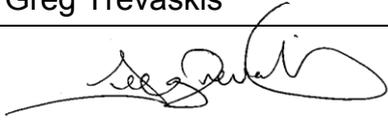


**13.3 Sayer Street Road Closure**

<b>Committee</b>	N/A
<b>Council</b>	22 September 2015
<b>Applicant</b>	City of Nedlands
<b>CEO</b>	Greg Trevaskis
<b>CEO Signature</b>	
<b>File Reference</b>	TS-PRJ-00053
<b>Previous Item</b>	28 July 2015 Ordinary Meeting of Council; items 14.2 & 14.3

**Regulation 11(da) - Not applicable – Recommendation adopted.**

Moved – Councillor Shaw  
 Seconded – Councillor McManus

**Recommendation to Council****Council:**

- 1. Resolves:**
  - a. to close Sayer Street on 26 July 2016;**
  - b. that the reasons for the road closure are;**
    - i. to reinstate the area to its original natural state for park and recreational use;**
    - ii. to address a serious concern regarding a major increase in traffic on Sayer Street post development of Seaward Village;**
    - iii. because the planning of the new subdivision can incorporate a secondary access road without impacting on current residents;**
  - c. that the closure shall be effected on a portion of Sayer Street between Jameson Street and the rear of 5 Horizon Court; and**
- 2. Approves additional budget expenditure of \$20,500 for investigation, consultation and design purposes, with funds to be included in the mid-year budget review.**

**CARRIED UNANIMOUSLY 9/-**

## Strategic Plan

KFA: Transport

The Community Strategic Plan recognises “changing demands in transport” (p.10) and emphasises safe transport (p.16).

A Council outcome of great communities through protected amenity is also an aspiration for Nedlands (p.14).

## Background

Sayer Street is a thoroughfare under the care and control of the City of Nedlands. At the east and west ends the thoroughfare sits within road reserve vested in the City. In the middle section the thoroughfare passes through lots 177, 178 and 202, which are part of Class A reserve no. 19283, also vested in the City. Lots 177 and 178 were part of a road reserve for Sayer Street, but were included within the Class A reserve on 5 November 1926.



Figure 1. Sayer Street with its portion of A Class reserve shaded in green.

## Key Relevant Previous Council Decisions

28 July 2015 Ordinary Meeting of Council, item 14.3:

1. *The City consults with all stakeholders on the closure of that part of Sayer Street, Swanbourne (A Class reserve 19283) which is not a dedicated road and traverses a reserve and the reinstatement of the area to its original natural state.*
2. *Report to be prepared for the Council Meeting of 22 September 2015.*

28 July 2015 Ordinary Meeting of Council, item 14.2:

1. *The City inform DHA that vehicular access to any future development/redevelopment of Seaward Village shall not be through A Class reserve 19283;*

2. *The City erect two street signs on either side of Sayer Street Swanbourne at A Class Reserve 19283, as follows:*

*'You are traversing an A Class Reserve created for the purpose of Parks and Recreation. Please protect our wildlife'.*

## Consultation

Required by legislation: Yes  No   
 Required by City of Nedlands policy: Yes  No

Urbis, who are a town planning consultancy firm representing Defence Housing Australia have sent a letter to the City of Nedlands outlining reasons why they oppose closure of Sayer Street. The reasons include:

- Dual access is required for emergency purposes;
- Dual access is required for bush fire emergency specifically;
- Melon Hill and surrounding bushland is particularly vulnerable given that it is natural bushland and has been identified as a bushfire prone area;
- New, tighter, legislative requirements are being imposed on bushfire prone areas; and
- Urbis considers that the Department of Lands will also have due regard to the above requirements.

A copy of their correspondence is provided as Attachment 2.

## Legislation / Policy

The *Local Government Act 1995* s3.50 and the *Local Government (Functions and General) Regulations* section 4 stipulate the requirements for consultation in the event of a road closure.

