

City of Melville
Report on Review of the CBACP
22 August 2017

Dayle Kenny

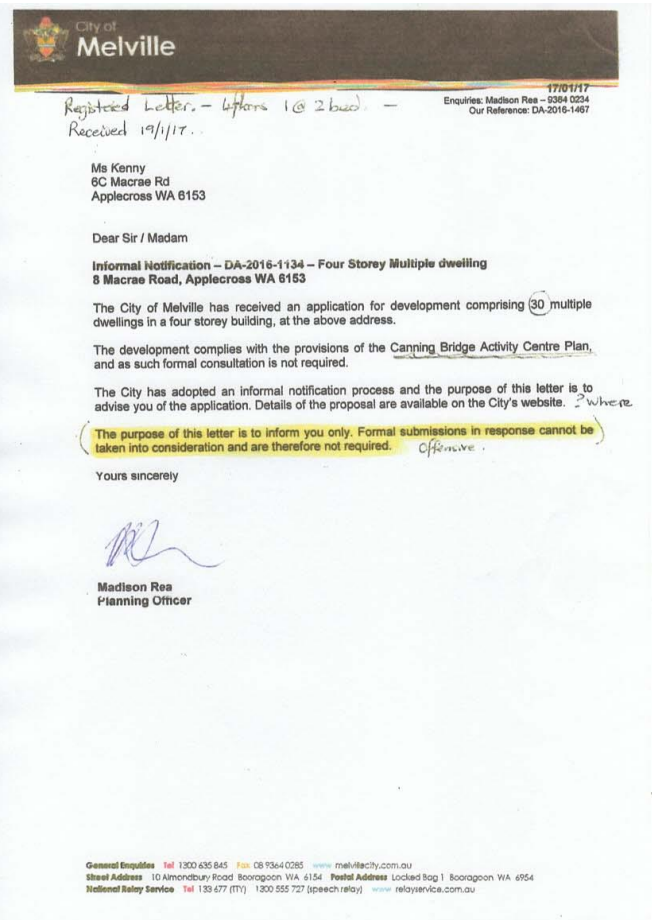
Presenter Credentials

- * **Lived in Applecross for 30 years**
- * **Engineer with 45 years in the Mining and Construction**
 - * Experienced in regulation and safety application
- * **Family of engineers – 3 Structural and 1 Fire Engineer**
 - * Able to verify that my assertions/interpretations are correct

City Notification

Registered letter from City of Melville

- * “30 multiple dwellings in a four storey building”
- * “Complies with the provisions of the CPACP”
- * Therefore “Formal consultation is not required”
- * “Submissions in response cannot be taken into consideration”
- * “Details of the proposal are available on the City’s website”



Details of the Proposal

- * **Five storeys plus a covered roof top recreation area, effectively 6 storeys**
- * **Did not comply with the provisions of the CPACP**
- * **Also did not comply with;**
 - * **City of Melville Policies**
 - * **The National Construction Code and**
 - * **Australian Standards**
- * **Wrote to the City CEO requesting this development proposal be heard before the full Council in order to be able to voice our concerns**

Local Planning Policy Compliance

LPP1.3, Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments

- * 8 Macrae Road proposal did not have a bulky waste storage area, as required under LPP1.3**
- * A storage area was hastily added in the basement at the expense of the bike racks**
- * It was not accessible with bulky waste and required further modification**
- * 21 Kishorn Road development proposal was endorsed by the City and approved by JDAP without a bulky waste storage area**

National Construction Code

- * National Construction Code (NCC) General Provisions A1.1 Pg32 “Storey” does not include a “mezzanine”
- * NCC General Provisions A1.1 Pg27 “Mezzanine means an intermediate floor within a room.”
- * NCC Fire Resistance C1.2(d)(i) Pg 91 “a mezzanine is regarded as a storey...if its floor area is... more than one third of the floor area of the room...”
- * Guide to NCC Volume One 2016, page 3, states. “If an intermediate floor is enclosed by a wall it is no longer within another room, and is therefore no longer a mezzanine.”

