

20 December 2023

City of Joondalup
PO Box 21
JOONDALUP WA 6919

Dear Sir/Madam,

**DEVELOPMENT APPLICATION FOR SINGLE RESIDENTIAL DWELLING AT
LOT 477 (NO. 14) CENTAUR STREET, KALLAROO**

Please find attached an application for Planning approval, copies of the plans and the relevant fee for the above mentioned property.

All R-Codes & Housing Opportunity Area provisions (with the exception of site area) are open to the exercise of judgement of the decision-maker based on the design principles and the relevant objective for that element. While the deemed-to-comply provisions do allow for a straight forward pathway to approval, the use of the design principles rather than the deemed-to-comply provisions should not be viewed as non-compliance, but rather an alternative design outcome. We request to have the proposal assessed against a combination of both the design principles and the deemed-to-comply provisions.

Your approval is sought for the relevant design principles of the Residential Design Codes & Development in Housing Opportunity Area Local Planning Policy.

I. Context:

City of Joondalup's local housing strategy stipulates that *"R20 coding has been applied over most of the planning area, which significantly limits the range and diversity of housing.."*. The proposed development ensures that social and economic needs are met by contributing to the activation of the public realm. This is promoted through the detail to amenity for the residents (e.g. adequate ventilation & plentiful outdoor living) and the general public (interesting front elevation & street surveillance).

Given the complex topography, the development responds to the transitioning precinct by providing benchmark as a functional, flexible & liveable home.

The complex topography has restricted the opportunities for the proposed development. Where possible, the design caters for a larger family whilst also ensuring design techniques such as articulation, fenestration & an interesting and tiered retaining; all of which enhance the socio-economic status of the area & reduce the dominance of the perceived building bulk, which in effect plays a role increasing the value of the area.

Whilst Kallaroo is considered as an older suburb as compared to Kinross, and may be associated as an "empty-nester" (Local Housing Strategy, Page 84), the proposed development at 14 Centaur

Street, Kallaroo will ensure that the design not only presents itself for young families, but also as an appropriate household for all age-groups & stages of the suburb's life-cycle.

1. Residential Design Codes Clause 5.1.6 – Building height

- Proposed gable roof height exceeds 5.0m

Justification for this variation is as follows: implications

- The lot is significantly limited in its design opportunities given its significant slope (approximate 4.5m incline from front to rear). A number of different designs were considered however it was not possible to provide to provide a desired outcome without exceeding the height limit and without causing driveway gradient engineering issues for the access to the car bays.
- It won't have any impact on the ability of the neighbouring owner to access natural sunlight, given the lots orientation and dwellings setback to the rear boundary; and
- The proposal will not have any impact on access to view of significance on adjoining lots given the natural slope of the land and orientation of the lot.
- Proposed gable roof acts as one of many architectural features for this design; it offsets any perceived dominance created from the proposed siteworks.

2. Residential Design Codes 5.3.5 Vehicular access

- Vehicle(s) required to exit in forward gear based on distance between the on-site car parking space and the street being greater than 15.0m

- It will not have any increased impact in terms of access points on the streetscape as there will only be one crossover servicing the lot. This also ensures any crossovers required have been minimised;
- The increased garage setback has been provided as a result of ensuring the slope between the garage/vehicle bays and the street boundary is sufficient for a car to enter and exit, without bottoming out.
- Access will be clearly legible from the street and pedestrian safety has not been compromised with a sufficient setback between the street boundary and the edge of the concrete footpath;
- Areas of landscaping have been included to the front of the site ensuring this will remain of a high quality and contribute to the aesthetic value of the development. We also note a number of street trees will service the Centaur Street verge, ensuring it is contributing to the streetscape;
- Accommodating for a vehicle to exit in forward on this lot presents itself as a challenge based on the unusual wedge-shaped lot across the front setback area. Whilst design alternatives were considered to allow for a turning bay, significant issues would have been created which would incorporate an unnecessary and impractical design. Shifting the dwelling forward to reduce the distance from the car parking bay to the road would result in driveway gradient issues and increase the dominance of the site works.
- The subject lot has a verge with a depth of 7.87m (measurement taken from street boundary to edge of road). The actual distance between on-site car parking and the street boundary is 11.823m, with remainder of the accessway to the lot being a 7.87m deep crossover (inclusive of existing footpath). It can be argued that it seems unfair with having to provide a turning circle in this circumstance, but it should be also noted that depth of the verge allows

a vehicle enough time to reverse without compromising pedestrian safety and local vehicle movement (Centaur Street is not a distributor road).

