

Canning Bridge Activity Centre Plan Density and Bonus Provisions

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Introduction

The catalyst for the Canning Bridge Activity Centre Plan (CBACP) is the requirement by the West Australian Planning Commission (WAPC) for all local governments including the City of Melville (CoM) to increase dwellings numbers and densities by 2051. The WAPC minimum target requirement for the CoM is 18,480 additional dwellings across the CoM.

The CoM has distributed the WAPC minimum target for 2051 across the CoM and allocated a proportion of that target, being 4,273 new dwellings to the CoM area of the CBACP. Consequently, the primary objectives of the CBACP are to:

- (a) increase the dwelling densities within the CoM area of the CBACP to a minimum total of 4,273 dwellings by 2051; and
- (b) maintain and improve, but not detract from, the amenity of what is a unique and exemplary area.

In order to achieve both these primary objectives, the increase in density, must be apportioned and spread across the CBACP in a manner that is consistent with the overall plan which places higher densities in the central area of the CBACP with lower densities on the outer areas so as to blend into the lower density residential areas with the least amount of impact on the amenity of the surrounding areas. In this context, over densification of any area in the CBACP is inconsistent with these objectives, cannot be supported and must be actively prevented. This Policy seeks to clarify the dwelling densities in the CBACP.

The CBACP also incorporates Bonus Provisions as a measure to incentivise exemplary design and achieve the provision of facilities and/or land uses which are seen to represent a benefit to the community. This Policy also seeks to clarify those Bonus Provisions.

The Bonus Provisions of the CBACP provide for the awarding of additional building height where a development has been determined to meet the identified requirements. Bonus height is not awarded "as of right". Applicants are required to demonstrate that items provided in response to the Bonus Provisions represent a significant benefit to the community, are demonstrated to be meeting a strategic need and that the standard of design of the development is at an exemplary level in keeping with the expectations of the Precinct.

Policy Objectives

The Policy has the following objectives:

- to provide additional clarity as to the intended outcomes of the CBACP with respect to increased densities;
- to provide additional clarity as to the intended outcomes of the CBACP with respect to improved amenity within the CBACP and impact on the amenity of areas outside the CBACP where there is an adverse impact such as loss of privacy from overlooking, overshadowing or any other permanent negative impact that will be caused by a proposed development;
- to provide additional clarity as to the intended outcomes of the CBACP with respect to the Bonus Provisions;
- to provide additional guidance with respect to measurement and control of proposed densification;
- to provide additional guidance with respect to measurement and control of proposed bonus items to ensure that the merit, achievability and permanency of benefit of the bonus item is proportionate to the extent of bonus granted.
- to outline supporting processes, thresholds and documentation required of applicants when seeking bonuses

Policy Scope

The Policy shall apply to the development of land in all areas of the CBACP including the M10, M15, H6-8, H4 and Civic Zones as designated within the CBACP.

Definitions

Terms are as defined within Local Planning Scheme 6 and the CBACP.

Policy Statement

Assessment of Applications

The CBACP outlines how the objectives of the plan in respect to increased densities is proposed to be achieved by designating different areas or density zones. Each zone provides for development up to a prescribed number of storeys and the cumulative height of these storeys is further clarified by a prescribed maximum height measured in metres.

The use of the words “up to” in relation to the number of storeys and “maximum” in relation to building height measured in metres, evidences a firm intention in the CBACP that whatever element of measurement is used in assessing a development application, storeys or building height, the CBACP specifies the maximum prescribed limits and ratio between the number of storeys and height in metres; notwithstanding that an increase in the number of storeys and corresponding increase in height may be allowed in circumstances where bonus heights are awarded.

While the storeys to height ratios are not designed to reflect the exact built form of a development, there is a clear intention in the CBACP provisions that each individual storey in a development must not exceed 3.2 metres in height in the M10 and M15 areas.

Therefore, while, where bonus storeys are awarded, the number of storeys and corresponding height in metres may exceed the maximum limits as specified, the award of bonus heights must be considered in the overall context of the objectives and conditions of the CBACP and must not in any circumstance result in over densification of a development or zone in relation to the overall CBACP.

The requirements and mechanisms associated with the awarding of bonuses under the CBACP are outlined in the Bonus Provisions section of the CBACP. As outlined in the CBACP additional building height may be awarded where:

- A) the relevant Desired Outcomes of all Elements of the CBACP have been met or exceeded; **and**
- B) ALL of the requirements of Elements 21 of the CBACP, Design Considerations have been achieved; **and**
- C) the requirements of Element 22 of the CBACP, Community Benefit Considerations have been achieved.

