

UP24/39 Local Planning Policy 1.6 - Parking and Access

File Number:	
Responsible Officer:	Manager Strategic Urban Planning
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	Nil.
Application Number:	N/A
Applicant:	N/A
Owner:	N/A
Proposal:	N/A
Attachments:	1. Local Planning Policy 1.6 - Parking and Access (with track changes)

COUNCIL'S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

SUMMARY

- The City continuously reviews and updates the local planning policy framework to ensure that best practice is enacted in relation to planning decision making.
- Local Planning Policy 1.6 Car Parking and Access (LPS 1.6) currently provides the key parking and design standards for non-residential development in the City.
- It has been identified that the review of LPP 1.6 represents an opportunity to:
 - clearly articulate the City's expectations to applicants, the community and decision makers in relation to pedestrian sight lines and vehicle ramp gradients;
 - respond to changes to the state and local planning framework; and
 - improve the readability of the document and ensure it is consistent with the City's corporate strategic planning framework and its transformational goals.
- Under the provisions of the R-Codes, the proposed changes to LPP 1.6 in relation to vehicle ramp gradients require the approval of the Western Australian Planning Commission.
- It is recommended that the draft amended LPP 1.6 is advertised for a period not less than 21 days, and a further report be presented to Council to consider the outcomes of advertising.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (UP24/39)

At 9:46pm Cr T Fitzgerald moved, seconded Cr D Lim

That the Council:

1. **Endorse Local Planning Policy 1.6 Parking and Access as modified;**
2. **Pursuant to Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the amended Local Planning Policy 1.6 Parking and Access for the purposes of public consultation for a period of not less than 21 calendar days; and**
3. **Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of amended Local Planning Policy 1.6 Parking and Access shall be authorised by the Chief Executive Officer.**
4. **Permit the CEO to update Local Planning Policy 1.6 Parking and Access upon the release of the new version of AS2890.1 Parking Facilities to reflect the correct paragraph numbers without the need to come back to Council for reindorsement.**

At 9:46pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (13/0)

PURPOSE

The purpose of this report is for the Council to consider modifications to the existing LPP 1.6 to respond to change to the planning framework, to articulate the City's position in terms of sightlines and vehicle access ramps and to make it easier to read.

STRATEGIC ALIGNMENT

Priority	3	Empower the voices of our diverse community by strengthening engagement
	P3/1	Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.
	P3/2	Improve the mechanisms to make information flow easier to access and share, including optimising digital communications.
	P3/4	Enhance opportunities for civic engagement and building community capacity.
Outcome Indicator	5	Sense of Community
	Goal 2	Participation and Inclusion
	Goal 4	Sense of Identity through Collective Memory
	Goal 5	Social Connectedness and Belonging

BACKGROUND

In September 2021, Weir Legal and Consulting, prepared a report called City of Melville Review of Complaints Building and Planning (the report). The report made several recommendations to assist the City to improve its processes and decision making. Most of these recommendations have been completed by the City and/or are in progress. Part of the City's program of process improvements has been a review of LPP1.6.

- LPP1.6 was first adopted by the City of Melville (the City) in October 1999 and has been reviewed regularly since that time.
- LPS 1.6 currently provides the key parking and design standards for non-residential development in the City. LPS 1.6 does not apply to residential development except for clause 7 which allows for multiple dwellings to provide cash in lieu of parking in certain circumstances.
- Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking Facilities (AS2890.1) provides detailed guidance in relation to Off Street Parking and includes provisions regarding the sight distance requirements and gradients of access driveways. AS2890.1 is currently under review and anticipated to be finalised in the coming 6-12 months.
- Since the last review of LPP 1.6, there have been several changes to the planning framework at the state government level relating to parking. These include modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations), publication of [Payment in Lieu of Parking Guidelines](#) and change to State Planning Policy 7.3 Residential Design Codes (Volumes 1 and 2) (the R-Codes). Changes to the R-Codes to accommodate Part C 'Medium Density Codes' have also been published.
- The State Government has published [Interim guidance for non-residential car parking requirements](#). The parking standards in this document are generally consistent with those in LPP1.6 and therefore no changes to parking ratios are proposed at this stage.
- At the local level, there are several structure plans which provide specific guidance for parking. These need to be acknowledged in LPP1.6. The City has also embarked on projects, such as Customer First and Business Friendly which need to be considered in any policy review.
- The findings of the policy review and recommended changes to LPP 1.6 were presented to an Elected Members Engagement Session on 28 May 2024.

