

# **ATTACHMENTS**

## **BRIEFING SESSION AGENDA**

### **15 MARCH 2022**

#### **Attachment No. 1**

- A. Draft ROW Strategy (as amended after advertising)
- B. ROW Map
- C. Schedule of Submissions
- D. Council Policy 1.6 – Maintenance of Rights of Way Policy
- E. Council Policy 1.20 – Rights of Way

#### **Attachment No. 2**

- A. Draft Local Planning Policy – Sustainable Design
- B. Local Planning Policy No. 2 – Energy Efficient Design
- C. Local Planning Policy No. 3 – Water Sensitive Design Policy
- D. Sustainable Development Information Sheet

#### **Attachment No. 3**

- A. Steam Weeding Monitoring Report
- B. Amended Streetscape Weed Management Strategy

#### **Attachment No. 4**

- A.
  - 2.1 Sustainable Bassendean Policy
  - 2.2 Treatment of Weeds and Noxious Plants Policy
  - 2.3 Natural Areas Management Policy
  - 2.4 Local Biodiversity Policy
  - 2.6 Foreshore Restoration Policy
  - 2.8 Energy Use
  - 2.9 Water Sensitive Urban Design and Water Conservation
  - 2.10 Nutrient and Irrigation Management
  - 2.11 Wetlands
- B. Policy review recommendations
- C. Natural Environment, Sustainability and Climate Action Statement

#### **Attachment No. 5**

Draft Cats Amendment Local Law 2022

#### **Attachment No. 6**

- A. Minutes of the Audit and Governance Committee meeting held on 9 March 2022
- B. OAG Independent Auditor's Report 2020/2021
- C. Draft Report to the Minister for Local Government – Ratios
- D. Town of Bassendean Compliance Audit Return 2021
- E. Draft Amended Purchasing Policy
- F. Current Risk Management Policy
- G. Draft Risk Management Policy
- H. Draft Fraud and Corruption Policy

#### **Confidential Attachment 1**

- A. Draft Risk Management Framework
- B. Risk Profile and Reporting Tool
- C. Draft Fraud and Corruption Control Plan
- D. Audit Risk Register

# **ATTACHMENT NO. 1**



# **Rights of Way Strategy**

## **March 2022**

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## 1.0 Introduction

Rights of Way (ROW) are parcels of land that were originally created to facilitate sanitary collection at the rear of properties prior to reticulated sewerage.

ROWs generally remained in the ownership of the original subdivider after the lots were sold, and the ROWs on a Certificate of Title can still be registered against a deceased person or defunct company. In many cases, the ownership of the private ROWs is unclear and assumed to the Town. Consequently, many issues have arisen which predominantly affect residents adjacent the ROWs as follows:

- Overgrown vegetation and fire risk;
- Vandalism and antisocial behavior;
- Reduced amenity;
- Illegal dumping and storage of materials; and
- Overall lack of management of ROWs, including fencing disputes.

Within the Town, there are 22 ROWs (made up of 29 individual parcels), with a total length of 4.9km. A list of each of the ROWs is contained as Attachment 2.

Ownership of ROWs throughout the Town is highly fragmented. Despite the majority of ROWs being privately owned, tenure and management responsibility confusion have led to some being in poor condition, creating social and amenity issues. The community increasingly views these ROWs as public and look to the Town to resolve such issues. The placement of important utilities, such as water and sewerage infrastructure further complicates their usage and management.

This ROW Strategy has been prepared to determine the ongoing use and management of ROWs within the Town based on the size, condition, tenure, access arrangements, usage, service infrastructure and safety. It has been formulated with regard to the Town's vision to create a more sustainable community both in terms of housing diversity and asset management. The objectives that help to guide the focus of this review are detailed below.

The objectives of the Strategy are:

- (i) To provide a coordinated strategy to guide future decision-making in relation to ROW closures and upgrades;
- (ii) Maximise the use of ROWs, including providing access for infill developments where appropriate to reduce crossovers to local roads;
- (iii) Ensure ROWs that contribute to a permeable street network are retained;
- (iv) Identify ROWs that are appropriate for closure based on limited benefits to the wider community;
- (v) Identify opportunities to improve passive surveillance and safety within ROWs;
- (vii) To rationalise the land tenure of all ROWs;
- (viii) To provide a framework for landowners to financially contribute to the capital cost of upgrading their abutting ROWs; and
- (ix) To inform a ROW specific Local Planning Policy.

## 2.0 Context & Background

### 2.1 Types of ROWs

This Strategy deals with two different types of ROWs; being (i) public or Crown ROWS and (ii) Private ROWs.

- Crown ROWs were created by the Minister for Lands under the Land Act 1933 or earlier legislation. Under the Land Administration Act 1997, Crown ROWs have the same meaning as 'roads', which are defined as:

*“being land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, throughfare or yard to the passage of pedestrians or vehicles or both.”*

They are not subject to private access rights in favour of adjoining landowners under section 167A of the Transfer of Land Act 1893.

- Private ROWs are effectively a private road, which under the Land Administration Act 1997, is defined as:

*“an alley, court, lane, road, street, throughfare or yard on alienated land, or a right of way created under section 167A(1) of the Transfer of Land Act 1893, which –*

- *is not dedicated, whether under a written law or at common law, to use as such by the public; and*
- *is shown on a plan or diagram deposited in an instrument lodged with the Registrar,*

*and which –*

- *forms a common access to land, or premises, separately occupied; or*
- *once formed or was part of a common access to land, or premises, separately occupied, but no longer does so; or*
- *is accessible from an alley, court, lane, road, street, throughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or*
- *once was, but is no longer, accessible from an alley, court lane, road, street, throughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public”.*

A private road is freehold land over which persons have a right of entry and access to from adjoining properties. This right of access may or may not be subject to terms and conditions.

## 2.2 Ongoing Use

Despite the current problems associated with ROWs, it is recognised that some ROWs have the potential to offer strategic benefits to the wider community, including:

- Alternative vehicle access, reducing traffic onto major roads and reducing the need for crossovers;
- Reducing dependence on 'battle-axe' style subdivisions;
- Providing alternative access in the case of emergencies;
- Retention of existing dwellings as 3-4m vehicle access to the side of the property is not required where alternative access is available
- Infill development, including alternative housing typologies with direct access from the ROW; and
- Increase security via upgrades to laneways.

### 3.0 Strategic Alignment

#### 3.1 Strategy Community Plan 2020-2030

This Strategy addresses the Community’s Vision for the future and specifically the following Priority Areas contained within the Town’s Strategic Community Plan 2020-2030:

#### Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> <li>• Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)</li> <li>• Encourage the adoption of a collective responsibility towards safety</li> </ul>	<ul style="list-style-type: none"> <li>• Increased use of public transport by different demographics</li> <li>• Increased active transport by different demographics</li> <li>• Reduced antisocial incidents</li> </ul>

#### Priority Area 3: Creating a Vibrant Town and Precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	<ul style="list-style-type: none"> <li>• Advocate for economic growth of our Bassendean town centre</li> <li>• Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean</li> </ul>	<p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Increased number of developments within the town centre</li> <li>• Increased population within the Town</li> <li>• Improved retention of existing businesses</li> <li>• Increased number and retention of new businesses</li> <li>• Increased local employment</li> </ul>
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> <li>• Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations</li> </ul>	<p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Meet obligations under State population targets</li> <li>• Appropriately located development</li> <li>• Increased dwelling numbers and diversity of dwelling types</li> <li>• Enhanced quality of development outcomes</li> </ul>

## Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> <li>Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise</li> <li>Ensure financial planning has a longterm outlook and a focus on land asset rationalisation</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>All Town-owned buildings increased in their utilisation</li> <li>Defined position and strategy of when buildings need renewal</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>Consolidated infrastructure footprint</li> <li>Enhanced sustainability footprint</li> <li>Clear indications of whole-of-life costs</li> </ul>
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> <li>Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities)</li> <li>Leasing, Licensing and Hiring Strategy</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Increased use of facilities</li> <li>Increased shared use of spaces/diversity of use</li> </ul>

### 3.2 One Planet Living

This Strategy aligns with the One Planet Living framework, specifically aligning with the following principles:

Goal	Principle	Alignment
Health and happiness	Encouraging active, social, meaningful lives to promote good health and wellbeing	- Use of ROWs provides an alternative path of travel, supporting pedestrian movements.
Equity and local economy	Creating safe, equitable places to live and work which support local prosperity and international fair trade	- Maintaining, upgrading or closing ROWs can assist in rectifying antisocial behaviour that is commonly associated with ROWs. - Effective use of the ROWs will support a diverse dwelling typology.

## 4.0 Planning and Policy Context

The provision and development of the Strategy has been informed by the following legislation, strategies, policies, and position and guidance statements:

### 4.1 Strategic Framework

Document	Details	Alignment
Perth & Peel @3.5million	Perth and Peel @ 3.5 Million is the overarching report to the South Metropolitan Peel Sub Regional Planning Framework informed by the key principles of Directions 2031.	<p>The Strategy aligns with the following principles:</p> <ul style="list-style-type: none"> <li>- The provision of infill development in contributing to housing diversity and affordability.</li> <li>- Promoting shared infrastructure corridors for transport, community, social and service infrastructure.</li> <li>- The provision of land use development and mutually compatible infrastructure.</li> <li>- Efficient use and value-add of existing and planned service and social infrastructure.</li> </ul>

### 4.2 Statutory Framework

Document	Details	Alignment
<i>Planning and Development Act 2005</i>	An Act to provide for a system of land use planning and development in the State and for related purposes.	Enables land to be vested to the crown for the purpose of a ROW through conditions in a subdivision approval and sets the provisions to widen ROWs (ss. 152, 168).
<i>Land Administration Act 1997</i>	An Act to provide a system for the dealings with Crown land including the compulsory acquisition of land.	Provides the legal mechanisms to close a ROW, dedicate a ROW to become public roads or acquire ROWs as Crown Reserves (ss. 52, 56).
<i>Transfer of Land Act 1893</i>	The statute governing the registration in WA of titles to Freehold land and dealings with those titles.	Determines the rights of landowners that abut ROWs (s. 167a).
<i>Local Government Act 1995</i>	An Act to provide for a system of local government in WA.	Provides the premise for the Council to prepare the Activities and Trading in Thoroughfares and Public Places Local Law 2010 (applies only to public ROWs) and the Parking Local Law 2019 that regulates parking in ROWs.
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Regulations made under the <i>Planning and Development Act 2005</i> that cover local planning schemes and local planning strategies.	An objective of this Strategy is to create a ROW specific Local Planning Policy to implement the future development standards of subdivision and development applications for properties abutting ROWs. This Local Planning Policy will be made under Schedule 2 of the Regulations.

### 4.3 Policy Framework

Document	Details	Alignment
State Planning Policy 7.0 – Design of the Built Environment	State Planning Policy 7.0 (SPP 7) – Design of the Built Environment sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system.	The Strategy aligns with the following SPP 7 design principles: <ul style="list-style-type: none"> <li>- Functionality and build quality: good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</li> <li>- Legibility: good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</li> <li>- Safety: good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</li> </ul>
Liveable Neighbourhoods	Liveable Neighbourhoods (LN) is a Western Australian Planning Commission (WAPC) operational policy for the design of urban development. LN applies to structure planning in greenfield areas and brownfield development in urban infill areas, and includes requirements for laneways.	Provides the design criteria for laneways (effectively ROWs) which has been incorporated into the design criteria of this Strategy where ROWs are to be retained/upgraded.
Planning Bulletin No. 33	A WAPC bulletin establishing the practice and procedures regarding residential and commercial development and subdivision adjoining existing ROWs.	<ul style="list-style-type: none"> <li>- Outlines the WAPC’s stance on a range of matters and issues associated with ROWs including landowner rights, design standards and processes for local government to undertake ROW redevelopments.</li> </ul>
Designing Out Crime Planning Guidelines	The designing out crime planning guidelines are intended to provide local government, government agencies, town centre management, the development industry and planning and design practitioners with an understanding of the principles of designing out crime.	The recommendations of this ROW Strategy aligns with the principles of designing out crime, specifically those around: <ul style="list-style-type: none"> <li>- Surveillance</li> <li>- Territorial reinforcement</li> <li>- Management and maintenance</li> <li>- Urban structure</li> <li>- Building design, including boundary definition</li> <li>- Lighting</li> <li>- Sight lines and way finding</li> <li>- Predictable routes and spaces safe from entrapment</li> </ul>



## 5.0 Consultation

The Town liaised with relevant service and state agencies to inform the recommendations contained within the Strategy, with that preliminary summarised below:

### 5.1 ATCO Gas

ATCO Gas provided high level comments indicating that it has infrastructure existing in some of the ROWs, with some positioned alongside other utilities. DBYD revealed these are generally servicing pits, located in 21 ROWs, as well as some ROWs being in close proximity to high pressure gas pipes. ATCO Gas has indicated that its preference is to have the subject ROWs dedicated into roads to enable the design and installation of its infrastructure.

### 5.2 Department of Fire and Emergency Services

The Department of Fire and Emergency Services (DFES) have indicated that it is not aware of any DFES owned infrastructure in the ROWs. None of the ROWs are situated in designated bushfire prone areas in accordance with the *Fire and Emergency Services Act 1998*. Some ROWs granted a limited number of dwellings primary vehicle access - expected to increase in the future, consistent with infill development. DFES requested that ROWs that provide primary vehicle access are to be upgraded to a public road standard to ensure DFES primary emergency vehicle access.

### 5.3 NBN Co

DBYD analysis revealed three ROWs that had NBN Co. infrastructure (cables) intersecting the ROW. NBN Co. was provided the opportunity to comment, however no response was received. NBN Co. will be consulted prior to any works on these three ROWs.

### 5.4 Telstra

DBYD analysis revealed four ROWs that had Telstra infrastructure (cables) intersecting the ROW. Telstra was provided the opportunity to comment, however no response was received. Telstra will be consulted prior to any works on these four ROWs.

### 5.5 Water Corporation

A variety of Water Corporation assets existed within the ROWs including wastewater, water supply and drainage. There were 19 ROWs with existing wastewater (sewerage) assets. The Water Corporation generally requires easements over the parcel of land to protect sewerage infrastructure. In some cases, easements already exist over the sewerage infrastructure. Relocation of sewerage infrastructure is at the developer's expense and is optional in cases where easements will not satisfy the need of the development.

There were six ROWs with existing drainage assets and the Water Corporation objects to closures or relocations where drainage infrastructure exists.

No ROWs had existing water supply assets. If a ROW is closed, the portion with Water Corporation water supply assets would need to be rezoned to Public Purposes Reserve and vested to the Town, or easements placed over the land to ensure access to the infrastructure in perpetuity.

## 5.6 Western Power

Western Power directed the Town to their Clearance Assessment Mapping Tool, which indicated that none of the Western Power clearance zones (that applies to the existing electrical infrastructure network) were located within any of the ROWs. The intersection of the ROW entry/exit with the road reserve/street network were the only instances where the ROWs were in proximity to the clearance zones.

The DBYD analysis revealed three ROWs that had either a low voltage cable or are within very close proximity to a power pole. Western Power recommends consulting with their engineering experts' case by case where it is suspected that development will encroach on electrical assets.

## 5.7 Department Planning, Lands and Heritage

In accordance with the WAPC's Planning Bulletin 33/2017, the Town must formally notify the Department of Planning, Lands and Heritage (DPLH) of ROW reviews, Strategy and any ROW specific local planning policies. The Town has notified DPLH of the ROW Strategy accordingly.

The Department has confirmed that it would consider supporting the dedication of ROWs less than 6 metres wide. The Department further advised that dedication of ROWs less than 5 metres would be subject to individual investigations following advice from the Land Use Planning Division team within the Department and would potentially require measures to counter the narrow width such as one way access and passing lanes.

The Department also advised that it would not support the widening of ROWs beyond the 6 metres prescribed in the WAPC's Planning Bulletin 33/2017 – Rights-of-Way or Laneways in Established Areas, unless the requirement forms part of WAPC endorsed Local Planning Strategy. It should be noted that the Town's ROW Strategy does not intend to do this.

The Strategy will be used to inform recommendations and advice to the WAPC on future subdivision applications.

## 6.0 Analysis and Findings

This study identified 22 ROWs (a total of 4.9km) in the Town's jurisdiction (Figure 1). Some ROWs were made up of multiple parcels of land, with a total of 29 individual parcels of land identified as being part of a ROW. ROW characteristics, tenure and service infrastructure were identified via:

- Land tenure investigations via mapping, Certificates of Title searches and State Records documents;
- On-site inspections of the existing conditions of the ROWs;
- Dial before you dig (DBYD) desktop analysis;
- Preliminary feedback from service agencies;
- Physical site inspections; aerial imaging analysis; and
- Liaising with the Department of Planning, Land and Heritage (DPLH), service agencies and Landgate (as set out in Section 5.0)

Physical site inspections were undertaken for each ROW, which were evaluated based on size (length and width), surface material and condition, tenure, access arrangements, use, service infrastructure assets and safety. In assessing each ROW (particularly whether it should remain open or be closed), each ROW was assessed as to whether it:

- Abuts lots that also have access to a Primary or Other Regional Road under the Metropolitan Region Scheme;
- Provides rear access to narrow lots with limited street frontage;
- Is constructed;
- Provides the only means of vehicle access to an approved garage or carport;
- Has the potential either now or in the future to be used to facilitate the development of infill dwellings at the rear of existing residences.

The results of the assessments for each individual ROW are contained in Attachment 1 and further discussed in the following sections. The following sections present a summary of the outcomes of the investigations of the ROWs.

### 6.1 Tenure

The following is the land tenure of the 22 ROW's within the Town:

- 14 are privately owned, 12 of which are deceased estates (with 10 of those held by the same deceased estate); and
- Eight are in public tenure by the Town, the State of WA, or the Water Corporation.

In respect to the 10 held in the same deceased estate, the Department of Lands has confirmed that the probate search undertaken for these ROWs will be sufficient to meet the requirements of section 52(3)(a)(i) of the *Land Administration Act 1997*, which requires all reasonable steps being taken to give notice to the owner of the land prior to dealings with the land.

As part of this Strategy, it will be recommended that actions be taken to ensure no ROWs remain held in deceased estates, so as to rectify the current confusion around ROW management responsibility. Recommendations are contained within the Strategy to either close these ROWs, dedicate them as public roads or amalgamation the portions of ROW into adjacent lots.

## 6.2 Size

In accordance with policy requirements, the optimum width for ROWs is 6.0m, which enables sufficient width for safe vehicle maneuverability from a garage/carport at right angles into the ROW, and safe bicycle and pedestrian access arrangements.

Whilst many existing ROWs meet the preferred width, others are as narrow as 3.0m and some only have portions of the ROW that are 6.0m. Whilst all retained ROWs could potentially be widened to 6.0m, this Strategy does not recommend that approach, but rather, that any detailed upgrade incorporate, if necessary, alternative pedestrian access arrangements, increased setbacks of garages and carports and one-way traffic.

## 6.3 Surface Material and Condition

The most common surface material in the ROWs was soil and/or grass, with some displaying evidence of neglect and overgrown grass. Some portions of ROWs had established crossovers or portions that had been bitumenised. The constructed portions showed signs of cracking and being in generally poor condition. A limited number of ROWs were comprised of high quality bitumenised portions, being sealed, kerbed and drained.

Where recommended for upgrades, ROWs will need to be upgraded to the Town's specifications. A coordinated approach to upgrades is recommended to avoid ad hoc upgrades of sections of ROWs. Wholly acquiring the required portions of ROW via ceding of land at the subdivision/development stage is therefore recommended before upgrades occur. This will optimise the asset management of the ROW.

## 6.4 Access and Connectivity

12 ROWs provide a connection from one public road to another with the other 10 not providing such a through-route. In those cases, there is limited opportunity to provide an improved through-connection due to existing subdivision and development pattern.

14 ROWs provided direct (primary or secondary) vehicle access to lots and associated dwellings; evidenced by existing garages / carports as well as tyre-tracks. In addition 9 ROWs had pedestrian access gates located within them.

It is considered that ROWs with two separate access points to the broader road network offer reduced opportunity for antisocial and unauthorised activity as the ROW would function as more thoroughfare than those ROWs that have a single access point. As such, the ROWs that have good connectivity are generally favoured for retention and upgrading (if required) whereas those with poor connectivity are generally favoured for closure.

## 6.5 Service Infrastructure Assets

An overview of the service level infrastructure within each ROW is contained in Section 12.0 of this strategy. ROWs recommended for upgrade generally displayed no service infrastructure that are entirely prohibitive of future development. Where closures or upgrading are recommended, the Town will liaise directly with the service provider through the closure/upgraded processes to determine appropriate means of asset access/protection.

## 6.6 Antisocial and unauthorised activity

In many cases the ROWs are not maintained and although a high proportion are in private ownership, they have still been prone to anti-social behavior. Evidence of antisocial and/or unauthorised activity in the ROWs included:

- Graffiti;
- Littering;
- Illegal parking and vehicle access arrangements;
- Illegal private usage (ie. unauthorised fencing off of the land); and
- Illegal dumping and storage it is not clear if these activities are undertaken by the abutting residents or the wider public)

Due to non-permeable fencing, adjoining landowners also have minimal surveillance onto the ROWs, further enabling antisocial and unauthorised activity. Increasing surveillance onto the ROWs will increase public safety and encourage optimal usage.

## 6.7 Housing Opportunities

Where ROWs are created as public roads, the Town will be able to investigate the opportunity to enable alternative housing on lots abutting ROWs, subject to appropriate design criteria and access from the ROWs. This matter could potentially be formalised via separate amendments to the local planning scheme and the establishment of area specific local planning policies, if required.

## 7.0 Strategy Options

For each ROW, there are broadly two options, being to close the ROW or to retain it. For the latter, there is the subsequent option of upgrading so as to offer an improved level of service and functionality. These are discussed in the following sections.

### 7.1 Closure

In proceeding with the closure of a ROW, the following are matters that are required to be addressed:

- Agreement between landowners for the acquisition and amalgamation of the portion of ROW into adjoining properties;
- Arrangements being made to protect or relocate any public services located within the ROW;
- Reasonable objections by adjacent property owners and occupants of properties served by the ROW being satisfactorily addressed; and
- Comments raised by service agencies being addressed.

