed 4 has a glass area of 1.30m in lieu of 1.76m required. Subsequently, a variation is being sought and we would like to make points to support our request:

- Because of passive solar design and orientation of the house, there will be plenty of natural ventilation which will reduce the need for mechanical ventilation and air-conditioning.
- With the majority of the habitable rooms and outdoor living spaces located on the Northern side, there will be free movement of cool breeze into the habitable space, reducing the heat gain and decreasing the need for mechanical ventilation.

Please contact me if you have any queries on any of the above. We look forward to co-operating with the council in the near future to achieve approval of the proposed plans.

Yours Sincerely



Brett Anthony

Anthony and Associates Designers Pty Ltd.