ROAD SAFETY COMMITTEE
INQUIRY INTO PEDESTRIAN SAFETY IN CAR PARKS
Melbourne — 14 September 2009

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Witnesses

Mr C. Payne, team leader,
Ms J. Heenan, resident, and
Ms S. Nugent, resident, paths and parking action group, Bayswater North Community Renewal project; and
Mr S. O’Brien, team leader, traffic and projects, and
Mr A. Taylor, manager, engineering and infrastructure, Maroondah City Council.
The CHAIR — Thank you for being here this afternoon to assist the Road Safety Committee’s inquiry into pedestrian safety in car parks. You are afforded parliamentary privilege, which means that for whatever you say in this room you are protected, but for anything you say outside this building, obviously that privilege is no longer afforded to you. The hearing is being recorded by Hansard, as you can see. You will get a copy of the transcript and may correct it as you see appropriate. I might get the community group to start first. Introduce yourself and proceed with your presentation, and we will ask questions as we go.

Mr PAYNE — My name is Chris Payne. I am the team leader for the Bayswater North Community Renewal project, which is funded by the Victorian government and auspiced by Maroondah City Council. There are eight projects across metropolitan Melbourne and the project works on a place-based process, so it is very much a line on a map. The project we are involved in is Bayswater North. We are working with residents to identify the things they want to celebrate and change and helping them to do that.

One of the issues that was identified through our consultation was the Canterbury Gardens shopping centre, as well as some other bits and pieces, and an action group called paths and parking was formed. Janette and Sue are members of that action group, and I invite them to have a bit of a chat to you.

Ms HEENAN — My name is Janette Heenan, and I am a resident of Canterbury Gardens. I originally got onto the action group as there was another group called the Mothers Living Well project. It was about mothers getting out and walking for mental health reasons after having a baby, getting out with their prams and getting active. That is how we became part of this paths and parking group.

Ms NUGENT — My name is Sue Nugent. I am a resident of Kilsyth South. It is the same for me; I met Janette through that group and we started to get involved in the paths and parking action group with community renewal.

Mr KOCH — In saying that, what sort of hearing have you had initially in your quest?

Ms NUGENT — First of all we had to work out who was responsible for what areas — the management of Safeway here, the car park — and who the stakeholders were. We have had quite a few meetings with those stakeholders and we have been able to work things out. I think we are getting there.

The CHAIR — You have a presentation you would like to go through?

Ms HEENAN — Yes. From December 2007 residents have taken steps to draw attention to the safety issues for pedestrians at Canterbury Gardens shopping centre in Bayswater North. The following slides detail the issues and the concerns.

Overheads shown.

Ms HEENAN — This one shows the loading dock in the middle of the shopping centre. On the left-hand side there is Safeway and on the right-hand side there is the strip shopping centre. Our concern is that trucks are coming in at all different times of the day and blocking cars and making it very unsafe. As you can see, there is someone across there. One of the major concerns for most parents is their little children running across there. We would like to see some form of signage.

The CHAIR — Is there a history of injuries being sustained in that area or are there any statistics to say that there have been extra amounts of injuries or crashes between pedestrians and cars?

Ms HEENAN — No.

Ms NUGENT — That we know of.

Ms HEENAN — Not that we are aware of.

Mr KOCH — Are the transports consumed completely by these shopping centres or have you still got a bit of them on the footpath and the family has to walk around the prime movers?

Ms NUGENT — See where that lady is. You have to actually walk through there.

The CHAIR — Behind the truck.
Ms NUGENT — There is nothing to say that it is there.

Ms HEENAN — No warning.

Mr KOCH — You just hope she comes out the other side.

Ms HEENAN — Yes, that is our concern. Mothers are also upset that there are no warning signs and no audible warnings. There is also the blockage of their cars in the car park. You can see the truck on the left-hand side there blocking cars trying to come out.

Ms NUGENT — There is parking behind that truck, so if your car is there, you cannot get out.

Mr WELLER — That truck backing in, though, would be going beep, beep, beep, wouldn’t it?

The CHAIR — It should have an audible alarm on.

Ms HEENAN — Yes, but you do not get a warning before it comes.

Mr WELLER — No.

