

LPP 1.6 Car Parking and Access Review  
Deputation to OMC 20 May 2025  
Dayle Kenny

**In the interest of Community Safety**



# What I will cover

- ▶ **Why the review and what is not working**
- ▶ **Regulatory considerations**
- ▶ **What is missing from the review**
- ▶ **Making LPP 1.6 work for the community**
- ▶ **Any questions?**

# Why a review?

- 10 developments non-compliant with planning conditions
- 9 these developments have been issued certificate of occupancy

**Figure 1**

JDAP Approved Developments overseen by the City of Melville; non-compliant with their Planning Conditions

Case	Address Building details	JDAP/DA Date	DA Compliance Condition	Non-Compliance Description
1	Lot 118 Fiona Wood Road Murdoch 8 Storey - Mixed Use	DAP 2022-02186 03/06/2022	Condition 23, AS/NZS 2890.1 applies	<u>Planning Approval Condition 23</u> Cross-over gradient is too steep and sight lines are obstructed at the exit contrary to AS/NZS 2890.1.
2	Forbes Mana, Forbes Rd cnr Kishorn Rd, Applecross 13 Storey - CBACP - Mixed Use	DAP/18/01534 24/04/2020	Condition 23, LPP3.1 C15 applies	<u>Planning Condition 23</u> Exit sight lines are obstructed by a door opening onto the roadway, contrary to LPP3.1 Clause 5. The doorway is in different location to that shown in the approved RAR plans.
3	Riviere, Canning Beach Rd cnr Moreau Mews, Applecross 15 Storey - CBACP - Mixed Use	DAP 2019-01638 11/12/2019	Condition 4, AS/NZS 2890.1 applies	<u>Planning Approval Condition 4</u> Exit sight lines are inadequate and are obscured by the boundary fence contrary to AS/NZS 2890.1.
4	36 Kintail Road Applecross 4 Storey - CBACP - Residential units, Basement carpark, 18 bays, single lane access/exit.	DAP 2018-01355 21/05/2018	Condition 13, AS/NZS 2890.1 applies	<u>Planning Approval Condition 13</u> Exit gradient is too steep and there is no truncated sight lines contrary to AS/NZS 2890.1.
5	8 Macrae Road Applecross 5 Storey - CBACP - Residential 30 units, Basement carpark.	DAP2016-01164 20/03/2017	Condition 18, AS/NZS 2890.1 applies	<u>Planning Approval Condition 18</u> Exit gradient was too steep and there were no truncated sight lines contrary to AS/NZS 2890.1. The exit roadway gradient was corrected during construction and the sight lines corrected post construction, following community pressure.
6	1 Davenport Road cnr Riseley Street, Booragoon 3 Storey with Undercroft - Mixed Use	DAP 2016-00997 23/05/2016	Condition 2, Plans approved by The City. Condition 4, Sight lines 1.5 x 1.5m	<u>Planning Approval Condition 4</u> There are no truncated exit sight lines, contrary to the specified sight lines. (Note also that Condition 4 does not comply with R-Codes 5.3.4 C4.1).
7	136 Riseley Street Booragoon 4 Storey - Mixed Use	DAP 15-00905 06/01/2016	Condition 2, Approval by Mgr SP. Condition 4, Sight lines 1.5 x 1.5m	<u>Planning Approval Condition 4</u> There are no truncated exit sight lines, contrary to the specified sight lines. (Note also that Condition 4 does not comply with R-Codes 5.3.4 C4.1).
8	The Precinct, 893 Canning H'way cnr Sleat Rd, Mt Pleasant 22 Storey - CBACP - Mixed Use	DAP 2019-00873 30/11/2015	Condition 4, Approval by Mgr SP. Condition 6, Sight lines 1.5 x 1.5m	<u>Planning Approval Condition 6</u> There are no truncated exit sight lines, contrary to the specified sight lines.
9	Cirque, 63 Kishorn Road Mt Pleasant 20 Storey - CBACP - Mixed Use	DAP 2015-00824 27/10/2015	Condition 5, Approval by Mgr SP. Condition 7, Sight lines 1.5 x 1.5m	<u>Planning Approval Condition 7</u> There are no truncated exit sight lines, contrary to the specified sight lines.
10	19 Ogilvie Road Mt Pleasant 9 Storey - Mixed Use	DAP 2013-00730 28/11/2013	Condition 15 Sight lines 1.5 x 1.5m	<u>Planning Approval Condition 15</u> There are no truncated exit sight lines, contrary to the specified sight lines. (Note also that Condition 15 does not comply with R-Codes 5.3.4 C4.1).
Shading signifies CBACP for which R-Codes do not apply				

