

T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC) (ATTACHMENT)

Ward	:	Bicton - Attadale – Alfred Cove
Category	:	Operational
Subject Index	:	Footpath Construction
Customer Index	:	Technical Services
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	T19/3826 Petition Beach Street Footpath Construction T20/3859 – Beach Street Crossover Review Results
Works Programme	:	2020-2021
Funding	:	\$150,289
Responsible Officer	:	Kimberly Brosztl Manager Engineering

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

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KEY ISSUES / SUMMARY

- The City is proposing to construct a path along Beach Street to provide safe access to the foreshore and river for residents in Bicton.
- The proposed path along Beach Street was chosen as the only viable and accessible connection between Point Walter Road and the Bicton foreshore.
- A Council resolution in November 2019 approved the construction of the path, but requested a review of crossovers with a view to retain as many existing approved crossovers and identifying solutions for unapproved or substandard crossovers.
- While most of the residents (22) accepted the construction of the path through the crossover, 11 residents have objections relating mainly to the path cutting through aggregate crossovers and a perceived loss of amenity.
- Following a report on the review of the crossovers in July 2020, Council resolved to undertake a site visit, write to residents for further feedback, present outcomes to an Elected Member Information Session and report back to Council in August 2020.
- The Council resolution from 19 November 2019 requires a departure from the usual process the City undertakes for the construction of paths and is not consistent with the City's policies, guidelines and specifications related to paths and crossovers.
- Based on the need to ensure the safest, most accessible, cost effective and equitable outcome, it is recommended that the Beach Street footpath (Harris Road to Blackwall Beach Parade) be constructed in accordance with Council Policies and applicable best practice standards and guidelines.

BACKGROUND

In 2018, the City had planned to upgrade the stormwater drainage in the vicinity of Beach Street and renew the road surface. The drainage works were completed in 2018, however it was noted that it was proposed to construct a pathway in 2019 and there would be efficiencies in combining the road resurfacing and footpath construction projects into one program.

It was decided to delay the road renewal project until 2019 and merge with the proposed path construction as this would also minimise disruption to residents. For example, changes to kerbing would affect both the road and path projects.

The path construction was accepted as part of the 2019-2020 works program and, in mid-2019, a path concept design was prepared and community consultation initiated as part of the City's improved resident engagement process.

There have been a number of attempts since 2002 to build a path along Beach Street. The rationale for the proposed construction of the path on Beach Street is that this alignment is the only viable and most logical access point between Point Walter Road and the Bicton foreshore.

The path would also enable Bicton residents from the surrounding area to have safe pedestrian access to the foreshore without traversing on the road.

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Beach Street is the natural focus for residents living east of Point Walter Road and those living either side of Point Walter Road (e.g. Coldwells Street, Thurloe Road, Cavan Street, Malsbury Street,) that do not have “off road” pedestrian access to the foreshore and rely upon Braunton Street, Beach Street, Crewe Street or Kent Street through the existing on road access arrangement.

Beach Street has the easiest gradient of all the four roads that connect Point Walter Road to Blackwall Reach Road and is the safest and most accessible path alignment.

See the attached plan which shows the local road network, existing and proposed paths and the resident catchment expected to utilise and benefit from the Beach Street path [3872 Attachment Overall Area Map](#).

Following the submission of a petition presented to Council on 19 November 2019 covering a range of issues that were responded by officers, Council resolved the following:

“That the Council:

- 1. Notes the two petitions received.*
- 2. Instructs the Chief Executive Officer to proceed with construction of the path along the southern side of Beach Street ensuring that all crossovers are maintained and that the footpath is constructed either side of crossovers, so as to, where possible, not require the removal of crossovers. In the event of a substandard or unapproved crossover, the City is to discuss removal of the crossover with the property owner, with the issue to come back to Council for a decision if the issue cannot be resolved.*
- 3. Notify the petitioners of the outcome of the Council decision.”*

This resolution required officers to adopt an alternative approach to the construction of the path that was contrary to the following the City’s policies, guidelines and specifications including:

- CP-033 - Path Policy
- CP-101: Crossover Policy
- Crossover Guidelines and Specifications
- Path Guidelines and Specifications

These policies and supporting operational guidelines were prepared by the City in accordance with the strategic documents prepared for Local Government path and crossover construction, namely:

- WALGA - Guidelines and Specifications for Residential Crossovers (September 2017)
- Department of Transport – Planning and Designing for Pedestrians Guidelines (December 2016)

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Officers implemented the 19 November 2019 resolution and a report was prepared and presented to Council on 21 July 2020 for the 10 unresolved crossovers (at that time) where the property owner did not agree with the City's recommended treatment (to cut through the crossover as undertaken for all path construction projects in the City) in preference to retaining the crossover as an alternate option.

