

## Report to the Council of the City of Melville

By

The Council Reference Group (CRG)

April 11, 2022



**Recommendations on the Review of the Canning Bridge Activity Centre Plan (CBACP) based on the current CBACP and the recommendations made by the Council commissioned Hatch RobertsDay (HRD) Review of the CBACP.**

### ***The 'Inevitability' of Planning***

*".....there could hardly be a more unbearable – and more irrational – world than one in which the most eminent specialists in each field were allowed to proceed unchecked with the realisation of their ideals."*

**Adam Smith 1776 Moral Philosopher and "Father" of Economics**

## Executive Summary

Everyone agrees that the Canning Bridge Activity Centre Plan (**CBACP**) needs a thorough review – the Council, the Planning Department, JDAP, SAT, WAPC, and even the Minister have all expressed concerns.

Most importantly, the community has felt betrayed by what has been allowed to happen at Canning Bridge – an outcome completely at odds with what the community understood, and was promised, when the CBACP was first approved in 2016. The community has lost faith in the planning process for Canning Bridge and is demanding change.

Further, environmental, and social conditions have changed since the inception of the CBACP and at an accelerated rate. In an age of pandemics and climate emergencies, there is a greater focus on the need for open space, green tree canopies and the avoidance of heat islands.

We all need to focus on reforming the CBACP to achieve Outcomes 1-10 of the State Planning Policy 7.2 – Precinct Design (see Appendix A). That is the focus of this report.

### Adoption of the recommendations in this report would see:

- The achievement of the WAPC's goal for **residential density** in the Canning Bridge Precinct (**CBP**) – assuming HRD's estimate of a modest 20% take up development opportunities.
- The removal of **bonus heights** – A "maximum" of 15 storeys in M15 and 10 storeys in M10 in the current CBACP would mean maximum.
- The creation of **more open green spaces** in an area of high density that is currently not meeting the Council's guidelines for residents' access to parks, which spaces will provide improved amenity for residents and visitors, and offset heat island impacts of greater development.
- A strong focus on the maintenance and establishment of street trees, and green vegetation around developments, creating a more pleasant environment, greater biodiversity and **offsetting heat island effects of increased development**.
- More **diversity in design and delivery** of new developments through the introduction of plot ratios together with setbacks, minimum lot sizes and maximum floor sizes in towers in M10 and M15.
- **Improved integration** of the CBP into the surrounding residential areas.
- The CBACP becoming a statutory document which will take away much of the **discretion** that can apply in interpreting the CBACP – The CBACP would mean what it says!
- Assistance in **controlling traffic congestion**. We note that HRD have expressed serious concerns about Main Roads' future plans for Canning Highway. We share those concerns and recommend Council continue to be proactive in assessing and responding to Main Roads' proposed trench structure through the CBP.
- Last, and perhaps most important, we believe the **community** would welcome and endorse these changes, as they would go some way to restoring the community's faith in the planning process.

**We commend the report and its recommendations to Council and ask that Council adopts our suggested changes and uses the report to seek public feedback from the community.**

## A. Introduction

The City of Melville CBACP is required to be reviewed periodically. In early 2020, Hatch Roberts Day (HRD) were appointed by the City of Melville as the consultants to conduct the periodic review. HRD consulted with the community and other stakeholders and a draft report was prepared and submitted in late 2021. Prior to deciding whether to adopt the HRD draft report as submitted, Council resolved that a CRG (involving members of the community) be given the opportunity to conduct a review of the draft HRD report and provide comments on whether the HRD draft report should be accepted as submitted or whether Council should consider any changes.

The CRG have conducted their review of the HRD draft report and have formed the view that several significant changes are necessary to ensure that the CBACP not only delivers on the target densities within the required timeframes, but also maintains and improves the amenity of the area and avoids over densification and further traffic congestion.

A starting position for reviewing the proposed changes is to use as a reference, **State Planning Policy 7.2 – Precinct design (Policy)** which became operational on February 19, 2021. The Policy lists 10 desired outcomes that can be used “to guide discretion in policy application and provide a basis for its evaluation”. The 10 outcomes are listed in Appendix A.

A review of what is currently happening under the current CBACP against those Policy desired outcomes highlights the need for reform of the CBACP. While, possibly all outcomes are being compromised by the approach to the current CBACP, to keep this as brief as possible, the focus will be on outcomes 1, 2, 3, 4, 6, 8, 9 and 10 – see next section.

Before assessing the current state of Canning Bridge Precinct (CBP) against those outcomes there are four other preliminary points that need to be made:

1. The CBACP has fundamentally failed to meet the expectations that the community held when the CBACP was first approved. There is now a lack of faith and confidence in the planning process, particularly where planners have the capacity to exercise discretion. A key objective of any reform to the CBACP should be to restore confidence and certainty in the planning process. The policy needs to be able to deliver what it promises.
2. Environmental and social conditions have changed since the inception of the CBACP and at an accelerated rate. In an age of pandemics and climate emergencies, there is a greater focus on the need for open space, green tree canopies and the avoidance of heat islands. The recommended changes listed below address these issues.
3. There is some suggestion that the debates around Canning Bridge are between those opposed to greater residential densification and those who support increased densification. The changes proposed in this submission are not against densification. It will be shown that residential targets set out in the summary of the CBACP can be met without bonus height provisions. It is about sensible development that enhances, rather than destroys the existing character of Applecross and Mount Pleasant.

(We note that the current CBACP target does not consider the burgeoning increased density arising from several other new activity centres in the City of Melville, including the Riseley Street Activity Centre, Westfield Booragoon Apartment Developments, Kardinya Activity Centre Plan, Willagee Activity Centre, Murdoch Activity Centre and Hospital Precinct, and others to follow, such as in Palmyra and Bullcreek. These will assist in the City of Melville meeting its density targets.)

4. We welcome those changes recommended by HRD which do address community concerns (for example, the introduction of plot ratios, setbacks, and clarity around what constitutes a storey), but are strongly opposed to some which are clearly inconsistent with community expectations (for example, the continuation of height bonuses in M10 and M15 and the establishment of an M15+ area). We oppose any proposed HRD changes that would be inconsistent with the recommendations in this submission.

The below review of the CBP against State Planning Policy 7.2 will be followed by our recommended changes to the HRD review of the CBACP.

## **B. How does the CBP measure up against State Planning Policy 7.2 – Precinct Design Outcomes**

***Outcome 1: “The precinct design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. New development is integrated into its setting and responds positively to the intended future character of an area.”***

**Assessment:** Perhaps the biggest community concern is how developments at Canning Bridge are not enhancing or reflecting the distinctive characteristics of the local area, but rather are detracting from, not contributing to, a sense of place. There is no integration, developments are haphazard, uncoordinated, and there is no overall plan that considers access to open space, the protection of green canopy, the avoidance of heat islands, or the need for infrastructure (particularly provision for traffic and parking). As one example of the lack of overall planning, CBP is the one area in the City of Melville that does not meet Council guidelines on access to public parks, and yet it is destined to have the highest residential density.

***Outcome 2: “Development within precincts integrates landscape design that enhances sustainability outcomes and contributes to community wellbeing. The local environment is enhanced through the: • protection of water and soil resources • retention and/or enhancement of the green network • protection and/or restoration of fauna habitat, where appropriate • consideration of microclimate and urban heat island impacts.”***

**Assessment:** Because of the haphazard, developer-led, way the CBAC is being developed, with a lack of an overall plan – particularly with respect to “retention and/or enhancement of the green network” and consideration of “microclimate and urban heat island impacts” – it is strongly arguable that sustainability outcomes in this area are being seriously compromised, rather than enhanced. There is currently a lack of public open space, a very real risk to mature street trees (which in part define the character of Applecross) based on nil setbacks and possible future road plans (e.g., Forbes Road,) and large concrete podiums that are creating heat islands.

***Outcome 3: “Built form height and massing (bulk and scale) across the precinct is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area. Buildings are suited to their purpose, contribute positively to the character of the public realm, and provide good amenity at ground level.”***

**Assessment:** The fact that this outcome is not being achieved is very apparent and this failure is behind much of the strong community concern about what is being allowed to happen in the CBP. When introducing higher density into what has been a residential community, this outcome needs special attention. There are serious concerns about how the CBP is being integrated into the residential areas of Applecross and Mount Pleasant. Three examples are as follows:

- (i) In Mount Pleasant the CBAC boundary runs between houses making a very abrupt and unsatisfactory change in built form; and
- (ii) The excess bulk and scale (made possible by height bonuses) of The Precinct and Sabina both detract from the “character of the public realm” and fail to “provide good amenity at ground level” – this is clearly evidenced by the lack of “vibrancy” around these two developments. In many cases, the approval of bonus heights based on community benefits has been of little or no value at all to the community and has exacerbated the negative impact of the form of those buildings on the character of the area. They have not been responsive to existing built form, nor have they contributed positively to the character of the public realm; and
- (iii) The extremely bulky five storey developments in the H4 zone of Macrae Road and Kishorn Road, Applecross.

