



# Planning & Development Services Reports

**Committee Consideration – 12 June 2012**

**Council Resolution – 26 June 2012**

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<b>PD19.12</b>	<b>No. 119 (Lot 227) Rochdale Road, Mt Claremont – Retrospective Additions (Ground Floor) to Single House</b>
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<b>Committee</b>	12 June 2012
<b>Council</b>	26 June 2012

<b>Applicant</b>	BGC Construction P/L
<b>Owner</b>	Ms E L Ambrose
<b>Officer</b>	Matt Stuart - Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development Services
<b>Director Signature</b>	
<b>File ref</b>	RO3/119 : DA12/13 : M12/5857
<b>Previous Item No's</b>	D04.11
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

### Purpose

This application is referred to Council for determination as officers have no delegation to determine an application under instrument of delegation 6A, specifically where valid objections have been received.

### Recommendation to Committee

**Council approves an application for retrospective additions (ground floor) to single house at No. 119 (Lot 227) Rochdale Road, Mt Claremont, in accordance with the application and plans dated 13 January 2012, with the following conditions:**

- 1. this planning approval pertains only to the eastern and western walls and the roof structure of the sunken retreat;**
- 2. all structures shall be constructed wholly inside the site boundaries of the Certificate of Title;**
- 3. the height of any existing retaining walls located along lot boundaries shall not be raised;**
- 4. all stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m<sup>3</sup> for every 80 m<sup>2</sup> of calculated surface area of the development;**

5. **all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8 m from any building and at least 1.8 m from the boundary of the block;**
6. **any proposed structure or addition shall not encroach closer than 1.8 m on any soak-well; and**
7. **any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

### **Strategic Plan**

#### KFA 3: Built Environment

- 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

#### KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.

### **Background**

Property address: No. 119 (Lot 227) Rochdale Road, Mt Claremont  
MRS zoning: Urban  
TPS2 zoning: Residential, R10/20 coding  
Lot area: 1,012 m<sup>2</sup>

The property has a significant background, as found in attachment 1.

Relevant previous decisions include D04.11, which was refused at the February 2011 Ordinary Council Meeting. This proposal was for a proposed boundary wall 15 m long and 2.6 m - 3.2 m high along the southern boundary, which differs significantly from the current proposal.

### **Proposal Detail**

The retrospective works is the conversion of a side-garden area into a fully enclosed, sunken room extending to the southern boundary. The building is structurally supported by a previously approved masonry dividing fence, which is 1.8 m in height above a 500 mm high retaining wall. The roof pitches from this point at an angle of approximately 45 degrees, to then be attached to previously approved extensions to the dwelling.

Given that the site has a residential density code of R10, there is no Acceptable Development standard in the RCodes for building on the boundary, and a variation is proposed under the Performance Criteria.

**Referrals**

The City’s Building, Engineering and Environmental Health sections recommend standard conditions (see Recommendation to Committee section).

A building application has been received and is being assessed through the standard building application process.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Dates: 31 January 2012 to 14 February 2012

Consultation type:

The proposed variations to the RCodes and TPS2 were advertised by letter to the adjoining properties for a period of 14 days.

Summary of comments received, other than identified variations (see Discussion section)	Officer’s technical comment
Issue: open space  Other properties in the area occupy less than 50 % of the site area.  The amount of floorspace on the ground floor is unnecessary.	<b>Not Upheld</b>  The existing development onsite and the unauthorised works leave approximately 69 % of the site as open space and therefore complies with the open space requirement.
Issue: existing garage height The existing garage is dominating.	<b>Not Upheld</b> The existing garage has been approved previously and is not part of the consideration for this application.
Issue: devaluation	<b>Not Upheld</b>  Devaluation of property is not a statutory planning consideration.
Note: A full copy of all relevant consultation feedback received by the City has been given to the City’s Councillors prior to the meeting.	

**Legislation**

- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes (RCodes)
- Council Policy – Setback and Building on the Boundary in Low-Density Zones (R10 & R12.5)
- Council Policy 6.4 – Neighbour Consultation

## Budget/financial implications

The application is for works to be constructed on a private lot, and therefore has no financial implications for the City.

## Risk Management

Nil.

## Discussion

Although the applicant has approvals for the masonry fence on the southern boundary, the fence is now (technically) a wall to a building (i.e. a boundary wall). Additional assessment criteria are invoked under the RCodes that could not be assessed at the time of the previous application. Notwithstanding, the impact is considered acceptable as discussed below.

### Council Policy

Council Policy *Setback and Building on the Boundary in Low Density Zones (R10 & R12.5)* (the Boundary Wall Policy) was adopted by Council in late 2011 (D69.11).

However, this policy has since been called into question regarding its validity, and whilst this is being addressed the proposal is considered only under the current RCodes provisions as follows.

### Relevant Provisions

#### 1. RCodes 6.3.2 Buildings on Boundary

Whilst the R10 coding does not provide for parapet walls as of right in Acceptable Development 6.3.2, they are enabled by the Performance Criteria as discussed below:

#### Performance Criteria 6.3.2.P2

<i>P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</i>	
Requirement	• <i>Make effective use of space; or</i>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Nil.
Officer's technical comments	The amenity of the development is enhanced due to more usable space.
Requirement	• <i>Enhance privacy; or</i>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Nil.
Officer's technical comments	A solid wall and roof enhances privacy.

Requirement	<ul style="list-style-type: none"> <li>• <i>Otherwise enhance the amenity of the development; (and)</i></li> </ul>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Nil.
Officer's technical comments	Converting the sunken garden into a habitable room enhances the amenity of the development.
Requirement	<ul style="list-style-type: none"> <li>• <i>Not have any significant adverse effect on the amenity of the adjoining property; (and)</i></li> </ul>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	The proposal is out of keeping with the area as large lots provide an open feeling and do not need parapet walls. Other properties in the area do not have parapet walls.
Officer's technical comments	The amenity of the adjoining property is not significantly adversely affected due to the structure being of the same height as a standard dividing fence, and a low-impact roof raking away from the boundary.
Requirement	<ul style="list-style-type: none"> <li>• <i>Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.</i></li> </ul>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Significant implications to sunlight on the deck of an Outdoor Living Area, as the ground level has been raised and the height of the wall will be excessive.
Officer's technical comments	Direct sun to the neighbour's Major Openings and Outdoor Living Areas are not impacted any greater than the existing dividing fence.

In this instance, it is considered that the proposal complies with the relevant Performance Criteria, and is therefore supported by the City, subject to the recommended conditions.

