

11 April 2024

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

**Attention:** Marshall Farrell – A/Senior Urban Planner

**PROPOSED GROUPED DWELLING – SURVEY STRATA LOT 2 (NO.85A) MACQUARIE AVENUE, PADBURY**

**Dear Marshall**

Ennis Advisory acts on behalf of Fratelli Homes, which is authorised to submit a Development Application for a proposed Grouped Dwelling within Survey Strata lot 2 (No. 85A) Macquarie Avenue, Padbury (‘subject site’). We refer to the City’s further email sent 11 April 2024 requesting additional information and enclose amended plans (dated 12.04.2024 set) and the following additional information in support of the Development Application.

**LEGAL LOT DESCRIPTION**

The subject site is legally referred to as Lot 2 on Survey Strata Plan 83417, held in Volume 4009 and Folio 48.

The subject site measures 257 m2 in effective area, plus a proportionate share in common property lot 3.

**ZONING & LAND USE**

The subject site is zoned ‘Urban’ under the provisions of the Metropolitan Region Scheme and ‘Residential’ with a R40-density coding under the provisions of the City of Joondalup Local Planning Scheme No. 3 (LPS 3), with the higher R40 density applied. The proposed works and land use are consistent with these zonings and density.

**BOUNDARY WALLS**

Boundary walls are proposed along the southern and western boundaries as per the following table.

Southern Boundary (Bed 3/Bath)		
Boundary length	HOA boundary wall entitlement	Proposed boundary wall length
12.87m	9.0 m	7.0m
Western Boundary (Garage/ Bed 2)		
Boundary length	HOA boundary wall entitlement	Proposed boundary wall length
20m	9.0 m	8.7m

Clause 6.4 under the Development in Housing Opportunity Areas Local Planning Policy prescribes the following provisions:

*“6.4. A wall may be built up to one side lot boundary behind the street setback within the following limits:*

*a. A maximum length of 9.0 metres;*

*b. A maximum height of 3.5 metres from natural ground level; and,*

*c. An average height of 3.0 metres from natural ground level; or*

*d. Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

Given the Application proposes boundary walls to two side boundaries, with the Bed 3/ Bath boundary wall being the additional boundary wall, the Application is required to be assessed and determined under the Design principles of the Residential Design Codes. The proposed boundary wall is considered to satisfy the Design Principles based on the following grounds:

**reduce impacts of building bulk on adjoining properties**

- The boundary walls are respectively less than the average and maximum height allowances and maximum length allowances, reducing the extent of building bulk.
- The existing dwelling within Survey Strata lot 1 is also set approximately 260 mm higher than the subject site reducing the height of the boundary wall as viewed to an effective height of approximately 2.5 m.

**provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties**

- The proposed garage boundary wall is located along the western boundary and will not have any impact on access to northern sun. Ventilation is available to the adjoining properties (Survey Strata lot 1) northern boundary located along the common property lot.
- Whilst the Bed 3/ Bath boundary wall will result in some overshadowing of the adjoining property (lot 483 Macquarie Avenue) the extent of overshadowing is within the overshadowing limits and is located adjacent to a non-habitable outbuilding within the adjacent property.

**minimise the extent of overlooking and resultant loss of privacy on adjoining properties**

- The boundary walls do not contribute to any loss of privacy.

***makes more effective use of space for enhanced privacy for the occupants or outdoor living areas;***

- The boundary walls incorporate no openings and therefore increases the level of privacy between the proposed walls and adjacent properties.

*does not have any adverse impact on the amenity of the adjoining property*

- The boundary walls are not considered to have an adverse impact on the amenity of the adjoining properties given the conservative dimensions of the boundary walls.
- Boundary walls to 66% of the length of boundaries has been adopted as a statewide policy and as an industry accepted amenity outcome. The proposed boundary walls are less than this allowance.

*ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted*

- The extent of overshadowing resulting from the Bed 3 boundary wall will be cast over a portion of a non-habitable outbuilding only.

