

Canning Bridge Activity Centre Plan

Background Information and Proposed Amendment Wording - August 2018

This information sheet provides an overview to the background and considerations in relation to the proposed changes to the Canning Bridge Activity Centre Plan (the CBACP). The proposed wording for the amendment is shown at the end of each section. The extent of actual changes to the existing wording of the Activity Centre Plan are shown **highlighted**.

Building Heights – Proposals to Include Roof Structures Within Height Calculation:

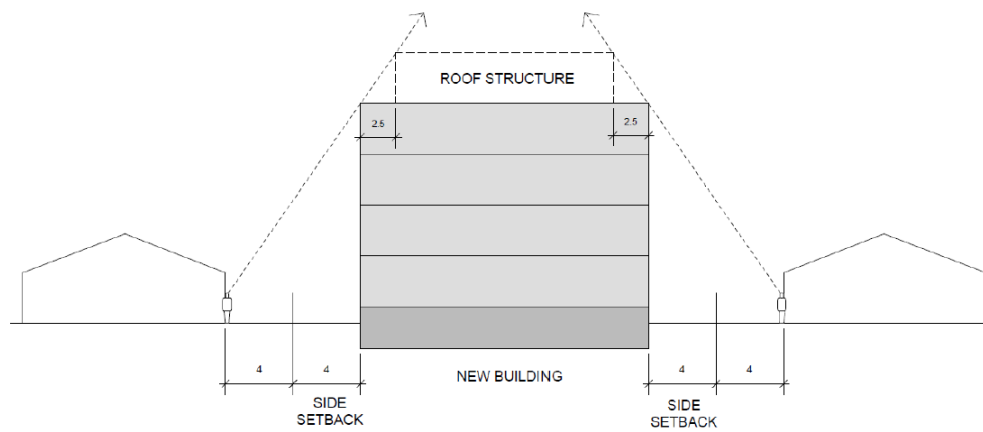
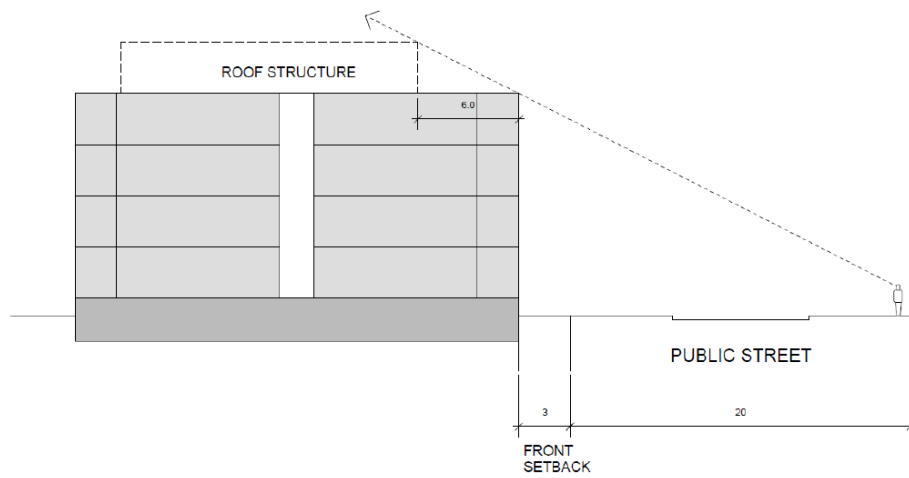
Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none">• Roof gardens and terraces provide opportunities for recreation space and landscaping for resident use.• Roof gardens facilitate water capture and reduce heat island effects.• Structures within roof top recreation areas improve the useability of the spaces.• The four storey, 16 metre height limit is aimed at encouraging generous (high amenity) floor to ceiling heights.	<ul style="list-style-type: none">• Roof top structures are adding to building bulk/height.• Use of roof top structures may contribute to issues with noise and privacy/overlooking.	<ul style="list-style-type: none">• Including roof top structures within the 16m height limit would constrain opportunities for roof top gardens and/or reduce their usability (in four storey developments).• Where roof top structures are provided, within the 16m height limit, there would be need to reduce the floor to ceiling heights within the building (in four storey developments), potentially reducing resident amenity.• Recognised that there is a need to manage the extent of roof top structures to limit issues relating to bulk and privacy/noise.

