

The following member/s of the public spoke in relation to item NOM1602-1.

At 6.16 pm Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Dave Coggin declared a impartiality interest in item number PC1604 and were absent during discussion and voting of this item.

At 6.16 pm the Deputy Mayor assumed the chair.

At 6.16 pm the Deputy Mayor brought forward item PC1604 for discussion.

COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE 3 FEBRUARY 2016

PC1604 PROPOSED PEDESTRIAN ACCESS WAY CLOSURE AND AMALGAMATION WITH NO.S 10 AND 12 KELLOW PLACE, FREMANTLE

ECM Reference:	158/002
Disclosure of Interest:	Nil
Meeting Date:	13 January 2016
Responsible Officer:	Manager Statutory Planning
Actioning Officer:	Land Administrator
Decision Making Level:	Council
Previous Item Number/s:	PSC1509-9 (23 September 2015)
Attachments 1:	Application – to close the Pedestrian Access Way between Kellow Place and Swanbourne Street, Fremantle.
Attachments 2:	Infrastructure Projects – PAW Physical Assessment
Attachments 3:	WAPC PAW closure (Option B) Guidelines



Figure 1 - PAW (Lot 55) Swanbourne Street is shown in red.

EXECUTIVE SUMMARY

The purpose of this report is to submit to Council the results of an advertising and public comment period of not less than 35 days in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) being Lot 55 Swanbourne Street, linking Kellow Place, Fremantle (see Figure 1).

The proposal to close the PAW resulted from an application received by the City of Fremantle ('City') on 01 December 2014 from the owners of 10 and 12 Kellow Place, Fremantle ('Applicant'). The Applicants propose to close and amalgamate the PAW with their adjoining properties. The application is supported with a petition signed by 17 of the owners adjoining Kellow Place. The petition is not included in this report to maintain the privacy of the signatories.

During the advertising period from 13 October 2015 to 01 December 2015, the City has received eight (8) submissions including one from the Applicant with eleven (11) signatures (with addresses included) in support of the proposal. From the eleven (11) signatures, nine (9) also appeared in the original petition with two (2) new signatures. Of the eight (8) submissions, six (6) were objections to the proposal received from people living both within and outside of Kellow Place, Fremantle.

As a result of public advertising it is noted that people living outside Kellow Place are utilising the PAW as a safer route (reduced traffic flow) to connect with the Stevens Street Reserve and the Fremantle City Centre. The residents living within Kellow Place who support of the proposed PAW closure are doing so in order to reduce crime with a home invasion and burglary in March 2014 experienced by an owner identified. The other residents of Kellow Place who object to the proposal currently utilise the PAW for the purpose of connectivity with Stevens Street Reserve, the Fremantle Hospital and City Centre – the objectors living outside of Kellow Place have also indicated the same connectivity centres.

Further details with regard to the public submissions are included in a Table of Submissions contained in the community consultation section of this report.

The City has received submissions in support and objecting to the proposed PAW closure and amalgamation with valid reasons outlined for both positions.

Therefore the Council is provided with 2 options one granting approval and the other being a refusal.

On balance it is recommended that the PAW is closed for the following reasons:

- The stairs and steep incline at the Swanbourne Street end of the PAW prevents wheel chair and pram access.
- The total number of people supporting the proposed closure is twenty two (22) compared to six (6) people objecting to the proposal.

- **The removal of the PAW is not considered to significantly inconvenience people - the additional walking distance without the use of the PAW is calculated at 194 metres.**
- **Increased security for the property owners and residents of Kellow Place, Fremantle – where the majority of people in support of the proposed closure are located.**

BACKGROUND

On 01 December 2014 the Applicants provided a formal submission to the City proposing the closure and amalgamation of the PAW together with a supporting petition signed by 17 out of 25 property owners with access to Kellow Place, Fremantle. The Applicants allege that the PAW is a major contributor to criminal incidents, endured by the residences over many years.

On 8 December 2014, the City's Technical Services Officers proceeded with an internal investigation to identify the infrastructure located within the PAW.

On 19 January 2015 the City contacted Western Power (WP) with regard to an underground distribution cable located within the subject PAW.

On 27 January 2015, WP advised the City that the Infrastructure would require re-location and requested that the Applicants should apply to Western Power as to the costs involved. WP indicated that they prefer to relocate their infrastructure rather than creating an easement as an alternative option. The Applicant subsequently wrote to the WP on 29 January 2015.

On 18 March 2015 WP wrote back to the Applicant and provided their fee structure. The Applicant accepted the costs and asked that the City obtain a valuation of the PAW in order to estimate the overall costs involved to purchase of the portions of PAW for amalgamation subject to all statutory approvals.

