

5th October, 2023

**Lorraine Elliott
Planning Services**

Chief Executive Officer
City of Joondalup
PO Box 21
Joondalup WA 6919

Dear Sir/Madam

DEVELOPMENT APPLICATION – 3 GROUPED DWELLINGS – 11 DUGDALE STREET, WARWICK

In reference to the above property, the following submission provides a planning justification for the variations to deemed-to-comply provisions in the Development in Housing Opportunity Areas (HOA) Local Planning Policy and Residential Design Codes (Volume 1) (2021). For each design element proposed to be varied, the relevant design principles have been considered in terms of the development plans.

The development proposal comprises 3 grouped dwellings – the front two being single storey and the rear dwelling is proposed to be double storey. Also, the driveway, pedestrian path and landscaping are located in the proposed common property. A draft subdivision plan has also been lodged with the development application, demonstrating that both the subdivision and development are compatible.

The site is zoned R20/60 and located in Housing Opportunity Area No. 1. As per the City of Joondalup Local Planning Scheme (LPS) No. 3 the site is suitable for R60 development. A development for 3 grouped dwellings was previously approved over the site in 2017. As far as reasonably possible, the development plans have been updated to comply with Council's HOA Policy and the R-Codes, although some variations are required.

PLANNING JUSTIFICATION FOR VARIATIONS TO THE DEEMED-TO-COMPLY REQUIREMENTS IN DEVELOPMENT IN HOUSING OPPORTUNITY AREAS POLICY AND RESIDENTIAL DESIGN CODES (VOLUME 1 - 2021)

HOA POLICY

Urban Design – Public Domain Interface

Clause 1.3 in the HOA Policy requires that blank walls, vehicle access and building services shall not exceed 20% of the total lot frontage to the public realm. In this case the total lot frontage is 20.12m and as such 20% is 4m. The development plan shows a driveway width of 3m plus a blank wall (master bedroom) of approximately 2m in length.

The variation is justified on the following planning grounds:

- The variation is minor where the limit is only exceeded by 5%.
- Other wall sections are treated with Hebel feature cladding and textured walls to provide design treatments.

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- There are multiple windows and the front door that provide further design detail and passive surveillance, which promotes a safer building interface with the street and a visual connection between the internal areas of the front dwelling and the street (public realm).
- There will be landscaping with both sides of the sealed driveway being landscaped, two trees will be planted in the front setback (screening the blank wall) and also there are more trees within the verge area. All this landscaping will contribute to creating a streetscape with a landscaped character as per the objective of the HOA Policy.

Side Boundary Setback

Clause 6.2 (a) in the HOA Policy requires that where walls are built up to one side lot boundary, the wall is to have a maximum length of 9m. Both the middle and rear dwellings do not comply with this requirement with wall lengths of 9.68m and 9.96m, respectively. Also, the upper floor on the southern side does not comply with the 2m setback – instead the setback ranges from 1.09m to 1.723m. The front dwelling’s side boundary wall does not have an average height of 3m from the natural ground level, however the development on the adjoining property has a wall built up to the side boundary with similar dimensions and as such no variation is required.

The variation is justified on the following planning grounds:

- In terms of the wall length for the boundary walls, the variation is minor for both dwellings.
- In the case of the rear dwelling, the wall length is broken up by a 1m setback for the laundry and storeroom.
- The boundary walls of the middle and rear dwellings are generally on the southern side and as such does not impact on winter solar access. All outdoor living areas and the majority of the landscaping (primary garden area) are provided on the north-western side of both proposed lots to maximise solar access, which is consistent with passive solar design principles.
- In terms of the rear dwelling’s upper floor setback from the southern boundary, the setback of 1.09m is only for a well length of 3.8m, whilst the balance of the side wall is setback at a greater distance of 1.7m. The 1.09m setback allows bedroom 3 to satisfy minimum bedroom dimensions of 3m and as such a greater setback of 2m would mean that bedroom 3 would not comply. There is no overlooking over the middle strata lot as all windows have a sill height of 1.65m from the finished floor level. The overshadowing diagram as shown on the strata plan demonstrates that there is no overshadowing of the outdoor living area of the middle dwelling.