*positively contributes to the prevailing development context and streetscape*

- The proposed dwelling reflects the type, scale and style of housing stock progressively occurring within the HOA No.5



— Proposed boundary walls  
→ Direction of winter sunlight

## SITE WORKS & RETAINING WALLS

The subject site falls across the site from the western corner at an existing level of 10.42 m to the eastern boundary to an existing level of 9.2 m. To achieve a level pad without internal steps the site works require retaining to a maximum height of 0.83 m along a portion of the the eastern and southern boundaries. Clause C7.2 under SPP 7.3 requires retaining walls above a height of 0.5 m to be setback from the boundary. The proposed site works and sections of retaining seek determination against the following Design principals:

- "P7. Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P7.2 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.*
- P7.3 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1."*

In this instance the proposed site works and retaining walls are considered to achieve the Design principles under Clause 7.2 having regard to the following:

- The natural features of the site have been considered with cut to fill operations being minimised to achieve a level pad only. The areas subject to fill are located behind the dwelling. The subject site is also a battleaxe configured lot, which will maintain the natural appearance of the site when viewed from Macquarie Avenue.
- The retaining walls facilitate land which can effectively be used for the benefits of the residents by way of reducing steps and minimising the costly exercise of stepping the bulk of the foundations.
- The retaining wall and dividing fence on boundary option makes for more effective use of space and avoids land wastage given the small nature of the site.
- The southern section of retaining wall is not considered to have any detrimental impact on the adjoining property as the retaining wall is positioned alongside a non-habitable outbuilding and the proposed development is within the overshadowing limits prescribed under clause 5.4.2 of SPP 7.3,

## PRIMARY GARDEN AREA

The original proposed outdoor living area (OLA) has been designed based on SPP 7.3 Volume 1 and was anticipated to be determined prior to the amended version of SPP 7.3 Volume 1, which came into effect on 10 April 2024. The proposed Primary garden area now requires assessment against the Design principles of SPP 7.3 and is addressed below:

*P1.1.1 Dwellings are designed to have direct access to private open space which provides for entertaining, leisure and connection to the outdoors that is:*

- i. of sufficient size and dimension to be functional and usable for the intended number of dwelling occupants;*
- ii. is sited, oriented and designed for occupant amenity, including consideration of solar access and natural ventilation appropriate to the climatic region; and*
- iii. capable of use in conjunction with a primary living space of the dwelling.*

*P1.1.2 Private open space allows for sufficient uncovered area to:*

- i. permit winter sun and natural ventilation into the dwelling; and*
- ii. provide for soft landscaping, including the planting of a tree(s) and deep soil area.*

*P1.1.3 Balconies balance the need for outlook, solar access and natural ventilation with:*

- i. visual privacy considerations;*
- ii. acoustic and noise impacts; and iii. local climatic considerations such as high winds.*

In this instance the proposed Primary garden area (PGA) is considered to achieve the Design principles under the Design principles based on the below grounds:

- The PGA is of sufficient and dimension to be functional and useable for the intended number of dwelling occupants given the dwelling is a modest 3-bedroom dwelling.
- The PGA is connected to the main internal living and dining area.
- The PGA is located within 15 degrees north and will receives natural ventilation from the prevailing south-westerly breezes.
- The PGA is enhanced by an expansive landscaped space along the eastern boundary.
- The PGA exceeds the minimum unroofed requirements to permit winter sun and being naturally ventilated.

The future occupiers are supportive of the minor reduction in the area and dimension of the PGA to facilitate a balance outcome of sufficient indoor and outdoor living space.

## HOALPP 11.1 LANDSCAPING AREA

The subject site measures 257.39 m<sup>2</sup>, with clause 11.1 under the HOALPP requiring 20% of the site area (257.39 x 0.2 ~51.48 m<sup>2</sup>) to be improved with landscaping. The following landscaping zones are proposed within the subject site as part of the proposal:

- 51.81 m<sup>2</sup> along the eastern boundary and connected within the OLA;
- 5.12 m<sup>2</sup> to the truncated area outside of the garage; and
- 14.32 m<sup>2</sup> along the northern side of the driveway.