Section 52 of the *Land Administration Act 1997* provides the premise for a local government to request the Minister for Lands to acquire certain land as Crown land. Following acquisition, the land can then be disposed of via sale to adjacent landowners and subsequent amalgamation of the relevant portion of ROW into the adjacent lot. The process is summarised below:

1. The local government must provide notice to the current owner, the adjoining landowners and all utility providers and provide them with a sketch plan showing the proposed future disposition of the subject land after it has been acquired.
2. The local government must advertise the proposal and invite submissions for a period of not less than 30 days.
3. The local government must provide the Minister for Lands with:
  - written confirmation that Council has resolved to make the request;
  - justification as to why the local government proposes to acquire the ROW;
  - a sketch plan showing the proposed future disposition of the subject land after it has been acquired;
  - any submissions occurring through the advertising period, including local government commentary on such submissions; and
  - written advice that the local government has taken all reasonable steps to identify the current holder of the freehold estate.
4. The Valuer-General determines the value of the land. Should the purchaser/s disagree with the value, an independent valuation of the land can be obtained by the purchaser/s.
5. If and when the purchaser/s accepts the offer, a land transaction is made from the Crown to the purchaser.
6. The land is amalgamated into one or more adjoining lots with any easements required by service being provided on the deposited plan.

## 7.2 Retention

### 7.2.1 Dedication Process

Retaining ROWs requires them to be dedicated as public roads where applicable. Section 56 of the *Land Administration Act 1997* provides the local government the ability to request the Minister for Lands dedicate ROWs as a public road. Dedication of land as a road can occur in the following instances:

- The land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government.
- In the case of land comprising a private road constructed and maintained to the satisfaction of the local government –
  - the holder of the freehold in that land applies to the local government, requesting it to do so; or
  - a request is made by either:
    - a) all of the owners with rateable property abutting the ROW; or
    - b) the owners from over half the sum of the rateable value of the properties abutting the ROW.
- The land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document.

The process is summarised below:

1. The local government must provide notice to the current owner (if in private ownership), the adjoining landowners and all utility providers.
2. The local government must advertise the proposal and invite submissions for a period of not less than 30 days.
3. The Town is to prepare and deliver a request to the Minister for Lands. The local government must provide the Minister with:
  - written confirmation that Council has resolved to make the request;
  - sufficient information in a plan of survey or sketch plan;
  - a copy of the application of the request to the local government (if applicable);
  - written confirmation that the ROW has been had uninterrupted use for a period of 10 years or more, including the sections of the public that have used it and a description of how the ROW is constructed (if applicable); and
  - any submissions occurring through the advertising period, including local government commentary on such submissions.

### 7.2.2 Upgrading of ROWs

To ensure ROWs are suitable for vehicle use, some require upgrading to ensure a trafficable surface is provided to an appropriate standard, which includes such elements as drainage, kerbing, marking and lighting.

A coordinated approach to upgrades is recommended to avoid piecemeal upgrades of sections of ROWs and associated ongoing assessment management issues. It is therefore recommended that the Town prepare the engineering designs for the upgrades.

Whilst it is open to Council to wholly fund the upgrades from municipal funds, the Town can seek contributions towards the cost of upgrading the ROWs from adjacent landowners via conditions of subdivision or development approval, where a relevant need and nexus is demonstrated between the proposed development and the upgrades.

Detailed cost estimates for the works based on the Town's engineering designs can be used to form the basis of any financial contributions via subdivision/development conditions, with these estimates updated annually to reflect cost changes and included in Council's adopted Schedule of Fees & Charges.

Given the cost implications associated with upgrading ROWs and benefits generally only experienced by those abutting landowners, this Strategy recommends that funds are sourced from developer contributions before undertaking the necessary upgrades, in lieu of pre-funding the works via municipal funds. Where substantial development has already occurred abutting ROWs, the Town cannot retrospectively seek contributions from adjacent landowners and in these instances, municipal funds will be required for portions of the upgrades.

### 7.2.3 Access Restriction

Where the ROW is in public ownership or dedicated as a public road, access to the ROW can be obstructed via gates or bollards to restrict public access. This may be an appropriate action to prevent anti-social behaviour and illegal dumping where the ROW is unable to be formally closed due to service infrastructure or lack of agreement between adjoining owners to purchase the land.

## 7.3 Local Planning Policy

It is open to Council to develop a new Local Planning Policy (LPP) in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Such a policy could support the objectives of the strategy by addressing relevant planning matters as follows.

- Provide a clear and coordinated approach to the management of ROWs in the Town;
- Prescribe the Council design standards for development and subdivision that abuts a ROW;
- Facilitate sufficient access from ROWs, including the use of building setbacks for swept paths for vehicles;
- Support a greater diversity of dwelling typology in the Town through alternative pedestrian and vehicle access arrangements;
- Promote high quality urban design by diverting vehicles off street frontages via rear access arrangements; and
- Utilise the currently underutilised ROW assets in the town and give them their own unique ROW streetscapes sympathetic to the local environment.

A LPP dealing with ROW-related matters will also form part of the statutory basis for imposing conditions requiring financial contributions to the cost of upgrading the ROW to a suitable standard (i.e. trafficable surface, drainage, lighting etc.).



## **11.0 Conclusion**

The Town has a diversity of ROWs that present an opportunity to deliver an integrated and transport and housing typology network. The audit and review of the statutory framework contained within this Strategy has outlined some of the key issues associated with ROWs and approaches that can be used to facilitate effective management of individual ROWs. The actions of this Strategy support a long-term approach to the ongoing use and/or upgrades to ROWs for better connectivity and safety within the Town, or closure where required.

Progression of the actions recommended within the Strategy will provide appropriate guidance for the design of and development abutting ROWs.

The findings of this Strategy recommended that some ROWs be retained as is, some be retained and upgraded and some be closed.

## 12.0 Strategy Recommendations

### 12.1 General


Action No.	Action	Timeframe	Responsibility
1	Prepare engineering drawings for ROWs identified for upgrading in section 12.2.	Short	Town
2	Upgrade ROWs that have been identified for upgrading in section 12.2.	Medium	Town
3	Progress the closure of ROWs that have been identified for closure in section 12.2.	Medium	Town/DPLH
4	Prepare a ROW-specific local planning policy to guide subdivision/development abutting ROWs as well as to providing a means of collecting contributions towards ROW upgrades at the subdivision/development stage.	Short	Town
5	Incorporate Crime Prevention through Environmental Design (CPTED) principles for the development of the ROWs and abutting development.	Ongoing	Town
6	Investigate the merits of an amendment to the local planning scheme for alternative housing typologies abutting ROWs.	Long	Town/WAPC
7	Prepare easements where required to facilitate the ongoing retention and protection of service infrastructure where ROWs containing infrastructure are proposed for closure.	Long	Town/Service Authorities


### 12.2 ROW-specific


Row No.	Location	Recommendation
ROW1	Lot 60: lot bounded by Walter Road East (north), First Avenue (east), Anzac Terrace (south) and Ivanhoe Street (west)	Retain the northernmost 40m as is, upgrade the southernmost 75m and close the balance.
ROW2	Lot 61: lot bounded by Walter Road East (north), Second Avenue (east), Anzac Terrace (south) and First Avenue (west)	Retain and upgrade
ROW3A	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)	Retain and upgrade
ROW3B	Lot 53: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)	Retain and upgrade
ROW4	Lot 63: lot bounded by Anzac Terrace (north), Second Avenue (east), Railway Parade (south) and First Avenue (west)	Partial Upgrade and Partial Closure
ROW5	Lot 54: lot bounded by Broadway (north), Iolanthe Street (east), Scaddan Street (south) and Penzance Street (west)	Future Closure

Row No.	Location	Recommendation
ROW6	Lot 503: bounded by Broadway (north), Idea Street (east), Scaddan Street (south) and Iolanthe Street (west)	Closure
ROW7	Lot 52: bounded by Broadway (north), Railway Parade (west), Scaddan Street (south) and Ida Street (west)	Retain and partial upgrade
ROW8	Lot 100: bounded by Kathleen Street (east), Palmerston Street (south) and Guildford Road (west)	Retain as is
ROW9	Lot 100: bounded by Guildford Road (north), Kenny Street (east), Palmerston Street (south) and Kathleen Street (west)	Retain as is
ROW10	Lot 66: bounded by Old Perth Road/ Guildford Road (north), Parker Street (east) and Palmerston Street (south)	Closure
ROW11	Lot 66: bounded by Old Perth Road (north), Wilson Street (east), Palmerston (south) and Parker Street (west)	Closure
ROW12	Lot 251: bounded by Old Perth Road (north), Rosetta Street (east), Devon Road (south) and West Road (west)	Retain and undertake minor repair
ROW13	Lot 67: bounded by Old Perth Road (north), Briggs Street (east), Devon Road (south) and Rosetta (west)	Retain and upgrade
ROW14	Lot 66: bounded by Guildford Road (north), Geraldine Street (east), Cyril Street (south) and Shackleton Street (west)	Retain and undertake minor repair
ROW15	Lot 33: bounded by Palmerston Street (north), Parker Street (east), Bridson Street (south) and Kenny Street (west)	Closure
ROW16	Lot 108: bounded by Guildford Road (north), Shackleton Street (east), Cyril Street (south) and Chapman Street (west)	Upgrade and Bollard Installation at Guildford Rd Intersection
ROW17A	Lot 108: bounded by Cyril Street (north), Chapman Street (east), Cyril Street (south) and Fisher Street (west)	Retain and upgrade
ROW17B	Lot 50: bounded by Cyril Street (north), Chapman Street (east) Reid Street (south) and Fisher Street (west)	Retain (not dealt with by Town)
ROW18	Lot 56: bounded by Shackleton Street (north), Kathleen Street (east), Chapman Street (south), Eileen (west)	Retain and upgrade
ROW19	Lot 50: bounded by Bridson Street (north), Hatton Court (east), Chapman Street (south) and Kenny Street (west)	Closure
ROW20	Lot 13656 enclosed into Hatton Court	Retention as road reserve and local open space
ROW21A&B	Lot 7497 & 500: bounded by Guildford Road (north), French Street (east), Maidos Street (south) and Pearson Street (west)	Retain and upgrade
ROW22A&B	Lot 133 & 500: bounded by Guildford Road (north), Colstoun Road (east), Maidos Street (south) and French Street (west)	Retain and upgrade


## Attachment 1 ROW Assessments


ROW1			
<b>Location</b>	Lot 60: lot bounded by Walter Road East (north), First Avenue (east), Anzac Terrace (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 60
<b>Proposed Future Zoning</b>	R20 – Residential & Drainage		
<b>Adjoining Zoning</b>	R20/40 – Residential & Public purposes (drainage) (LPS) Urban & Other regional roads (MRS)		
<b>Photograph</b>			
<b>Length</b>	453m		
<b>Width</b>	4m		
<b>Area</b>	1,821m <sup>2</sup>		
<b>Materials</b>	40m of sealed, constructed road on the northern side. The remainder is unconstructed vegetation with established trees.		
<b>Condition</b>	Constructed road section in good condition, vegetation is overgrown (up to 0.5m) in some sections.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN cable intersection, Town drainage pipes, WC open drain adjoining & drainage and sewerage infrastructure running south from open drain.		
<b>Connectivity</b>	Obstructed by gates put in to section off a WC open drain.		
Recommendation			
<b>Partial Retention, Partial Upgrade, Partial Closure</b>	<p>This ROW has good connectivity to the road network, providing five dwellings with primary vehicle access off Walter Road East in addition to secondary vehicle access off Anzac Terrace. The southern portion also has approved structures with the only access off the ROW. It is recommended that only the northern 40m be retained and the southern 75m portion upgraded.</p> <p>The presence of a WC open drain intersecting the ROW, in addition to drainage and sewerage pipes within, presents a development obstruction for the entire ROW to be upgraded to the required 6.0m width, as the current width is non-conducive to upgrades.</p>		

ROW2			
<b>Location</b>	Lot 61: lot bounded by Walter Road East (north), Second Avenue (east), Anzac Terrace (south) and First Avenue (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 61
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban & Other regional roads (MRS)		
<b>Photograph</b>			
<b>Length</b>	436m		
<b>Width</b>	4m		
<b>Area</b>	1,822m <sup>2</sup>		
<b>Materials</b>	Unconstructed & vegetated		
<b>Condition</b>	Extensively overgrown vegetation with sections grown up to 1m high.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed (permanently), however existing vegetation comprises a temporary accessibility barrier.		
Recommendation			
<b>Upgrade</b>	Although there is significant overgrown vegetation in this ROW, there is no permanent development obstruction. The ROW has good connectivity to the street network, provides one dwelling with primary vehicle access, in addition to multiple others with secondary vehicle access.		


ROW3A			
<b>Location</b>	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 62
<b>Proposed Future Zoning</b>	R20, R40, R60 & R100 – Residential, Private Clubs & Institutions and Place of Worship		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	410m		
<b>Width</b>	4m		
<b>Area</b>	1,616m <sup>2</sup>		
<b>Materials</b>	44m constructed sealed road on the southern side, unconstructed sand/grass with one bitumen crossover on the northern side.		
<b>Condition</b>	Constructed section in good condition, minor cracks on crossover & sparse grass/ weed coverage on the northern side. General gradual slope downward from south to north.		
<b>Infrastructure</b>	WC drainage and sewerage infrastructure at northern end, WC sewerage infrastructure southern end.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	The ROW has unobstructed access to the street network and through its connection to ROW3B, facilitates primary vehicle access to three dwellings. There are no development obstructions.		





ROW3B			
<b>Location</b>	Lot 53: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	1,791/537
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P003262 53
<b>Proposed Future Zoning</b>	R20, R60 & R100 – Residential & Mixed Use		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	102m		
<b>Width</b>	4m		
<b>Area</b>	496m <sup>2</sup>		
<b>Materials</b>	Sealed constructed road.		
<b>Condition</b>	Good condition with an isolated area of damage. Level road sloping east to west with a cross fall south to north.		
<b>Infrastructure</b>	WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed.		
Recommendation			
<b>Upgrade</b>	The ROW has good connectivity to the road network and provides primary vehicle access to three dwellings, in addition to secondary pedestrian access to an adjoining childcare centre. There are no development obstructions.		


ROW4			
<b>Location</b>	Lot 63: lot bounded by Anzac Terrace (north), Second Avenue (east), Railway Parade (south) and First Avenue (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 63
<b>Proposed Future Zoning</b>	R20 & R60 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	375m		
<b>Width</b>	4m		
<b>Area</b>	1,614m <sup>2</sup>		
<b>Materials</b>	Majority is unconstructed with areas of informal construction.		
<b>Condition</b>	Informal construction sections are moderately degraded, unconstructed sections have sparse grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure, drainage infrastructure intersects horizontally.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Partial Upgrade and Partial Closure</b>	<p>Approximately 170m in the northern portion of ROW 4 has been illegally fenced off. One property has raised an adverse possession claim.</p> <p>There are multiple abutting properties with garage/carport structures approved from the Town, that rely on the southern portion of the ROW for access. Further, the ROW is within 400m of the Bassendean train station, which under the Town's Draft Local Planning Strategy, is well located to facilitated transit orientated development. Upgrades can also ensure anti-social behaviour is mitigated, through increased passive surveillance, lighting and incorporation of Crime Presentation Through Environmental Design (CPTED) principles within the ROW specific local planning policy.</p>		




ROW5			
<b>Location</b>	Lot 54: lot bounded by Broadway (north), Iolanthe Street (east), Scaddan Street (south) and Penzance Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P003262 54
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	201m		
<b>Width</b>	5m		
<b>Area</b>	1,011m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass/ weed coverage. Minor downwards slope from west to east.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Future Closure</b>	<p>ROW 5 sits outside the 400m trigger point for transit orientated development. The Draft Local Planning Strategy proposes to retain lower densities in the suburb areas. The development potential of 13 out of the 20 abutting lots has been fulfilled at the R20 coding. There are no proposed changes to the coding of these lots proposed under the Draft Local Planning Scheme No. 11, or in the near future. Therefore, there is limited opportunity to put conditions on future subdivisions.</p> <p>There is currently one property using ROW 5 for rear caravan access. The Strategy recommends that the formal closure of ROW 5 be delayed until this property redevelops.</p>		


ROW6			
<b>Location</b>	Lot 503: bounded by Broadway (north), Ida Street (east), Scaddan Street (south) and Iolanthe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P073906 503
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	40m		
<b>Width</b>	5m		
<b>Area</b>	200m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass/ weed coverage.		
<b>Infrastructure</b>	WC sewerage infrastructure & close proximity to an ATCO Gas high pressure pipeline.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	The ROW has poor connectivity to the road network and development obstructions that prevent future connectivity prospects. The only current use is for secondary pedestrian access. The width is non-conducive to upgrades.		


ROW7			
<b>Location</b>	Lot 52: bounded by Broadway (north), Railway Parade (east), Scaddan Street (south) and Ida Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P003262 52
<b>Proposed Future Zoning</b>	R60 – Residential & Public Purposes		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	215m		
<b>Width</b>	5m		
<b>Area</b>	1,087m <sup>2</sup>		
<b>Materials</b>	2 short sections (~15m) constructed, sealed and drained road, with the remainder unconstructed showing sand and vegetation.		
<b>Condition</b>	Constructed segments in excellent condition, moderate grass/ weed coverage on the unconstructed portions with minor undulations/ corrugations due to vehicle traffic.		
<b>Infrastructure</b>	WC sewerage infrastructure & close proximity to an ATCO Gas high pressure pipeline.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Partial Upgrade &amp; Partial Retention</b>	This ROW has a good connection to the transport network, connected to Railway Parade, providing primary vehicle access to three dwellings and experiencing an additional high volume of traffic displayed through tyre marks on the unconstructed portions. There are no development obstructions.		


ROW8			
<b>Location</b>	Lot 100: bounded by Kathleen Street (east), Palmerston Street (south) and Guildford Road (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	408/119
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P054415 100
<b>Proposed Future Zoning</b>	R20 & R100 – Residential		
<b>Adjoining Zoning</b>	R20/30; R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	89m		
<b>Width</b>	5m		
<b>Area</b>	478m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with partial kerbing.		
<b>Condition</b>	Good condition with isolated areas of degradation, sparse weeds at edges.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage infrastructure & NBN Co. cable intersecting at the south west.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	This ROW has a good connection to the transport network, having a state road number and providing primary vehicle access to six dwellings and secondary vehicle access to others abutting the ROW, including a commercial workshop. The areas of degradation should be monitored with works triggered if it worsens.		




ROW9			
<b>Location</b>	Lot 100: bounded by Guildford Road (north), Kenny Street (east), Palmerston Street (south) and Kathleen Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	408/119
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P054415 100
<b>Proposed Future Zoning</b>	R20, R40 & R100 – Residential		
<b>Adjoining Zoning</b>	R20; R40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	123m		
<b>Width</b>	5m		
<b>Area</b>	626m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with kerbing.		
<b>Condition</b>	Good condition with minor weeds/ grass on the edges.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN Co. cable intersecting the southern section, Telstra cables intersecting the southern section.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Retain</b>	This ROW is an obscure shape and has poor connectivity to the transport network, with the only entrance at Kathleen Street. The ROW provides an important function of providing 10 dwellings with primary vehicle access. The ROW has a significant amount of service infrastructure within it.		


ROW10			
<b>Location</b>	Lot 66: bounded by Old Perth Road/ Guildford Road (north), Parker Street (east) and Palmerston Street (south)		
<b>Tenure</b>	Private ownership	<b>Volume/Folio</b>	1637/657
<b>Zoning</b>	DA2 – Local shopping	<b>Plan</b>	D007094 66
<b>Proposed Future Zoning</b>	R100 – Residential & Town Centre		
<b>Adjoining Zoning</b>	DA2 – Local shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	40m		
<b>Width</b>	3m		
<b>Area</b>	122m <sup>2</sup>		
<b>Materials</b>	Partial informal road construction.		
<b>Condition</b>	Poor condition, showing moderate undulations from surface degradation with a general downward slope from east to west.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	This ROW has poor connectivity with the only access off Parker Street. It provides vehicle access to the rear of the commercial buildings along Old Perth Road. The ROW is in poor condition, small and has development obstructions adjacent that prevent future connectivity to the road network.		


ROW11			
<b>Location</b>	Lot 66: bounded by Old Perth Road (north), Wilson Street (east), Palmerston (south) and Parker Street (west)		
<b>Tenure</b>	Private ownership	<b>Volume/Folio</b>	1220/295
<b>Zoning</b>	DA2 – Local shopping	<b>Plan</b>	D023783 66
<b>Proposed Future Zoning</b>	Town Centre		
<b>Adjoining Zoning</b>	DA2 – Local shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	17m		
<b>Width</b>	3m		
<b>Area</b>	54m <sup>2</sup>		
<b>Materials</b>	Paved red brick.		
<b>Condition</b>	Moderate condition, kerbing slightly cracked with moderate grass and weeds growing through the bricks.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Close</b>	This ROW has poor connectivity with the only access off Wilson Street. It has bollards which prevent any vehicle access or parking. It is an extension of the adjoining footpath and commercial building. There is no useful community development potential.		


ROW12			
<b>Location</b>	Lot 251: bounded by Old Perth Road (north), Rosetta Street (east), Devon Road (south) and West Road (west)		
<b>Tenure</b>	State of WA	<b>Volume/Folio</b>	4/47
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P057132 251
<b>Proposed Future Zoning</b>	R20 & R100 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	33m		
<b>Width</b>	3m		
<b>Area</b>	66m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with kerbing.		
<b>Condition</b>	Good condition with one isolated pothole.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Retain</b>	<p>This ROW has poor connectivity with the only access off Rosetta Street and current development obstructing future road connectivity prospects, however provides primary vehicle access to one dwelling, in addition to secondary vehicle access to a commercial parking area. The ROW is also flagged as providing primary vehicle access to a proposed high density (R100) residential area in the future.</p> <p>The ROW is in good condition, with only one isolated pothole at the intersection of the ROW with Rosetta Street. The Town will rectify this damage.</p>		




ROW13			
<b>Location</b>	Lot 67: bounded by Old Perth Road (north), Briggs Street (east), Devon Road (south) and Rosetta (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	4/47
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P001599 67
<b>Proposed Future Zoning</b>	R60 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	22m		
<b>Width</b>	3m		
<b>Area</b>	66m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage infrastructure & WP low voltage cable intersecting west portion.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has poor connectivity with the only access off Rosetta Street and current development obstructing future road connectivity prospects. Although this ROW only provides primary vehicle access to one dwelling, it has been flagged as providing primary vehicle access to a proposed high density (R60) residential area in the future. Given the ROW displays undulations from frequent vehicle access on an unconstructed surface, it will need to be upgraded to support predicted high vehicle traffic.</p>		


ROW14			
<b>Location</b>	Lot 66: bounded by Guildford Road (north), Geraldine Street (east), Cyril Street (south) and Shackleton Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	465/146
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P002792 66
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	173m		
<b>Width</b>	5m		
<b>Area</b>	848m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road.		
<b>Condition</b>	Moderate condition. Areas of cracking and potholing present with evidence of patch working works having been completed before. Weed growth on edges.		
<b>Infrastructure</b>	Close proximity to medium/ high pressure ATCO Gas pipe & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	This ROW has good connectivity to the road network and has a state road number. The ROW provides primary vehicle access to 15 dwellings. The cracking and potholing should be monitored and upgraded if further degradation occurs.		


