

Australian Standard, AS/NZS 2890.1:2004

Purpose of this Submission

I lodge this submission in support of Mr Ryan Hopkinson's petition to Council on the 4 September 2026.

This submission primarily responds to Cr Woodall's discussion and the amendment removing reference to **AS/NZS 2890.1:2004 – Parking facilities, Part 1: Off-street car parking** from Part 3 of the City of Melville Fencing Law.

I respectfully submit that removing this reference requires considerably greater consideration than simply concluding that Australian Standards are unclear, are not laws, or may produce inappropriate outcomes.

The issue is ultimately one of **public safety, consistency of planning assessment, accountability and the appropriate application of recognised technical standards.**

The concern is not that Australian Standards must apply in every circumstance. Rather, it is that where a recognised Australian Standard provides an established technical basis for assessing vehicle access, parking and the interaction between vehicles and pedestrians, the reasons for departing from that standard should be clearly identified, technically justified and appropriately documented.

1. Australian Standards

The predecessor to Standards Australia was established in 1922 to advise on engineering standards in response to significant numbers of injuries and fatalities in industry. Its scope has subsequently expanded to areas including consumer safety, occupational health and energy management.

Standards Australia is an independent, non-government organisation. Its activities are supported through a combination of government grants and commercial activities.

It is important to distinguish between two propositions:

1. an Australian Standard does not automatically become law merely because it is published by Standards Australia; and
2. an Australian Standard may nevertheless become legally relevant where it is incorporated into legislation, regulations, codes, planning requirements, contractual conditions or approval conditions.

The current R-Codes provide an important example of the latter. The R-Codes Volume 1 deemed-to-comply requirements provide that relevant car parking spaces and manoeuvring areas are to be designed and provided in accordance with AS 2890.1.

Accordingly, describing Australian Standards generally as “not law” does not adequately explain their role in the Australian regulatory system.

The appropriate question is not simply whether a Standard is legislation. The appropriate question is:

What legal, planning or approval framework makes the Standard applicable to the particular development or circumstance?

2. The Role of Australian Standards in Planning and Development

Australian Standards are developed through processes involving technical expertise and consultation and are widely used as recognised benchmarks for safety, design and performance.

The City of Melville makes use of Australian Standards in policies and planning and development requirements.

There is therefore a significant distinction between saying that a Standard is:

- legislation in its own right; and
- a recognised technical standard incorporated into a statutory, regulatory, planning or approval framework.

AS/NZS 2890.1 is particularly relevant to this discussion because it provides a technical framework for the design of off-street parking and vehicle manoeuvring.

The current R-Codes Volume 1 specifically reference AS 2890.1 for the design of relevant car parking spaces and manoeuvring areas.

This demonstrates that AS 2890.1 is not simply an arbitrary industry document with no relevance to planning assessment.

3. Application of Standards and Alternative Solutions

I agree that Australian Standards cannot necessarily be applied mechanically to every circumstance.

However, that does not mean that the alternative is to remove the Standard or disregard it whenever an individual situation is considered unusual.

Where the applicable planning framework permits an alternative solution, the alternative should be supported by a transparent assessment demonstrating that the required planning and safety outcomes have nevertheless been achieved.

The current R-Codes themselves distinguish between deemed-to-comply provisions and broader design principles.

For example, the R-Codes identify vehicle access safety and pedestrian safety as important design considerations.

The appropriate approach should therefore be:

Standard → assessment → identified variation, where appropriate → demonstrated equivalent outcome → documented decision.

Such an approach would provide greater certainty for Council, officers, developers and the community.

4. The Role of the R-Codes

The R-Codes are a critical part of the planning framework within Western Australia.

The current WA Government planning framework identifies the R-Codes as operative planning codes.

The R-Codes Volume 1 contain specific provisions concerning parking and vehicle access.

Of particular relevance is the requirement that car parking spaces and manoeuvring areas be designed and provided in accordance with AS 2890.1 where the relevant deemed-to-comply provision applies.

The R-Codes also recognise:

- vehicle access safety;
- pedestrian safety;
- appropriate access arrangements;
- safe and functional parking;
- appropriate driveway design; and
- the relationship between development and the surrounding street network.

Consequently, AS 2890.1 and the R-Codes should not be treated as unrelated documents.

They form part of a broader framework for achieving safe and functional development outcomes.

5. Transport Impact and Parking Assessments

Transport Impact and Parking Assessment Reports (TIPAs) are submitted as part of development assessment and are prepared by consultants engaged by the applicant.

I completed a review of twelve developments approved through JDAP processes.

The review identified the following concerns:

Finding	Number
Report identified a non-compliant exit, with no apparent follow-up to correct the issue	1

Finding	Number
Reports stated compliance with AS/NZS 2890.1 but, on review, appeared not to comply	4
Report was uncertain about compliance with AS/NZS 2890.1	1
Mixed-use development adjacent to Garden City did not contain a TIPA	1
Reports did not discuss interaction between pedestrians and vehicles at property boundaries	5

These findings raise an important question.