Conclusions:

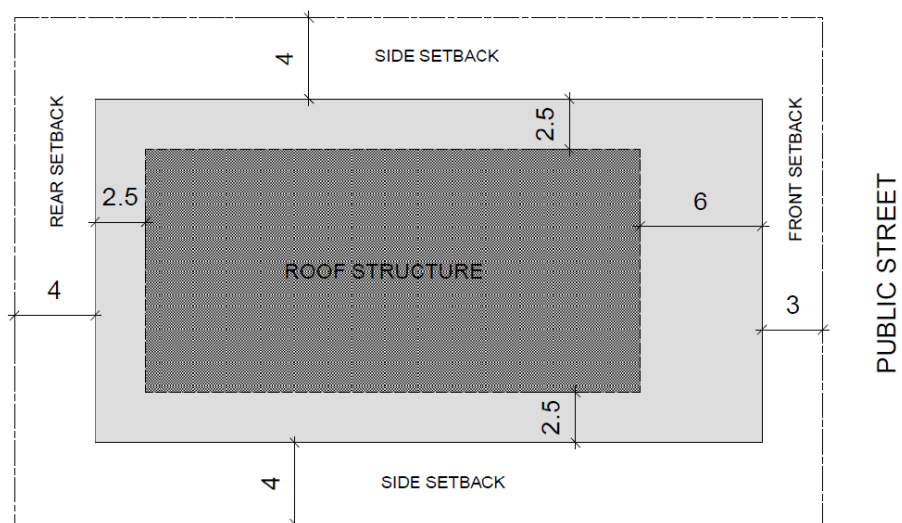
It is proposed that the impact of roof structures be managed through the following measures:

- Roof structure height limit of 3m
- Clarification that roof structures are to be open on at least three sides
- Structures to be setback 6m from building edge at street boundary and 2.5m from building edge for side and rear boundaries.
- The design of roof structures and spaces being subject to privacy provisions of Design WA (accessible roof spaces being designed, screened or setback to ensure compliance with privacy requirements).

Cross section of proposed setbacks to roof structures:



Plan View of Proposed Setbacks to Roof Structures:



Proposed Amendment – Building Height

Amend definition of Height

- 1) In metres:
In relation to a building, means the distance measured from the mean natural level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:
 - (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height; or
 - (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.
- 2) In storeys:
Does not include a basement.

Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge

Add a new clause 5.8 to page 30

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and walls shall be setback from side and rear boundaries an additional setback distance of 2.5 metres from the building edge.

Modify clause 5.7 to read: (this clause will respond to both general H4 privacy and roof terrace privacy)

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to provided with separation distance to the side and rear boundaries for visual privacy as follows:

View from	Separation distance
Bedroom, study, living area or open access walkway	4.5m
Balcony or accessible roof area	6m

Clarification of Circumstances for Allowing Mezzanine Floors :

Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none"> • Mezzanines are referenced in the CBACP and indicated as being outside of the definition of a storey. • Use of mezzanine levels is considered to be an acceptable form of design, particularly where the approach enables an efficient use of building space. 	<ul style="list-style-type: none"> • Mezzanine levels may effectively create an additional floor level in a building resulting in additional intensity and building bulk and height. • An opportunity exists to clarify the CBACP and Building Code definition of mezzanine to establish if a mezzanine is intended to be considered a storey with respect to the height limits of the CBACP. 	<ul style="list-style-type: none"> • The opportunity for including mezzanine levels in developments in the CBACP is likely to contribute to diversity of design. • A buildings overall height and bulk would continue to be regulated given that overall height controls would continue to apply. • Use of mezzanine levels should however be managed to ensure that they are not used as a mechanism to effectively achieve an additional storey.

Conclusions:

It is proposed that additional clarification be provided in the CBACP to indicate that for the purposes of the Plan, mezzanine floors may be permitted and that they would not constitute a storey. (Building Code requirements which may interpret certain mezzanine levels as a separate storey for fire regulation would continue to apply for that purpose). Design and extent of mezzanine levels is also proposed to be managed in response to concerns that they may be used to create excessive floorspace. Accordingly the the following controls are proposed for mezzanines:

- Floor area limited to one third of the floor space they are located within
- Mezzanine area to be open to the space below
- The external elevations to mezzanine spaces not appearing as a separate floor.

Proposed Amendment – Mezzanine Floors

Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- accessible only from the apartment space or storey area immediately below;
- limited in area to no more than one third of the floor space area it is located within;
- designed in a manner which ensures the mezzanine space is open to the floor area below and
- of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.