## 2. TPS2 on Preservation of Amenity

TPS2 cl. 5.5.1	
Requirement	<i>Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.</i>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Nil.
Officer's technical comments	The external appearance of the development will be satisfactory if finished to the satisfaction of the City (see Recommendation to Committee section). In addition, the roof rakes away from the height of

	<p>the existing dividing fence and therefore the appearance has a low impact.</p> <p>Traffic congestion and hazards are not applicable.</p> <p>As the parapet wall / fence has been constructed with thick masonry materials, the impact of noise is deemed acceptable.</p> <p>No other factors are identified.</p>
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In this instance, it is considered that the proposal complies with the Scheme provision, and is therefore supported by the City, subject to the recommended conditions.

### 3. TPS2 on Consideration of Applications

<b>TPS2 clause 6.4.1, under section 6.4 <i>Consideration of Applications</i></b>	
Requirement	<i>In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.</i>
Applicant's justification	Waived opportunity to respond.
Neighbour's comment	Nil.
Officer's technical comments	<p>The proposed use and its effect on the area are deemed to be acceptable, as outlined elsewhere in this report.</p> <p>The provisions of TPS2 and by-laws are deemed to be acceptable, as outlined elsewhere in this report.</p>

In this instance, it is considered that the proposal complies with the Scheme provision, and is therefore supported by the City, subject to the recommended conditions.

### **Conclusion**

The subject site has a long history involving several planning applications and appeals to the SAT.

Notwithstanding this, the retrospective works are smaller in size and bulk than previously refused by Council and the SAT. This application involves a structure that rakes away from an approved dividing fence, resulting in minimal and acceptable impacts upon the neighbour.

Accordingly, the application is recommended for approval with standard conditions.

## **Attachments**

1. Background
2. Location plan (aerial)
3. Photographs of the site and surrounds
4. Site plan
5. Floor plan
6. Elevations

<b>PD20.12</b>	<b>No. 10 Selby Street, Shenton Park – Outline Development Plan (ODP) for Proposed Para-Quad Association of WA</b>
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<b>Committee</b>	12 June 2012
<b>Council</b>	26 June 2012

<b>Applicant</b>	Jonathan Jones (Architect)
<b>Owner</b>	Para Quad Association Of W.A.
<b>Officer</b>	Nick Bakker – Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development Services
<b>Director Signature</b>	
<b>File ref</b>	SE3/10 : DA2011/358 : M12/10174
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

### **Purpose**

For the purpose of advertising, this report requests Council to approve, in principle, a limited Outline Development Plan (ODP) for the Para-Quad Association of WA (PQAWA) at No. 10 Selby Street, Shenton Park to guide the development of a gymnasium building.

### **Recommendation to Committee**

#### **Council:**

- 1. approves, in principle, the limited ODP for Para-Quad Association of WA, No. 10 Selby Street, Shenton Park, as per Clauses 3.8.3 of Town Planning Scheme No. 2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission (WAPC) to formally advertise the limited ODP;**
- 2. instructs Administration to refer the limited ODP to the WAPC and to seek consent to advertise the limited ODP; and**
- 3. instructs Administration to advertise the proposed limited ODP in accordance with Clauses 3.8.4 and 3.8.5 of TPS2, upon receiving consent to advertise from the WAPC.**

## Strategic Plan

KFA 3: Built Environment

- 3.4 Plan and develop the sustainable provision of community infrastructure and facilities with a focus on flexible and multiple uses.

## Background

Property Address: Portion of No.10 Selby Street, Shenton Park  
 Zoning MRS: Urban  
 Zoning TPS2: Development Zone  
 Lot Area: 11.766 ha (land within limited Outline Development Plan)

## Location

The PQAWA or Para-Quad site is used for rehabilitation purposes and is included within No.10 Selby Street, Shenton Park. The site has primary access from Selby Street and an internal road within the site.

The PQAWA is located to the south of the area of bushland (Lot 4 Underwood Ave) owned by the University of Western Australia (UWA). The land to the south is owned by the Royal Perth Hospital and is reserved 'Public Purpose – Hospital' under the Metropolitan Regional Scheme (MRS). Refer to attachment 1 showing the location of the site and the proposed gym.

## Relevant History

The site has been occupied by PQAWA and has been used as a facility to care for paraplegic and quadriplegics since 1953. There have been a number of minor developments on this site since this time. The most recent are outline below.

26 June 2009	An application was submitted for new fire tanks and a pump house to bring the site into compliance with the current fire regulations.
16 July 2009	After it was resolved that the above mentioned application did not require an ODP it was recommended for approval to the WAPC
13 May 2011	An application was submitted to rebuild a portion of the existing building which had been damaged in a fire. This application was assessed under Clause 4.1 "Non-Conforming Use" of TPS2.
15 June 2011	The application for the fire damage rebuild was approved under delegation.
22 August 2011	An application for a proposed rehabilitation gym was submitted, which is the subject of this report.

### **Town Planning Scheme No. 2 (TPS2)**

The procedure for processing this proposed ODP is clearly outlined in Section 3.8 'Development Zone' in Town Planning Scheme No. 2 (TPS2). This process is summarised as follows:

1. Applicant submits an ODP for Council's approval (in principle) which shall address the relevant points of Clause 3.8.2 of the TPS2;
2. If Council approves the ODP in principle it is then sent to the WAPC to seek permission to advertise;
3. If the WAPC approves in principle the ODP and grants permission to advertise, the ODP is then advertised as per Clause 3.8.5 of TPS2;
4. Following the advertising period Council then considers any submissions to the ODP and amendments may be made based on these submissions; and
5. If Council approves the ODP it is then sent back to the WAPC for final adoption.

The clauses (3.8.3, 3.8.4, 3.8.5, 3.8.6 and 3.8.7) related to advertising of the limited ODP and its determination by Council are specific and do not allow for discretion.

### **Purpose**

The purpose of the proposed ODP is to guide the development of the site located at No.10 Selby Street, Shenton Park. This development application relates specifically to the proposed rehabilitation gym. The gym will service the existing clients/patients of Para-Quad and will service a maximum of ten (10) people at any one time.

### **Structure of the ODP**

The ODP document has been prepared as part of the requirements for a 'Development Zone' and addresses the relevant points outlined in Clause 3.8.2 of TPS2. The proposed ODP submitted by the applicant is relatively brief in line with the small size of the development.

Administration is satisfied that the ODP information outlined below is reasonable given the scale of this development and addresses all appropriate elements of Clause 3.8.2 in relation to this site and location. Additional administration comments have been made in the discussion section below.