The proposed landscaping zones exceed the minimum landscaping area (51.48 m<sup>2</sup>) prescribed under clause 11.1 of the HOALPP.

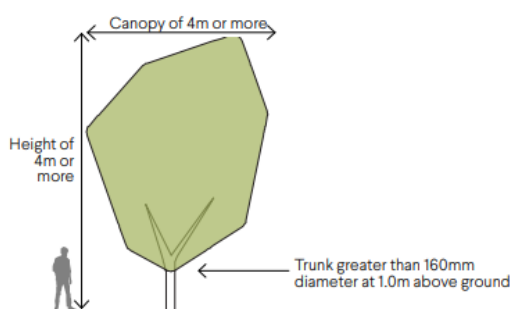
## HOALPP 13.1 TREES & DEEP SOIL AREAS

The plans have been amended to show 2 separate small tree zones. Each tree is located within its own deep soil area and achieves both the minimum 2 m DSA width requirements and minimum 9 m<sup>2</sup> DSA area requirements.

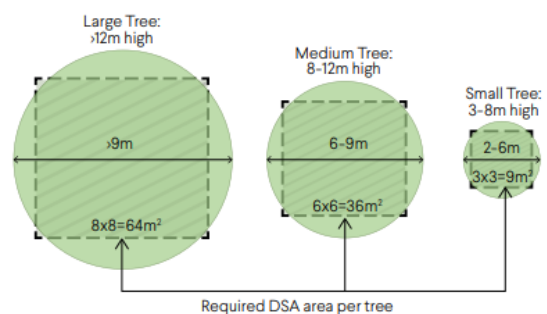
**Table 3.3b** Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided <sup>1</sup> (min 1m depth)	Indicative pot size at planting
Small	2-6m	3-8m	9m <sup>2</sup>	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m <sup>2</sup>	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m <sup>2</sup>	6m	4.5m (DSA) + 1.5m (RSZ)	500L

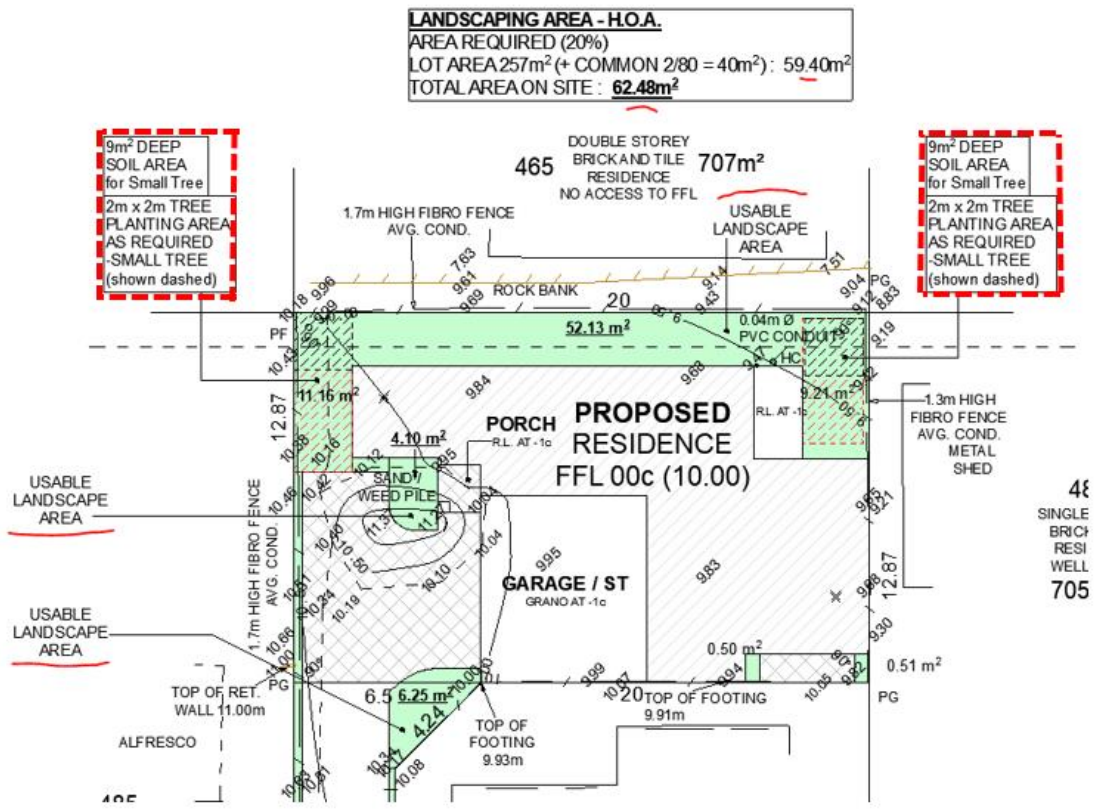
<sup>1</sup> Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.