Mr KOCH — As soon as he goes into reverse you hear the warning.

Mr WELLER — As soon as he puts it in reverse there should be a noise from the truck.

Ms HEENAN — Yes, that is right.

The CHAIR — But just from that picture I can see, for example, that that truck on the left is waiting for that other bigger Safeway truck to back in.

Ms HEENAN — That is right.

The CHAIR — But a pedestrian is actually walking behind the truck that is backing in. There is a problem in itself. You have a mother with a child just there, so that picture says a few things.

Mr LEANE — If you park where that blue car is and you have to pick up the kids at 3.30 p.m. and that truck parks behind you at 3.25 p.m. — —

Ms NUGENT — You are stuck there.

Mr LEANE — You are stuck there, and that has been the history of it.

Ms HEENAN — That is another thing that people are upset about.

Mr WELLER — That truck might be pulling out; that is why she is not worried.

Mr KOCH — The truck is leaving.

Ms HEENAN — There you have Safeway behind you and the strip shops in front. As you can see, if there are trucks behind that pillar, you cannot see if they are coming out beforehand. You have actually got to be on top of that before you see them.

The CHAIR — So there is no signage, there are no convex or concave mirrors — nothing?

Ms HEENAN — No.

Ms NUGENT — No, there are only those yellow poles, that is it.

Ms HEENAN — There are the two yellow poles and that is all.

Ms NUGENT — On either side, and that is it.

Mr KOCH — No Safeway attendant, just a free for all?
Ms NUGENT — No.

Ms HEENAN — No.

Ms NUGENT — And that is from the other side.

Ms HEENAN — That is from the other side.

Ms NUGENT — You are hemmed in if you park there, basically, if the truck has already — —

Ms HEENAN — It is showing the cars being blocked in. As you can see, it is all day. There is only an hour break.

Mr KOCH — You should be able to get your cars at between 12 noon and 1.00 p.m.

Ms HEENAN — If you are lucky, if there is no truck.

The CHAIR — If they were not delivering, you would not be going shopping there, would you? It is a catch-22.

Ms NUGENT — This is the entry from Canterbury Road. Once again we have a pedestrian issue; you have nowhere to walk. You have to walk on the road.

Mr PAYNE — The car park is very much made for cars. And from the outside of the shopping centre there is no way to walk in; there is no encouragement for you to walk in.

Ms NUGENT — There are no zebra crossings or anything, like the previous one you were talking about. Walking through the car park you cannot get through, can you?

Ms HEENAN — Yes.

Mr KOCH — Chris, after these situations are brought to your attention by the — —

Mr PAYNE — Paths and parking group?

Mr KOCH — Yes. What action is immediately taken from council’s point of view? Are you in a planning process which means you are able to assist quickly, or has this situation been ongoing for quite some time without resolution? Quite honestly, young mums, older members of the community — —

The CHAIR — Chris is not from the council, David.

Ms NUGENT — Yes, he is.

The CHAIR — You are?

Mr PAYNE — I work for council, but my role relates to community renewal. Steve is one of council’s engineers.

Mr KOCH — Sorry, I will redirect that question to Steve. How quickly can council attend to some of these matters that are brought before it by, as I said, young mums, elderly members of our community? We obviously have this traffic obligation on one side to service the retailers and on the other to look after the consumers. How quickly can you move as a council to try and address some of these situations, or are they just ongoing?

Mr O’BRIEN — I think a lot of these car park owners and retailers are victims of poor design from many years ago, where the objective was to maximise the amount of car parking spaces generally at the expense of good design for pedestrians, and safety in some instances as well. In terms of moving quickly to address the issues, often you need to change the car park. When you change the car park it often means you need to reduce the number of spaces, and that would generally then mean a new planning permit. It is not something that can happen quickly.

However, the approach that we take, and this is where we become involved with the community renewal
group, is that we understand that the owners of these car parks know they have problems and we generally
know they want to try to resolve those problems. So we try to facilitate a process where we can step them
through.

I understand it does take time to step them through the issues and also point them in the right direction in
terms of actually putting the solution on the ground. That is right from the moment we are made aware of it
through to putting it on the ground. Depending on the magnitude of the issue, we will sometimes go out to
do the investigation ourselves. We then go to them with the problem and a solution, and how to get the
solution on the ground.