The document addresses the requirements of Clause 3.8.2 as follows:

1. Topography of the area:

*"Water Corporation contours for the area have been included. They are accurate as the contours were derived from 1982 aerial*

*photographs which was after the workshop and office had been constructed. Minor earthworks have taken place on site to relocate the stormwater infiltration basin adjacent to the Workshop. No other works have been undertaken.”*

2. Existing major road system:

*“The site is serviced by a private road which is jointly managed by Paraplegic Quadriplegic Association of WA (Inc) and Royal Perth Hospital Annex. The road comes off Selby Street and there is no additional through traffic created by this development.”*

3. Location and width of proposed roads:

*“All roads are existing and will be retained. There is no additional traffic being generated by the construction of the gym as it is a support service to the site only. Additional car parking bays have been installed at the request of Paraplegic Quadriplegic Association of WA (Inc) and are in excess to the previous number provided.”*

4. The approximate location and quantity of shopping, civic and public facilities proposed:

*“This requirement is not applicable to this application.”*

5. The approximate location of the recreation and open space area proposed:

*“This requirement is not applicable. There is a landscape area at the front of the reconstructed workshop which will provide amenity for the clients of Para-Quad. This is being enhanced as part of this project from the previous landscaping.”*

6. The population and residential densities proposed including special location of appropriate Residential Planning Code densities:

*“This requirement is not applicable to this application. No additional population is being generated by the installation of the gym. It is purely a support facility.”*

7. The basic layout of the sewerage system:

*“The three lots are currently served by a gravity sewer system connected to the Water Corporations main sewer. The gym has two toilets which will be connected into the sewer system.”*

8. The layout of the comprehensive drainage, both land and stormwater:

*“All stormwater runoff generated from the construction of the gym will be discharged into the comprehensive stormwater drainage*

*system constructed to serve the workshop and car parking area to the west. The system is designed to dispose of the stormwater by infiltration and is designed to cater for the 1 in 100 year storm event.”*

9. Landholdings adjacent to and or in the vicinity of the area the subject of the application:

*“City of Nedlands records would have this information. It is known that Royal Perth Annex is located on the southern boundary.”*

10. The proposed development, method of construction and projected times of completion:

*The plans submitted with the ODP outline the proposed gymnasium, the basic method of constructing the development, which has been built.*

### **Consultation**

When the WAPC gives its approval in principle of the proposed ODP, public consultation can commence.

As per the requirements of Clauses 3.8.4 and 3.8.5 of TPS2, advertising of the proposed limited ODP will be carried out by Council at the expense of the applicant. Advertising will include the following:

- Advertising will be for a minimum of 21 days;
- The proposed ODP will be available for public inspection at the offices of Council and submissions are to be made to the Chief Executive Officer (Clause 3.8.4);
- The advertisement of the preparation of the limited ODP shall be by notice at weekly intervals for each of 3 consecutive weeks in a newspaper circulating in the district (Clause 3.8.5); and
- The notice shall be of such size as determined by Council (Clause 3.8.5).

Clauses 3.8.4 and 3.8.5 do not allow discretion for varying the process of advertising proposed ODPs.

### **Legislation**

1. TPS2 – Section 3.8 ‘Development Zone’

Section 3.8 of TPS2 outlines the process for receiving, advertising and determining ODPs for land zoned ‘Development Zone’.

The process for advertising proposed ODPs is covered in the 'Consultation' section of this report.

Following the end of the advertising period, the following steps are taken:

- Council considers the submission to the ODP in the light of the submissions (Clause 3.8.6); and
- Council may decide not to proceed with the proposal. If Council agrees to adopt the proposal (in its original or revised form), Council forwards the proposal to the WAPC together with the submissions (Clause 3.8.7).

No appeal rights exist should Council decide not to proceed with the proposed ODP.

### **Budget/financial implications**

Nil

### **Risk Management**

Nil

### **Discussion**

Although this area is zoned 'Development' under TPS2 and requires an ODP there is no guidance in the TPS2 as to why this specific site has been included in the 'Development Zone'.

The site located directly to the north (Lot 4 Underwood Avenue) is also included in this 'Development Zone'. Lot 4 Underwood Avenue is owned by UWA and is predominantly bushland, with a portion used as a research facility for UWA. This site has recently been subject to a proposed rezoning and went through the ODP process for a large-scale residential subdivision.

Other lots located within this 'Development Zone' include:

- Challenge Stadium;
- McGillivray Oval playing fields;
- Vacant land intended for Christ Church Grammar School's Playing Fields;
- John XXIII College; and
- CSIRO owned and operated land.

Refer to attachment 2 showing the location of the surrounding land uses in relation to this site.

The above uses are predominantly associated with sporting and/or education purposes. It is therefore clear that the rationale for these lots being zoned "Development" is to guide any future development to complement the nature of the existing land uses in the area.

The lot to the south of the Para-Quad site is reserved 'Public Purpose – Hospital' under the MRS. It appears that the use of the Para-Quad site is more closely associated with the Hospital to the south rather than the existing bushland and education/sporting facilities within the 'Development Zone'.

Furthermore, access to the site is via an internal private road, which is jointly managed by PQAWA and Royal Perth Hospital Annex. The proposed Gym is intended to be used by PQAWA as a rehabilitation facility for existing clients/patients. The road comes off Selby Street and there is no additional traffic created by this development.

It should also be noted that this site is located outside the odour buffer area associated with the Subiaco Waste Water Treatment Plant.

### **Conclusion**

The requirement for an ODP ensures that future development of the PQAWA site will be coordinated. The works (rehabilitation gymnasium) included in the proposed limited ODP are relatively minor compared to other ODPs the City has approved for various sites within the 'Development Zone'. The proposed works outlined in this ODP are not expected to reduce the amenity of the area and will result in improved facilities for the Para-Quad patients.

Access to the site is via the existing internal road system associated with the PQAWA and Royal Perth Hospital site which both have primary access from Selby Street. The proposed gym associated with the ODP will not generate any additional traffic and will not have an adverse impact on the surrounding land uses in the area.

It is also considered the proposal will not impact on Council infrastructure including sewerage/drainage system, road networks or surrounding recreational spaces.

The future works outlined in the proposed ODP align with the established use of the PQAWA site and Royal Perth Hospital to the south and are considered to be appropriate for the site.

Therefore, it is recommended that the proposed ODP is supported, in principle and that advertising commences as required in Section 3.8 of TPS2.