***Outcome 4: “The precinct design facilitates development that meets the needs and expectations of the community and provides for change over time. Required services infrastructure is integrated in a manner that mitigates amenity impacts. Development considers the intended full lifecycle and is robust, resilient to wear and easy to maintain over time.”***

**Assessment:** The CBACP has fundamentally failed to meet “the needs and expectations of the community” – to the extent that there is now a serious lack of community trust in the planning process. The CBP surrounds one of Perth’s major traffic bottlenecks and, with increased densification, this problem will only get worse. The lack of overall planning (with planners currently assessing traffic impact on a development-by-development basis) is a major cause for concern, including the uncertain future of Canning Highway (see later comments under recommendations). The issue of traffic congestion on both sides of Canning Highway is serious and will potentially stifle the area and can no longer be ignored.

***Outcome 6. “The precinct design provides for comfortable public spaces that encourage physical activity, enable a range of uses and are accessible to all.”***

**Assessment:** As stated above, this is a major failing of the CBACP as it is currently being implemented. Apart from narrow river frontage (which itself needs protection to satisfy Outcome 2), there are no public open spaces in the CBP. In an era of pandemics and climate emergencies this is a critical failing which needs remedying in the current review. The CBP is the one area in the City of Melville that fails to meet the City’s guidelines for access to public parks, and yet access to such parks are an even higher priority in high residential density areas. So-called public areas, such as rooftop gardens, on the top of podiums are not, and have not been, a satisfactory substitute.

***Outcome 8: “Planning and development optimises safety and security within precincts by: • maximising opportunities for passive surveillance • integrating safety requirements in manner that does not compromise intended uses • following Crime Prevention through Environmental Design (CPTED) design principles.”***

**Assessment:** The current character of the CBP is stark and sterile (some describe it as ‘soulless’). This does not encourage people to linger and spend time in the area, which would be a major source of passive surveillance. With some exceptions, the long-vacant and high vacancy rate retail space is dominated by takeaway food stores which do not encourage people to stay in the area. Contrast the CBP with the vibrant Applecross Village on Ardross Street, which is tree lined and has mixed retail outlets, as well as numerous well frequented cafes and restaurants. It is also a well-known ‘family’ and ‘dog friendly’ area that attracts a broad range of people from the community. Without an inviting environment in the CBP, there will be very limited “passive surveillance”, and safety and

security will continue to be a challenge, particularly while the area goes through its transition (which could take another 10-15 years).

***Outcome 9: The precinct design provides for development that responds to local community needs and the wider social context by delivering an appropriate mix of land uses, dwelling types and public spaces.***

Assessment: Local community needs are not being met, including serious concern around the quality of some of the largest developments that have been built. An example, “The Precinct” is supposedly an “exemplary” design situated on a designated “iconic site”. This is not a view shared by the vast majority of the community. The Precinct is a lesson that must be learnt, because it represents an extraordinary opportunity that has been lost to the community for generations to come. This ‘iconic site’ could have been utilised as a role model of how to satisfy Outcome 1. Instead, it is a prime example of what can result from the consideration of proposed new developments on a stand-alone basis in the absence of an overall coherent plan that works to meet the Precinct Design Outcomes specified in Planning Policy 7.2. See also above for comments regarding an appropriate mix of “public open spaces”. An “appropriate mix of land uses and public spaces” has not been achieved because there is an evident absence of public open space, notably green open space, in the CBP.

***Outcome 10: “The precinct is attractive and inviting, with a coherent identity and cultural relevance. The scale, arrangement, articulation and material quality of buildings and spaces together create a high level of amenity.”***

Assessment: This outcome has clearly not been achieved. It is a clear fail. See comments above or ask any member of the community in Applecross or Mount Pleasant. The lack of an overall plan and consequent incoherence in the developments, the low quality of many buildings, the absence of public open space, the scarcity of commercial tenants, the negative impact on a traffic bottleneck that is already under pressure, and the lack of appropriate integration into the surrounding residential areas are all contributing to an outcome inconsistent with both Outcome 10, but also completely inconsistent with the community’s expectations when the CBACP was first approved. To date nothing of a cultural nature has been added to the CBP.

The next section contains the CRG recommendations in four categories – recommendations relating to the CBACP (but outside the review), major recommendations, other important recommendations and HRD recommendations endorsed by the CRG.

## **C. Recommendations for Council to consider in light of the CBACP**

### **Review:**

**C1. The CBACP should be gazetted as part of LPS6 as a statutory document and should not be a due regard document.**

As highlighted above, a major concern is that the way the CBACP has been interpreted has led to the community feeling betrayed and lacking faith in the planning process. What was explained to the community at the time the CBACP was endorsed is not what has been delivered. The change in status will require the provisions of the CBACP to be strictly followed and remove the exercise of discretion.

**C2. Council should commit to developing its current land holdings at Moreau Mews and Kishorn Road in Applecross; and at 13 The Esplanade and 64 Kishorn Road, Mount Pleasant for public open space as soon as possible. Further, Council currently has a reserve account that is funded by increased rates generated by the increased density in the CBP. Council should commit to investing**

**those funds in the public realm in the CBP with a focus on developing pocket parks (in addition to the council-owned land mentioned).**

The current lack of an overall plan for Canning Bridge means developments are being done in a haphazard way with no provision for public open space, pocket parks and playgrounds. While the City of Melville has pencilled in a piazza, this needs to be locked in so residents and ratepayers have confidence that it will be delivered. Council is benefitting already from increased rates from Canning Bridge and this needs to be reinvested for community benefits such as pocket parks and playgrounds

**C3. Council should immediately give priority to discussing with Main Roads the future of Canning Highway and ways to ameliorate the adverse impacts of increased densification on what is already a major Perth Traffic bottleneck.**

HRD have advised Council that “...we consider the (Main Roads) plans for Canning Highway....to be alarming and a major risk to the future of this precinct.....The risk to the community of a trench running through the precinct is difficult to overstate.” We agree that a trench on Canning Highway will have a major adverse impact on the amenity and integration of the CBP as well as being a major contribution to creating a heat island. We doubt it will resolve an obvious traffic bottleneck.

All options should be explored. For example, consideration of the City approaching Main Roads to build an extra lane on the northern side of Canning Bridge.

Currently, traffic travelling east on Canning Highway is stopped by the lights at the junction of Kintail Road/Canning Beach Road and Canning Highway. In peak hour this causes a bank up of traffic on Canning Highway that stretches back many kilometres and has caused Main Roads to propose a trench down the middle of Canning Highway which will provide a traffic light free run from west of Riseley Street up to the traffic lights at the western end of the Canning Bridge interchange. Traffic travelling to the City via the Kwinana Freeway will take the slip road before the traffic lights and that will clear a large proportion of traffic.

Traffic travelling further east on Canning Highway or travelling south on Kwinana Freeway will have to negotiate the two sets of lights on the Canning Bridge interchange and will still bank up.

The above Main Roads proposal will also result in the closure of Kintail Road and Canning Beach Road at the intersection with Canning Highway. Traffic from or to Applecross will need to enter Canning Highway at Sleat Road, or maybe Reynolds Road or Riseley Street depending on where bridges over the trench or slip roads onto the above ground section of Canning Highway are provided. HRD have advised that the negative impact of the proposed trench on the CBACP cannot be overstated.

Keeping Kintail Road and Canning Beach Road open to a slip road that has access to the northern entry to Kwinana Freeway will take most of the pressure off that intersection and if in peak hour, traffic is not allowed to turn right off Canning Highway into Kintail Road or access the lanes that travel east on Canning Highway, the traffic on Canning Highway will not have to stop at this junction. The slip lane will merge on the Kwinana Freeway so that both streams of traffic can maintain a steady flow.

The cost of the extra lane on the bridge will be far less than the costs of a trench and have a far less adverse impact. No matter what is done to Canning Highway, the choke point is the Canning Bridge itself and more so the Canning Bridge interchange. The choking of traffic

starts at that point and unless that is addressed, getting to the choke point faster will only make the problem worse. The “smart freeway” system has recognised that slowing down the input allows traffic to flow better. The open trench and the consequent closure of Kintail Road/Canning Beach Road is detrimental to the CBACP and residents.