Mezzanine Test -NCC

Mezzanine test against National Construction Code

Mezzanine Test - 8 Macrae Road

Criteria	Comment	Test result
Within a room	Nine <i>mezzanines</i> each cover multiple rooms including kitchens, laundry/bathrooms and bedrooms.	Not a mezzanine
Floor area less than 33.3% of the room	All <i>mezzanines</i> at least 60% of total floor area, over multiple rooms.	Not a mezzanine
Not enclosed	All <i>mezzanines</i> include a fully enclosed en suite. Approximately 20% of open area enclosed by a full height wall.	Arguably not a mezzanine

City of Melville

Responsible Authority Report

- * **Responsible Authority Report (RAR) – 8 Macrae Road**
 - * **Maintains there is no mezzanine definition in the CBACP Guidelines and**
 - * **That the NCC definitions do not apply as they are not referenced in the CBACP**
 - * **However no alternative definition of a mezzanine is offered or referenced**
 - * **In the RARs and this Review the City has attempted to change the meaning of the NCC definition by changing the wording from a room and the room to the apartment and the space**

Canning Bridge Activity Centre Plan

CBACP Design Guidelines – Related Documents

- * Residential Design Codes (R Codes) do not necessarily apply**
- * There are no exclusions or limitations on any other Legislation or Act which may apply to the development of land**
- * This reinforces the application of the NCC**

Parking and Traffic

8 Macrae Road

- * **Transport Impact and Parking Assessment - Developer**
 - * **30 parking spaces for 30 units, 24 two bedroom and 6 one bedroom**
 - * **Visitor parking all on Macrae Road**
 - * **Did not consider residents' overflow parking on Macrae Road**
 - * **Did not consider that Macrae Road is a designated local bicycle route**
 - * **Did not consider Macrae Road is only 6m wide**
 - * **Did not consider the non-compliant traffic ramp to the basement car park or the 1 in 5 crossfall footpath**

Parking and Traffic

8 Macrae Road

- * **Transport Impact and Parking Assessment - Developer**
 - * **Erroneously reported the distance to Canning Bridge Station as 1.1km, 1.2km, then later as 800m (page7); actually 1,400m**
 - * **Erroneously reported the footpath widths as 2.0m and 1.5m; actually 1.8m and 1.2m**
 - * **Erroneously reported the complex was compliant with *A/NZS2890.1:2004 Parking Facilities, Part 1:Off-street car parking***
 - * **Erroneously stated there were 21 two bedroom and 9 one bedroom units; actually 24 two bedroom and 6 one bedroom units**

Parking and Traffic

8 Macrae Road

- * **CBACP Objective Pg 37** “To ensure that adequate vehicle parking and access is provided for multi- storey development, ... and to ensure car parking and servicing activities do not dominate the street.”
- * **Passenger vehicle registrations** are growing faster than the population

Australian Bureau of Statistics Australian Totals	2007		2016	2017	Growth 2016 to 2017	Growth 2007 to 2017
Total vehicles (million)	14.77		18.40	18.80	2.2%	2.4%
Passenger vehicles (million)	11.42		13.71	13.97	1.9%	2.0%
Population (million)	21.18		23.94	24.39	1.9%	1.4%

Parking and Traffic

8 Macrae Road

Transport Impact and Parking Assessment – Developer

- * The City has relied on this report, in part, for this Review**
- * The Report is inadequate in scope and careless with information**
- * The City should not have accepted this report**