## **Attachments**

1. Locality Plan
2. Map of Surrounding Land Uses
3. Proposed Site Plan
4. Proposed Elevation Plan
5. Proposed Service Plan
6. Proposed Para-Quad ODP Text
7. Proposed Para-Quad ODP Plan

<b>PD21.12</b>	<b>Review of the Proposed Parking Local Law Relating to Parking and Parking Facilities.</b>
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<b>Committee</b>	12 June 2012
<b>Council</b>	26 June 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden – Parking Strategy Coordinator
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File ref.</b>	LEG/003-07/01
<b>Previous Item No's</b>	14.3 – 27 April 2011 T24.10 – 14 December 2010 13.2 - 22 June 2010 7.7 - 18 May 2010 CP41.09 - 13 October 2009 14.2 - 11 August 2009
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Purpose**

To approve the proposed Parking and Parking Facilities Local Law (Local Law) (refer to attachment 1).

**Recommendation to Committee**

**Council approves the proposed parking and parking facilities Local Law in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.**

**ABSOLUTE MAJORITY REQUIRED**

**Strategic Plan**

- KFA 5: Governance
  - 5.6 Ensure compliance with statutory requirements and guidelines.
- KFA 6: Community Engagement
  - 6.2 Encourage community participation in the City's decision making processes.
- KFA 7: Economic Development
  - 7.2 Develop and implement a City parking strategy.

## **Background**

The *Local Government Act 1995* Part 3, Division 2 Section 3.16 (1) stipulates that within a period of eight (8) years from the day when a Local Law commenced or a report of a review of the Local Law was accepted under this section, as the case requires, a local government is to carry out a review of the Local Law to determine whether or not it considers that it should be repealed or amended.

The City's current Local Law in this regard entitled "Local Law Relating to Parking and Parking Facilities" was last reviewed on 23 April 2002 and was gazetted on 8 May 2002.

At the ordinary Council meeting held in August 2009, a need to amend the existing Local Law to control parking on verges in instances that are deemed to be dangerous was identified, which prompted the review of the existing Local Law.

### ***Key Relevant Previous Decisions***

*13 October 2009 – CP 41.09:*

Council recommended that Administration undertakes a review of the Local Law and reports back to Council.

To commence the review Administration advertised the current Local Law and requested comments. Following receipt of comments the matter was considered by the Traffic Management Committee.

*18 May 2010 – Item 7.7:*

Repeal the current Local Law; and instructs Administration to draft a new Local Law.

*22 June 2010 – Item 13.2:*

Council approves Traffic Management Committees recommendation to instruct Administration to draft a new Local Law; and repeal the current Local Law.

Administration drafted a proposal (Draft Local Law) which includes changes to the existing Local Law and was based on the feedback received during the earlier advertising period.

*14 December 2010 – T24.10:*

Council instructs Administration to give state-wide public notice and advertise the proposed "Local Law" in accordance with the *Local Government Act 1995*; and send a copy of the proposed Local Law to the Minister for Local Government.

*27 April 2011 – Item 14.3:*

That the City of Nedlands will not implement paid parking throughout the City. (for context of decision refer to attachment 3).

A number of workshops with Councillors were undertaken to finalise the content of the proposed Local Law. The wording of the proposed Local Law incorporated the legal review of the document.

### **Proposal Detail**

The proposed Local Law only varies from the draft Local Law that was sent to the Department of Local Government as follows:

#### ***Event Parking***

Administration has changed the heading of clause 4.13 "Special Event Parking" to "Event Parking".

This change was prompted by the recommendation of the Joint Standing Committee Delegated Legislation (JSCDL) as advised on the Parliament's website in relation to the City of Perth's and Town of Claremont's special event parking clause. The details are shown in pages 10-13 in the JSCDL's Report 44, annual report 2010, dated February 2011 – special events.

Based on the information provided the term "special events" has a very specific meaning and is applied in the following contexts:

1. According to the information published by the JSCDL in relation to "Special Event Parking" if the terms are included in a Local Law the exact dates & times of "Special" events must be specified in the Local Law so that people can comply with the exact provisions, and the authorised officers can enforce the provisions exactly as worded in the clauses of the Local Law.
2. Alternatively under the *Liquor Control Act 1988*, only the Minister (responsible for that Act) can declare an event to be a "Special" event - which attracts very large crowds (for example, Skyworks, an open public event where approximately 300,000 people attend) and the issues of misbehaviour/nuisance towards others (assault & battery due to influence of alcohol or to binge drinking etc) and issues of causing harm/injury to others require strong police presence (Commissioner of Police's "Special" orders). Therefore, law and order issues in "Special" events are enforced underwritten legislation (Acts of Parliament), not local laws.

By comparison to City of Perth events, the City of Nedlands does not have "Special" events. Therefore, the word "Special" is required to be deleted.

However the municipality has local festivities, garden fetes, carnivals and borders the Royal Agricultural Show which do not attract such a large scale of crowds, but still requires some practical consideration of extensive parking areas to accommodate a temporary increase from the usual number of vehicles required to be accommodated.

***Averment on complaint as to clause 1.5(2) agreement***

The City has made changes to the proposed Local Law by removing clause 10.3 - "Averment on complaint in relation to clause 1.5(2) agreement" as advised by the JSCDL.

This change is based on the changes requested by the JSCDL from the Shire of Bruce Rock Parking and Parking Facilities Local Law as well as the WALGA's former model Parking and Parking Facilities Local Law as shown in pages 22-24, Report 16 (May 2006) of the JSCDL's document Local Government Reports & Undertakings which was obtained from the Parliament's website. For details of this decision refer to attachment 4.

On this basis it is no longer a requirement for a local government to provide proof of an agreement between the local government and a private party. All that is required is an agreement between the local government and a property owner if that property owner wishes to use the local law in relation to a private car park. This provision is provided by way of Clause 1.5(2).

If a member of the public wishes to view that agreement they can request it through Freedom of Information (FOI), alternatively if it is required in court then the City will provide it and there should be no reason to withhold an agreement such as this.

***Provision for Ticket issuing machines***

The City has amended the ticket issuing machine provisions. While the draft local law provides for the implementation of ticket issuing machines without further approvals, the proposed Local Law incorporates safeguards to limit the ability to install ticket issuing machines on public land.

