

# BOROONDARA

*Bicycle Users Group*

Boroondara Bicycle Users Group  
Response to:

City of Boroondara  
**Proposed Local Law**

29 June 2011

All submissions received by the Council within 28 days of the publication notice publication will be considered in accordance with section 223 of the Local Government Act 1989.

Submissions are to be lodged by **Monday 4 July 2011** and addressed to: Chief Executive Officer, City of Boroondara, Private Bag 1, Camberwell 3124.

Boroondara Bicycle Users Group (BBUG)

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## **Introduction**

Boroondara Bicycle Users Group exists to promote cycling and to advocate for improvements to cycling infrastructure in Boroondara and surrounding areas. BBUG thanks the council for providing us with the opportunity to reply to the Proposed Local Law. BBUG will make this response available on its website.

## **Referenced documents:**

- [Proposed Local Law](#)
- [EPA: Guidelines for Major Construction sites](#)
- [EPA: Temporary Environmental Protection Measures for Subdivision Construction Sites](#)

## **Executive Summary**

Cyclists and pedestrians are most vulnerable when developers and builders choose to adopt poor site management practices.

Mud and debris from heavy excavation and demolition vehicles is most commonly deposited on the footpath, the left lane and bicycle lane. Whilst most road users find this unsightly, when combined with narrow bike tyres this is treacherous for cyclists.

With an increasingly aging population, older citizens require a safe walking surface which is clear of slurry, debris and site run off.

Electric wheel chair users have to clean their tyres of construction site mud before they can enter their own home.

Children commuting to school by foot, bicycle or scooter rely on safe footpaths to achieve this activity.

The current trend adopted by many builders is to “cost shift” to the ratepayers by making rate payers bear the full clean up costs.

The BBUG is pleased to see that Council is taking measures to counter this trend.

It is imperative that protection of Boroondara’s cycling infrastructure and users is specifically identified with in this Proposed Local Law and not merely assumed.

## **BBUG suggested recommended actions**

- "public infrastructure asset" means items, facilities or systems owned, managed or otherwise controlled by Council which provide or facilitate a public service, including (but not limited to) roads, **bike lanes**, footpaths, **bicycle and shared paths**, stormwater systems, lighting, fencing, retaining walls, trees, landscaping, kerb and channel, traffic management devices, traffic signals, signs, line marking, **bicycle road and path markings**, footpaths, nature strips, street furniture, car parks, bridges, buildings and structures.

The above inclusions in red, or similar wording, must be included within the definition of public infrastructure assets.

Builders, private building surveyors and council staff may not be familiar with the extent of assets that may be effected by the proposed building works.

Specifically including cycling assets reinforces the value that Boroondara Council and its residence place on this infrastructure.

- *"permit" means a permit issued by Council in accordance with Clause 12 (c) – Many permits for building works within Boroondara are issued by private Building Surveyors. It needs to be clarified if this definition is sufficient to cover all building permits issued for works within Boroondara.*

- *"Council-controlled land" means any land which Council occupies, manages or otherwise controls*

Much of Boroondara's Cycling infrastructure is built and maintained by council on land owned by other authorities, such as Melbourne Water, VicTrack, Parks Victoria and VicRoads. The Boroondara BUG supports council's stance on protecting its assets which have been built on land owned by other authorities.

- *"11.3 Where an Authorised Officer is satisfied that damage to a public infrastructure asset was caused by building work being carried out on the owner's land or is deemed by this clause to have been caused by such building work, the Authorised Officer may give the owner notice directing the owner to repair the damage **to a standard acceptable by council** within the time specified in the notice, which time must be reasonable having regard to – "*

Repairs to the Gardiners Creek Shared Path were recently made by Stockland's where they opened the path to install drainage. Whilst the repair has been carried out in a timely manner, it is of an unsatisfactory standard, being both a danger to cyclists and potential tripping hazard. The Proposed Local Law needs to be very specific that hit and miss patch up "repairs" to council assets is not acceptable and that council reserves the right, in the case of unsatisfactory repairs to effect prompt appropriate repairs and recover costs.

- Measures to limit site run off, mud deposits on the roadway and related issues are all documented in the EPA guidelines which are readily available online and need to be incorporated into all Construction Management Plans as standard procedures.

## **Conclusion & Recommendations**

The Proposed Local Law has the potential to improve amenity within Boroondara. The Boroondara BUG would like to see greater protection of the cycling and walking infrastructure within the municipality.

Cycling infrastructure both on road and off road must be unambiguously specified within the definition of "public infrastructure assets" and supported within the Proposed Local Law.

The Proposed Local Law needs to make it abundantly clear to builders and developers that the quality of repair works needs to be effected to Council acceptable standards.