Parking and Traffic

8 Macrae Road

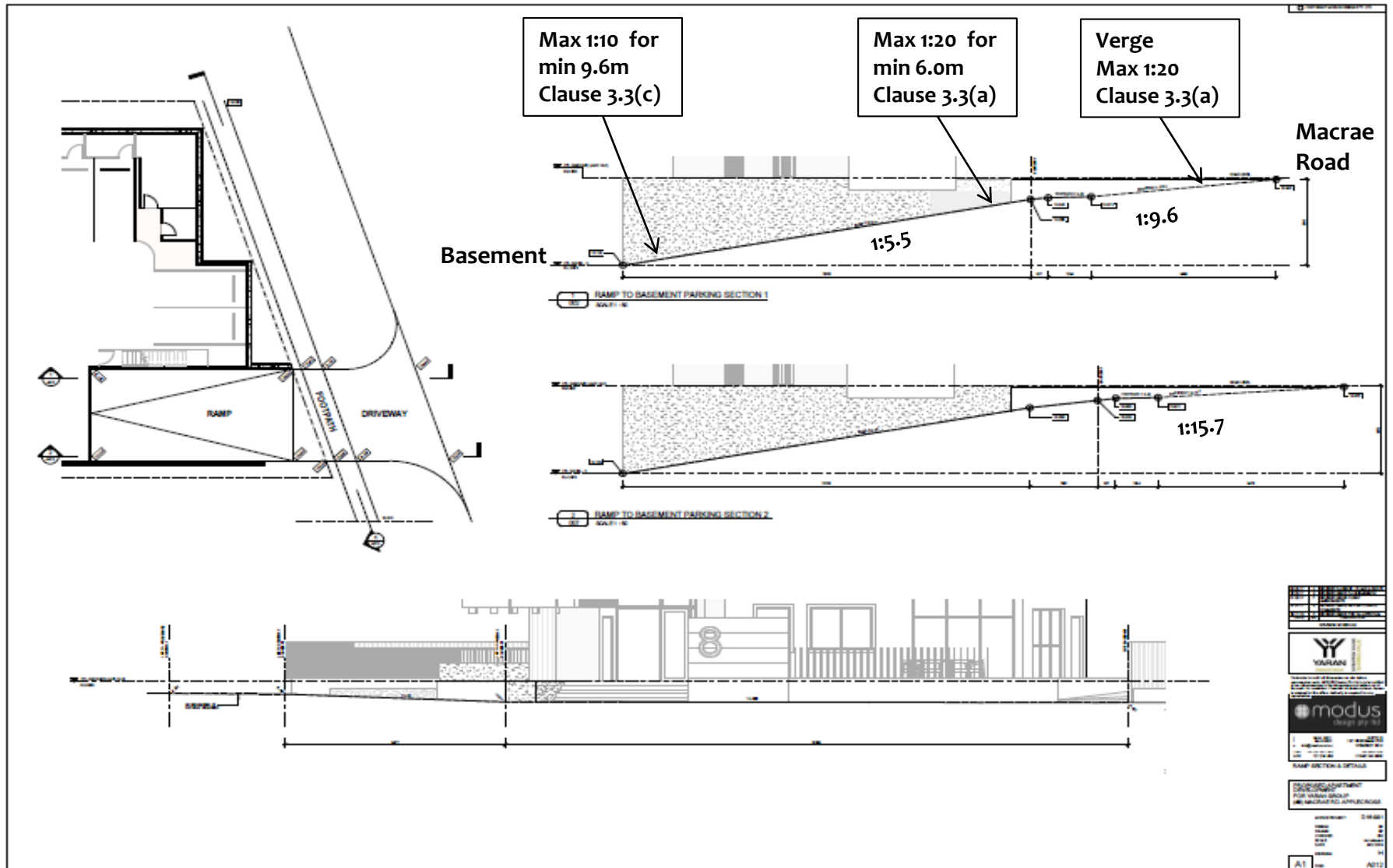
- * **LPP1.6 *Car Parking and Access* references adherence to A/NZS2890.1:2004 *Parking Facilities, Part 1:Off-street car parking***
- * **RAR endorsed a footpath with a 1 in 5 crossfall, as part of an access ramp to the basement carpark**
- * **Contrary to A/NZS2890.1:2004 Clause 3.3(d) which specifies a maximum of 1 in 40 crossfall for footpaths**
- * **This non compliant design was vigorously defended by Council officers at JDAP on 20 March 2017 and subsequently approved**
- * **Major safety hazard for pedestrians**