Relaxation of Controls for Single Dwellings:

Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none"> • Areas such as H4 within the CBACP are designed to provide a transition between high intensity areas in the precincts core and lower density residential areas around the perimeter. • The H4 area is still however envisaged to develop for high density residential purposes. • To convey this long term objective, "single houses" are identified as a use which is not preferred and are subject to the same setback and intensity expectations of a multiple dwelling development. • This approach in turn is intended to encourage consideration of amalgamation and subsequent redevelopment of existing lots. 	<ul style="list-style-type: none"> • Issues are raised that owners of existing single dwellings who want to extend their single dwelling, rebuild their single dwelling or sell their property are constrained as: <ul style="list-style-type: none"> ◦ Single dwellings are not a preferred use; ◦ Any single dwelling would have to comply with H4 standards (eg substantial side setbacks) • The approached proposed in the Council resolution is to provide additional recognition to allow single dwellings to be built in H4 areas and for standard R-Code rules to apply in certain circumstances. • Proposal relates to lots less than 800sqm, which have single dwellings on at least two boundaries and where (in the opinion of Council) there is no reasonable prospect of more intensive development occurring within 15 years. The approach includes a notice on approval advising owners that intensive development may occur on the adjoining lots (which may impact the amenity of their single dwelling). 	<ul style="list-style-type: none"> • Given the longer term objective of the CBACP, single dwellings are designated as not preferred. This status does not preclude the possibility of building a single dwelling, subject to the single dwelling reflecting the anticipated built form in the precinct and acknowledging the prospect of more intensive development on adjacent properties. • A key issue is the impact on amenity of single dwellings as the precinct intensifies and potential for development on adjoining sites to be constrained due to the existence of a single dwelling on an adjacent site. • It is considered that the proposal to allow additional flexibility for single dwelling development based on factors such as an assessment of the likelihood of development on adjoining sites would be difficult to determine and apply, and would ultimately constrain achievement of the CBACP objectives.

Conclusions:

Single dwellings in CBACP are not a preferred use given that over time it is expected that the precinct will develop with more intensive forms of housing. Single dwellings are however not precluded, particularly on lots that may not be suited to more intensive development. Discretion within the CBACP provides opportunity to examine the suitability of single dwellings and the nature of proposed built form to be assessed on a case by case basis. In relation to the wider, long term objectives of the CBACP it is recommended that where a single dwelling is entertained, that the applicant demonstrate the ability of the structure to be converted (or staged) to more intensive development (eg apartments) at a later date. With regard to achieving the scale and intensity envisaged in the CBACP, it is further proposed that all development be subject to a minimum height of two storeys.

Proposed Amendment – Single Dwellings

Add new clause 1.3 and 1.5 (one for Q1 and Q2)

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

Privacy and Amenity – Introducing Privacy Controls and Requiring Amenity Impact Statements:

Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none"> Areas such as H4 within the CBACP are designed to provide a transition between high intensity areas in the precincts core and lower density residential areas around the perimeter. The H4 area is still however envisaged to develop for high density residential purposes. Standard R-Code privacy provisions have not been applied in the CBACP to minimise barriers to development as the area transitions from low to high density. In lieu of privacy provisions the CBACP identifies a uniform 3 to 4 metre side setback for development within the H4 area. The setback is intended to provide a degree of separation of buildings and to provide opportunity for view corridors between sites. 	<ul style="list-style-type: none"> Adverse impacts on privacy and amenity are the key issues being raised by existing residents in relation to proposals for multiple dwellings. Clauses in the CBACP which exclude assessment of these items are often not understood by residents, are taken up by developers and on occasion result in impacts on neighbouring properties. The proposed Council resolution seeks introduction of provisions which require assessment of privacy impacts in the H4 area where adjoining properties are single dwellings or grouped dwellings. Measures to reduce impacts to include consideration of glazing technologies, placement and size of windows etc In addition the resolution seeks submission of Amenity Impact Statements for all development above four storeys which adjoins single or grouped dwellings. 	<ul style="list-style-type: none"> Introduction of privacy provisions will result in portions of buildings being required to be setback further from boundaries. This may present challenges to building design, particularly on narrow lots. Overall, additional attention to privacy and amenity controls is supported and will respond to current concerns. An approach to introduce privacy controls across all H4 areas would be less complicated than an approach which required privacy controls dependent upon the nature of development on adjoining sites. Introduction of privacy provisions will respond to the concerns raised and is considered to negate the need for the additional submission of “amenity impact statements”.