On 20 April 2015 the City wrote to the Department of Lands (DoL) providing all details currently available and requested a valuation from Valuation Services.

On 28 April 2015 the DoL declined to provide a valuation without a Council resolution to support the Closure. The DoL had in the past provided valuations in relation to similar requests, however due to the costs involved they no longer provide the service.

On 29 April 2015 the Applicant was advised and subsequently elected to obtain his own valuation and asked the City not to proceed pending the results of the valuation.

On 07 May 2015 the Applicant received an estimated valuation and asked that the City proceed with the proposed PAW closure and amalgamation process. The formal process requires a Pedestrian Access Way Physical Assessment in ('Assessment') accordance with the WAPC 2009 Guidelines for the closure of PAW's. The assessment was conducted by the City's Infrastructure Projects Department and the work and costs were scheduled to commence in the new financial year due to current budget

commitments. The usage element of the assessment was scheduled to be carried out after the school holidays in July in order to obtain a true usage figure.

On 27 July 2015 the City conducted a short survey to target the property owners (with access to Kellow Place) who did not sign the petition. The survey resulted in three owners supporting the proposal with three owners against and two not responding. On 3 August 2015 the Assessment was completed with the inclusion of a Police report providing statistics on Police "Reported" and "Attendances" within the subject area.

On 23 September 2015 (PSC1509-9) the City resolved to;

1. *"Undertake a public consultation and advertising process including a 35 day public comment period in regard to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle linking Kellow Place – pursuant of Section 58 of the Land Administration Act 1997 and the West Australian Planning Commission PAW closure procedure (October 2009).*
2. *Following the completion of the advertising period, consider any submissions in a report to Council for a final decision to either support or reject the proposal to permanently close the Pedestrian Access Way described in (1) above."*

In accordance with Council's resolution, a public advertising period commenced from 13 October 2015 ending on the 01 December 2015. The results of the advertising are considered elsewhere in this report.

STATUTORY REQUIREMENTS

The City is required to follow the "Procedure for the Closure of Pedestrian Access Ways" as set out in the October 2009 WAPC Planning Guidelines ("Guidelines"). The new, simplified procedure for dealing with the closure of pedestrian access way's is based on Section 87 of the *Land Administration Act 1997* which sets out a process by which an amalgamation of remnant Crown land may be achieved which is described as follows.

Step 1	<p>The City receives a request for closure of a PAW and prepares a closure report (See attachment 2 - <i>Infrastructure Projects – PAW Physical Assessment</i>) which addresses the range of matters set out in 3-9 of appendix 1. Step 5 of appendix 1 with the heading "Connectivity Assessment" provides the basis to assess the connectivity of an area around each community facility and should be carried out based on a walkable catchment with a radius of 400 metres. This radius should be increased to 800 metres in the case of large-scale community facilities such as town centres, train stations, bus stations, schools, district open space or other facilities likely to attract large numbers of people.</p> <p>The walkable catchment (ped shed) technique is explained fully in appendix 3 of the WAPC's <i>Liveable Neighbourhoods</i>.</p>
Step 2	<p>The City refers the closure report to all relevant infrastructure providers and any other agencies for comment.</p>

Step 3	The City consults the community likely to be affected by the proposed closure (including all abutting landowners) and seeks their comments in writing.
Step 4	The City assesses any comments and advice received from infrastructure providers, agencies and the community and determines whether to close the PAW or retain it and keep it open.
Step 5	If the City resolves to close the PAW it advises all abutting landowners of its decision and seeks support for the closure and agreement on how to proceed.
Step 6	The City submits a written request to close the PAW to the WAPC with relevant supporting information.
Step 7	The WAPC assesses the proposal and communicates its decision to the local government.
Step 8	On receipt of the WAPC's endorsement, the local government proceeds with the closure, and refers the request to State Land Services for processing.

A more detailed explanation of the process is included in attachment 3

COMMENTS

An initial Dial before You Dig (DBYD) search identified the following infrastructure located within the PAW:

- Western Power – Low voltage cable
- Water Corporation – Critical water pipeline
- Atco Gas Australia – Service point

The Applicants will be required to pay all costs associated with the proposed PAW closure and amalgamation including the relocation of any infrastructure services and/or easement requirements.

The City has written to the public utilities in accordance with statutory requirements. The resulting responses are detailed within the external submissions section of this report together with public advertising.