ROW15			
<b>Location</b>	Lot 33: bounded by Palmerston Street (north), Parker Street (east), Bridson Street (south) and Kenny Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1079/961
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P005964 33
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	218m		
<b>Width</b>	3m		
<b>Area</b>	676m <sup>2</sup>		
<b>Materials</b>	15m partial construction in the southeast corner with the remainder unconstructed vegetation.		
<b>Condition</b>	The concrete section is aged but in relatively good condition.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	<p>This ROW has poor connectivity to the road network due to properties illegally fencing off portions adjoining their property boundaries for private use. The fragmentation is a development obstruction. The ROW is owned by WC with an existing easement.</p> <p>WC should be consulted with respect to ongoing ownership, or whether WC is supportive of disposal to the adjoining landowners, given it is mostly encapsulated into adjacent properties.</p>		

ROW16			
<b>Location</b>	Lot 108: bounded by Guildford Road (north), Shackleton Street (east), Cyril Street (south) and Chapman Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P043232
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/30 - Residential (LPS) Urban & Primary Regional Road (MRS)		
<b>Photograph</b>			
<b>Length</b>	96m		
<b>Width</b>	6m		
<b>Area</b>	580m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Mulch and grass coverage with moderate grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, close proximity to high pressure pipes & WC sewerage & drainage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade and Bollard Installation at Guildford Rd Intersection</b>	<p>Two structures (identified through the public submissions) approved by the Town have ROW 16 as their sole access. Additionally, one property that has their driveway onto Guildford Road uses the ROW for vehicle access to Cyril Street to avoid direct access onto Guildford Road. Guildford Road is a primary regional road. Acknowledging this, vehicle access points to Guildford Road should be limited in accordance with the State Planning Framework. The connectivity of the ROW to Guildford Road is therefore not considered to be safe. Bollard installation at the ROW 16/ Guildford Road intersection is therefore recommended.</p> <p>Additionally, the width of ROW 16 is already conducive to upgrades.</p>		

ROW17A			
<b>Location</b>	Lot 108: bounded by Cyril Street (north), Chapman Street (east), Cyril Street (south) and Fisher Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P043232 108
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/30 - Residential (LPS) Urban & Public purposes (high school) (MRS)		
<b>Photograph</b>			
<b>Length</b>	347m		
<b>Width</b>	6m		
<b>Area</b>	2,096m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Extensive grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network and runs adjacent to the Cyril Jackson Senior High School and property residential boundary. The ROW appears to be currently unused and has the potential to provide an alternative access point for surrounding dwellings. The width is conducive to upgrades.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		




ROW17B			
<b>Location</b>	Lot 50: bounded by Cyril Street (north), Chapman Street (east) Reid Street (south) and Fisher Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 – Public purposes (high school)	<b>Plan</b>	P054419 50
<b>Proposed Future Zoning</b>	R20 – Drainage		
<b>Adjoining Zoning</b>	R20 – Public purposes (high school & drainage) (LPS) Public purposes (high school) (MRS)		
<b>Photograph</b>			
<b>Length</b>	494m		
<b>Width</b>	3m		
<b>Area</b>	1,521m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Grass coverage from oval.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage & WP power pole intersecting.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	<p>This ROW has good connectivity to the road network, however its sole purpose is to provide vehicle access to the Cyril Jackson Senior High School oval. The ROW is owned by WC with an existing easement.</p> <p>Given this ROW is encapsulated within the Education Department, the Town will not address this ROW (retain as-is for now) and allow WC and the Education Department to proceed with their deemed appropriate course of action.</p>		


ROW18			
<b>Location</b>	Lot 56: bounded by Shackleton Street (north), Kathleen Street (east), Chapman Street (south), Eileen (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	1002/31
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	P046646 56
<b>Proposed Future Zoning</b>	R20 – Residential & Drainage		
<b>Adjoining Zoning</b>	R20 – Residential & Public purposes (drainage) (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	80m		
<b>Width</b>	6m		
<b>Area</b>	497m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass and sand coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN Co. cable intersecting east and west of sections, Telstra cable intersecting east and west sections, WC sewerage & adjoins the Chapman St North Comp Basin.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network and appears to be currently unused. The width is conducive to upgrades. There is a significant amount of service authority infrastructure located in this ROW.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		

ROW19			
<b>Location</b>	Lot 50: bounded by Bridson Street (north), Hatton Court (east), Chapman Street (south) and Kenny Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1002/31
<b>Zoning</b>	R25 – Residential	<b>Plan</b>	P046646 56
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 & R25 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	59m		
<b>Width</b>	3m		
<b>Area</b>	178m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass and sand coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	<p>This ROW has poor connectivity to the road network and is completely obstructed by current development. Adjoining landowners have illegally fenced off portions adjoining their property boundaries for private use. The width is not conducive to upgrades. WC already appear to have created an easement over the ROW.</p> <p>WC should be liaised with to determine if it would like to retain ownership, or dispose of to the adjoining land owners, given it is completely fenced off.</p>		

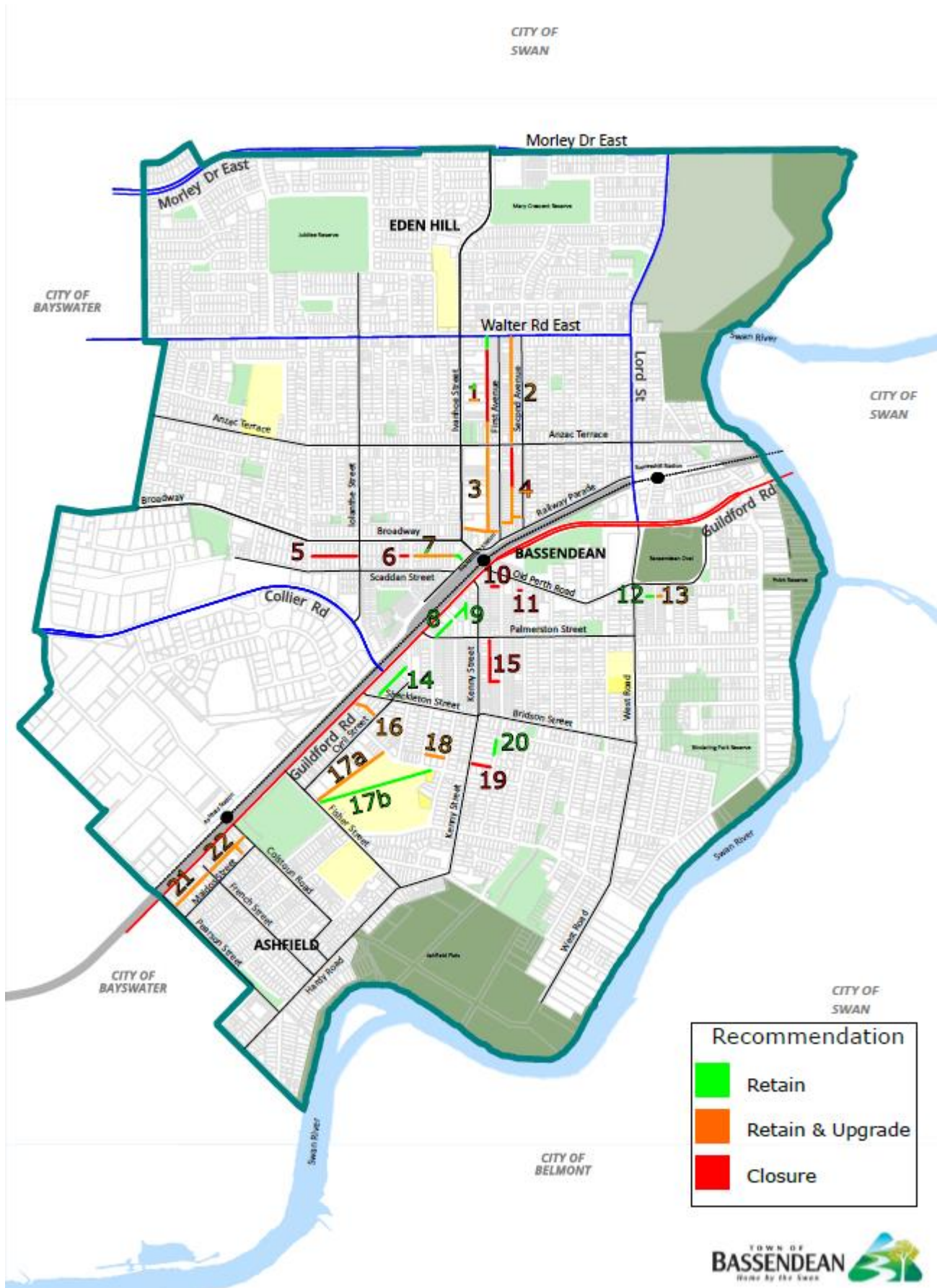


ROW20			
<b>Location</b>	Lot 13656 enclosed into Hatton Court		
<b>Tenure</b>	State of WA	<b>Volume/Folio</b>	1658/40
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	P194939 13656
<b>Proposed Future Zoning</b>	R20 – Residential & Parks and Recreation		
<b>Adjoining Zoning</b>	R20 & R25 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	88m		
<b>Width</b>	8 - 16m		
<b>Area</b>	914m <sup>2</sup>		
<b>Materials</b>	Partially constructed Hatton Court spur, with unconstructed vegetation for the remainder.		
<b>Condition</b>	Constructed road is in good condition, grass coverage on unconstructed.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, ATCO Gas offline service line, NBN Co. cables intersecting south, Telstra cables intersecting south, WC sewerage infrastructure, WP high voltage cable.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Partial Retention</b>	Part of this ROW is a registered road with a state road number. The ROW has poor connectivity to the wider transport network, with only access off Hatton Court. The ROW provides primary vehicle access for two dwellings. The unconstructed portion intersects Hatton Court Reserve. There are evidence of vehicle using the unconstructed portion. The width is conducive to upgrades. There is ample service infrastructure located within the ROW.		

ROW21A & 21B			
<b>Location</b>	Lot 7497 & 500: bounded by Guildford Road (north), French Street (east), Maidos Street (south) and Pearson Street (west)		
<b>Tenure</b>	State of WA & Town of Bassendean	<b>Volume/Folio</b>	LR3151/612; 2648/556
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	R 26466; P054385 500
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	191m		
<b>Width</b>	8m		
<b>Area</b>	1,536m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetated.		
<b>Condition</b>	Moderate grass and weed growth throughout.		
<b>Infrastructure</b>	2 ATCO Gas servicing pits, within close proximity to an ATCO Gas high pressure pipeline & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network. The width is highly conducive to development and there are no development obstructions. This ROW is made up in-part of a reserve parcel.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		

ROW22A & 22B			
<b>Location</b>	Lot 133 & 500: bounded by Guildford Road (north), Colstoun Road (east), Maidos Street (south) and French Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1202/448
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	D006229 133; P054385 500
<b>Proposed Future Zoning</b>	R20 & R100 – Residential & Mixed Use		
<b>Adjoining Zoning</b>	R20; R20/30 – Residential & R60 – Local Shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	201m		
<b>Width</b>	8m		
<b>Area</b>	1,627m <sup>2</sup>		
<b>Materials</b>	Partial construction in the middle of ROW with unconstructed portions to the west (~80m) and east (~50m).		
<b>Condition</b>	Construction section is in moderate to good condition with cracking noticeable. Moderate grass and weed coverage on the unconstructed portions.		
<b>Infrastructure</b>	3 ATCO Gas servicing pits & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	This ROW has good connectivity to the road network. The width is highly conducive to development and there are no development obstructions. The ROW will potentially require an easement prior to upgrades.		

# Attachment 2 Town of Bassendean ROWs



**Schedule of Submissions**  
**Draft Right of Way Strategy 2021**

ROW 1 Submissions

**Support – ROW 1**

<b>1</b>	<b>Affected Property:</b> 93 (Lot 542) First Avenue Bassendean	<b>Postal Address:</b> 93 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
1.1	I own a property at 93 First Avenue, Bassendean. The ROW behind my property for the past 24 years has been a disdain for all these years. We have had rubbish dumped, fires and easy exits from break-ins for many years and the gates either end of ROW do nothing to prohibit these activities.	Noted. Given the ROW is held in deceased estate, the maintenance responsibility has remained ambiguous. The ROW Strategy seeks to rectify this matter.
1.2	Cleaning this ROW up will just be used for idiots as another to cut through, I understand some properties use this as rear access. But most properties in the middle do not. The properties in the middle should be able to attain for themselves.	Noted. The draft recommendation for ROW 1 is for partial closure. The Town understands that the middle portion of ROW 1 is inaccessible as it is gated off by the Water Corporation due to the open drain which abuts the ROW.
1.3	I would be very interested in moving my fence and acquiring this land, if this is on offer.	Noted. The Town intends to liaise further with landowners in this respect should the recommended closures in the draft ROW Strategy be adopted.

**Object – ROW 1**

<b>2</b>	<b>Affected Property:</b> 65 (Lot 528) First Avenue Bassendean	<b>Postal Address:</b> 65 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		
2.1	I live at 65 First Av. Bassendean or lot 52 I would like to see the lane closed off for security reasons, 8 (sic) at the south end of row 1 right of way, backing onto the Right of Way. In 2000 I applied for permission to build a garage, at the rear of my property, opening to the Right of way. I was granted permission to build this garage and The Right of Way is the only way to gain access to it. If you close the southern end of row 1 Right of Way	Noted. The garage has been approved and the Town has modified the recommendation for ROW 1 to ensure access to this structure in perpetuity.

<p>you will deny me access to the garage you have already given permission to. I therefore respectfully request that you leave the south end of row 1 Right of way open to a least the north end of my property lot 528 or 65 first av. to allow me to have continued access to my garage and rear gate into the property. Hoping you will give this you (sic) kindest attention and could you let me know if you have received this submission.</p>	
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**Comment – ROW 1**

<b>3</b>	<b>Affected Property:</b> 121 (Lot 556) First Avenue Bassendean	<b>Postal Address:</b> 121 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
3.1	1) Happy to leave the laneway as it is. Gates at each end are locked and secured, we have not had any security issues for some time. Rear access is useful for emergencies and utility for the house.	Noted.
3.2	2) Happy to consider buying the land behind us. This would need to be a fair / discounted rate to be of interest.	Noted. To facilitate closure, the Town is intending to waive its \$1,525 administrative and advertising fee.  The cost of preparing the required surveys and deposited plans for assessment by the Valuer General and Landgate, and the cost of acquiring the land from the State, is required to be borne by the landowner. Cost sharing arrangements between respective landowners is a matter for individual landowners to consider.
3.3	3) We do not want other third parties developing the land behind us. No in-fill dwelling that is not part of our own property.	Noted. Should the land be amalgamated into the adjacent property, it is open to the landowner to lodge a development application.  Notwithstanding, the Town notes that relevant section behind the subject property is owned by the Department of Planning, Lands and Heritage who have given no indication of developing this portion of land.

**Comment – ROW 1**

<b>4</b>	<b>Affected Property:</b> 77 (Lot 534) First Avenue Bassendean	<b>Postal Address:</b> 77 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		



<p>4.1 I have read both your letter and the further information provided through your online link and I am impressed by the detailed consideration given to this longstanding issue.</p>	<p>Noted.</p>
<p>4.2 On November 19, 2019 I wrote to your then Deputy Mayor, Kath Hamilton, with my thoughts on the matter from a ratepayer's perspective (see attached email) and with a proposal that portions of an abutting ROW be offered for use by the owner subject to caveats which would ensure permanent accessibility by utilities such as Water Corporation as and when any excavation or other service work was required. That portion would not be owned by the ratepayer but the use granted for recreational, hobby or leisure purposes would be subject to the caveat limitations as a quid pro quo. This would include ratepayer responsibility for control over weed infestation, rubbish accumulation and fire risk.</p>	<p>Noted.</p>
<p>4.3 The draft proposes that for ROWs which are identified for closure, such as ROW # 1 to the rear of my property at 77 First Avenue, portions of abutting ROW land instead be offered for purchase so that title may then be granted for incorporation into the adjoining property.</p>	<p>Noted.</p>
<p>4.4 This is understandable on one level but, in order to be workable it seems that all landowners abutting the ROW will need to enter purchasing agreements and I have significant doubts that this will be possible in all cases whereas there would be no such affordability issues with those extra land portions having use granted based on the abovementioned limitations. Again, this approach may also present difficulties for those who have no wish to take on responsibility for extra land portions but I see this as likely being the more workable option.</p>	<p>Noted. Closure of the ROW will rely on adjacent landowners purchasing adjacent portions from the State Government. Whilst it is typical to divide the relevant section in half, where one landowner does not seek to enter into such an agreement, the adjacent landowner may purchase the entire section.</p> <p>In the event that agreement cannot be reached to acquire the entire length of the ROW, the Town will need to consider alternative solutions such as gating the ROW to restrict access, or planting out the ROWs with vegetation.</p> <p>The Town intends to liaise further with landowners in this respect should the recommended closures in the draft ROW Strategy be adopted.</p>
<p>4.5 In my case, the occasional use I once used to make of the ROW to the rear of my property ceased being possible once I found that an infestation of 'Doublegee' (<i>Rumex hypogaeus</i> – also known as 'southern threecornerjack' or 'devil's</p>	<p>Noted.</p>

	<p>thorn') had spread along the lane way...probably from a trailer load of sheep manure contaminated with those seeds from an affected farming property being spilled from the load along the way...or some similar cause.</p>
<p>4.6 My (theoretical) solution was to apply 100mm of compacted road-base to bury the seedbank and to prevent any similar means of further infestation by fencing off that section to protect my investment in the road-base. Of course, without any right to do so, this solution was not possible but the Draft policy on ROWs may now contemplate such a resolution of the problem.</p>	<p>Noted.</p>
<p>4.7 Before I could say whether I would make any offer to purchase such extra land I would need indications of price, land portion available (half the lane width bounded by extension of the rear width of my property...or the whole of the lane width) and any other implications such as whether such extra land would be added to the rates payable.....a likely major 'stumbling block'.</p>	<p>Noted. Refer to the Closure Section of the Report. Closure of ROWs occurs in accordance with Section 52 of the <i>Land Administration Act 1997</i>. Following a survey of the respective portion of ROW, the Department of Planning, Lands and Heritage is responsible for requesting the Valuer General determine the price of the land. Should the purchaser(s) disagree with the proposed price, the purchaser(s) are able to obtain an independent valuation of the land.</p> <p>If the purchaser(s) accepts the offer, the land transaction is made from the Crown to the purchaser.</p> <p>The Valuer General also determines the gross rental value, which is the basis of determining the rates. Should the gross rental value increase as a result of the additional land, it is possible that the rates may increase.</p> <p>The determination to close a ROW or dedicate the land as a public road is ultimately made by the Minister for Lands.</p> <p>In addition to the above, the Minister may consider the following:</p> <ul style="list-style-type: none"> <li>• Arrangements being made to protect or relocate any public services located within the ROW;</li> <li>• Reasonable objections by adjacent property owners and occupants of properties served by the ROW being satisfactorily addressed; and</li> <li>• Comments raised by service agencies.</li> </ul>
<p>4.8 That said, I am eager to have this vexing issue resolved and I am willing to participate or assist in any helpful way possible to arrive at a practical outcome if further opportunity arises. With my</p>	<p>Noted.</p>



compliments on the excellent efforts thus far.	
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ROW 2 Submissions

**Support - ROW 2**

<b>5</b>	<b>Affected Property:</b> 112 (Lot 442) First Avenue Bassendean	<b>Postal Address:</b> 112 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
5.1	We are the owners and occupiers of 112 First Avenue, Bassendean. We strongly advise to RETAIN and UPGRADE LOT 62.	Noted. The draft recommendation for ROW 2 is retain and upgrade.
5.2	I have been in communication with the Bassendean Council a number of times to be advised of the plan going forward with the lanes. I have unfortunately also had to report the overgrowth of vegetation, fire risk, and illegal dumping going on by some unsavory residents. I am pleased to hear there is now a plan in place.	Noted.
5.3	If we can have rear access to the lanes for vehicles and pedestrians we believe it will be a win-win for the suburb, residents, and the safety of the community.	Should ROW 2 be upgraded, it is intended that this would provide a trafficable surface for vehicles and pedestrians.
5.4	The fire risk during the warmer months cannot be ignored and it seems such a waste to not allow right of way down these historic Bassendean lanes. Thank you for considering this action and for the documentation and communications we have received.	Noted.
5.5	Town Map extraction shown below - Lane in question is highlighted in yellow. See extract from ROW strategy Below for the lane in question. (I believe this is the correct lane from the photos but the street mentioned to the North / South streets are stated incorrectly)	The Town has amended the map to rectify this error.

