



Town of Cottesloe

Our Ref: SUB/254
Enquiries: David Derwin

2 June 2022

The Resident

Dear Sir/Madam,

Re-surfacing of Right of Way 14b, Cottesloe

The Town of Cottesloe will be carrying out resurfacing and drainage works along the Right of way adjacent to Grant St and Hawkstone St, west of Marmion St as shown on the attached plan.

The works will commence on Monday 13 June 2022 and expected to be completed before Thursday 23 June 2022, weather permitting.

There will be no traffic access onto this section of the Right of Way including the connecting North – South portion between Hawkstone St and Grant St from 7:30am to 4:00pm during the works. Access will be provided again at the end of each work day.

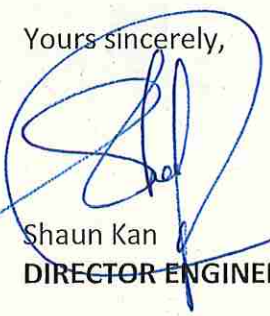
Alternative parking is on the median strip along Grant St.

Please follow the direction of traffic management signage during this time.

Please contact Mr David Derwin, the Manager Parks and Operations on 9285 5081 or alternative on mobile 0419 753 580 should you require any further information.

We thank you in advanced for your cooperation and understanding.

Yours sincerely,



Shaun Kan

DIRECTOR ENGINEERING SERVICES

Mr Garry Bird left the meeting at 10.23 PM and returned at 10.23 PM
Cr Rodda left the meeting at 10.23 PM and returned at 10.25 PM
Cr Young left the meeting at 10.23 PM and returned at 10.26 PM

ENGINEERING

10.1.6 PETITION – REQUEST TO SEAL RIGHT OF WAY 21

File Ref: SUB/261
Attachments: Petition
Rights Of Way Laneway Policy
Council Report (November 2011 Item 11.2.7)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider a petition submitted by residents of Eric Street and Florence Street.

BACKGROUND

Right Of Way 21 runs between Marmion Street and Curtin Avenue. Homes on Florence Street, Eric Street, Marmion Street and Curtin Avenue back onto Right Of Way 21. Please refer to the below image.



Figure 1: Right Of Way 21

Council received a survey in 2011 requesting that Right Of Way 21 be exempted from being bitumen sealed. The reason given in the survey for the rejection of laneway upgrading is, *“that this would protect our bobtails who live and commute from house to house. To protect our Flora and Fauna for our children’s future”*.

In 2011, Council exempted Right Of Way 21 from being bitumen sealed under the Right Of Way Upgrade Program. Council resolved to:

1. *In relation to its Rights of Way Laneways Policy, exempts the existing non-sealed east-west aligned sections of ROW 21 from the need for sealing or drainage improvement, and lists that exemption in the table attached to the policy.*
2. *Advise in writing the landowners adjacent to ROW 21 that Council has granted the exemption.*
3. *Modify the five year Laneway Upgrading Program by removing all mention of ROW 21.*

Carried 9/0

In September 2017, residents of Eric Street and Florence Street submitted a petition seeking the removal of the exemption. The petition contained 27 letters from residents and ratepayers, and an email from the Western Australian Planning Commission. It is noted that the Rights Of Way Laneways Policy *“requires the signatures of at least two thirds of all landowners that are affected by the proposal”*. The number of residents affected by the laneway upgrade is 37, therefore, the required number of signatures has been met.

A project has been listed on the 2017/18 Capital Works Program for the laneway to be bitumen sealed. This was due to resident requests in 2016. It was not known at the time that a resolution had been passed in 2011 to exempt the laneway from the program.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area Five: *Providing sustainable infrastructure and community amenities.*

POLICY IMPLICATIONS

Rights Of Way Laneways Policy

Item five of the policy states that Right Of Way 21 has been granted an exemption from upgrading pursuant to clauses 14 - 16 of the Rights Of Way Laneways Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

\$68,000 has been budgeted in the 2017/18 Capital Works Program for the laneway to be bitumen sealed. It was not known at the time that the project was put into the draft budget that a resolution had been passed in 2011 to exempt the laneway from the program. These funds could be reallocated should the project be cancelled for the 2017/18 financial year.

It is noted that Item 15 (page five) of the Rights Of Way Laneways Policy states that, *‘any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential*

rating payment system for those properties to fund such improvement works'. Therefore, affected landowners may be subject to increased rates due to this request. The petition does not refer to the acceptance of a differential rating system.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

The reason given in the 2011 survey for the rejection of laneway upgrading is, *'that this would protect our bobtails who live and commute from house to house. To protect our Flora and Fauna for our children's future'.*

CONSULTATION

Town of Cottesloe Staff

Cottesloe Residents and Ratepayers adjacent to Right Of Way 21.

STAFF COMMENT

The Rights Of Way Laneways Policy is due for review in December 2017. It is recommended that the review give consideration to the petition with a view to remove the bitumen sealing exemption of Right Of Way 21 subject to landowner support.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Accept the petition seeking the removal of the exemption of Right Of Way 21 from the Laneway Upgrade Program.
2. Inform all residents and landowners adjacent to the laneway in writing of the proposal to seal the laneway and allow 14 days from the sending of the letter for any objections to be received; and
3. If less than one third of the number of landowners object; authorise the project to proceed.
4. Request the Administration undertake a formal review of the Right of Way Laneways policy.

COUNCILLOR MOTION

Moved Cr Sadler, seconded Cr Tucak

That Council:

1. Defer consideration of this matter pending review of the Laneways Policy in December 2017.
2. Request the review cover matters such as the choice of pavements, use of the laneways other than our cars and environmental considerations to best meet the needs of all users.

AMENDMENT

Moved Cr Rodda, seconded Cr Tucak

That a third point be added to the Resolution as follows:

- 3. That at the earliest convenience the Town undertake any required maintenance on Right of Way 21**

CARRIED 8/1

**For: Mayor Angers, Crs Tucak, Boulter, Sadler, Pyvis, Thomas, Rodda and Young
Against: Cr Harkins**

COUNCIL RESOLUTION

Moved Cr Sadler, seconded Cr Tucak

That Council:

- 1. Defer consideration of this matter pending review of the Laneways Policy in December 2017.**
- 2. Request the review cover matters such as the choice of pavements, use of the laneways other than our cars and environmental considerations to best meet the needs of all users.**
- 3. That at the earliest convenience the Town undertake any required maintenance on Right of Way 21**

CARRIED 8/1

**For: Mayor Angers, Crs Tucak, Boulter, Sadler, Pyvis, Thomas, Rodda and Young
Against: Cr Harkins**