PAW Connectivity

With reference to appendix 3 of the WAPC's Liveable Neighbourhoods - the walkable catchments, sometimes referred to as ped-sheds, are maps showing the actual area in a five minute walking distance from any centre, or ten minutes from any major transport stop such as a railway station. The centre could be a neighbourhood or town centre. The walkable catchment is simply a technique for comparative evaluation of how easy it is to move through an urban area in order to get to and from these centres or facilities. Walkable catchment calculations are expressed as the actual area in a five-minute walking distance as a percentage of the theoretical area in a five-minute walking distance. The theoretical five-minute walking distance is shown as a circle with a radius of approximately 400 metres drawn around any particular centre. This is an area of 50ha. When calculating a ten-minute walking distance, the radius used is about 800 metres, resulting in a circle area with an area of 200 hectares (see Figure 2).

In relation to the subject PAW (Lot 55) Swanbourne Street; the walking distance from the Fremantle Hospital (central point of hospital) to Kellow Place via the PAW is approximately 620-640 metres. The same walking route without access to the PAW

increases to approximately 900 metres. The PAW currently serves as an east/west connector with public use noted as both within and outside Kellow Place. The detour required should the accessway be closed is calculated at 194 metres to the same position if the access way were open (see Figure 3)

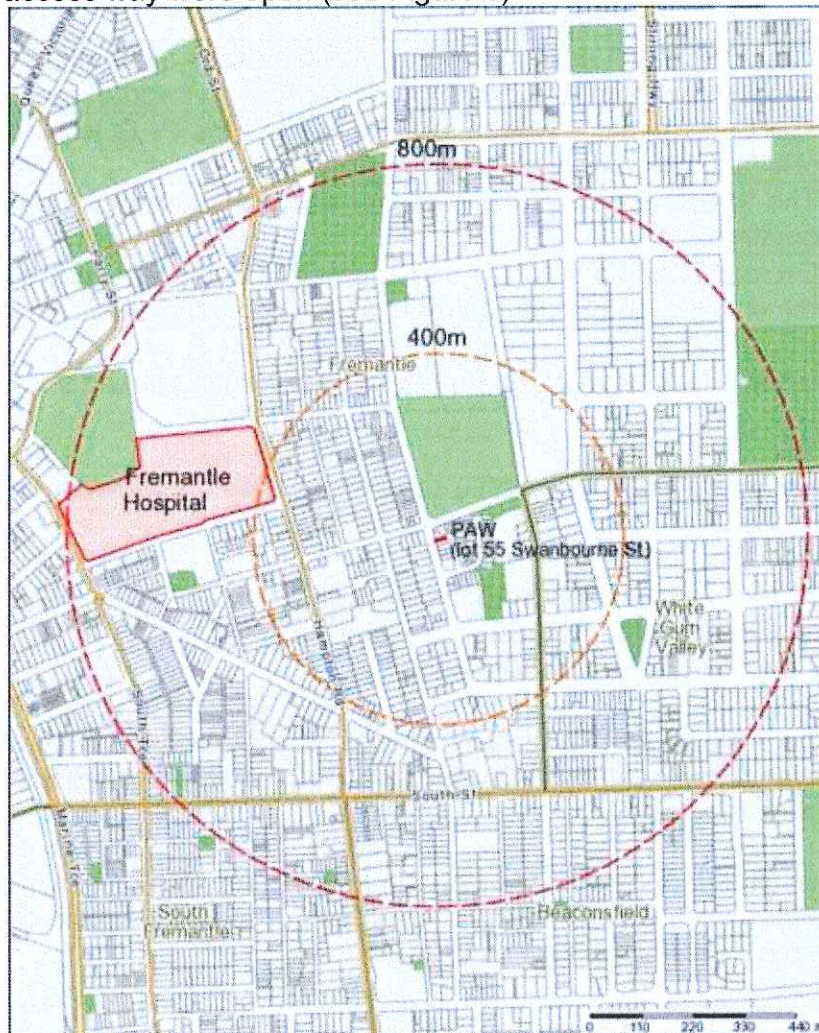


Figure 2 – Circles indicate walking distances of 400m and 800m radiuses from PAW (Lot 55) Swanbourne St.



Figure 3 - red arrows indicate an additional walking distance of 194m should the PAW be closed.

INFRASTRUCTURE PROJECTS COMMENT

In accordance with the WAPC legislative requirements, a Pedestrian Access Way Physical Assessment was carried out by the City's Traffic and Design Officer (see Attachment 2). The Assessment noted that no lighting existed at either end of the PAW.

