

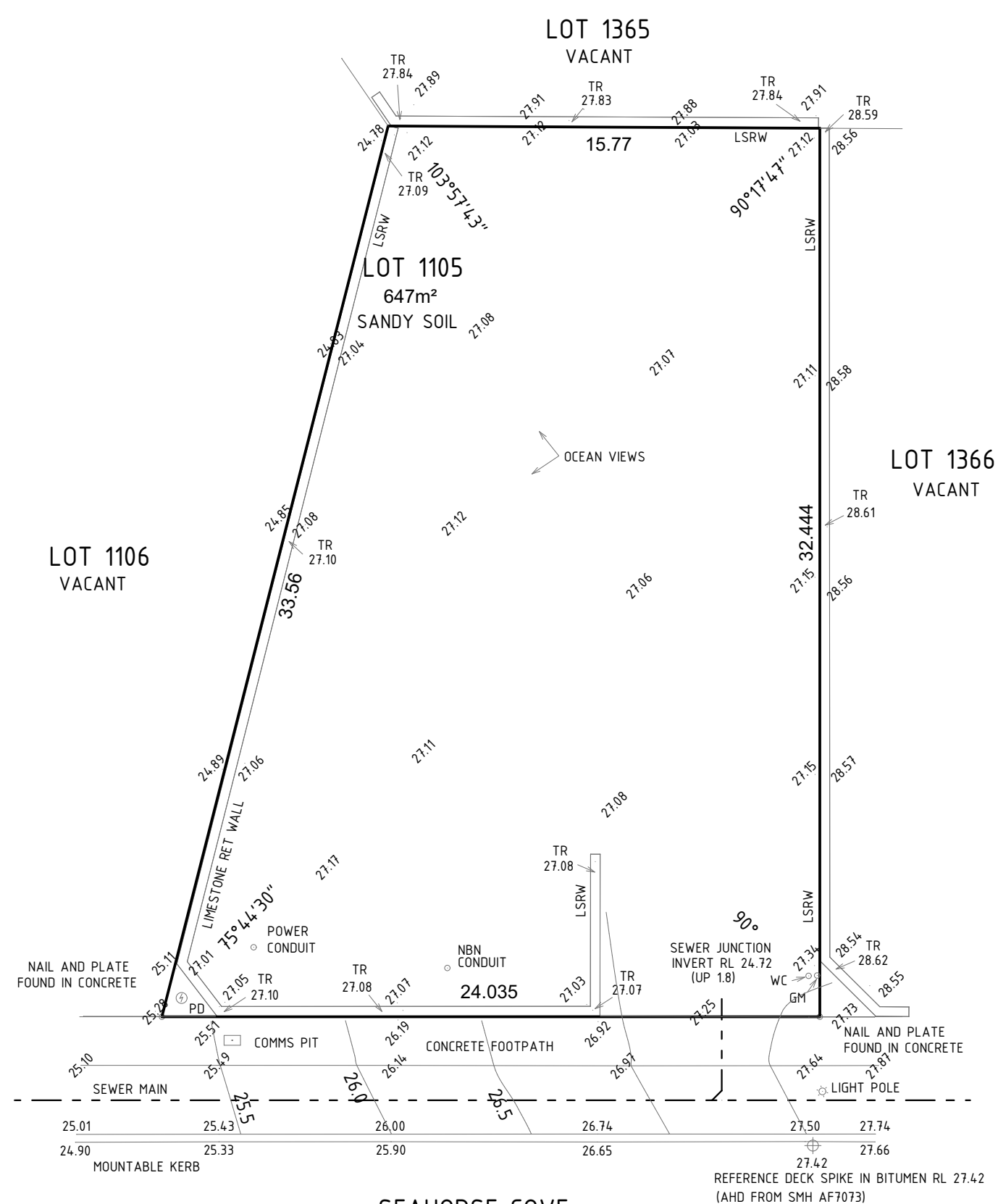
PROPOSED CAMILLE RESIDENCE
LOT 1105 HN6 SEAHORSE
COVE, JINDALEE



ILLUSTRATION ONLY



ILLUSTRATION ONLY



1:200

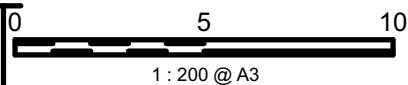
GM - GAS MARKER
LSRW - LIMESTONNE RETAINING WALL
PD - POWER DOME
TR - TOP OF RETAINING WALL
WC - WATER CONNECTION

DIAL 1100 BEFORE YOU DIG
POWER - UNDERGROUND
WATER - YES
SEWERAGE - YES
GAS - YES
TELSTRA - YES
HYDRANTS - REFER TO WATER CORP E-PLAN
DRAINAGE - GOOD
ROAD - BITUMEN
KERB - MOUNTABLE
FOOTPATH - LOCATED
VIEWS - OCEAN TO WEST
OVERHANGING TREES - NONE
SIGNIFICANT ENCROACHMENTS - NONE
BUSH FIRE PRONE AREA - YES

NOTE : NO BOUNDARY CORNER MARKS FOUND, UNLESS OTHERWISE STATED.

CONTOUR & FEATURE SURVEY OF LOT 1105 #6 SEAHORSE COVE, JINDALEE

DEPOSITED PLAN :	410583
C/T :	4037-352
AUTHORITY :	CITY OF WANNEROO
TOTAL LOT AREA :	647m ²
SCALE :	1 : 200 @ A3
SURVEY DATE :	31-03-2025
JOB :	21074



DRAFTED BY : BH
DATE : 01-04-2025
CHECKED BY : DKM

HEIGHT DATUM A.H.D.



 9300 8137
www.surveyingsolutionswa.com.au

CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC.
THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY
PEGS FOUND OR FENCE POSITIONS SHOWN, UNLESS A BOUNDARY
SURVEY INSTRUMENT SURVEY HAS BEEN OBTAINED BY A SURVEYING SOLUTIONS
ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY AS THEY HAVE
BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES &
WALLS.
A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO
UNDERSTANDING ANY SITE WORKS OR CONSTRUCTION
INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN
SURVEYING SOLUTIONS SHALL NOT BE RESPONSIBLE FOR ANY CHANGES THAT
HAVE OCCURRED AFTER THIS DATE. TO SITE LEVELS AND FEATURES OR BUILDINGS.
CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY
PLANS AND ARE SUBJECT TO FIELD SURVEY UNLESS SHOWN OTHERWISE.