The Council resolution from the 21 July meeting, via a reject and replace motion, was as follows.

"That this Item

- 1. be referred back to the Elected Members Information Session for further discussion*
- 2. be discussed at an onsite meeting prior to that EMIS with Officers, the Mayor, Deputy Mayor, Ward Councillors and other available Councillors to discuss the crossovers for retention and adjustment.*
- 3. resident's be notified of the outcome of the discussions with Elected Members and invited to respond*
- 4. be brought back to the next Ordinary Council Meeting in August."*

Officers met with the Mayor and Ward Councillors on 3 August 2020 to inspect the crossovers and discussed alternate options for the construction of the path, following which the residents with unresolved issues were notified of the outcome of the inspection on 4 August 2020 and given an invitation to provide feedback by 10 August 2020.

A presentation was undertaken at the Elected Members Information Session (EMIS) on 11 August 2020. The presentation included feedback received from one of the property owners with unresolved issues related to the replacement of the crossover.

This report is now presented to Council for consideration and resolution.

DETAIL

All Local Governments across Australia construct and maintain paths for their community.

The *Local Government Act 1995 and Regulations* provides the authority for the City to disturb any structures to construct or manage infrastructure (paths drainage, road resurfacing, road widening), noting *Schedule 9.1, Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996* states that an application to the Local Government must be made by the landowner to request approval to construct a crossover.

Paths allow safe, easily accessible, inclusive routes for commuter and other residents to partake in physical activity and while enhancing the liveability of the City. Paths are important in keeping pedestrian's safe, enabling accessibility and improving amenity for the following reasons:

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- Pedestrians form the largest single road-user group.
- In 2010, pedestrians formed 13% of fatalities on roads in the Perth metropolitan region.
- Pedestrian fatalities are comprised disproportionately of the very young and the elderly.
- Two out of three people over 75 have a disability and the prevalence of disability will increase further with the ageing of the Australian population.
- Paths increase community amenity through encouraging more people on the streets to access areas through designated routes.

Path construction is supported by the State Government including the Department of Transport, Main Roads WA and the Western Australian Planning Commission (WAPC), the latter via references within the Liveable Neighbourhoods document.

With more than 30% of roads in the City lacking a path, the City has an active path construction program that targets areas of most need through an objective scoring and ranking process against relevant criteria.

Every community wide survey and associated consultation undertaken by the City has indicated that the community want to be safe when walking alongside roads, with the ability to connect to places such as shops and parks as part of a healthy lifestyle.

Each year the City constructs between around 6 kilometres of new paths (averaging 14 path projects, depending on cost) at various locations across the City at a cost of around \$770,000 (including grant funding).

The City rarely has issues with residents opposing a path as the large majority of residents support paths as an important community asset that they can use and enjoy. Some residents do not support the construction of a path through the crossover, however further consultation and communication between City officers and the property owners usually resolve most issues to mutual satisfaction.

Consultation is a key part of the path planning, designing and construction process and feedback is used to refine designs to address issues where practicable.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

As part of the City's drive to improve consultation, a new process was introduced in 2019-2020 to provide a greater level and more opportunities for the City to consult with residents regarding path construction projects.

Previously, the City informed residents when construction works were about to commence and measures proposed to minimise disruption and inconvenience. This communication was undertaken through written correspondence and provided an opportunity for the resident to raise any issues regarding the path construction works.

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Where issues have been raised in the past by residents regarding path construction, the most common issues relate to concerns over damage to irrigation, verge treatments and crossover changes. In all of these circumstances, the City reinstates these aspects satisfactorily.

As the Strategic Community Plan had identified aspirations for residents in the City to have paths to support increased connectivity and accessibility, the City has put in place an improved consultation process as outlined in Council Policy CP-002 Stakeholder Engagement.

This new and improved process was used for consultation on Beach Street path, and a number of other path construction projects during 2019 and 2020, and involved a three stage consultation process including:

- an initial letter advising of proposed path construction and a copy of the design for comment.
- responses from the City back to residents regarding any feedback received on the path design and construction.
- a standard letter advising of the path construction as previously undertaken.