In accordance with the CBACP the extent of bonus being sought is to be determined to be proportionate to:

- the level of exemplary design in response to Element 21; and
- the extent of community benefit provided in response to Element 22.

In relation to the achievement of the relevant Desired Outcomes, recognition may also be given, where applicable, to the extent a development exceeds the identified requirements.

This Policy provides additional detail in relation to the required information to be submitted at development application stage where a bonus is sought under the Bonus Provisions of the CBACP.

Applications involving the Bonus Provisions will require:

- assessment under the City's Local Planning Framework (including assessment against this Policy)
- assessment by the City's Design Review Panel; and
- assessment by the proposed Community Benefits Committee (which includes Community representatives) of community benefits pursuant to Element 22.

Other expert bodies or individuals may also be consulted for advice as considered appropriate.

The City's Design Review Panel will provide advice on the architectural and design quality of developments, including the design and quality of any proposed bonus items. The City's Design Review Panel will provide advice as to whether the proposed development constitutes an exemplary level of design and will identify the exemplary features of the development.

A register of Bonus Provisions awarded will be maintained to support the consistency and integrity of the bonus system. The register will include an outline of the basis for any bonus awarded and be available for public inspection on the CoM's website in the interests of open and transparent planning.

Policy Operation

The Policy supports the operation of the CBACP provisions with respect to achieving the primary objective of the required increase in density and related dwelling numbers within the City of Melville, while at the same time preventing over-densification, loss of amenity and population and/or traffic congestion at places of natural constriction such as the Canning Bridge. The key mechanisms of the Policy in relation to achieving the required increase in density and dwelling numbers comprise:

- *Identification of Maximum Limits to Density in the identified Zones:*
Identification of an individual Maximum limit to the Density for each of the M15, M10, H6-8 and H4 Zones that is considered necessary to distribute the spread of the increase in dwellings and density in accordance with the density zones identified by the CBACP and to maintain consistency with the desired scale and built form envisaged by the CBACP.
- *Identification of Minimum Lot sizes in the identified Zones:*
Identification of Minimum Lot sizes for each of the M15, M10, H6-8 and H4 Zones to maintain consistency with the desired scale and built form envisaged by the CBACP and to maintain the amenity and minimise the impact of development on surrounding lower density residential areas.
- *Performance Assessment of proposed developments on Amenity within and outside the CBACP area*
The Desired Outcomes of the CBACP are that new developments must individually and collectively contribute to improving the amenity of the overall area both within and outside the CBACP. Developments must be in accordance with the Design Principles contained in State Planning Policy 7.0 – Design of the Built Environment. Any negative impact on the area outside the CBACP will be a permanent negative for at least the life of the development and cannot be removed or resolved. Consequently, any negative impact such as overlooking, overshadowing or any other similar detriment is inconsistent with the overall and fundamental objectives of the CBACP. Proposed developments that are assessed to be in this category including those which would create a **stranded asset*** must not be approved.
*a **stranded asset** means any adjoining property which if not included in the proposed development becomes isolated and due to the remaining size will be unable to be developed in accordance with the CBACP provisions.

The Policy also supports the operation of the Bonus Provisions of the CBACP through the provision of additional clarity and guidance. The key mechanisms of the Policy in relation to the Bonus Provisions comprise:

- *Performance Assessment of Bonus Items:*
Assessment of any proposed bonus item will seek to establish proportionality between the merit of bonus items proposed and an appropriate awarding of bonus height. Assessment will focus on how well a bonus item performs in achieving identified objectives or outcomes. In this regard, the Policy identifies a “Statement of Intent” for each area associated with a bonus item. Measurement of how well the identified intent or objective has been achieved will be guided by assessment against identified “performance criteria”. To support the assessment process, “required documentation” to be submitted by an applicant is identified. Performance Criteria and additional clarity on required responses is also identified for other applicable Desired Outcomes where an applicant demonstrates that these Desired Outcomes can only be achieved by exceeding the otherwise prescribed height limit.
- *Identification of Maximum Limit to Bonus Height:*
Identification of a Maximum limit to the amount of bonus height for M10 and M15 Zones that is considered to maintain consistency with the desired scale and built form envisaged by the CBACP. The Bonus Height Threshold provisions also establish that where a proposal seeks to exceed the otherwise prescribed maximum heights, that a substantially greater response to Elements 21 and 22 as well as an exceeding of the CBACP stated Desired Outcomes is required. Criteria are identified to guide this required response.