This one was a little tricky because it was a lot bigger. We worked with the owners of the car park. We
directed them to engage an independent traffic consultant, which they did and which was really good, who
has done a report and noted all the issues that had been raised by the community and put together a design
response.

The CHAIR — Sorry, Steve. When you said ‘directed them’, obviously they did not have to comply with
that direction?

Mr O’BRIEN — No, they did not. But what we also do is try to make them aware of their responsibilities.

The CHAIR — But there is no enforcement law or regulation as such to direct them, is there?

Mr O’BRIEN — I think the Road Management Act would apply because this is a public, open car park and
anyone can drive in there. The road rules apply. If there is an issue, at the end of the day someone is
responsible — and they are the owners of that land. They are the road authority, so to speak, of that land.

When some of these issues were raised, there were implications from an access point of view. There is
nothing to stop someone taking them to the Equal Opportunity and Human Rights Commission, saying, ‘I
cannot get access; everyone else can get access, I cannot. I am being discriminated against’. There is
nothing to stop someone doing that in a private car park. The legislation sets out that owners of
infrastructure have 25 years to achieve compliance; it is a lengthy process. At the end of the day, those
same principles can apply to these people as well.

From a traffic safety point of view too, if they have things set up in their car park that may have been
approved or may have happened informally as the car park has evolved that look like they are major traffic
control items, they are supposed to have VicRoads approval. There are a lot of zebra crossings, for
instance, in car parks that do not have VicRoads approval.

Any person who puts them on the ground needs to have VicRoads approval but there are a lot of instances
where things are set up. Sometimes it is pseudo fragments that do not have the appropriate approvals. If
there is an incident there and you try to follow a paper trail back to how it came about, there is
responsibility, and I think risk, for the owners of the car park.

Mr KOCH — Is this an isolated case in Maroondah or have you got a lot of these things stacking up? Have
you got a lot of private parking historically?

Mr O’BRIEN — We have a number of big car parks that are privately owned.

Mr KOCH — How many cars or parking spots are we talking about here?

Mr O’BRIEN — I think it is a couple of hundred in this one.

Mr PAYNE — I think it is probably close to 500, almost 600.

Mr O’BRIEN — I did not think it was that many, but you are right; it is 566. So it is a fair-sized car park.
But the answer is yes, we do have these types of issues recurring in a number of spaces. We get a lot of
complaints — we call it constructive feedback — from residents, a lot around disabled parking spaces that are
not compliant. You go to look at them and you think there is no way someone could use them. Someone with a
genuine disability would have a lot of trouble getting in and out of those spaces.

Again what we do is we go to these people and say, ‘There is an issue. This is what we think you can do to
resolve it’. In some instances we will offer to do the work for them. We will say, ‘We can actually do the
work for you; we will use our own supply contractors. You will have to pay for it but it will probably be
less than if you go out and try to do it yourself or bring someone in to do it’. We have discounted rates
because of the fact that we have a contractor in servicing all of the municipality. We try to get practically
involved with those types of issues.
I think the gentleman who was on before touched on a good point around car park design, where there are a lot of varying standards. The planning guidelines specify car parking widths, aisles; stuff like that is different from the Australian standards. In my opinion, the Australian standard works a lot better. The planning guidelines were updated in, I think, the 1980s and that was really about maximising space and making it pretty easy for anyone to do a car park design.
Stuff was set out and as a result a lot of car parks have been designed without a proper traffic engineering assessment. The field has progressed quite a lot in terms of road safety audits, accessibility and all that sort of stuff. If you were to apply all those things now to a greenfield site, you should come up with a pretty good car park design. Generally that is what we are seeing now. It is these older car parks that have a lot of issues and it is often very difficult to resolve those issues.

Mr LEANE — On that point, Steve, if this car park came to council today and it was for a greenfield site, would it get a planning permit?

Mr O'BRIEN — It would need a lot of changes to get a planning permit.

Mr LEANE — No? It would not get a planning permit the way it is?

Mr O'BRIEN — It probably would not get out of the design office that it came from.

Mr LEANE — To start with?