## D. Major Recommendations

### D1. Completely remove any bonus height provisions

The West Australian Planning Commission (WAPC) has recommended that in reviewing the CBACP, a built form study is essential.

Urban Design Guidelines for Victoria, published by the State of Victoria (Australia) in 2016, defines built form as: The height, volume and overall shape of a building as well as its surface appearance.

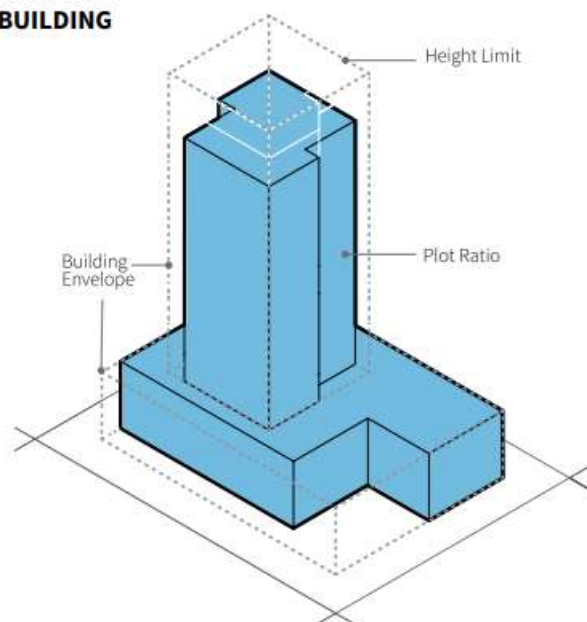
**State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments**, provides that “Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.”

Building massing controls are the combined effect of the arrangement, volume and shape of a building or group of buildings. They apply to the bulk and arrangement of built form within the building envelope, governed by: — plot ratio, — building depth and — building separation.

The way a building is arranged on its site is particularly important for larger buildings. Site size and geometry, topography, and configuration in relation to adjacent streets, open space and other buildings are important considerations. Massing is also a significant factor in passive heating, cooling, and daylighting, with successful massing using the shape and size of the building to optimise climatic performance and reduce energy demand.

Building envelope controls establish a three-dimensional boundary within which development may occur, defined through combination of: — building height, — street setbacks, and — side and rear setbacks

#### PLOT RATIO AND BUILDING ENVELOPE





NOTE: The building envelope is determined by the Lot size and shape, applicable prescribed setbacks and height limits. The Plot ratio determines and may limit the built form within the building envelope. Design features may further reduce the built form within but cannot exceed the building envelope.

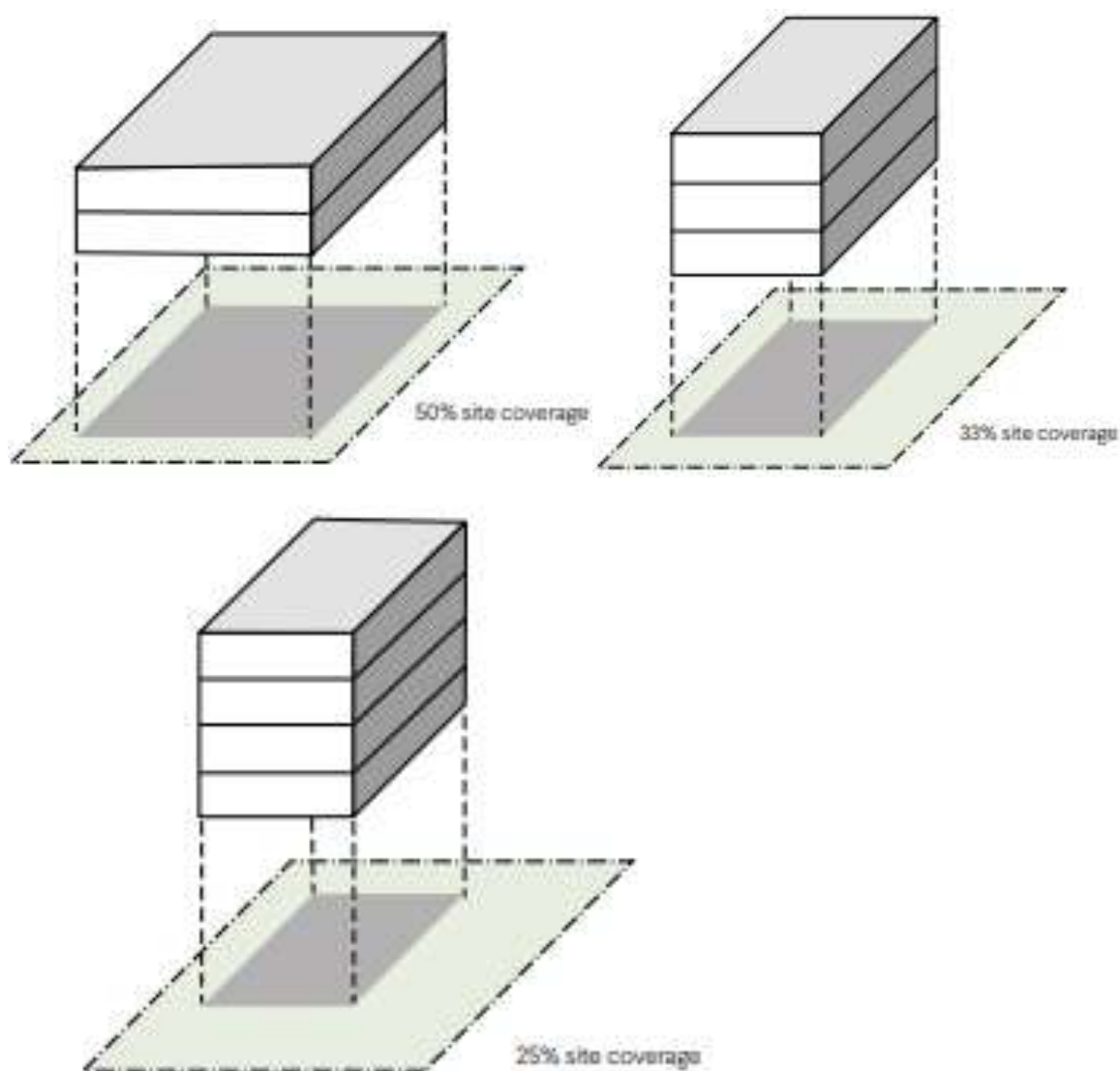
## Built Form and Building Envelope



**Figure 2.1a** The final built form will usually differ significantly from the building envelope, due to plot ratio constraint as well as necessary articulation of building for light, ventilation, open spaces and circulation.

## Plot Ratio

**Plot ratio** is the method of establishing an allowable volume of development within the 'container' of the building envelope. It is the ratio of the floor area of a building expressed relative to the site area and sets the building massing for a development site.



**Figure 2.5a** Indicative different built form massing for apartment buildings with a Plot Ratio factor of 1.0.

### The Built Form pre CBACP

Prior to the introduction of the CBACP the built form in the CBP area mainly consisted of single residential houses, a nominal number of two to four storey residential apartment blocks and a nominal number of four and five storey commercial office developments which in Applecross, were located along Canning Highway and Forbes Road and in Mount Pleasant, along the Esplanade and between Helm Street and Canning Highway. The heritage buildings in the CBP are primarily the Raffles Hotel and the Tivoli Theatre on Canning Beach Road.

In respect of **State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments**, recommended approach that “Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.”

The CBACP makes no attempt to negotiate between existing built form and the intended future character of the area. Instead, the CBACP mandates a transition from low density to high density. That is, where existing low density is demolished, it can only be replaced by high density. Owners of single residential properties are not allowed to demolish an existing single residential property and build a new single level residential property within the CBACP area. This mandate has resulted in a drastic reduction of the value of single residential properties because the property can no longer be marketed as a single residential property without restrictions on re-building. The property is reduced to Lot value only as improvements such as the house are not of any value to developers.

In practice therefore the existing CBACP has failed to give proper consideration to the impacts upon the residents of the area, the amenity of the area or the infrastructure particularly the capacity of the local roads and Canning Highway to cope with increased traffic.

An example of the impact of the CBP high rise development next to existing low rise residential units and the impact on the existing residents and marketability of their properties is evident from the picture below. These properties will not attract residential owners who are interested in purchasing a property to live in. The only potential buyers are developers and the improvements on the land are of no value to a developer, so the properties have been effectively devalued to land value. This complex has been on the market for sale for some 3 years with still no sales effected, thus creating a negative ghetto effect of abandoned housing and stranded assets.



