

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



ACN 619 383 407  
168 Stirling Highway  
Nedlands WA 6009  
info@hplanning.com.au

Tuesday, 19 December 2023

## Justification Letter | 52 (Lot 21) Halgania Way, Duncraig

Dear CEO,

The purpose of this letter is to justify several variations to the deemed-to-comply (DTC) planning provisions of the applicable planning framework for a Development Application at 52 (Lot 21) Halgania Way, Duncraig, henceforth known as the 'subject site.'

The City approved an identical development at 24 Halgania Way through Coast Homes (a related entity to Together Homes). Although this development was not pursued, it has demonstrated an understanding of compromises acceptable to the City. In particular, open space, garage width, natural light and ventilation and retaining. This proposal by contrast does not require variations to Clause 5.4.1 and enjoy a reduce fall away from the street and a north facing backyard (previously east facing at 24 Halgania Way).

# Introduction and Background

1. The subject site:
  - a. has a density code of R20/40 as provided for in the City's HOA policy framework;
  - b. is broadly rectangular in shape;
  - c. is orientated with a south facing frontage;
  - d. is 20.12m wide;
  - e. has a site area of 688m<sup>2</sup>.
2. The subject site suffers from the following constraints:
  - a. It experiences a substantial topographical variation falling 1.4m away from the primary street frontage; and
  - b. A sewer easement and substantial setback at the rear.



Figure 1 Streetscape render of proposal (client supplied)

# Development Context

In accordance with cl. 67 (2) (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, in considering an application for development approval, the Local Authority is to have due regard the compatibility of the development with the desired streetscape and the relationship of the proposed to existing development including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

The collection of subsequent figures illustrate the physical context of the proposal which has been used to assist with the preparation of the design which we rely upon in making justification against the relevant Design Principles.