WAPC Minimum Dwellings Target required by 2051

The WAPC has required the CoM to provide a target of 18,480 additional dwellings in the CoM by 2051. To meet this requirement, the Com has allocated a target of 4,273 additional dwellings for the CoM area of the CBACP. In accordance with the overall intentions of the CBACP, dwelling densities are planned to be higher in the central Zones of the CBACP and reducing towards the outer Zones so as to minimise the impact on the amenity of surrounding areas.

The total area of the CBACP within the CoM, is approximately 45 Hectares of which 31.42 Hectares is the area of Land available for development and which does not include roads, parks or other impediments to development. Consequently, the average number of dwellings per Hectare to meet the target total number of 4,273 is 136 dwellings per Hectare. However, as the intention of the CBACP is to have different densities in different Zones, the density per Zone, that is required to meet the average density and provide the target number of dwellings, must be determined and applied.

Therefore, the minimum and maximum density per Zone in the CBACP contemplated by this Policy are:

TABLE 1

Zone	Melville CBACP lot area, m ²	Melville CBACP lot area, Ha	Zone area as a percentage of Melville CBACP	Nominal Minimum zone density, Dwellings per Ha	Nominal Minimum dwellings	Nominal Maximum zone density, Dwellings per Ha	Nominal Maximum dwellings
M15	93,448.08	9.34	30%	200	1869	250	2336
M10	104,894.39	10.49	33%	150	1573	175	1836
H6-8	28,158.37	2.82	9%	100	282	125	352
H4	87,666.47	8.77	28%	75	657	95	833
Total or Average	314,167.31	31.42	100%	139	4381	171	5357

Note: Should the maximum density per Hectare be achieved across all Zones the dwelling number will be 5,357 new dwellings, which exceeds the target by 1,084 dwellings. This potential “excess” allows for any variations below the minimum that while unlikely, may occur.

Minimum Lot Sizes

The CBACP specifies the minimum Lot sizes relative to building heights only as follows:

- a) Buildings greater than 32 metres in height (approximately 10 storeys) which without bonus heights would be a building in the M15 Zone, require a minimum Lot size of 1800 m².
- b) Buildings up to 32 metres in height (approximately 10 storeys) which, without bonus heights, would be a building in the M10 Zone require a minimum Lot size of 1200 m².
- c) Buildings greater than 20 metres in height (approximately 6 storeys) which without bonus heights would be a building in the H6-8 Zone or a building in the M10 Zone, require a Lot size of 1200 m².
- d) Buildings under 20 metres in height (approximately 5 storeys) have no specified minimum Lot size.

It is however a Desired Outcome of the CBACP that site planning should encourage the development of **adequate** sites for certain building types and heights to ensure street frontages are appealing and not overly interrupted. (see DO 2).

While the CBACP only requires a minimum Lot size of 1800 m² for a building above 32 metres in height, it is apparent that a Lot size that is less than 1800 m² would not be an adequate size. However, this could eventuate due to the exemption provided to the calculation of the Lot size limit as provided in Element 22.1.10. While this is a specific exemption which is only applicable to developments on Canning Highway, similar reductions in Lot size under the CBACP limits will eventuate if the same principle is more widely applied.

Allowing a development to be constructed on a Lot that does not or will not for the lifetime of the development meet the minimum Lot size is contrary to the intentions of the CBACP that the size and scale of developments must be consistent.

Therefore, the minimum Lot sizes contemplated by this Policy are the Lot sizes as specified in the CBACP, excluding any area of the Lot or proposed Lot that is reserved under a Planning Control Area or Main Roads Scheme or any other easement or reservation where the encumbered area may have to be ceded or may be resumed or otherwise may not be built over or upon.

Lot size relative to bonus heights

Elements 21.2 and 21.3 provides that where bonus heights are granted the minimum Lot sizes for M15 and M10 are required to be 2,600 m² and 2,000 m² respectively. That is, the CBACP provisions recognise that as height increases there must be an increase in the Lot size. Elements 21.2 and 21.3 only establish the minimum requirement and this Policy contemplates that a proportional increase of 10 percent in Lot size for every 10 percent increase in height in metres or number of storeys is consistent with the intention of the CBACP.

Built form and Storey Heights

It is a Desired Outcome of the CBACP that building heights are consistent with the desired scale and built form of the Centre and that the interface between Zones is appropriately managed (see DO 3 of the CBACP). Accordingly, maintaining consistency of the height of each building relative to the number of storeys is vital to maintain the scale and interface between Zones, particularly as the CBACP have specifically detailed this relationship.

The Table below demonstrates that the CBACP has specified the scale for each development, while not limiting the scope for individual designs.