**The Built Form after the introduction of the CBACP**



The primary objectives of the CBACP in order of priority are to increase density by 4279 additional dwellings, provide affordable housing, maintain the amenity of the area, and reduce reliance on individual transport by having mass transport systems easily accessible to residents.

### **Increase in density**

A review of the built form of developments that have been approved and constructed or partially constructed because of the introduction of the CBACP shows a collection of flat topped hi-rise towers not dissimilar to the residential featureless towers in Hong Kong and Singapore.

If the CBACP is not significantly amended and the current bonus heights are retained the entire skyline will be filled with equally high featureless buildings.

The following developments have been approved and fully or partially completed.

**M15 zone** – A total of 850 residential dwellings and approximately 15 commercial units across three developments which are, one 20 Storey development with two towers, one 22 Storey development in a single tower and one development with 2 x 26 Storey towers and one 30 Storey tower. That is, every development so far exceeds the zoned height of 15 Storeys in a range from 50% and above in five of the six towers and is double the height zone in one of the six towers. The alleged community benefits that have been provided for these bonus storeys are almost exclusively largely underutilized and unwanted community meeting rooms and end of trip public showers and bicycle parking facilities.

**M10 zone** – 357 residential dwellings and approximately 6 commercial units in four developments ranging from one 6 storey development because the Lot size does not meet the minimum Lot size for a 10-storey building, one 13 Storey development, one 15 Storey development and one 16 Storey development. Again, apart from the development on the small Lot, each of the other developments have been granted bonus heights for similar community benefits as in the M15 zone.

**H6-8 zone** – 98 residential dwellings in two developments where in each case setbacks were varied to provide extra floor space.

**H4 zone** – 94 residential dwellings in 4 four-storey developments and 2 five-storey developments.

Based on the land area allocated to each zone and the rate of development that has actually taken place, it is calculated that if the same development rate is maintained the number of residential dwellings will exceed 12,000 which around three times the initial CBACP target density of 4279.

The height, volume and overall shape of each development in the CBP as well as their surface appearance can at best be described as ordinary, with straight towers and no redeeming features.

### **Affordable Housing in the CBACP**

The median price for a 3-bedroom, 2 bathroom home on a single residential lot with its own garden and open space is \$465,000 in the Perth suburb of Piara Waters. These homes are not subject to additional strata fees and Local Government (LG) rates and charges are in the vicinity of \$2500 per annum.

In contrast, single bedroom apartments in a CBP development are on sale from \$465,000 to \$579,000 and higher, plus LG rates and charges of upwards of \$2,000 pa, and annual strata fees of another \$1726. The objective of providing affordable housing in the CBP was never based on reality due to the high costs of the land, plus the high cost of development on land near the river foreshore with water drainage and deeper foundations being required for high rise buildings.

Had these same developments been constructed in the southern or southwestern areas of the City of Melville, the objective of affordable housing may have been achieved. However, due to the high purchase and ongoing costs, one-bedroom apartments are not selling in the CBACP and almost all developers are no longer including one-bedroom apartments in the development plans.

The CBACP mandates a minimum 20% of one-bedroom apartments in every development. As developers cannot sell one-bedroom apartments, this condition must be reviewed, thus placing the objective of affordable housing even further out of reach.

Removing the objective of achieving affordable housing in the CBACP and moving that objective and associated dwelling quota to another area in the City of Melville such as Bullcreek, where that objective would be more achievable, would allow developers in the CBP to use the space that would be allocated to one bedroom apartments to build larger apartments or more two and three bedroom apartments and that would generate greater profits and provide greater incentive to develop and would reduce the number of dwellings that need to be built in the CBP as well as having the benefits of reducing congestion and traffic in the CBP.

The current difference in price between a one bed and a two bed apartment ranges from a minimum of \$100,000 to over \$250,000 and between a one bed and three bed can be over \$1 million in difference in the same development complex.

On the assumption that 20% of dwellings already built have been one bed apartments that would equate to 279 of the total of 855 required from the target of 4279 dwellings. The target number of dwellings in the CBACP could be reduced to 3703 being 4279 minus 576. At the same time because the quota has been moved to another development centre in the City, the overall target of increased dwellings required by the WAPC in the City of approximately 18,000 will be easily achieved and exceeded.

### **Maintaining the Amenity of the CBP**

The CBP is desirable not only because of the proximity to the river, but also because of the tree lined streets and tree covered properties. Advertisements for sale of properties in the new high-rise developments focus on the green streets and tree covered suburbs. At the same time, each new development completely clears a formerly tree covered site and replaces the trees with a concrete tower. Green walls have proved unsustainable and deep root planting on roof terraces have also been unsuccessful wherever it has been tried, because the weight of the tree increases as it grows larger, watering the tree causes water seepage and the roots of the tree penetrate the concrete walls and flooring supporting the tree and create cracks, water leakage into the ceilings of the floor below and risk of collapse as the tree increases in size and weight.

Trees that can best provide cooling and combat climate change are too big and heavy for rooftop planting and therefore the trees that may be planted on a rooftop are only token and cosmetic.

The mass removal of trees, plus the need to remove street trees due to road widening to accommodate extra traffic, is destroying the amenity of the area rather than maintaining the amenity or improving the amenity. The reality is that an urban residential area is being converted to high rise with the associated heat island effect.

### **Reducing reliance on individual transport**

The CBP is located within what has been claimed as a reasonable distance from mass transport systems. These systems are bus transport along Canning Highway, a solitary bus route that travels up and down Kintail Road; and a train station located across the Canning Bridge in the middle of the Kwinana Freeway.

Bus stops are located on Canning Highway and Kintail Road. During peak times, buses travelling to the City are usually full with standing room only, because the CBP the last bus stop before the bus enters the freeway and the bus has been picking up passengers along the route from the Bus stations at Booragoon or Fremantle. Buses leaving the City are also generally tightly packed and the first stop after the Freeway is the Canning Bridge train station and then the CBP.

The train station is another planning fail. The train station is only accessible by walking or by Bus. Being dropped off by vehicle is dangerous, as traffic is heavy and stopping is not allowed. If by Bus, the Bus must be caught on Canning Highway or Kintail Road for a short ride across the Canning Bridge and buses are allowed to stop and drop off passengers at the train station.

Walking to the train station involves walking across the very narrow footpath on Canning Bridge, where speeding cyclists also ride, and along part of the foreshore and through a tunnel to access the train station. The walk is uncovered and in summer the sun and heat are prohibitive. When it is raining the walk across the bridge is very difficult. In addition, the walk along the foreshore is lonely and unlit at night and can be risky. Walking directly to the train station along Canning Highway is not legally possible as there are busy parts of roadway with no pedestrian crossings that need to be traversed.

Regardless of what may be planned for the future, the location of the train station across the Canning Bridge isolates the train station from the CBP and makes access difficult, particularly for people with mobility disabilities. In addition to the access difficulties for both the train and bus systems, the advent of the COVID pandemic and its ongoing presence have required the State Government to mandate social distancing and controls on large numbers in confined spaces.

The objective of social engineering to reduce individual transport usage and increase mass transport systems may now be medically unattainable and irresponsible. The vision of large numbers of

residents preferring to catch a bus or walk across the Canning Bridge to the train station in inclement weather is a worthy vision, but unrealistic and not practically achievable.

### **Reasons for deleting the Bonus height provisions in the CBACP**

Climate change, COVID, the growth of other activity centres in the City of Melville, and the reasons cited above all dictate that the CBACP provisions require a hard pruning to achieve some of the original objectives.

The built form study of the actual developments (see **Appendix B**), as minimal as it is, does cover the entire number of developments in the CBP and cannot be disregarded. This study clearly shows that the target number of dwellings will be exceeded by three times or more if allowed to progress at the current rate unchecked.

A calculation of the area of land allocated in the CBACP to each zone, taking into account:

- Recommended plot areas; and
- Recommended changed Front, rear and side setbacks; and
- Resultant building envelope; and
- Height limits as specified in the CBACP without bonus heights; and
- A maximum tower footprint of 900sqm (multiple towers where Lot size allows); and
- Currently mandated minimum percentage of one-bed, two bed and more than two bed apartments per development.

shows that the target level of 4279 dwellings will be met, or slightly exceeded, on a less than 20% probability of sites being developed, being the percentage referred to by Hatch Roberts Day. (See **Appendix C**) for a brief description of this analysis).

