



CITY OF JOONDALUP
PO BOX 21
JOONDALUP WA 6919

11th December 2023

Att: Planning Services.

Re: Lot 261 (Hse 4) MILNE COURT OCEAN REEF.

We are applying for a Development Approval for the abovementioned property and will be asking Council for the following variations to the R-Codes. It would be appreciated if council assess it under performance criteria.

The plans were submitted into WAPC for approval to subdivide into two green title lots. This was approved on the 21st August 2023 (Ref: T545729). We would like now to like to submit this application to build the two single storey residences on each lot before demolishing the existing residence and applying to Landgate for the two titles. As the subdivision hasn't been completed and this is still one lot, we would like this application to be assessed as one lot which will be subdivide once development approval has been granted.

We are asking Council to exercise its discretion in varying the following R-Code policies.

1. 5.1.2 Street Setback
2. 5.1.3 Lot Boundary Setback
3. 5.1.4 Open Space
4. 5.3.7 Site Works

5.1.2 Street Setback

The objectives of these R-Codes are to contribute towards attractive streetscapes and security for occupants and passersby, ensure adequate privacy and open space for occupants, and provide attractive setting for buildings.

In relation to the amenity impact, the proposed two single storey residences will not be dominant to any of the adjoining properties due to the reduced setback from the street.

Our justification as to why Council would be reasonable in granting this variation is as follows:

- a) This application should be assessed as one lot, as both homes will be constructed together. If an imaginary straight line is across lot 2 from lot 1, then the 6.0m average to the development complies. Once constructed, both homes will positively contribute to the prevailing development context and streetscape.
- b) Due to the shape of the site, it restricts us from moving the home further back.

- c) Direct sunlight and ventilation to major openings to habitable rooms and outdoor living areas of the adjoining property has not restricted.
- d) The proposed two homes have no effect on any of the neighbouring properties.
- e) Overshadowing is not an issue.
- f) Enhances the streetscape of existing residences.
- g) The residence retains the visual impression of the natural level of the site as seen from the street or from an adjoining property.
- h) It does not have any significant adverse effect on the amenity of the adjoining property.
- i) The proposed homes make more effective use of space for enhanced privacy for the residents.
- j) We have spoken to the adjoining neighbours, and they have no issues with proposed development.

5.1.3 Lot Boundary Setback.

The zero-lot wall on the eastern boundary (bed 3 wall) is 4.49m long with a wall height of 3.08m high from the natural ground level. We are asking for council to exercise discretion on this item for the following reasons and our justification as to why Council would be reasonable in granting this concession is as follows:

- a) I have made effective use of space which would otherwise be dead space, which in turn enhances the amenity of the residence.
- b) We will not have any adverse effect on the amenity of the neighbouring property, in relation to overshadowing.
- c) Direct sunlight to major openings to habitable rooms of the adjoining property will not be restricted.
- d) The proposed zero lot wall is opposite the neighbour's garage wall. Between the two walls there are numerous trees and high vegetation which will dramatically obscure the view of the zero-lot wall from the neighbour's property.

5.1.4 Open Space

I am asking for Council to exercise its discretion in varying the policy (R-Code 5.1.4) on the open space provision requirements.

Our justification as to why Council would be reasonable in granting this concession is as follows:

1. Both proposed single storey residences will not dominate any of the proposed or existing residences. The total site area is 851m². The Open space R-Code requirement for R20 is 50% which comes to a total of 425.5m². The building area of the proposed single storey homes are 454.61m²; therefore, we have a total of 396.39m² or 46.57% of open space.
2. As per the performance criteria 5.1.4 (P4)
 - a. There is ample of natural sunlight which can enter the home.
 - b. There is sufficient space around the home.
 - c. There will be no effect on the street scape.
 - d. It meets the requirements of the residence, because the development is a low maintenance.
 - e. There are no visual privacy issues.
 - f. There are no overshadowing issues.

5.3.7 Site Works

The objective is to preserve the sense of natural topography of the site and locality with a view to the protection of streetscape and the amenities of adjoining properties.

Due to the topography of the site, we have designed the home so that it minimises the heights and lengths of the retaining walls.