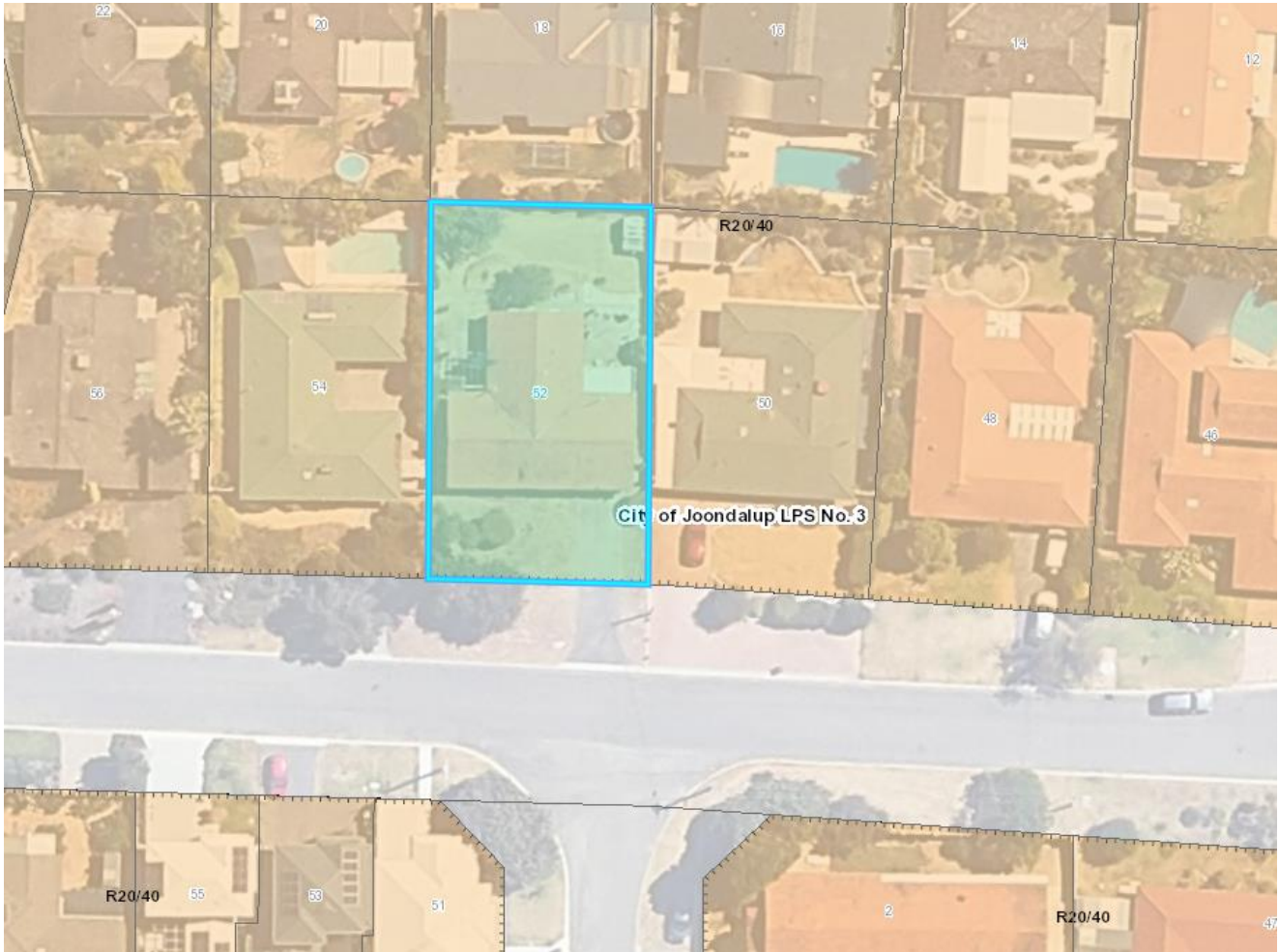


Figure 2 Aerial view of subject site (PlanWA)



Figure 3 Elevated perspective (Bellmerenda Real Estate)



Figure 4 Streetview of subject site (Google Maps)



Figure 5 Streetview of subject site (Google Maps)

## Design Principle Justification

The following section outlines variations identified by Hemsley Planning and provides justification against applicable design principles, objectives, and relevant town planning considerations.

### R-CODES CLAUSE 5.1.3 C3.2 LOT BOUNDARY SETBACK ON BOUNDARY WALLS

DESIGN PRINCIPLE	JUSTIFICATION
<b>VARIATION</b> <i>The development proposes an on boundary wall to both side lot boundaries.</i>	
<b>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</b>	
<ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> </ul>	<p>The use of dual on boundary wall as proposed has facilitated the creation of larger contiguous areas of open space and outdoor living areas ideally orientated to face north and east and allow direct sunlight to penetrate the habitable rooms of the proposal. The areas of open space also have very functional dimensions to facilitate the planting of a mature tree within the street setback and back yard of each dwelling.</p>
<ul style="list-style-type: none"> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> </ul>	<p>The inability to construct a design utilising an on boundary wall as proposed would have the undesirable effect of narrowing 'elongating' the built form or would require the kitchen roof to be lowered and jeopardize both the liveability and function of the dwelling without delivering any tangible benefit to the southern adjoining dwelling.</p>
<ul style="list-style-type: none"> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> </ul>	<p>The location of the on boundary walls are forward of any adjoining opening and cannot be said to affect the amenity of the adjoining properties (refer figure above).</p> <p>Any additional height wall height will not be noticeable to the southern adjoining dwelling in the current proposed configuration.</p>

DESIGN PRINCIPLE	JUSTIFICATION
<ul style="list-style-type: none"> <li>positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul>	<p>The proposal is consistent with the recently emerging built form, providing a strong visual connection to the street despite the obvious limitations stemming from the topography which falls away from the street.</p>

## R-CODES CLAUSE 5.1.4 OPEN SPACE

DESIGN PRINCIPLE	JUSTIFICATION
<p><b>VARIAION</b> <i>The design proposed open space of 40.2% for each dwelling in lieu 45%.</i></p>	
<p><b>P4 Development incorporates suitable open space for its context to:</b></p>	
<ul style="list-style-type: none"> <li>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</li> </ul>	<p>With respect to streetscape contribution, the proposal possesses a high-level of architectural integrity. The front façade is well articulated which is achieved through massing techniques and adopting varying of external finishes.</p>
<ul style="list-style-type: none"> <li>provide access to natural sunlight for the dwelling;</li> </ul>	<p>The proposal has been designed to best capture direct sunlight as articulated elsewhere in this report.</p>
<ul style="list-style-type: none"> <li>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</li> </ul>	<p>The proposal has demonstrated site responsive design which is used in tandem with a range of design features to present a development outcome consistent with community expectations of building bulk and scale.</p> <p>The boundary wall variation has been designed to be less than visible from the street frontage.</p>
<ul style="list-style-type: none"> <li>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</li> </ul>	<p>A functional design scheme will be implemented which is assisted by a functional area in the front setback which will remain available for landscaping.</p>
<ul style="list-style-type: none"> <li>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</li> </ul>	<p>The design of each dwelling has focused the provision of open space into two contiguous areas adjoining the dining, living, kitchen and the second in the front setback areas. The OLAs is substantially larger than required and the functionality of this area is enhanced when considering the connectivity with the living areas and direct winter light penetration into the home and subsequent improved internal amenity and solar performance of the dwellings.</p>
<ul style="list-style-type: none"> <li>provide space for external fixtures and essential facilities.</li> </ul>	<p>All essential facilities and fixtures are comfortably accommodated in the design and do not detract from the external appearance of the proposal.</p>

## LPP CL 7.4 AND R-CODES CLAUSE 5.2.2 GARAGE WIDTH

**LPP 7.4** The width of an enclosed garage and its supporting structures facing the primary street shall not occupy more than 50% of the frontage at the setback line as viewed from the street. This may be increased to 60% where an upper floor habitable room with a major opening or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.