The methodology employed to calculate the dwelling numbers that will be achieved in the CBP if the recommendations in this report are accepted and applied is as follows:

1. Determine the total area in square metres allocated to each zone in the CBACP.
2. Determine the number of Lots in each zone based on the minimum Lot size applicable for the zone and on a probability that only 20% of these Lots in each zone will be developed.
3. Determine the dimensions and shape of the site based on the minimum applicable Lot size for the site and CBACP zone.
4. Determine the dimensions of the building footprint for the site after applying the prescribed setbacks for the area.
5. Determine height limits and setbacks or other controls applicable to levels above the ground floor footprint. This establishes a three-dimensional building envelope.
6. Apply the applicable plot ratio to the building envelope to establish any further limitations on the size, height or shape of the built form that may be constructed on that site.
7. Apply the prescribed apartment mix for example currently 20% One Bed, 40% Two Bed etc. based on the Residential Design Codes minimum recommended apartment sizes to the available floor space as determined by the Plot ratio or building envelope whichever is the lesser.
8. Calculate the number of dwellings for one building site per zone based on application of the above criteria. Apply that number to the number of sites as determined in 2 above.

As 1399 dwellings have already been built or approved and in the process of being built, the target number remaining is 2880. That number could be further reduced by 576 if the one bed quota is transferred to another centre in the City. That means that the CBACP needs another 2304 to reach the target number. However, even without the 576 reduction, the calculations based on the above methodology shows that it only requires a 18.5% probability of development being undertaken, to achieve a target of 2885 and that number of dwellings will only require the approval of the following number of developments on minimum size Lots:

M15 – 9 Sites/developments; and

M10 – 10 Sites/developments; and

H6-8 – 3 Sites/developments; and

H4 – 14 Sites/developments.

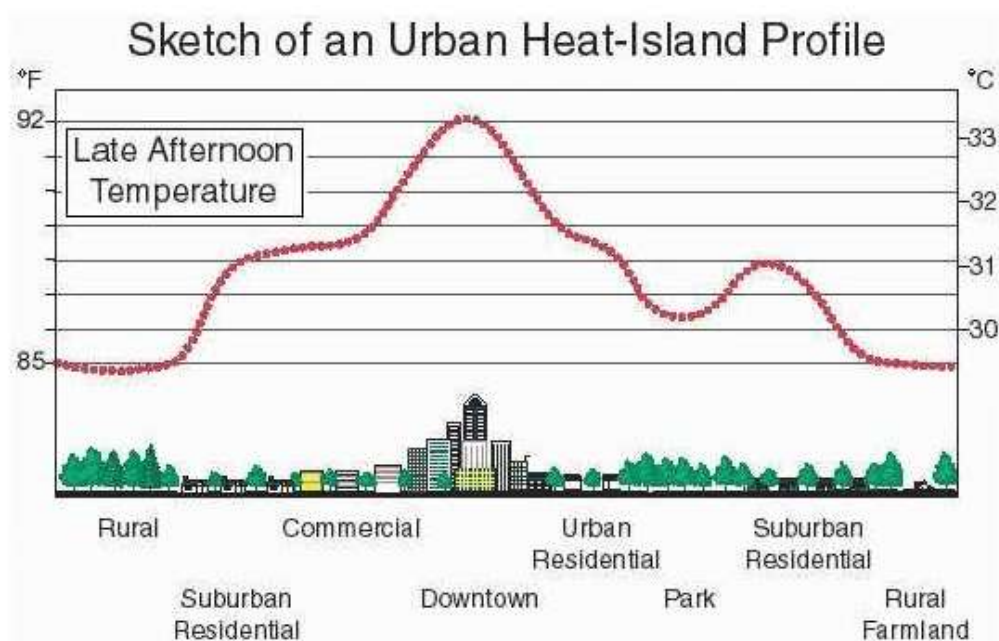
NOTE: The use of a 20% or less probability of development means that if the CBACP area is ultimately 100% developed the final dwelling numbers will potentially be five times more.

The housing affordability analysis shows that developers will not progress with development if the market for one-bedroom properties does not change or if the mandate to include one-bedroom apartments as a minimum percentage of a development remains in force. However, regardless of any change, affordable housing in the CBACP was never a realistic objective and should be abandoned.

Climate change mandates a re-consideration of the level of mature trees that are removed from a site, and which have not been replaced with equally mature trees. That means that ground level open space on development lots are critical elements that must be retained. That also means that plot ratios and front, rear and side setbacks that can provide spaces for tree planting and optimal tree canopy growth conditions are vital planning requirements.

The sketch below shows the heat island effect of high-rise buildings in relation to a suburban area. The critical difference is the absence of trees in the built-up area and the masses of concrete which absorbs and retains the heat and releases the heat over a longer period thus increasing and maintaining heat over longer periods of the day.





The mental health impacts of COVID upon the community and being locked within high-rise apartments with no access to open space cannot be ignored. The CBP has the least level of access to parks within the City of Melville and will have the highest concentration of residents per square metre. It is therefore vital that City owned open spaces such as the properties in Moreau Mews and Kishorn Road, Applecross; and 13 The Esplanade and 64 Kishorn Road, Mt Pleasant are immediately set aside for permanent use as public open space, piazzas and parks.

It is also vitally important to limit the height of buildings so as to limit the heat-island effect and make it easier for residents to access open green space at ground level. Also, there is no reason to exacerbate the problems of over densification, traffic congestions and adverse climate conditions when the principal targets can be achieved without additional bonus heights.

## **D2. Amalgamation of lots**

**(a) In determining Lot size for the purposes of the application for development, any areas of a lot that are subject to PCA or Main Roads reserves must be excluded from the amalgamation and calculation of the Lot size available for development.**

**(b) Where Lots are amalgamated the resulting single Lot must be treated as having all the restrictions that applied to all and any of the individual Lots prior to amalgamation. For the purposes of clarity, when an application is submitted whether an amalgamation has been completed the application must be considered as though the amalgamation has been completed.**

**(c) Stranded Assets. Where Lots are proposed to be amalgamated to create a single or “master Lot” of a sufficient size to meet the minimum Lot size requirements in the M15 or M10 zones, the development application should not be able to be considered under the CBACP if it is reasonable to conclude that a stranded asset may be created. Developers must include the potential stranded asset in the amalgamation and creation of the single or “master Lot.”**

Under the current provisions of the CBACP, bonus provisions apply when any land that is subject to PCA or Main Road reserve provisions are ceded free of charge to the relevant authority for use as a roadway. In these cases, the JDAP has included the ceded land as part of the calculation of the minimum Lot size and in particular instances e.g., Forbes Residences, the actual Lot size on which the development is built, and which remains in the ownership of the development is less than the minimum Lot size prescribed by the CBACP provisions.

With the removal of the bonus provisions, this provision is no longer applicable, however the PCA and Main Road reserves still impact on the Lot size and for the avoidance of uncertainty, the exclusion of these reserves from Lot size calculations needs to be clearly stated.

In the M10 and M15 areas a development application requires a minimum Lot size to qualify for development approval to the specified height limits. Where an application is made which contemplates that several Lots will be amalgamated to create the minimum or required Lot size, the application may be and is generally submitted prior to formal amalgamation. Certain Lots in the M10 and M15 zones have had restrictions placed on, for instance, Lots adjacent to the H4 or H6-8 zone. On amalgamation the JDAP have placed the same restrictions only on the development sited on the area of the previous individual Lots and not equally on the whole of the amalgamated Lot.

As the restriction applies to the Lot adjacent to the H4 or H6-8 area and not the buildings and the application is for development on the amalgamated Lot, not each individual Lot, the application of the restrictions only to the development on Lots that no longer exist is an incorrect result. Clarification of these provisions will avoid such errors.

Stranded assets are those properties which when adjoining Lots are amalgamated and developed will isolate a Lot which is too small to be developed to the requirements of a particular zone. For example, in the M10 zone the minimum Lot size for development to the height limit of 10 storeys is 1800 sqm. Where a developer has accumulated a number of Lots and proposes to amalgamate those Lots to create a Lot that meets or exceeds the minimum Lot size of 1800 sqm but at the same time isolates, for instance on a street corner, a Lot with an existing single residential property that is less than 1800 sqm, that would be a “stranded asset” as it cannot be amalgamated with another Lot to create a minimum Lot size for the area and consequently will never be able to be developed to the zoned height. Another example of isolation would be that instead of being isolated as a corner block, isolation would occur where there is a Lot, the size of which is under the relevant minimum size for the area, adjacent to Lots that are equal to or greater than the relevant minimum Lot size for the area. In this case future developers of the Lots that meet the minimum size have no reason to acquire the smaller Lot and that makes the smaller Lot a “stranded asset” and it is the previous development that created the stranded asset that should be required to include that property in their amalgamation.