Resident Parking

Clause 7.2 in the HOA Policy requires resident parking to have a manoeuvring space of at least 6m located in front of the parking. In this case the front and middle dwellings have 5.5m, excluding the side landscaping area. The rear dwelling complies.

The variation is justified on the following planning grounds:

- The variation is minor.
- The turning circles shown on the site plan for both dwellings demonstrates that cars can reverse out of the driveway and leave the site in forward gear without impacting on the landscaping area.

Landscape Area

Clause 11.1 in the HOA Policy requires at least 20% of the site area of proposed lots (including common property) to be included in the landscaping area. Clause 11.3 allows it to be calculated based on 20% of total parent lot if the land is not yet subdivided. In this case, landscaping area for proposed Lot 1 is 14.52% (ie. 36.01m²), proposed Lot 2 is 16.26% (ie. 39.49m²) and proposed Lot 3 is 22.24% (ie. 52.8m²). The total parent lot area is 728.5m² and the total landscaping area of all lots is 128.3m² and therefore the overall percentage of landscaping (excluding alfresco areas and landscaped areas that have dimensions of less than 1.5m) is 17.6%.

The variation is justified on the following planning grounds:

- It is difficult to comply with the required landscaping area when the grouped dwellings are single storey. The only dwelling that complies is the rear dwelling because it is double storey.
- It is important to provide a variety of housing styles (both single and two storeys). Also, single storey development is critical for an ageing population and families with young children.
- The proposed front and middle dwellings are not oversized as they are only just above the minimum requirements as per Clause 16 of the HOA Policy and the R-Codes (Volume 2).
- The site areas for each proposed lot are above the minimum site area requirements for R60 under the R-Codes (Volume 1) and therefore the development does not represent overdevelopment.
- The proposed development complies with the required number of trees and deep soil areas as per the HOA Policy.
- All of the verge with the exception of the driveway will be landscaped and the existing tree retained. Also, almost 100% of the front setback area of the front dwelling will be landscaped, exceeding the minimum requirements under Clause 11.6 of only 50%. Therefore, the proposed development will satisfy the objective of the HOA Policy to create an attractive landscaped character and streetscape that is complimentary to the wider neighbourhood.
- The street tree provision will be increased by 2 additional trees, thereby contributing to the landscaped character of the streetscape.
- All residents will have access to functional and usable landscape areas as such areas are located with direct access to indoor and outdoor living areas.

R-CODES – VOLUME 1 (2021)

Street Setback from the Communal Street

Clause 5.1.2 C2.1 (iv) requires 2.5m building setbacks to communal streets or 1.5m setback for front porches. In this case, the middle dwelling does not comply with a 1.1m setback to the master bedroom and porch and 2m setback to the garage. Whilst the rear dwelling does not front onto the communal street, it doesn't comply as the garage is located 1m from the nearest point of the communal street.

The variation is justified on the following planning grounds:

- The reduced building setbacks do not impact on the landscaped streetscape of Dugdale Street given both dwellings face the communal street, which is equivalent to the side boundary of the parent lot.
- The forward location of both the middle and rear dwellings allows for greater rear landscaping areas and compliant rear building setbacks.
- There are no easements and internal services are located within the common driveway and to the rear of proposed Lot 3 and are therefore not affected by the location of both dwellings.
- Whilst the Medium Density R-Codes (2023) are still under consideration, the building setbacks from the communal street were proposed to be 0.5m for buildings and garages, which would make the proposed development compliant.

Rear Boundary Setback

Clause 5.1.3 C3.1 requires the upper storey of the rear dwelling to be setback 1.2m from the rear boundary. Whilst bedroom 3 complies, bedroom 2 is non-compliant as the setback from the rear boundary is 1m. All other dwellings comply.

The variation is justified on the following planning grounds:

- The variation is minor with a difference of only 0.2m.
- The rear setback of the rear dwelling does not affect the streetscape character as it is located behind 2 other dwellings.
- The setback does not result in non-compliant overshadowing over the adjacent lots to the south.
- The non-compliance does not affect overlooking or privacy as the window for bedroom 2 has a sill height of 1.65m and as such does not impact on the amenity of the adjoining property.
- The difference in rear setbacks of bedrooms 2 and 3 provides additional building articulation along the rear boundary.
- All other boundary setbacks are compliant.