TABLE 2

Zone	Number Of Storeys	Height In Metres	Height Per Storey
M15	15	48	3.2
M10	10	32	3.2
H6-8	8	26	3.25
H4	4	16	4.0
Civic	N/A	N/A	N/A

Variation from the specified scale and built form, by way of double height storeys, or storeys concealed behind podium walls or any similar artifice is contrary to the intentions of the CBACP. Therefore, the correlation between number of storeys and height contemplated by this Policy must be maintained as specified in the CBACP without any variation.

Maximum Bonus Height Limits

It is a Desired Outcome of the CBACP that building heights are consistent with the desired scale and built form of the Centre, and that the interface between Zones is appropriately managed (see DO3 of the CBACP). While each proposal for bonus height will be considered on its merits, generally any proposal for a height which is substantially greater than the DO3 requirement for building height is likely to be considered inconsistent with the Desired Outcomes for building height. For the M10 Zone a building height 30% greater than the base heights identified in DO3 is likely to be inconsistent with the Desired Outcomes. For the M15 Zone a building height 30% greater than the base heights identified in DO 3 is likely to be inconsistent with the Desired Outcomes. Therefore, the maximum bonus heights contemplated by this Policy are:

- M10 Zone 13 storeys/41.6 metres (30% bonus over 32 metres); and
- M15 Zone 20 storeys/62.4 metres (30% bonus over 48 metres).

As outlined above, under the terms of this Policy, any proposal for a height greater than the identified building heights, is likely to present inconsistency with the Desired Outcomes relating to scale, built form and building height. Accordingly, a proposal seeking consideration for bonus building height, regardless of whether or not the requirements in Elements 21 and 22 have been responded to, may still be determined to be inconsistent with the CBACP.

Bonus Not as of Right:

Any decision to award height bonuses under the Bonus Provisions is at the discretion of the decision maker and is not as of right. In considering assessment of bonus proposals, applications will be assessed to determine the level of achievement against the identified standards and performance criteria. In addition, factors such as the location or shape of a site, the proximity of existing or already proposed facilities and inability to demonstrate a strategic need for a facility may impact the capacity of a site to achieve bonuses.

Performance Assessment of Bonus Items

Element 21

Achievement of ALL of the requirements of Element 21 in the Canning Bridge Activity Centre Plan is pre-requisite to assessment under the Bonus Provisions. This Policy contemplates that each and every requirement of Element 21 must be fully achieved in order for the development application to be considered for assessment under the Bonus provisions in Element 22.

The content of Element 21 from the Canning Bridge Activity Centre Plan is reproduced in Addendum “A” to this Policy.

Table 3

Element	Requirement	Features of Exemplary Design Refer below* for definition of Exemplary Design	Design Advisory Group must identify and list at least 6 features of exemplary design for the development to qualify as meeting the requirement of Element 21.1
21.1	Exemplary Design	Development that integrates exceptionally well with surrounding residential suburbs	Must identify and list
	External	Silhouette or Skyline	Must identify and list
		Facade	Must identify and list
		Entrance	Must identify and list
		Driveways that exceed Australian Standards for safety and sightlines	Must identify and list
	Internal	Cross flow ventilation	Must identify and list
		Access to direct sunlight in apartments	Must identify and list
		Innovative measures that automatically provide for social distancing in common areas	Must identify and list
	Privacy and Crime Prevention	Design features that provide occupants with privacy from adjoining buildings	Must identify and list
		Design features that prevent occupants overlooking adjoining or nearby properties	Must identify and list
	Good Neighbour principles	Prevention of over shadowing	Must identify and list
		View Corridors	Must identify and list
		Breezeways	Must identify and list
21.2	M15 Zone	Minimum site area of 2,600m ²	Must be achieved
21.3	M10 Zone	Minimum site area of 2,000m ²	Must be achieved
21.4.1	Solar Access and privacy for adjacent properties	Demonstrates building design that entirely avoids or limits overshadowing and or overlooking of properties that surround the development	Must be achieved
21.4.2	Meets or exceeds 5 Star Green Star design rating	Refer wording of clause 21.4.2	Must be achieved

21.4.3	Traffic Statement	Independent report commissioned by the City but paid for by the developer showing that additional floorspace will not require alterations to the existing roadways in the area taking into account ALL of the proposed or planned development in the area to 2051.	Must be achieved
21.4.4	Resource Efficiency Infrastructure	Provides Plant and equipment that reduces demand for either building or area wide service infrastructure	Must be achieved
21.4.4	Kintail& Ogilvie Quarters within the City of Melville	Demonstrates mitigation of urban heat island effects through provision of planting including planting of mature shade trees.	Must be achieved

- Exemplary Design** is defined as containing design features that are innovative, exceptional, outstanding and more than what would be generally expected to be provided in a development of this category. That is, additional features that should be emulated, but not necessarily copied in an identical way, in other developments.