The City has taken action to remove the ground level vegetation to allow clear sight of the entry points as well as a clear view through the PAW (see Attachment 2 - photos 7 and 8). The clearing of vegetation has increased the PAW design aspect from a medium vulnerability PAW with a score of 7, to a Low vulnerability PAW with a score of 11 (see table below).

Table 1: Designing out crime pedestrian access way assessment

Risk criteria	Yes	No
1. The pedestrian access way is overlooked (visual surveillance) at either of its ingress/egress points.		✓
2. The pedestrian access way is overlooked (visual surveillance) along its route.	✓	
3. Does the pedestrian access way have adequate lighting (eg facial recognition at 10 m distance)?		✓
4. On entering the pedestrian access way, can you see the exit?	✓	
5. There are no entrapment spots or hiding places along the length of the pedestrian access way.	✓	
6. The pedestrian access way is appropriately maintained.	✓	
7. The boundaries between public space and private space are clearly defined.	✓	
8. The boundaries between public space and private space are robustly fenced.	✓	
9. Does the pedestrian access way have signs indicating acceptable behaviour?		✓
10. The pedestrian access way is wide enough to allow pedestrians to pass each other easily.	✓	
11. The pedestrian access way is not adjacent to vacant land or property.	✓	
12. The pedestrian access way is not close to a supplier of alcohol (eg liquor store, hotel, tavern, bottle shop).	✓	
13. The pedestrian access way is not a path to a school.	✓	
14. The pedestrian access way is not close to an ATM, public telephone box or public toilet.	✓	
Totals	11	

Designing out crime pedestrian access way assessment (number of yes answers)

High designing out crime pedestrian access way assessment
(low vulnerability pedestrian access way):

10-14

13/8/15

Medium designing out crime pedestrian access way assessment
(medium vulnerability pedestrian access way):

5-9

Low designing out crime pedestrian access way assessment
(high vulnerability pedestrian access way):

0-4

The design and risk criteria of the PAW may be further improved with the installation of lighting as noted in the table above (Point 3). The options and budget requirements to provide street lighting at either end of the PAW are estimated in the dot points below.

- The cost to install unmetered supply pits (UMS) approximately \$13,000.00. Therefore based on previous Western Power charges to install a streetlight, the cost generally ranges between \$12,000.00 and \$15,000.00 per light.
- An alternative option is the installation of solar powered lighting. Solar power street lights currently range in cost between \$8,000.00 and \$11,000.00 per light. The subject PAW does contain surrounding vegetation (trees) which may affect the suitability for solar powered lights.

EXTERNAL SUBMISSIONS

Community

Applicants original Petition supplied in December 2014.

The Applicant has provided a petition in support of the proposed PAW closure and amalgamation signed by 17 of the property owners located within and abutting Kellow Place, Fremantle. A City of Fremantle conducted a short survey to target other Kellow Place and Bolton Place property owners within the same area who did not sign the petition resulting in three owners in support, three owners objecting to the proposal with two not responding.

Responses from Public Utilities

The Water Corporation (WC) made the following comments with regard to their initial objection to the proposal. The objection was later reversed upon the implementation of strict conditions.

"The closure will affect the 100CI water main (reticulation) and this main cannot be cut and capped and the reason is as below:

- *Kellow Place sits at the high point, and there is a hydrant located at H7 Kellow Place.*
- *Cutting and capping the 100CI will break the reticulation loop and make the hydrant unworkable (lack enough pressure and flowrate). There will also be water quality issues as well."*

The WC's additional comments are noted below - removing their objection to the proposal.

"The Water Corporation has no objection to the closure, however gates with locks, are to be installed at both ends of the PAW and at the proponent's expense. Keys are to be provided and Water Corporation must have access to the water main – 24/7."

The Applicant is aware of the WC conditions and has indicated acceptance of those conditions.

Western Power has infrastructure located within the subject area – the Applicant has made contact with the relevant officers within Western Power and will continue to liaise with them subject to all PAW closure/amalgamation statutory approvals.

All other public utilities contacted by the City had no objection to the proposal.

Results of Public advertising

The proposed permanent closure and amalgamation of the PAW being Lot 55, Swanbourne Street, Fremantle (as shown in figure 1) was advertised from 13 October to 01 December extending the statutory minimum requirement from 35 days to 50 days. Public advertising included:

- Advertisement placed in the Fremantle Herald (NewsBites).
- Proposal advertised on the City of Fremantle "Have your Say" website.
- Two advertising signs were placed either end of the PAW at the access points of Kellow Place and Swanbourne Street.
- Letters sent to all occupiers and owners living within Kellow Place including the owners of the corner properties with Bolton Street addresses.
- Letters sent to public utilities requesting their comments.
- Council resolution and report sent to the Department of Planning to provide information with regard to the proposal.