PO Box 7300
Karawara
Ph: 0417 988 114

[illegible]

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DRAWING	EXISTING SITE PLAN		A2
JOB NO:	CAM130	SCALE	1:200
DWG NO:	CAM130.1	REV NO:	0

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- GENERAL NOTES:

FINAL HOUSE POSITION IS SUBJECT TO COUNCIL AND / OR DEVELOPER APPROVAL

FINAL DESIGN IS SUBJECT TO COMPLIANCE WITH BCA ENERGY EFFICIENCY REQUIREMENTS

SMOKE ALARM DEVICES SHALL BE INSTALLED TO COMPLY WITH AS3786-2014SMOKE ALARMS USING SCATTERED LIGHT, TRANSMITTED LIGHT OR IONISATION - INTER-CONNECTED AND CONNECTED (HARDWIRED) TO THE CONSUMER MAINS AND HAVE A STAND-BY POWER SUPPLY

LOCATION OF THE SMOKE ALARM DEVICES SHALL BE SHOWN ON THE PLAN

ALL EXHAUST FLUMES / VENTS TO BE EXHAUSTED TO THE EXTERNAL AIR

REFER TO STRUCTURAL ENGINEERS DRAWINGS FOR STRUCTURAL DETAILS & LAYOUT

FINAL LOCATION OF BEAMS / COLUMNS / ROOF MEMBERS, REFER TO ENG. DRW'S

ALL FIRST FLOOR BEDROOM WINDOWS TO HAVE 125mm RESTRICTED OPENINGS AS PER ABCB HOUSING PROVISIONS 2022 PART 11.3.7

SC - DENOTES STRUCTURAL COLUMN

DP - DENOTES SHS DROPPER/ SHS

REFER ENGINEER'S DETAILS

DESIGN NOTES

THE FOLLOWING APPLY UNLESS NOTED OTHERWISE ON THE PLANS.

IN-SITU SUSPENDED CONCRETE SLAB (FIRST FLOOR)

CEILING HEIGHTS (AFL):
GF 31c U.O.N.
FF 31c U.O.N.

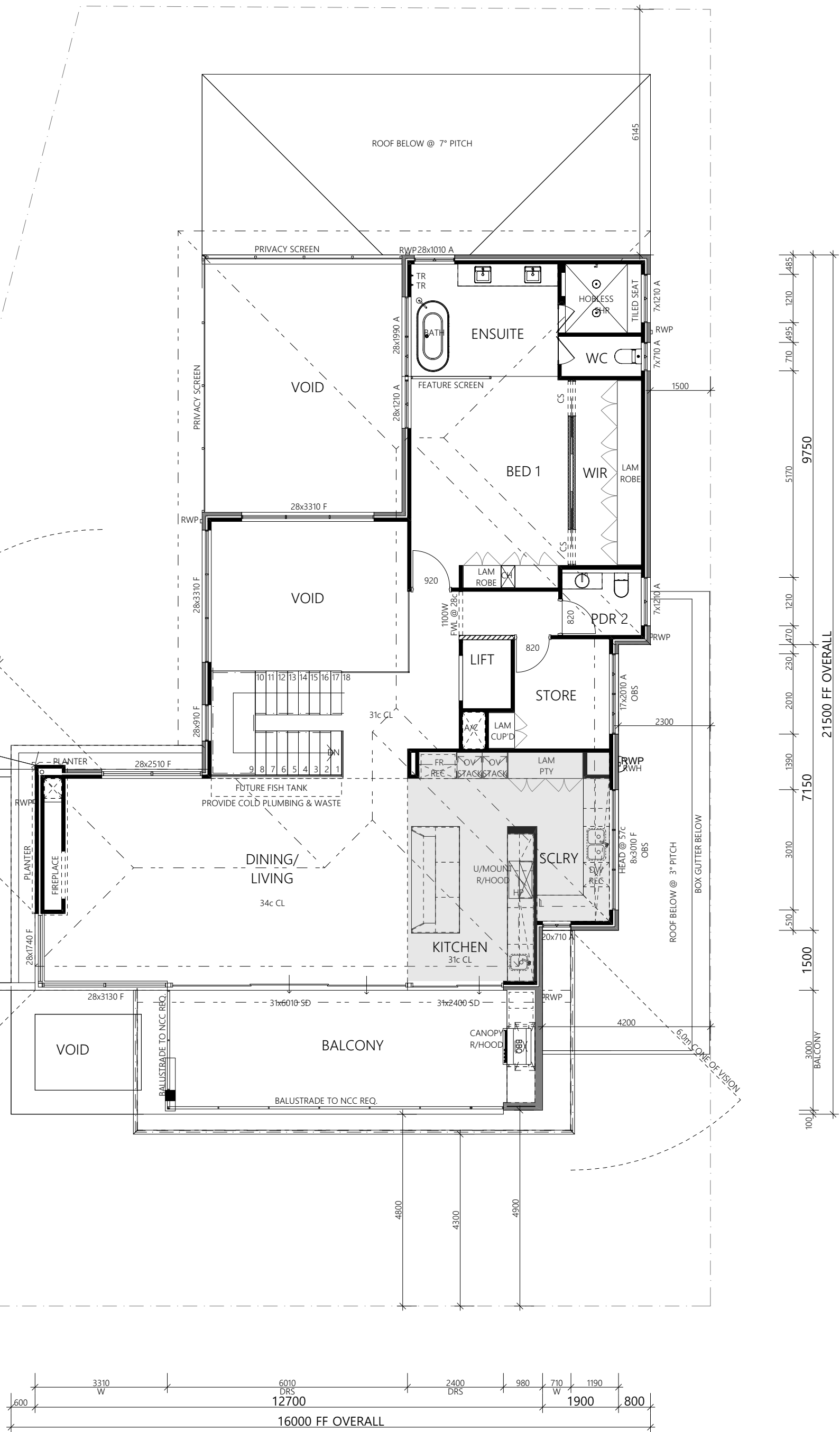
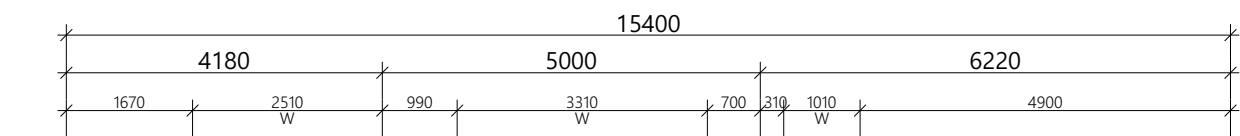
EXTENT OF RENDERED BRICKWORK SHOWN SHADED

WINDOW HEAD HEIGHTS (AFL):
GF 28c U.O.N.
FF 28c U.O.N.

INTERNAL DOOR HEIGHTS (AFL):
GF 2340mm U.O.N.
FF 2340mm U.O.N.