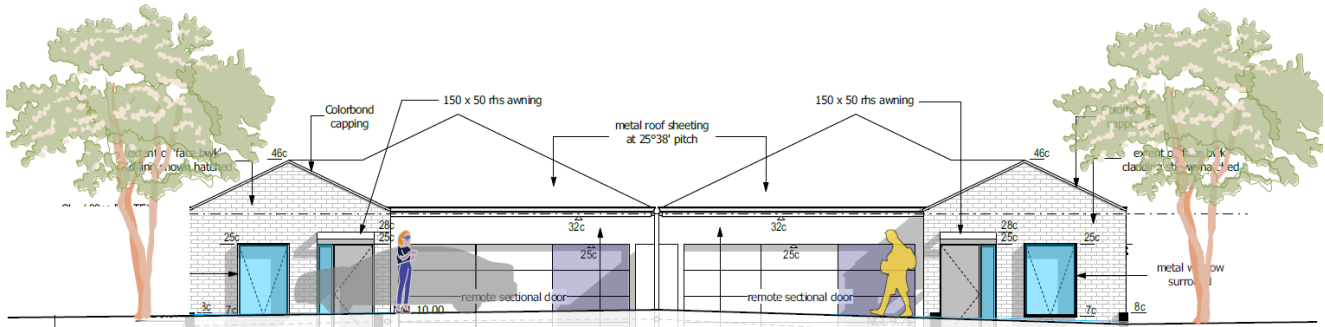


Figure 6 Composite graphic of the proposed primary street setback demonstrates the reduced visual impact of the garage door as the dwelling is lower than the verge level.

DESIGN PRINCIPLE	JUSTIFICATION
<p><b>VARIATION</b> The garage width exceeds 50% of the lot. It is ~55.86% for both dwellings.</p> <p><b>P2</b> Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.</p>	<p>The garage component of each proposal will enjoy a subservient role in contrast to the remainder of the home as it integrates with its street elevation and those future dwellings surrounding it.</p> <p>The garage is setback substantially (1.50m) behind the GF building alignment and 2.00m behind the projecting feature portico structure. Each porch ensures its prominence by having a 14cl high brick fascia height as compared to the garage. The collective mass of both dwellings combined is mitigated by ensuring different external finishes to avoid a monotonous appearance.</p> <p>The proposal establishes its visual relationship with the street through the highly articulated architectural design elements comprising a substantial glazing and varied masonry finishes forming the visually striking components of each of the two distinguished façades.</p> <p>The bulk of the garages are mitigated by:</p> <ul style="list-style-type: none"> <li>▪ The more prominent features in the façade;</li> <li>▪ The garage clear glazing sections; and</li> <li>▪ The lower FFL of the dwellings as compared to the verge levels.</li> </ul> <p>The appearance of the dwellings and the double car garage is further softened by specifying tapering driveways which avoid close proximity to the trees but more importantly, reduce the proportion of hard surfaces in the front setback area.</p>

## R-CODES CLAUSE 5.2.3 STREET SURVEILLANCE

**LPP 1.3** 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, except for development with two street frontages, where no blank walls will be permitted to either street frontage.

DESIGN PRINCIPLE	JUSTIFICATION
<b>VARIATION</b> Garage door/services occupy more than 20% of the frontage.	
<b>P3</b> Buildings 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.	<p>The proposal exceeds the minimum requirements for natural surveillance as required by the R-Codes deemed to comply provisions. Each habitable room window facing the street contains a substantially sized major opening and therefore provides 'actual surveillance' rather than simply perceived surveillance from an entry for example. The design supplements natural surveillance by providing a feature-entry which is highly visible from the street.</p> <p>Whilst meeting landscaping objectives, the design will avoid any landscaping which could unreasonably obstruct natural surveillance of the street and serve as a barrier to unimpeded views and allow potential intruders to hide.</p> <p>The home is designed to specifically minimise opportunities for concealment and entrapment by reducing side setback access completely. Whilst the front façades are articulated, it is done so in a restrained manner to provide visual relief and emphasizing the location of the front entry as opposed to the garage.</p>

