

Residential Development

Policy Type: Local Planning Policy
Policy Owner: Director Urban Planning

Policy No. LPP3.1
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Comment [MS1]: To be updated with Council meeting date.

Background

Many physical attributes combine to define local residential character and create attractive streetscapes. These include the location and appearance of buildings, the extent to which they are set back from the street, the existence of landscaping, the siting and design of front fencing, and the existence of other structures located within the street setback area.

Residential streetscapes within the City of Melville are generally characterised by a continuity of buildings setback from the street and from each other. Infill development and the pressure for increased housing density associated with such development, brings with it a number of challenges in terms of creating and maintaining attractive and locally distinctive residential streetscapes.

Whilst new development is encouraged to generally conform to the established pattern and be of consistent scale to that existing within existing streetscapes, the challenge is to enable increased density to occur without unreasonable restriction whilst safeguarding the common features of the streetscape that combine to make the residential areas of the City of Melville what they are.

Policy Objectives

The objectives of this policy are:

- To enhance the character and amenity of existing residential areas;
- To promote a high standard of residential development;
- To ensure new residential development makes a positive contribution towards attractive streetscapes;
- To allow for innovative residential design providing the development is compatible with the streetscape.
- To accommodate increasing residential density without compromising streetscape character.
- To ensure that residential environments are safe and secure for owners, occupiers, and the wider community;
- To safeguard, protect and enhance the levels of residential amenity enjoyed by existing and future owners and occupiers of residential property; and
- To reduce the impact of vehicle access and on site car parking spaces on the streetscape.

Policy Scope

Under Clause 25 of Local Planning Scheme No. 6 (LPS6) the R-Codes are to be read as a part of the Scheme.

~~Part 7 'Local Planning Framework of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes Volume 1) allows local planning policies to amend or replace various deemed-to-comply provisions This policy amends the Deemed to Comply provisions in Clauses 5.1.2, 5.1.3 5.2.1, 5.2.2, 5.2.4, 5.2.5 and 5.4.3. Relevant sections of Part 7 of State Planning Policy 7.3 Residential Design Codes Volume 1 and Part 1 of the State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments allow the decision maker to adopt local planning policies which vary or replace the Deemed to Comply provisions or Acceptable Outcomes of the R-Codes relating to context and streetscape. If a proposal does not meet the amended deemed to comply provisions in this policy then it will require a performance assessment against the relevant Design Principle in the R-Codes.~~

This local planning policy applies to all residential development, covered by R-Codes Volume 1 within, within the City of Melville ~~and is in addition to any other unless applicable requirements another document such as under LPS6,~~ an activity centre plan the R-Codes and any other relevant local or Council policy specifies otherwise.

Definitions / Abbreviations Used In Policy

LPS6	City of Melville Local Planning Scheme No. 6
Gatehouse	A gatehouse is a small arch or patio-like structure used as an entrance feature to a property.
R-Codes	State Planning Policy 7.33 - Residential Design Codes Volume 1 and State Planning Policy 7.3 Residential Design Codes Volume 2

Unless otherwise stated terms used in this policy have the same definition as in LPS6 or the R-Codes

Policy Statement

1 Street Setback of Buildings generally

The Deemed-to-Comply provisions of Clause 5.1.2-of the R-Codes are replaced with the following:

C2.1 Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, set back from the primary street boundary~~and structures setback from the primary street boundary:~~

- i in accordance with Table 1; or

- ii corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street; or
- iii ~~reduced by up to 50 per cent provided that the area of any building, including a garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the setback line and line drawn parallel to it at twice the setback distance (refer Figure 2a and 2c);~~ reduced by up to 50% of that prescribed within Table 1, provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance (refer to Figures 2a and 2c of the R Codes);
- iv in the case of grouped dwellings, where on-site car parking for the street facing dwelling is provided at the rear of the lot, the average front setback requirement in Table 1 and Clause 5.1.2 may be reduced by up to 1.0m;
- v ~~in the case of areas coded R15 or higher, the street setback may be reduced to 3m, or 2m to a porch, balcony, verandah or the equivalent (refer Figure 2e), where:~~ in the case of areas coded R15 or higher, where:
 - a grouped dwelling has its main frontage to a secondary street, or
 - a single house results from subdivision of an original corner lot ~~and has its frontage to the original secondary street;~~ or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way;~~the street setback may be reduced to 3m, or to 2m to a porch, verandah, balcony or the equivalent (refer to Figures 2b and 2d);~~
- vi to provide for registered easements for essential services.
- vii minor projections such as eaves and other architectural features shall not project forward of the minimum street setback.