Our justification as to why Council would be reasonable in granting this variation is as follows:

- a. Raising the ground and floor level of the proposed single storey residence will not dominate any of the existing residences.
- b. There will be no effect on the street scape. We are raising the ground level approximately 200mm in the middle of the property and approximately 800mm only at the front right corner.
- c. It meets the requirements of the residence, because it reduces the gradient of the property making it more useable.
- d. The proposed retaining wall does not affect the adjoining neighbour.
- e. The proposed retaining wall heights have no effect on the streetscape.
- f. There are numerous homes in the vicinity that have retaining walls higher than 500mm due to the slope of their sites.
- g. It has made effective use of the land.

We are also council in assisting us to remove the three verge trees which are not a natural species of the area and a very big problem to all the neighbours. We have spoken to all the property owners of the street, and they all want the trees to be removed. They are forever cleaning out their gutters from the trees and causing issues with their drains.

If the trees are to remain, it will greatly obscure the view from the proposed new homes to the street.

In conclusion, my clients and I have considered the adjoining owners in respect of the effect on privacy and amenity. It is considered that the design is one of high quality and will complement the streetscape and locale with the surrounding residences.

Should you require any additional information please contact me on the above telephone numbers.

Yours faithfully

ANTHONY MICHAEL



CITY OF JOONDALUP
PO BOX 21
JOONDALUP WA 6919

19th February 2024

Att: Marshall Farrell, Planning Services.

Re: Lot 261 (Hse 4) MILNE COURT OCEAN REEF.

In reply to your email dated 6th February 2024, I have made the following amendments to the plans and elevations to assist you in finalizing your assessment.

State Planning Policy 5.4-Road and Rail Noise.

I have provided the city with a report from Lloyd George Acoustics. The recommendations have been noted on the plans and elevations.

5.1.2 Street Setback

The garage setback to Lot 2 has been increase from 1.42m to 1.527m
The objectives of these R-Codes are to contribute towards attractive streetscapes and security for occupants and passersby, ensure adequate privacy and open space for occupants, and provide attractive setting for buildings.

In relation to the amenity impact, the proposed two single storey residences will not be dominant to any of the adjoining properties due to the reduced setback from the street.

Our justification as to why Council would be reasonable in granting this variation is as follows:

- a) This application should be assessed as one lot, as both homes will be constructed together. If an imaginary straight line is across lot 2 from lot 1, then the 6.0m average to the development complies. Once constructed, both homes will positively contribute to the prevailing development context and streetscape.
- b) Due to the shape of the site, it restricts us from moving the home further back.
- c) Direct sunlight and ventilation to major openings to habitable rooms and outdoor living areas of the adjoining property has not restricted.
- d) The proposed two homes have no effect on any of the neighbouring properties.
- e) Overshadowing is not an issue.
- f) Enhances the streetscape of existing residences.
- g) The residence retains the visual impression of the natural level of the site as seen from the street or from an adjoining property.
- h) It does not have any significant adverse effect on the amenity of the adjoining property.

- i) The proposed homes make more effective use of space for enhanced privacy for the residents.
- j) The neighbour's garage galvanized shed which setback 2.8 off the common boundary, it is setback 2.5m off the front boundary. Together with the natural vegetation, the wall on the boundary is obscured when viewed from the street.
- k) We have spoken to the adjoining neighbours, and they have no issues with proposed development.

5.1.3 Lot Boundary Setback.

The zero-lot wall on the eastern boundary (bed 3 wall) is 4.49m long with a wall height of 3.08m high from the natural ground level. We are asking for council to exercise discretion on this item for the following reasons and our justification as to why Council would be reasonable in granting this concession is as follows:

- a) I have made effective use of space which would otherwise be dead space, which in turn enhances the amenity of the residence.
- b) We will not have any adverse effect on the amenity of the neighbouring property, in relation to overshadowing.
- c) Direct sunlight to major openings to habitable rooms of the adjoining property will not be restricted.
- d) The proposed zero lot wall is opposite the neighbour's garage wall. Between the two walls there are numerous trees and high vegetation which will dramatically obscure the view of the zero-lot wall from the neighbour's property.
- e) The zero lot wall to the garage is setback 7.26m from the front boundary, which is also 3.24m setback from the front corner of Lot 2 bedroom 1.

5.2.5 Sightlines

I have amended the driveway so that it is 1.5m away from the corner.

5.3.2 Landscaping

The landscaping has been increased so that it now complies. The path has been removed and the driveway has been amended.

5.3.5 Vehicular Access

The crossover to lot 2 has been amended as requested.

Should you require any additional information please contact me on the above telephone numbers.

Yours faithfully

ANTHONY MICHAEL