The results from the improved consultation process for path design and construction has been generally well received by residents consulted, with the exception of Beach Street that involved a concerted effort from residents in opposing the path.

To provide context, the results of negative responses for the five paths in the 2019-2020 program are outlined below.

Path	Negative Resident Responses
Beach Street, Bicton	47
Conon Road, Applecross	3
Lamond Street, Melville	0
Pitt Way, Booragoon	0
Theakston Green, Leeming	0

It is clear from the above that the negative feedback on the Beach Street path construction is not representative of other path construction projects undertaken across the City using the improved consultation process.

Based on the above responses to other path construction projects, some of which required cutting through recently constructed exposed aggregate crossovers to construct the path, the majority of residents are generally happy with the level of consultation and the balance between communication and planned works.

As noted in previous reports, the consultation process has resulted in a four-fold increase in design and consultation costs (currently in excess of \$37,000, not including officer time involved in additional site visits and oversight of design work) as well as time delays in excess of six months.

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In addition, the follow up consultation and inspections involving residents has unnecessarily raised expectations and led to greater levels of community dissatisfaction amongst some residents, whilst leading to consideration of practices that would reduce safety and accessibility outcomes through compromised path construction standards.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies or consultants has occurred.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications associated with the construction of the path. However in accordance with *Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12, 13 and 15 of the Local Government (Uniform Local Provisions) Regulations 1996*, an application to the Local Government must be made by the landowners to request approval to construct a crossover.

FINANCIAL IMPLICATIONS

The amount of \$150,289 was approved in the 2019-2020 budget to construct the path. The budget was carried forward to 2020-2021. This amount includes a provisional sum for crossover replacement works and verge regrading. The full extent of these works was not known when the budget was prepared.

As at 11 August 2020, \$37,027 has been spent on design and surveys for the Beach Street path. This does not include some 200 hours of staff time to deal with the additional workload related to Council resolutions and the increased level of consultation undertaken in response to issues raised by residents.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
If the path is not constructed, people travelling along the road will have a higher level of risk of injury or death than users of a path.	Possible likelihood with Moderate consequences which are likely, resulting in a Medium level of risk.	Construct the path.
Construction of the path will increase the runoff along the verge.	Possible likelihood with Moderate consequences which are likely, resulting in a Medium level of risk.	The current design provides for gradients and mitigates risk.
Construction of the path will reduce the visual amenity of the street.	Possible likelihood with Minor consequences which are likely, resulting in a Medium level of risk.	Engage with the residents to reduce the impact of the changes in levels through crossovers and plant additional street trees to increase amenity and shade.

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POLICY IMPLICATIONS

There are policy implications in that the Council resolution is not consistent with Council Policy CP 101-Crossover Policy, Council Policy CP-033 – Path Policy and the City's path and crossover guidelines and specifications as noted in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

A range of alternate options were investigated aimed at achieving the intent of the Council resolution from 19 November 2019, whilst constructing a path that resulted in acceptable safety and accessibility outcomes.

Only one of the constructed crossovers at the time has been approved by the City, with the remaining crossovers being unapproved and non-compliant.

This situation created difficulties for officers in putting forward recommendations that were contrary to Council Policies adopted by Council in March 2020, but met the intent of the Council resolution passed on 19 November 2019.

The alternate option for the 11 unresolved issues were discussed in detail at the Elected Member Information Session on 11 August 2020 and summarised below following further discussions with the Mayor and Deputy Mayor.

“Retain 6 unapproved crossovers with minor non-compliances and remove wings (2A, 4, 14A, 16, 22, 26A Beach Street) and re-construct 5 exposed aggregate crossovers to achieve acceptable grades (16A and 26/28A/28 Beach Street and 28 Blackwall Reach Parade).”

This alternate option retains all 11 crossovers with unresolved issues, with adjustments to crossovers to achieve acceptable grades and access requirements. This alternate option is not as safe as the Officer recommendation and has the potential to set an undesirable precedent for future path construction projects that would lead to increased expectations from property owners, increased delays and increased costs for path construction projects throughout the City.

CONCLUSION

The construction of a path along Beach Street as a continuous grey concrete path that cuts through existing crossovers will provide the safest and most accessible pedestrian connection between the Bicton community and the Bicton foreshore.

Council's resolutions to maintain some crossovers would compromise the City's ability to construct the path to meet adopted Policies and best practice guidelines and specifications and is likely to lead to increased resident expectations, costs and timeframes for future path construction projects.

