

Written submission — Item UP25/94, Review of LPP 3.1 Residential Development

Ordinary Meeting of Council, Tuesday 18 August 2026

We apologise for the lateness of this submission and would be grateful if it could still be accepted and tabled. As previous submitters on this policy, we were first notified that the matter was returning to Council by email on Thursday 13 August, which left limited time to review the report and its attachments and prepare a considered response.

What we ask Council to do

Please retain the City's current height policy while the State's review of the Residential Design Codes runs its course. The Officer Recommendation already defers the LPP 3.1 review until that State review is finalised. We ask that the revocation of LPP 1.9 be treated the same way, and not proceed at this meeting, so that both wait for the State framework together and the City's existing height policy continues to apply in the meantime, as it has since the revocation was resolved in May 2025.

Our position in summary

1. **Council should not alter its height controls on the eve of the State resetting them.** The report defers LPP 3.1 precisely to avoid *"local provisions becoming quickly outdated."* Revoking LPP 1.9 changes the City's operative height framework immediately, defaulting to a code the State has announced it is rewriting. The deferral logic applies to both instruments or to neither.
2. **The two policies were proposed as one package, and only half of it is proceeding.** What Council approved in May 2025 was an amalgamation. Revoking one policy while deferring the other does not amalgamate anything.
3. **The revocation was deliberately held back for a purpose that is not being fulfilled.** In the City's own words, the delay was *"to allow for consideration of revised LPP 3.1 to capture the necessary building height provisions."* Those provisions are now deferred indefinitely, yet the revocation proceeds.
4. **The community was consulted on the package, and officers defended it as a package.** The 2025 height submissions were answered by pointing to new housing objectives and a concession for sloping sites. Both are deferred with the review, while the height reduction they were offered to justify goes ahead alone.
5. **Reducing height will not remedy the impacts complained of, because those impacts are controlled by other provisions, none of which is changing.**
6. **The City's own advice puts building height inside the State review,** and the reason given for deferring LPP 3.1 is that the State announcement specifically cited matters the policy regulates.
7. **The report concedes the cost of revocation and cannot quantify it,** and the change is inequitable in streets already built to the current limits.

1. The deferral logic applies to both instruments

The report's case for deferring LPP 3.1 is that acting before the State reforms are finalised risks duplicated review processes, consultation fatigue, additional cost, provisions that become quickly outdated, and the need to amend again shortly after adoption. We agree with that reasoning.

Revocation is not a neutral, administrative step. From the day it takes effect, the operative height framework for low density residential lots across the City changes, defaulting to a standard the State has

announced it is reviewing. If the State resets baseline heights next year, the City will have imposed an interim reduction, generated a body of applications against it, and will then need to revisit heights again. That is duplication, cost and rework, the report's own list, brought about by the one part of the recommendation that is not deferred.

Nor does returning to the State's default answer the point. The State has no settled position on residential height. That is the report's own premise for deferring the review. Where the destination is unknown, the prudent interim framework is the one the City has applied consistently for years.

The same test the officers apply to the rest of the policy reaches building height as well. Officers have explained that LPP 3.1 is being deferred because the State announcement specifically cited matters the policy regulates. The Officer Advice Note records that the reforms are expected to affect *"site area, sightlines, visual privacy, setbacks, open space, site cover, building height and other residential development provisions."* Building height is named. On the officers' own test, it qualifies for the same treatment.

2. The two policies were proposed as one package, and only half of it is proceeding

This point deserves separate emphasis, because it is easily lost in a long item.

The revocation of LPP 1.9 was never put forward as a free standing measure. The report records that the first of the changes proposed to Council in May 2025 was to *"Amalgamate LPP 1.9 and LPP 3.1 into one comprehensive Local Planning Policy, governing the City's assessment of low and medium density residential developments, with LPP1.9 to be revoked and the appropriate building height provisions incorporated into LPP3.1."*

An amalgamation has two limbs. One policy is revoked; its provisions move into the other. Each depends on the other, and that dependency is precisely why the revocation has never been implemented in the fifteen months since.

Deferring LPP 3.1 while revoking LPP 1.9 does not deliver that amalgamation. It leaves the City with one policy revoked and nothing to receive its provisions, for an interim period with no stated end date. That is a materially different outcome from the one Council resolved upon, and a different outcome from the one put to the community.

3. The stated purpose of the delay is not being fulfilled

There are two accounts in the agenda of why the revocation was held back, and they point the same way. The report itself records that implementation *"was not specifically listed within the resolution to allow for delay to so that appropriate building height provisions could be adopted by LPP3.1."* The City's response to submissions puts it more directly: it delayed the formal revoking *"to allow for consideration of revised LPP 3.1 to capture the necessary building height provisions and allow for existing applications to be determined."*

The revocation was held back so that the necessary height provisions could first be captured in LPP 3.1. The recommendation defers that capture indefinitely and completes the revocation regardless. The purpose that justified fifteen months of deliberate delay is not being carried through. Deferring both together is the only course consistent with the City's own account of its actions.

