

28 February 2024

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

Attention: Mr Chris Leigh – Director of Planning and Community Development

Dear Chris

**APPLICATION FOR DEVELOPMENT APPROVAL
PROPOSED TWO (2) SINGLE DWELLINGS (SINGLE STOREY)
LOT 1022 (NO.90) GILES AVENUE, PADBURY
CITY OF JOONDALUP**

We act on behalf of the Germano Designs and the landowners as their consultant town planners and refer to the Application for Development Approval lodged with the City of Joondalup seeking the City's support for the demolish of the existing single detached dwelling and associated structures on Lot 1022 (No.90) Giles Avenue, Padbury and the construction of two (2) new single dwellings to provide much needed housing within the area.

In assessing the application, we request that the City of Joondalup give due consideration to the following information prepared in support of the application:

PROPERTY DETAILS & STREETScape

Property Details

The subject land is located centrally within the Padbury locality, approximately 954 metres east of Marmion Avenue and 1.5 kilometres west of the Mitchell Freeway.

Lot 1022 is irregular in shape, comprises an area of 728m² and contains a fall in natural ground levels (NGL) from 32.85 metres along the land's south-eastern rear boundary to 31.64 metres along the land's north-western front boundary, which equates to a fall in NGL of 1.21 metres down/across the site (see site feature survey).

The subject land is currently developed and used for 'Single House' purposes and contains a number of physical improvements including a single detached dwelling of brick and tile construction, a patio structure, a sealed crossover and boundary fencing (see Figure 1 – Aerial Site Plan & Figure 2).

This application proposes that the existing dwelling and all associated structures on the land will be removed. It is noted that the existing dwelling and associated structures on the land are not listed on the City of Joondalup's Municipal Heritage Inventory (MHI) and can be removed subject to the City issuing the relevant demolition approval.

Lot 1022 is served by an extensive range of essential service infrastructure including power, water, reticulated sewerage, stormwater drainage, gas and telecommunications.



Figure 1 – Aerial Site Plan

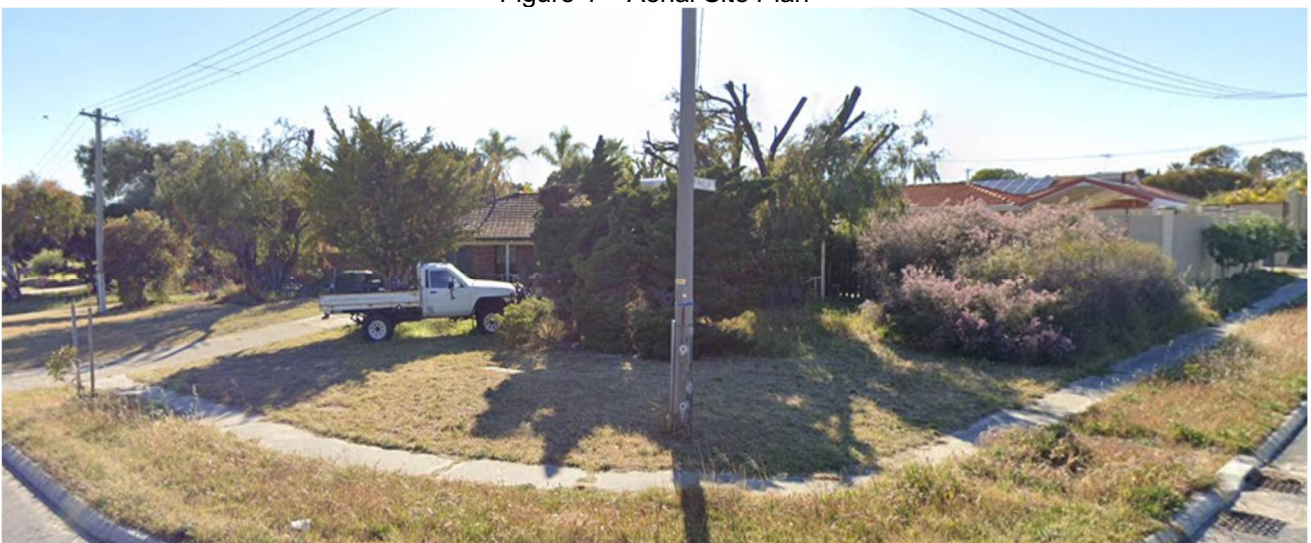


Figure 2 – The existing dwelling in the subject land to be removed.

