

## PROPOSED ALTERNATE MOTION (Elected Members)

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Name:	Cr Clive Ross
Date of Meeting:	16 August 2022
Meeting of the:	Ordinary Meeting of Council
Item No.	UP22/3988
Title of Item	Proposed Two Storey Single House with Roof Terrace at Lot 90 (No 23) Carron Road, Applecross – Cr Ross – Alternate Motion with Notice

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### PROPOSED ALTERNATE MOTION:

**That the Council Resolves that the application DA-2021-214C to commence development for a Two Storey single house at Lot 90 (23) Carron Road, Applecross be refused under the provisions of the City of Melville Local Planning Scheme No. 6 and the Metropolitan Regional Scheme.**

### REASONS:

1. The proposed development exceeds 9 metres in height over the associated natural ground level across significant portions of the building and does not meet the deemed to comply provisions of Clause 2.1.1 of the City of Melville *Local Planning Policy 1.9 Height of Buildings* and or Design Principles specified in Clause 5.1.6 of *State Planning Policy 7.3 Residential Design Codes Volume 1*.
2. The proposed building has received planning approvals in June 2021, July 2021 and September 2021 which approved the height of the roof terrace structures at RL 18.628 which exceeds the NGL by 1.63 metres to 2.63 metres. This application seeks to further exceed the height limits by an additional 690 mms to RL 19.321 making the roof structures 2.32 metres to 3.32 metres higher than the 9 metre maximum. In addition, the placement and the bulk of the structures has been altered from a covered stairwell, a covered pergola, a lift and a small toilet covering a total area of 75.68 square metres to now include two store rooms, a stairwell and lift lobby and a shower and separate powder room which increases the built area to approximately 119 square metres or 43 sqm more than previously approved. The impact of the combination of the additional height and size of the structure must be considered in accordance with the intent and purpose of the Design Principles which seek to minimize the impact of bulk and scale on adjoining properties and the streetscape.

In this case, significant concessions have already been made approving over-height structures which do not comply with the Design Principles. Approving additional increases in height and bulk of these structures will further increase the non-compliance with the Design Principles.

3. The application also seeks to vary the setback of screening that is required to prevent overlooking and maintain privacy of adjoining properties. The roof terrace at RL 15.971 plus a screen of 1.6 metres high will exceed the maximum height of 9 metres by between 571mm and 1.57 metres. Because these screens are proposed to be erected on the perimeter of the building and must be solid or obscure to prevent overlooking and maintain privacy, these screens increase the bulk of the property by the 571 mm or 1.57 metres in height and adversely impacts upon the adjoining properties and streetscape.
4. Because the deemed to comply rules allow for setbacks to be reduced if screening is used to maintain privacy and prevent over-looking that does not mean that the screening can itself then breach the applicable height limits and create other adverse impacts such as increasing bulk and adversely impacting adjoining properties and the streetscape. Such an outcome substitutes one adverse impact for another adverse impact and contravenes the Design Principles. The proposed screening of the balcony although within the overall height limits, increases the bulk of the building and consequently does not comply with the Design Principles.
5. The roof terrace on the proposed building is becoming a popular feature for new buildings and as such the guidelines and limits needs to be established so that all applications are treated consistently and developers, planners and elected members have a clear understanding of the applicable rules. The rules applied to this application will establish a precedent. Approving a further amendment which stretches the very generous concessions already approved, allowing increases in height limits, bulk and scale and reductions in setbacks, will establish an adverse precedent.