**Object – ROW 2**

<b>6</b>	<b>Affected Property:</b> 79A (Lot 2) Second Avenue Bassendean	<b>Postal Address:</b> 79A Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>

Objection to the proposal.		
6.1	<p>I'm writing in response to the letter dated 22 October 2021 titled Town of Bassendean Draft Rights of Way Strategy - Request for Comment from the Town of Bassendean. This letter will act as my formal response to that letter and related resources.</p>	Noted.
6.2	<p>It was outlined in the letter that the Town has created a draft strategy in response to a large number of Rights of Ways (ROW's) that exist within the Town to guide the future development and care of these ROW's.</p>	Noted.
6.3	<p>My response is in relation to ROW 2 as defined in the document titled 'Draft Rights of Way Strategy and as identified on the document titled 'Rights of Way Strategy Map'. For avoidance of doubt Lot 61 on Plan 002813 as per records held by Landgate, lot bounded by Walter Road East (north), Second Avenue (east), Anzac Terrance (south) and First Avenue (west). Certificate of title; volume 2727, folio 843.</p>	Noted.
6.4	<p>Firstly, as a resident who currently owns a property that backs onto ROW 2, I would like to note the ongoing safety risk that has existed for the whole time that I have owned the property. Some of these safety risks include, but are not limited to, the overgrown vegetation that has caused issues to my fencing and paving due to the excessive vegetation growth that has created soil instability and is a fire hazard. Additionally, there has been an increase in illegal dumping of rubbish and littering, resulting in odours coming from the ROW. The combination of these factors has made the ROW an unsuitable access point for any abutting property.</p>	Noted.
6.5	<p>ROW 2 has also proved to be a personal safety risk with antisocial behaviour that has resulted in several police reports following trespassing on and damage to my property. This antisocial behaviour has led to the installation of additional lighting in my backyard and along the fence line, plus an entire security system with cameras which came at a great expense.</p>	<p>Noted. The recommendation for ROW 2 is retain and upgrade, which could include lighting to address anti-social behaviour.</p> <p>Instances of antisocial behaviour should be reported to WA Police.</p> <p>A proposed action of the draft ROW Strategy is to prepare a ROW specific Local Planning Policy (LPP) that will promote 'Crime Prevention Through Environmental Design' principles. This would ensure that future development abutting</p>

		<p>ROWs would be required to provide for passive surveillance of the ROW.</p>
6.6	<p>Each ROW has a recommendation for either closure, retention or retention and upgrade in the Draft Rights of Way Strategy document; however, ROW 2's recommendation is vague and ambitious. In the document, the Town has indicated that ROW 2 provides direct vehicle access to one property and secondary vehicle access to numerous others. It should be noted that the vehicle access is only for the two properties that are facing Walter Road East and Anzac Terrance and abut directly onto the ROW. There is no vehicle access for any property that abuts ROW 2 (those that face First or Second Avenue). Further, para 6.2 of the Draft Rights of Way Strategy document notes that; "... the optimum width for ROWs is 6.0m...", ROW 2 is only 4.0m. This less than optimum width will result in confusion of direction for the one-way traffic and unsuitable option for safe vehicle manoeuvrability, safe bicycle, and pedestrian access if the ROW was to be retained.</p>	<p>The recommendation for ROW 2 is to retain and upgrade.</p> <p>The Town has liaised with the Department of Planning, Lands and Heritage who have indicated that ROWs less than 6.0m wide may be considered for dedication as public roads, where upgrades provide for safe traffic and pedestrian movements. Such treatments can include one way traffic or passing lanes. Should the recommendation for ROW 2 be adopted, the Town will liaise further with the Department of Planning, Lands and Heritage in this respect.</p>
6.7	<p>Regarding Dial Before You Dig results of the infrastructure and utilities along ROW 2, there is only one ACTO Gas Service Point that services the subdivision located at 92 First Avenue and a Water Corporate sewerage infrastructure that runs the length of the ROW. Each abutting property already has an easement in place by the Water Corporate for the sewerage access point, so an additional easement would not present any issues. There is no other infrastructure or utilities within ROW 2, and these two items should not prevent a closure recommendation of ROW 2.</p>	<p>Noted.</p>
6.8	<p>I strongly oppose the further development of ROW 2 because I and others have experienced antisocial behaviour. I feel that this will only increase the risk to all the properties that abut ROW 2. Additionally, if the Town does retain ROW 2 and proceed with the upgrades such as drainage, kerbing, marking and lighting, I wish for it to be noted that the installation of streetlights would have a direct impact on the value</p>	<p>Noted.</p> <p>Instances of antisocial behaviour should be reported to WA Police.</p> <p>Whilst property values are not a relevant planning consideration given their speculative nature, various lighting treatments can be considered to restrict light pollution.</p>

	of my property and other properties that have living areas facing the ROW. As a rear subdivision property, my open plan living, dining and master bedroom all have a direct line of sight to ROW 2. Such that if there are streetlights along the ROW, they will light up my property at night. Directly impacting the design and functionality of the space and requiring additional cost to preserve the privacy that comes with a rear property.	
6.9	After discussions with other property owners abutting ROW 2, there is a strong desire for the closure of ROW 2 and the amalgamation of the ROW into adjacent lots. As a landowner, I am interested in and able to purchase a portion of the abutting ROW.	Noted.
6.10	If closure of ROW 2 is not acceptable, I request that the Town complete a dilapidation survey of all abutting properties before upgrade works are carried out.	The costs of dilapidation surveys are typically borne on the landowner. All landowners would be notified prior to construction works should they seek to engage a quantity surveyor or building inspection to prepare such a report.

**Object – ROW 2**

<b>7</b>	<b>Affected Property:</b> 72 (Lot 34) First Avenue Bassendean	<b>Postal Address:</b> 72 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
7.1	I'm writing regarding the Town's recent communication about the Draft ROW strategy proposed for areas around Bassendean. My property (72 First Avenue Bassendean) is adjoining to the ROW no. 2 (if I have understood the information correctly). This ROW is currently drafted as Retain and Upgrade, however the details as per the below seem rather vague as to what upgrade works would be done. I am wondering if you could provide further information as to what is proposed for ROW 2.	Works associated with upgrading ROWs include providing a trafficable surface for vehicles and pedestrians to an urban standard, which can include drainage, kerbing, line marking and lighting, as well as the potential for fencing upgrades.  The extent of works for each ROW will be determined at the detailed design stage should the recommendations within the draft ROW Strategy be adopted.
7.2	As an adjoining landowner I have the following comments;  1) The rugged vegetation and rather uninviting nature of the laneway serves as a tool to deviate unwanted traffic from behind the properties (i.e. reduces the risks of vandalism and theft). What will the Town be	Noted. Refer to response at 6.5.

	able to provide to maintain this effect if no major upgrade is planned. I am worried that providing public access would increase the risk of vandalism and theft as it promotes easier/inviting access.	
7.3	2) If it is proposed to become a roadway, would this mean it could be used by owners to access a rear garage (should they construct one in the future)? Will the Town put provisions in place to accommodate access such as kerbing, drainage, bollards, and produce vehicle access planning to ensure no vehicle dwelling is built to limit access for other adjacent owners, i.e. construction planning requirements updated so that any rear built garage does not impede on the ability of an adjacent owner to produce their own garage and also provides sufficient car turning circles.	Noted. Refer responses to 6.5 and 6.6. Swept paths for vehicle manoeuvrability to garages can be achieved by either widening of the ROW, or sufficient setbacks to the garage/carport within the lot.
7.4	3) If the land will become subject for sale to adjoining owners, I'd assume it would result in an extension of existing lot boundaries toward the direction of the ROW. How long until this would be considered, and if so I would like to be considered for an extension of land.	Noted. See response to 4.7. The Town would seek to incrementally proceed with the recommendations for each ROW following adoption of the Strategy, and as subsequent budget allocations provide. It should be noted that once the formal request is lodged with the Department of Planning, Lands and Heritage to close or dedicate a ROW as a public road, the Minister for Lands is not bound by any statutory timeframes in making a determination.

**Comment – ROW 2**

<b>8</b>	<b>Affected Property:</b> 106 (Lot 445) First Avenue Bassendean	<b>Postal Address:</b> 106 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
8.1	I'm interested in further information regarding the ROW planning. I can't tell by the map what streets are involved as there are no street names. Is it possible to purchase the portion of land behind my house at 106 first ave?	Noted. The recommendation for ROW 2 is to retain and upgrade. Refer to response 4.7.

8.2	If upgrades are to occur to this ROW what does this involve?	Refer to response 7.1.
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**Comment - ROW 2**

<b>9</b>	<b>Affected Property:</b> 86 (Lot 3) Anzac Avenue Bassendean	<b>Postal Address:</b> 86 Anzac Terrace BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
9.1	There appears to be an error regarding ROW-2 when comparing the Map and the Draft Strategy Attachment 1. Please see attached images from the above documents.	The Town has amended the map to rectify this error.

ROW 3A/3B Submissions

**Support – ROW 3A**

<b>10</b>	<b>Affected Property:</b> 5 (Lot 498) First Avenue Bassendean	<b>Postal Address:</b> 5 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
10.1	As a resident of 5 First Avenue Bassendean, I am writing to comment on the Draft Rights of Way Strategy. I understand my property is on the ROW Strategy map in ROW 3 – a right of way that is at the rear of my property. I understand that this has a recommendation of 'Retain and Upgrade' of which, I am pleased to add my support and approval as this is the only access to the rear of my property. I do not want to see this access closed.	Noted.
10.2	I would appreciate your office keeping me informed on the final decision on ROW Strategy for Bassendean especially as this concerns my dwelling.	Noted. The Town will notify all submitters of Council's decision on the matter.

**Support – ROW 3A**

<b>11</b>	<b>Affected Property:</b> 7 (Lot 499) First Avenue Bassendean	<b>Postal Address:</b> 7 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
11.1	I welcome the upgrade for the Right of Way well overdue. As a landowner I	Noted. Refer to response 7.1.

would still like vehicle access which is currently available but difficult because of the sandy environment. When the upgrade occurs, please note that the new sealed road level must be the same or below the level of my property and hopefully have drainage included.	
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### Support – ROW3A

<b>12</b>	<b>Affected Property:</b> 14/20 (Lot 13) Ivanhoe Street Bassendean	<b>Postal Address:</b> 14/20 Ivanhoe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
12.1	I would like to see herringbone and brick paving to match the properties themselves.  Bassendean is an old suburb and I would like to see the general feel of it kept.	Noted. The detailed design of ROW upgrades where recommended would occur following adoption of the ROW Strategy. Typically, only bitumen would be used to surface the ROWs, however, consultation will occur with abutting landowners once designs are finalised.
12.2	I am the only one with a pedestrian gate onto the lane.	Noted.
12.3	If the lane was paved some trees could also go in them.	Noted. It is open to Council to consider amending the draft ROW Strategy to provide for vegetation within ROWs.
12.4	Be careful of the weed seeds going everywhere.	Noted.

### Object – ROW3A

<b>13</b>	<b>Affected Property:</b> 1 (Lot 496) First Avenue Bassendean	<b>Postal Address:</b> 1 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
13.1	Yes interested in closure of back ROW and purchase of viable land, however with the unfortunate zoning density changes around me, and higher density living ,two blocks 185m2 and another house built behind.	Noted. The recommendation for ROW 3 is retain and upgrade.
13.2	3 properties now only access is the ROW for turning into their properties and parking. If that was ROW was blocked they would turn and park on my pavers out-front of my tilt door, which has happened many times when the last house was constructed and the childcare centre. Another build yet to go ahead right next to child care centre, which i	Noted. Where retained, the Town would seek to dedicate the ROW as a public road, enabling enforcement of the Town's <i>Parking Local Law 2019</i> where obstruction of the carriageway occurs.

	envisage with no parking or storage space now, will surely be a challenge. This is my dilemma.	
13.3	The weeds that blow under my tilt a door into my lawn and garden from the unkept alley that I've been told belongs to a deceased person? Would not be missed or the drug users and their dirty needles.	Noted. Refer to response 1.1. Anti-social behaviour should be reported to WA Police.

#### ROW 4 Submissions

#### **Support – ROW 4**

<b>14</b>	<b>Affected Property:</b> 83 (Lot 2) Anzac Terrace Bassendean	<b>Postal Address:</b> 83 Anzac Terrace BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
14.1	As a long term resident for over 50 years living with a laneway we would recommend that it be closed.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.

#### **Support – ROW 4**

<b>15</b>	<b>Affected Property:</b> 1 (Lots 372) Second Avenue Bassendean	<b>Postal Address:</b> 1 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
15.1	I, Jacqueline Chitty am the owner of 1 Second Avenue, Bassendean which is adjacent to two laneways which related to your ROW 4 in your draft proposal. I have owned and resided at the property since 1999 and had previously applied to the council for the closure and assumption of the laneway which was adjacent to the side of my property. The reasoning for the application was as per your cited antisocial and unauthorised activity. Unfortunately, this was not approved as the laneway was part of a deceased estate and could not be acted on.	Noted. Then Town has undertaken probate searches on the deceased proprietors. Should Council proceed to close ROW 4, the Town can undertake the necessary processes under Section 52 of the <i>Land Administration Act 1997</i> to close the ROW. Refer to response 7.4. It should be noted that the recommendation for ROW 4 has been amended to partial closure and partial upgrade.
15.2	Subsequently my property has been illegally accessed through the side fence and broken into on several occasions. In addition, the side fence had damaged by a motorcycle failing to take the corner. Graffiti, littering, drug use and other antisocial behaviour in the laneways being used as an ongoing thoroughfare	Noted. Anti-social behaviour should be reported to WA Police.



	has continued over the years and still does today.	
15.3	ROW 4 as per Attachment 2 Town of Bassendean ROWs, is clearly shown as accessible from First Avenue (West), Second Avenue (East) and at Anzac Terrace (North). Prior to purchasing in 1999, the laneway to the North towards Anzac Terrace had been acquired resulting in permanent obstruction from that end, leaving access only through First and Second avenues. The laneway to my south from the beginning was a higher elevation to my property and at some point this was increased with the addition of road base (dumped, placed) which with the continual increased traffic movements has resulted in fencing adjacent to the side of my property (South) being forced over, with some panels showing damage.	Noted. The obstructed access is noted as not only a construction obstruction to ROW 4, but also results in non-compliant vehicle manoeuvrability in the portion that remains connected to the road network.  The Town notes the negative implications that the ad-hoc development approach in surfacing the ROW has had to your property. The ROW Strategy seeks to undertake a coordinated approach to all upgrades, to avoid this piecemeal construction.
15.4	As a consequence of the above, the Council has my full support in the closure of ROW 4 as per your draft documentation and recommendation.	Noted.
15.5	Recently, it has been brought to my attention that council will be presented with a petition signed by various residences, some who have rear access to ROW 4 who wish the laneway to remain open. In view of this, if the council does decide to retain and upgrade ROW 4, I would still support the closure of the ROW 4 section that starts at Second Avenue, as there are no current property accesses on that section. This will leave access to all properties who have current rear access to ROW 4, from First Avenue.	Noted. Any partial retention of ROW 4 would be subject to vehicle manoeuvrability being able to be achieved, either by widening of the ROW or increased setbacks to the garage/carports within the lot to provide for vehicle swept paths.
15.6	Should ROW4 been closed (fully / partially) I would like to be considered for the partial or full acquisition of the land pertaining to my property.	Noted.

#### Support – ROW 4

<b>16</b>	<b>Affected Property:</b> 46 (Lot 5) First Avenue Bassendean	<b>Postal Address:</b> 46 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		

16.1	This is my submission on the Town of Bassendean Right of Way Strategy, as owner and resident of HN46 First Avenue Bassendean. I support the ROW strategy, however provide the following comment in regards to the process for closing some of the right of ways.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
16.2	The properties at HN46 and 50 First Avenue, and HN85 Anzac Terrace, have evidently from Landgate historical maps, not had a fence separating the properties from the right of way No. 4 since before 1995.	Agreed.
16.3	These properties have maintained the relevant portions of land that are of the deceased estate, such as clearing vegetation etc.	Refer to response 1.1.
16.4	These properties have been brought and sold with these portions of land being within the fence line. There is a legitimate claim for Adverse Possession, for these portions of the deceased estate to be handed to the relevant properties.	Noted. Adverse possession claims are to be made to the Supreme Court of WA or Landgate. Refer to relevant section in the report.
16.5	As such, the Right of Way Strategy should state, and Council should adopt the practice, that where a portion of a deceased estate right of way have been used by a property for exclusive use, this portion of the land shall be amalgamated to the property for no cost of the land. In essence the only cost will be the Land Administration cost to amalgamate the land.	See response above.

#### Support – ROW 4

<b>17</b>	<b>Affected Property:</b> 23 (Lot 383) Second Avenue Bassendean	<b>Postal Address:</b> 23 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
17.1	My husband and I would like to purchase the land to the rear of our property (23 Second Ave Bassendean) given that it has been marked for closure.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
17.2	Could you please advise the anticipated process and timing for this to occur?	Refer to response 7.4.

#### Support – ROW 4

<b>18</b>	<b>Affected Property:</b> Omitted	<b>Postal Address:</b> Omitted
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Summary of Submission	Comment
Support to the proposal.	
18.1 I support the Town of Bassendean's (TOB) ROW Strategy, particularly where it reduces antisocial elements like graffiti, increases the physical amenity of the Town and maintains or improves access to services.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
18.2 As for particular relevance to my circumstances as a TOB ratepayer, my property is adjacent to ROW 4 which is proposed to be closed per the Draft ROW Strategy. I am interested in purchasing the section of the ROW that abuts my property should the ROW strategy be approved and the Council decide to close ROW 4 and offer it for purchase by owners whose properties adjoin the ROW.	Noted.
18.3 Should not all owners with adjoining properties to ROW 4 wish to purchase, may I suggest that Council still proceeds to close ROW 4 and allow property owners to use the land in a similar way to the use of the verge land. They could use it for garden beds or lawns and to keep it in good maintenance whilst allowing for access to services underneath the ROW. ROW 4 has not been used for vehicle or pedestrian access for more than 40 years (I understand this is the case from my neighbours who have been TOB residents for over this length of time) and therefore is unlikely to be utilized as such in the future.	Noted.

**Object – ROW 4**

<b>19</b>	<b>Affected Property:</b> 8 (Lot 494) First Avenue Bassendean	<b>Postal Address:</b> 8 First Ave BASSENDEAN WA 6054
Summary of Submission	Comment	
Objection to the proposal.		
19.1 In regards to the ROW Strategy, in particular ROW4, I have a few queries. 1 How is ToB acquiring the Deceased Estate ROWs? Is there a financial cost to ToB/ratepayers?	The Town has undertaken probate searches for the majority of deceased estates, which are to the satisfaction of the Department of Lands to enable the Town to deal with the land, at no cost. The Department has confirmed the Town can undertake dealings for ROW 4.	

19.2	2. Has partial closure been considered rather than whole of ROW closure? i.e., limiting access through between First Ave & Second Ave? Or leaving open the entry laneways off both First Ave and Second Ave, allowing subdivision/access to the larger Railway Parade facing properties that back on to ROW4.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
19.3	3. Given the proximity ROW4 has to the train and Bassendean town site etc, would higher density not be considered in this area in future planning? The proposed closure of ROW4 would seem to be short sighted.	The Town is currently reviewing its local planning framework, including preparation of an amended local planning strategy and new local planning scheme, which will determine densities.  Whilst the Town has considered proximity of ROWs to areas which would likely be supported for density (i.e., public transport), the recommendation for each ROW has also been considered based on the width of ROW, service infrastructure and community feedback.
19.4	4. I have a Water Corporation sewer access point directly behind my property. Should ROW4 close, will this be relocated, or how will the Water Corporation access this?	Noted. The Water Corporation is the responsible authority for their assets and establish easements to protect the infrastructure. Where ROWs are closed, it is typical to provide an easement over the land to enable access to the infrastructure in perpetuity.
19.4	Whilst the closure of ROW4 will not impact me too much, I do not believe this is a good outcome in the longer term, with my preference being not to close ROW4.	Noted.

#### Object – ROW 4

<b>20</b>	<b>Affected Property:</b> 41 (Lot 3) Second Avenue Bassendean	<b>Postal Address:</b> 41 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
20.1	Thank you for the opportunity to comment on this above draft ROW strategy that has been endorsed by Council.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.  Council will consider the draft ROW Strategy for adoption.
20.2	I was delighted when I learned that the Town of Bassendean has committed to act on some of the issues relating to ROWs, which will hopefully at the same time help to resolve some of the problems I currently experience with the illegally fenced off ROW behind my property. In this submission I will present my personal situation with regard to	Noted.