3. Residential Design Codes Clause 5.3.7 – Site works

- Proposed fill greater than 0.5m within street setback area
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Justification for this variation is as follows:

- This variation is made in order to provide the dwelling with a relatively level site consistent with street. The garage could not be lowered any further due to driveway gradient requirements and affects the design of the remainder of the dwelling;
- The side elevations provided demonstrate that the proposed dwelling follows the natural slope of the land and appear as so from the adjoining lots;
- The dwelling will have the appearance of the natural level of the site from the streetscape and will appear as an appropriate sized dwelling from the street boundary. This ensures the dwelling will not have a detrimental impact on the street in terms of building bulk;
- A topography analysis of the site indicates the proposed site follow the natural ground level.
 - ➔ LH side 9.68, RH side 9.98 = difference of 300mm from left to right.
 - ➔ In addition, please note levels at rear of block:
LH corner 9.9, RH corner 10.15= difference of 250mm from left to right.

The natural level of the land is rising from the street upwards, with little rise from left to right, we have chosen the average cut and fill from front to back achieving a level of 13.5 which is consistent with the level on the right-hand side having done a similar cut and fill from front to rear. The fact that the property on the left chose to cut in at the time of development should not affect the levels of this property. From the lack of retaining along the boundary on the left hand side , it appears that N14's soil was cut away and not retained as it should have been, as the current levels of the lot are inconsistent with the natural contours of the street .

- The council has recommended that the finished floor level to be lowered 500 – 600mm. This recommendation would create additional costs in underpinning the right-hand side boundary wall. It will also cause adverse effect to the neighbour's property. The levels that have been proposed avoid undermining and do not adversely affect the property on the left. The subject site has been approached more holistically, to the degree where the design caters for reduce the impact from a planning & building perspective.
- It is contented that overall, the dwelling has minimal impact in terms of building bulk and is responsive to site constraints. Indeed, the site itself slopes approximately 4.5m from west to east providing significant design constrictions;
- It will not impact on pedestrian safety or vehicle access;

- There will be no issues with regard to overlooking/privacy of the adjoining neighbours as fencing will be provided as screen device to left hand side boundary. Accordingly, the privacy and amenity afforded to the neighbouring properties is not considered to be affected in any way;
- Fencing will be placed adjacent to the boundary retaining prior to occupation and so will ensure that the adjoining properties are provided with additional privacy; and

4. Residential Design Codes Clause 5.4.1 – Visual Privacy

- Proposed Dining/Living & Verandah cone of visions extend beyond the side boundary & behind the neighbouring street setback area.

Justification for this variation is as follows:

- Any overlooking towards the front of the adjoining lot will not be possible given the dining/living and verandah will be screened by a 1.8m high fence (by owner);
- Any overlooking is to the driveway of the adjoining lot behind the dwelling ensuring no impact on major active habitable rooms of the adjoining dwelling. This area is not an active space;
- The proposed Dining/Living window does not directly overlook the adjoining lot and faces towards the street. This is in compliance with R-Codes Clause 5.4.1 'Visual privacy' Design Principle P1.2. Any viewing will be oblique rather than direct; and
- It should be noted that whilst privacy is a valid cause for concern and is amongst the many factors that influences and shapes residential amenity, 100 per cent privacy cannot always be achieved. It is not the intent of the R-Codes to require maximum and complete privacy at the expense of inconsistent building, security and poor relationship to neighbours. The proposed design does not compromise the neighbours privacy as the extent of overlooking is very minor.

CONCLUSION

In light of the above, we respectfully request that you consider the application under delegated authority and when considering the merits of the design principle use your discretion to support the proposal favourably. The proposal is believed to meet the R-Code objectives by ensuring an adequate provision of direct sun light and ventilation to all buildings and ameliorating the impacts of building bulk, privacy and overshadowing to the subject and adjoining properties.

Should your Local Planning Policy require neighbour consultation or you feel the consultation should take place, it would be appreciated if your office can commence the neighbour consultation at your earliest convenience. We have not sought comments for this proposal as we do not believe it is required as per the R-Codes 'A proposal that applies a design principle but would not, in the opinion of the decision-maker, cause potential impact upon the amenity of adjoining owners and occupiers, would not require neighbour consultation'.

Should you require any further information please do not hesitate to phone me on 9208 9100 or email at approvals@101residential.com.au.

Kind Regards,



Stefan Tizzone
Shire Liaison
101 Residential