# Why a review?

- 26 developments non-compliant with LPP 1.6
- No explanation in RARs to JDAP or Development Assessment Unit minutes

Figure 2

City of Melville Developments non-compliant with Local Planning Policy 1.6 - Car Parking and Access

Case	Address Building details	JDAP/DA Date	DA Compliance Condition	Non-Compliance Description
11	82A and 82B Macleod Road Applecross 6 Storey - Residential units	DAP/23/02469 04/09/2023	Condition 16, Sight lines as per drawings for life of project.	<u>LPP 1.6 - Residential to comply R-Codes</u> Exit sight lines are obscured by the boundary fence contrary to R-Codes 2.2.5 and 5.3.4
12	8 Willcock Street Ardross 3 Storey - Mixed Use	DA 2015-663A 03/07/2018	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No exit sight lines, contrary to AS/NZS 2890.1
13	150-152 Riseley Street Booragoon 4 Storey - Mixed Use	DA 2015-667 25/08/2017	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No exit sight lines from building alignment, contrary to AS/NZS 2890.1.
14	557 Marmion Street Booragoon 4 Storey - Mixed Use	DA 2016-1468 27/06/2017	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has obstructed exit sight lines, contrary to AS/NZS 2890.1.
15	164 Riseley Street Booragoon 4 Storey - Mixed Use	DA 2014-862 16/12/2014	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has no exit sight lines, contrary to AS/NZS 2890.1.
16	9 Willcock Street Ardross 2 Storey - Commercial	DA 2014-1090 18/9/2014	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has obstructed exit sight lines, contrary to AS/NZS 2890.1.
17	21-23 Queens Road Mt Pleasant 3 Storeys - Mixed Use	DAP 2012-1420 19/03/2013	Condition 12 - as per approved plans, for the life of the project	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No sight lines on the Reynolds Road and The Promiade exits, contrary to AS/NZS 2890.1. No truncated sight lines shown on the RAR approved plans.
18	31 Almondbury Road Ardross 2 Storey - Residential units	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No exit sight lines, contrary to AS/NZS 2890.1
19	26 Kintail Road Applecross 4 Storey - Mixed Use	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has no exit sight lines, contrary to AS/NZS 2890.1
20	5 Almondbury Road Ardross 2 Storey - Commercial	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has obstructed exit sight lines, contrary to AS/NZS 2890.1
21	85 The Promenade Mt Pleasant 2 Storey - Commercial	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has obstructed exit sight lines, contrary to AS/NZS 2890.1
22	15 Oglivie Road Mt Pleasant Multi-storey carpark, 118 bays	Not researched	Not researched	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No exit sight lines on left side, contrary to AS/NZS 2890.1
23	16 Oglivie Road Mt Pleasant 3 Storey - Commercial	Not researched	Not researched	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> Obstructed exit sight lines, contrary to AS/NZS 2890.1
24	28 Kintail Road Applecross 4 Storey - Mixed Use	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> No exit sight lines, contrary to AS/NZS 2890.1
25	2 Sleat Road Applecross 2 Storey - Commercial	Unable to research	Unable to research	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has no exit sight lines, contrary to AS/NZS 2890.1.
26	7 First Avenue Applecross 4 Storey - Mixed Use	Not researched	Not researched	<u>LPP 1.6 - Non-residential to comply with AS/NZS 2890.1</u> The exit roadway gradient is too steep and has obstructed exit sight lines, contrary to AS/NZS 2890.1




## Why a review?

### Transport Impact and Parking Assessment Reports

Of the twelve developments approved by JDAP the Transport Impact and Parking Assessment Reports in the RARs assessed the interaction between pedestrians and vehicles as follows:

- ▶ One, reported a non-compliant exit, however, there was no follow-up by The City to correct the non-compliance,
- ▶ Four, reported compliance with AS/NZS 2890.1, however, all four were non-compliant. The City did not challenge any of these non-compliances,
- ▶ One, was unsure as to the compliance with AS/NZS 2890.1,
- ▶ One, mixed-use development's RAR, adjacent to Garden City, did not have a TIPA, and,
- ▶ Five, Reports did not discuss the interaction between pedestrians and vehicles at the property boundaries.