C2.2 Development on corner lots is to be designed and setback in accordance with the following:

- i New dwellings are to be designed to address both street frontages through the location of major openings and the articulation of the façade on all levels.
- ii ~~Buildings and structures on~~ Buildings on properties with a density coding of less than R30, setback a minimum of 1.5m and an average of 3m from the secondary street and the corner truncation boundary;
- iii ~~Buildings and structures~~ on properties with a density coding of R30 and greater, setback a minimum of 1.0m and an average of 1.5m from the secondary street and the corner truncation boundary;
- iv ~~Patios, pergolas, verandahs, shade sails and the like may be setback 1.5m from the secondary street; and~~

C2.3 An unenclosed porch, balcony, verandah or the equivalent may (subject to the Building Code of Australia) project into the primary or secondary street setback area by up to 50 per

cent of the required setback without applying the compensating area of clause 5.2.1 C2.1 iii (Refer Figure 2e) A porch, balcony, verandah, pergola and the like may project into the street setback area and this projection is not subject to a compensating area under Clause 5.1.2 C2.1 iii.

2 Setback of Garages and Carports

The Deemed-to-Comply provisions in Clause 5.2.1 of the R-Codes are replaced with the following:

C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:

- i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or
- ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.

C1.2 Carports set back in accordance with the primary street setback requirements of clause 5.1.2 C2.1i, except that the setback may be reduced by up to 50 per cent of the minimum setback stated in Table 1 where:

- i. the width of the carport does not exceed 60 per cent of the frontage;
- ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent; and
- iii. the carport roof pitch, colours and materials are compatible with the dwelling. (Refer to Figure 8a)

C1.3 Garages and carports built up to the boundary abutting a communal street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.

C1.4 Garages set back 3.0m from a secondary street.

C1.5 Carports set back 1.5m from a secondary street and designed to the standards contained in Clause C.1.2 above.

C1.6 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a)

~~C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced where;~~

- ~~i. In accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, portico veranda or balcony)~~

~~C1.2 Carports constructed at right angles to the street are to be setback a minimum of 3.0m from the primary street and designed as follows:~~



- ~~i — Not to exceed 50% of the frontage at the building line; and~~
- ~~ii — Their siting must allow an unobstructed view between the dwelling and the street, right of way or equivalent; and~~
- ~~iii — Constructed of compatible materials, style and roof pitch to the existing dwelling.~~

~~C1.3 — Garages and carports constructed parallel to the street, setback a minimum of 3.0m from the primary street. Garages constructed parallel to the street are to incorporate openings or articulation along the elevations facing the street(s).~~

~~C1.4 — Garages and carports built up to the boundary abutting a private street or right of way which is not the primary or secondary street boundary for the dwelling, with maneuvering space of at least 6.0m, located immediately in front of the openings to the garage or carport and being permanently available.~~

~~C1.6 — Garages and carports setback a minimum of 3.0m from a secondary street.~~

3 — Garage width

The Deemed to Comply provisions in Clause 5.2.2 of the R-Codes are replaced with the following:

~~C2.1 — A garage door and supporting structures shall not occupy more than 50% of the lot frontage; or:~~

~~C2.2 — For front loaded single storey dwellings on street frontages between 10.5m and 12.0m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to:~~

- ~~i — The garage being setback a minimum of 0.5m behind the building alignment; and~~
- ~~ii — There being a major opening to a habitable room directly facing the primary street; and~~
- ~~iii — There being an entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and~~
- ~~iv — No vehicular crossover being wider than 4.5m where it meets the street; or~~

~~C2.3 — For front loaded dwellings of two storeys or more, a garage door and supporting structures may occupy up to 60% of the frontage at the setback line as viewed from the street, where the upper floor extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.~~

34 — Fences and Street Walls

The Deemed-to-Comply provisions in Clause 5.2.4 of the R-Codes are replaced with the following:

~~C4.1/C2.1~~ Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12).

~~Front walls and fences within the Primary and Secondary Street setback area are to be designed in accordance with the following:~~

- ~~i Fences within the primary street setback area that are visually permeable above 1.2m measured from natural ground level of the verge. The primary street setback area includes any right of way area.~~

~~C4.2~~ Fencing along within the sSecondary sStreet frontage setback area may be solid only where it abuts the main primary outdoor/primary outdoor living area. Otherwise The remaining fencing is to be visually permeable above 1.2m in height when measured from the natural ground level of the verge of natural ground level, measured from the street side of the fence-. Solid fencing elements shall be well articulated through the use of varied materials, setbacks, landscaping or other design elements.

~~C4.3~~ Maximum fence height is 2.0m to the top of piers and 1.8m to the top of panels.

~~C4.4~~ A solid portion of wall 1.8 m in height and 1.0m wide is permitted to accommodate a metre box and other similar services subject to this being located outside of the sightlines truncation area.

- ~~i C4.4~~ Where a retaining wall is visible above the road reserve level, the visible height of the retaining wall is to be taken into account in the assessment of fence height.

~~C4.42/C2.2~~ A gatehouse located within the primary or secondary street setback area is to satisfy all of the following:

- ~~i~~ The gate or entry way is to be visually permeable;
- ~~ii~~ The maximum width and length of the gatehouse is to be 2.0m or 20% of the lot frontage, whichever is the lesser;
- ~~iii~~ 2.4m wall height, 3m overall height;
- ~~iv~~ Constructed of materials which are compatible with the dwelling or front fence; and
- ~~v~~ Encouraged to have individual style and interest.