### **D3. Introduce compensation for adversely impacted amenity on surrounding residential to be paid for by developers**

A primary and very important consideration of the CBACP is to introduce the new high-rise development while not adversely affecting the surrounding residential built form or amenity. The success of the plan is highly dependent on being able to increase dwelling density with as little negative impact as possible. Changes that have already been introduced to the original CBACP and approved by the WAPC recognised that Lots in higher density zones that are adjacent to lower density zones must be limited to maximum height

limits even in the original construction of the plan where height limits in the M15 and M10 zones were potentially unlimited.

Where the CBACP development or potential development has, or will, permanently adversely impact upon a residential property adjacent to the CBACP boundary, for example, where the boundary of the CBACP is located on the fence line or boundary of a residential property outside the CBACP and that residential property (particularly where the residential property is located on the southern side of the CBACP), would be permanently deprived of sunshine and no level of alteration to that property will alter the over shadowing or bulk resulting from a high rise development immediately on the boundary of the residential property, there is a need to seek to remedy that impact.

It would be reasonable to conclude that the saleability of the properties concerned have been adversely affected and the market value has been reduced. In these circumstances, the CBACP provisions must include and allow for compensation to be paid to the affected owners. Such compensation to be paid from developer contributions and to be assessed under a policy to be developed by Council.

**D4. H4 area on western side of Forbes Road to remain H4 (HRD recommended changing it to H8) and area on eastern side of Forbes Road to be H8 (currently M10)**

Forbes Road is a beautiful, heritage Jacaranda lined street that must be preserved. Increasing zoning/density along this street will only reinforce its destruction. Whilst HRD have pointed to Main Roads with respect to road widening, Mains Road will ultimately make their decision based on traffic flow and volume rather than the planning outcomes (such as Outcome 1).

It is strongly recommended that the eastern side of Forbes Rd be reduced to H8 to maintain residential setting of this Jacaranda lined street and provide natural height progression to H4 on western side.

**D5. Boundary on southern side of Mount Pleasant to be realigned as per Council Resolution (HRD have not recommended any change)**

This area is unduly impacted by the southern boundary of the CBACP adjoining properties of lower density resulting in unacceptable overshadowing of properties zoned R20. While HRD have suggested that the R Codes should apply to diminish this impact, there is no certainty that this will occur. There has been and remains strong community concern regarding the unacceptable overshadowing of adjoining properties that results from this southern boundary. Community support for the boundary being modified has been clearly demonstrated (as per the result of the formal community consultation process undertaken in 2021). Accordingly, there is a confirmed community expectation that this boundary be modified.

**D6. H4 to have a maximum height of 14 metres (not 16 metres) (HRD have not recommended any change to the current 16 metres)**

Several developments in H4 have included a fifth storey which has erroneously been classified as a mezzanine. This has been acknowledged by HRD. These fifth levels should qualify as storeys under the NCC. This change allows 3.5m per storey, more in line with 3.2m per storey in other zones. This is also assisted by changes elsewhere in these proposed revisions to the CBACP where “mezzanines” that cover the whole floor have been classified as storeys (as per the NCC). The H4 is a transitional zone between the H8 and the one and two storey residential zone and therefore is a mixture one, two three and four storeys. New buildings to date that are five storeys and 16m high are overly bulky and intrusive on

neighbours. Limiting the height to 14 metres will reduce the overbearing nature of new developments.

**D7. Public open space – In clause 10.9.1 of the CBACP change the 10% requirement to 20%; change the wording from “may be” to “will be”; and delete the option for cash in lieu. (This is a proposed new clause recommended by HRD. HRD recognise that there is a lack of public open space in the CBP. The CRG recommend increasing the 10% to 20% and removing the option for *cash in lieu*.)**

There is a severe lack of open space in the Canning Bridge precinct, including no wide-open space on the foreshore (unlike, for example, in South Perth). The suggested 10% open space target was devised in a past era of much less density and quarter acre lots. 20% would deliver genuine, accessible open space which would improve the sense of community and vibrancy in the precinct and community well-being. As noted above, it will also assist in ameliorating heat islands.

It would also potentially allow for small parks and playgrounds for the younger generation, including residents of the developments. The need to make this “will be”, instead of “may be”, is obvious. The lack of open space is key issue facing CBACP and cannot be replaced by a cheque book. The significant increase in housing density in the CBP makes a corresponding increase in open space that is accessible to the community at large, and for future generations, imperative.

**D8. Minimum lot sizes for H4 and H8 – 1,200sqm for H4 and 1,800sqm for H8 (HRD did not make any recommended changes in this area)**

Current CBACP recommends minimum of 1,200sqm for 6 stories and above but does not recommend a minimum lot size for the H4. This has resulted in a four-storey development being approved on a 500 sqm Lot in the H4 zone. CBACP requires a clear minimum to be prescribed for H4, so recommend 1,200sqm applies to H4. It is evident from the H4 developments to date this is a critical issue in a residential setting with numerous adjacent single-story dwellings. Revised minimum lot sizes will better cater for revised front, rear and side setbacks proposed.

The H6-8 area is the smallest area in the CBACP but the two developments that have been approved are both 8 storeys and although both sites are in excess of 2000 sqm they have still required the application of discretion to reduce setbacks. Consequently, as the current built form evidences a requirement for Lot sizes greater than the current minimum of 1200 sqm an increase of the minimum Lot size to 1800 sqm is justified.

**D9. The tower floor plate maximum of 900sqm to apply to M15 and M10 zones. Plot ratio limits fixed for each residential zone: H4 2:1; H6 3:1; H8 4:1. NOTE: This recommendation is based on acceptance of the CRG recommendation of no bonus heights and differs from HRD recommendations for reasons below. The tower floor plate maximum of 900sqm is a HRD recommendation we support.**

The plot ratios proposed by HRD would have limited the number of storeys permissible in each zone and not achieved the desired density. For example, in H4 only two storeys is required to reach the HRD plot ratio limit.

The plot ratios for H4, H6 and H8 are determined by the 6m setback on all boundaries for residential developments and the number of storeys, whereas in the M10 and M15 the plot ratios are controlled more by the tower plate of 900sqm and setbacks.

**D10. Introduce Developer Contributions**

The CBACP includes provisions for developer contributions, but these provisions have never been activated. The contributions are necessary to fund the changes in infrastructure that are or will be required because of the increased density. Failure to obtain developer contributions for future costs related to the increased development will result in ratepayers having to carry those costs.

In addition, the creation of stranded assets and assets that have been adversely and permanently affected must also be addressed and as these adverse effects have been caused by the developments the use of these funds to compensate any losses is justified.

**D 11. Use of setback areas between developments**

A minimum setback between adjacent developments of four metres each will provide a potential eight-metre-wide laneway between properties. If perimeter fencing is not allowed and instead a laneway is prescribed which has trees planted in a three-metre-wide strip on either side with a two-metre-wide paved pathway, this will ensure a level of tree cover within the CBACP area and provide shortcuts for pedestrians to move between buildings.



Flagstaff Lane East Perth





Katherine Place design concept. Image: Participate Melbourne website

For further information about the City of Melbourne's Green Your Laneway program, visit <http://participate.melbourne.vic.gov.au/greenlaneways>

## E. Other Important Recommendations

**E1. Clauses 1.1.3 and 1.2.3 and clause 1.5.3 remove “Recreation – public”. (This is a change to the original CBACP – HRD made no recommendations in this area)**

Multiple dwelling in residential areas should not contain Recreation-public facilities. Providing public access recreation areas within residential developments creates security risks as well as maintenance issues. These provisions have also been linked to the granting of bonus heights and have been overvalued and overrated. As bonus heights are not recommended this provision becomes redundant.

**E2. The last sentence in clause 3.9.3 needs to add the words “with the written consent of the adjoining owner”. Clause 3.9 is a HRD recommended addition to Q1 and Q2 in the CBACP and reduces maximum podium height, makes clear a mezzanine is a storey and provides basic controls to manage building interfaces between H4 and H8 somewhat enhancing protections for H4 zoned land. Under 3.9.3 the last sentence reads: “The setback of the building can comprise balconies and terraces with open roofed structures”. CRG recommend adding the words “with the willing consent of the adjoining owner.” With this change the CRG supports the inclusion of clause 3.9.**

To protect the privacy of residents in H4 areas.

