



# LPP 1.6 – Response to concerns

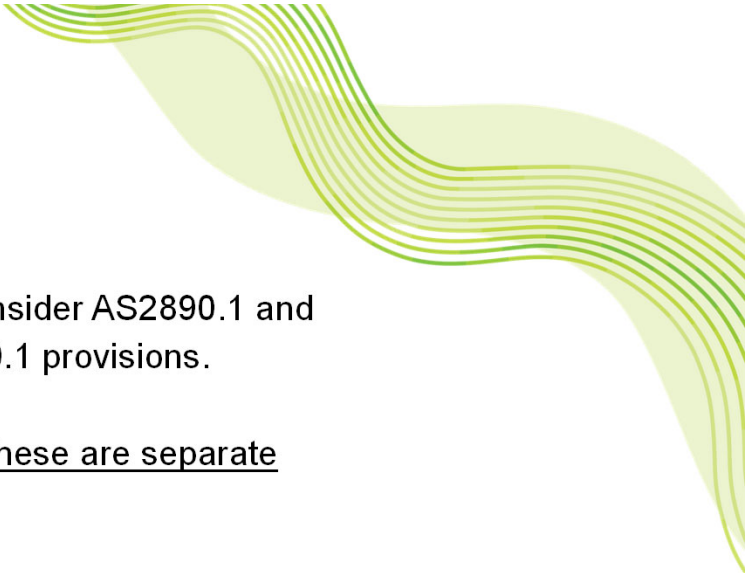
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20 May 2025 OMC

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City of  
**Melville**



# Previous Assessments and AS2890.1

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It has been acknowledged that previous assessments did not appropriately consider AS2890.1 and implement risk mitigation strategies in lieu of strict compliance with the AS2890.1 provisions.

There have been a number of corrective actions on previous developments – these are separate compliance matters to this policy review.

The City has provided responses in relation to the 26 development sites mentioned to the DPLH earlier this year.

This policy review seeks to prevent this from happening again. Without the updated policy provisions, there is greater ambiguity in relation to process and the City’s expectations in relation to AS2980.1 compliance.

Planners rely on advice from our engineers in reviewing technical reports. We have bolstered our capacity to review these reports and technical statements by supplementary consultant support where required to ensure we do not repeat mistakes of the past.

## WAPC approval

LPP 1.6 review was prepared with legal advice to ensure it can be appropriately implemented and incorporated AS2890.1 more so than the existing R-Codes.

Following advertising, it was also reviewed by the DPLH officers who made further recommendations to augment the structure to ensure greater enforceability.

The policy was subsequently presented to WAPC on the 26<sup>th</sup> February 2025 and approved. This ensures that the sections of the R-Codes which required WAPC approval can be enforced if adopted by Council. We did this proactively to ensure whatever we present to Council can be enforced. This policy will be held as an exemplar on how to deal with AS2890.1 compliance and if adopted by Council, forwarded to WALGA for their circulation to other local governments.

LPP 3.1 only augments the sightline requirements (clause 5.2.5) under Part B of the R-Codes (low density development). This provision can be augmented without further approval from the WAPC as per section 3.2.3.a of the R-Codes. LPP 3.1 is also the subject of review presented to Council tonight to further clarify that this requirement only applies to three or less dwellings and also to further rationalize the provisions.

## Sightlines within properties

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AS2890.1 does not require that sightlines are contained within properties – nor does the R-Codes.

Containing within the property does make things easier for future development and the like, but this is not always possible.

This would require a larger setback and hence potentially a negative impact on the streetscape in terms of the vehicle access dominating the streetscape

This would need to be re-advertised and re-submitted back to the WAPC for their approval. We cannot guarantee this would be supported noting that many developments do not have this arrangement due to impact on the design and streetscape.

## Gradients

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We have appropriately covered gradient compliance being achieved on site through our policy provisions requiring compliance with AS2890.1. We see this as the most appropriate method in case the standards are updated.

We agree that level changes to achieve compliance should not occur in the verge – this is a tripping hazard and is covered through other processes now.

## Document control

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We can include the WAPC approval date (26<sup>th</sup> February 2025) at the end of the document along with the date adopted by Council (once approved by Council).

It is important to note that the term 'variation' is used interchangeably in planning and hence may mean several things.

- Varying the R-Codes using the performance criteria (design principles or element objectives); or
- Augmenting (varying) the deemed to comply and acceptable outcomes of the R-Codes (i.e. the standard compliance method) using local planning policy provisions.

If clarification is sought around the difference between these two processes, please note that this is already covered by the R-Codes up-front introduction sections. We can include a short statement in the LPP to clarify if believed necessary in addition to this. This would be an administrative change.



# Documentation with RAR

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More recent examples where AS2890.1 sightline or gradient compliance have been noted are for Apartment Developments at no. 25 Almondbury Road and no. 6 Willcock Street, Ardross. We covered the respective gradient and sightline issues within the reports and conditioned accordingly based on the information and technical advice we had.

We welcome review of these reports as to how we can improve our reporting.