At the conclusion of the public advertising period, the City has received eight (8) submissions including one from the Applicant with eleven (11) signatures (with addresses included) in support of the proposal. From the eleven (11) signatures, nine (9) also appeared in the original petition with two (2) new signatures. Of the eight (8) submissions, six (6) were objections to the proposal received from people living both within and outside of Kellow Place, Fremantle.

A survey conducted by the City in July 2015 to target the property owners within Kellow Place who did not sign the Applicants petition resulted in three (3) owners in support of the proposal and three (3) owners against – two of the owners against the proposal also provided a formal submission during the advertising period and are included in the table of submissions.

All duplicated submissions or signatures to submissions are removed from the final number count in order to register a single objection or support for the proposal from each person. Therefore, with the duplications removed, the total number of people supporting the proposal is twenty two (22) and with six (6) people objecting to the proposal.

All written submissions and signatures resulting from the public advertising are included in the table of submissions below.

Table of Submissions – Pedestrian Access Way (PAW) Lot 55 Swanbourne Street, Fremantle linking Kellow Place – Proposed Closure and amalgamation.

SUBMITTER NAME	SUBMITTER ADDRESS	COMMENTS (IN POINT FORM)	OFFICERS RESPONSE
ATCO Gas Australia	Success	No Objection • ATCO Gas Australia has confirmed that no assets exist inside this lot.	Comments noted
Western Power	Perth	No Specific comments at this time. • Western Power (WP) note overhead power line and/or underground cables, adjacent to or traversing the property exist.	Applicant has corresponded with Western Power and received feedback in relation to the Western Power

			infrastructure located within the PAW.
Telstra	Perth	<p>No Objection</p> <ul style="list-style-type: none"> Telstra records indicate that no Telstra assets are located within the area of the proposal. 	Comments noted
Water Corporation	Perth	<p>No Objection - subject to the following conditions:</p> <ul style="list-style-type: none"> Gates with locks are to be installed at both ends of the PAW and at the proponent's expense. Keys are to be provided and Water Corporation (WC) must have access to the water main – 24/7. <p>WC Infrastructure requiring protection with initial comments noted below.</p> <ul style="list-style-type: none"> Cannot relocate 100CI water main as it sits at the high point – cutting and capping the 100CI will break the reticulation loop and make the hydrant at 7 Kellow Place unworkable (lack of pressure and flowrate). A hydrant is located at No. 7 Kellow Place. There will also be water quality issues. 	<p>Land Administration Officer responded in writing to the original objection by the WC and asked whether a right of access easement would be acceptable to the WC.</p> <p>Water Corporation removed their original objection to the proposal on 27/11/2015 subject to the conditions as noted. An easement was not considered necessary by the WC.</p>
Department of Fire & Emergency Services (DFES)		<p>No Comment</p> <ul style="list-style-type: none"> Advise that the DFES have no comment regarding this matter. 	No Comments noted.
Public Submissions			
Submitter 1	Fremantle	<p>No Objection – in Support</p> <ul style="list-style-type: none"> Although we use the PAW frequently, we support the proposal on the basis that closing the PAW will improve security within Kellow Place. 	Comments noted

<p>Submitter 2</p>	<p>Fremantle</p>	<p>Objection</p> <ul style="list-style-type: none"> • Observed use of the PAW from people walking dogs to children on their way to school both escorted and unescorted. Also people from Bolton Place using the PAW to access Stevens Reserve. An observation prior to 8.00am in early November noted 8 people using the walkway traveling west. • Police incident reports have limited details. Without further information you cannot confirm that the PAW directly contributed to the incidents. While there is every sympathy with a neighbour who has suffered a most disturbing event and traumatic after effects are understandable. • The houses along Swanbourne and Stevens Streets may be vulnerable with extensive verge foliage that could hide miscreants. Kellow place is quiet and well observed by residents. It is possible that any crime problems that arise have no bearing on Kellow Place and the walkway is not detrimental. 	<p>Comments noted.</p> <p>City responded to submitter with regard to Police Reports.</p> <p>A request for further information from the Police would require a FOI for each incident with a delay of at least 3 months. The City has taken measures (in Aug 2015) to improve the security and safety of the PAW by removing vegetation to allow clear sight of the entry points and through the PAW. Since that time, the City has not received any reports of anti-social behaviour or incidents.</p>
<p>Submitter 3</p>	<p>Fremantle</p>	<p>Objection</p> <ul style="list-style-type: none"> • Lived near area for 27 years with the lane in use. • The PAW is for the public to use. • Keep doors and windows securely locked from burglars. • If the laneway is closed will add another car to the road congestion. • Concern that the closure of the PAW is likely to encourage some people to shortcut and pass through submitters property. • Police statistics can be used to advantage – noting there is no police presence in the area. • Many residents use the PAW to 	<p>Comments Noted</p>

