

POL	PEDESTRIAN ACCESS WAY CLOSURES	APD21
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POLICY CODE:	APD21
DIRECTORATE:	Planning and Development
BUSINESS UNIT:	Strategic Planning
SERVICE UNIT:	Land & Lease Administration
RESPONSIBLE OFFICER:	Property & Lands Officer
FILE NO.:	182/001
DATE FIRST ADOPTED:	17 June 1997
DATE LAST REVIEWED:	14 December 2017
ATTACHMENTS:	N/A
DELEGATED AUTHORITY REF.:	N/A
VERSION NO.	7

Dates of Amendments / Reviews:		
DAPPS Meeting:	27 September 2012	26 February 2015
	31 January 2013	26 November 2015
	22 August 2013	23 November 2017
OCM:	9 April 2009	12 September 2013
	11 October 2012	12 March 2015
	14 February 2013	10 December 2015

BACKGROUND:

Pedestrian access ways ("PAW's") are a feature of many past residential subdivisions in the City of Cockburn (the City). PAW's have an important role in providing access to community facilities and services and form an integral part of the pedestrian and cyclist movement system within residential areas.

It is acknowledged however that in some cases PAW's are perceived to have facilitated crime and antisocial behaviour. This often results in requests being made by residents living near or adjacent to a PAW for the PAW to be closed. Most, if not all, PAW's are used legitimately by the public, so requests to close PAW's create a difficult balancing situation between these two issues.

Recent State Government initiatives, such as the Metropolitan Transport Strategy, Perth Bicycle Network Plan and Metropolitan Pedestrian Strategy, aim to reduce the use of the private car and promote the alternatives of public transport, cycling and walking. In terms of the structure of an urban area, Liveable Neighbourhoods Edition 4 also recognises that a walkable neighbourhood with a convenient and accessible movement network is essential if objectives of environmental sustainability are to be met. In view of the greater emphasis on walking and cycling in State Government policy, the City should ensure that efficient and effective pedestrian/cyclist movement systems will not be adversely affected by closing a PAW.

Accordingly, in considering requests to close a PAW, the City must balance the concerns of residents living near a PAW against the wider community need for the PAW To provide safe pedestrian movement – especially for children and the elderly.

For this reason PAW closures should always be considered as an absolute last resort, and only where security upgrades (lighting, landscaping, fencing) have been proven to be ineffective and where the PAW has been judged as a non-critical element of the pedestrian and cyclist movement network. This Policy seeks to deal with these and other related issues.

PURPOSE:

The purpose of this Policy is to provide guidance to the City when evaluating a proposal to close a PAW and to guide applicants on the matters the City will take into consideration when evaluating a proposal to close a PAW.

POLICY:

The following procedures should be implemented in respect of a proposal to close a PAW:

(1) Initiation of Proposal

1. Residents seeking to have a PAW closed should be advised of the following information:
2. A request in writing asking for the PAW to be closed needs to be provided to the City. The request needs to be supported by justification for the closure (e.g. details of nuisance experienced) and signed by at least two of the landowners abutting the PAW;
3. The written request must be accompanied by the completed Application and Advertising Fee as detailed in the current Fees & Charges Schedule.
4. Forward a copy of the following the applicants to assist them to understand the process which will be followed following their application:
 - (a) City of Cockburn Policy APD21;
 - (b) Department of Regional Development and Lands (Closure of Pedestrian Access Ways and Right of Way Having a Connectivity Function – Procedural Guidelines; and
 - (c) Western Australian Planning Commission (WAPC) Planning Bulletin No. 57A (Closure of Pedestrian Access Ways – Planning Considerations.
5. Should the proposal be recommended by the City following detailed assessment and consideration, there is still a process of State Government approval required to be obtained. The City's approval

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cannot be considered the final approval required for the PAW closure to proceed.

6. In addition to the City, approval is required from the Department of Planning, who will consider the issue from a planning perspective and whether it should be supported.
7. If all approvals are secured, then landowners abutting the PAW will be required to advise in writing that they are prepared to purchase the land and meet all costs in doing this. If this isn't obtained then it is likely that the State Government's Department of Regional Development and Lands, being the agency managing crown land, will not proceed with the PAW closure. The Department of Regional Development and Lands will determine the purchase price and other costs associated with the PAW's closure.

(2) Assessment of Proposal

Upon receipt of a request to close a PAW an assessment of the following characteristics of the PAW is to be completed:

1. Confirm by searching the Certificate of Title or Plan/Diagram the current owner of the land. If the land is in private ownership ascertain if it is a private laneway or a PAW that is privately owned by eg Department of Housing.
 - (a) If it is a private laneway the City has no control over this land and the applicant will be required to contact the owner themselves.
 - (b) If it is a PAW and privately owned the City does not need to be involved – officers can recommend that the applicant applies directly to the owner and follow the process to close it. It would be useful to send the applicants a copy of the two documents as detailed in (10) below to assist them with the process.
 - (c) If the City is to be involved in the process of the closure of a PAW that is privately owned the process to investigate the proposal will remain the same however, confirmation from the owner and others with an interest (see section 167A of the Transfer of Land Act 1983) of the land that they wish to close the PAW must be obtained. The Officer is to follow the below procedure to ascertain the status of probability that it can be closed/not closed. Complete the report and attach the Closure Report to an Application for Subdivision (Form 1A) and forward to WAPC. Follow the procedure as detailed in any Subdivision Application.