Mr O'BRIEN — There are a lot of principles there that are missing, like pedestrian safety and the loading. It is a perfect example. The loading takes place through the middle of the car park, and it is really tricky.

Mr LEANE — How old is this site?

Mr O'BRIEN — I could not tell you exactly but I think it may have been developed in the 1980s, was it?

Ms NUGENT — Originally, it has been redone.

Mr O'BRIEN — It has been redone a couple of times.

Ms NUGENT — Safeway was not there originally.

Mr LEANE — It is about 15 years?

Ms NUGENT — It would be more than 15, I would think.

Mr O'BRIEN — I guess the status of this one at the moment is that the consultant has come back. They have not addressed all the issues; they have responded to all the issues but it is a bit of a compromise in terms of the solutions they are putting forward. They have taken the feedback or the report from their consultant and have weighed up the pros and cons of making certain changes, and what they are suggesting is they will make changes. It will not resolve all the issues; it will not address all the concerns but it will address some of them.

I guess the other thing they need to weigh up is the commercial viability of making some of these changes. To fix some of these issues will require major redesign of and works within the car park. Obviously they are not prepared to do that at this stage. It is a risk they need to accept and it is documented.

Obviously there is the planning side of things as well. They would need to take it through planning. I know they already have a permit for the number of spaces in that car park, and the works they are talking will reduce those spaces. I have given this report to our planners and I have said to them, ‘What are these people going to need to do in terms of getting a planning permit approval?’ Because they have done all the work beforehand, we want to streamline the planning process. The idea is they work with us to get the changes to a point where we are generally happy with them so that element is taken out of the planning process. It streamlines the planning process as well.

Mr KOCH — How many parking spots will they lose through your plan — 20 or 30?

Mr O'BRIEN — What is it?

Mr PAYNE — I think it is about four.
Mr O'BRIEN — Yes, it is not many.

Mr KOCH — Only four?

Mr O'BRIEN — It is not many. The main improvement they are proposing to make is to create a pedestrian access way from the middle of the car park. So they will lose a few spaces where the new pedestrian access goes through the middle of the car park.

They want to tidy up this intersection here to make it a less open for motorists to speed in there; they will make some subtle changes to that. At the moment pedestrians walk off the tram crossing that is on the lower part of the page and walk up the main driveway. The idea is that pedestrians will go past that, continue along the footpath and then walk up their own dedicated aisle. That then ticks off their requirement for DDA into the car park as well and through the car park. At the moment it does not exist. Someone in a wheelchair, for instance, could get from the road network into the shopping centre without having to go where the cars are and all that sort of stuff.

Ms NUGENT — That traffic going down there is doing 80 kilometres too.

Mr O'BRIEN — It is a very busy road.

Ms NUGENT — They are coming off there doing 80.

Mr O'BRIEN — We made some suggestions around how they could treat the loading dock and they have absolutely taken those on board — not fully, but they are proposing flashing lights and mirrors and all that sort of stuff.

Ms NUGENT — The problem we have here is you have somebody coming towards you with a trolley and you are coming the other way and you have got nowhere to go. You cannot actually go around the other side of the pole either because the cars, as you can see, are parked right up to there. Janette has twins and she can hardly get a twin pram to fit through there — or a child.

Ms HEENAN — I will just add that Safeway actually has twin trolleys but you can only just scrape past there.

Mr KOCH — Council has competing issues here. You have got the landlord on one side and you have got your action group on the other and we will not try to favour either because I understand you are doing your best to steer your way through it.

Mr O'BRIEN — Yes.

Mr KOCH — Is your end result going to be approved by the action group that has obviously brought this to your attention for a start?

Mr O'BRIEN — We asked the owners if we could make a copy of this report available to those guys and they said that was okay, so they have had a look at it. I have not had feedback yet on whether or not it meets all their needs. I do not think it will because there are certain elements that they have not addressed; this is one of them.

The CHAIR — Can we have a copy of that?

Mr O'BRIEN — This is their report here. I can leave it with you.

The CHAIR — Yes, provide one if you can.

Mr O'BRIEN — This was one of the main issues I thought of from an accessibility point of view and one that opens them up to a future Human Rights and Equal Opportunity Commission claim, because the reality is there is no DDA compliance here in terms of the amount of space left.