LOCATION OF A/C DUCTS & PENETRATIONS SUBJECT TO INSTALLERS DESIGN
- The ground floor plan shows a large building with a pool and various rooms. The overall dimensions are 25520 building overall by 6430 house overall. The house overall dimensions are 18090 by 11220. The plan includes a pool, theatre, alfresco, lounge, study, kitchen, laundry, bedrooms, bathrooms, and a double garage. Dimensions are provided for the overall building, house, and individual rooms.
- GROUND FLOOR PLAN
1:100
- | AREAS | | |
|----------------|------------------------|-----------|
| | AREA (m ²) | PERIM (m) |
| GROUND FLOOR | | |
| FLOOR AREA | 217.39 | 93.02 |
| GARAGE | 72.56 | |
| ALFRESCO | 31.05 | |
| PORCH | 6.19 | |
| TOTAL GF AREA: | 327.19 m ² | |
| FIRST FLOOR | | |
| FLOOR AREA | 187.59 | 67.60 |
| BALCONY | 29.26 | |
| TOTAL FF AREA: | 216.85 m ² | |
| TOTAL OVERALL: | 544.04 m ² | |
| ROOF AREAS | | |
| | AREA (m ²) | PERIM (m) |
| GF ROOF | 84.57 | 0.00 |
| FF ROOF | 255.86 | 68.35 |
| | 340.43 m ² | 68.35 m |
- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|---------|----------|--------------------------------------|---------|-------------------|--------|-------|----------|----------|---------------------|----|--|-----|------|-------|-------------|----|----|-----|------|-------|-------------|----|----|-----|------|-------|-------------|----|----|
| PERMIT AUTHORITY | CLIENT | PROPOSED | LOT 1105 HN6 SEAHORSE COVE, JINDALEE | DRAWING | GROUND FLOOR PLAN | A2 | REV | DATE | SHEET | DESCRIPTION | DR | CH | REV | DATE | SHEET | DESCRIPTION | DR | CH | REV | DATE | SHEET | DESCRIPTION | DR | CH | REV | DATE | SHEET | DESCRIPTION | DR | CH |
| | | | | | | | 0 | 04/06/26 | ALL | ISSUED FOR PLANNING | CW | | | | | | | | | | | | | | | | | | | |
| WANNEROO | CAMILLE | Cw | CAMILLE | JOB NO: | CAM130 | SCALE: | 1:100 | DWG NO: | CAM130.3 | REV NO: | 0 | COPYRIGHT: This design & drawing remains the sole property of Claire Webster Design and shall not be copied, sold or circulated in any format without express written consent from Claire Webster. | | | | | | | | | | | | | | | | | | |
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-
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- IN-SITU SUSPENDED CONCRETE SLAB (FIRST FLOOR)
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GF 2340mm U.O.N.
FF 2340mm U.O.N.
 - LOCATION OF A/C DUCTS & PENETRATIONS SUBJECT TO INSTALLERS DESIGN



1:100

AREAS		
	AREA (m ²)	PERIM (m)
GROUND FLOOR		
FLOOR AREA	217.39	93.02
GARAGE	72.56	
ALFRESCO	31.05	
PORCH	6.19	
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	340.43 m ²	68.35 m

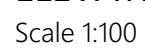
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STONE CLADDING
RENDER TONE 1
RENDER TONE 2

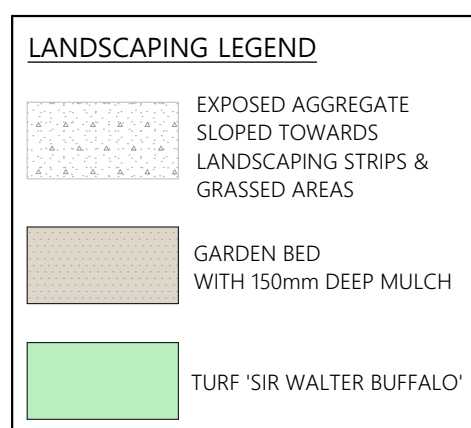
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-

Scale 1:100



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ATTENTION: Planning Department

Chief Executive Officer
City of Wanneroo
LOCKED BAG 1
WANNEROO
WA 6946

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

Thursday, 11 June 2026

Justification Letter | 6 (Lot 1105) Seahorse Cove, Jindalee

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 6 (Lot 1105) Seahorse Cove, Jindalee, henceforth known as the 'subject site.'

Introduction and Background

1. The subject site:
 - a. is vacant;
 - b. has a density code of R20;
 - c. is irregular in shape;
 - d. is orientated with a south-west facing frontage;
 - e. is 24.035m wide; and
 - f. has an individual lot area of 647m².
2. Physical constraints affecting the subject site include:
 - a. being bushfire prone;
 - b. a substantial topographical variation falling 2.45m across the primary street frontage. The lot is retained to create a level development site;
 - c. lot shape tapering 8.265m inwards at the rear;
 - d. existing 1.3m high developer retaining along the both side lot boundaries (i.e. the eastern lot is 1.3m higher and the western lot adjoining is 1.3m lower); and
 - e. potential future compliant overlooking from the upper floor of the east adjoining dwelling when built in order to capture ocean views.
3. The subject site is in close or visible proximity to the Indian Ocean allowing proposal to access views of significance.
4. The subject site is only immediately opposite an area of public open space which can be enjoyed passively or actively, allowing additional space for recreational pursuits external to the dwelling.

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 to commence development, the Determining Authority is to have due regard to the compatibility of the development with the desired streetscape and the relationship of the proposed to existing development including but not limited to, the potential effect of the height, bulk, scale, orientation and appearance of the development.

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



Figure 1 Aerial view of subject site (PlanWA)

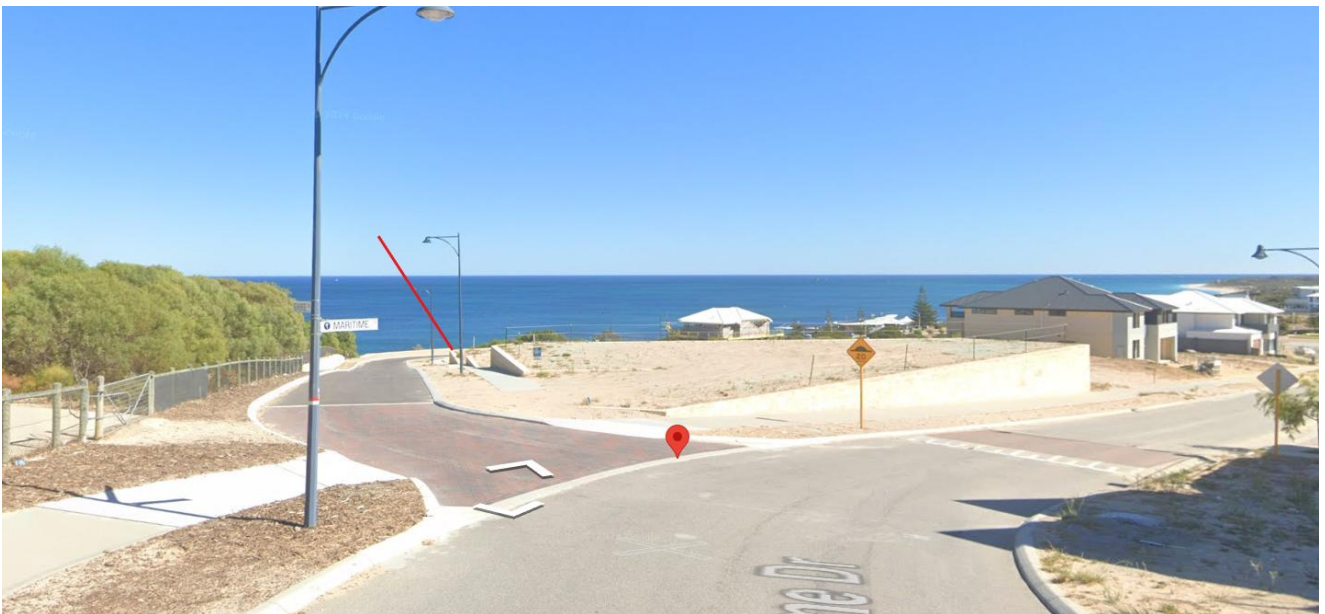


Figure 2 Streetview of subject site (Google Maps)