	<p>ROW 4 as it effects my home at 41 Second Avenue Bassendean, a property that I own outright but which I will refer to as my home. I will then submit my general view on how the ROW Strategy might be improved.</p>	
20.3	<p><b>My Home at 41 Second Avenue</b>  My home will be directly impacted by this strategy because my back boundary borders ROW 4 as mentioned in the strategy/ I purchased my home in July 2012. The certificate of title to the property states in the second schedule that there is an easement benefit on the lot. I presume this refers to the ROW.</p>	<p>Noted. The Town would need to inspect the particulars of the Certificate of Title to confirm the purpose of the easement.</p>
20.4	<p>However at some time before July 2012 someone, presumably the owner of 50 First avenue, has erected a Colourbond fence just behind the back fences of numbers 41 and 39 Second Avenue, with a gap of about 25cm between the two fences. Thus the whole area of the ROW east of 50 First Ave can only be accessed through that property. The Draft ROW Strategy refers to this practice as illegal fencing and has meant effectively that access to this part of the lane has been denied to property owners and residents of 35-41 Second Ave. For me personally, being able to access my property via Anzac Tce would have been a very useful option.</p>	<p>Noted. The Town is aware of the fence. Refer to response 16.2.</p>
20.5	<p>The Strategy referring to ROW 4 states "... a large portion of it is illegally fenced off, presenting a significant development obstruction due to the adjoining landowners utilising the width of their property lots for private use". I can categorically claim that at no time since I have owned 41 Second Avenue has the owner or tenant of 50 First Avenue used the fenced off ROW for any private use at all. It is simply a piece of derelict, weed infested land that is mowed every few months by the tenants. Over the years I have had to to clear debris from dead trees that have dropped into my backyard as, one by one, some trees in the ROW have died.</p>	<p>Noted. Site visits and review of aerial imagery undertaken in preparing the draft ROW Strategy confirm that the adjoining ROW portions abutting 21, 23, 25, 30, 32 and 34 First/Second Avenue are currently being used for private use, including private storage. The Town notes there may be additional properties affected, which were unable to be determined due to vegetation obstructing inspections.</p>
20.6	<p>The existence of the second fence has created several other problems for me including:</p>	<p>Refer to response 1.1.</p>

<ul style="list-style-type: none"> <li>• An accumulation of debris over time (including materials from the steel fence) in a very narrow space that is difficult to access for removal, maintenance or cleaning;</li> <li>• Growth of several problematic young, black locust trees in the gaps that will be a big maintenance problem in the future because this species grows very large, is very thorny and suckers profusely;</li> <li>• Gap provides a safe passage and homes for vermin such as rats;</li> <li>• Proliferation of weeds; and</li> <li>• Fire hazard.</li> </ul>	
<p>20.7 In general, but with some conditions and caveats that I state below, I would not oppose the recommendation of the Draft ROW Strategy that ROW 4 be closed. I do not support closure of ROW 4 if the problem of “significant development obstruction” of the illegally fenced areas is shifted from the Town of Bassendean and onto the adjacent landowners such as me, an age pensioner, who has limited financial means to take on a property developer.</p>	<p>Noted.</p>
<p>20.8 I support that the ROW land, with the agreement of landowners, be closed and purchased by the adjoining landowners after consultation, as outlined in the Draft ROW Strategy, on two conditions:</p> <ul style="list-style-type: none"> <li>• That support be given by the Town of Bassendean to homeowners in dealing with some of the “significant development obstructions” or similar legal issues that might arise in claiming possession of illegally fenced ROW widths;</li> <li>• That no matter where the final property boundary eventually falls, originally ROW land cannot be built on but will be retained as a “green buffer” between any new developments within the existing lot boundaries as defined by current Landcorp data.</li> </ul>	<p>Noted. The Town can provide administrative assistance to the closure process. In respect for development, a landowner would be entitled to make an application for development approval over such land, with the setbacks and open space determined in accordance with the requirements of State Planning Policy 3.7 – Residential Design Codes.</p>
<p>20.9 I would strongly oppose any move by the owners of the First Avenue properties who have illegally fenced off portions of the ROWs to claim adverse possession of these portions, particularly where a portion has not been used for private purpose.</p>	<p>Noted. Refer to response 16.4.</p>
<p>20.10 General I believe that the ROWs that are closed can be an opportunity to provide more</p>	<p>Noted.</p>

	vegetation and tree cover within the town. Is I am able to purchase the ROW land I will be using it to plant local native shade and habitat trees and shrubs. The resumed ROW land should be seen as a valuable resource for introducing more shade and wildlife habitat through tree planting. It can help replace some of the vegetation cover that has been lost in Bassendean over the last ten years and will continue to be lose with the push to great density of dwellings.	
20.11	I congratulate the Town of Bassendean and Council on their willingness to tackle this potentially difficult issue. With goodwill, a great sense of community and care for our precious open spaces (which these laneways are) I'm sure you will be successful.	Noted.

#### Object – ROW 4

<b>21</b>	<b>Affected Property:</b> 60A (Lot 367) Railway Parade Bassendean	<b>Postal Address:</b> 60A Railway Parade BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
21.1	I would like to register my objection to the Town of Bassendean Draft Rights of Way Strategy 2021 proposal to close ROW4. Rear access to my property at 60A Railway Parade adds significantly to future development options and the proposal to close the ROW negatively impacts.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
21.2	The laneway designated ROW4 in the strategy should be kept open and upgraded.	Noted.

#### Object ROW 4

<b>22</b>	<b>Affected Property:</b> 60 (Lot 368) Railway Parade Bassendean	<b>Postal Address:</b> 60 Railway Parade BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
22.1	We would like to lodge a formal objection to the Town of Bassendean Rights of Way Strategy October 2021 Draft, specifically to the assessment of, and recommendation for closure of the Right of Way identified as ROW4. We regularly	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.  The Town has investigated the approved garage and in accordance with Condition No.16 of the approval: <i>'the owner/builder note that this</i>

<p>and routinely exercise our right of access to ROW4 to gain access to the property and object to the proposal to remove these access rights. Our property has three access points directly to the ROW that would be adversely affected by any action of council to close the ROW; double gates to the main property area and two roller doors providing direct access to the garage.</p>	<p><i>approval does not convey a permanent right of carriageway over the ROW used for access to the proposed garage due to the ROW not being vested to the Council.'</i></p>
<p>22.2 We submit ROW4 meets several criteria identified by this draft report and it should be retained, upgraded and returned to full through access by the removal of all illegal occupancy at the northern portion of the laneway.</p>	<p>Refer to response 19.2.</p>
<p>22.3 Section 6.0 of the draft strategy identifies criteria against which the ROW's have been assessed with ROW4 meeting some of the key criteria including:</p> <ul style="list-style-type: none"> <li>• ROW4 provides rear access to narrow lots with limited street frontage. Both First Avenue and Second Avenue contain numerous narrow lots without side access to the rear of the properties from the main street frontages.</li> </ul>	<p>Both First and Second Avenue provide primary vehicle and pedestrian access to the lots.</p>
<p>22.4 ROW4 provides the only means of access to the approved garage. This is also the case for numerous other garages accessing ROW4.</p>	<p>Refer to response 22.1.</p>
<p>22.5 ROW4 has the potential to be used to facilitate the development of infill dwelling at the rear of existing residences.</p>	<p>Noted, however, the northern portion of the ROW was not considered suitable for upgrades.</p>
<p>22.6 Furthermore, we challenge the assessment that ROW4 displays moderate signs of degradation and antisocial behaviour including extensive graffiti throughout. Excluding the antisocial aspect of illegal fencing and private use of the ROW that some residents have undertaken, in the sixteen years that we have been resident at Railway Parade there has been very few examples of antisocial behaviour related to the ROW and very minimal occurrences of graffiti. Although the draft right of way strategy acknowledges the challenges that arise due to different ownership and responsibilities it does not recognise that council has taken advantage of this complex situation over</p>	<p>Noted. The moderate signs of degradation refers to the ageing bitumen that exists within ROW 4, and anti-social behaviour refers to the littering and graffiti that were visible within ROW 4 at the time of inspection.</p> <p>Refer to responses 1.1 and 15.2.</p>



	many years refusing to upgrade, maintain or evict residents who erect illegal fencing and claim the ROW for private use.	
22.7	The Town of Bassendean Local Planning Strategy (2015 update) identifies the majority of ROW4 lies within the Transit Oriented Development 400m walkable catchment area. The local planning strategy recommends the application of residential density code R60/100 to the TOD 400m walkable catchment and states that it is important to ensure target densities are reached. We submit that retention and upgrade of ROW4 is critical to achievement of this planning strategy and that the recommendation to close ROW4 is contrary to the local planning strategy and will prevent development to R60/100 development densities.	Refer to response 19.3.
22.8	The Town Centre Masterplan, due for final approval in November 2021 includes lots facing Railway Parade that currently have ROW access to the rear of the properties via ROW4. Closure of ROW4 is likely to restrict the capacity to achieve proposed development of 2-3 storey townhouses, maisonettes or similar dwellings. We submit that the proposal to close ROW4 is contrary to the principals outlined in the Town Centre Masterplan. The retention of ROW4 contributes significantly to the Town of Bassendean Local Planning Strategy and Town Centre Masterplan and should be retained and upgraded.	Refer to response 19.2.
22.9	In summary, we strongly object to the proposed closure ROW4 as identified in the Town of Bassendean Rights of Way Strategy October 2021 Draft for the reasons above and implore the Town of Bassendean to take all appropriate actions to restore full through access to the ROW and upgrade appropriately in support of future development.	Noted.

**Object – ROW 4**

<b>23</b>	<b>Affected Property:</b> 16 (Lot 490) First Avenue Bassendean	<b>Postal Address:</b> 16 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>

Objection to the proposal.		
23.1	<p>I own number 16 First Avenue Bassendean. I am writing to object to the planned closure of the rear right of way at the back of my property (ROW 4 in the draft Strategy document, between First and Second Avenue). This is the only vehicle access available to the back of the property that includes a garage that would be rendered unusable without the rear Right of way due to the narrowness of the block and location of the house on the block.</p>	<p>Noted. The Town has investigated the matter and has determined that it would be reasonable to assume access was permitted to the ROW given the location of the roller door to the garage. As such, the recommendation for ROW 4 has been amended to partial closure and partial upgrade.</p>
23.2	<p>I would very much like the Right of way upgraded to facilitate better access (with it preferably opened to the north again). If the fencing at the north is illegal - maybe this should be returned to through access rather than closing the ROW??</p>	<p>Noted. Council will consider this matter in determining the draft ROW Strategy and associated recommendations.</p>
23.3	<p>If the right of way was upgraded it would get much more regular use by me or my tenants, as there is no other carport on my property other than the one off the right of way.</p>	<p>Noted. Whilst the Town notes access from the ROW is the only access to the carport, the primary vehicle access to the abovementioned dwelling is via First Avenue.</p>

#### Object – ROW 4

<b>24</b>	<p><b>Affected Property:</b> 58 (Lot 150) Railway Parade Bassendean</p>	<p><b>Postal Address:</b> 58 Railway Parade BASSENDEAN WA 6054</p>
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
24.1	<p>Regarding your proposed ROW strategy for Bassendean I would like to voice some concerns. My residence is at 58 Railway parade Bassendean. Your proposal to close ROW#4 between First and Second Avenue will impact my residence significantly both short and long term.</p>	<p>Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.</p>
24.2	<p>1. Residence was purchased on the pretence that it had rear access for vehicles, I currently have a large car garage that backs onto the Western end of ROW#4. ( entrance off First Ave)</p>	<p>Noted. The Town has investigated this matter and notes that the approval advises the applicant that access is not guaranteed in perpetuity and Council may close the ROW in future.</p>
24.3	<p>2. I was planning on moving this car garage to the rear of my block and using the Eastern entrance of ROW # 4 ( entrance</p>	<p>Refer to response 24.2.</p>

	off Second Ave ) to access the garage with vehicles.	
24.4	3. I currently have 4 registered vehicles with plans to purchase a boat and caravan in the future. I would like to retain this rear access as a means of storage access rather than storing the vehicles on Railway parade or having to pay for offsite storage.	Noted. Should the ROW be dedicated as a public road, storage of private vehicles within the carriageway would be prohibited under the Town's Parking Local Law 2019. There is also insufficient width to provide for vehicle parking and through access within the ROW given it is 4.0m wide.
24.5	4. Eventually we may develop the block and subdivide. Our existing house is on the heritage watch list and if you remove the ROW access we will not have sufficient room to install driveway access to the rear of the block without impacting the existing structure. This proposal is counterproductive to the City of Bassendean's local planning strategies that you have recently outlined.	Agreed – ROWs provide access to future lots/development that would otherwise not be available.
24.6	In closing I strongly object to your proposed closure and would like everything possible done to prevent this happening.	Noted.
24.7	I would like to add to the previous statements that if council goes ahead with the closure of the ROW I would be very interested in purchasing the land.	Noted.

#### Object – ROW 4

<b>25</b>	<b>Affected Property:</b> 12 (Lot 492) First Avenue Bassendean	<b>Postal Address:</b> 12 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
25.1	Thank you for the opportunity to be able to comment on the draft. I reside at 12 First Avenue, Bassendean. I have earlier this year purchased this property with my wife. Please find my comments regarding the Town of Bassendean's ROW draft strategy. I am opposed to the Town of Bassendean's draft recommendation of closing the lane way ROW4 at the back of our property.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
25.2	One of the major reasons for purchasing the property was that we had access to the back of the property via the ROW.	Noted. The structure has been approved by the Town, which provides direct access to the ROW.

	We generally use the shed at the back of the yard, off the ROW, for secure parking of our car.	
25.3	The ROW at the back of the property also lends itself to the likelihood of improved health outcomes.	Noted.
25.4	The travel distance with a wheel barrow when gardening etc in the back yard is a shorter distance to the trailer in the ROW than if it had to be carted to the front yard.	Noted.
25.5	The comments about a large portion of the ROW being illegally fenced off are correct. But to honest with you I thought that the owner that is responsible for this must of had permission from the Town of Bassendean. Talking to the neighbours it has been like this for ages.	ROW 4 is a deceased estate, and to date, the Town has not had the authority in relation to dealings with the land.
25.6	The lane way would be far easier to access and egress if the fence / gate across the lane way was removed. I assume that this is the responsibility of the Town of Bassendean to enforce.	Refer to response 23.2.
25.7	I have got to say that certainly during my time here I am not aware of any antisocial behaviour within the lane way. I am aware of a neighbour having their car broken into but this was when the car was parked out the front of their house. My observations are that the lane way at the back of our property (ROW4) is probably one of the most frequently used lane ways within the area and should be definitely be retained and upgraded.	Noted.

#### Object – ROW 4

<b>26</b>	<b>Affected Property:</b> 3 & 5 (Lots 2 & 373) Second Avenue Bassendean	<b>Postal Address:</b> 3 & 5 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
26.1	I am a property owner at 3 Second Ave and 5 Second Ave and OBJECT to the TOB draft strategy of closing ROW 4 in the towns documents. Both property's have been purchased due to the laneway access and both have TOB approved sheds and carports that can only accessed from the laneway. No 5 workshop was approved in 2004, and No 3, 2 car carport in 2015.	Noted. The structures have been approved by the Town, which provides direct access to the ROW.  The recommendation for ROW 4 has been amended to partial closure and partial upgrade.

26.2	In the recommendation to 'close', the TOB document makes reference to 'antisocial behaviour including extensive graffiti throughout'. As a resident of 20yrs plus with weekly laneway use, both the claims are false. There are 2 at best graffiti pieces that have been there for over 10yrs, this is hardly extensive. If the 'antisocial' comment refers to the illegal fencing and patio's etc erected to the north of the laneway, then i suggest TOB have the property's remove the illegal items.	Refer to responses 22.6 and 23.2.
26.3	ROW 4 south of lots 483 and 382 has 13-14 property's with laneway access, 3-4 of those used on a 'daily' basis.	Agreed.
26.4	ROW 3 which is recommend to remain open appears to only have 2-3 property's with laneway access with 'NO' visible signs of access for some time. Only difference in laneways is the illegal fences and dwellings found to the north in ROW 4.	ROW 3 has good connectivity to the road network that supports compliant turning circles and vehicle manoeuvrability, and also provides multiple dwellings with primary vehicle access. The Town has amended the draft recommendation to ROW 4 to partial closure and partial upgrade.
26.5	Comment was made by TOB employee that partial closure was probably not possible, yet this is the recommendation made for ROW 1.	Refer to response 19.3.

#### Object – ROW 4

<b>27</b>	<b>Affected Property:</b> 20 (Lot 488) First Avenue Bassendean	<b>Postal Address:</b> 20 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
27.1	We are writing to express our concern about the planned closure of the ROW at the rear of our property and express our wish that this ROW remain opened and accessible to the local residents. We currently reside at 20 First Avenue and although we don't specifically use the ROW we do see it having importance to many of our neighbours and being something of value to the property owners in the affected area.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
27.2	In your draft strategy on page 23 you mention in your recommendation that there are "moderate signs of degradation and antisocial behaviour including extensive graffiti throughout", having been a resident here for approximately 8	Refer to response 22.6. The Town has noted in the draft ROW Strategy the use of ROW 4 for secondary pedestrian and vehicle access in the section where the ROW is not fenced off.

	years we have seen no evidence of any anti-social behaviour in this ROW and very limited evidence of any graffiti. What we have seen is a ROW that is used by several residents of both First and Second avenue and an opportunity for others to persue this in the future. We actually see the ROW as a value add to our personal property and that of our neighbours.	
27.3	With a pool currently being installed at our property we have been living without a solid rear fence (secure temp fencing is currently in place) for a period of over 6 months and during this time we have only ever seen one person walking the ROW that didn't belong. We have security cameras fixed at the rear of our property and these have also not been triggered by any "anti-social" behaviours or peoples.	Noted. Refer to response 15.2.
27.4	With a long narrow block and limited access from the front of our property to the rear the lane way has also provided an option for tradesman to service our property without causing any disturbance/damage to the front/side of our property. Even once the rear fence is closed again trades people will still be able to access the rear of our property by us simply removing a small section of colourbond fence panel.	Noted. Refer to response 24.4.
27.5	In short we are against the closing of the ROW4 that borders the rear of our property and would ask that any decisions regarding this be reconsidered. If you have any additional questions please feel free to contact me.	Noted.

**Object – ROW 4**

<b>28</b>	<b>Affected Property:</b> 11 (Lot 377) Second Avenue Bassendean	<b>Postal Address:</b> 11 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
28.1	I live at 11 Second Ave, Bassendean and would like to object to the proposed closure of Section 4 in the draft plan.	Noted. The structure has been approved by the Town, which provides direct access to the ROW. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.

28.2	I use the lane as primary access to my garage on a daily basis, often coming in and out several times a day. TOB upgraded the lane at the rear of my property in 2018 to give me better access i.e. compacted road base. I regularly kill the weeds at the rear of my property and keep it in good order.	Noted. The existing crossover and driveway via Second Avenue can provide primary vehicle access.  Refer to response 24.4.
28.3	Living here for ~20 years I have seen no antisocial behaviour in the lane and the graffiti has been very minimal with none in the past 10 years that I have seen. I completely disagree with the "extensive graffiti throughout" statement!	Noted. At the time of the site inspection there was several isolated pieces of graffiti.
28.4	Can I suggest that if the lane has been illeadilly fenced then TOB takes action to get the illegal fence removed.	Should Council resolve to amend the draft recommendation from closure to retain/ upgrade the northern portions of ROW 4 that are currently fenced off, the Town will investigate into the respective cases accordingly.

#### Object – ROW 4

<b>29</b>	<b>Affected Property:</b> 9 (Lot 1) Second Ave Bassendean	<b>Postal Address:</b> 9 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
29.1	I have received a letter from Council regarding the ROW strategy. I have a ROW behind my property -part of the reason I purchased this property- and am keen to have it remain in place. I believe it adds value to the property but also the ROW through the suburb contributes to the old world charm and nostalgia of the area.	Noted. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.
29.2	I have a front facing car port but many rely on the ROW for garages.	Noted.
29.3	May of the old inner city suburbs have seen these ROW come into a life of their own. I would be very disappointed to see mine disappear.	Noted.

#### Comment – ROW 4

<b>30</b>	<b>Affected Property:</b> 10 (Lot 493) First Avenue Bassendean	<b>Postal Address:</b> 10 First Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		

<p>30.1 Hello. I own 10 First Avenue Bassendean and in the proposed amendments to the ROWs in the strategy the ROW behind my property has been nominated to be closed. At the moment we do not use the ROW, having no gate or garage at the rear of the property - therefore no car access. Next year we are planning to begin the process to redevelop the property. In light of the fact that we currently do not use the ROW and we are going to be developing the property, we request that whatever the final decision is that it be made promptly so that we can take the outcome into account when we are having the plans drawn up by the builder. We are planning to begin this process in the first third of 2022.</p>	<p>Noted. Refer to response 10.2. The recommendation for ROW 4 has been amended to partial closure and partial upgrade.</p>
<p>30.2 Due to the fact that it looks like many home-owners actually use the ROW the consensus may be that they would like it to remain open, however if this results in onerous one-off payments by home owners to have the ROW upgraded, then we will opt to not use it and plan for this accordingly when beginning the process of redevelopment.</p>	<p>Municipal funds would be used to upgrade the ROWs, or where Council adopts a local planning policy, via contributions at the time of subdivision or development only.</p>
<p>30.3 Essentially, due to our near future plans prompt action and good communication regarding this issue would be appreciated.</p>	<p>Noted. Refer to response 10.2.</p>

ROW 5 Submissions

**Support – ROW 5**

<p><b>31</b></p>	<p><b>Affected Property:</b> 62 (Lot 778) Scaddan Street Bassendean</p>	<p><b>Postal Address:</b> 62 Scaddan Street BASSENDEAN WA 6054</p>
<p><b>Summary of Submission</b></p>		<p><b>Comment</b></p>
<p>Support to the proposal.</p>		
<p>31.1</p>	<p>I do NOT support closure of laneway Row5, we are long term residents since 1992, we are presently using rear lane access for our caravan. Obviously, it would be impossible to get out with a blocked off laneway. Our driveway is too narrow to access our garage if van is parked on it.</p>	<p>Noted. The recommendation for ROW 5 has been amended to closure.</p>
<p>31.2</p>	<p>Nevertheless, land acquisition price are at a (sic) all time high at the moment (for</p>	<p>Noted. The Valuer General determines the price of land, and the landowner would be required to agree to the valuation for acquisition to proceed.</p>



	acquiring Purposes) NO to acquisition at present.	
31.3	For the purpose of the landowner acquiring their rear lane proportion, due to Water Corp. Infrastructure and gas piping running the full length of ROW5. Apparently (No Permanent). Structures can be built over easement. So seems a bit impracticable to purchase land one can't do anything with.	Noted. Whilst development cannot typically occur over an easement protecting infrastructure, the additional land area can contribute towards the required amount of open space to enable further development to occur elsewhere on the lot.
31.4	Lastly, over the 29 years we have been here, we have had very very rare disturbances down laneway, there is no graffiti whatsoever, no rubbish left down laneway. Our suggestion is to keep it a Greenway/part carbon sink. Cooler for the environment.?	Noted.

#### Object – ROW 5

<b>32</b>	<b>Affected Property:</b> 65 (Lot 774) Broadway Bassendean	<b>Postal Address:</b> 65 Broadway BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
32.1	Peter Webb & Associates (PWA) has been engaged by the landowner of 65 Broadway, Bassendean, to prepare a submission on the Town of Bassendean Draft Right of Way Strategy 2021. Our client's property at 65 Broadway is located adjacent to a ROW known in the Draft Right of Way Strategy as 'ROW 5'. ROW 5 sits between 20 original lots; 10 lots on the northern side, 10 lots on the southern side.	Noted.
32.2	We have had the opportunity to review the Town's Draft Right of Way Strategy and this submission represents an objection to the proposed upgrade and dedication of ROW5.	Noted. The recommendation for ROW 5 has been amended to closure.
32.3	We note the objectives of the Draft Right of Way Strategy, which are: (i) To provide a coordinated strategy to guide future decision-making in relation to ROW closures and upgrades; (ii) Maximise the use of ROWs, including providing access for infill developments where appropriate to reduce crossovers to local roads	Noted.