Outdoor Living Area

In terms of Clause 5.3.1 C1.1, the front dwelling does not comply with minimum Outdoor Living Area (OLA) space of 16m² or width dimension as it's not 4m. The middle dwelling complies with all OLA requirements except for the width dimension, which is not 4m. Finally, the rear dwelling complies with all OLA requirements except for roof cover. Due to the second storey overhang plus the alfresco roofed area, the amount of roof cover is 37%, which is approximately 4% over the one-third maximum roof cover.

The variations are justified on the following planning grounds:

- Overall, the proposed development complies with the required amount of open space based on the area of the parent lot, so it does not represent overdevelopment.
- Due to the relocation of the garage for the front dwelling to the side (based on previously approved development plans), there is less OLA available to the rear. However, the front setback area comprises almost 100% garden area (other than steps and retaining wall).
- All OLAs for the 3 dwellings are still usable and functional and are located on the north-western boundaries to maximise solar access in the cooler months and are all directly connected to the main living area for each dwelling and as such capable of concurrent use.

- All lots provide at least 2 trees and the required deep soil areas as per the HOA Policy.
- None of the dwellings are oversized with only 3 bedrooms, 2 bathrooms and 1 main living area for each dwelling.
- The roof cover for the rear dwelling is only a minor variation (4%) and only exceeds it due to the upper level overhang. Also, the rear dwelling complies with all other OLA requirements.
- For both the front and middle dwellings, the length dimension exceeds the minimum 4m requirement.

Vehicular Access - Driveway Passing Areas

Whilst the driveway width is compliant with HOA Policy, Clause 5.3.5 C5.4 in the R-Codes requires driveways to be designed for two-way access to allow for vehicles to enter the street in forward gear, where the distance between an on-site car parking space to the street is 15m or more. In this case, the garage for the rear dwelling is located 26m from the Dugdale Street boundary. The design does not include any passing bays.

The variation is justified on the following planning grounds:

- There is no vehicle access safety issue as Dugdale Street is a local road with relatively low levels of traffic and therefore incoming cars can wait for exiting cars to leave the site in forward gear.
- There are only 3 grouped dwellings and no visitor bays and as such the traffic demand for the driveway will be minimal. In this regard, the proposal is consistent with the requirements in the draft Medium Density Codes where there is no need to include passing areas for two-way access as the number of dwellings is below 5.
- Reduced sealed areas along the driveway allows for more landscaping and open space within the proposed lots and common property, thereby reducing the driveway's hard impact on the streetscape.
- Pedestrian safety will be protected through careful design, such as paving surfaces and appropriate lighting.
- The number and width of the crossover at the street boundary have been minimised and reduced from the previous planning approval, thereby creating a positive street interface as per the landscape objectives of the HOA Policy.

Pedestrian Access

Contrary to Clause 5.3.6 C6.3, the communal street is closer than 2.5m to bedroom windows for the front and middle dwelling and no privacy screening other than landscaping is proposed.

The variation is justified on the following grounds:

- The variation is only minor.
- The installation of a permanent screen reduces passive surveillance of the communal street and pedestrian path and therefore creates a potentially unsafe space.
- The proposed design shows a greater level of integration between common property and private land, representing a more open design.
- The requirement has been removed from the draft Medium Density Codes.

CONCLUSION

In summary, it is requested that Council approve the above variations and the development application based on the above planning justification.

Please do not hesitate to contact the undersigned on information. Thank you for your attention to this matter.

if you require any additional

Yours faithfully



Lorraine Elliott
Principal Planner

Lorraine Elliott Planning Services



Development (planning) application for Grouped Dwelling (Two single storey dwellings and a two storey dwelling) at 11 Dugdale Street, Warwick