Mr LEANE — Is that not Woolworths’s responsibility?

Mr O'BRIEN — Yes, it is.
Mr LEANE — This is an issue I did not know about. Have they come back on that? Has Woolworths come back and said they are going to talk to you?

Mr PAYNE — There was a similar bay to that on the other side of the shopping centre and they have removed that but they have left that one there.

Ms NUGENT — I do not think this one is going to go, actually.

Mr PAYNE — I believe in regard to the report it says that for commercial reasons they are unable to do it.

Mr O’BRIEN — I think they have weighed up the locations where they could put it.

Mr PAYNE — In regard to storage of trolleys.

Mr O’BRIEN — They are obviously thinking that they are prepared to accept that risk in terms of future claims versus making the changes. It is quite funny actually because when I was on site with the traffic consultant and the owner of the car parks, there was a gentleman who came out of the shops who just happened to hear what we were talking about and he did not use very good English in terms of the way he described the way I was working to the owner of the car park, which was quite amusing.

The CHAIR — We might move it along, otherwise we are going to run out of time.

Mr PAYNE — The following slides are, I suppose, just a chronology of the process that the action group went through and the engagement of stakeholders.

Ms NUGENT — That is the Mothers Living Well project we started off. I wrote a letter to Safeway back in December 2007 but we never got a reply.

Mr KOCH — Did they get the letter?

Ms NUGENT — I do not know. We just never received a response. I think management has changed since then. Would that be right to say?

Mr PAYNE — Our project came online at a very similar time. We had a consultation in March. I think I spoke to them all once we had tracked down who was who in the zoo, and they believed that they had not received the letter but we did fax it to them on that occasion.

As the slide says, in May we also became aware that Appleby, the owners of the shopping centre, had put in an application to council to make some changes. A number of those changes did not deal with the issues that had been raised. To this point we understand that some of those changes have not been done because they have indeed committed to another traffic study and other things; only one part of that work which is currently approved has actually been completed.

Ms NUGENT — In the meantime, as we were saying, we have had a few meetings with different stakeholders throughout the process.

Mr WELLER — He’s a good local member.

Mr KOCH — Good local member.

The CHAIR — That is your problem right there.

Mr WELLER — David is a good local member; he will look after you.

Ms NUGENT — He has been.

Mr KOCH — I guess what is being demonstrated here is that without a code of practice statewide, and especially where you have some historic situations, it does take a lot to bring the landlords forward in some cases to meet the expectations of the consumer or the purchasers, and specifically in specific age groups and family circumstances, and it is something that all councils I assume will be moving towards, especially in their planning areas, to try and bring them up to speed, but without a set code of practice, and I think I indicated to
the earlier presenters that surely through the MAV or the ALGA there should be some forms that are being pursued with those organisations on behalf of all councils because some uniformity of this stuff — and it is pretty straightforward stuff

Supermarkets and car parks invariably do not vary a great deal and could, I suggest, probably be improved across the board anyway, and it is probably the logical thing instead of having a heap of islands and the Stevens of the world trying to put Maroondah on a map in front of someone else for two years, and then it goes past you. I do not know, Steven, is Maroondah doing anything along that line to pursue it with your associated bodies that represent you all?

**Mr O’BRIEN** — I do not believe so. I guess the way it works at the moment with these things is that whoever puts in an application to do a car park has an obligation to design it to a certain standard to get their permit. Standards have improved and we are seeing improvements in that respect. There are some discrepancies, as was discussed. It has been a bugbear in the engineering department at council for a while that the planning guidelines for car park design are different to the Australian standards, and we always push any applicant to use the Australian standards.

We prefer those. We think they give a much better outcome in terms of the way the car park functions, and we certainly push the developers to do good design. We always make the comment that we can pick when an architect has done the car park design over a traffic engineer. It happens a lot.

**Mr PAYNE** — It is important to note that recently again the group and community renewal and council are quite positive about the contribution that Applebys, the owners of the facility, have made. In some ways there was a little bit of poor timing for this, because they had indeed contributed those resources to do that plan which had been lodged with council, and then we raised these number of issues, and indeed at one of our first conversations they very much sort of said, ‘Well, it would have been good to know this six months ago’.