CONSIDERATION

1. *Customer first and business friendly.*

An introductory paragraph has been included at the beginning of the policy. This informs customers of the purpose of the policy and directs customers to the website or to contact City staff if they want more general information. This saves customers from reading through the whole policy only to find it does not contain the information they were looking for. This responds to customer feedback and is consistent with the City's customer first and business friendly approach.

The policy objectives and the overall wording of the policy have been reviewed with a customer in mind. The aim is to make the policy as simple as possible, while noting the document is technical in nature and therefore may require some prior knowledge of the planning framework and planning process to fully understand the content.

Additionally, the policy has been updated to allow for reductions in parking provision in all centres across the City, rather than limiting this to Secondary and District centres, subject to a satisfactory parking management plan being prepared for the development. This provides additional flexibility for decision makers and incentivises development in centres as promoted by the Local Planning Strategy and state government planning reforms.

2. *Addition of a policy citation.*

An additional clause has been included to confirm that this policy is made under the relevant provisions of the Regulations and City of Melville Local Planning Scheme No. 6 (LPS No. 6).

3. *Updated policy scope.*

The policy scope has been updated to note the relationship between LPS No.6 and the various structure plans across the City. This confirms that where a structure plan contains a specific parking requirement, that requirement prevails over LPP1.6.

The updated scope also confirms that the policy modifies several provisions of the R-Codes. The updated scope is based on advice from both the Department of Planning, Lands and Heritage (DLPH) and the legal advice from Thompson Greer. It includes a table which identifies the provisions of the R-Codes which are being modified and how.

4. *New clauses relating to ramp gradients and vehicle sight lines.*

The policy has been updated to provide guidance for ramp gradients and vehicle sightlines for residential and non-residential development. These clauses reference AS2890.1. Under the provisions of the R-Codes the proposed changes to LPP 1.6 in relation to ramp gradients require the approval of the Western Australian Planning Commission. Further detail is provided below.

Under the provisions of the R-Codes, a 1.5x1.5 metre truncation, or sightline, is required to be provided for all development, where a driveway meets the street boundary, to provide for pedestrian visibility. This contrasts with the provisions of AS2890.1 which indicate a truncation of 2x2.5 metres should be provided where a driveway serves 4 or more dwellings. The review of LPP1.6 has been identified as an opportunity to align with AS2890.1 and provisions have been added accordingly. Where a proposal does not meet the sightline provisions of AS2890.1 the applicant may seek a performance-based assessment and the proposed clauses outline the matters to be considered as a part of the assessment process.

The deemed to comply and acceptable development standards, contained in the R-Codes Volumes 1 and 2, do not provide assessment criteria in relation to driveway ramp gradients. As with pedestrian sightlines, this review represents a chance to align with AS2890.1 and to provide stakeholders with an understanding of the City's expectations. New provisions have been added to LPP1.6 accordingly. Where a proposal does not meet the vehicle ramp gradient provisions of AS2890.1 the applicant may seek a performance-based assessment and the proposed clauses outline the matters to be considered as a part of the assessment process.

To ensure consistency between residential and non-residential development, sightline and vehicle ramp provisions have also been added to the non-residential section of LPP1.6.

The City is aware that modifications to AS2890.1 have been advertised for public comment. It is understood that the changes to AS2890.1 are not related to pedestrian sightlines and ramp gradients. A modified version of AS2890.1 is likely to be released this year however the exact date is not yet known. It is recommended that LPP1.6 is updated when AS2890.1 is modified to ensure that the relevant clause numbers remain relevant. It is recommended that that Council delegate the power to modify the LPP1.6 to the CEO to remove the need for this minor change to come back to Council.