## Why a review?

### Responsible Authority Reports to JDAP

#### **Development Plans and Drawings**

Twelve developments approved by JDAP:

- Nine had drawings attached to their RAR with vehicle exits that were not compatible with their proposed planning approval conditions.
- Another two specified exits to be as per the approved plans, which were not in accordance with LPP 1.6.
- Forbes' RAR had sight lines compatible with the R-Codes, but not with LPP 1.6. After planning approval a doorway to a plant room was moved such that it now opens out into the sight line of departing vehicles, obscuring the presence of any pedestrians.



## Why a review?

### Weir Report, September 2021

The City assured Ms Weir and the community that they would:

- Inspect all sites and assess the ramps against the Australian Standards,
- Where construction had not commenced, require plans to be amended,
- Where construction had commenced, arrange mitigation measures with the owners.

To my knowledge no planning directions have been issued under Section 14 of the Planning and Development Act 2005 to comply with the infringed conditions or issue retrospective planning approvals.



# Why a review?

## Weir Report, September 2021

Contrary to the undertakings to Ms Weir the City has:

- Issued a building permit for Forbes (13 storeys) with a driveway non-compliant with LPP 1.6 and built with a driveway obstruction, contrary to the approved plans,
- Issued a building permit for Riviere (18 storeys) with a driveway non-compliant with its planning condition 4,
- Issued a certificate of occupancy for 8 Macrae Road in January 2024, which was constructed with a non-compliant driveway contrary to a specific undertaking to Ms Weir that it would be built to the Australian Standard. This was rectified by the developer in March 2024 after public pressure and a visit from Building Commission officers.
- Submitted an RAR to JDAP, which was approved, for Lot 118 Fiona Wood Drive, with a driveway with no site lines at the boundary and a steep crossover cut into the verge, contrary to condition 23 of the planning approval,
- Submitted an RAR to JDAP, which was approved, for 82A and 82B Macleod Road, with site lines obscured by the neighbour's fence, contrary to the R Codes and LPP 1.6.



# Regulatory considerations

## **Planning and Development Act 2005**

- ▶ **Section 214** Local Government may issue a direction to correct a contravention of the planning scheme,
- ▶ **Section 218** Failure to comply with the provisions of a planning scheme is an offence.
- ▶ **Section 223** The Minister can impose severe penalties for an offence.



# Regulatory considerations

## **Planning and Development (Local Planning Schemes) Regulations 2015**

- ▶ **Regulations Schedule 1** allows for R-Codes to be varied on a case by case basis, by local government, after due consideration,
- ▶ **Regulations Schedule 2** requires any variation of a deemed-to-comply provision of the R-Codes in a Local Planning Policy to be approved by the WA Planning Commission.



# Regulatory considerations

## Planning and Development (Local Planning Schemes) Regulations 2015

**Local Planning Policies** (LPP) are set up under this Regulation to be part of the Local Planning Scheme. The City has two Local Planning Policies that deal with vehicle exit sight lines and carparking.

- ▶ **LPP 3.1 Residential Development**, Clause 5 Sight lines, allows for a pier and 80% visible permeable fencing within the truncated sighting area. Have the variations from the R Codes in LPP 3.1 been approved by WAPC?
- ▶ **LPP 1.6 Car Parking and Access**, current stipulates compliance with the R-Codes for all residential developments and AS/NZS 2890.1 2004 Parking facilities for non-residential development. Again, has the current version of LPP 6.1 been approved by WAPC?