**Figure 3.3a** Size criteria used to identify existing trees for retention (refer A3.3.1 for full criteria).

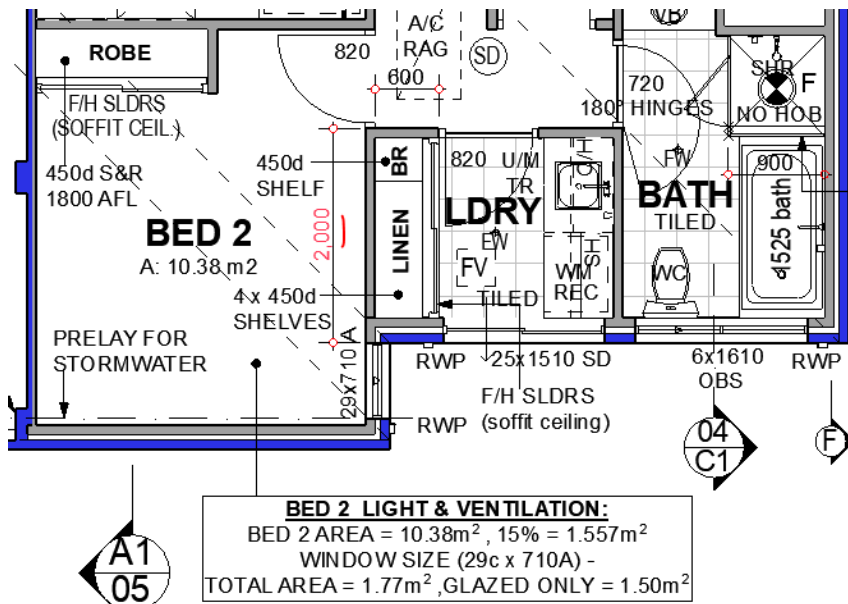


**Figure 3.3b** Tree size definitions when mature for deep soil areas.



**HOALPP 18.2 WINDOWS**

The area of Bed 2 is 10.38 m<sup>2</sup> and incorporates a 29c x 710 wide window (1.77 m<sup>2</sup>) resulting in an 18% glazing to floor area ratio.



### HOALPP 18.3 NATURAL VENTILATION

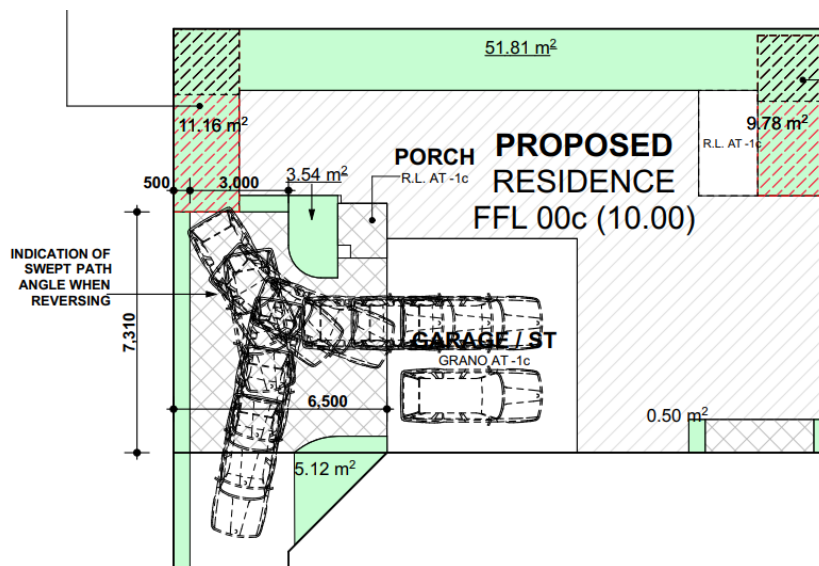
The Bed 2 window is considered to achieve the objectives prescribed under subsection 18 – Natural ventilation as follows:

