



## **CITY OF ROCKINGHAM**

### **PLANNING POLICY No. 1.5**

#### **CLOSURE OF PEDESTRIAN ACCESS WAYS**

##### **PART 1 - STATEMENT OF INTENT**

The Council recognises that Pedestrian Access Ways (PAWs) provide access to essential services, and provide pedestrian and cycle access both within neighbourhoods and to local and district facilities including public transport, schools, shops, public open space and community facilities.

Although the purpose of PAWs is to provide safe pedestrian and cycle access to local facilities, PAWs are also used for criminal activity, vandalism and other forms of anti-social behaviour and as such, the Council receives requests for the closure of PAWs on security and amenity grounds.

In considering closure requests, a balance needs to be found between resident access to facilities and public transport, and concerns regarding security and amenity.

The Western Australian Planning Commission Planning Bulletin No.57 – 'Closure of Pedestrian Access Ways - Planning Considerations' details the process to be followed by a Local Government in processing PAW closure requests, including the role of the Department of Land Administration and the Western Australian Planning Commission.

Whilst Planning Bulletin No.57 sets out the process to be followed by a Local Government in processing PAW closure requests, there are certain issues not specifically dealt with by the Planning Bulletin which the Council needs to have an established position. These issues can be summarised as follows:

- the City's administrative costs;
- the costs associated with land purchase, creation of easements and/or relocation or removal of services;
- the creation of a 'Public Utilities Services Reserve' versus purchase by landowners.

##### **PART 2 - POLICY STATEMENT**

###### **Objective**

To detail the process to be followed by the Council in processing applications to close PAWs and to set out the Council's position in respect of Administrative Costs, Direct Closure Costs and the creation of a 'Public Utilities Services Reserve' versus outright purchase by landowners.

###### **Assessment Procedure**

The Western Australian Planning Commission Planning Bulletin No.57 – 'Closure of Pedestrian Access Ways - Planning Considerations' details the process to be followed by a

Local Government in processing PAW closure requests. A copy of Planning Bulletin No.57 is attached to this Policy.

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### Administrative Costs

The City charges an Administration Fee of \$500 and an Advertising Fee of \$300 (Balance refundable) which is required to be paid by the landowner/s seeking the PAW closure, prior to the application being formally initiated.

### Direct Closure Costs

Where a PAW closure application is successful, it is normal practice that the closed PAW is amalgamated with the adjoining properties and the landowners are required to pay for the land in question and any associated transaction fees and charges.

The sale price for a closed PAW will normally be market value as assessed by the Valuer General and the associated transaction fees and charges are calculated and administered by the Department of Land Administration. Payment of these costs is the responsibility of the landowners (who would have previously indicated agreement to have portion of the closed PAW amalgamated into their property).

In some cases the PAW accommodates service infrastructure which is required to be relocated, removed or protected by way of easement. In such cases, the affected landowners are also responsible for the costs involved which are determined by the servicing agencies.

### Creation of a 'Public Utilities Services Reserve' versus Outright Purchase by Landowners

The reclassification of a PAW to a 'Public Utilities Services Reserve' is an alternative to formal closure. In such cases, access to the PAW is restricted by the placement of fencing and/or lockable gates at either end, thereby preventing community access, yet still providing access to servicing authorities, emergency services and for maintenance.

The Western Australian Planning Commission Planning Bulletin No.57 states that where the creation of a 'Public Utilities Services Reserve' is the only method of closure, the Department of Land Administration will require the City to accept a Management Order over the Reserve.

The reclassification of a PAW to a 'Public Utilities Services Reserve' is generally not favoured by the Council for the following reasons:

- whilst the creation of a 'Public Utilities Services Reserve' and the associated fencing/gates prevents movement through the PAW to the general community, there is no guarantee that this method of closure will prevent those individuals intent on vandalism and crime from accessing the Reserve.
- all costs associated with the creation of a 'Public Utilities Services Reserve' are borne by the City. That is, the initial costs of installing fencing and gates and the ongoing maintenance, which would include regular mowing.
- the presence of the fencing and gates can have a negative impact on the residential streetscape.

Accordingly, the Council will only support the creation of a 'Public Utilities Services Reserve' where this is the only feasible way of closing a particular PAW.

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**Adopted by Council on 28.02.06 (PS Committee 20.2.06)**