Conclusions:

It is proposed to introduce privacy setback controls within the H4 areas of the CBACP. Introduction of an industry standard with respect to privacy and amenity impacts is preferred for consistency and suitable outcomes. Options for privacy controls for the CBACP include adoption of provisions from the R-Codes (R50+) or the State Government’s draft Apartment Design policy incorporated into the Design WA initiative. It is noted that the Apartment Design policy is intended to replace the controls for multiple dwellings under the R-Codes. A comparison of the privacy provisions of the two documents is provided below:

R-Code Privacy Setbacks:

Type of habitable room/space	R-Codes (R50+)	Apartment Design (Design WA)
Major opening to bedroom or study	3m	4.5m
Major opening to other habitable room (living room etc)	4.5m	4.5m
Unenclosed active habitable space (balcony, roof terrace)	6m	6m

Adoption of the Apartment Design privacy provisions is recommended for development within H4 areas. I

An example of outcomes achieved in a typical development with the application of the Apartment Design privacy provisions is shown in the diagram below. The existing standard side and rear setback distance under the current CBACP is shown hatched. In addition to an increased side setback distance to bedrooms and balconies, the introduction of privacy controls is likely to encourage greater articulation to the side elevation of buildings. Impact on neighbouring properties may be further reduced as the greater setback requirements is also likely to encourage building designs which orientate balconies and major openings toward the street or internally rather than towards side boundaries. Adoption of the Apartment Design privacy provisions for H4 areas is recommended accordingly.



Proposed Amendment - Privacy and Amenity

Modify clause 5.7 to read (already proposed/incorporated above to deal with roof terraces):

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

- a. Within the H4 Zone (in Q1 and Q2), windows, balconies and accessible roof spaces are to be provided with separation distance to the side and rear boundaries for visual privacy as follows:

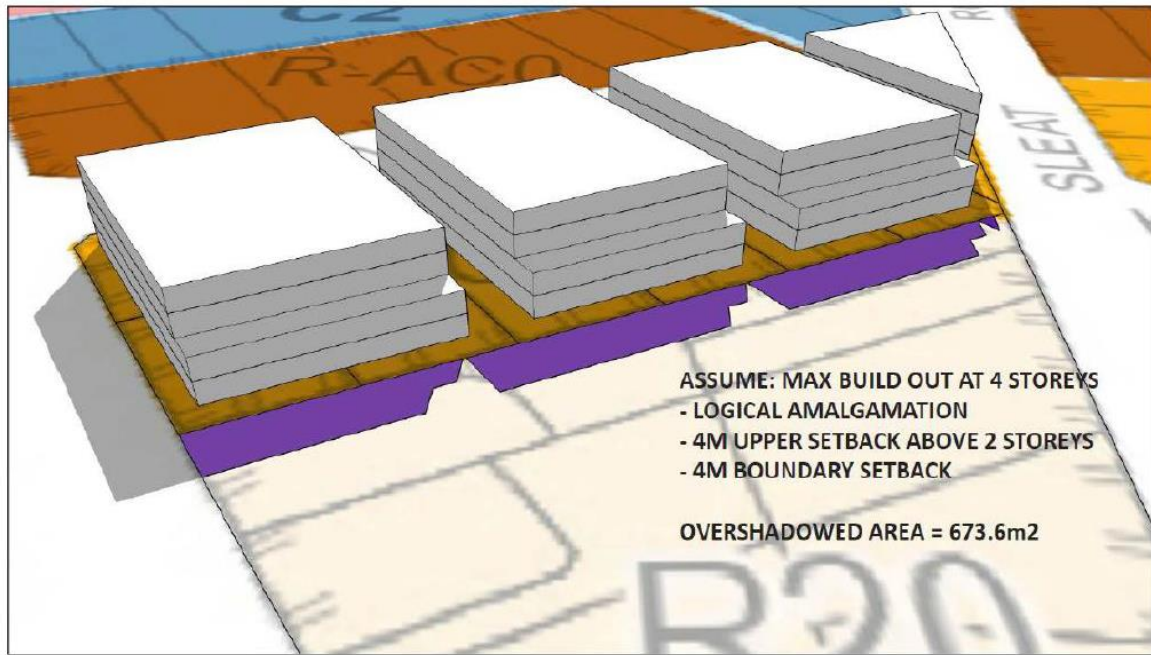
View from	Separation distance
Bedroom, study, living area or open access walkway	4.5m
Balcony or accessible roof area	6m