		<p>walk to the oval and Fremantle CBD.</p> <ul style="list-style-type: none"> It is morally not right to close a public access way. 	
Submitter 4	Fremantle	<p>Objection</p> <ul style="list-style-type: none"> Safety Issue - the PAW is the only way to exit submitters property in an emergency due height levels of own property. Lived in the area for 22 years and uses the PAW. Normally chats to people walking dogs and some live outside Kellow Place who prefers to use the PAW rather than other ways to reach Steven Street Reserve. The PAW is valuable with respect to feeling connected with people outside Kellow Place. 	Comments Noted.
Submitter 5	White Gum Valley (WGV)	<p>Objection</p> <ul style="list-style-type: none"> The PAW currently provides a safe and convenient route from my home in WGV via Virginia Ryan Park into central Fremantle and also to Stevens Reserve. 	Comments noted.
Submitter 6	WGV	<p>Objection</p> <ul style="list-style-type: none"> We regularly walk our dogs from WGV through Virginia Ryan Park and access Swanbourne Street via the PAW including access to Stevens Reserve or walking to Fremantle. There are no footpaths in Bolton Place or Kellow Place so we are walking on the road with 2 dogs. 	Comments noted

		<p>To detour through quieter Kellow Place shortens the walking distance on the road and avoids having to deal with cars coming off Swanbourne Street.</p> <ul style="list-style-type: none"> • Object to a public access way being closed off to the public to meet some individual complaints. 	
<p>Submitter 7 Supported with 11 signatures</p>	Fremantle	<p>No Objection – in Support</p> <ul style="list-style-type: none"> • Main reason for support of closure is an improvement to security. The home invasion and robbery noted on the Applicants cover letter to the petition occurred in March of 2014. The Applicant noted that Police attending pointed out the proximity of the PAW as a major contributing factor. 	<p>Comments noted</p> <p>The submission letter supplied in support of the proposal with the signatures of 11 owners (including the applicant) with 9 nine of the names also included in the original petition of 18 names submitted to Council on 23/09/2015.</p>
<p>Submitter 8</p>	Fremantle	<p>Objection</p> <ul style="list-style-type: none"> • Frequently use the PAW to walk to Virginia Ryan Park with our dog and two young grandchildren. • The PAW into Kellow Place is the shortest and safest route to the park from my home. • The alternative route, i.e. along Swanbourne Street and left into Bolton Street is unsafe. • Neither side of Bolton Place has a footpath and cars parked on the verge block pedestrian access, forcing pedestrians onto the road. • Traffic swings fast from Swanbourne Street into Bolton Place, making it hazardous especially for pedestrians walking east along Bolton Place. While Kellow Place does not 	<p>Comments noted</p>

		<p>have footpaths, traffic speed along the street is moderate.</p> <ul style="list-style-type: none"> • Dispute the Assessment by the City's Traffic Design Officer that 'the primary use of the PAW would be exclusively convenient for residents of Kellow Place as the PAW does not provide a quicker route for pedestrians using the area without detouring into Kellow Place'. • Submitter is aware of others from WGV who regularly use the Virginia Ryan Park and Kellow Place PAW as a safer, more traffic-calmed walking route from the Valley into Fremantle. • Additional lighting could be another means to effectively deal with anti-social behaviour in the PAW as an alternative to closing the PAW. 	
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CONCLUSION

The Applicants propose to close the PAW for the purpose of amalgamation with their adjoining properties located at No. 10 and 12 Kellow Place, Fremantle.

The Applicants have requested the PAW closure due to the belief that the PAW is a major contributor to crime in the area of Kellow Place. Police Incident and Attendance reports obtained as part of the PAW Assessment Report show a greater number of reports within Kellow Place rather than Swanbourne Street, as noted in the graphs shown in attachment 2 (figures 2-4). The police reports do not indicate whether the properties backing onto Steven Street and Swanbourne Street were accessed from these locations or from the PAW directly.

The submitters who object to the proposal have indicated that the PAW is currently utilised by the residents living both within and outside of Kellow Place, Fremantle as an access link to Stevens Street Reserve and the Fremantle Hospital and City Centre.

