

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.	UP 22/3994
Title of Item	Three Storey Single House with Roof Terrace at Lot 70 (No 4) Fraser Road, Applecross

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PROPOSED ALTERNATE MOTION:

That the Council resolves that the application DA-2021-1315 to commence development for a Three Storey single house at Lot 70 (4) Fraser 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 the entire 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*. This does not constitute a valid reason for refusal, the fact that the deemed to comply provisions are not met is irrelevant in terms of the impact, which in this case is assessed against the associated design principles.
2. The proposed building height exceeds the LPP 1.9 maximum height of 9 metres by heights ranging from 1 metre to 3.3 metres and the excess height results in this building standing out above the adjoining properties and contravenes the Design Principles by creating an adverse impact on the amenity of adjoining properties and the streetscape. In what way does the additional height result in an adverse impact on neighbouring amenity? If this is relied upon for a reason for refusal, it should be specific in terms of what the adverse impacts are.
3. The site levels are being raised above the site's natural ground level by 2 metres at the front where the building commences and 3 metres at the rear of the building. The applicant/owner has chosen to increase the site levels so as to provide an unobstructed view over another building owned, designed for and under construction by the same applicant. The fact that the levels are amended by the proposed development is not an issue unless there is an adverse impact that results from the change. As such this is a weak reason for refusing the DA.

4. The roof terrace and surrounding walls are 3.3 metres higher than the maximum height of 9 metres and because the surrounding brick walls are and must be solid or obscure to prevent overlooking and maintain privacy, these walls increase the bulk of the property by 3.3 metres in height and adversely impacts upon the streetscape especially as the side of the property which is 12.3 metres high and 17.5 metres long is entirely solid without any windows and will be visible from the roadway and pedestrian footpath and to traffic and pedestrians approaching the building from the east. The maximum building height refers to the uppermost element of the roof top structures, not the floor level of the roof terrace itself. Does reference to the “surrounding brick walls” refer to the glass balustrade around the proposed roof terrace? If so please note this is glazing, not masonry.
5. 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. This is commentary as opposed to being a valid reason for refusal.
6. 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 building which by choice and not necessity is being raised 2 to 3 metres above the NGL of the site, so that the overall building height ranges from 1 metre to 3.3 metres above the maximum height limit of 9 metres and part of which is a roof terrace that together with the surrounding screening is 3.3 metres over the prescribed 9 metre limit will establish an adverse precedent. This is also commentary and does not constitute a valid reason for refusal.