Building Bulk and Overshadowing:

Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none">Standard suburban R-Code overshadowing provisions are not included in the CBACP given that they would be unworkable with the intensity of development envisaged.	<ul style="list-style-type: none">Whilst not specifically raised in Council resolutions, a review of building bulk and associated overshadowing is considered warranted around the perimeter of the CBACP area.Three and four storey development on sites adjoining land outside of the CBACP area have potential to impact on the amenity of these lower density areas.Accordingly for development on land adjoining sites outside of the Plan area it is proposed to require an additional building setback for upper levels.Specifically it is proposed that third and fourth storeys be setback an additional 4 metres from adjoining sites (over and above the standard 3 or 4 metre setback as applicable).	<ul style="list-style-type: none">Properties adjoining land within the CBACP area warrant additional protection from the proposed intensity of development.The suggested additional setback to third and fourth storeys (together with proposals regarding privacy controls and building height on smaller lots) will assist in reducing impacts of bulk and overshadowing on these properties and further assist in providing a transition to lower density areas.

Conclusions:

Shadow diagram analysis has been used to determine how far a three or four storey development would need to be setback from an adjoining property to reduce impacts of bulk and shade to that of a more typical two storey development. Investigations indicate that an eight metres setback to third and fourth storeys from side or rear boundaries would provide a significant reduction in impacts of bulk and shade. That is for sites on the perimeter of the CBACP area, adjoining land outside the Plan area, development would be required to be setback four metres for the first two levels (or greater setback if required by privacy controls), with any third or fourth storey being stepped back further to achieve an overall setback of eight metres. Introduction of this requirement is proposed.



Proposed Amendment - Overshadowing

New clause 5.8

- 5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

Lot Sizes and Building Height:

Purpose of Existing Controls	Issues Prompting Proposed Changes	Comment on proposed changes/options
<ul style="list-style-type: none"> The CBACP includes a range of height controls which allow for progressive increase in intensity towards the centre of the precinct. The H4 area is limited to four storeys and 16m. In H8 the limit is eight storeys and 26m. It is further noted that for any building above 20m, that a minimum lot size of 1200m² is required. his approach is intended to promote amalgamation of lots, with the larger sites presenting greater capacity for more intensive development. 	<ul style="list-style-type: none"> Concerns have been raised with regard to the suitability of tall buildings on small parcels of land, in particular four storey developments on standard residential lots. Requirement for taller buildings to be on larger may present additional opportunity for greater side setbacks or to generally reduce a developments impact on adjoining sites. In these circumstances the Council resolution sought a requirement for development of 14 metres in height (approximately 4 storeys) to be restricted to lots 1200m² or greater. 	<ul style="list-style-type: none"> The relationship between lot characteristics and capacity to develop to a certain height is recognised. It is considered that minimum lot frontage is a better indicator of a sites capacity for additional height, particularly in the H4 area It is recommended that in addition to the existing 20 metre height/1200m² lot size requirement, that a further requirement be introduced in H4 requiring a minimum frontage of 25 metres for four storey development. Accordingly lots in H4 with less than a 25m frontage would be limited to three storeys and 12 metres.

Conclusions:

Addition restrictions on building height in the H4 area are recommended. Investigations indicate that a combination of a minimum lot size and lot frontage is better indicator of a sites capacity for taller development. In H4 it is recommend that development be limited to three storeys and 12 metres if the lots street frontage is less the 25 metres or the lot size is less than 1200m². These controls would effectively limit development potential of a typical single lot in the H4 area to three storeys. More intensive development would generally require amalgamation of lots to achieve the required frontage and land area.

Proposed Amendment - Lot Size and Building Height

New clause 2.6

2.6 Development of 4 storey and 16m high buildings within (Q1 and Q2 of)the H4 Zone shall be restricted to sites that achieve a minimum 25 metre continuous street frontage and a minimum lot size of 1200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.

Addition of note to H4 reference on Heights Table on page 19:

* Refer also to requirements of Clause 2.6

Adjustment to Clause 3.1

Maximum building heights shall be in accordance with Figure 2 Land Use, Built Form and Zones Plan, noting the minimum site area and frontage requirements of Clause 2.2, 2.3 and 2.6