The City has removed the vegetation from the PAW in August 2015 to improve the sight lines from both entrances including the full length of the PAW. The addition of lighting would further improve the design of the PAW. From August 2015, the City has not received any reports of incidents occurring within the PAW which may be as a result of the improved sight lines thereby removing places to hide within the PAW.

The results of the applicant's petition, the City's survey and submissions resulting from public advertising indicate both support and opposition to the proposed PAW closure and

amalgamation. Therefore, the Council is provided with two resolutions - Option 1 to approve the proposal and Option 2 to refuse the proposal as noted below.

On balance it is recommended that the PAW is closed for the following reasons:

- The stairs and steep incline at the Swanbourne Street end of the PAW prevents wheel chair and pram access.
- The total number of people supporting the proposed closure is twenty two (22) compared to six (6) people objecting to the proposal.
- The removal of the PAW is not considered to significantly inconvenience people - the additional walking distance without the use of the PAW is calculated at 194 metres.
- Increased security for the property owners and residents of Kellow Place, Fremantle – where the majority of people in support of the proposed closure are located.

OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

Option 1 – Approval

1. **NOTE** the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; **APPROVE** the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle with the adjoining properties being No. 10 and No. 12 Kellow Place, Fremantle - subject to the following conditions:
 - a. The Water Corporation (WC) require the Applicant to install gates with locks at both ends of the PAW with keys supplied to the WC allowing full 24 hour a day, 7 days a week access.
 - b. The Applicant is to comply with any Western Power requirements in relation to their infrastructure located within the PAW.
 - c. The Applicant is responsible for all costs associated with the proposal as described in item 1.
3. The City indemnifies the Department of Lands against any claim for compensation that may arise from the proposed closure and amalgamation of the PAW as described in item 1 in accordance with Section 58 (4) of the Land Administration Act 1997.

Option 2 - Refusal

1. **NOTE** the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; **REFUSE** the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle after consideration of the current usage of the PAW as a safe link to public open spaces and the City Centre. The City of Fremantle will take the following measures to improve the PAW safety and security rating by;
 - a. The installation of lights at either end of the PAW
 - b. Schedule regular maintenance of the PAW to keep the sight lines clear of vegetation.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

Option 1 – Approval

1. **NOTE** the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; **APPROVE** the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle with the adjoining properties being No. 10 and No. 12 Kellow Place, Fremantle - subject to the following conditions:
 - a. The Water Corporation (WC) require the Applicant to install gates with locks at both ends of the PAW with keys supplied to the WC allowing full 24 hour a day, 7 days a week access.
 - b. The Applicant is to comply with any Western Power requirements in relation to their infrastructure located within the PAW.
 - c. The Applicant is responsible for all costs associated with the proposal as described in item 1.
3. The City indemnifies the Department of Lands against any claim for compensation that may arise from the proposed closure and amalgamation of the PAW as described in item 1 in accordance with Section 58 (4) of the Land Administration Act 1997.

Lost: 0/4

For	Against
	Cr Simon Naber Cr Jon Strachan Cr Doug Thompson Cr Josh Wilson

COMMITTEE DECISION

MOVED: Cr J Strachan

Option 2 - Refusal

1. NOTE the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; REFUSE the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle after consideration of the current usage of the PAW as a safe link to public open spaces and the City Centre. The City of Fremantle will take the following measures to improve the PAW safety and security rating by;
 - a. The installation of lights at either end of the PAW
 - b. Schedule regular maintenance of the PAW to keep the sight lines clear of vegetation.

Cr J Strachan MOVED an amendment to remove Part 2a of the Committee and Officer's Recommendation and replace with include the following wording:

2.
 - a. *Officer's prepare a report on feasibility and cost for installing lighting to the PAW and bring that report back for Council's consideration.*

SECONDED: Cr S Wainwright

CARRIED: 9/0

For	Against
Cr Doug Thompson Cr Bryn Jones Cr Andrew Sullivan Cr Jon Strachan Cr Rachel Pemberton Cr Josh Wilson Cr David Hume Cr Sam Wainwright Cr Jeff McDonald	

Option 2 - Refusal

1. NOTE the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; REFUSE the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle after consideration of the current usage of the PAW as a safe link to public open spaces and the City Centre. The City of Fremantle will take the following measures to improve the PAW safety and security rating by;
 - a. *Officer's prepare a report on feasibility and cost for installing lighting to the PAW and bring that report back for Council's consideration.*
 - b. Schedule regular maintenance of the PAW to keep the sight lines clear of vegetation.