Subdivision Approval

On 18 January 2022, the Western Australian Planning Commission (WAPC) granted subdivision approval for the subject land to create two (2) new green titled residential lots (WAPC Ref: 161462). (see Figure 3). The approval was granted having due regard for the provisions prescribed within the WAPC’s Development Control Policy DC2.2 for corner lots.

The landowners is in the process of undertaking the necessary works to fulfill the conditions imposed by the WAPC and create the new titles. As such, we requested that the City proceed with assessing and determining this application by imposing a relevant condition that the subdivision be finalized prior to the completion or occupant of the dwellings.

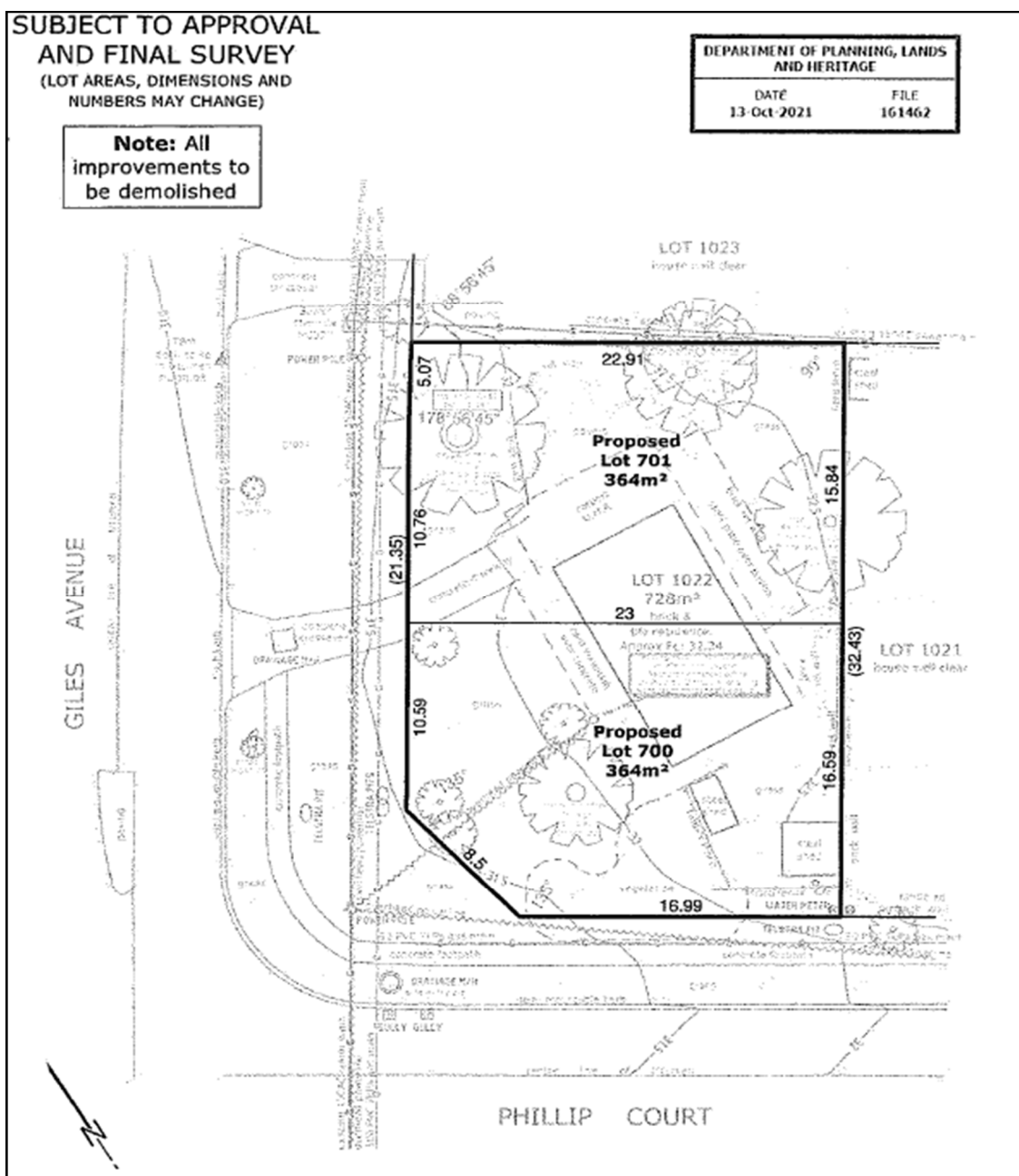


Figure 3 – Subdivision Plan

STATUTORY REQUIREMENTS

Metropolitan Region Scheme

The subject land is currently classified 'Urban' zone under the provisions of the Metropolitan Region Scheme (MRS). The following definition is provided as a guide to its stated purpose/s in the MRS:

"Urban Zone - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."

The proposed new dwellings on the subject land is considered to be consistent with the defined intent of the land's current 'Urban' zoning classification under the MRS and may therefore be approved by the City of Joondalup.

City of Joondalup Scheme No.3