**E3. Clause 4.10.1 Active frontages should be minimum of 3 metres and delete the words “may be varied to nil.....” in the first dot point. Clause 4.10 is a HRD recommended addition to Q1 and Q2 in the CBACP so “Front setback provisions for Q1 and Q2 (are) designated by frontage type, not by permitted building height in keeping with focus on ground plane character. This ensures street type, land use and lower floors of buildings are complementary to present a cohesive public realm. Street tree retention explicitly promoted in clause 4.10.2”. Notwithstanding this, CRG recommend a minimum of 3 metre frontages.**

The council verge on almost all roads within the CBACP are narrow making this issue critical. A minimum of 3m provides sufficient space for wide pedestrian ways, undercover areas, small trees and potentially outdoor dining. The lack of setback on the “active frontage” of the Precinct (for example) has a harsh and uninviting feel. Ardross St village on the other hand (largely due to verge and street width and presence of trees) provides an expansive and welcoming feel.

**E4. Clause 4.10.2 The words “may be” to be changed to “must be”. As noted above, this clause is a HRD recommended addition to the CBACP. The HRD clause 4.10.2 reads “Notwithstanding setback controls in 4.10.1, additional setbacks may be required to ensure the protection and retention of street trees. CRG recommend priority be given to the protection of street trees and so change “may be” to “must be”.**

By changing to “must be”, instead of the discretionary “may be”, it will become obligatory for additional setbacks to be required to ensure the protection and retention of street trees to mitigate against the climate change impacts of increased density and to retain the leafy character of mature trees in the area and heat minimisation benefits of natural shade.

**E5. Clause 5.9.3 a) side setbacks to be 4, 4, and 6 metres and under residential remove the words “or 20% of the lot width (whichever is lesser)” and delete the same words under clause 5.9.3 b). Clause 5.9 is a HRD recommended addition to Q1 and Q2 in the CBACP. CRG strongly supports this clause designed to allow greater attention to solar access, overshadowing and privacy, however, does not support zero setbacks in active frontages and, as above, believe that active and mixed frontages should have a minimum setback of 3 metres.**

Setbacks have been made consistent across zones. It is important to remember this is a residential suburb (not Hay Street Mall). Whilst active street frontages are important for engagement and vibrancy, these should not override the feeling of space and separation between large structures. In H4 and H8 there should be no carve out on setbacks due to a developer acquiring a narrow block which is not fit for purpose.

**E6. Clause 7.1 needs to add the sentence “However, in Q1 and Q2, sufficient breaks/gaps in the weather protection shall be provided to protect and/or retain street trees.” Clause 7.1 is in the current CBACP and HRD have not recommended any changes.**

By requiring sufficient breaks/gaps in permanent protection infrastructure over the footpath within the street verge close to existing street trees, the street trees will not need to be pruned or placed under the shade of the weather protection, so that the health and optimum growth of the street trees will not be compromised to make way for permanent weather protection. This ensures that the superior cooling properties of natural shade are maximised. It will also ensure the protection and retention of street trees to mitigate against the climate change impacts of increased density and retain the leafy character of mature trees in the area and heat minimisation benefits of natural shade.

**E7. Clause 10.3 Open space should mean greenery and green canopy. Therefore, in clause 10.3 remove “green walls” and delete the last sentence allowing balconies greater than 12sqm to be included. Clause 10.3 is in the current CBACP and HRD have not recommended any changes.**

Green walls should not be included the calculation of the percentage of landscaping. There is already evidence of green walls failing twice (and not being replaced) on a development in Canning Bridge (Sabina). Similarly, private balconies (greater than 12) sqm should not be included in the landscaping calculation – balconies are not communal areas.

**E8. Clause 11.5 Desired outcomes – change to 5 stars in Q1 and Q2 to equate with South Perth. Clause 11.5 is in the current CBACP and HRD have not recommended any changes.**

Given the climate emergency, there is no reason why Q1 and Q2 (in the City of Melville) should have a lower requirement than the South Perth side of the CBP. To minimise adverse environmental impact, and for consistency, a 5-star rating should be a required.

**E9. Clause 18.3, Car Parking – requirements in Q1 and Q2 to be the same as for South Perth. HRD did not recommend any changes, but the previous clause has been put in table form by HRD.**

There is already a significant parking issue in Canning Bridge. We should be encouraging, not limiting, the provision of parking facilities. The requirements in Q3, Q4 & Q5 (South Perth) should also apply to Q1 & Q2 (Melville). Cash in lieu is not an acceptable alternative to not providing parking in developments. Consideration should also be given to drop off/pick-up areas for taxis and uber and a parcel delivery parking area for each development.

**E10. Clause 18.11.2 does not reflect Australian standards. Replace with “Access and egress to and from on-site parking, from and to the street shall comply with AS/NZS 2890.11:2004 Parking Facilities Part 1: Off-street parking.” Clause 18.11 is a new clause recommended by HRD. Clause 18.11.2 as recommended by HRD provides “Access to on-site parking from the street shall provide adequate sightlines to ensure pedestrian amenity and safety is retained, including a visual truncation of 1.5m by 1.4m”.**

The Australian Standard has a significantly higher safety standard than the R Codes in terms of sight lines and flatter ramp gradients when exiting a property, reducing the risk to pedestrians. Safety should not be compromised.

**E11. Clause 21.1 “exemplary design” should be a requirement for all developments in Q1 and Q2. Clause 21.1 is in the current CBACP. NOTE: Clauses (or Elements) 21 and 22 only apply to applications for bonus heights and so would be redundant if the CRD recommendation regarding no bonus heights is accepted. Regardless there needs to be a much greater focus on quality build and design in the CBP.**

There is already significant concern regarding the quality of developments in the CBAC (including questioning of how some developments were classed as exemplary to achieve height bonuses). As discussed above, this report recommends abolishing height bonuses, and all buildings should be of a high standard.

**E12. Clause 21.4.5 should be included in element 10 for Q1 and Q2. Clause 21.4.5 is in the current CBACP and HRD haven’t recommended any changes. NOTE: Clauses (or Elements) 21 and 22 only apply to applications for bonus heights and so would be redundant if the CRD recommendation regarding no bonus heights is accepted. Hence, this requirement should be moved to Clause (Element) 10 and apply to all developments.**

Given the current climate change emergency, the Element 21.4.5 requirement for demonstration of a mitigation of urban heat island effects through the provision and maintenance of landscaping which includes the planting of mature shade trees, should be the standard, minimum design consideration for all development, including under Element 10 within Q1 and Q2.

**E13. Page 56B Mezzanine b) should be the same as the NCC Clauses C1.2 (d)(i) and (d)(ii), that is:**  
*b) (i) a mezzanine is a storey in that part of the building in which it is situated if its floor area is more than 200m<sup>2</sup> or more than 1/3 of the floor area of the room, which ever is the lesser, and, (ii) two or*



*more mezzanines are regarded as a storey in that part of the building in which they are situated if they are at or near the same level and have an aggregate floor area more than 200m<sup>2</sup> or more than 1/3 of the floor area of the room, whichever is the lesser. This section has been amended by HRD to clarify what is a mezzanine but needs further clarification.*

The CBACP states that the definition of a storey is the same as the NCC, which has always been the case. This latest review has sought to clarify some of the misinterpretations of the NCC, however there remain a number of loopholes. In the past the city of Melville has sought to dismiss the definition of a mezzanine and storey in the NCC and labelled some storeys as mezzanines and even put through an amendment to the CBACP which ignored NCC Clauses C1.2 (d)(i) and (d)(ii).

**E14. Page 58 Amendment A as amended by HRD includes clauses a)(ii) and a)(iii) that are not part of the NCC. In order to comply with the NCC C1.2 (b)(i) and (b)(ii) Storeys a) and c) should be amended as follows:**

- a. *A storey is not counted if –*
  - (i) *It is situated at the top of the building and contains only heating, ventilation or lift equipment, water tanks, or similar service units or equipment; or*
  - (ii) *It is situated partly below the finished ground level and the underside of the ceiling is not more than 1m above the average finished level of the ground at the external wall, or if the external wall is more than 12m long, the average for the 12m part where the ground is lowest.*
- b. *Unchanged, although incorrect it applies only to the South Perth side.*
- c. *Delete, covered in new a)(ii) above.*

The HRD proposed clauses, a) (ii) exclude a roof top bathroom, shower room, laundry, water closet or other sanitary compartment, and a) (iii) exclude a car park for three or less vehicles, as a storey. **NCC Clause C1.2 (b)(i)** states that only rooftop service facilities are not counted as a storey. The facilities mentioned in CBACP Page 58 Amendment A clause a) (ii) included facilities that are for public use. These facilities will have four walls, a roof and floor and are above ground level which fits the definition of a storey, albeit they may have a smaller footprint than lower storeys. The NCC does not specifically mention whether a car park for three or less cars is a storey or not. It does cover basements and partially below ground levels, such as undercroft car parking.