The table below refers to assessment against the: <ul style="list-style-type: none"> • Residential Design Codes Volume 1 (R-Codes) • Development in Housing Opportunity Local Planning Policy (HOALPP) • Local Planning Scheme No. 3 (LPS3) 		
Element	Proposed	Applicant Comment / Justification
5.2.1 (R-Codes) 5. Street setbacks (HOALPP)		
5.2 (HOALPP)	Unit 1: Reduced setback of minor incursion to the street boundary.	The incursion refers to the eaves located along the front of the dwelling. The incursion is justified on the following grounds: <ul style="list-style-type: none"> • It provides an important building treatment along the building's frontage that contributes to the streetscape; • Eaves along the building frontage is consistent with many of the dwellings along Dugdale Street and is required by Council. • It provides an external shading device to minimise direct sunlight to habitable rooms in the warmer months, thereby reducing energy use.
5.1.3 Lot boundary setbacks (R-Codes) 6. Side and rear setbacks (HOALPP) 18. Natural ventilation (HOALPP)		
6 (HOALPP)	<p style="text-align: center;"><u>Unit 1</u></p> <ul style="list-style-type: none"> • Reduced lot boundary setback to northwest boundary <p style="text-align: center;"><u>Unit 2</u></p> <ul style="list-style-type: none"> • Reduced lot boundary setback to southeast boundary <p style="text-align: center;"><u>Unit 3</u></p> <ul style="list-style-type: none"> • Reduced lot boundary setback to southeast boundary • Reduced upper floor lot boundary setback to southwest boundary • Reduced upper floor lot boundary setback to southeast boundary 	<p>The nil setback to the north-west (rear) boundary for Lot 1 is justified on the following grounds:</p> <ul style="list-style-type: none"> • The policy only refers to side boundary setbacks and the future north-west boundary (once the site is subdivided) will be a rear boundary and as such Clause 5.1.3 in the R-Codes is applicable. The proposal complies with both sub-clauses C3.2 (i) and (iii) where the proposed wall abuts a simultaneously constructed boundary wall of equal dimension (the design for Lot 2 shows a similar wall along the same boundary) and the proposed wall is not higher than 3.5m for a length of two-thirds of the boundary (ie. 9m). Also, sub-clauses 3.2 (iii) allows up to 2 boundary walls for R30 and higher lots and as such Lot 1 is compliant. • Notwithstanding the above, the 9m wall length, wall height and abutting a similar wall is also compliant with Clause 6.4 in the Policy. <p>The 0m to the southeast (front) boundary for Lot 2 is justified on the following grounds:</p> <ul style="list-style-type: none"> • The non-compliance is a technicality as the future strata boundary is not recognised as the site has not yet been subdivided. • However, once the strata boundary is in place, Clause 6.4 of the HOA Policy relating to boundary walls would be relevant. The variation to Clause 6.4 is addressed in the planning letter submitted as part of the development application. Also, whilst the wall length is slightly more than 9m (ie. 9.68m), it is similar in dimensions and location to the proposed abutting wall on Lot 1 as per Clause 6.4 (d). <p>The 0m to the southeast (front) boundary for Lot 3 is justified on the following grounds:</p> <ul style="list-style-type: none"> • The non-compliance is a technicality as the future strata boundary is not recognised as the site has not yet been subdivided. • However, once the strata boundary is in place, Clause 6.4 of the HOA Policy relating to boundary walls would be relevant. The variation to Clause 6.4 is addressed in the planning letter submitted as part of the development application. <p>The following planning justification is provided:</p> <ul style="list-style-type: none"> • There is no requirement for the setback of eaves in the Policy, but it is understood that it is based on the NCC requirements. Eaves are critical for weather protection (especially from the sun) and building treatment. Also, it's required by Council, the 0.5m eave setback doesn't result in non-compliant overshadowing of the adjacent property to the south and south-east and doesn't add to building bulk.