Lot 1022 is classified 'Residential' zone under the City of Joondalup's current operative Local Planning Scheme No.3 (LPS No.3) with a density coding of R20.

Under the terms of the City's LPS No.3 the development and use of any land classified 'Residential' zone for 'Single House' purposes is listed as a permitted ("P") use, meaning that the use/development is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

Bushfire Prone Areas

The subject land has not been identified by the Department of Fire & Emergency Services (DFES) as being located within a designated 'bushfire prone area' (see Figure 4).



Figure 4 – Bushfire Prone Areas (DFES)

DEVELOPEMNT STANDARDS


The design of the proposed new dwellings on Lot 1022 have been formulated with due regard for the relevant 'deemed to comply requirements' of the Residential Design Codes Volume 1 (R-Codes) and the City of Joondalup's current operative Local Planning Scheme No.3 (LPS No.3) including any relevant Local Planning Policies with the exception of the following:

- i) R-Code Element 5.1.2 C2.1 – 'Street setback';
- ii) R-Code Element 5.1.3 C3.1 - 'Lot boundary setbacks';
- iii) R-Code Element 5.1.4 C4 – 'Open space'; and
- iv) R-Code Element 5.3.7 C7.2 & C7.3 - 'Site works'.

The following table provides justification for those aspects of the two (2) new dwellings on the subject land seeking a variation to the 'deemed to comply requirements' of the relevant planning framework.