The Local Law differentiates between privately and publically owned land in regard to ticket issuing machines. Under clause 1.5 (Application), it provides that it will be possible to install ticket issuing machines to control parking on privately owned land without further approvals while the clause 1.8 (Powers of the Local Government) part (2) qualifies that a Council resolution is required before it is possible to install such machines for parking on public land.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation type:

Dates:

- The West Australian Newspaper 5 December 2009
- Post 5 December 2009

- Letter to businesses and organisations within the City's catchment 18 December 2009
- Western Suburbs Weekly 22 January 2010
- Post 30 January 2010
- Councillors workshop 25 October 2010
- The West Australian Newspaper 5 February 2011
- Post 5 February 2011
- Letter to Minister for Local Government 22 March 2011
- Councillors workshop 30 June 2011
- Strategic Planning workshop 15 March 2012

The draft Local Law from 5 December 2009 (The West Australian and The Post) initially for a period of six (6) weeks. Copies were made available at both City libraries, Administration Office and on the City's web site.

As the advertising period included the Christmas/New Year period and to allow that further submissions could be made, the review period was extended 1 March 2010. A further round of advertising in the media was done (Western Suburbs Weekly on 22 January 2010, Post on 30 January 2010).

Three hundred and twenty six (326) letters were also sent out to businesses and organisations within the City's catchment requesting comments/feedback pertaining to the Local Law. Submissions closed on 18 January 2010 and the City received 12 submissions. From the extended advertising period the City received a further three (3) more submissions increasing the total number of submissions received to 15 with one (1) late submission.

Additional notification required from legislation was also done:

1. As a result of Councils decision on 22 June 2010 to repeal the Local Law, the City as required under the *Local Government Act 1995*, Part 3, Division 2, s. 3.12 (3) is to undertake statewide public notice that the local government proposes to make a Local Law. This was undertaken on 5 February 2011 with submissions closing on 25 March 2011.
2. The City is provided a copy of the proposed Local Law and a copy of the advertising notice to the Minister which received by the Minister on 22 March 2011.

The comments received from the advertising period focus on three (3) key areas:

<b>Verge</b>	
Summary of comments received	Officers technical comment
Support for sub clause (4) (refer Council Resolution item 14.2 11 August 2009) verge parking where there is an obstruction to sight lines.	Not supported by administration on the basis of legal opinion.
Permanently parked cars on verges block the view of on-coming traffic. Motorists cannot see when backing out and this is very dangerous. All residential verge parking should be limited to a one (1) hour limit and the hours of 6 pm – 8 am and restricted where it obstructs the view of vehicles entering a carriageway on a crossover.	The City of Nedlands allows a large number of residents to park on the verge adjacent to their property. This is consistent with neighbouring councils i.e. Town of Claremont, City of Subiaco, Town of Cambridge and Town of Cottesloe. A restriction of this nature would require a shift in resident behaviour and additional enforcement resources and is not supported.
In support of status quo, with regards to the verge parking	Section 5.14 Stopping on a verge as per the proposed Local Law has been maintained in its current form.

<b>Signs</b>	
Summary of comments received	Officers technical comment
City of Nedlands should adhere to AS 1742.11-1999, as a guide for the development or marking of signs in order that signs are generally similar and compatible with other signage in the Western Suburbs, the state and the nation.	AS 1742.11-1999 provides for guidelines to reference should the local government wish to do so. The City has modeled clause 2.4(3) on the City of Kalgoorlie-Boulder as advised by the Department of Local Government.
It is unclear what a "bicycle parking" sign is. I assume this clause is attempting to prevent parking in on road cycle lanes, and therefore "bicycle parking" should be amended to "bicycle marking" or similar.	A bicycle parking sign refers to a sign as provided within the Road Traffic Code 2000 Part 12, division 6 r.169. Its purpose is to stop vehicles parking on a length of carriageway to which a "bicycle parking" sign applies. This is not related to a bicycle lane unless expressly stated.

<p>Clause 4.1 Restrictions on parking in particular areas (5). This clause and related clauses should allow for specific categories of authorised persons. For example the introduction of parking restricted only to surf life saving patrols and club members could be restricted to an area designated by a sign.</p>	<p>There is no requirement to provide specific categories of authorised persons within the text of this Local Law. The local government has the ability to determine who is authorised to park in an area which may or may not be stated by a sign.</p>
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<b>Ticket Issuing Machines</b>	
Summary of comments received	Officers technical comment
<p>Oppose the introduction of paid parking/ticket issuing machines including a petition of 48 signatories.</p>	<p>Ticket machine parking is provided in the proposed Local Law to facilitate the ability to charge for parking on privately owned land such as Hollywood Hospital's parking arrangements which has paid parking. The proposed Local Law provides a balanced approach to facilitate parking facilities on privately owned land while providing safeguards whereby paid parking can only be implemented to public land through a Council resolution.</p>
<p>Support the introduction of paid parking/ticket issuing machines including a petition of 16 signatories.</p>	<p>As above</p>

### Legislation

- Local Government Act 1995*: - Part 3, division 2, section 3.12(4) required that after the last day for submissions in relation to a proposal to make a Local Law, a local government is required to consider any submissions made and may make the Local Law as proposed or may make a Local Law that is not significantly different from what was proposed.

The City is required to make a Local Law by absolute majority.

- City of Nedlands Parking and Parking Facilities Local Law 2002*

## Budget/financial implications

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

- Legal costs to review documentation of the proposed Local Law; and
- Costs for advertising in the *Government Gazette*.

## Risk Management

The *Local Government Act 1995* Part 3, division 2, section 3.16 requires that a periodic review of local laws is undertaken within a period of eight (8) years from the day when a Local Law commenced or a report of a review of the Local Law was accepted under this section. The 2002 Local Law is outdated and no longer meets the City's requirements. If no new Local Law is made then the City could be subject to questions of legal validity from the Department of Local Government or in court should any infringement be challenged.

Council is required to make a Local Law by absolute majority. If this requirement has not been satisfied or the Local Law that is made is significantly different from what was first proposed, a risk exists that the entire process, including advertising and public consultation, must recommence.

## Discussion

Notwithstanding that it is possible to make amendments during the life of a Local Law, a Local Law adopted in this year can be expected to apply until 2020. It is therefore important that the document is robust and able to address current as well as future situations.

The matters relating to the change in name from special events to events and averment are legislative requirements and therefore are supported. There are no further comments on the subject of signs raised during the advertising period.

Questions relating to verge parking and ticket issuing machines are addressed as follows:

### ***Verge parking***

Verge parking has been benchmarked against City of Subiaco, Town of Claremont, Town of Cambridge and Town of Cottesloe where parking on verges is allowed and regulated by current practices to necessitate residents parking.