LOST: 4/5

For	Against
Cr Doug Thompson Cr Jon Strachan Cr Rachel Pemberton Cr Sam Wainwright	Cr Bryn Jones Cr Andrew Sullivan Cr Jeff McDonald Cr David Hume Cr Josh Wilson

Cr A Sullivan MOVED the Committee and Officer's Recommendation to include the following wording:

Option 1 – Approval

1. NOTE the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; APPROVE the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle with the adjoining properties being No. 10 and No. 12 Kellow Place, Fremantle - subject to the following conditions:
 - a. The Water Corporation (WC) require the Applicant to install gates with locks at both ends of the PAW with keys supplied to the WC allowing full 24 hour a day, 7 days a week access.
 - b. The Applicant is to comply with any Western Power requirements in relation to their infrastructure located within the PAW.
 - c. The Applicant is responsible for all costs associated with the proposal as described in item 1.
3. The City indemnifies the Department of Lands against any claim for compensation that may arise from the proposed closure and amalgamation of the PAW as described in item 1 in accordance with Section 58 (4) of the Land Administration Act 1997.

Cr R Pemberton **MOVED** an amendment to include an additional part d to Point 2 of the Officer's Recommendation as shown below in bold and italics:

d. Pedestrian Access Way be trialled for 12 months.

SECONDED: Cr D Thompson

CARRIED: 9/0

For	Against
Cr Doug Thompson Cr Bryn Jones Cr Andrew Sullivan Cr Jon Strachan Cr Rachel Pemberton Cr Josh Wilson Cr David Hume Cr Sam Wainwright Cr Jeff McDonald	

COUNCIL DECISION

MOVED: Cr J Strachan

Option 1 – Approval

1. **NOTE** the results of the public comment period from the 13 October 2015 to the 01 December 2015 in relation to the proposed permanent closure and amalgamation of the Pedestrian Access Way (PAW) as described on Certificate of Title Volume 1726 Folio 648 on Diagram 69767 being Lot 55 Swanbourne Street, Fremantle - linking Kellow Place, Fremantle.
2. That Council; **APPROVE** the proposed pedestrian access way (PAW) closure and amalgamation of Lot 55 Swanbourne Street, Fremantle with the adjoining properties being No. 10 and No. 12 Kellow Place, Fremantle - subject to the following conditions:
 - a. The Water Corporation (WC) require the Applicant to install gates with locks at both ends of the PAW with keys supplied to the WC allowing full 24 hour a day, 7 days a week access.
 - b. The Applicant is to comply with any Western Power requirements in relation to their infrastructure located within the PAW.
 - c. The Applicant is responsible for all costs associated with the proposal as described in item 1.
 - d. Pedestrian Access Way be trialled for 12 months.
3. The City indemnifies the Department of Lands against any claim for compensation that may arise from the proposed closure and amalgamation of the PAW as described in item 1 in accordance with Section 58 (4) of the Land Administration Act 1997.

SECONDED: Cr S Wainwright

CARRIED: 6/3

For	Against
Cr Doug Thompson Cr Bryn Jones Cr Andrew Sullivan Cr Josh Wilson Cr David Hume Cr Jeff McDonald	Cr Rachel Pemberton Cr Sam Wainwright Cr Jon Strachan

Mayor, Brad Pettitt returned to the meeting at 6.44 pm.
Cr I Waltham returned to the meeting at 6.44 pm.
Cr D Coggin returned to the meeting at 6.44 pm.

DISCLOSURES OF INTEREST BY MEMBERS

Cr D Coggin declared a impartiality interest in item number PC1604. Neighbour is a close friend and I may have prejudicial interest and choose to not participate or vote in debate.

Mayor, Brad Pettitt declared a impartiality interest in item number PC1604.

Cr I Waltham declared a impartiality interest in item number PC1604. Proponent is a friend and campaign manager.

APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Mayor, Brad Pettitt

Cr D Thompson request for a leave of absence from 14 March to 4 May 2016 (inclusive) is approved.

SECONDED: Cr D Hume

CARRIED: 13/0

For	Against
Mayor, Brad Pettitt Cr Doug Thompson Cr Bryn Jones Cr Andrew Sullivan Cr Jon Strachan Cr Rachel Pemberton Cr Simon Naber Cr Josh Wilson Cr David Hume Cr Dave Coggin Cr Ingrid Waltham Cr Sam Wainwright Cr Jeff McDonald	

PETITIONS / DEPUTATIONS / PRESENTATIONS

Cr S Wainwright presented a petition:

To Fremantle,

We the undersigned, as concerned members of your community, call on our local Council to join us in demanding an end to Broadspectrum (formerly Transfield Services) and their security subcontractor, Wilson Security's business in abuse.