Also the **CBACP Page 58 HRD Amendment A clause c)** states that if a level is 50% or more below ground it is not a storey. This is not consistent with NCC Clause C1.2 (b)(ii).

(Note: the NCC does allow for individual variations from the rules within. There is a well-defined process within the NCC for assessing and approving variations. Any variation must be professionally engineered and not add to the overall risk.)

## **F. HRD Recommendations supported by CRG:**

In general, and subject to any HRD recommendations not being inconsistent with the CRG recommendations above, the CRG supports other HRD recommendations to the extent they are seeking to achieve the objectives of the CBACP in a way the community can support.

As examples, we support:

- Desired outcome 1.2 in which HRD suggest the “need to acknowledge capacity constraints of Q2, particularly in respect of traffic;

- The 6m setback for all residential developments, which specifically applies to residential zones H4, H6 and H8.
- The 12-metre separation of towers on adjoining lots and the 900sqm tower footprint in M10 and M15
- Maximum tower footprints of 900sqm in M10 and M15.
- HRD's recommendation to "Remove universal objective of continuous street frontage for all of Q1 and Q2 (the areas of the CBAC within the City of Melville). This objective is considered inconsistent with an urban setting and unnecessary for mainly residential areas."
- An improved focus on the protection of street trees (but needs to be strengthened as above).

Without going through all the HRD recommendations, the CRG is confident that if the CRG recommendations are accepted, along with HRD recommendations that are consistent with those recommendations, then the community can be confident that the CBP in the future, guided by a gazetted CBACP, is far more likely to reflect community expectations and help towards restoring community faith in the planning process.

## **G. Conclusion**

We submit these key recommendations to Council and strongly urge that they be advertised for public consultation as a part of the CBACP Review to better reflect community expectations and needs.

We thank Council for the opportunity to provide this important community input into the much-needed review of the CBACP.

## **Appendix A – Desired Outcomes under State Planning Policy 7.2 – Precinct Design**

### State Planning Policy 7.2 – Precinct Design – Operational 19/2/21

In the context of State Planning Policy 7.0 Design of the Built Environment (WAPC, 2019)(SPP 7.0) Design Principles, the 10 outcomes listed below specify the role of planning and development in contributing to the overall objectives of this policy. The outcomes can be achieved through addressing the policy measures and meeting the objectives in the Precinct Design Guidelines. They can be used to guide discretion in policy application and provide a basis for its evaluation.

1. The precinct design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. New development is integrated into its setting and responds positively to the intended future character of an area.
2. Development within precincts integrates landscape design that enhances sustainability outcomes and contributes to community wellbeing. The local environment is enhanced through the:
  - protection of water and soil resources
  - retention and/or enhancement of the green network
  - protection and/or restoration of fauna habitat, where appropriate
  - consideration of microclimate and urban heat island impacts.
3. Built form height and massing (bulk and scale) across the precinct is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area. Buildings are suited to their purpose, contribute positively to the character of the public realm, and provide good amenity at ground level.
4. The precinct design facilitates development that meets the needs and expectations of the community and provides for change over time. Required services infrastructure is integrated in a manner that mitigates amenity impacts. Development considers the intended full lifecycle and is robust, resilient to wear and easy to maintain over time.
5. Planning and development of precincts delivers a sustainable built environment through:
  - passive environmental design measures
  - water sensitive urban design
  - enhancement of the green network
  - harnessing opportunities for renewable energy sources and precinct-wide energy savings
  - adaptive reuse of existing structures where feasible
  - promotion of active and public transport modes.
6. The precinct design provides for comfortable public spaces that encourage physical activity, enable a range of uses and are accessible to all.
7. The precinct design provides for places that are easy to navigate, with clear connections, good lines of sight to key locations and a logical, intuitive layout.
8. Planning and development optimises safety and security within precincts by:
  - maximising opportunities for passive surveillance
  - integrating safety requirements in manner that does not compromise intended uses
  - following Crime Prevention through Environmental Design (CPTED) design principles.
9. The precinct design provides for development that responds to local community needs and the wider social context by delivering an appropriate mix of land uses, dwelling types and public spaces.
10. The precinct is attractive and inviting, with a coherent identity and cultural relevance. The scale, arrangement, articulation and material quality of buildings and spaces together create a high level of amenity

### Appendix B – CBACP – Built Form Study – March 2022

Address	DAP Ref	Storeys	Apartments	Commercial	Zone	Lot size m2	Name
63-63A Kishorn, 1-6/20 & 18 Ogilvie Road, Mt Pleasant	2015/659B	20	212	2	M15	4048	Cirque
3 Kintail Road, Applecross & 908 Canning Highway	2016-1455	2x 26-1x30	446	8	M15	4781	Sabina
Sleat Rd & 1001/893 Canning Highway		22	192	5	M15	5187	Precinct
Total			850	15		14016	
20-22 Kintail Rd, Applecross	2019-2	15	94		M10	2021	Grandton
55,57,57A,57B,59,61,61A Canning Bch Rd & 2 Moreau Mews	2019-41A	16 - 3 Towers	224		M10	7674	Riviere
40A,B,C Kishorn Rd & 10,12,14 Forbes Rd Applecross	2018-9/D	13	34	3	M10 R	1899	Forbes
65A Canning Beach Road, Applecross	2021-13	6	5	1	M10	512	
Total			357	4		12106	
3 Wren Street, Mt Pleasant	2018-10	8	49		H6-8	2027	
9 Wren Street, Applecross	2021-14	8	49		H6-8	2028	
Total			98			4055	
21 Kishorn Road, Mt Pleasant	2017-936	4	21			1012	
36 Kintail Road, Applecross	2017/1408A	4	16		H4	1026	
12 Tweeddale Road, Applecross	2016/1435A	4	5		H4	672	
3/8 Macrae Road, Applecross	2016-1467	4	30		H4	1353	
18A Tweeddale Rd, Applecross	2017-1238		10		H4	652	
25 The Esplanade, Mt Pleasant	2021-3	4	12		H4	1287	
Total			94			6002	
Overall Total Apartments			1399				

## Appendix C – Dwelling Built Form Controls & Dwelling Density Calculation Methodology

### DWELLING BUILT FORM CONTROLS & DWELLING DENSITY CALCULATION METHODOLOGY

Details	M15	M10	H6-8	H4
Lot Size (Min)	2000	2000	1800	1200
Setbacks F-R-S	F 3-R 4-S 4	F -3-R-4-S-4	F-6- R-6-S-6	F-6- R-6-S-6
Tower Footprint	Max 900 sqm	Max 900 sqm	N/A	N/A
Building Height Maximum	Max 15 Storeys 48m does not include roof structures	Max 10 Storeys 32m does not include roof structures	Max 8 Storeys – 26m does not include roof structures	Max 4 Storeys 14m does not include roof structures
Plot Ratio	Max 6.6:1	Max 4.5:1	Max 3.8:1	Max 1.6:1
Min Distance between Towers/Buildings	Min 12 metres on adjoining sites in the same zone	Min 12 metres on adjoining sites in the same zone	Min 6 metre set back for redeveloped sites	Min 6 metre set back for redeveloped sites
Apartment Mix	1 Bed – Min 20% Max 50% 2 Bed – Min 40% 3 Bed or more – remaining %	1 Bed – Min 20% Max 50% 2 Bed – Min 40% 3 Bed or more – remaining %	1 Bed – Min 20% Max 50% 2 Bed – Min 40% 3 Bed or more – remaining %	1 Bed – Min 20% Max 50% 2 Bed – Min 40% 3 Bed or more – remaining %
Apartment Size - Min	1 Bed – 55 sqm 2 Bed – 85 sqm 3 Bed or more 100 sqm	1 Bed – 55 sqm 2 Bed – 85 sqm 3 Bed or more 100 sqm	1 Bed – 55 sqm 2 Bed – 85 sqm 3 Bed or more 100 sqm	1 Bed – 55 sqm 2 Bed – 85 sqm 3 Bed or more 100 sqm

	Changes recommended by CRG
	In agreement with HRD
	Consistant with Residential Design Codes



**East Perth Redevelopment Project**