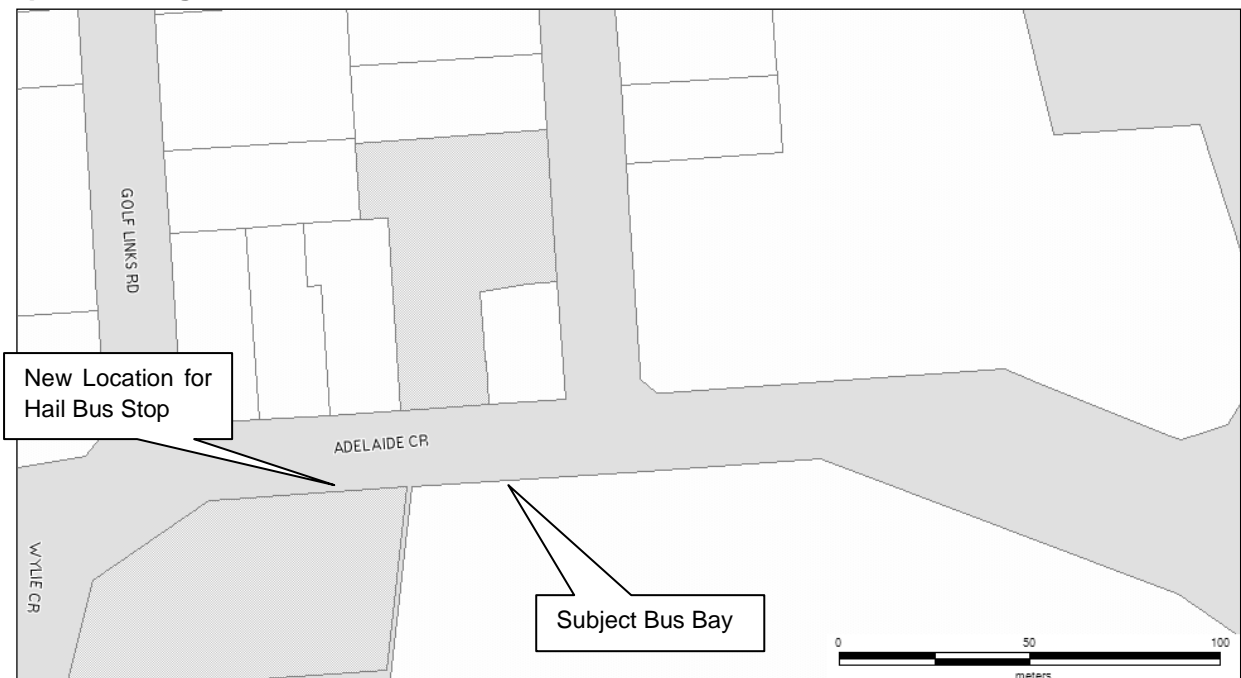


**2.2: REMOVAL OF PARKING RESTRICTION – BUS BAY ADELAIDE CRESCENT MIDDLETON BEACH**

|                               |  |
|-------------------------------|--|
| <b>Land Description</b>       | : Bus Bay Adelaide Crescent, Middleton Beach   |
| <b>Proponent</b>              | : City of Albany   |
| <b>Owner/s</b>                | : City of Albany   |
| <b>Business Entity Name</b>   | : N/A  |
| <b>Attachment(s)</b>          | : Design of parking layout in verge bay<br>: Aerial photograph with proposed location for Hail Bus Stop                          |
| <b>Councillor Workstation</b> | : Copy of OCM 16/11/10 – Item 1.1<br>: Copy of letter from Public Transport Authority<br>: Copy of letter from Loves Bus Service |
| <b>Responsible Officer(s)</b> | : Acting Executive Director Planning and Development Services (S Lenton)   |

**Maps and Diagrams:**



**IN BRIEF**

- Remove the bus stop designation for the Adelaide Crescent road verge bay to allow parking.
- Relocate 'Hail Bus Stop' post and designation at least 20m to the west of the existing road verge bay on the same side of Adelaide Crescent.