- Optimise natural ventilation to reduce the need for mechanical ventilation and air-conditioning.
- To ensure the dwelling’s orientation and layout is designed to maximise capture and use of prevailing cool breezes in habitable rooms.

**design response** – the window is orientated towards the prevailing south-westerly breezes which will optimise natural ventilation into Bed 2.

### HOALPP 7.2 VEHICLE MANOEUVRABILITY

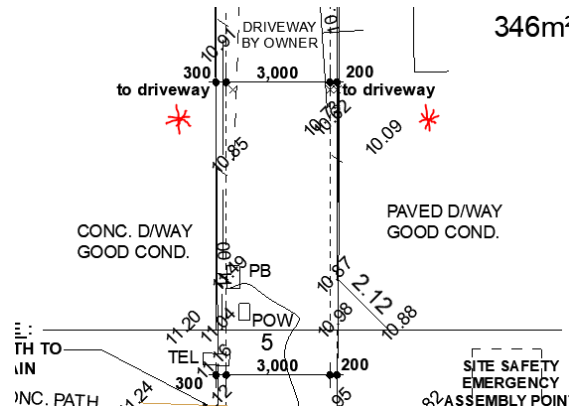
The proposed vehicle manoeuvrability distances exceed the minimum 6.0 m requirement. Enclosed is a dimensioned car parking plan which provides 6.5 m and 7.3 m and provide below also as confirmation vehicle manoeuvrability achieves the relevant standards.





### 5.3.5 VEHICLE ACCESS

The revised plans dimension the 3 m wide driveway with setbacks of 300 mm from the northern boundary and 200 mm from the southern boundary of the access leg. The setback from the southern side boundary results in a 100 mm variation and is addressed under the relevant Design principles below:



*"P3.7.1 Access for each development site is to:*

- i. balance pedestrian and cyclist safety while providing safe vehicle access;*
- ii. minimise the extent of impervious surfaces;*
- iii. provide legible access; and*
- iv. include high quality landscaping features.*

*P3.7.2 Vehicle access is designed and located to:*

- i. minimise the number and width of vehicle access points and the impact on the streetscape;*
- ii. provide access to the street with the lowest volume of traffic; and*
- iii. accommodate sloping sites and retaining walls.*

*P3.7.3 The width of the communal street or battleaxe leg may be reduced where it is necessary to retain an existing dwelling provided:*

- i. safe vehicle access, setbacks or clearances and sightlines are achieved; and*
- ii. it is only reduced for the portion required to retain the dwelling."*

The minor 100 mm drive setback variation from the southern side lot boundary achieves the above criteria based on the following grounds:

- Provides legible access;
- Is reduced to facilitate the retention of the existing dwelling only and is truncated at both ends;
- Sightlines are maintained; and
- Facilitates safe vehicle access with vehicles entering Macquarie Avenue in forward gear.

On balance it is considered that it can be demonstrated that the proposed design satisfies the Design principals of the RD Codes and Local Planning Policy Housing Opportunity Areas. Please contact the undersigned should you require any additional information on [jordan@ennisadvisory.com.au](mailto:jordan@ennisadvisory.com.au).

Yours Faithfully



**JORDAN ENNIS**  
Director