# Regulatory considerations

## State Planning Policy 7.3 Residential Design Codes (R-Codes)

- ▶ **Vol 1 5.2.5 Sight lines**, specifies unobstructed, truncated sight lines of 1.5 by 1.5m.
- ▶ **Vol 1 5.3.4 Design of car parking spaces**, specifies compliance with AS/NZS 2890.1, which includes car parking roadways, entries, exits and crossovers.
- ▶ Until recently this applied only to developments R40 and below.
  
- ▶ **Vol 2 3.8 Vehicle Access**, specifies unobstructed, truncated sight lines of 1.5 by 1.5m.
- ▶ **Vol 2 3.9 Car and Bicycle Parking**, specifies parking must be safe and accessible. No standards are set as to the design and the meaning of “safe”!
- ▶ **Vol 2** applies to R80 and above for residential and mixed-use developments.



# Issues not covered

## Obscured sight lines

### **Through neighbour's property:**

- Riviere, Canning Beach Road
- 36 Kintail Road
- 82A, 82B Macleod Road

### **Within own property:**

- 9 Willcock Street
- 8 Macrae Road (now compliant)

# Issues not covered

## Crossover cut into the verge

### As built:

- 1 Davenport Road

### As approved:

- Lot 110, Fiona Wood Road  
(JDAP 3 June 2022)
- 8 Macrae Road  
(JDAP 20 March 2017)






# Issues not covered

## Document control

### **R Code variations in the LPP require WAPC approval:**

- ▶ Record WAPC approval in the document control panel at the end of the document,
- ▶ Include an explanation of the difference between case by case variations from the R Codes and variations within a LPP.



## Making LPP 1.6 work for the community

### Reporting variations from LPP 1.6

**To protect community safety variations from LPP 1.6 must be documented in the RAR and/or the Development Assessment Unit minutes:**

- The nature of and reasons for a variation,
- Mitigation measures to be implemented,
- Resultant safety risk assessment,
- Person completing the assessment.



## Making LPP 1.6 work for the community

### Variations from AS/NZS 2890.1

- ▶ Historically variations from the Australian Standard have been done very poorly
- ▶ No explanation
- ▶ No record
- ▶ Ineffective mitigation measures

# Making LPP 1.6 work for the community

## Ineffective mitigation

### Signs

- Confusing
- Indistinct



# Making LPP 1.6 work for the community

## Ineffective mitigation

### Convex Mirrors

- Not maintained
- Poorly positioned

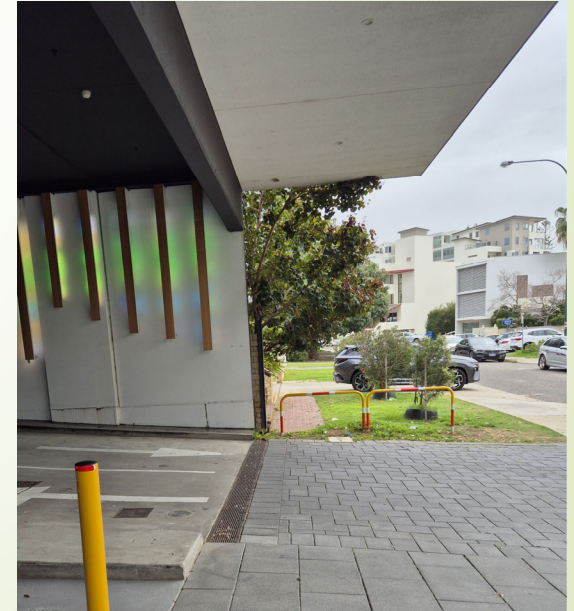


# Making LPP 1.6 work for the community

## Ineffective mitigation

### Barriers

- ▶ On public property



# Making LPP 1.6 work for the community

## Ineffective mitigation

### Flashing Lights

- ▶ Not visible
- ▶ Not understood
- ▶ Poorly positioned





# Summary

- ▶ Sight lines within the property
- ▶ Property vehicle exits to be at verge level
- ▶ Document control to show WAPC approval of variations
- ▶ Reporting of variations from LPP 1.6 in RAR's and DAU minutes
- ▶ **Training of City Officers to correctly implement LPP 1.6**
  - ▶ **Technically and culturally**
- ▶ Update and validate LPP 3.1 with WAPC approval

# 8 Macrae Road