Councillors, at the October 2010 workshop, requested that the issue of verge parking, particularly in regard to the impact on sight lines to motorists exiting driveways where vehicles are using the verge for parking be addressed. This request aligns with a Council resolution of 11 August 2009 that recommends that a new sub-clause be added to clause 6.9 in the current Local Law.

Accordingly the City advertised an amendment to the current Local Law in December 2009 and received submissions in relation to sub clause (4) (refer Council Minutes report 14.2 - 11 August 2009). The City received six (6) submissions in support of verge parking to remain as the current clause within the Local Law, zero (0) submissions in opposition of verge parking and include sub clause (4) (refer Council Minutes report 14.2 - 11 August 2009) and two (2) submissions banning verge parking altogether. From the total number of submissions received in this regard it appears that the retention of verge parking is supported, although it is recognised that verge parking can inhibit visibility and create dangerous situations.

The possibility to include a generic provision within the proposed Local Law (in sub clause 4) to address this issue was explored, but rejected following legal advice which, indicates that any generic clause regarding sight lines on verges, would have significant enforcement difficulties. As a minimum the City would be required to undertake:

- An on-site line of sight survey; and
- Consult with affected neighbours for each instance.

To enforce any restrictions, it would be necessary to install parking signs to this effect in the area concerned. Any transgressions, when challenged, would need to be investigated including extensive evidence such as a photographic record of the transgression and require expert evidence in relation to road design and road safety to prove a parking offence.

Given the complications of enforcement with such provisions, such provisions were not included in the proposed Local Law.

### ***Ticket issuing machines***

The current Local Law does not provide for ticket issuing machines. The consequence of the absence of such a legal framework is that a person who has parked in an area controlled by ticket issuing machines without purchasing or displaying a ticket would not be committing an offence under the Local Law and therefore it would not be able to be pursued.

There are currently privately operated parking stations within the City's district which regulate parking by way of ticket issuing machines and it is likely that this trend of parking control may expand over time.

Accordingly, provision has been made within the proposed Local Law to provide a framework within which Ticket issuing machine parking can be implemented.

However, to prevent the ability to implement ticket issuing machines indiscriminately to all land, a safeguard has been incorporated within the provisions (clause 1.8 Powers of local government (2) – refer to attachment 4 of the proposed Local Law) whereby the installation of a ticket issuing machine on public land is only possible with specific council approval.

This represents a balanced approach to provide for the needs of current and future private operators, without compromising parking on public land (i.e. streets and council owned parking facilities). This need was identified in the context of the Council resolution of 27 April 2011 (refer to attachment 2). This approach also provides for future flexibility including Private Public Partnerships (PPP) and takes advantage of advanced technologies to facilitate future use and control.

The City has investigated adjoining and other councils to assess the manner in ticket issuing machines / paid parking within their Parking and Parking Facilities Local Law. This can be seen in attachment 5.

The Town of Cottesloe, Town of Victoria Park and City of Kalgoorlie / Boulder have all included ticket issuing machines / paid parking into their Parking and Parking Facilities Local Law. It is noted that non of these councils have any on street or off street paid parking facilities presently, however they have installed the framework into their Local Law should the need arise in the future.

### **Process**

The final steps in the process below are what the City is required to undertake for the review of the Local Law:

1. Council is required to make the Local Law by resolution by absolute majority (current stage);
2. The adopted Local Law is signed and sealed by the Mayor and Chief Executive Officer;
3. A copy of the adopted Local Law is published in the *Government Gazette*;
4. A copy of the gazetted Local Law is forwarded to the Minister of Local Government as well as any other Minister that administers the *Local Government Act 1995* under which the Local Law is made;
5. A copy of the Local Law, the Explanatory Memorandum, Explanatory Memorandum checklist and Council minutes is forwarded to the Committee Clerk of the of the Joint Standing Committee on Delegated Legislation (JSCDL) ; and
6. The Local Law adopted by Council by absolute majority is advertised by local public notice outlining the title, purpose and effect, date the Local Law comes into operation and advising that copies may be inspected or obtained from the office of the local government.

The City has reviewed the proposed Local Law against previous reports written by the JSCDL to ensure that it is consistent with current practices and other local laws as scrutinised by that committee.

There were a number of grammatical mistakes and abbreviations that were included in the proposed Local Law sent to the Minister for Local Government. Changes have been made on the basis of those requested by the JSCDL of the City of Melville as shown in the JSCDL's document Local Government Undertakings. The details about the issue are in page 3 of the JSCDL's Report 16 (May 2006) which was obtained from the Parliament's website.

The proposed Local Law has been drafted in accordance with the JSCDL has a drafting style preference, which is in a similar style to Acts and Regulations, with the appropriate use of headings and citation clauses.

### **Conclusion**

It is recommended that the proposed Local Law as attached in attachment 1 is adopted.

### **Attachments**

1. City of Nedlands proposed Local Law.
2. Cr Negus notice of motion - paid parking, 27 April 2011.
3. Averment on complaint as to clause 1.5(2) agreement – Joint Standing Committee on Delegated Legislation decision.
4. Powers of the local government – revised clause.
5. City of Nedlands and other local governments relating to ticket issuing machines.

<b>PD22.12</b>	<b>Metropolitan Region Scheme Amendment 1210/41 – Rationalisation of Stirling Highway Public Comment</b>
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<b>Committee</b>	12 June 2012
<b>Council</b>	26 June 2012

<b>Applicant</b>	N/A
<b>Owner</b>	Various
<b>Officer</b>	Christie Downie - Sustainable Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development Services
<b>Director Signature</b>	
<b>File ref.</b>	TPN/067-04
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

### Purpose

Council has the opportunity to comment on proposed Metropolitan Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation.

Within the City of Nedlands the Scheme Amendment proposes an overall reduction of the existing Stirling Highway 'Primary Regional Roads' reservation to land which realistically may be needed for future road works.

### Recommendation to Committee

#### Council:

1. supports the proposed Metropolitan Region Scheme Amendment, Rationalisation of Stirling Highway Reservation;
2. requests the Western Australian Planning Commission (WAPC) in accordance with Section 126 of the *Planning and Development Act 2005* to concurrently with this amendment process rezone the affected land to a zoning under the City of Nedlands Town Planning Scheme No. 2 (TPS2) that is the same as the land within the same lot; and

3. **requests the Western Australian Planning Commission (WAPC) to reconsider the reservation on 26, 35, 80, 100, 102 and 134 Stirling Highway due to the presence of buildings with heritage value.**

### **Strategic Plan**

KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

### **Background**

A regional reservation is put in place to protect identified land for a regional purpose, in this case a primary regional road. Its purpose is to secure the long term regional functionality of the highway.