4. The community was consulted on the package, and officers defended it as a package

The 2025 advertising ran for two months and presented the move to R-Codes heights together with the measures intended to carry it. When residents raised height concerns, officers answered by pointing to those measures: new housing objectives affording discretion for additional height where contextually appropriate and where the architectural design warranted it, and an as of right height concession for sites

with varied topography. That second measure was drafted by the City because it recognised that a single height standard, applied flat to a sloping site, produces unreasonable outcomes.

Those answers were given to the community in good faith. They are now being withdrawn while the measure they justified proceeds. Residents who accepted the height alignment on the strength of the compensating provisions receive the alignment without the compensation. Owners of sloping land lose both the current allowance and the drafted remedy at the same meeting, on an undertaking that a future review *"will seek to include"* provisions for building height on sloping sites.

5. Height is a proxy for impacts the R-Codes already control directly

The objections made to taller houses are genuine, but they are not objections to height as such. The City's own response to submissions describes them as *"bulk, overshadowing, reduced setbacks, and loss of views."* Each already has its own control in the R-Codes, and this review changes none of them:

The impact objected to	How the R-Codes already control it
Overshadowing	Shadow cast on a neighbouring property is capped at a set share of that property, measured at the winter solstice
Overlooking and line of sight	Privacy setbacks apply to major openings and elevated outdoor areas that overlook a neighbour
Bulk at the boundary	Required boundary setbacks increase as wall height and wall length increase
Sightlines at driveways and corners	Structures near vehicle access points must be truncated or reduced in height
Space around the dwelling	A minimum proportion of the site must remain as open space

The setback provisions deserve particular attention, because they show that height is not an uncontrolled variable. A taller wall must stand further from the boundary. Height is already coupled, by design, to the provisions that manage its effects.

It follows that a dwelling satisfying all of these controls causes no additional measurable impact on a neighbour merely by being taller, and a dwelling that breaches them can be refused at any height. Reducing the height standard improves overshadowing, privacy and setback outcomes by nothing, because those outcomes are fixed by provisions this review leaves untouched. Its only operative effect is to prohibit buildings that comply with every impact test the Codes contain.

Two further observations. **Loss of views is not a deemed to comply standard in Western Australia.** It is a matter that can be weighed in a discretionary assessment, and the City rightly does so, but there is no numerical outlook protection in the Codes. A general reduction in as of right height reaches every landowner in order to address something the Codes leave to case by case judgement. And **the report's own complaint is procedural rather than dimensional.** Its objection is that three storey houses were approved *"without any neighbour consultation"*, and its remedy is *"more frequent robust performance assessment... (which includes neighbour consultation)."* A consultation gap calls for a consultation mechanism, not a reduction in what every low density household may build.

6. Constraining height spreads development across the block, at the cost of canopy

The open space requirement caps the worst case. It does not determine where, within what is permitted, a household chooses to build. Where additional floor area can no longer be obtained vertically, the rational response on every project is to build across as much of the block as the rules allow. Constraining height makes the worst case the default.

That matters for trees. The margin between what is permitted and what is actually built is where gardens and canopy survive on private land, and the minimum landscaping required of a single house is modest. Take away the incentive to leave any margin and that modest minimum becomes the ceiling rather than the floor. The report contains no assessment of this interaction with the City's urban forest objectives, and we ask that it be considered before the City makes building out the rational choice on every site.

7. The direction of housing, and an unquantified cost

The trend toward greater internal space is well recognised: home offices for permanent work from home arrangements, multigenerational living and adult children remaining at home longer, ageing in place, and indoor recreation replacing what the open backyard once provided. Several of these are stated government priorities. At the same time, State policy is deliberately reducing lot sizes, with the announced reforms including subdivision of smaller lots. We do not ask Council to endorse any particular built form, only to recognise that a reduction in as of right height, adopted in the interim against an unfinalised State framework, runs against the direction of the framework the City is obliged to implement.

The report's Financial Implications section concedes that revocation *"may result in more development applications being required due reduced building heights permitted as of right (deemed to comply) – however the likelihood or volumes is unknown"*, with the operational impact to be reviewed only after the fact. Each of those applications is a Melville household paying fees and waiting months, frequently to reach a height already lawfully standing next door, in streets built to the current limits over many years. An unquantified transfer of cost, delay and neighbour conflict onto residents, imposed in the interim before the governing framework is settled, is a burden adopted without a measured benefit. It also sits awkwardly beside the State's stated intention of faster decision making for single houses.

We ask that the revocation of Local Planning Policy 1.9 not proceed at this meeting, and that it wait alongside the review of Local Planning Policy 3.1 until the State Government's review of the Residential Design Codes is finalised and publicly released.