## R-CODES CLAUSE 5.3.7 SITE WORKS

DESIGN PRINCIPLE	JUSTIFICATION
<b>VARIATION</b> Excavation within the primary setback area and within 1m of a lot boundary exceeds 500mm for both dwellings.	
<b>P7.1</b> Development that considers and responds to the natural features of the site and requires minimal excavation/fill.	<p>Considering the extent of the topography which exists across the site, paired with the narrow width, the limited extent of excavation and fill required is quite remarkable. One's initial impression that the site will require more fill than cut should be balanced by the excavation also required for the footings typically required for a masonry dwelling.</p> <p>The design reduces the impact on the existing soil profiles and limits the environmental impact of the proposed works through limited fill import.</p>
<b>P7.2</b> Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.	Where fill is required at the rear it is proposed where it is less than 500mm and determined there will be an indistinguishable impact on the adjoining dwellings.
<b>P7.3</b> Retaining walls that result in land which can be effectively used for the benefit of residents and do	The purpose of retaining across the property is to create a consistent internal FFL which can be effectively used for the benefit of the occupants. The retaining



DESIGN PRINCIPLE	JUSTIFICATION
not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.	<p>proposed facilitates improves accessibility and amenity requirements of the future occupants.</p> <p>Where NGLs are increased or decreased by the proposal, the extent is minimised and is depictive a balance struck between the levels existing as they adjoin the surrounding lots.</p>

## HOA LPP NATURAL VENTILATION CL 18.1

### LPP POLICY PROVISIONS

*All rooms, with the exclusion of store rooms, shall have operable windows. Window opening design shall maximise natural ventilation.*

18.2 *Habitable rooms shall have a window in an external wall which:*

*Has a minimum glass area not less than 15% of the floor area of the room.*

DESIGN PRINCIPLE	JUSTIFICATION
<b>VARIATIONS</b>	
<ol style="list-style-type: none"> <li><i>There is no traditional window to the ensuite of Lots 1 &amp; 2. A skylight is proposed as an alternative.</i></li> <li><i>Lots 1 &amp; 2: bed 1 has a maximum glass area less than 25cm<sup>2</sup> short of achieving 15% of floor area of the room. Each window faces due north.</i></li> </ol>	<p>An ensuite is part of, and subservient to the master bedroom and is not capable of any other use. No door separates the space. It is therefore serviced by the same window which is appurtenant to the master bedroom. The BCA dictates requirements for ensuites with respect to lighting and ventilation. To require natural light over and above the BCA/NCC to an ensuite would represent a potentially unwanted amount of natural light to a bedroom which benefits from natural sunlight yet also requires darkness unlike a living room. This is particularly relevant as the window possibly sought to be enlarged faces north and is floor to ceiling and cannot be increased in size.</p> <p>Each dwelling otherwise has excellent access to sunlight and ventilation.</p>

## Proposal's Positive Attributes

The following aspects of the proposal are considered positively address an assessment against the overarching objectives of each part of the R-Codes.

1. The design has fully adopted the principles of passive solar design.
2. The Outdoor Living Areas (OLAs) faces north whilst being adequately shielded from the west.
3. The Outdoor Living Areas (OLA) are substantially larger than required.
4. The proposal overshadow does not overshadow adjoining dwellings.
5. The dwellings are single storey only and limits impact on solar access and operation of any future adjoining dwelling solar panels and minimises bulk and scale.
6. The design of each dwelling improves upon minimum natural surveillance requirements by providing very large major openings with a feature architectural shroud facing the street.
7. The design has adopted innovative building material solutions for the garage door to reduce the prominence of the vehicle access point and we consider its use will be in an adaptable manner if the occupant does not own two vehicles (i.e. home gym).

## Summary

Hemsley Planning is of the opinion that the proposal is consistent with the Design Principles of Residential Design Codes and local planning framework in respect of setbacks, landscaping, retaining, streetscape contribution and open space.

The proposed development responds to a very challenging topography whilst ensuring the privacy of adjoining dwellings is maintained whilst improving upon the existing amenity.

The proposal has been carefully drafted by the designer to ensure that the amenity of the streetscape is not only maintained but improved creating a functional and high-quality internal design to meet the requirements of the occupants.

Should you require clarification on any aspects of this matter, please do not hesitate to contact the undersigned on 0415 337 100 or by email at alex@hplanning.com.au.

Kind regards



Alex Hemsley

Director | Principal Planner

BA Urban & Regional Planning (Curtin) LGPA