Table 1 – Written Justification

R-CODE DESIGN ELEMENT & 'DESIGN PRINCIPLES'	PROPOSED VARIATION TO 'DEEMED TO COMPLY REQUIREMENTS'	JUSTIFICATION
<p>R-Code Element 5.1.2 C2.1 – 'Street setback'</p> <p><i>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> • <i>contribute to, and are consistent with, an established streetscape;</i> • <i>provide adequate privacy and open space for dwellings;</i> • <i>accommodate site planning requirements such as parking, landscape and utilities; and</i> • <i>allow safety clearances for easements for</i> 	<p>The application proposes that Dwelling A will comprise an average front setback of 5.7 metres in lieu of 6 metres required by the 'deemed to comply requirements' of Element 5.1.2 C2.1 of the R-Codes.</p>	<ol style="list-style-type: none"> 1. The variation to the average front setback for Dwelling A (i.e. 300mm) is considered to be minor in nature and will not have an adverse impacts on the streetscape of adjoining properties in terms of bulk and scale. Furthermore, the minimum front setback for Dwelling A complies with the R-Codes. 2. Dwelling A has been designed to have an open frontage to the street, a veranda and major opening orientated towards the street to provide good activation of the dwelling along the street. 3. It should be noted that the minimum and average front setback for Dwelling B complies with the R-Codes. 4. The Giles Avenue verge area abutting the subject land is approximately 9.5 metres wide, which will assist with providing an increased setback between the dwelling and the road pavement. Furthermore, this will allow for the front setback and verge areas to be comprehensively landscaped to soften any impact the dwelling may have on the local streetscape. 5. Dwelling A has been designed to comprise a varying front setback, feature walls, the inclusion of a major openings and a veranda to assist with providing an interesting, articulated façade, improve passive surveillance to the street and allow for an element of visual interest when viewing the dwelling from the public realm (see Figure 5). 6. Dwelling A is single storey and complies with the building height provisions of the R-Codes. As such, the dwelling is consistent with the existing built form character along the street in terms of

<p><i>essential service corridors.</i></p>		<p>bulk and scale. Furthermore, the dwelling complies with the visual privacy provisions of the R-Codes.</p> <ol style="list-style-type: none"> The reduced average front setback for Dwelling A on the subject land will not interfere with the outlook for any existing dwellings on the adjoining lots or for proposed Dwelling B over the street. The design of Dwelling A makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit the future occupants. This includes the creation of a usable outdoor living area. Dwelling A will comprise sufficient space to accommodate any required easements within the front setback area required by any relevant servicing authorities. <p>Having regard for the above it is contended that the proposed variation to the average front setback for Dwelling A on the subject land satisfies the 'design principles criteria' of Element 5.1.2 of the R-Codes, will not have a detrimental impact on the streetscape or the adjoining properties and may therefore be approved by the City.</p>  <p>Figure 5 – The front façade of the new dwelling will include a feature wall, veranda, is articulated and will provide an element of visual interest when viewed from the street.</p>
<p>R-Code Element 5.1.3 C3.1 – 'Lot boundary setback'</p> <p><i>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i></p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site 	<p>The application proposes that the bed 2/alfresco wall for Dwelling A will comprise a minimum setback of 1.012 metres from the south-eastern rear boundary in lieu of 1.5 metres as required by the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes.</p>	<ol style="list-style-type: none"> The setback variation can be attributed to the provisions of major openings to bedroom 3 & 4 of the dwelling to allow for natural light to penetrate into the dwelling (i.e. the wall length is not excessive). If the windows were to be changed to minor openings, the offending wall would comply but will result in less light penetrating onto the rooms. This would be a poor planning outcome. 'Dwelling A has been designed to provide good activation of the land along the adjoining street to provide for improved passive surveillance of the public realm, which is a good planning outcome. The non-compliant portion of Dwelling A is located to the rear of the site and is not visible from the street, therefore it will not have an adverse impact on the streetscape in terms of bulk and scale. Dwelling A has been designed to provide adequate separation