ENGAGEMENT

If Council resolve to endorse the amended LPP 1.6 for public consultation, it will be advertised for a minimum of 21 days in accordance with the Regulations. A notice will be placed in a local newspaper and information provided on the City's website. It is anticipated that as a part of the public consultation period, notice of proposed policy changes will be given to peak professional bodies. In addition, it is anticipated the policy changes will be publicised on the City's social media channels and electronic newsletters. In this way, the City can maximise awareness of the proposed changes and encourage submissions.

Following the conclusion of the public consultation period, a report will be presented to Council at the next available Council meeting to consider the outcomes of consultation and finalising draft amended LPP 1.6. In the event no submissions are received in response to consultation, it is recommended that the amendments to LPP 1.6 be adopted without further referral to Council.

As part of the preparation of LPP1.6, the City has liaised with officers of the Department of Planning, Lands and Heritage (DPLH). The purpose of this communication was to determine if the proposed changes will require the approval of the Western Australian Planning Commission (WAPC). Notwithstanding the officer advice that WAPC approval is not required, a copy of the draft policy will be sent to the DPLH during the consultation period to enable it to provide further comment if required.

It is noted that the City engaged Thomson Geer lawyers to undertake a peer review of LPP1.6, the recommendations of this peer review have been incorporated into the proposed policy changes.

SUSTAINABILITY IMPLICATIONS

The objectives of LPP1.6 include promoting environmentally sustainable development, facilitating an appropriate amount of vehicle parking and promoting active modes of transport. The policy changes do not diminish from these objectives. It is noted that increases to minimum car parking requirements have potential to erode promotion of more sustainable forms of transport. Changes to minimum parking requirements are not proposed.

The proposed changes to LPP1.6 will articulate the City's expectations in relation to ramp gradients and sightlines while also providing the potential for the requirements to be modified where this will have positive environmental results.

LEGISLATIVE AND POLICY ALIGNMENT

Under the provisions of the Regulations, a local government may prepare local planning policies on a range of matters. A local planning policy must be based on sound town planning principles and may address operational matters such as parking and access. Where a local planning policy is based on sound town planning principles and is properly adopted under the provisions of the Regulations, it is to be given regard in the decision making process.

The R-Codes Volumes 1 and 2, detail which clauses can be modified by a local government without the approval of the WAPC. The R-Codes also provide detail of the clauses which can only be modified by a local government with the approval of the WAPC. In this respect the R-codes indicate that any local planning policy which modifies Clause 7.3.1(b) of Volume 1 of the R-Codes and 1.2.4 of Volume 2 of the R-Codes requires the approval of the WAPC.

As part of the preparation of this policy, the City has communicated with officers of the DPLH to determine if approval of the WAPC is required. The DPLH has advised that the proposed gradient provisions in LPP1.6 can be included without the need for formal WAPC approval rather an approval can be granted under delegation available to officers. The reason given is that the proposed gradient provisions are augmenting Volume 1 and 2 of the R-Codes by introducing an additional deemed-to-comply (DTC) or acceptable outcome (AO) provisions rather than amending or replacing existing DTC or AO provision. As noted above a copy of LPP will be provided to the DPLH as a part of the consultation process.

FINANCIAL IMPLICATIONS

For the City the statutory consultation process requires a notice will be placed in a local newspaper which can be accommodated within the exiting budget.

As noted previously in this report, Thomson Geer has undertaken a peer review of LPP1.6 on behalf of the City. The cost of the peer review was \$3000.00.

For applicants once the policy has been adopted, there may be a cost to engage a suitably qualified traffic consultants to provide guidance in relation to the requirements of the AS/NZ standards for ramp gradients and sightlines at the design stage of development. Most substantial development applications are prepared with input from a traffic consultant and therefore the additional cost to applicants is likely to be minimal.

Where a proposal does not meet the ramp gradients and sight lines requirements and a traffic consultant is required to provide a risk assessment and mitigation measures, the cost to applicants may be more substantial, however for the benefit of the greater safety of the community.

CONSEQUENCE

The following options are available to Council:

1. Resolve to prepare draft amended LPP 1.1 as recommended.
2. Resolve to prepare draft amended LPP 1.1 as modified by Council.
3. Resolve not to prepare draft amended LPP 1.1. This would mean that the provisions of the current LPP 1.1 will continue to have effect and apply.