<p>(iii) Ensure ROWs that contribute to a permeable street network are retained;</p> <p>(iv) Identify ROWs that are appropriate for closure based on limited benefits to the wider community;</p> <p>(v) Identify opportunities to improve passive surveillance and safety within ROWs;</p> <p>(vii) To rationalise the land tenure of all ROWs;</p> <p>(viii) To provide a framework for landowners to financially contribute to the capital cost of upgrading their abutting ROWs; and</p> <p>(ix) To inform a ROW specific Local Planning Policy.</p>	
<p>32.4 The Recommendation in the Draft Strategy for ROW 5 is to 'upgrade' the ROW. The explanation for this recommendation is that, "The ROW has good connectivity to the road network and no development obstructions. The only current use is for secondary pedestrian access. Bollards are currently installed at the east end. The ROW will require widening and potentially an easement prior to upgrading."</p>	<p>Noted.</p>
<p>32.5 It is our view that ROW5 presents little benefit to the local community and we object to having ROW 5 upgraded. The reasons for our objection are set out forthwith:</p>	<p>Noted.</p>
<p>32.6 • It does not maximise the use of ROW. The upgrade of ROW 5 does not provide meaningful opportunity for access for infill developments to reduce crossovers to local roads, as 13 out of the 20 original lots (i.e. 70%) have already been developed for infill development, and one (1) of the remaining original lots is a corner lot which can take access from a side road (Penzance Street). Therefore, only 6 lots remain undeveloped and only those 6 would consider vehicle access to the ROW. That would result in 30% usability assuming all of those remaining lots are developed in the short term. If not, then that results in even less usability. Of those 6 remaining undeveloped lots, 4 could easily be developed with battleaxe design arrangement whilst enabling retention of the existing dwelling and potentially</p>	<p>Noted. Refer to response 32.2</p>

<p>utilising/sharing an existing crossover to its respective street . Therefore, the need for the upgrade of the ROW is not present, and fails the “need/nexus” test. What will result therefore, is many existing developments ‘turning their back’ to the ROW (as is currently the case), which does not result in an orderly and proper planning outcome.</p>	
<p>32.7 • There is a safety issue with upgrading the ROW in this location, as then there would be public access to rear yards and the rear parts of dwellings, and no active or passive surveillance of the ROW.</p>	<p>Noted. Refer to response 32.2</p>
<p>32.8 Accordingly, we suggest that ROW5 be identified for closure in accordance with Objective (iv) based on limited benefits to the wider community.</p>	<p>Noted. Refer to response 32.2</p>
<p>32.9 The Strategic Alignment in Part 3.0 of the Strategy includes a Direction in Priority Area 1 which states: “Creating an environment where people feel welcome and safe”. The proposal to upgrade the ROW potentially reduces safety in this area, as all existing developments ‘turn their back’ to the ROW, and most owners do not wish to open up their rear (private) yards to the ROW, as this risks safety and security of families. Therefore, the upgrade of ROW5 goes against the Direction of ‘Strengthening and Connecting our Community’ under the Strategic Alignment provisions of the Strategy. We agree with the Strategy under Part 3.2 which includes the principle of “Create safe, equitable places to live and work which support local prosperity and international fair trade”. The suggested alignment to that principle is “maintaining, upgrading or closing ROWs can assist in rectifying antisocial behaviour that is commonly associated with ROWs”. We agree with that statement, but suggest that in this case, ROW5 would actually have the potential to increase antisocial behaviour and reduce safety in this area.</p>	<p>Noted. Refer to response 32.2</p>
<p>32.10 <b>Planning Bulletin 33/2017:</b> The WAPC Planning Bulletin 33/2017 ‘Rights of way or laneways in established areas’ at part 5.2 sets out that, “The upgrading of rights of way to a sealed and drained standard should be required in areas of intensification of residential and</p>	<p>Noted. Refer to response 32.2. It should be noted that the WAPC does not support ROW dedication in excess of 140 metres where the ROW constitutes the sole access to the dwelling. The primary access for the adjoining properties is via Broadway and</p>

<p>commercial development.” ROW5 is not in an area of significant intensification to a level that requires the addition of a sealed and drained ROW.</p> <p>The Planning Bulletin at part 6.2 states that, “The WAPC will generally not support dedication where rights of way are of excessive length (in excess of 140 metres) and where there is no alternative pedestrian access to the street. Having such long or narrow streets as the sole access (both for vehicles and pedestrians) to properties is considered undesirable and may result in excessive walking distances to visitor parking in the surrounding streets and result in visitors parking in the right of way.” ROW5 is in excess of 200 metres (nearly 45% more than the recommended length of a dedicated ROW) and therefore it is considered inappropriate for ROW5 to be dedicated and upgraded. Part 6.2 goes on to say that, “Where a length of right of way longer than 140 metres is dictated by the existing street network then it may require special treatment to restrict traffic volumes and speeds. Some possible treatments for long rights of way could include the use of traffic calming devices to slow traffic, intermediate connections to the local street network, and wider sections of right of way to allow for the installation of visitor parking.” Obviously, in the case of ROW5 is not possible to include intermediate connections to the local street network or to include wider sections of rights of way, and this is because a high majority of properties have already been developed close to the rear boundaries and there is simply no room for additional widening to occur. Therefore, as the WAPC considers that excessively long rights of way will not be supported, and particularly because additional treatments cannot be considered, then it should be concluded that the upgrading of ROW5 should not occur.</p>	<p>Scaddan Street. As such, the 140 metre length recommendation does not apply in this instance. Should the ROW be upgraded, development standards for adjoining lots such as increased setbacks of structures to the ROW can support pedestrian access and vehicle manoeuvrability. Additionally, one-way traffic can ensure equitable and safe pedestrian and vehicle access for narrower ROWs.</p>
<p>32.11 Part 6.7 of the Bulletin advises that, “Building design which allows for the overlooking of rights of way from facing buildings should be encouraged. Potential for surveillance from windows</p>	<p>Noted. Should the ROW be retained, the Town would seek to prepare a local planning policy that includes design requirement for future development requiring passive surveillance to ROWs.</p>

<p>provides greater security for the users of the rights of way and adjacent properties”. Unfortunately, as many properties in the ROW5 precinct are already developed and turn their back to the ROW, the opportunity for surveillance over the ROW has been removed and therefore, there will be a number of areas that will not have the desired surveillance. This results in a safety issue, and yet again this scenario does not comply with the Planning Bulletin.</p>	
<p>32.12 Surrounding Closures of Rights of Way: It is noted that in the past (in the late 1990's), the street block immediately to the east bounded by Broadway, Iolanthe Street, Scaddan Street and Ida Street involved a ROW rationalisation and removal, and allowed for the resultant land to be incorporated into adjacent private land. Refer Figure 2 below which includes two aerial images, left from 1986, right from 2021. This has resulted in an acceptable outcome with infill development occurring to a suitable standard. Therefore, ROW5 no longer aligns with any other ROW in this area.</p>	<p>Noted.</p>
<p>32.13 It is considered that ROW5 which exists immediately to the west of this identified area, should also be closed.</p>	<p>Noted. Refer to response 32.2</p>
<p>32.14 State Planning Policy 7.0 Design of the Built Environment: The upgrade of ROW5 does not align with SPP7.0 Design of the Built Environment, specifically the 'Legibility' and 'Safety' principles, as follows:</p> <p>Legibility – “good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around”.</p> <p>Safety – “good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use”.</p> <p>The upgrade of ROW5 does not result in proper legibility, clear connections or easily identifiable elements. What will result with the upgrade of ROW5 is blank walls, backs of dwellings, rear fences and opportunity for rat running and reduction in security. Therefore, the upgrade of ROW5 does not comply with</p>	<p>Disagree. ROW 5 is linear and has no connectivity obstructions. Design measures can be introduced to address the matters raised in this submission. Notwithstanding, refer to response 32.2.</p>

<p>the Legibility principle of SPP7.0</p> <p>The upgrade of ROW5 does not meet the Safety principle, as it clearly does not optimise safety and security of residents and families living adjacent to ROW5, nor does it minimise the risk of personal harm. It would actually increase the risk of personal harm. Therefore, the upgrade of ROW5 does not comply with the Safety principle of SPP7.0.</p>	
<p>32.15 Practical Issues with Upgrading ROW5: The existing ROW5 is 5.03m wide. If the ROW was to be upgraded, it would have to be 6.00m wide as a minimum (consistent with Planning Bulletin 33/2017 and Liveable Neighbourhoods), and therefore, acquisition of land adjacent to it would be required. That can only occur through subdivision and development approval, via a condition under the TLA. The “horse has bolted” to apply the provisions of the TLA for a number of subdivided/developed properties in this precinct. As advised earlier, many original lots in this precinct have already been developed (as shown in Figure 1 above), and therefore, in many cases it is not possible to widen the ROW. For example, 61 Broadway and its immediately opposite property on the other side of the ROW, 56 Scaddan Street both have been developed with a rear dwelling being situated close to the respective rear boundaries. (Refer Figure 3 below). Widening of the ROW in this location would be problematic, as it would appear that the fence lines could not be moved because of the location and setback of the existing rear dwellings on those properties. The same applies to 63 Broadway and 58 Scaddan Street.</p>	<p>Noted. The Town has liaised with the Department of Planning, Lands and Heritage who have indicated that ROWs less than 6.0m wide may be dedicated subject to individual investigations following advice from the Department of Lands.</p>
<p>32.16 It is also potentially an issue at the eastern end of ROW5 adjacent to 7 and 9 Iolanthe Street (refer Figure 4, below) as ROW widening and required truncations at this location may compromise the existing dwellings that are constructed.</p> <p>So, as widening appears to be problematic in the first place, it is questioned why the Town is considering upgrade in this location, particularly</p>	<p>Noted. ROW widening would only be undertaken through increased setbacks required for future developments/ subdivisions and therefore will not have any impact on existing dwellings. Notwithstanding, refer to response 32.2.</p>

	when coupled with the potential increase in anti-social behaviour and reduction in resident safety and security.	
32.17	<p>It is concluded that the upgrade of ROW5 does not meet 'need and nexus' test, and the proposal to upgrade ROW5 also does not comply with the provisions of Planning Bulletin 33/2017.</p> <p>As our client and the majority of owners in this precinct, do not wish for the ROW5 to be upgraded, it is respectfully sought that the Town modify the Draft Strategy for ROW5 to be closed.</p> <p>We would appreciate receiving updates from the Town with respect to any changes being made to the Draft Right of Way Strategy, and when the Council will consider this Strategy in future.</p> <p>We will also make a further submission at the time the Draft Strategy is formally advertised for public comment.</p>	Noted. Refer to response 32.2.

**Object – ROW 5**

<b>33</b>	<b>Affected Property:</b> 7 (Lot 2) Iolanthe St Bassendean	<b>Postal Address:</b> 7 Iolanthe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
33.1	In regards the proposed draft rights of way strategy, the mentioned ROW adjoining our property would not be able to be widened to become a road as suggested in the document as our property only has clear space of 900mm from the boundary fence and services such as gas on the wall. The other issue is the ventilation on that wall with opening windows.	Noted. The recommendation for ROW 5 has been amended to closure.
33.2	In this instance the best options are to either maintain the grass, or to sell to adjoining properties. Having a road is not practical or wanted.	Noted.

**Object – ROW 5**

<b>34</b>	<b>Affected Property:</b> Omitted	<b>Postal Address:</b> Omitted
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		

34.1	We submit that the lane way Be closed for security reasons we believe it is not suitable for a road or walkway.	Noted. The recommendation for ROW 5 has been amended to closure.
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**Object – ROW 5**

<b>35</b>	<b>Affected Property:</b> 69 (Lot 776) Broadway Bassendean	<b>Postal Address:</b> 69 Broadway BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
35.1	We live at 69 Roadway Bassendean and ROW7 travels along our back fence. We note there was a petition presented to the council regarding this ROW. Although we did not sign the petition we agree with the request to close the ROW.	Noted. The recommendation for ROW 5 has been amended to closure.
35.2	In our view the ROW serves no useful purpose, A large number of the blocks have already been subdivided and have easy access to Scaddan Street or Broadway.	Noted.
35.3	The ROW is closed at one end and is rarely if ever used.	Noted.
35.4	It offers pedestrian access but is dark/overgrown and using the footpaths on Scadden/Broadway are a better option. It doesn't off access to the train station as the ROW between Iolanthe and Ida Street has already been closed.	Noted.

**Object – ROW 5**

<b>36</b>	<b>Affected Property:</b> 61 (Lot 772) Broadway Bassendean	<b>Postal Address:</b> 61 Broadway BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
36.1	I would like to submit a comment in regards to the right of way strategy for the laneway at the rear of my property. I do not want the laneway to become a road or a walkway as I do not believe it is necessary - as well as for security reasons.	Noted. The recommendation for ROW 5 has been amended to closure.
36.2	I believe a better option would be to close the laneway and gift the land to the landowners - or make an option for the land owners to purchase the land at the rear of their properties. I hope my comment is taken into consideration.	Whilst the Town has amended the recommendation to close ROW 5, the land cannot be gifted to adjacent landowners as the closure requirements of the <i>Land Administration Act 1997</i> are required to be met, including valuations and acquisition of the land from the



	State Government. Refer to the ROW Closure section of the Report.
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**Object – ROW 5**

<b>37</b>	<b>Affected Property:</b> 58A (Lot 2) Scaddan Street Bassendean	<b>Postal Address:</b> 58A Scaddan Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
37.1	My Wife and I live at 58A Scaddan Street and moved into our home in April 2021. When the block of land was purchased in October of 2019, as part of our due diligence, we spoke with Council representatives regarding the laneway and were assured it was not going to be altered.	Noted. In 2019 the Town did not have an adopted ROW Strategy to guide the strategic direction of ROWs in across the district.  It should be noted that the recommendation for ROW 5 has been amended to closure.
37.2	Partly because of this we acquired the land which was a Battleaxe block configuration. Construction on such blocks is often more expensive due to the access limitations for multiple vehicles at the same time. Our home has been constructed to the legal limit as permitted by town planning and the Council. We object to ROW # 5 being upgraded to a road for the reasons outlined below:	Noted.
37.3	1. It is unnecessary as the distance between Scaddan Street and Broadway is approximately 400 metres. Inserting another laneway with vehicular access will only lead to increased congestion in the mornings.	Noted. The intent of retaining and upgrading ROW 5 was to provide for alternative access for existing properties and future infill development, reducing traffic on the surrounding local road network.
37.4	2. 60% of residents affected are already battleaxe configurations. The opportunity that town planning is seeking by creating potential rear access for future developments has been missed. It is of no benefit to the majority of residents.	Noted. Whilst it is acknowledged that the majority of properties have been developed, the ROW Strategy is a long term strategic approach to development. Should increased densities occur in future, retention of the ROW would have provided development opportunities via additional points of access as incremental redevelopment occurs.
37.5	3. Noise pollution. As our house is built close to the fence line, any vehicles travelling down the laneway will have a significant negative impact on our right to quiet peace and enjoyment. We have noted the noise levels any time a council vehicle (or subcontractor) has travelled down this road and the noise inside the house is significant enough to notice.	Noted. The requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> are not applicable to public roads, but in any instance, the Town has revised the recommendation for ROW 5 to closure.

	<p>Our main bedroom is at the back of the house on the fence line and would be negatively impacted by this. Our windows are not double glazed as this additional cost was not deemed necessary during construction as the laneway was not being developed. Would council be willing to bear the costs of double glazing all the windows of affected residents, in addition to establishing sound barriers and improved fencing at Council's own cost?</p>	
37.6	<p>4. The laneway is 5 metres in width, narrower in parts and not useful for a dual carriageway. Our understanding is that the Council has previously removed the scope to compulsory acquire land for its purpose and our home is built to the legal limit. You would be in contravention of your own laws in attempting to gain additional land if you actually attempted to do this.</p>	<p>Refer to responses 32.15. There are no local laws relevant to this matter.</p>
37.7	<p>5. Negative impact on property value. We spent a considerable sum building our family home on a battleaxe block. Having a road virtually on our doorstep at the rear of the house that is of no use to either us or most residents would only decrease the property value due to the reasons outlined at point 2 and 3.</p>	<p>Noted. Property values are not a relevant planning consideration given their speculative nature. Secondary access via a ROW would likely increase property values should zoning/density changes occur, as it facilitates additional access points to support density in any instance.</p>
37.8	<p>6. Increased potential criminal activity. Currently the risk of individuals jumping fences and breaking into houses is low (although I would note that this has happened to one of the affected houses in the past year - you can check the Police reports). One of the reasons for this is that individuals cannot quickly get away on foot and/or take larger items. Having a paved road would allow greater access and the ability for individuals to getaway faster.</p>	<p>Noted.</p>
37.9	<p>7. Potential lighting hazards. Again, if the laneway were upgraded, I assume the lighting would be also and it would likely illuminate our backyards and bedrooms at night given the proximity of our home to the fence line.</p>	<p>Noted.</p>
37.10	<p>8. Security issues. Any CCTV monitoring may impact residents' right to privacy as the cameras may inadvertently capture the private residences in addition to the laneway. Council would have a duty of</p>	<p>Noted. The Town is not proposing the installation of CCTV.</p>

	care to ensure safety of its residents but additionally its residents right to privacy and points 7 & 8 would be difficult to achieve if the upgrade to the laneway were to proceed.	
37.11	I am not against other ROW's in Bassendean but in this instance, it makes no commercial sense to follow through on ROW # 5 given the commercial benefits to the majority of homeowners is already forfeit as outlined at point 2.	Noted.
37.12	Alternative Request: Our preference is that the ROW # 5 be permanently closed and the affected homeowners be allowed to purchase the land behind them in the laneway from Landgate. This makes greater use of the space, has no additional cost to council and would add value to existing home-owners whilst providing additional safety by removing rear access altogether. There is existing precedent for this in the town of Bassendean currently as this has previously occurred in recent history.	Noted. The Town has revised the recommendation for ROW 5 to closure.
37.13	Alternative Request # 2 If the first request is not permitted by Council then we would request the laneway be permanently closed and fenced off to remove access altogether.	Refer to response 37.12.

#### Object – ROW 5

<b>38</b>	<b>Affected Property:</b> 58A (Lot 2) Scaddan Street Bassendean	<b>Postal Address:</b> 58A Scaddan Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
38.1	I strongly object to the ROW5 laneway being upgraded to a road or walkway. For the following reasons.	Noted. It should be noted that the recommendation for ROW 5 has been amended to closure.
38.2	1. It is unnecessary to create another road between Iolanthe and Penzance. Scaddan and Broadway are so closely spaced together, so creating a road would only create more traffic hazards and congestion, especially during peak hour traffic.	Refer to response 37.3 above.
38.3	2. The road would require additional widening (if it were designated dual lanes) - which would not be possible due	Refer to response 37.1 and 37.2.

	to the closeness of houses to the laneway. In particular ours, which is built to the legal limit, would mean encroaching on what little backyard space we have and violate your own planning laws. It would also create noise pollution into our main bedroom and living areas.	
38.4	3. Security concerns. Creation of a paved laneway (which would see little use. See point 1) would give better access to undesirable activity in the area. Providing opportunists the accessibility for break ins and the ability to easily smash & grab and escape quickly. Our homes were not designed to be facing a road.	Refer to responses 32.7 and 32.9 above.
38.5	4. If it is the expressed intent by council that home-owners pay for the construction of the road. We will not be paying for this.	Refer to response 30.2.
38.6	5. It would devalue our property to have a rear laneway. At the time of purchasing the property, council insisted that the laneway would not be changing. This was in 2019, as such we constructed a battle-axe block.	Noted. Refer to responses 37.2.
38.7	6. 60% of homes on either side of the ROW are already divided into battle-axe configurations. Therefore creating a road/laneway/single laneway serves no benefit to any of its residents. If anything it would detract.	Refer to response 32.6 above.
38.8	7. Additional road rather than 'green' space. Bassendean council hold themselves to high regards to creating more 'green' space and developing more roads is not in the interest of the council.	The Town is currently preparing a Public Open Space (POS) Strategy to ensure adequate quality and quantity POS is provided to the community.
38.9	8. Creating a paved walkway would also serve no purpose due to the closeness of Scaddan and Broadway. We walk our dog daily around the block and see no benefit to creating a walkway in such close proximity.	Noted.
38.10	Retaining the ROW serves no current purpose. It costs the council funds to service the ROW (mowing) which could be used elsewhere.	Upgrading the ROW would remove the need for mowing the ROW.

<p>38.11 Therefore our preference would be to close the ROW and allow tenants on either side of the ROW5 to purchase the land from landgate. There is existing precedent for this from the other tenants in Bassendean and expired ROWs. This would allow residents to use the space as backyards for planting more trees. An aerial view of the block shows that more trees are needed. Failing this we would like the ROW to be closed at either end with fencing at either end to restrict access and provide security to residents.</p>	<p>Noted.</p>
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**Object – ROW 5**

<p><b>39</b></p>	<p><b>Affected Property:</b> 55 (Lot 769) Broadway Bassendean</p>	<p><b>Postal Address:</b> 55 Broadway BASSENDEAN WA 6054</p>
<p><b>Summary of Submission</b></p>		<p><b>Comment</b></p>
<p>Objection to the proposal.</p>		
<p>39.1</p>	<p>I would like to see the lane closed off for security reasons, it would be still easy to accommodate one land owner in Scadden street who is at No 62 the second house in from the Penzance entrance of the right of way, this land owner wants to have rear access for his caravan , before that it was for his boat, the lane could be closed east of his property fence line on the lane, that end of the lane needs little or no maintenance because of the rough gravelled section of the lane.</p>	<p>Noted. The recommendation for ROW 5 has been amended to closure.</p>
<p>39.2</p>	<p>Looking at the map provided from the web site to have that section of lane No 5 running from lolanthie street heading West to Penzance st makes no sense in turning it into a road or a green walk way,, the congestion of heavy traffic that llonathie street experiences each morning and each late afternoon would create even more traffic issues of people trying to enter or leave the lane, the lane is only a short distance, it would have made a lot of sense having the lane turned into a road if it ran all the way from Railway pde to Penzance street way back in the early 1990's, what we are looking at is the possibility of maybe 7 land owners down the track making use of the lane as a road to gain access to lolanthie street, economically and practically it make no sense because</p>	<p>Noted.</p>

	most properties have been developed with two or three house on the quarter acre block,	
39.3	Even the suggestion that the lane be turned into a green path way is really not practical as both Scadden st and Broadway have already a well used accepted paths that are used by the community that lead directly to the railway station, Right of Way No 5 is only approximately 300 meters long , to spend any money in turning the lane into a road or a walking path seems a total waste money when there is needed infrastructure up grades within the Town,	Noted. Whilst the Town has not proposed planting within ROWs, it is open to Council to amend the draft ROW Strategy to this effect.
39.4	Turning the lane way into a road when 18 residents have signed my petition requesting that the lane be closed , partial closure to accommodate the owner at 62 Scadden street would keep a lot of land owners happy would seem the preferred way to go	Noted.
39.5	Over the years most residents who have this lane at the back of their property will tell you its been a highway for people who break into their homes or use the lane as a escape route to avoid the police which has been the case again a few months ago with a home invasion. a lot of people have made their fences higher to make accessing their properties harder to enter, most of residents are wanting the Lane to be closed as the petition showed.	Noted.
39.6	Any upgrade to the Lane should not take place , there is little or no benefit to turn our lane into a road or a walk way and for the wider community, the decision should been have been made well before any rear housing constructions took place, it seems senseless now to consider any upgrades for a short section of lane that once upon a time run all the way east to Railway pde and the railway station from Penzance street,	Noted.
39.7	Council should provide any relevant information to land owners regarding lane closures with possibilities down the track to allow home owners to purchase a section of the lane backing onto their properties that has take place in lots of cases for many home owners in that	Noted. Should Council resolve to close the ROW, the Town would progress the closure process in accordance with the <i>Land Administration Act 1997</i> , which enables adjacent landowners the ability to purchase the relevant portion of ROW.

	section from lolathie street running East on the map see attachment.	
39.8	Part of the Lane way heading East as the photos below also show the lane stopping at lolanthie street heading East to Ida st where the lane now no longer exists is now shows housing constructed there where the lane once was before development has now closed that section of the lane Right of way No 6.	Noted.
39.9	See images below showing Lane right of way No 5 at the Penzance street end where the home owner accesses his boat from the lane access, please also note the higher fences built for added security by a lot home owners along the lane , plus homes built on the advice from TOB staff close to the fence line as shown in the last image, for any widening of the lane would put these home owners at great disadvantage having the fence basically very close to their homes would be difficult getting around their property making it difficult for doing maintenance.	Noted.