Following significant consultation with affected residents and Elected Members, it has become clearer that the safest, most cost effective and equitable solution is to construct the footpath in accordance with the Council's Policies and the best practice standards and guidelines.

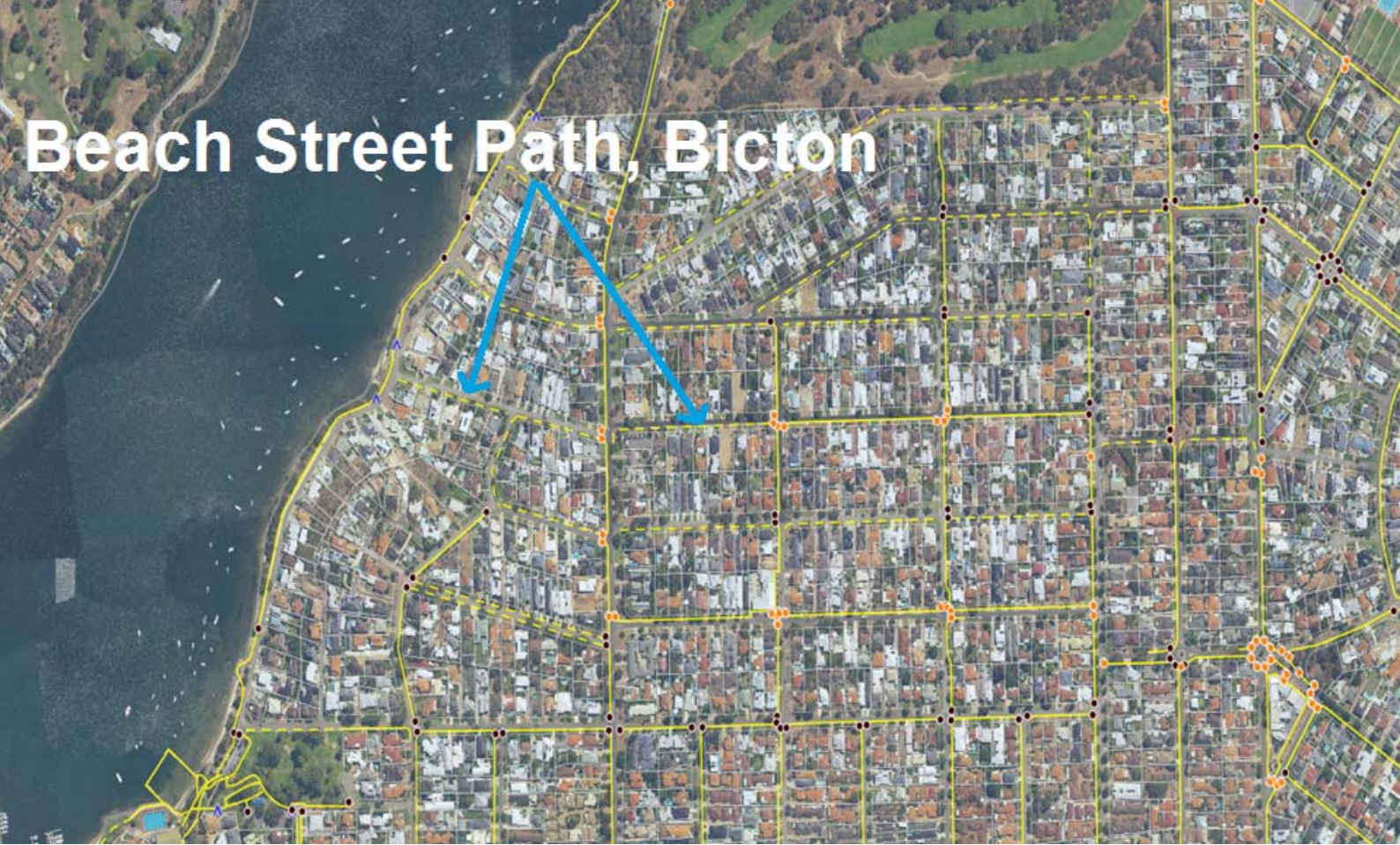
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OFFICER RECOMMENDATION (3872)

APPROVAL

THAT THE COUNCIL:

In light of the need to ensure the safest, most accessible, cost effective and equitable outcome the Beach Street (Harris Road to Blackwall Beach Parade), approves the recommendation that the footpath be constructed in accordance with Council Policies and applicable best practice standards and guidelines.



Beach Street Path, Bicton