5 Sight lines



The Deemed-to-Comply provisions in Clause 5.2.5 of the R-Codes Volume 1 ~~and the Acceptable Outcomes in Clause 3.8.7 of the R-Codes Volume 2~~ of the R-Codes are replaced with the following:

- C5.1/C3.1 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where they adjoin vehicle access points where a driveway meets a public street and where two streets intersect; or
- C5.2/C3.2 One pier to a maximum width of 0.35m located within the truncation area. In order to minimise the obstruction caused by development in the truncation area, the wall height in the truncation area shall be a maximum of 0.75m measured from the verge height and fencing above shall be 80% visually permeable.

6 Boundary Walls

The Deemed-to-Comply provisions in Clauses 5.1.3 (C3.2 ~~and C3.3~~) of the R-Codes are replaced with the following, and an additional deemed-to-comply provision C.3.5 is introduced. All other deemed-to-comply provisions in clauses in 5.1.3 remain as per the R-Codes. :

~~C3.2 Walls may be built up to a lot boundary~~Boundary walls may be built of the R-Codes), within the following limits~~within the following limits;~~ and subject to the overshadowing provisions of Clause 5.4.2 and Figure Series 11.

- i where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;
- ii in areas coded less than R20, walls not higher than 3m for a length of 9m behind the primary street setback line specified in Table 1 of the R-Codes, to side boundaries only (excludes the rear boundary of the parent lot);
- iii in areas coded R20 and R25, walls not higher than 3.5m ~~with an average of 3m~~ up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback.
- iv in areas coded R30 and higher, walls not higher than 3.5m ~~with an average of 3m~~ for two-thirds the length of the balance of the lot boundary behind the front setback.
- v in areas coded R20 or more, boundary walls are permitted forward of the primary street setback specified in Table 1, subject to meeting the average front setback required by Clause 5.1.2.

~~vi.~~ where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development and the boundary walls are interfacing and of equal dimension.

~~C3.3 Where the subject site and an affected adjoining site are subject to different density codes, in accordance with clause 5.1.3 C3.2 of the R-Codes, the length and height of the boundary wall between them is determined by reference to the lower density code.~~

~~C3.54~~ Vertical screening structures constructed within 0.6m of the boundary which project more than 1.8m above the natural ground level are assessed as boundary walls pursuant to Clause 5.1.3 (C3.2 and C3.3) above.

~~Note: The term 'up to a lot boundary' means a wall, on or less than 0.6m, from any lot boundary, other than a street boundary.~~

Note: Boundary walls, retaining walls and vertical screening structures shall be finished to the satisfaction of the City.

~~7~~ **Street Trees**

~~There is a presumption in favour of the retention of street trees. This presumption applies to all residential development proposals. Approval will not be given for the removal of street trees unless~~

~~material planning circumstances dictate that removal, with supplementary tree replanting in accordance with Council Street Tree Policy, is the only viable alternative.~~

7 Outbuildings

The Deemed-to-Comply provisions in Clauses 5.4.3 of the R-Codes are replaced with the following.

C3 Outbuildings associated with a dwelling site address either:

- i. the standards for small outbuildings (A. Small outbuilding); or
- ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).

<u>A. Small outbuilding</u>	<ul style="list-style-type: none"> <u>(i) no more than one outbuilding per dwelling site;</u> <u>(ii) has no more than two boundary walls;</u> <u>(iii) does not exceed 10m² in area;</u> <u>(iv) does not exceed a wall and ridge height of 2.7m;</u> <u>(v) not located within the primary or secondary street setback area; and</u> <u>(vi) does not reduce open space and outdoor living area requirements in Table 1.</u>
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OR

<u>B. Large and multiple outbuildings</u>	<ul style="list-style-type: none"> <u>(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;</u> <u>(ii) set back in accordance with Table 2a or comply with the boundary wall provisions of this policy;</u> <u>(iii) does not exceed a wall height of 2.7m;</u> <u>(iv) does not exceed a ridge height of 4.2m;</u> <u>(v) not located within the primary or secondary street setback area; and</u> <u>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</u>
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Notes:

- i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.
- ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be setback in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.
- iii. There are separate building code requirements that may also apply

References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	State Planning Policy 7.3: Residential Design Codes Volume 1 State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments CP-029: Tree Policy LPP1.1 Planning Process and Decision Making LPP1.8 Crime Prevention through Environmental Design of Buildings LPP1.1 Amenity LPP1.2 Design Review Panel LPP1.5 Energy Efficiency in Building Design
Delegated Authority	DA – 020: Planning and Related Matters

ORIGIN/AUTHORITY

Ordinary Meeting of Council

20/11/2011

Item No.

P11/3248

REVIEWS

Ordinary Meeting of Council

19/11/2013

P13/3438

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15/11/2016

P16/3728

Administrative Review

(Council Resolution 18/6/2019)

M19/5691