It is noted that part (4) of section 3.50 of the Act applies to closure of any “thoroughfare” that the local government manages. This is not specific to a dedicated road reserve and the consultation requirements are applicable to this road, as it fits the definition of thoroughfare.

Ultimately the City of Nedlands or the Minister for Local Government is able to revoke a road closure, under section 3.50 of the Act.

## Budget/Financial Implications

Within current approved budget: Yes  No   
 Requires further budget consideration: Yes  No

The following activities will need budget consideration:

Item	Description	Cost (\$)	Year
1.	Consultation with Department of Fire and Emergency Services regarding emergency fire access to the Seaward Village and expert advice for determination of solutions	4,000	2015/16
2.	Prescribed Advertising and consultation materials production and distribution costs	1,500	2015/16
3.	Consultation implementation and assessment	In-house	2015/16
4.	Road closure design (cul-de-sacs) and estimate	15,000	2015/16
	<b>TOTAL</b>	<b>20,500</b>	<b>2015/16</b>
5.	Implementation of Temporary Closure under Traffic Management	4,000	2016/17
6.	Construction (To be determined)	T.B.D.	2016/17
	<b>TOTAL</b>	<b>T.B.D.</b>	<b>2016/17</b>

A recommendation to provide for the 2015/16 costs towards the closure is provided.

## Risk Management

Local government road closures are protected from compensation payment for damages under section 3.23 of the *Local Government Act 1995*, although this must be carried out in a manner that is not considered negligent.

Implementation of the road closure in a safe manner will be managed through the provision of professional design services and application for approval to Main Roads WA for the proposal. This mitigates the liability from negligence for which a local government can be liable under section 9.57 of the *Local Government Act 1995*.

## Discussion

### Closure Date

Key timeline elements are:

Closure Design	January to March 2016
Consultation	February to March 2016
Council Confirmation Report	May to June 2016
<b>Road Closure</b>	<b>26 July 2016</b>
Closure Construction activities	August to September 2016

There are a number of considerations in determining the most appropriate date for the closure of the road.

The Department of Fire and Emergency Services (DFES) is highly unlikely to support single road access into Seaward village.

There will need to be professional advice sought and negotiations undertaken with DFES to determine a solution for emergency access for emergency services vehicles entering the subdivision, to determine safe alternative escape routes for those living in the subdivision and to determine acceptable bush fire management solutions in the event that a road closure goes ahead. Adequately resolving these issues for existing residents, ahead of any closure of Sayer Street, is considered by Administration to be a critical issue.

Commencing in January 2016, it is proposed to undertake closure design. This will then inform the capital works budget considerations for the 2016/17 financial year in time for commencement of the closure works early in the next financial year.

It is proposed to carry out consultation that is compliant with *Local Government Act 1995*, section 3.50. This process will take about three months. However, by undertaking a compliant consultation process Council is able to undertake a closure without any further consultation, should it determine this to be the best course of action. The alternative to this would be that an informal consultation was undertaken and a report brought back to Council. If Council wished then to proceed with the closure a compliant consultation would be required, effectively doubling the consultation period.

In order to meet statutory requirements the consultation must establish the date of the closure. Therefore a decision to undertake the road closure on 26 July 2016 is proposed to be resolved now by Council in order to meet this requirement. Under the proposed timeline Council would make the final decision on the closure in June 2016, based on the consultation results and any further material it considered to be relevant to the matter at that time.

With Defence Housing Australia now in the planning stage of the subdivision, they now have the opportunity to consider a secondary access road, in order to address the requirements for dual access to the subdivision.

## **Conclusion**

This report provides a schedule for the implementation of a road closure of Sayer Street, Swanbourne and addresses legislative compliance issues and costs associated with the closure. The recommendations allow the closure to move forward.

## **Attachments**

1. Sayer Street Closure Schedule; and
2. Letter from Urbis opposing Sayer Street road closure.