Figure 3 Streetview of subject site (Google Maps)



Figure 4 Streetscape render of proposal (client supplied)



Figure 5 Streetscape render of proposal (client supplied)

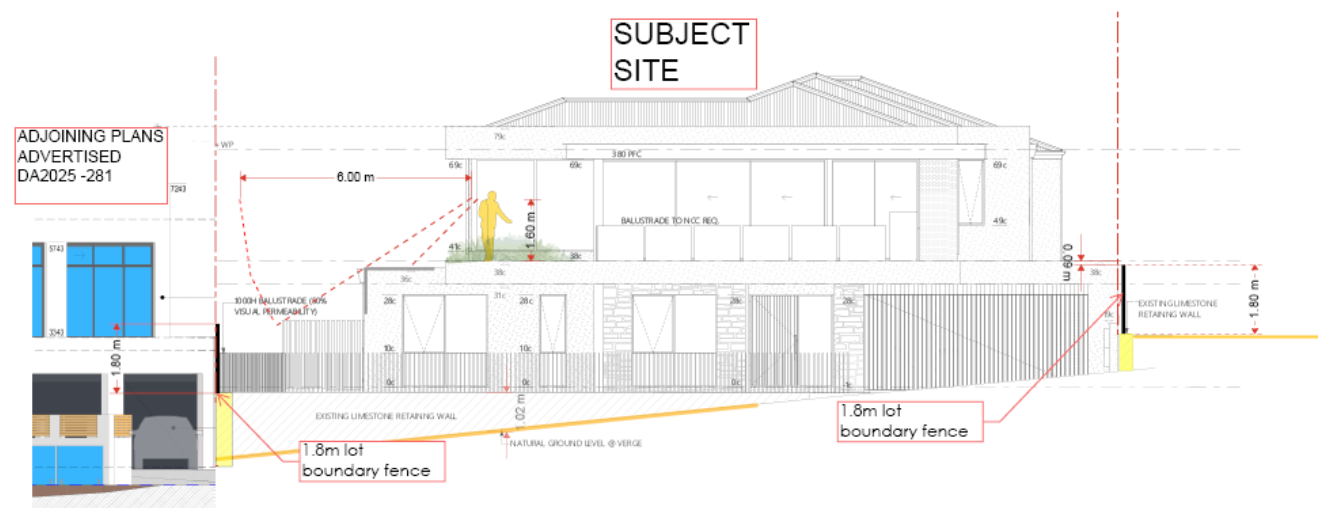


Figure 6 Street elevation context plan.

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

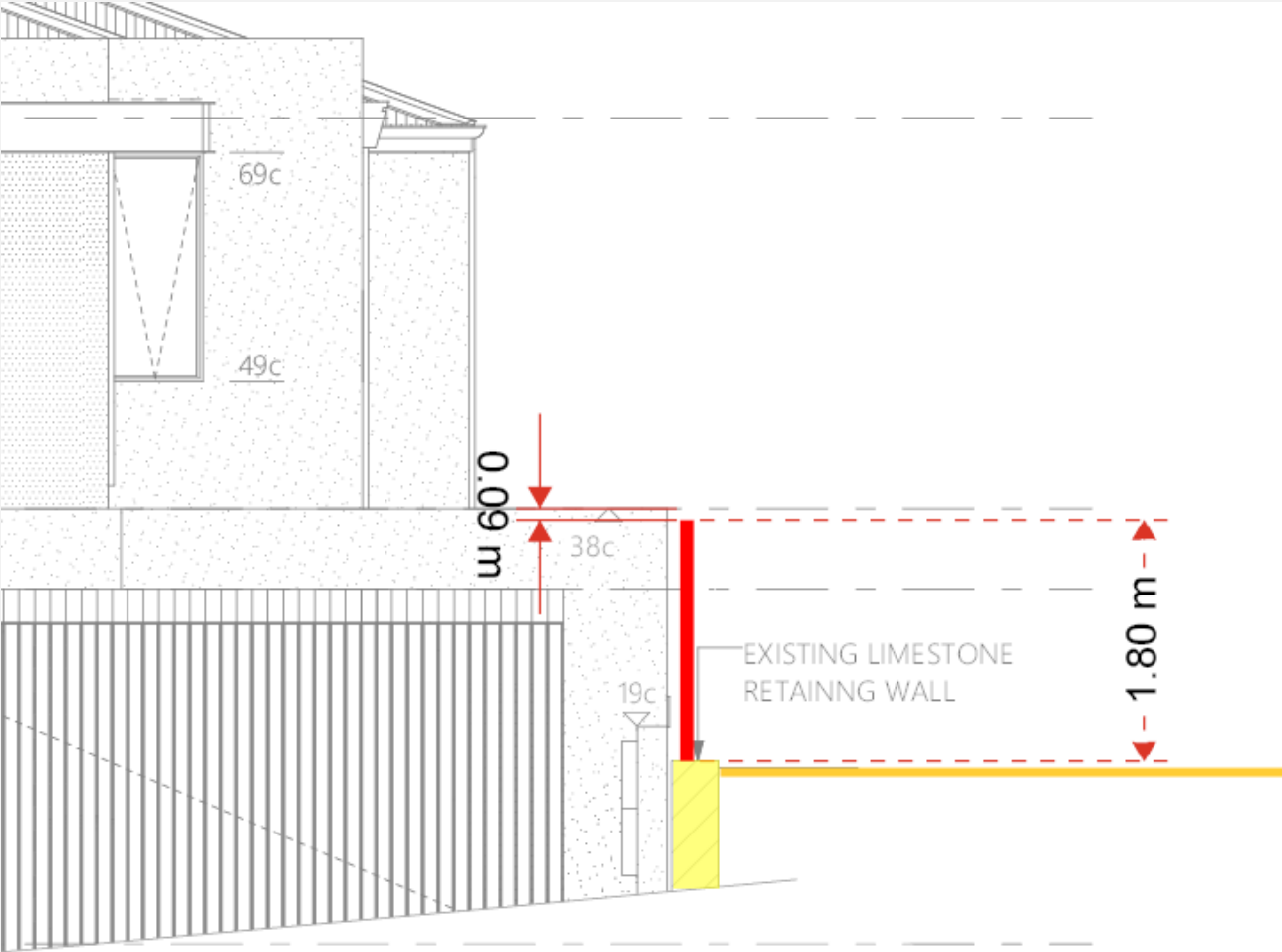
DESIGN PRINCIPLE	JUSTIFICATION
VARIATION <i>The proposed boundary wall is 11.56m long in lieu of the maximum deemed-to-comply length of 9m.</i>	
	

Figure 7 1.8m high fence relative to the adjoining retaining wall. Subject site on left.