Stirling Highway has been reserved in the Metropolitan Region Scheme (MRS) since 1963. Under the current MRS it has the status of a Primary Regional Roads reservation. The originally gazetted regional road reservation within the City of Nedlands was approximately 80 m wide, more than twice the width necessary for such a regional road.

In other areas, outside of the City of Nedlands the Primary Regional Roads reservation was significantly reduced in 1996 to reflect the existing physical extent of the highway. This has resulted in a narrow reservation that does not allow for improved infrastructure or safety measures for pedestrians, cyclists and public transport.

The City has opportunity to provide comment in the capacity as a public authority and as a land owner.

### **Proposal Detail**

This amendment covers areas from the City of Nedlands, Town of Claremont, Town of Cottesloe, Shire of Peppermint Grove, Town of Mosman Park and City of Fremantle.

The Metropolitan Scheme Amendment Report (refer to attachment 1) shows a locality map of the area affected by the rationalisation of the reservation on page 15 in figure 1. The proposed amendment can be considered in two (2) sections;

- Jarrad Street, Cottesloe to Broadway, Nedlands where the existing Primary Regional Roads reservation is being reduced and rationalised.

- Jarrad Street, Cottesloe to Queen Victoria Street, North Fremantle where the existing Primary Regional Roads reservation is being increased.

All lots within the City of Nedlands are affected by different existing and proposed reservations, however all will either be affected by a reduced reservation, or will not have any road reservation under the proposed scheme amendment. No lots within the City of Nedlands will be subject to an increased reservation.

The land no longer required for the Primary Regional Roads reservation will become 'Urban' under the MRS, except for the following:

- Peace Memorial Rose Garden will become 'Parks and Recreation'; and
- Part of the University of Western Australia campus will become 'Public Purposes – University'.

This amendment will facilitate changes in the design of Stirling Highway. The details of the design and implementation of the Stirling Highway Activity Corridor is outside the scope of this report. The City of Nedlands will continue to be involved in the project working group and will aim to achieve a suitable outcome for the community.

The City of Nedlands owns a number of properties that are affected by changes in the reservation as shown in the table below. Further detail for these lots can be seen in attachment 2.

Lot	Street Address	Property	Existing reserve	Proposed reserve
29	67 Stirling Highway	Maisonettes	29 m	1.6 m
500	71 Stirling Highway	Administration Building	19 m	Nil
56,57 & 50	60 Stirling Highway	Nedlands Library	31 - 32 m	11.3 – 11.9 m
76, 77, 78, 2, 1	116 – 124 Stirling Highway	Peace Memorial Rose Gardens	33 - 42 m	5.8 – 6.7 m

### Consultation

The WAPC is required to consult widely by legislation and policy.

The City of Nedlands is not required to undertake further consultation other than its obligation under the *Planning and Development Act 2005* to display the documents at the Council's administration. Council does have to ability to provide comments on the proposed amendment.

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation type:

The WAPC advertising period is from 20 March 2012 – 27 July 2012.

### **Legislation**

- *Planning and Development Act 2005*
- City of Nedlands Town Planning Scheme No. 2

### **Budget/financial implications**

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

Providing comment on the proposed amendment has no financial implications for the City of Nedlands.

### **Risk Management**

Providing comment to the WAPC will result in the City's voice being heard, and being included in further discussions.

### **Discussion**

*Directions 2031 and beyond* provides guidance on accommodating Perth's growing population partly within existing areas that are well serviced. Under the 'Accessible' theme, a strategy to plan and develop urban corridors (also known as activity corridors) to accommodate medium-rise higher density housing is identified.

Initiatives for an accessible city include the review of road reservation requirements for major road network links, such as Stirling Highway. The 'connected city' model supports urban corridors to accommodate increased housing needs and encourage reduced vehicle use.

While there is no money currently allocated for the redevelopment of Stirling Highway, certainty of the MRS Primary Regional Roads reservation over Stirling Highway is fundamental to progress towards implementing improvements in infrastructure for pedestrians, cyclists and public transport.

Under Section 126(3) of the *Planning and Development Act 2005* the affected local government has the option of requesting the WAPC to concurrently rezone land, that is being zoned Urban under the MRS, to an 'Urban Development' zone (or similar) in their Local Planning Schemes.

As the City has written proposed provisions for the lots affected by the reservation rationalisation in the Stirling Highway Special Control Area, allowing the WAPC to rezone the affected land to 'Urban Development' would introduce a conflict that would be undesirable for the City.

To streamline planning processes it is recommended that the City requests from the WAPC a concurrent rezoning of the affected land under the TPS2 that is consistent with the remainder of the lot.

There are a number of state heritage places on affected lots within the City of Nedlands. The proposed reservation bisects significant structures on a number of lots, shown in the table below. It is recommended that the City requests the WAPC to reconsider the reservation in relation to these places.

Address	Building	Street Block
26 Stirling Highway	Pata Negra / hairdresser	Bruce Street – Archdeacon Street
35 Stirling Highway	Nedlands Post Office	Meriwa Street – Williams Road
80 Stirling Highway	Captain Stirling Hotel	Stanley Street – Florence Road
100 Stirling Highway	Windsor Theatre	Dalkeith Road - Mountjoy Road
102 Stirling Highway	Persian Carpet Gallery	Dalkeith Road - Mountjoy Road
134 Stirling Highway	Renkema Building	Vincent Street – Doonan Road

As an owner of affected properties, the City is satisfied that the proposed reservation is clear of both the Administration building and the Maisonettes and impacts only upon land at the Nedlands Library and Peace Memorial Rose Gardens.

### Conclusion

The proposed Metropolitan Scheme Amendment is acceptable when coupled with the request to the WAPC regarding the rezoning of affected land. Ensuring the land no longer required for reservation is appropriately zoned will facilitate the best possible land use and built form outcomes for the City of Nedlands.

## **Attachments**

1. Metropolitan Region Scheme Amendment Report
2. Plans: Reduction in land required for road purposes (for lots owned by the City of Nedlands).

<b>PD23.12</b>	<b>Western Australian Bicycle Network Plan – Public Comment</b>
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<b>Committee</b>	12 June 2012
<b>Council</b>	26 June 2012

<b>Applicant</b>	Department of Transport
<b>Owner</b>	N/A
<b>Officer</b>	Christie Downie – Sustainable Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development Services
<b>Director Signature</b>	
<b>File ref.</b>	ORN/055-03
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

### Purpose

To provide comment on the Department of Transport's draft Western Australian Bicycle Network (WABN) Plan, which is currently advertised for public consultation.