If AS/NZS 2890.1 is removed or its application is regarded as unclear, what consistent technical benchmark will be used to assess the safety of vehicle access and the interaction between vehicles and pedestrians?

This is particularly important where development applications involve constrained sites and increasingly intensive residential development.

The current R-Codes themselves identify vehicle access safety and pedestrian safety as relevant planning outcomes.

6. Compliance and Certificate of Occupancy Concerns

The review identified developments where vehicle access did not to comply with applicable planning requirements.

The concern is not simply whether an application was approved.

The more important question is whether the development, when constructed and occupied, actually achieved the required safety and access outcomes.

Where a development is subsequently found to have compromised vehicle access or pedestrian safety, there should be a clear process for:

1. identifying the non-compliance;
2. determining whether it is material;
3. identifying who is responsible for addressing it;
4. implementing an appropriate corrective measure; and
5. documenting the outcome.

This is particularly important where certificates of occupancy or equivalent approvals have subsequently been issued.

7. Training and Consistency of Application

There is also an administrative issue that should not be overlooked.

At a meeting in January 2020 involving senior City officers plus Cr Pazolli, Fay Kenny, Peter Kenny and myself, CEO Tieleman undertook to implement training for officers concerning the understanding and application of AS/NZS 2890.1.

Similarly, at the May 2025 Ordinary Meeting of Council, Cr Woodall proposed a motion concerning training in the application of AS/NZS 2890.1.

A subsequent FOI request indicated that training had not been undertaken in either instance.

This may help explain why Cr Woodall believes there is about the application of AS/NZS 2890.1.

If officers are required to assess technical standards but have not received appropriate training, the solution should arguably be to improve the City's technical capacity rather than remove the reference to the Standard.

8. Clause 3.1(1) of the Fencing Law

A particularly important issue appears to have been missing from the consideration of item M2697 at the August OMC.

Clause 3.1(1) allows, among other things:

- solid fencing up to 0.75 metres;
- a solid pier up to 0.35 metres wide and 2.1 metres high; and
- fencing above 0.75 metres with 80% visible permeability for lots comprising three or fewer dwellings.

The concern is that these provisions may conflict with the sight-line requirements applicable under the R-Codes.

The R-Codes contain specific provisions concerning unobstructed sight lines, and the relevant assessment should therefore establish whether Clause 3.1(1) is consistent with the applicable planning framework.

If the provision represents a variation from an applicable R-Code requirement, the appropriate approval or assessment process should be clearly identified and documented.

Before Council re-approves or retains such a provision, Councillors should be provided with sufficient information to establish:

- whether the clause is consistent with the R-Codes;
- whether a variation is required;
- whether the appropriate authority has approved that variation;

- whether an alternative performance-based solution is being relied upon; and
- how pedestrian and vehicle safety is being protected.

9. The Importance of Sight Lines

Sight lines at vehicle crossings are not merely an aesthetic planning consideration.

They are intended to reduce the risk of conflicts between:

- vehicles leaving a property;
- pedestrians using the footpath;
- cyclists;
- children;
- mobility-impaired people; and
- other road users.

The R-Codes recognise pedestrian and vehicle access safety as relevant design outcomes.

The importance of sight lines was also highlighted by Ms Bronwyn Weir in her September 2023 report. The City undertook to implement her recommendations, including those involving sight lines.

Despite the City's undertakings a number of buildings have subsequently been approved non-compliant with to the R Codes and/or the Australian Standard. Remedial action at a number of historically non-compliant sites has been ineffective, with poorly displayed signs, convex mirrors out of driver and pedestrian line of sight and a low barrier kids use for hurdling practice.

Accordingly, any decision to permit fencing, walls, landscaping or other structures that may affect visibility at a vehicle access point should be based on a clear and defensible assessment.

10. Council's Values

The City of Melville identifies its most important values to be:

- Integrity;
- Excellence;
- Caring; and
- Participation.

These values are particularly relevant when considering matters involving public safety.

The objective of this submission is not to criticise individuals.

It is to encourage Council to ensure that decisions affecting vehicle and pedestrian safety are:

- evidence-based;
- technically informed;
- transparent;
- consistently applied; and
- capable of being explained to the community.

11. Response to the Arguments for Removing AS/NZS 2890.1

The concerns attributed to Cr Woodall included that:

- the application of Australian Standards is unclear;
- Standards do not fit all situations;
- Standards can produce perverse or non-sensible outcomes;
- Australian Standards are not laws;
- Standards are developed by industry figures rather than government;
- Standards Australia is not government-created;
- the particular application of the Standard is prescriptive; and
- the WAPC would not support its inclusion.

Some of these propositions contain elements of truth but require greater qualification.

Standards are not necessarily legislation

Correct. However, this does not mean that they have no legal or planning significance.

Standards do not fit every situation

This can also be accepted. However, the existence of circumstances requiring professional judgement does not establish that the Standard itself is inappropriate.