**7.44PM Councillor Hammond left the Chamber**

**7.46PM Councillor Hammond returned to the Chamber**

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to:

- 1) Remove the bus stop designation from the Adelaide Crescent road verge bay and replace with regular parking bays as per the Attached Plan(s);
- 2) Support the relocation of the 'Hail Bus Stop', at the developers cost, to a point at least 20m west of the existing Adelaide Crescent road verge bay in accordance with the specifications of the Public Transport Authority.
- 3) Delineate via road markings and signage a no-standing area between the relocated bus stop and the revised regular parking bays to be located in the existing embayment, at the developer's cost.
- 4) Advise all surrounding landowners of the parking change and place a notification in the local newspaper, at the developer's cost.

**ITEM 2.2: MOTION BY COUNCILLOR ATTWELL**

**MOVED: COUNCILLOR ATTWELL  
SECONDED: COUNCILLOR DUFTY**

**THAT this item be laid on the table for a period of at least one month to further investigate safety concerns.**

**CARRIED 10-3**

**Record of Vote**

Against the Motion: Councillors Bowles, Gregson and Holden

**BACKGROUND**

1. Council resolved to grant planning scheme consent for a change of use to 'Tavern' at 18 Adelaide Crescent, Middleton Beach at the Ordinary Council Meeting on 16 November 2010 (Item 1.1). The change of use, when implemented, would give rise to an increased demand for parking that cannot be accommodated on the existing developed site.
2. Condition A1 of the planning approval issued reads:  
  
*Prior to occupancy of the tavern use, the proponent is to provide 5 new car bays within the Adelaide Crescent Road Reserve, or where this is not possible or practical as determined by the Executive Director Works and Services, provide a cash-in-lieu contribution for the parking shortfall in accordance with the specifications of Council's Policy 'Guidelines for the Assessment of Off-site, Verge and Cash-In-Lieu Car parking Proposals'.*
3. The expectation of the City and Council was for the parking requirement associated with the change of use to be accommodated by the construction of bays in the road verge in the immediate vicinity. Such construction was to be to the City of Albany specifications at the developers cost.

4. Due to the location of services within the road verge and the requirement for the additional parking bays to be located within a 50m walking distance of the use; the developer proposes to utilise the under used 'Hail Bus Stop' bay opposite 18-20 Adelaide Crescent. The bay will be upgraded and elongated to accommodate the 5 required car parking bays.
5. The bay is a designated bus stop and under the City of Albany Parking and Parking Facilities Local Law 2009; parking is prohibited in the bay as well as 20m on the approach side to the bay and 10m beyond the departure side of the bay.
6. The designation of the bay as a bus stop needs to be rescinded to enable the development of the bay to accommodate general car parking.

### **DISCUSSION**

7. The planning approval for the tavern indicates the City of Albany preference for the off-site parking to be provided in the Adelaide Crescent road reserve. Such provision must be in close proximity to readily serve the site responsible for the demand. It is widely accepted that parking serving a specific site/use/operation should be located within a walkable 50m radius of the site.
8. With the Adelaide Crescent road reserve identified as the preferred location, the developer has investigated the practicalities and constraints such as the location of sewer and drainage services etc. This investigation identified the existing bus bay as the best location for the required 5 car parking bays.
9. The City of Albany Parking and Parking Facilities Local Law 2009 prohibits parking in, at and around bus stops. As such, Council is required to remove the designation of this bay as a bus stop, for the bay to be altered and used for general parking provision.
10. The Public Transport Authority requires a bus stop to be retained in this vicinity, but the stop is not required to be a dedicated bay as it is an on demand rather than a timed stop. The local bus company (Loves Bus Service) does not consider this an essential stop and has no objection to the removal of the bay.

### **GOVERNMENT CONSULTATION**

11. The Public Transport Authority has been consulted regarding the removal of the bus stop from the bay. Their response states that the bay is not essential from an operational perspective as the stop is not timed and buses only need to dwell for long enough to pick up and set down passengers. They have added that it is necessary to retain a bus stop at this location and have provided details of disability accessibility requirements for bus stops as a new (replacement) stop will need to comply with current requirements.