### Recommendation to Committee

#### Council:

1. **supports the draft Western Australian Bicycle Network (WABN) Plan in principle as it is a coordinated, state wide approach to facilitating the development of cycle facilities;**
2. **identifies the following issues required to be addressed in the final document:**
  - a. **the key recommendation relating to connecting schools does not provide sufficient detail to ascertain its merit, and requires a clear statement on proposed funding;**
  - b. **the key recommendation relating to traffic management does not provide sufficient detail and it is essential that the findings of the working group are reflected in engineering standards and guidelines;**
  - c. **the draft WABN Plan is largely focused on facilitating access to the Central Business District (CBD) neglecting the necessity for high quality cross suburb routes;**

- d. **the proposal identifies a Principal Shared Path along Thomas Street / Winthrop Avenue without providing detail regarding funding requirements, timeframe or responsible agencies;**
- e. **the City is supportive of projects that strengthen the cycle links between the north-western suburbs and the QEII / UWA precinct;**
- f. **the City would like to see the grants program reviewed regularly to ensure the funding categories meet local government needs and would appreciate the timing of the grants program is aligned with local government budget preparation; and**
- g. **the draft WABN highlights the need for additional funding from the State Government to achieve its cycling objectives and the State Budget 2012-13 includes \$20 million over two years for cycling infrastructure and grants and strong financial commitment must be maintained over the 10 year life of the plan to successfully deliver on its aims.**

### **Strategic Plan**

KFA 1: Infrastructure

- 1.4 Develop and implement an integrated transport strategy for the City which promotes access to safe and integrated transport options.

KFA 3: Built Environment

- 3.4 Plan and develop the sustainable provision of community infrastructure and facilities with a focus on flexible and multiple uses.

### **Background**

The State Government has prepared the draft WABN Plan which details the ongoing development of cycling facilities in the state for the next 10 years. This document links to the objectives of *Directions 2031 and Beyond* and will also complement the State Government's *Moving People Plan* (currently in development).

The draft WABN Plan replaces and builds upon the 1996 Perth Bicycle Network Plan (PBN). Since the release of the 1996 Plan, the number of people cycling in Perth has increased dramatically and this upward trend is expected to continue.

## Proposal Detail

The draft WABN Plan provides guidance for the next 10 years to meet the expanding cycling needs of the state. The plan has a particular focus on enabling more Western Australians to cycle to work.

Increasing cycling rates brings a number of economic, environmental and social benefits for individuals and the wider community. There is also significant potential for change given the increasing pressure on our existing transport systems and favourable environmental factors.

The objectives of the draft WABN plan are:

1. provide a coordinated approach to implement a high-quality and connected bicycle network;
2. plan for maintaining and safeguarding the existing and future bicycle network;
3. integrate network development in planning strategies with other developments, projects and programs;
4. guide professionals implementing the WABN;
5. encourage and promote cycling as a legitimate transport mode; and
6. encourage a whole-of-government approach to cycling.

The draft WABN plan considers all types of cycle routes (Principal Shared Paths, Recreational Shared Paths, Local Bicycle Routes and On-Road routes) but the missing sections on the Principal Shared Path (PSP) network are identified as the highest priority. The missing link between Shenton Park and Loch Street stations (within the City of Nedlands) is one (1) of these high priority projects.

There are 11 key recommendations within the draft WABN plan:

1. Formulation of a WABN Implementation Reference Group.
2. Biennial review of the Plan.
3. Expansion of the PSP network.
4. Funding increases to the PBN and RBN Grants programs.
5. A feasibility study for an end-of-trip facility in the CBD.
6. A connections to schools program.
7. A connections to rail/major bus stations program.
8. Review of traffic management on local roads.
9. Review of the local bicycle routes.
10. Development of an online journey planner.
11. Planning for cycling facilities in larger regional cities.

The draft WABN plan has outlined the funding sources and requirements for the 11 key recommendations. The extra funding requirements will largely rely on inclusion in the yearly State Budget. The State

Government has recently announced an additional \$20 million for cycling projects over the next two (2) years.

### Consultation

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

The Department of Transport has invited the general public to comment on the draft WABN Plan online, by email or by phone.

### Legislation

The draft WABN Plan is a state government initiative

### Budget/financial implications

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

The Council's comment on the document has no financial implications for the City.

### Risk Management

Providing comment to the Department of Transport will result in the community's voice being heard, and being included in further considerations.

### Discussion

The draft WABN Plan will impact the development of cycling facilities within the City of Nedlands with minimal negative implications.

It is encouraging to see that the draft WABN Plan:

- recommends review every two years to ensure the plan adapts to changing travel and recreation patterns;
- aligns with both State and Federal plans and priorities;
- has sound aims and objectives, that cover the range of factors that influence cycle behaviour;

- includes connecting rail and major bus stations as a key recommendation. Further information regarding the pilot program will be welcomed;
- highlights the 'missing links' of the Perth – Fremantle Principal Shared Path as high priority projects; and
- clearly sets out the role and responsibilities of the key agencies in delivering the WABN Plan.

The aspects of the plan that require further investigation or require changes are:

- the key recommendation relating to connecting schools does not provide sufficient detail to ascertain its merit, and requires a clear statement on proposed funding;
- the key recommendation relating to traffic management does not provide sufficient detail and it is essential that the findings of the working group are reflected in engineering standards and guidelines;
- the draft WABN Plan is largely focused on facilitating access to the Central Business District (CBD) neglecting the necessity for high quality cross suburb routes;
- the proposal identifies a Principal Shared Path along Thomas Street / Winthrop Avenue without providing detail regarding funding requirements, timeframe or responsible agencies;
- the City is supportive of projects that strengthen the cycle links between the north-western suburbs and the QEII / UWA precinct;
- the City would like to see the grants program reviewed regularly to ensure the funding categories meet local government needs and would appreciate the timing of the grants program is aligned with local government budget preparation; and
- the draft WABN highlights the need for additional funding from the State Government to achieve its cycling objectives and the State Budget 2012-13 includes \$20 million over two years for cycling infrastructure and grants. A strong financial commitment must be maintained over the 10 year life of the plan to successfully deliver on its aims.

## **Conclusion**

The draft WABN Plan includes a number of positive elements for the City and the cycling community as a whole. The document is acceptable and can be supported in principle, subject to the comments.

The document will also assist and give strength to the City of Nedlands Bike Plan, which is currently being progressed.

## **Attachments**

1. Western Australian Bicycle Network Plan 2012-2021 Draft for consultation.