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
- does not compromise the design principle contained in clause 5.1.3 P3.1;

The wall is located adjacent to an existing 1.3m high retaining wall along the eastern side boundary. While the boundary wall has an overall height of 3.4m, it will present as approximately 1.89m-2.1m above the retained ground level of the eastern adjoining lot. In practical visual terms, the wall will be only approximately

DESIGN PRINCIPLE	JUSTIFICATION
• does not have any adverse impact on the amenity of the adjoining property;	300mm higher than a standard 1.8m dividing fence when viewed from the adjoining property.
• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and	The boundary wall is close to a north-south alignment and therefore has limited ability to overshadow the eastern adjoining property. It will not materially restrict direct sun to major openings or outdoor living areas on the adjoining land.
• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.	The coastal location also assists in maintaining access to natural ventilation. The wall will not create an enclosed or stagnant side setback condition, nor will it materially affect the ability for breezes and ventilation to be maintained between properties. The boundary wall makes more effective use of the site by avoiding the creation of a narrow and functionally unusable 1m side setback area. This assists in consolidating the dwelling footprint and improves the functionality of the internal layout and external living areas. The wall is also appropriately positioned in relation to the streetscape. It is setback 6.21m from the street boundary, being 210mm behind the 6m street setback requirement. It will therefore not dominate the street presentation or undermine the architectural quality of the dwelling. The extent of the variation should also be considered in context. The proposal includes a boundary wall on one side boundary only. A deemed-to-comply outcome could otherwise allow a 9m long boundary wall on both side boundaries at a height of up to 3.5m. The proposed single boundary wall is a more consolidated and orderly built form response. The dwelling has a high level of architectural integrity, with articulated built form, high-quality coastal materials and a considered street presentation. The boundary wall does not compromise the design quality of the dwelling or the amenity of adjoining properties. Having regard to the existing retaining condition, limited effective wall height, north-south alignment, lack of adverse overshadowing, efficient use of the lot and high-quality built form outcome, the proposal satisfies the Design Principle for boundary walls.

R-CODES CLAUSE 5.1.4 OPEN SPACE

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION A shortfall of 0.506% open space is proposed and a design principle assessment is sought. This assumes balcony is open space.	
P4 Development incorporates suitable open space for its context to:	
• reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • 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.	Negligible Nature of the Variation The proposed open space shortfall is negligible, being limited to 0.506%. In practical terms, the shortfall is not capable of being perceived from the street, adjoining properties or within the day-to-day use of the dwelling. The proposal provides a high level of residential amenity and incorporates multiple external living areas, landscaped spaces and functional open areas within the site. Coastal Context and Upper Floor Balcony The subject site is a beachfront lot located in close and visible proximity to the Indian Ocean. The proposal has been deliberately designed to respond to this setting by orientating key living areas and upper floor outdoor spaces toward views of significance. The dwelling incorporates a substantial 28m² upper floor balcony, which provides a high-quality external living area with outlook, ventilation and access to natural sunlight. This balcony materially offsets any perceived open space shortfall and provides a usable outdoor space that is directly connected to the main living areas of the dwelling. Alfresco and Outdoor Living Areas The proposal also includes an alfresco area of approximately 31m², adjoining the pool and orientated to the north. This area benefits from a double-height void ceiling and contributes significantly to the outdoor amenity of the dwelling. Although this space is enclosed on three sides and cannot be counted as open space for the purpose of the numerical calculation, it remains a high-quality external living area that performs the same practical function as open space. Its exclusion from the calculation results in a technical shortfall rather than an actual deficiency in usable outdoor area. Conservative Open Space Calculation The upper floor balcony is 28m² in area. The area beneath the balcony is unenclosed; however, the balcony area can only be counted once toward the total open space calculation. This creates a conservative assessment of the proposal's open space provision, particularly given the balcony, the area beneath it, the alfresco, the pool area and landscaped front setback all contribute to the overall openness and amenity of the site. Access to Public Open Space The subject site is immediately opposite an area of public open space capable of

DESIGN PRINCIPLE	JUSTIFICATION
	passive and active recreation. This provides residents with convenient access to additional outdoor space beyond the confines of the lot. While public open space is not a substitute for private open space, its immediate proximity is a relevant contextual factor in assessing the suitability of the proposed development and the practical consequences of a minor numerical variation. Streetscape Character and Built Form The built form makes a positive contribution to the streetscape. The dwelling presents as a contemporary coastal residence with strong articulation, high-quality external materials and a balanced composition of solid and transparent elements. The use of light rendered walls, stone cladding, timber-look soffit lining, clear glazing, black-framed openings and a timber-look garage door is appropriate to a coastal setting and assists in producing a refined, durable and visually responsive design outcome. Passive Surveillance and CPTED Outcomes The upper floor balcony, extensive glazing and major openings provide passive surveillance to the street and adjoining public realm. The front elevation incorporates habitable room windows at ground level and transparent balustrading at the upper level, allowing outlook from within the dwelling toward the street and public open space. This supports casual surveillance and contributes positively to CPTED outcomes without relying on blank walls or inactive frontage. Reduction of Building Bulk The proposal reduces the visual impact of building bulk through articulation, material variation, landscaping and the use of voids and recesses. The balcony projects forward as a lightweight element, while the glazing and transparent balustrade visually recess the upper floor. The stone cladding and landscaping at ground level provide visual interest and soften the presentation of the dwelling from the street. The front setback area contains meaningful landscaping and vegetation, providing an attractive setting for the building and contributing to the coastal streetscape character. Residential Amenity The proposed dwelling has no shortage of amenity within its confines. The combination of landscaped areas, the north-facing alfresco, pool interface, upper floor balcony, open under-balcony area and immediate access to public open space ensures residents will have excellent opportunities for outdoor living, recreation and access around the site.

DESIGN PRINCIPLE	JUSTIFICATION
	Conclusion Having regard to the minor extent of the variation, the high quality of the built form, the coastal context, the provision of substantial usable outdoor living areas and the positive streetscape and surveillance outcomes, the proposal satisfies the Design Principle for open space.

R-CODES CLAUSE 5.1.6 BUILDING HEIGHT

Compliant.