2. Assess the location of the PAW in relation to community facilities and services. Community facilities and services include:
 - (a) Schools;
 - (b) Shops;
 - (c) Public open space areas;
 - (d) Public transport routes and stopping points;
 - (e) Other facilities (libraries, community centre, child care, churches, recreation premises).

In this regard a walkable catchment diagram should be produced to illustrate the impact of the proposed closure on access to facilities and services.

3. The role of the PAW and whether it forms either:
 - (a) A continuous link as part of an overall access route or a Cockburn Bike Plan route;
 - (b) A single access link - where the PAW does not form part of a continuous access route.
4. Whether the PAW is in close proximity to seniors' accommodation/aged persons homes and provides access to community facilities or services;
5. The degree of nuisance experienced by residents living near the PAW;
6. The availability of a viable alternative access route, which is defined as a walkable route that is not a substantially greater distance to community facilities and services than that provided by the PAW and is safe and provides good pedestrian amenity;
7. The alternatives to closure of a PAW, including the options for:
 - (a) Increasing lighting to the PAW;
 - (b) Obstructing access to the PAW to restrict pedestrian/vehicle flow;
 - (c) Increasing the fence height of the adjoining properties;
 - (d) Locking the PAW between certain hours;
 - (e) Security patrols;
 - (f) Eliminating visual obstructions including overhanging vegetation.
8. Identification and costing of works that may be required to minimise the impact of the PAW closure, including but not limited to construction of footpaths and relocation of bus stops;
9. Any other relevant factor (e.g. car ownership, disabled access).

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10. Contact servicing authorities seeking their comments on the closure proposal and an estimation of all costs involved;
11. Distribute letters to the properties likely to be affected by the closure requesting comments on the closure proposal. This includes those adjacent to the PAW and those considered likely to regularly use the PAW;
12. Erect a sign at either end of the PAW advising of the proposal for its closure and the opportunity to comment and place a notice in a local paper circulating in the district;

(3) Conclusion – Council Report

At the conclusion of the consultation period prepare a report for Council's consideration detailing:

1. The results of the assessment of the request to close the PAW undertaken under Points 2.2 to 2.9.
2. The comments from servicing authorities, including the cost of moving services, if necessary, from the PAW;
3. The costs of works to provide a viable alternative access route or other remedies to ensure walkability is not adversely effected (e.g. relocation of a bus stop);
4. The number of submissions for and against the closure;
5. Alternative strategies including the possible review of the R-Coding of lots adjacent to a PAW to allow development of the rear portion of these lots with access from the PAW to increase usage and surveillance;
6. Alternative to closure being revestment of PAW to public utilities reserve with barriers and gates in situations where infrastructure prevents permanent closure or situations where the demographic profile of the surrounding area is expected to change allowing a future review of the closure.

(4) Recommendation is for Closure, the City will:

Where Council resolves to recommend that the Minister for Lands close the PAW, the City will:

1. Advise those persons who made a submission of Council's decision;

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2. Prepare a report for submission to the WAPC addressing considerations highlighted in Planning Bulletin No. 57A.
- (5) Recommendation is that the Minister for Lands revests the PAW to a Reserve for public utilities, the City will:
1. Advise those persons who made a submission of Council's decision;
 2. Prepare a report for submission to the WAPC addressing considerations highlighted in Planning Bulletin No. 57A.
- (6) Recommendation is that it is inappropriate to close the PAW:
1. Under the criteria listed in Point 2 and none of the alternatives listed under Point 2.7 are considered viable, the request is deemed refused and all applicants and submissioners are to be advised of Councils decision;
 2. Under the criteria listed in Point 2, but one or more of the alternatives listed under Point 2.7 are considered viable and the works required can be met within existing budgets, liaison with relevant owners should occur to ascertain if they will accept these works as resolution to the problem.
- (7) If Council resolves to close the PAW following a recommendation to keep it open, the City will:
1. Submit a report to WAPC reflecting the Officer recommendation and detailing the amended Council decision and supporting reasons for the amended decision.
- (8) If consent to closure or revestment is received from the WAPC, the City will:
1. Advise those persons who made a submission of the WAPC decision;
 2. In the case of closure, request a valuation of the PAW from Department of Regional Development and Lands and then forward the result to the affected landowners;
 3. Provide a schedule of costs associated with the closure to the affected landowners, seeking agreement to meet costs;
- Closure costs may include, but are not limited to, the following:
- a. Works to relocate services;
 - b. State Land Services / Landgate valuation fees;
 - c. Surveying fees;
 - d. Land acquisition and associated fees;

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- e. Advertising of the proposal;
 - f. Council administration fee;
 - g. Works to provide alternative access routes;
 - h. Relocation of bus stops.
4. In the case that WAPC consent to revestment, request that the Department of Regional Development and Lands proceed to revest the PAW to a reserve for public utilities with the management order to the City of Cockburn.
- (9) Officers are to refer to the procedures and guidelines as detailed in:
- 1. Department of Regional Development and Lands (*Closure of Pedestrian Access Ways and Right of Way Having a Connectivity Function – Procedural Guidelines*); and
 - 2. Western Australian Planning Commission Planning Bulletin No. 57A (*Closure of Pedestrian Access Ways - Planning Considerations*).