**Object – ROW 5**

<b>40</b>	<b>Affected Property:</b> 64 (Lot 1) Scaddan Street Bassendean	<b>Postal Address:</b> 64 Scaddan Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
40.1	I am the owner of 2 Penzance Street Bassendean therefore my comments are in reference to ROW #5, Lot 54. My husband and I purchased 64 Scaddan St with my parents, subdivided the property and built our home at 2 Penzance street and my parents live at 64 Scaddan street. We made this decision as a family with a view to being long term residents here in Bassendean. When we developed our property we knew there was an option to upgrade a portion of the ROW at our expense to provide vehicle access to our property via the ROW. We decided this option was not financially viable considering we had street access and an existing crossover to Penzance street.	Noted. The recommendation for ROW 5 has been amended to closure.
40.2	We were made aware that the ROW could possibly be upgraded in future and that we would need to ceed (sic) 500mm	Noted. The Town has prepared to draft ROW Strategy to ensure a coordinated approach to

	along this boundary to allow for the optimum width of ROW's although the planning officer indicated that it was unlikely that this would occur and that a closure of the ROW was more likely.	ROW management in future, including providing consistent advice on matters relating to ROWs.
40.3	We were hopeful that one day the laneway would close and that we would be afforded the option to acquire this land. We now have a young family and would love to acquire the land to provide more open space for our children to play. So if the ROW was to be upgraded and widened we would be disappointed to cede (sic) this land.	Noted. Refer to response 40.1.
40.4	If this ROW was to be upgraded we don't see how this would benefit the wider community considering there are great footpaths along both Scaddan and Broadway including the cycle lane on Broadway. I personally cannot see myself using the laneway. I really don't think surveillance would be sufficient enough to make me feel like it was a safe path to travel as a pedestrian and I think it's likely that the ROW would still be subject to the same level of antisocial behaviour that currently exists.	Noted.
40.5	As per item 6.2 size, it appears the draft strategy does not support widening the ROWs to 6m. If this is the case then am I right to assume that our existing non-permeable boundary fence could be retained and that only the properties who want vehicle access would need to realign their boundary fence?	Whilst the recommendation has been modified to closure, ROW upgrades can only occur once all land required for widening has been obtained, or the Department of Lands agrees to a ROW less than 6.0m wide. Such widening only occurs at the time of subdivision or development, which occurs incrementally over time as landowners redevelop properties, and therefore the Town would not be requiring the removal of existing structures, including boundary fences.
40.6	I can see how the upgrade could greatly benefit the remaining properties who haven't already subdivided, although it appears the majority of properties have already been developed and only time will tell if the remaining properties would even make use of the upgraded ROW for vehicle access. Currently I don't think many residents use the ROW but I do know my neighbours at 62 Scaddan street use it occasionally so we are mindful of that and don't want to deny them access.	Noted.
40.7	Without having any indication of the costs of all the options it makes it very difficult to pass comment on what I	Noted. The cost of acquiring land is determined by the Valuer General, and the Town therefore



	personally would prefer to happen with the ROW although I assume these costs will be estimated in due course so a more informed strategy can be commented upon.	cannot speculate as it would be based on current market values.
40.8	If the upgrade is to be partially paid for by all the adjoining residents then this would only make sense if it is going to be utilised, otherwise we are just adding another hot sealed road to our community instead using it as an opportunity for potential green space in residents backyards.	Noted. Refer to response 39.3.
40.9	For now we would prefer the ROW to remain as it is. Our second option would be to have the ROW closed and hopefully we can acquire the extra land. At this stage we don't support the recommendation to upgrade ROW 5.	Noted.

#### Object – ROW 5

<b>41</b>	<b>Affected Property:</b> 9 (Lot 3) Iolanthe Street Bassendean	<b>Postal Address:</b> 9 Iolanthe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
41.1	I live at 9 Iolanthe Street Bassendean, and I am writing to comment Town of Bassendean Draft Rights of ROW Strategy. I read your proposed strategy, and I have a few comments on it. To bring your attention, recently, residents living alongside the ROW5 sign and submitted a petition against transforming this particular ROW into public open space or even road.	Noted.
41.2	Creating public open space is a poor decision and will not benefit another resident. It will not solve antisocial issues, including burglary, illegal dumping. It will cause frustration for one who lives nearby. Moreover, the cost for maintenance of those rows will be astronomical, which ends increasing the council rate.	Noted. The recommendation for ROW 5 has been amended to closure.
41.3	Transforming those rows into a public road is even more absurd and will increase traffic volume, pollution, and noise in our neighborhood. For example, Iolanthe Street has become a highway and shortcut for drivers from other	Noted. The Town has no control over car ownership.

	suburbs, creating heavy traffic congestion. With all my respect to the council, the executive management team should look at reducing the volume of cars to make our suburb safer.	
41.4	I want to see a proposal with a maximum speed of 40 km/h, which other councils such as the City of Vincent and the City of Bayswater already implemented. Compared with other councils, for example, the City of Bayswater started installing more slow points and roundabouts into local providing safer neighbourhoods.	Noted. Whilst outside the scope of this Strategy, the Town can consider requests for traffic calming in accordance with its Traffic Management Treatment Policy and Guidelines.
41.5	In my opinion, to maximize the use of the ROW5, the best decision for both parties will be closure. It will guarantee the best result for the community and reduce the maintenance cost for the Town of Bassendean. As a successful closure example, approximately 20 years ago, rows running alongside 49 Iolanthe Street were transformed into residents' ownership.	Noted.

#### Object – ROW 5

<b>42</b>	<b>Affected Property:</b> 60 (Lot 41) Scaddan Street Bassendean	<b>Postal Address:</b> 60 Scaddan Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
42.1	Submission for Row 5, Section; Abutting Lot 42 DP24275, 60 Scaddan Street, Bassendean. As the property owner, I would like to purchase this section. There is no reason to retain/upgrade it as a ROW. It is wasted space, not used and only leads to antisocial behaviour (illegal property access has occurred in the past).	Noted.

#### Comment – ROW 5

<b>43</b>	<b>Affected Property:</b> 67 (Lot 775) Broadway Bassendean	<b>Postal Address:</b> 67 Broadway BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment		
43.1	I reside at 67 Broadway (Lot 775 Water Corp.) I am not able to close the ROW at	Noted. The recommendation for ROW 5 has been amended to closure.

<p>Penzance Street because my neighbours directly behind me on Scaddan Street need to have it open so they can take out their caravan as necessary. Simple maintenance is required only.</p>	
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#### ROW 8 Submissions

#### **Object – ROW 8**

<b>44</b>	<b>Affected Property:</b> 10 (Lot 102) Kathleen St Bassendean	<b>Postal Address:</b> 10 Kathleen Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
44.1	I live in the Kathleen st and I use the R.O.W as my access to my garage to my house, this is inconvenient as in most cases when I try to reverse my car to manoeuvre out of my property I stand a risk of being hit by a passing car in the ROW lane. My garage is so wrongly situated and I worry constantly about how to correct it.	Noted.
44.2	Most drivers are usually speeding when driving in ROW and this is just an accident waiting to happen.	Noted. Speeding should be reported to the WA Police.
44.3	I was told when they built the house that I could not have the driveway on Kathleen st, it had to be on the ROW, which is not ideal.	Noted. The Town has prepared to draft ROW Strategy to ensure a coordinated approach to ROW management in future, including providing consistent advice on matters relating to ROWs.
44.4	I am asking the council to close the ROW and draft a new strategy for the people of Bassendean who are affected by ROW.	Whilst the Town acknowledges your concerns, ROW 8 is required to be retained as additional access points to Guildford Road would unlikely be supported by Main Roads WA. Reducing access to a primary regional road such as Guildford Road is preferable from a safety perspective and to provide for the uninterrupted flow of traffic.

#### ROW 9 Submissions

#### **Comment – ROW 9**

<b>45</b>	<b>Affected Property:</b> 169 (Lot 14) Guildford Road Bassendean	<b>Postal Address:</b> 169 Guildford Road BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
45.1	I congratulate the Shire on this undertaking. After determining which of them need to be closed, upgraded or	Noted. Once dedicated as public roads, the Town's <i>Parking Local Law 2019</i> would be applicable to ROWs, which would enable the

retained, would it be possible to go a little further and ban casual parking in them by nonresidents. It can be very aggravating to find a vehicle casually parked at your garage door and then have to find someone to remove same. Not a new problem. I have lived here since 2003 and have often encountered this problem.	Town to restrict the obstruction of the carriageways.
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**Comment – ROW 9**

<b>46</b>	<b>Affected Property:</b> 1 (Lot 17) Kathleen St Bassendean	<b>Postal Address:</b> 1 Kathleen Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
46.1	I live at 1 Kathleen Street. I have lived there since 1985. Some time ago the council lowered the ROW next to my house by up to 30-45 cms in places. I have photos to prove this. They promised to build a retaining wall but never did. When my fence inevitably collapsed, council did nothing to help me. They even sent one of their staff to harass me. I got around the council but it cost me about \$12,000.	Noted. This matter is outside of the consideration of this Strategy.
46.2	If Council wants to claim my ROW they can pay for the costs of a retaining wall thanks.	Noted. The recommendation for ROW 9 is retention.
46.3	Also the council allowed other people on Kenny Street in my ROW to build large garages at the back of their properties even though they had no legal access on their titles. I think these people need to play to have given access. The money from which can be used to buy the ROWs in private ownership.	Noted. The Town is aware that some properties adjoining ROW 9 do not currently have lawful access. The draft ROW Strategy seeks to retain ROW 9 and dedicate it as a public road, formalising legal access to all properties.

**Comment – ROW 9**

<b>47</b>	<b>Affected Property:</b> 26 (Lot 7) Kenny Street Bassendean	<b>Postal Address:</b> 26 Kenny Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
47.1	The Draft Strategy only presents for Councillors consideration a proposal to abolish all existing ratepayers rights (by implication at ratepayer's request) in order to better provide an avenue to	Noted.

<p>protect the general public, including those same ratepayers from:</p> <ul style="list-style-type: none"> <li>• Overgrown vegetation and fire risk</li> <li>• Vandalism and antisocial behaviour</li> <li>• Reduced amenity</li> <li>• Illegal dumping and storage of materials.</li> <li>• Overall lack of management of ROW's including fencing disputes.</li> </ul>	
<p>47.2 The strategy proposes to use the land resumption and road closure and dedication process to have a ROW declared a public road under the management of the Town of Bassendean, and use those management powers to resolve the Ratepayers problems.</p>	<p>Noted.</p>
<p>47.3 The resumption process requires:</p> <ul style="list-style-type: none"> <li>• Notice to all ratepayers abutting that ROW,</li> <li>• A moderate level of agreement,</li> <li>• Consideration by the TOB of what it considers reasonable objections,</li> <li>• Certification by the ToB of 10 years of continuous public use up to the time of the application,</li> <li>• Details of the section or sections of the public who have had that (public) use.</li> </ul>	<p>The ROW closure and dedication processes are in accordance with sections 52 and 56 of the <i>Land Administration Act 1997</i> respectively.</p>
<p>47.4 Certification of the last two items should be made a by a staff member with a means of knowledge, only after due enquiry (and, as it is done in the name of the Council), not lightly given.</p>	<p>Noted.</p>
<p>47.5 The rights created 147A of the TLA included the home owner's visitors, tradespersons, goods deliveries and any other person invited by the owner.</p>	<p>The Town is not aware that Section 147A exists. Section 147 of the <i>Transfer of Land Act 1893</i> relates to inspections of certificates of titles. The Town is also aware of the implied right easements provided to ROWs in accordance with Section 167A of the <i>Transfer of Land Act 1893</i>.</p>
<p>47.6 Persons engaging in nefarious activities do not have visitor status nor they acquire rights by prescription, and LGA staff and police are either invitees or exercising a statutory duty, or trespassing.</p>	<p>Noted.</p>
<p>47.7 The law relieves the ToB from liability to pay compensation to any person suffering from the loss of the rights</p>	<p>Noted.</p>

	resumed, including the owner of the ROW.	
47.8	<p>The Land Administration Act also provides that the ToB may resume a ROW and so become the title holder to that land with the existing ratepayer's rights remaining intact.</p> <p>6B. Certain rights of way vested in local governments, status of etc.</p> <p>To avoid doubt, it is declared that if —</p> <p>(a) land was or is taken or resumed and vested in a local government for the purpose of a right of way or a right of way and recreation, and not a road; and</p> <p>(b) the land comprising the right of way or right of way and recreation has not been or is not dedicated as a road under a written law,</p> <p>the land —</p> <p>(c) is and since it was vested in the local government has remained a right of way; and</p> <p>(d) the common law relating to the creation of a public right of way by way of dedication and acceptance has never applied and does not apply to the land so as to dedicate the land as a public right of way.</p>	Noted. The Town is not seeking to further dedicate ROWs, and is instead seeking to convert existing deceased estates or ROWs into public roads.
47.9	As owner the ToB will have a far better capacity to remedy the issues that the ratepayers have raised.	Noted.
47.10	The ToB could also quickly and legally formalise grants acquired by abutting owners by use and similar rights to developers of land also abutting that ROW	There are no such grants available.
47.11	<p>Antisocial behaviour in dead end ROW's could be kerbed by the installation of electrically controlled gates at the cost of the ratepayers so benefited.</p> <p>The presentation of such a scenario by the ToB will enhance its perception of being a sharing and caring organisation, and result in more consents and support from the ratepayers.</p>	Noted.
47.12	Using another process, which could create a model for the future, the ToB could negotiate a purchase of the 10 ROW's in one ownership by negotiation with the executors of the deceased owners.	Noted. The Town is proposing to following the processes in accordance with the <i>Land Administration Act 1997</i> in respect to acquisition of ROWs.

<p>47.13 The ToB could offer to pay them not for the land, which would cause the executors a complex search for beneficiaries, but instead pay the executors for the time and effort spent in the negotiations and (hopefully) transfer,</p>	<p>The Town is not acquiring land. Where closure is proposed, it is the responsibility of the landowner to pay the valuation of the land as determined and agreed by the Valuer General.</p>
<p>47.14 The two processes above were identified in a letter to the former Mayor Renee McLennon in July 2019, and discussed with her, and the CEO. I included in that letter</p> <p><i>“I seek discussions with you and the CEO again to discuss changes to the ROW policy, and a form of Charter whereby each recommendation to Council for a decision includes all the available options with brief statements of time and legal restraints, finances, and any consequent reduction in ratepayer’s rights or imposition of financial or other burdens.</i></p> <p><i>The changes are necessary to avoid a repeat of the process that has been used in this case.</i></p> <p><i>I again offer my assistance to the appropriate committee.”</i></p>	<p>Noted. It is the responsibility of the CEO to provide recommendations to Council, in accordance with the <i>Local Government Act 1995</i>.</p>
<p>47.15 Despite that offer, I have not had any contact on the new strategy, so instead of repeating to the ToB what I think is a better way for the town to solve many if not all of its ROW issues, I ask you the elected Councillors to consider adding this process as a second priority to out right purchase when the strategy is discussed by yourself and your Councillor colleagues. I remain ready to provide more information.</p>	<p>Noted.</p>

ROW 12 Submissions

**Object – ROW 12**

<p><b>48</b></p>	<p><b>Affected Property:</b> 107 (Lot 2) Old Perth Road Bassendean</p>	<p><b>Postal Address:</b> 107 Old Perth Road BASSENDEAN WA 6054</p>
<p><b>Summary of Submission</b></p>		<p><b>Comment</b></p>
<p>Objection to the proposal.</p>		
<p>48.1</p>	<p>I just wanted to say that I would be interested in purchasing part of the ROW so I could build a double garage to accommodate two cars (something we currently cannot achieve). We'd also look into building some sort of studio for our</p>	<p>Noted.</p>

elderly parents when the time comes to care for them.	
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ROW 14 Submissions

**Support – ROW 14**

<b>49</b>	<b>Affected Property:</b> Omitted	<b>Postal Address:</b> Omitted
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
49.1	Further to our conversation regarding the Town's plan for the ROW, I want the status of the ROW (back lane) to remain as is, that is too remain as currently used to enable rear access to my property.	Noted. The recommendation for ROW 14 as per the Strategy is retention.

ROW 15 Submissions

**Support – ROW 15**

<b>50</b>	<b>Affected Property:</b> 46 (Lot 122) Parker Street Bassendean	<b>Postal Address:</b> 46 Parker Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
50.1	We recently discussed at TOB office regarding my properties that abut ROW #15. My husband and I wish to submit an expression of interest as owners of Lot 122, 46 Parker Street, Bassendean to purchase/lease the portion of ROW #15 that abuts the West side of our property.	Noted.

**Support – ROW 15**

<b>51</b>	<b>Affected Property:</b> 38 (Lot 118) Parker Street Bassendean	<b>Postal Address:</b> 38 Parker Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
51.1	We recently discussed at TOB office regarding my properties that abut ROW #15. I wish to submit an expression of interest as owner of Lot 118, 38 Parker Street, Bassendean to purchase/lease the portion of ROW #15 that abuts the West side of my property.	Noted.

**Support – ROW 15**

<b>52</b>	<b>Affected Property:</b> 40 (Lot 119) Parker Street Bassendean	<b>Postal Address:</b> 40 Parker Street BASSENDEAN WA 6054
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Summary of Submission	Comment
Support to the proposal.	
52.1 We recently discussed at TOB office regarding my properties that abut ROW #15. During our discussion I mentioned that I had tried for several years (from late 2015) to obtain the lease of the ROW that abuts my property as the abutting property (43 Kenny Street, Bassendean) was being sold.	Noted.
52.1 To date, no final outcome or correspondence from my last email to the Water Corporation in 2017 has been received with the new owners of the said property currently using the ROW (Easement, as the Water Corp refer to it as). No notification from the Water Corp has ever been given to advise that the new owners had applied or have leased the ROW.	Noted. The Water Corporation is the landowner for ROW 15 and the Town will liaise with the Water Corporation following adoption of the ROW Strategy to progress the recommendation for this ROW. cooperation for the disposal and acquisition of ROW 15.

#### Support – ROW 15

53	<b>Affected Property:</b> 49 (Lot 162) Kenny Street Bassendean	<b>Postal Address:</b> 49 Kenny Street BASSENDEAN WA 6054
Summary of Submission	Comment	
Support to the proposal.		
53.1	My property — 49 Kenny St, Bassendean — encapsulates Row 15. The land has been in our ‘backyard’ since we purchased the property in 2012. Our back fence line sits on the ROW; however, we did not erect it there. The fence was there when we purchased the house.	Noted.
53.2	I would like to know more about the process re: acquisition of the land given its rating of ‘closure’, particularly the costs associated and timeframe associated with it.	Noted. Refer to ‘Closure Process’ section in the Report.
53.3	Based on the information provided, I need to express an interest through the consultation process. Please accept this email and an expression of interest.	Noted.