These features would include how the development integrates with the surroundings, the size or shape of the silhouette of the development or contribution to variations in the skyline of the shape and scale of the buildings, while still demonstrating individual characteristics.

Providing a façade containing exceptional design features and use of materials which is more than greenery or colour;

Entrance design and features that are inviting, open and impressive;

Driveways that exceed Australian Standards for sightlines and safety and have safety features that avoid increased noise pollution (bells or sirens) but are innovative and increase the safety for vehicle traffic, pedestrians and cyclists;

Apartments that include increased habitable space, cross flow ventilation and access to direct sunlight in all habitable rooms. Common areas including lifts, corridors and other common areas that include innovative features that encourages automatic social distancing so as to minimise the potential for contamination between occupants.

Good Neighbour principles that include taking into account developments that may be proposed on adjoining properties and potential impacts on privacy and overshadowing from proposed setbacks, balconies, terraces and major openings when both developments are constructed.

Principles of Crime Prevention that include prevention of overlooking where potential miscreants may conduct surveillance over property to ascertain when properties are unoccupied.

Element 22

Element 22 of the Canning Bridge Activity Centre Plan outlines the requirements to be achieved for development to be considered for bonus height. Specifically, a proposal is to demonstrate achievement of at least four of the sub elements under Element 22.

This Policy contemplates that the proportionality of the proposed community benefits to the proposed bonus height should be based on a formula which allocates a pre-determined measure in Units for each category of community benefit listed in Element 22 with a corresponding minimum score in Units for each additional bonus storey.

In accordance with **Table 4** below, the number of Units required for each bonus storey of 3.2 metres in height, is a minimum of 50 Units obtained from achieving at least 4 sub elements.

Note: In relation to each of the sub elements of Element 22, the development application must provide a detailed comparison between what the development will provide to achieve or exceed the Desired Outcomes in Elements 1 to 20 which are pre-requisite to assessment under Elements 21 and 22. The comparison must include details of the “additional provisions” that are proposed to achieve the specific sub element of Element 22. This will evidence that the proposed changes are “additional” to what would already be required to be provided. This will necessarily involve a first step assessment by decision makers, as whether the application, excluding the proposed additional inclusions, meets or exceeds all the Desired Outcomes and requirements of Elements 1 to 20.

The content of Element 22 from the Canning Bridge Activity Centre Plan is reproduced in Addendum “A” to this Policy.

TABLE 4

Element	Description	Minimum Size/Number	Units/Range
22.1.1	Street Frontages	200 m ²	0
	Furniture	Seating for additional 20	5 maximum
	Landscaping	200m ² – 400m ²	5 – 10 maximum
	Piazza	400m ² - 1000m ²	10 – 45 maximum
	Water Feature	30m ²	10 maximum
22.1.2	Accessible Public Facilities		
	Podium Gardens	400m ²	5 maximum
	Rooftop Gardens	400m ²	5 maximum
	Roof Top Cinema	250m ²	5 maximum
22.1.3	Public Amenities		
	Toilets*	Minimum 6 Toilets - Max 10	2 – 5 maximum
	Showers*	Minimum 6 – Maximum 10	2 – 5 maximum
	Sheltered Bike Storage*	Minimum 20 – Max 30	2 – 5 maximum
22.1.4	Affordable Housing	Minimum 5 - Max 10	10 – 15 maximum
22.1.5	Pedestrian Networks	Minimum 200m ² – Max 400m ²	5 – 10



			maximum
22.1.6	View Corridors	Minimum 400m ² - Max 800m ²	5 – 10 maximum
22.1.7	Community Meeting Facilities*	Minimum 200m ² - Max 1000m ²	15 – 20 maximum
22.1.8	Hotel	Minimum 100 guest rooms - Max 250	20 – 40 maximum
22.1.9	Aged Care	Minimum 100 aged care rooms – Max 250	20 – 40 maximum
22.1.10	Road Widening		
	Canning Highway	Land is ceded free of cost	15 maximum
	Elsewhere	Ceded free of cost or resumed	NIL
22.1.11	3 Hour Free Public Car Parking	Minimum 20 bays – 100 bays	20 – 40 maximum

*Register to be maintained by the City to ensure that these facilities are not over supplied

References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No.6 Canning Bridge Activity Centre Plan
Delegated Authority No:	DA – 020: Planning and Related Matters

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