<p><i>and adjoining properties; and</i></p> <ul style="list-style-type: none"> <i>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		<p>with any existing dwellings on the adjoining properties. In addition, the dwelling has been designed to include varying setback and the use of varying materials to provide articulation and visual interest.</p> <ol style="list-style-type: none"> The lot boundary setback variation for Dwelling A will not have an adverse impact on the adjoining properties or the streetscape. In addition, the dwelling has limited the use of parapet walls along the lot boundaries to avoid placing building bulk on the boundary that may impact the adjoining properties (i.e. the design has less impact on the adjoining properties). Dwelling A meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties. Dwelling A in single storey and meets the 'deemed to comply requirements' of Element 5.4.1 C1.1 ('Visual privacy') of the R-Codes. That portion of the new dwelling seeking lot boundary setback variation from the south-eastern rear boundary will abut the side setback area of the existing single detached dwelling on adjoining Lot 1021 (No.4) Phillip Court (see Figure 1 – Aerial Site Plan). On reviewing the existing dwelling on the adjoining south-eastern property, it appears that the key outdoor living area is located away from the new dwellings on Lot 1022. Given these observation, it is contended that the proposed lot boundary setback variation associated with Dwelling A will not have an adverse impact on the on the key habitable spaces associated with the existing dwelling on adjoining Lot 1021. <p>Having regard for the above it is contended that the portion of Dwelling A on Lot 1022 comprising a reduced setback from the south-eastern side boundary satisfies the 'design principles criteria' of Element 5.1.3 of the R-Codes, will not have a negative impact on the adjoining properties or the streetscape and may therefore be approved by the City.</p>
<p>R-Code Element 5.1.4 C4 – 'Open space'</p> <p><i>P4 Development incorporates suitable open space for its contexts to:</i></p> <ul style="list-style-type: none"> <i>• reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> 	<p>The application proposes that the following aspects of the new development on the subject land do not meet the 'deemed to comply requirements' of Element 5.1.4 C4 of the R-Codes:</p> <ol style="list-style-type: none"> Dwelling A will comprise 47.48% (172.86m²) open space in lieu of 50% (182m²); and Dwelling B will comprise 45.3% (165.02m²) open 	<ol style="list-style-type: none"> The proposed variation to the open space requirement being sought for each dwelling (i.e. 2.52% & 4.7% or 9.14m² & 16.98m²) are considered to be minor and will not have an adverse impact on the local streetscape or the adjoining properties in terms of bulk and scale. The additional floor area for each dwelling provides for good internal living space for the future occupants of each dwelling. In addition to the above point, each dwelling has been provided with sufficient outdoor living areas to accommodate the needs of the future occupants and provide sufficient space for landscaping. Given these design aspects, it is contended that each dwelling will have good usable open space for the future occupants and will not adversely impact the streetscape and/or the adjoining properties in terms of bulk and scale. The outdoor living area provided for each dwelling has been designed to be used in conjunction with the internal living area

<ul style="list-style-type: none"> • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities. 	<p>space in lieu of 50% (182m²).</p>	<p>to create a large usable space to meet the modern needs of the future occupants.</p> <ol style="list-style-type: none"> 5. Despite Dwelling B seeking a greater open space variation, it is a corner lot and enjoys an outlook over two (2) street and associated verge areas, therefore providing a greater sense of openness/outlook (i.e. Dwelling B is less confined than Dwelling A). 6. Sufficient landscaping will be provided for each dwelling, including the planting of a mature tree within the front setback area to enhance the appearance of each dwelling when viewed from the public realm. 7. The outdoor living area provided for each dwelling complies with Element 5.3.1 C1.1 ('Outdoor living area') of the R-Codes (in terms of area and minimum dimension) and will meet the needs of the future occupants. 8. It is contended that the proposed variation to the open space provisions for each dwelling on the subject land is a better outcome for the adjoining properties than a two-storey dwelling on each lot with greater bulk and compliant open space. 9. The proposed dwellings have been designed to screen external fixtures and essential facilities from the street. 10. The subject land is located within a walkable distance to a number of public open space reserves which are capable of supplementing the day-to-day recreational needs of the future occupants of each dwelling. 11. The overall development will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties. In fact, the overall development complies with the overshadowing provisions of the R-Codes. 12. The proposed dwellings on the subject land complies with the visual privacy provisions of the R-Codes. <p>Having regard for all of the above it is contended that the open space provided for each dwelling on the subject land is adequate for the future occupants, allows for a usable internal living space to cater for the modern needs for future occupants, it satisfies the 'design principles criteria' of Element 5.1.4 of the R-Codes and may therefore be supported and approved by the City.</p>
<p>R-Code Element 5.3.7 C7.2 & C7.3 – 'Site works'</p> <p><i>P7.1 Development considers and respond natural features of the requires minimal excavate</i></p> <p><i>P7.2 Where excavation/fill is necessary, all finished</i></p>	<p>The application proposes the following variations to the 'deemed to comply requirements' of Element 5.3.7 C7.2 & C7.3 of the R-Codes:</p> <ol style="list-style-type: none"> i) Excavation along the north-eastern side boundary is greater than 500mm above natural ground level (NGL) (i.e. max of 	<ol style="list-style-type: none"> 1. The subject land is characterised by a fall in natural ground levels (NGL) of 1.21 metres from the front boundary along Giles Avenue to the rear boundary (over a distance of 22.91 metres). Given this variation in the NGL down the site, the proposed new dwellings have been designed to be cut into the rear of the site with compliant fill within the front setback area to provide a level building site and limit any adverse impacts on the adjoining properties. 2. In addition to the above point, the proposed excavation of Lot 1022 will assist with the limiting the overall bulk and scale of the development when viewed from the adjoining properties.