		<ul style="list-style-type: none"> The 1.05m setback from the south-west boundary will ultimately be determined by the R-Codes and not the Policy as it will eventually be the rear boundary for the strata lot. Under the R-Codes a 1.2m setback would be permitted and therefore, only a minor variation of 0.2m is required. This is justified in the DA letter lodged with Council. The 1.09m setback to the south-east boundary is justified in the DA letter lodged with Council. The 0.56m eave setback is acceptable as it provides weather protection, building detail, it's a Council requirement, it does not impact on the middle property in terms of overshadowing and does not add to building bulk.
18 (HOALPP)	Unit 3: Reduced openable window size for Bed 3	<p>The variation is justified on the following grounds:</p> <ul style="list-style-type: none"> The variation is very minor (ie. 1.1% below the requirement). Bedroom 3 has two windows on different walls plus 2 doors allowing for good natural ventilation, thereby making the dwelling more energy efficient.
5.1.6 Building height (R-Codes) 4. Building height (HOALPP) 16. Size and layout of dwellings (HOALPP)		
16a (HOALPP)	Unit 2: Reduced internal floor area	<p>The variation is justified on the following grounds:</p> <ul style="list-style-type: none"> The variation is minor. The reduced floor area allows for more useable landscaping, which is below the 20% requirement. The internal floor and furniture layout of the living area shows that the dwelling is functional. The dwelling complies with the policy's requirements for natural ventilation. Ceiling heights almost comply – just marginally below 2.7m due to standard brick courses (refer to discussion below). All bedroom dimensions comply with Clause 16.1 b.
16.1b (HOALPP)	<p><u>Unit 1</u></p> <ul style="list-style-type: none"> Reduced internal dimension to Bed 1 and living room <p><u>Unit 2</u></p> <ul style="list-style-type: none"> Reduced internal dimension to living room <p><u>Unit 3</u></p> <ul style="list-style-type: none"> Reduced internal dimension Bed 3 and living room 	<p>The variation for minimum floor dimensions is justified on the following grounds:</p> <ul style="list-style-type: none"> All bedrooms for all 3 dwellings comply with the minimum internal floor area requirement. Non-compliance in bedrooms is due to the inclusion of built-in robes and distance from doors. Bedroom 3 on Lot 3 complies with minimum 3m X 3m dimensions. Bedroom 1 on Lot 1 would comply if the built-in robe was removed, however it would only be replaced with a standalone cupboard, providing the same outcome. The living room dimensions are 4m or greater in a number of directions and the furniture layout for all dwellings shows that all living areas are functional and sufficient. Enlarging the living area for Lots 1 and 2 would result in less landscaping area, which is considered important to the amenity of both dwellings, which already doesn't comply with landscaping (refer below).
16.2 (HOALPP)	Unit 1 and 2: Reduced ceiling height to habitable rooms	<p>The variation of minimum ceiling height is justified on the following grounds:</p> <ul style="list-style-type: none"> The variation is very minor and if the height dimension was rounded up, it would comply. The ceiling height of 2.65m is standard and acceptable as it is based on standard brick courses.
5.2.1 Setback of garage and carports (R-Codes) 7. Residential Parking (HOALPP)		
7.2 (HOALPP)	Unit 1 and 2: Reduced parking setback of right of way	<p>The variation is justified on the following planning grounds:</p> <ul style="list-style-type: none"> The variation is minor. The turning circles shown on the site plan for both dwellings demonstrates that cars can reverse out of the driveway and leave the site in forward gear without affecting the landscaping area.
5.2.3 Street surveillance (R-Codes) 1. Urban Design – Public Domain Interface (HOALPP)		
1.3	Unit 1: Increased blank walls, vehicle access and building services interface with the street.	<p>The variation is justified on the following planning grounds:</p> <ul style="list-style-type: none"> The variation is minor where the limit is only exceeded by 5%. Other wall sections are treated with Hebel feature cladding and textured walls to provide design treatments.