R-CODES CLAUSE 5.2.4 STREET WALLS AND FENCES

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION 1	
<i>The overall fencing height, when measured in combination with the existing retaining wall, exceeds 1.8m.</i>	
VARIATION 2	
<i>The meter box wall is solid above 1.2m within the front setback area.</i>	
P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:	
• for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and • for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.	Variation 1 – Fence height in combination with retaining The fencing height variation is a direct consequence of the level difference created by the existing estate retaining wall along the street lot boundary. This retaining is not proposed as part of the dwelling design and forms part of the established subdivision and estate development outcome. The retaining wall is up to 1.79m high, creating a fall risk from within the lot toward the street. A barrier is required for safety reasons where a trafficable area is elevated and presents a fall risk. The proposed fence performs the function of a balustrade and must achieve the minimum height necessary to satisfy building safety requirements. It cannot reasonably be reduced in height without compromising its intended safety function. The fence has been designed to minimise streetscape impact. It does not include visually dominant piers and has a high level of permeability. As a result, the fence allows views through to the dwelling, landscaped front setback and habitable room openings. This maintains passive surveillance of the street and public realm, consistent with the intent of Clause 5.2.3. The visual impact of the fencing is also moderated by the site context. The height exceedance is created by the combined measurement of the developer retaining wall and the required balustrade above it, rather than by a visually solid or defensive front fence. The fence itself remains visually open and lightweight. Given the estate retaining condition appears to apply to multiple lots within this part of the street, it is reasonable to expect that other dwellings in the locality will require a

DESIGN PRINCIPLE	JUSTIFICATION
	similar fencing response. The proposed outcome is therefore consistent with the emerging streetscape character and does not represent an isolated or incompatible built form outcome. The proposal continues to present positively to the street. The dwelling includes substantial glazing, an upper floor balcony, articulated built form, coastal appropriate materials and front setback landscaping. These elements ensure the dwelling remains visually connected to the street and contributes to the desired streetscape character. Variation 2 – Solid meter box wall above 1.2m The solid meter box wall is a minor and localised element within the front setback area. It is setback 5.39m from the street boundary, which is only marginally forward of the permitted 6m building setback. Its location is therefore read more as part of the dwelling presentation than as a front boundary fence or dominant street wall. The meter box wall is also viewed in the context of the adjoining 1.3m high retaining wall. The solid portion sits only 250mm above the top of the existing retaining wall associated with the eastern lot. As a result, the additional visual impact is minor and will not materially affect the openness of the front setback area. The wall will not obstruct views of the dwelling from the street. The front elevation remains highly legible due to the dwelling's substantial glazing, balcony presentation, landscape setting and articulated contemporary coastal design. The meter box wall is therefore not capable of undermining the broader streetscape contribution of the development. The wall also does not compromise passive surveillance. The dwelling retains multiple habitable room openings and an upper floor balcony addressing the street and adjoining public realm. These elements provide a much greater contribution to casual surveillance than would be affected by the limited meter box wall. Having regard to the safety function of the balustrade, the permeability of the front fencing, the established estate retaining levels, the limited scale and setback of the meter box wall, and the strong streetscape and surveillance qualities of the dwelling, the proposal satisfies the Design Principle for street walls and fences.

R-CODES CLAUSE 5.3.1 OUTDOOR LIVING AREAS

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION <i>The OLA is not accessed from the primary living area which is on the upper floor.</i>	
P1.1 A consolidated outdoor living area is provided to each single house and grouped dwelling which provides space for entertaining, leisure and connection to the outdoors that is:	
• optimises use of the northern aspect of the site. • capable of use in conjunction with a primary living space of the dwelling; • sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling; • sufficient in uncovered area to provide for landscaping, including the planting of a tree(s); and • of sufficient size and dimension to be functional and usable;	Reverse Floor Plan and Coastal Context The subject site is located in close and visible proximity to the Indian Ocean and has access to views of significance. In response to this context, the dwelling adopts a reverse floor plan, with the primary living area located on the upper floor. This design configuration allows the kitchen, dining and living areas, being the parts of the home most frequently occupied during waking daylight hours, to benefit from ocean outlook, natural light, ventilation and the broader coastal setting. This is a site-responsive design outcome that reflects the particular attributes of the land. The reverse floor plan means the primary living area is not directly connected to the nominated ground floor outdoor living area. This creates a technical variation to the deemed-to-comply requirements, but not a practical deficiency in outdoor living amenity. Practical Limitations of an Upper Floor OLA Strict compliance would require a 20m² uncovered outdoor living area at upper floor level with minimum 4m dimensions. In practical design terms, this would typically require either an oversized balcony or roof deck. For this dwelling, such an outcome would be less appropriate than the design proposed. A large uncovered upper floor OLA with 4m dimensions would add unnecessary bulk, increase the prominence of the upper floor, and potentially compromise the architectural composition of the dwelling. It would also provide a less practical outdoor living outcome than the combination of the proposed upper floor balcony and substantial ground floor outdoor living area. The Design Principle should be applied having regard to the context of the site and the quality of the overall outdoor living provision, rather than requiring a rigid outcome that is not well suited to a high quality coastal dwelling with a reverse floor plan. Upper Floor Balcony Connected to Primary Living Area The proposal includes a substantial 28m² upper floor balcony directly connected to the kitchen, dining and living area. Although the balcony does not satisfy the deemed-to-comply OLA requirement, it performs an important outdoor living function. The balcony has a notional width of approximately 3m and provides a highly usable external space for sitting, dining, entertaining and enjoying the coastal outlook. Its usability is enhanced by a seamless internal and external transition, achieved through matching internal and external finished floor levels.

DESIGN PRINCIPLE	JUSTIFICATION
	The balcony is connected to the primary living area by an 8.27m long floor-to-ceiling glazed sliding door system, of which 5.15m is capable of being opened. This creates a strong physical and visual connection between the indoor living space and the balcony. When opened, the kitchen, dining, living area and balcony operate as an integrated indoor-outdoor living environment. This outcome is consistent with the intent of the Design Principle, which seeks usable outdoor space capable of being used in conjunction with the primary living space. Ground Floor Outdoor Living Area The dwelling provides a substantial ground floor outdoor living area of approximately 120m², significantly exceeding the 30m² requirement. This area is accessed from the ground floor lounge and theatre, providing a functional and convenient relationship with internal living spaces. It is open to the north, allowing access to sunlight, ventilation and a high level of outdoor amenity. The ground floor outdoor living area is also serviced by an outdoor kitchen, reinforcing its function as a genuine entertaining and leisure space. Its size, orientation and relationship to the dwelling make it capable of accommodating a range of outdoor pursuits, including dining, entertaining, relaxation, pool-related activity and family recreation. The scale of this area substantially exceeds the minimum requirement and demonstrates that the proposal is not deficient in outdoor living provision. Northern Aspect, Sunlight and Landscaping The ground floor OLA optimises the northern aspect of the site and provides a meaningful area for outdoor use, landscaping and access around the dwelling. The uncovered portions of the site allow for winter sun, natural ventilation and landscape planting, including opportunities for tree planting. The proposal also includes a 119m² front yard area with minimum dimensions of 4m, further contributing to usable external space, landscape setting and visual openness. These areas collectively provide a far greater level of external amenity than would be achieved through a minimum compliant 30m² OLA alone. Functional Outdoor Amenity The proposal provides multiple external living opportunities rather than relying on a single minimum-sized outdoor area. These include: - the 28m² upper floor balcony connected to the primary living area; - the 120m² ground floor outdoor living area accessed from the lounge and theatre;