But we are aware that it has been a fairly open conversation in regard to what has been said previously, that we actually have very limited power, and the action group as residents have very little power in regard to influencing what Applebys do about their car park, but they have been fairly open with that conversation. Recently the action group did a survey of 50 residents to be able to show that it was more than the issues of a few residents.

The survey indeed showed that they were fairly on the mark with their concerns about the car park, but it is good that it is progressing, and also we acknowledge that the timing of this inquiry has also influenced the outcome expected and the ability to influence the stakeholders in a conversation about the expectations of what might be safe for the residents.

**Mr LEANE** — Since 2007 has anything physically changed in that car park?

**Mr PAYNE** — Yes.

**Ms NUGENT** — Yes, it is fairly recent.

**Mr O’BRIEN** — Council made some changes to one of the entrances where the road reserve is. It is a strange road reserve. The way it interfaces between their property and the actual road, there is a fair distance there. We did some changes into their car park as well. We did a little bit of work, just linemarking in their car park to tidy up the entrance off Colchester Road.

**Mr PAYNE** — And one of the aspects also is that on the original plan that was approved in November where there is a fairly central intersection, there was a raised pavement. I think that was put in in February this year. It was one of the things identified in that original plan.

**Mr O’BRIEN** — From memory one of the reasons why they wanted to do that was to stop some hooning in the car park as well. I think after-hours hooning was an issue for them too.

**Ms NUGENT** — I thought it was to slow the people coming in as well — and the trucks.

**Mr O’BRIEN** — Traffic management.

**Mr LEANE** — What about the loading bay?

**Mr PAYNE** — No.
Ms NUGENT — All this was in the last few days, wasn’t it, basically? They have painted the crisscrossing lines.

Ms HEENAN — Put in some yellow marking to make people aware.

Mr O’BRIEN — It is a pretty big area. One of the things that is in this report is some linemarking which they put on the ground straight away.

Ms NUGENT — Yes.

Mr PAYNE — We had a recent meeting with them that Shaun facilitated for us with Woolworths and the owners, and they made commitments to the residents to pretty much implement the works that have been identified in regard to the loading bay by the end of October. Some of the other changes in regard to pedestrian access are dependent on some of the consultation and conversation with town planning.

Mr O’BRIEN — As a general comment could I just say that with existing car parks like this one, it is always tricky for councils to get the owners to make significant changes even for a planning permit process. Often they will put in permits for minor add-ons and things like that. Generally they will not look to change everything; they will look maybe to vary a permit or to do something that is minor. There does not often come along a trigger where councils really have the ability to get them to do these types of changes other than through ratification.

Mr LEANE — That pedestrian crossing right through the middle of the car park — does that give you an opportunity to open up the permit completely?

Mr O’BRIEN — It does.

Mr LEANE — Is that what stops them from actually wanting to do that?

Mr O’BRIEN — It does in a sense, and that is one of the reasons why we want to try to work through them, to have something that has in-principle agreement before they put in their permit. We want to resolve all those issues. Understand that what they do may not be the full suite of changes, but it will get us — —

Mr LEANE — Yes, but it is an improvement.

Mr O’BRIEN — Yes, it will get us part of the way there. It is about having that working relationship and getting that in-principle stuff before they put in the permit, so they know the permit should sail through, and then we can help them make the changes.

Mr LEANE — Good.

Mr O’BRIEN — There is just one other thing I would like to add. I remember, and VicRoads may have put in a submission, that prior to the introduction of the 40 kilometre speed limits around schools, they had started some preliminary work looking at identifying major traffic control items that were not ticketed — zebra crossings and things like that — in private car parks.

They were looking at a process to work with all those owners to bring them up to the standard. I am not sure; it seemed to fall off the radar as a result of the 40 kilometres. Their focus seemed to change. I think that would be a good exercise to reinvigorate. Those things have legal implications, and VicRoads are aware of that. I am not sure where it is at with them.

The CHAIR — Thanks very much.

Ms NUGENT — Thank you.

Mr KOCH — There should be more action groups.

Witnesses withdrew.