		<ul style="list-style-type: none"> • There are multiple windows and the front door that provide further design detail and passive surveillance, which promotes a safer building interface with the street and a visual connection between the internal areas of the front dwelling and the street (public realm). • There will be landscaping with both sides of the sealed driveway being landscaped, two trees will be planted in the front setback (screening the blank wall) and also there are more trees within the verge area. All this landscaping will contribute to creating a streetscape with a landscaped character as per the objective of the HOA Policy.
5.1.3 Outdoor living areas (R-Codes)		
5.1.3 (R-Codes)	Unit 1: Reduced outdoor living area	<p>The variations are justified on the following planning grounds:</p> <ul style="list-style-type: none"> • Overall, the proposed development complies with the required amount of open space based on the area of the parent lot, so it does not represent overdevelopment. • Due to the relocation of the garage for the front dwelling to the side (based on previously approved development plans), there is less OLA available to the rear. However, the front setback area comprises almost 100% garden area (other than steps and retaining wall). • All OLAs for the 3 dwellings are still usable and functional and are located on the north-western boundaries to maximise solar access in the cooler months and are all directly connected to the main living area for each dwelling and as such capable of concurrent use. • All lots provide at least 2 trees and the required deep soil areas as per the HOA Policy. • None of the dwellings are oversized with only 3 bedrooms, 2 bathrooms and 1 main living area for each dwelling. • The roof cover for the rear dwelling is only a minor variation (4%) and only exceeds it due to the upper level overhang. Also, the rear dwelling complies with all other OLA requirements. • For both the front and middle dwellings, the length dimension exceeds the minimum 4m requirement.
	Unit 1 and 2: Reduced outdoor living area dimension	
	Unit 3: Reduced outdoor living area without permanent roof cover	
5.3.2 Landscaping (R-Codes) 11-14 Tree canopy and deep soil areas (HOALPP)		
11.1 (HOALPP)	Unit 1 and 2: Reduced landscaping area	<p>The variation is justified on the following planning grounds:</p> <ul style="list-style-type: none"> • It is difficult to comply with the required landscaping area when the grouped dwellings are single storey. The only dwelling that complies is the rear dwelling because it is double storey. • It is important to provide a variety of housing styles (both single and two storeys). Also, single storey development is critical for an ageing population and families with young children. • The proposed front and middle dwellings are not oversized as they are only just above/below the minimum requirements as per Clause 16 of the HOA Policy and the R-Codes (Volume 2). • The site areas for each proposed lot are above the minimum site area requirements for R60 under the R-Codes (Volume 1) and therefore the development does not represent overdevelopment. • The proposed development complies with the required number of trees and deep soil areas as per the HOA Policy. • All of the verge with the exception of the driveway will be landscaped and the existing tree retained. Also, almost 100% of the front setback area of the front dwelling will be landscaped, exceeding the minimum requirements under Clause 11.6 of only 50%. Therefore, the proposed development will satisfy the objective of the HOA Policy to create an attractive landscaped character and streetscape that is complimentary to the wider neighbourhood. • The street tree provision will be increased by 2 additional trees, thereby contributing to the landscaped character of the streetscape. • All residents will have access to functional and usable landscape areas as such areas are located with direct access to indoor and outdoor living areas.
12 (HOALPP)	Unit 2: Reduced small tree deep soil area	<p>The variation is justified on the following grounds:</p> <ul style="list-style-type: none"> • It is critical for the dwelling to provide eaves as it provides protection from heat gain in summer and makes the dwelling more sustainable by reducing energy usage during summer. • The majority of the deep soil areas are clear of the eaves and as such it's only a minor variation. • The deep soil areas on Lot 2 have good access to the western sun.
5.3.6 Pedestrian access (R-Codes)		

5.3.6 (R-Codes)	Unit 1, 2 and 3: Reduced setback to communal street	<p>The variation is justified on the following grounds:</p> <ul style="list-style-type: none"> • The variation is minor. • The installation of a permanent screen reduces passive surveillance of the communal street and pedestrian path and therefore creates a potentially unsafe space. • The proposed design shows a greater level of integration between common property and private land, representing a more open design. • The requirement has been removed from the draft Medium Density Codes.
5.3.7 Site works (R-Codes)		
5.3.7 (R-Codes)	Increased height of fill and retaining within the street setback area	<p>The variation for Unit 1 is justified on the following grounds:</p> <ul style="list-style-type: none"> • The retaining of land within the street setback area is required to provide a level site for Lot 1 to the benefit of the future residents. It also allows the front area to be landscaped with required trees and deep soil areas. • The proposed site works is consistent with retaining undertaken for adjacent properties. • The filled site does not detrimentally affect adjoining properties in terms of visual privacy and overshadowing due to the development being single storey.
	Reduced setback of retaining wall to the southeastern boundary	<p>The variation for Unit 1 is justified on the following grounds:</p> <ul style="list-style-type: none"> • The variation is minor (it is only 0.7m high instead of 0.5m high above NGL – a difference of only 0.2m). • The location of the retaining wall on the boundary will not affect the adjoining property and it allows for the area to be landscaped. • The current design provides a continuous retaining wall from the front boundary. • The length of the non-compliant retaining wall is only 1.362m (then the boundary wall for Unit 1 commences). • There is no planning benefit to setting back a small length of retaining wall.