<p><i>levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i></p> <p><i>7.3 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</i></p>	<p>726mm);</p> <p>ii) Excavation along the south-eastern rear boundary is greater than 500mm above natural ground level (NGL) (i.e. max of 666mm); and</p> <p>iii) Retaining wall built up to the lot boundaries in lieu of a 1 metre setback.</p>	<ol style="list-style-type: none"> 3. The minor elevation of the dwellings along the land's Giles Avenue frontage will assist with improving the appearance of the development when viewed from the street. This will be further enhanced with the proposed landscaping of the front setback area of each dwelling. 4. The extent of excavation along the side and rear boundaries will be appropriately engineered to ensure that the developments on the subject land does not undermine the existing developments/structures on the adjoining properties. Engineering details will be provided at the building permit stage. 5. Despite the variation to the levels across the site, it is contended that the retaining walls will not have any adverse impacts on the streetscape in terms of bulk and scale. 6. The location of the retaining walls (to accommodate the excavation) along the side/rear boundaries provide for the effective use of all available space and allow for an undercroft level. 7. The proposed development on Lot 1022, along with the retaining walls, meet the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. In addition, the extent of retaining walls will not adversely impact access to light and ventilation for the existing dwellings on the adjoining properties. 8. A 1.8 metre high dividing fence will be erected along the lot boundaries to ensure that the existing dwellings on the adjoining properties do not overlook the proposed new dwellings on Lot 1022. 9. The extent of excavation along the side and rear boundaries will not undermine, impede or restrict any development on the adjoining properties. <p>Having regard for the above it is contended that the proposed retaining wall and excavation to be built up to the side and rear boundaries of Lot 1022 satisfies the 'design principles criteria' of Element 5.3.7 of the R-Codes, is a result of the constraints of the land, will assist with providing a level/usable site, will not have a detrimental impact on the adjoining properties or local streetscape and may therefore be approved by the City.</p>
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CONCLUSION

This application proposes to provide much needed quality housing within the Padbury locality in close proximity to various key nodes. Furthermore, the development will result in the removal of a run-down dwelling with two (2) new modern dwellings that will enhance the streetscape.

In reviewing this application, it is contended that the variations being sought are minor in nature and are consistent with other developments approved by the City of Joondalup within the Padbury locality. As such, the variations will not result in the new dwellings on Lot 1022 having an adverse impact on the local streetscape or the adjoining properties in terms of bulk and scale.

In light of the above information, we respectfully request the City of Joondalup's favorable consideration and approval of the Application for Development Approval for the construction of two (2) new single dwellings on Lot 1022 (No.90) Giles Avenue, Padbury in accordance with the plans prepared in support of the application.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact me on 0407384140 or carlof@people.net.au.

Yours faithfully,



Carlo Famiano
Town Planner
CF Town Planning & Development

cc Joe Germano (Germano Designs)



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