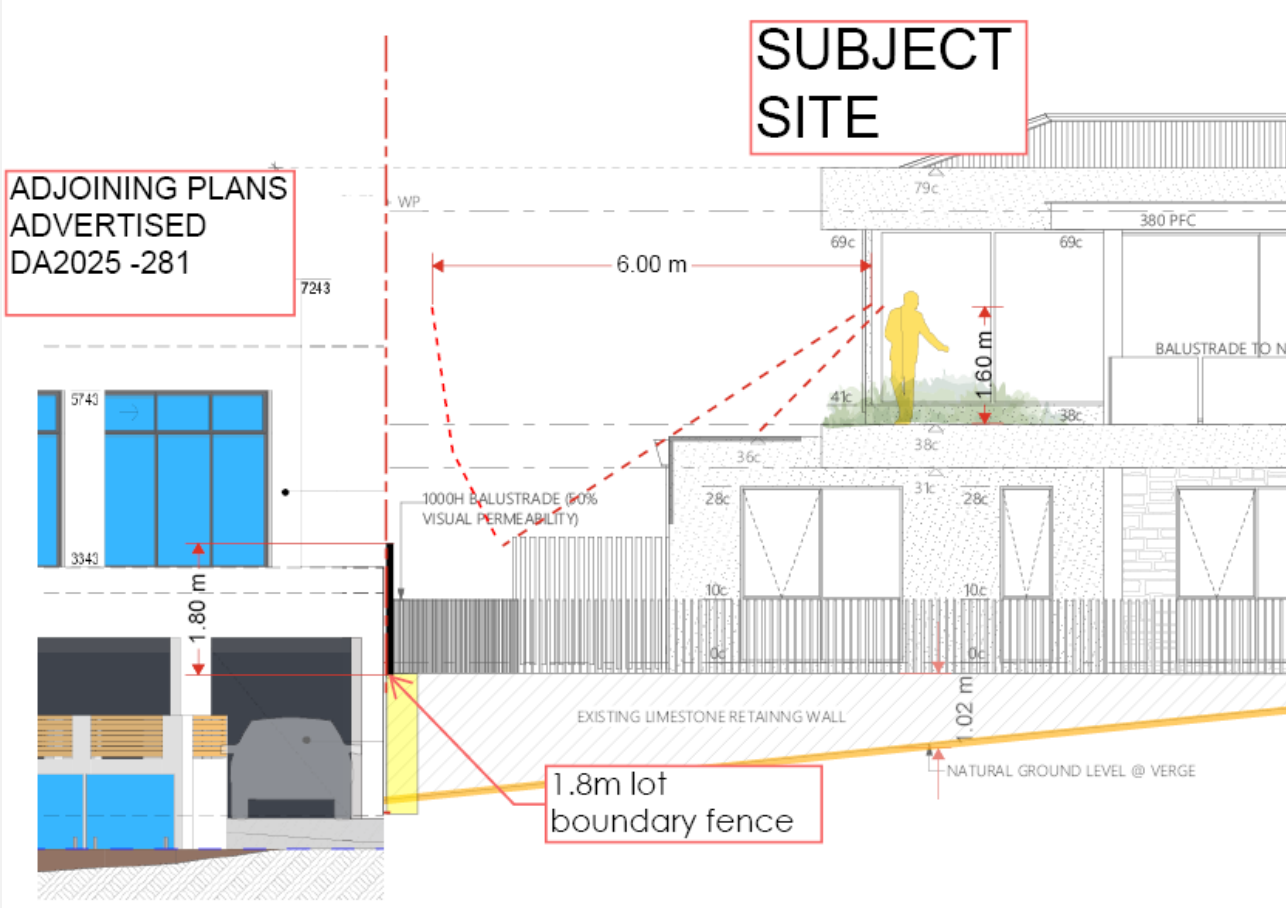
DESIGN PRINCIPLE	JUSTIFICATION
	- the outdoor kitchen and pool interface; - the north-facing external living area; and - the 119m2 front yard area with minimum dimensions of 4m. The dwelling therefore has no shortage of external amenity. The outdoor spaces are generous, functional, well connected to internal living areas and responsive to the coastal location of the site. Purpose of the Provision The intent of Clause 5.3.1 is to ensure dwellings are provided with usable outdoor living areas that support entertaining, leisure, sunlight, ventilation, landscaping and connection to the outdoors. The proposal clearly achieves these outcomes. The technical variation arises because the primary living area is located on the upper floor to capture ocean views, rather than because of any deficiency in the amount, quality or functionality of outdoor living space. This R-Codes provision is not intended to discourage high quality reverse floor plan outcomes on coastal lots where views of significance are available. In this instance, strict compliance would produce a less contextually responsive design outcome and would not improve resident amenity. Conclusion Having regard to the coastal context, the availability of ocean views, the site-responsive reverse floor plan, the substantial 28m2 balcony connected to the primary living area, the 120m2 north-facing ground floor outdoor living area, the outdoor kitchen, the pool interface and the additional 119m2 front yard area, the proposal satisfies the Design Principle for outdoor living areas. The variation is technical in nature and does not result in any shortfall in outdoor living amenity.