Standards can produce inappropriate outcomes

If a particular application produces an undesirable result, the appropriate response should be to identify the particular problem and determine whether the applicable planning framework provides an alternative mechanism.

Standards are developed by non-government experts

Standards Australia is independent of government, but that does not make the technical standards it develops irrelevant to government decision-making.

The application of a Standard may be prescriptive

That may be the case in some circumstances. However, where the Standard is expressly referenced by the applicable planning framework, its application cannot simply be characterised as an optional industry preference.

12. What Appears to be Missing from the Consideration

In my view, the consideration of M2697 should have addressed the following matters explicitly:

1. The role of AS/NZS 2890.1 within the current R-Codes framework.
2. The distinction between a Standard being legislation and a Standard being incorporated into a statutory or planning framework.
3. The circumstances in which an alternative solution can be considered.
4. The technical basis for determining vehicle and pedestrian safety where AS/NZS 2890.1 is not applied.
5. The long history of non-compliances with AS/NZS 2890.1 and deficiencies in Traffic Impact and Parking Assessment reports.
6. The absence of identified training despite previous commitments.
7. The relationship between Clause 3.1(1) of the Fencing Law and the applicable R-Code sight-line requirements.
8. The implications for public safety if inadequate sight lines are permitted.
9. The City's responsibility to ensure that development outcomes are consistent with its stated values.

The broader point, however, remains important:

Technical standards exist because experience demonstrates that failures in design, construction or compliance can have serious consequences.

13. Requested Actions

I respectfully request that Council review their decision in relation to the City of Melville Fencing Law at the August OMC:

1. Retain appropriate reference to AS/NZS 2890.1

Council should not remove reference to AS/NZS 2890.1 solely on the basis that Australian Standards are not legislation or cannot apply in every circumstance.

2. Review Clause 3.1(1)

Council should obtain clear advice as to whether Clause 3.1(1) of the Fencing Law is consistent with the applicable R-Code sight-line requirements and, if not, what approval or variation mechanism applies.

3. Require clear technical justification for departures

Where a development departs from AS/NZS 2890.1, the assessment should clearly identify the departure and explain how an equivalent or acceptable safety outcome is achieved.

4. Improve TIPa assessment

Transport Impact and Parking Assessment Reports should specifically address the interaction between vehicles and pedestrians at property boundaries and vehicle access points.

5. Improve officer training

The City should provide appropriate training to relevant officers in the interpretation and application of AS/NZS 2890.1 and associated R-Code requirements as promised by the previous CEO and requested by Council.

6. Review identified developments

Where credible evidence indicates that approved developments contain significant vehicle access or pedestrian safety deficiencies, the City should determine whether further investigation or remedial action is warranted.

7. Ensure transparency

Where an alternative solution or variation to a recognised technical standard is accepted, the basis for that decision should be clearly documented in the relevant, **Responsible Authority Report, Development Advice Unit minutes and the approval documentation.**

Conclusion

The issue before Council should not be characterised simply as whether Australian Standards are “laws”.

The more important question is whether Council has an appropriate, consistent and defensible framework for ensuring safe vehicle access, parking and pedestrian interaction across developments within the City.

AS/NZS 2890.1 provides an established technical benchmark, and the R-Codes expressly incorporate AS 2890.1 into relevant deemed-to-comply requirements for parking and manoeuvring areas.

Where the Standard does not appropriately address a particular circumstance, the answer should be a properly documented and technically justified alternative—not the abandonment of a recognised safety benchmark.

The concerns identified in this submission suggest that the greater issue may not be that AS/NZS 2890.1 is unclear, but rather that there may be inconsistency in its interpretation, application and enforcement.

Removing the reference to the Standard without addressing those underlying issues risks reducing certainty rather than improving it.

Council has an opportunity to demonstrate the values of **integrity, excellence and caring** by ensuring that decisions affecting vehicle and pedestrian safety are based upon sound technical evidence, properly documented and transparently applied.

Public safety should remain the paramount consideration.

In support of Mr Ryan Hopkinson's petition

Unfortunately, the City has not demonstrated a willingness to address the many issues in the area of Planning and Building, of which this Standards issue is just one. On a regular basis I see people who are being hurt financially and mentally and potentially physically by the City's inability to correctly deal with planning and building their issues.

This creates a great deal of stress for the property owners who then seeking proper redress continually pressuring City Officers. Who, I understand are complaining they are under continual public pressure, which is affecting their mental health.

The alternative is to have well trained, experienced officers dealing with these issues. Correct outcomes is a win for the community and win for the officers.

In my experience with City over the past nine years I have witnessed their refusal to recognize the over-arching problem and consequently nothing has changed.

Issues refuse to go away, the City is continually fending off ratepayers, who become more and more disillusioned.

The first step is that the City must recognize what is wrong and seek an appropriate solution.

Dayle Kenny

Applecross

13 September 2026