**PUBLIC CONSULTATION / ENGAGEMENT**

12. Loves Bus Service sent a response to the Public Transport Authority advising they have no objection to the removal of the bus stop at Adelaide Crescent.
13. The businesses and residents in close proximity to the existing bus bay have not been formally consulted, but will be informed as a result of the notification as outlined in part four (4) of the proposed resolution. It is anticipated that the businesses in close proximity to the existing bus bay will benefit from the additional 5 (non-exclusive) parking bays to be provided.

**STATUTORY IMPLICATIONS**

14. Clause 1.8 of the Parking and Parking Facilities Local Law 2009 states:

***“Powers of the local government***

*The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle, any class of vehicles or any class of drivers in any part of the parking region but must do so consistently with the provisions of this Local Law.”*

**STRATEGIC IMPLICATIONS**

15. There are no strategic implications relating to this item.

**POLICY IMPLICATIONS**

16. There are no policy implications relating to this item.

**RISK IDENTIFICATION & MITIGATION**

17. The risk identification and categorisation relies on the City's Risk Management Framework.

| <b>Risk</b>  | <b>Likelihood</b> | <b>Consequence</b>   | <b>Risk Analysis</b> | <b>Mitigation</b>   |
|--|-------------------|----------------------|----------------------|---|
| <i>Re-locating the bus stop from the dedicated bay into the road may give rise to traffic conflict.</i>  | <i>Unlikely</i>   | <i>Insignificant</i> | <i>Low</i>           | <i>No mitigation – the frequency of use of the bus stop together with it being a hail only stop means this is unlikely to arise and is an ordinary traffic hazard for drivers.</i>                          |
| <i>Not re-locating the bus stop removes the developer's ability to provide compliant additional parking. The only remaining option would be a cash-in-lieu payment, which may mean the Tavern development is not financially viable.</i> | <i>Likely</i>     | <i>Moderate</i>      | <i>High</i>          | <i>The recommendation to re-locate the bus stop is reasoned and justified.</i><br><br><i>No mitigation – the economic and financial viability of a private development is not a City of Albany concern.</i> |
|  |                   |                      |                      |   |

**FINANCIAL IMPLICATIONS**

18. There are no financial implications for the City of Albany arising from this item. The costs associated with the relocation of the bus stop and work to upgrade the road verge bay for parking (including line marking the road) are to be borne by the developers of the tavern at 18 Adelaide Crescent.

**LEGAL IMPLICATIONS**

19. There are no legal implications relating to this item.

**ALTERNATE OPTIONS**

20. Council has the following options in relation to this item, which are:

- To resolve not to remove the bus stop designation over the Adelaide Crescent road verge bay;
- To remove the bus stop designation from the Adelaide Crescent road verge bay and re-allocate it to a point at least 20m west of the identified bay as per staff's recommendation.

**SUMMARY CONCLUSION**

21. At the time of consideration of the application for planning scheme consent for change of use to tavern; it was identified that the Adelaide Crescent road verge was potentially an appropriate location for off-site car parking provision.
22. Investigation by the developer has identified the existing bus stop bay as the most appropriate location for the required parking, due to the constraint of proximity of services elsewhere in the vicinity. It is important to note that the on-street bays will not be for the exclusive use of patrons attending the tavern of café, but available to all members of the public.
23. The City of Albany Parking and Parking Facilities Local Law requires a resolution of Council to alter any parking designation or prohibition, which in this instance is sought to move a 'Hail Bus Stop' approximately 20m west along Adelaide Crescent.
24. The Public Transport Authority and local bus company have no objection to this relocation of the bus stop.

|                                   |   |
|-----------------------------------|---|
| <b>Consulted References</b>       | City of Albany Parking and Parking Facilities Local Law 2009. |
| <b>File Number (Name of Ward)</b> | RD.DEC.8(Frederickstown Ward)                                 |
| <b>Previous References</b>        | Nil   |