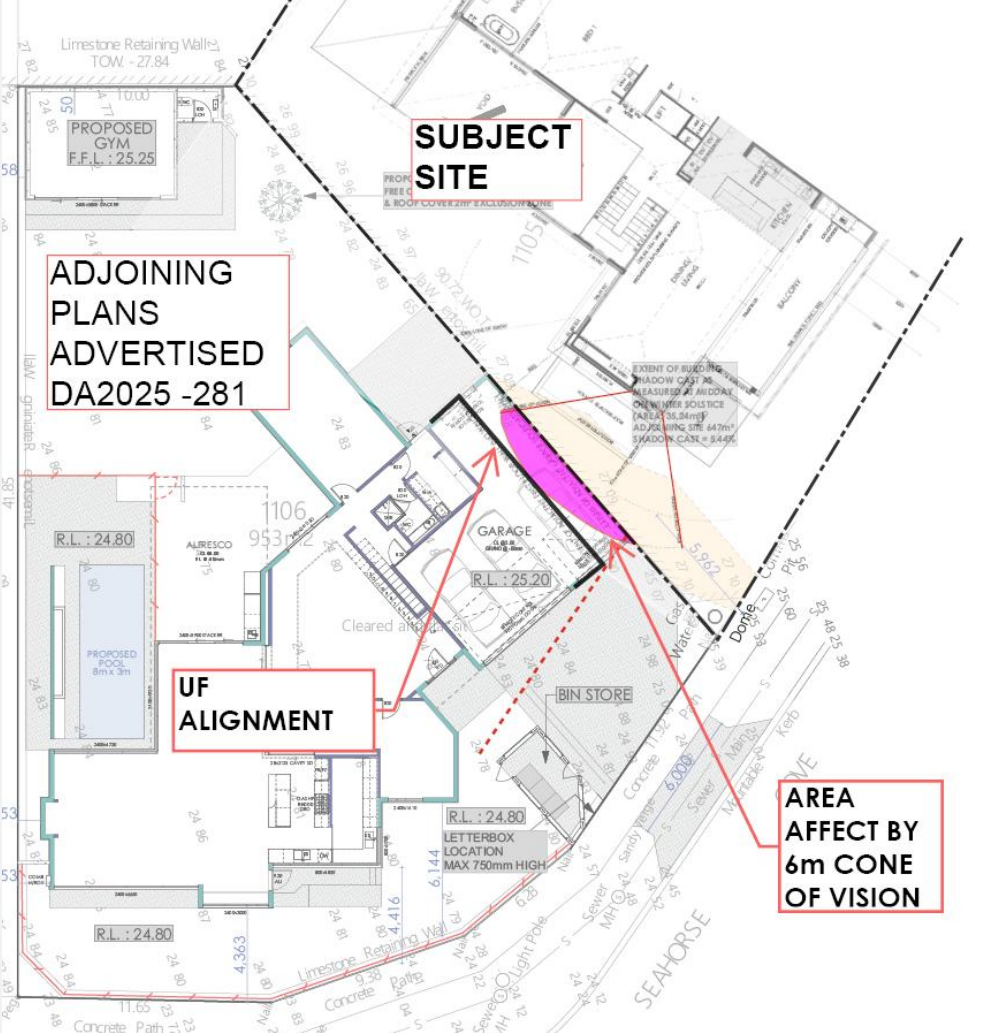
R-CODES CLAUSE 5.3.2 LANDSCAPING

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION <i>Less than 50% of the front setback area is covered by a permeable surface. The shortfall is 0.5m2.</i>	
P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:	
- contribute to the appearance and amenity of the development for the residents; - contribute to the streetscape;	Minor Nature of the Variation The variation is extremely minor, being limited to 0.5m2 within a front setback area of approximately 139m2. The shortfall is not capable of being perceived from the street

DESIGN PRINCIPLE	JUSTIFICATION
• enhance security and safety for residents; • contribute to positive local provide for microclimates, including provision of shade and solar access as appropriate; • and retains existing trees and/or provides new trees to maintain and enhance the tree canopy and a local sense of place.	and does not result in any meaningful reduction in landscape quality, streetscape presentation or residential amenity. Balcony Projection and Site Responsive Design The dwelling benefits from an upper floor balcony which projects forward of the 6m street setback in a compliant manner. This balcony is an important design response to the coastal context, allowing the dwelling to access views of the Indian Ocean from the primary living area. The area beneath the balcony does not contribute toward the soft landscaping calculation, even if it were finished as a soft landscaped area. This contributes to the technical shortfall, rather than reflecting a poor landscape outcome. Existing Retaining Walls A small but relevant proportion of the front setback area is occupied by developer retaining walls, which are hard surfaces. These retaining walls form part of the established estate condition and are necessary to manage the level difference across the site. Their presence reduces the area available for permeable surfacing within the front setback. Tree Planting and Streetscape Contribution A tree is proposed within the front setback area. This provides a meaningful landscape contribution and assists with shade, visual amenity, tree canopy and the softening of the dwelling when viewed from the street. The proposed landscaping, together with the articulated coastal built form, upper floor balcony, permeable fencing and front setback planting, will contribute positively to the streetscape. Bushfire Context The subject site is bushfire prone, with the relevant bushfire risk emanating from the bushland opposite the street frontage. In this context, very high levels of vegetation within the front setback area are not necessarily desirable. The proposal provides a balanced landscape response, achieving streetscape amenity and tree planting while avoiding an excessive vegetation load in the part of the site closest to the bushfire hazard. Conclusion Having regard to the 0.5m² shortfall, the 139m² front setback area, the effect of the compliant balcony projection, the presence of existing developer retaining, the proposed tree planting and the bushfire-prone context, the proposal satisfies the Design Principle for landscaping.

R-CODES CLAUSE 5.4.1 VISUAL PRIVACY

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION The UF Dining Living overlooks the western adjoining dwelling behind its front setback.	
	
Figure 8 Cross section of proposal with the western adjoining dwelling elevation as advertised DA2025-281	
P1.2 Maximum visual privacy to side and rear boundaries through measures such as:	
• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or	Site Levels and Obstructed Line of Sight The potential overlooking is from the upper floor dining and living area toward the western adjoining lot. The western adjoining property has a finished floor level approximately 2.05m lower than the subject site. A direct downward line of sight is substantially interrupted by the proposed ground floor Bedroom 2 element, which is located 2.63m closer to the western adjoining property than the upper floor dining and living area. This ground floor wall is as close as 1m to the side lot boundary and assists in screening the lower-level view toward the adjoining lot. Boundary Fence Screening A 1.8m high dividing fence will also assist in preventing direct lines of sight toward the adjoining

DESIGN PRINCIPLE	JUSTIFICATION
screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).	property, particularly given the level difference between the two lots and the intervening ground floor built form. This combination of level separation, built form obstruction and boundary fencing materially reduces any practical privacy impact. Future Development Context The cone of vision is expected to fall toward an on-boundary wall of the western adjoining dwelling, which is currently being advertised for comment. The same advertised plans indicate a 1.5m upper floor setback along the relevant section, with no major openings proposed. Accordingly, the potential cone of vision is not expected to affect a sensitive habitable room opening or outdoor living area in the future development scenario currently contemplated for the adjoining lot.
	 Figure 9 Site plan comparison depicting area affected by the 6.0m cone of vision.

DESIGN PRINCIPLE	JUSTIFICATION
	Coastal Design Response The upper floor living and dining area forms part of a reverse floor plan designed to capture views of significance toward the Indian Ocean. The siting and orientation of the upper floor openings are therefore a legitimate response to the coastal context of the site. The proposal balances this view opportunity with reasonable privacy protection, noting the line of sight is affected by the lower adjoining levels, intervening built form, fencing and the likely built form outcome on the adjoining property. Conclusion Having regard to the 2.05m level difference, the screening effect of the ground floor Bedroom 2 wall, the proposed 1.8m high dividing fence, and the future development context of the western adjoining lot, the proposal achieves maximum visual privacy in accordance with the Design Principle.

Summary

Hemsley Planning is of the opinion that the proposal is consistent with the Objectives and Design Principles of both the Residential Design Codes and local planning framework in respect of landscaping, setbacks, fencing, visual privacy, outdoor living areas, and open space.

The proposed development successfully responds to circumstantial (not preferential) design constraints including irregular lot shape, existing loss of privacy caused by dramatic adjoining retaining wall heights and BAL risk whilst more than reasonably maintaining existing amenity of the location and meeting community expectations.

The proposal has been carefully drafted by the designer to ensure that the amenity of the streetscape is contributed to positively, whilst also creating a functional and high-quality internal design to meet the requirements of the owner.

The proposal presents an example of good design outcomes achieved on a site with significant constraints.

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



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