Parking and Traffic

8 Macrae Road

- * Request to talk to the City Engineer who approved the footpath design, through my local Councillor
- * Email 11 weeks later with a redesigned basement ramp with zero crossfall on the footpath, stating it was now compliant
- * The ramp is still not compliant with A/NZS2890.1:2004;
 1. Clause 3.3(a) - maximum of 1 in 20 for 6m, on the exit prior to the footpath (1:5.5)
 2. Clause 3.3(c) – maximum of 1 in 10 for 9.6m, entry queuing area prior to the gate
 3. Clause 3.3(a) – maximum of 1 in 20 across the verge (1:9.6 and 1:15.7)
- * Three times I have had in writing from the City that this proposal is compliant and three times I have pointed out non compliance
- * Still major safety hazard for pedestrians
- * Similarly a proposal for 26 Fletcher Street, Applecross, endorsed by the City and approved by JDAP has a non compliant basement ramp design

8 Macrae Road – Ramp Design



City Response

- * No response from the CEO with regard to our request to present before the full Council**
- * Letter from the Director of Urban Planning, three days before the JDAP meeting, stating that all matters raised were addressed in the RAR for the 20 March JDAP**
- * My wife and I each made 5 minute submissions to JDAP which were essentially ignored**
- * Our family home of 30 years will be rendered unliveable, with 9 balconies and 30 windows overlooking our property and our property will become unsaleable**

Finally

- * **The City of Melville is endorsing development proposals that are outside the scope and intent of the CBACP and SPP4.2**
- * **These projects do not comply with the Local Planning Policies, the National Construction Code and Australian Standards.**
- * **Non compliance safety issues must now be addressed before Building Permits are issued**
- * **The Council is ignoring advice and concerns from ratepayers to ensure that the amenity of the area is maintained in the future**

Density

1. State Planning Policy 4.2 Activity Centres for Perth and Peel, 31 August 2010 (SPP4.2)

SPP4.2 Table 3 targets a minimum of 20 to a desirable 30 dwellings per gross hectare for areas up to 400m from district centres, such as the H4 transition zone of the Kintail Quarter. This density equates to approximately 50, to a desired 75 dwellings per residential hectare or equivalent to R50 to R75. (Note 5 SPP4.2)

2. Canning Bridge Activity Centre Plan, February 2016 (CBACP)

The CBACP's average density targets are 25 dwellings per gross hectare by 2031 and 74 dwellings per gross hectare by 2051.

As per Note 5 SPP4.2 this equates to R63 by 2031 and R185 by 2051. The central H15 zone being much higher than the average and the residential transition H4 zone being much lower than the average.

Density

- 3. Letter from Minister for Planning, Hon John Day, 10 March 2016**
Replying to a resident in Kishorn Road, Applecross, part of the H4 Zone, Minister Day wrote. “LPS6, to which I have granted approval subject to modification, shows the subject land zoned Residential with an R-AC0 density code, which equates to R50.
- 4. The Multi Unit Housing Code – Explanatory Guidelines, November 2009**
Explains the introduction of Section 6b to cater for Multi Unit Housing in Activity Centres. Pages 4,5 and 6 indicate medium density residential housing on the fringes of the Activity Centres, such as the H4 Zone would have a density of R30 to R60.
Clearly it was the intent on the Government of day and the WAPC to have residential density in the range R30 to R60 in the H4 Residential Zones.

The Raffles Apartments a 17 storey development is R153.
21 Kishorn Road development approval is equivalent to R208.
8 Macrae Road development approval is equivalent to R222.

Applecross H4 Residences

STREET	FULL BLOCK NEW HOUSE	FULL BLOCK OLD HOUSE	MULTI UNIT SINGLE STORY	SUBDIVIDED OLD HOUSE	SUBDIVIDED NEW HOUSE	TOTAL RESIDENCES
FORBES RD	0	0	0	1	8	9
THIRD AVE	0	1	0	0	7	8
KINTAIL RD	1	1	0	3	8	13
STROME RD	0	0	0	0	2	2
TWEEDDALE RD	1	2	0	2	20	25
CARRON RD	0	0	0	0	2	2
CANNING BEACH RD	2	0	0	1	1	4
RIVERWAY	2	0	0	2	4	8
KISHORN RD	2	3	12	1	5	23
ULLAPOOL RD	0	1	3	1	1	6
MACRAE RD	0	0	0	4	8	12
JANE RD	0	0	0	1	0	1
TOTAL CAT RESIDENCES	8	8	15	16	66	113
Percentage	7.1%	7.1%	13.3%	14.2%	58.4%	100.0%