#### Comment – ROW 15

54	<b>Affected Property:</b> 52 (Lot 125) Parker Street Bassendean	<b>Postal Address:</b> 52 Parker Street BASSENDEAN WA 6054
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Summary of Submission	Comment
Comment.	
<p>54.1 In relation to the ROW behind our property at 52 Parker Street Bassendean, I note that the level of the soil on the western side of our rear boundary has increased considerably over the last 30 years, evidenced by the damp mark visible during winter months. This has caused our boundary fence to lean and crack. Our neighbours at number 54 advised that they have had to prop their rear boundary fence with stakes.</p>	<p>Noted. The draft recommendation for ROW 15 is for closure. Water Corporation, as the landowner of ROW 15, is responsible for maintenance. The Town recommends you liaise with the Water Corporation in this respect.</p>
<p>54.2 All indications from Landgate are that our boundary abuts but does not encroach upon the ROW which is reportedly owned by Water Corporation with an existing easement.</p>	<p>The easement is in place to protect existing Water Corporation assets. Should the Water Corporation agree to the closure, it is likely the easement will remain in place and no development could occur over the land (other than fencing to delineate the new lot boundaries).</p>
<p>54.3 It would be helpful if Water Corporation could address the fencing problem.</p>	<p>The Town recommends you liaise with the Water Corporation in this respect.</p>

#### ROW 16 Submissions

#### **Support – ROW 16**

<b>55</b>	<p><b>Affected Property:</b> 24 (Lot 1) Cyril Street Bassendean</p>	<p><b>Postal Address:</b> 24 Cyril Street BASSENDEAN WA 6054</p>
Summary of Submission	Comment	
Support to the proposal.		
55.1	<p>With reference to the draft rights of way strategy we as residents of 24 Cyril St would like to inquire regarding the potential to purchase a section of Lot 108 adjacent to our property. The area in question, Lot 108, has in the past been poorly maintained and owing to the boundary with our property we see this access as a safety concern for persons to access the rear of the property. There have been several occasions of dangerous driving down this access way and antisocial behaviour given its proximity to Guilford Road.</p>	<p>Noted. The recommendation for ROW 16 has been amended to upgrade, with bollards to be installed at the intersection of ROW 16 and Guildford Road. The ROW Strategy seeks to deliver a coordinated approach to ROW maintenance. Closure and acquisition of ROW 16 would rectify maintenance issues. Any anti-social behaviour should be reported to the WA Police. The Town does not support the entry/exit onto Guildford Road from ROW 16 as it presents a vehicle sight line/safety issue.</p>
55.2	<p>The proposed purchase would be the section up to the boundary of lot 24 (as in the below image), we would like to use the additional land to further our aim to be self-sufficient with an expansion to</p>	Noted.

our vegetable garden with the potential to add in fruit trees and a chicken coop. We believe that this would be a better use for this land and help to reduce our environmental impact as a household.	
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**Object – ROW 16**

<b>56</b>	<b>Affected Property:</b> 29 (Lot 250) Shackleton Street Bassendean	<b>Postal Address:</b> 29 Shackleton Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
56.1	RE: Town of Bassendean Draft Rights of Way Strategy – Request for Comment, specifically ROW16. As the landowners of 29 Shackleton Street, Bassendean, we do not support the move for ROW16 to be closed. Some of the key objections are outlined below.	Noted. The recommendation for ROW 16 has been amended to retain and upgrade, with bollards to be installed at the intersection of ROW 16 and Guildford Road.
56.2	• More than one property abutting ROW16 has infrastructure (sheds) that require the ROW for access, particularly Car Trailer access.	Noted.
56.3	• ROW 16 has WC Sewer infrastructure that requires permanent easement which would restrict how the land could be used if purchased by landholders.	Agreed. It is likely the easement will remain in place and no development could occur over the land.
56.4	• The group of 4 dwellings to the North West of ROW16 (abutting) use the ROW for ingress/egress rather than Guildford Road. (safety Reasons)	Noted.
56.5	• The Closure would be in conflict with ATCO gas comments from consultation (see below)	Whilst it is noted that ATCO Gas indicated a preference to have ROWs containing their infrastructure dedicated as public roads, mechanisms such as easements can adequately protect their infrastructure. Any formal ROW closures would include referrals to the relevant service agencies, where ATCO Gas would be provided the opportunity to comment. In any instance, the recommendation has been amended to retain and upgrade.
56.6	• ROW16 has multiple abutting properties that could be subdivided, taking advantage of the ROW for access and therefore supporting the “development of infill dwellings strategy”	Noted.
56.7	• ROW16 can be considered to have good connectivity as per the “Rights of Way Strategy October 2021” and	Agreed.

therefore meets several outlined criteria to be favoured for retention and upgrade.	
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**Object – ROW 16**

<b>57</b>	<b>Affected Property:</b> 27 (Lot 340) Shackleton Street Bassendean	<b>Postal Address:</b> 27 Shackleton Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
57.1	We submit the following as per your request for comment dated 22 October 2021. As the longest (of 28 years) owner/occupiers of a residence (1932 build) abutting ROW 16 we are aghast and in shock over its possible closure (Strategy Option 7.1). We have a lockable garage/shed which houses a licenced tandem trailer and a licenced 47 year old car which has features in All Ford Day at Bassendean Oval. The only vehicular access is via ROW 16. The location of the garage, the design and its plans were duly approved by Council when constructed in 2005. It is the only garage we have the rear of our 1341 sqm. Block has no other access other than a small gate.	Noted. The Town has investigated and approval was granted with access off the ROW. It should be noted that the recommendation for ROW 16 has been amended to retain and upgrade, with bollards to be installed at the intersection of ROW 16 and Guildford Road.
57.2	In our talks with neighbours adjoining this ROW, only one household did not mind closure. We understand some of their concerns and our views in a letter to reflect some similar aspects in a letter to Mr Phillip Adams dates 29 June 2019 (copy attached) who responded by telephone saying it had been noted. Nothing further resulted.	Noted.
57.3	This ROW historically and through custom and practice has been extremely useful for many including trade access, deliveries e.g. via cranes of items and flexible access for infill buildings (including our rear in the future. There is a myriad of examples..	Noted.
57.4	As per our previous 2019 correspondence we have no objection to bollards at Guildford Road end and even currently no objection to lockable/collapsible types at Cyril Street (as utilised in Bayswater). This approach may appease those with concerns.	Noted.

57.5	Alternatively we would be happy with the ROW being turned into cul de sac McKinley Lane style. Please see copy of the 1992 consideration attached.	Noted.
57.6	We appreciate the high standard of improvements to Bassendean over recent years and we with other would like to be informed on how we can further advocate our position and provide input to avoid the "lane" closure. This is the third time this issue has been addressed in our time here. We trust you can sense our level of concern. We hope all parties see satisfactory outcomes in this ROW Strategy..	Noted. Refer to response to 57.1.

**Object – ROW 16**

<b>58</b>	<b>Affected Property:</b> Omitted	<b>Postal Address:</b> Omitted
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
58.1	I am writing with regard to the proposal to close ROW16 (Bounded by Guildford Road and Cyril Street). Myself and multiple other residents have sheds and garages opening onto this land and strongly disagree with the proposal to close this as it would directly impact our ability to access these.	Noted. In the absence of property details being provided, the Town has been unable to investigate this matter further.  It should be noted that the recommendation for ROW 16 has been amended to retain and upgrade, with bollards to be installed at the intersection of ROW 16 and Guildford Road.
58.2	I would suggest upgrading this or retaining as is, but strongly protest this proposal to close it.	Noted.

**Object – ROW 16**

<b>59</b>	<b>Affected Property:</b> 2/101 (Lot 2) Guildford Road Bassendean	<b>Postal Address:</b> 2/101 Guildford Road BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
59.1	The most maintenance we have observed is mowing and whipper snipping 4 times a year and occasionally spreading wood chips on the dirt track, so that it levels out the surface for vehicles to drive on .	Noted. The recommendation for ROW 16 has been amended to retain and upgrade, with bollards to be installed at the intersection of ROW 16 and Guildford Road.
59.2	We are 1 of 3 houses who share one driveway onto Guildford Road. It can be quite hazardous as cars are trying to enter onto Guildford Road from Shackleton Street and also vehicles	Noted.

	turning into Shackleton Street, at times holding up traffic directly outside the front of our driveway. Having the laneway gives us access to Cyril Street during peak times without causing danger accessing and exiting Guildford Road.	
59.3	I know our neighbour at 1/101 Guildford Road feels exactly the same way & his property actually backs onto the laneway & uses this laneway to gain entry into the side of his property.	Noted.

ROW 18 Submissions

**Object – ROW 18**

<b>60</b>	<b>Affected Property:</b> 78 (Lot 32) Kathleen Street Bassendean	<b>Postal Address:</b> 78 Kathleen Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
60.1	The right of way allows access from Kathleen St to Eileen St. A sewer main runs beneath the ROW with a couple of manholes in place. Over the years it is a problem in that it requires regular maintenance i.e. slashing, weed control (Calthrop), fire hazard and access for undesirables. Drug paraphernalia has been located on the odd occasion. I have maintained the section adjoining Kathleen St. Weed control, mowing and watering to keep dust down.	Noted. Given the ROW is held in deceased estate, the maintenance responsibility has remained ambiguous. The ROW Strategy seeks to rectify this. Anti-social behaviour should be reported to WA Police.
60.2	Several years ago the adjoining private land owners made a submission to Council to have the ROW closed. Land to be distributed to adjoining interested property owners.	Noted.
60.3	The Water Authority at the time was not interested in having the adjoining land amalgamated with its land.	The Water Corporation seeks to protect its assets in ROWs, and the Water Corporation may have formed this view as a result of the existing open drain abutting this ROW. Should the draft recommendation be adopted by Council, the Town would liaise with the Water Corporation as to the proposed closure.
60.4	I am in favour of closing the ROW for safety and security of adjoining property owners. Requisite caveats could be placed on any land use so as to protect the utilities in place. Furthermore amalgamation would reduce costs incurred by the Council in maintaining this ROW.	Noted. Easements are typically used to restrict development over infrastructure and to provide for access for maintenance.

**Comment – ROW 18**

<b>61</b>	<b>Affected Property:</b> 5/63 (Lot 56) Eileen Street Bassendean	<b>Postal Address:</b> 5/63 Eileen Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment.		
61.1	In relation to the right of way adjacent to my property, I, of Unit 5/63 Eileen Street, Strata Plan 31081, offer this proposal for your consideration. I propose to erect a new colorbond fence 2.5 metres wide that runs parallel to the existing asbestos fence of my property into the laneway, leaving a balance of 3.5 metres access for other traffic needs. The new fence would include erecting access gate at the front of this unit and would finish and be closed off adjacent to the start of the Water Corporation catchment area.	The submitter is not the legal owner of the ROW and cannot lawfully develop the land for any purpose without the owner's consent. ROW 18 is currently held in deceased estate.

ROW 19 Submissions**Support – ROW 19**

<b>62</b>	<b>Affected Property:</b> 55 (Lot 10) Chapman Street Bassendean	<b>Postal Address:</b> 55 Chapman Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
62.1	I have received by mail the town's ROW draft. We occupy 55 Chapman Street, close to ROW 19 on your plan.	Noted.
62.2	Would this plan include potential abolishment of the water corp easement that bisects our block, giving us the option to purchase the ROW?	Noted. The Water Corporation is the responsible authority for their assets and easements have been used to protect infrastructure. The Draft ROW Strategy is not proposing to remove easements, and should the ROW be closed, the easements would likely remain. Easements do not prevent the acquisition of land.
62.3	If this is the case, we are definitely in favour of the Draft plan, as it gives us options on our rear parcel of land which is hard to find a use for otherwise.	Noted.
62.4	Any other basic info/ anticipated timeframes would be well appreciated.	Refer to responses 4.7 and 7.4.

ROW 22 Submissions**Support – ROW 22**

<b>63</b>	<b>Affected Property:</b>	<b>Postal Address:</b>
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	33 (Lot 772) Guildford Road Bassendean	33 Guildford Road BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
63.1	I am owner of 33 Guildford Rd, which is adjacent to ROW 22. Since purchasing the property in 1997 I have considered my subdivision options but have decided against it because I felt that providing access to Guildford Rd degraded the liveability of both of the new properties. When rear access was provided to my neighbours, and to a lesser extent myself, it became more attractive, but the need for a pathway to Guildford Rd for post and rubbish disposal was still a concern.	The recommendations of the ROW Strategy support rear access from ROW 22, subject to upgrades.  The requirement for pedestrian access to the primary road is often required by Australia Post, however, the Town can review this matter in formulating a future local planning policy for design guidelines for development abutting ROWs. Should the ROW be dedicated as a public road, it is likely to resolve these matters.
63.2	The wasted and messy ROW behind my property has always been a significant inconvenience and at times a nuisance with loose sand, weeds, and dumped rubbish accumulating there. The sooner this area is upgraded into a proper access road, the better. When it becomes an official plan, then I will make my own subdivision plans official. I am not likely to pursue a substandard division plan knowing that both properties will have been compromised by redundant technicalities.	Noted.

#### ROW 22 – Support

<b>64</b>	<b>Affected Property:</b> 35 (Lot 773) Guildford Road Ashfield	<b>Postal Address:</b> 35 Guildford Road ASHFIELD WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
64.1	I am the owner of 35 Guildford Road, Ashfield and back onto ROW 22. My wife and I 100% support the retention and upgrade of this row behind our home. We lived in the property in 2017, before relocating to Brisbane for work but we always saw the opportunity the rear laneway could provide a number of benefits that include:  - Create a more permeable neighbourhood, by allowing both vehicle and pedestrian access;	Noted. Zonings will be reviewed as part of the review of the Local Planning Framework, which is currently underway.



<ul style="list-style-type: none"> <li>- Improve safety around the IGA / Ashfield community precinct through better lighting;</li> <li>- Enable infill development to boost residential density in close proximity to the train station and community hub (we support an upzoning of our area);</li> <li>- Opportunity to challenge our views on rear lanes and create a place in it's own right for shoppers / residents around the Ashfield hub through public art / landscaping;</li> <li>- Catalyst for new investment in Ashfield to create trendy cafe / retail / mixed use hub near the train station.</li> </ul>	
<p>64.2 Our intention for our property is to support and promote the rezoning of our property and the surrounding homes to enable investment and residential density. We bought into the area, because we are passionate about housing choice for people in the Town of Bassendean and we feel we could make a difference by not compromising quality to deliver choice. We love the concept of tight terrace housing that brings the community together (similar to terrace homes below) and reduce the demand for cars in Perth.</p>	<p>Noted. The ROW Strategy is intended to support a diversity of housing typologies by providing rear vehicle access.</p>
<p>64.3 The upgrade of the ROW is a positive step in the right direction to keep growing our community hubs and bringing new people, new investment and new energy to the town.</p>	<p>Noted.</p>
<p>64.4 1. Opportunity to re-think rear lanes to enable homes to front and be serviced from the ROW - 23 Phelps Lane, Mt Lawley (Realestate.com.au)</p>	<p>Noted.</p>

Service Agencies

<p><b>65</b></p>	<p><b>Affected Property:</b> Various</p>	<p><b>Postal Address:</b> Department of Communities</p>
<p><b>Summary of Submission</b></p>		
<p>Comment</p>		
<p>65.1 The Department of Communities thank you for the opportunity to provide comment on the draft strategy. It is recognised that there are many issues associated with ROW's, not only within the town, but across local authority areas. The department supports the town's</p>		

attempts to provide strategic direction on the ongoing use and management of the ROW's within its local area.

65.2 Communities' asset implications

Communities' assets impacted by the draft strategy have been identified in the below spreadsheet.

ROW	Recommendation	Address	Number of units on site
2	Retain & Upgrade	Lot 20 (120) First Avenue	5
7	Retain & Upgrade	Lot 7670 (2) Scaddan Street	2
7	Retain & Upgrade	6-8 Scaddan Street	13
17a	Retain & Upgrade	Lot 100 (35) Cyril Street	10
18	Retain & Upgrade	Lot 33 (76) Kathleen Street	3
19	Closure	Lot 6 Hatton Court	7
22	Retain & Upgrade	Lot 100 (34) Maidos Street	12
22	Retain & Upgrade	Lot 67 (26) Maidos Street	2
21	Retain & Upgrade	Lot 511 (14) Maidos Street	8
21	Retain & Upgrade	Lot 200 (10) Maidos Street	3

65.3 With the exception of Lot 6 Hatton Court, where Communities has a shared equity ownership in one of the dwellings, all other sites and dwellings are in the freehold ownership of the department.

65.4 The department supports the recommended outcomes for the relevant ROW's. It should however be noted that, with the exception of 2 Scaddan Street, Communities' assets have all been developed to its full development potential and are generally in a good condition. The likelihood of these site being redeveloped over the short term is low.

65.5 General comments

Based on its experience with the regularisation of ROW's across local authority areas, the department strongly suggests that the town play a coordinating role in the implementation of the proposals. This is suggested for both the desired outcomes. By way of example; With the closure of ROW's landowners are often responsible for survey costs. These costs, especially when the amendment of strata plans are required, may be inhibitive to owners. If coordinated and shared between owners the process can be expedited to the benefit of all owners. Similarly, a coordinated approach to ROW's adjoining freehold lots, may have cost benefits for owners. On the other hand, a clear framework for costs sharing to upgrade ROW's may encourage owners to use these for access to support land subdivision. Ultimately delivering new and alternative housing opportunities in the area.

<b>66</b>	<b>Affected Property:</b> Various	<b>Postal Address:</b> Department of Planning, Lands and Heritage
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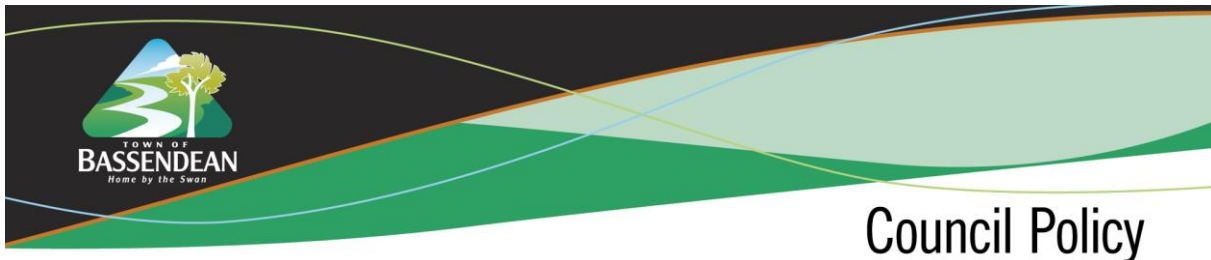
**Summary of Submission**

Comment

66.1 Thank you for your letter of 27 October 2021, inviting the Department of Planning, Lands and Heritage (the Department) to provide comment on the Town of Bassendean's (the Town's) draft Rights-of-Way Strategy (the draft Strategy).

66.2 The Department has reviewed the draft Strategy and notes its intent to guide and determine the ongoing use and management of Rights-of-Way within the Town. Clause 5.7 of the

	<p>Strategy states “the Strategy will be used to inform recommendations and advice to the WAPC on future subdivision applications”. As a follow-up to the formal request for comments, the Town has also requested advice as to whether the Department “would support road dedication where the width of the Right-of-Way is less than 6m in any instance”.</p>
66.3	<p>The Department confirms it would not support requests for widening beyond the requirements of the WAPC’s Planning Bulletin 33/2017 – Rights-of-way or Laneways in Established Areas, unless the requirement forms part of a WAPC endorsed instrument such as a local planning strategy or, depending on the extent of widening required, a local planning scheme.</p>
66.4	<p>The WAPC recently endorsed the Local Planning Strategy Guidelines (Guidelines) in October 2021, which sets out guidance and expectations in regard to the preparation of local planning strategies. Under the Guidelines, it is expected that issues and opportunities within a local government area should be considered through one consolidated strategy, as opposed to a series of individual issue-based strategies.</p>
66.5	<p>As such, it is recommended that requests for RoW widening at subdivision stage are supported by appropriate provisions in the Town’s local planning strategy and/or local planning scheme. Further, it is recommended that the Town undertake a needs assessment to determine the extend of upgrades, if any, to existing rights-of-way to provide vehicular access to infill development. The Department would be happy to meet with the Town to discuss these matters further.</p>
66.6	<p><b>Subsequent Email Correspondence</b></p> <p>Yes, the Land Use Planning division of the Department would support dedication of RoWs less than 6 metres wide. There are myriad examples of dedicated 5 metre wide RoWs across the Perth metro area. Dedication of RoWs less than 5 metres would, however, need to be considered on a case by case basis, where there are appropriate measures in place to overcome constraints – i.e, one way access, passing lanes etc.....</p> <p>Notwithstanding the above, the dedication process is ultimately the responsibility of the Land Use Management division of the Department (i.e – the former Department of Lands) and the Minister for Lands.</p>



## **1.6 Maintenance of Rights of Way Policy**

### **Objective**

To ensure that rights of way in the Town of Bassendean are maintained in an accessible and safe condition.

### **Policy**

The Town of Bassendean recognises the rights of adjoining owners to access rights of way within the Town.

All rights of way under the care and control of the Town of Bassendean will be maintained in a clean and serviceable condition. Council will also maintain all rights of way owned by deceased estates.

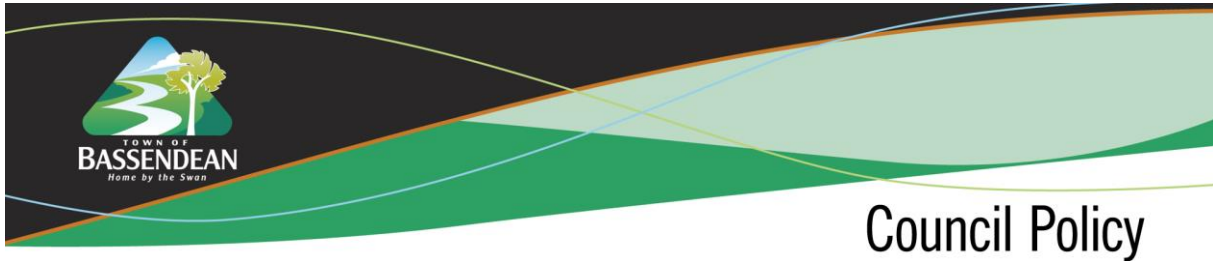
Council will take reasonable steps to ensure that all other rights of way not under the control of the Town of Bassendean will be maintained in a clean and serviceable condition by encouraging the owners to undertake the maintenance and/or to contribute to the cost of maintenance. Council will contact all owners of rights of way totally or partly owned by other parties to ensure that maintenance is undertaken to appropriate standards.

Twice yearly, servicing will occur to rights of way which will include excess rubbish removal, mowing of overgrown weeds and grasses, perimeter weed spraying, and levelling of grossly uneven areas.

An appropriate budget allocation will be made annually to allow this program to proceed.

### **Application**

The Chief Executive Officer (CEO) has the authority to administer the requirements of this policy. The CEO has on-delegated this authority to the Manager Asset Services. The Policy is to be reviewed every three years.



<b>Policy Type:</b> Strategic Policy	<b>Policy Owner:</b> Director Operational Services
<b>Link to Strategic Community Plan:</b> Town Planning & Built Environment	<b>First Adopted:</b> OCM – 8/5/01
	<b>Last Review Date:</b> March 2014
	<b>Version 1</b>
	<b>Next Review due by:</b> December 2016

## 1.20 Right-of-Way Closure

### Purpose

The purpose of this policy is to:

1. State the matters that Council is required to take into consideration when assessing requests to close rights-of-ways; and
2. Ensure that Council's policy is integrated with the policies of the Western Australian Planning Commission and the Department of Land Administration, both of which are involved in right-of-way closure requests.

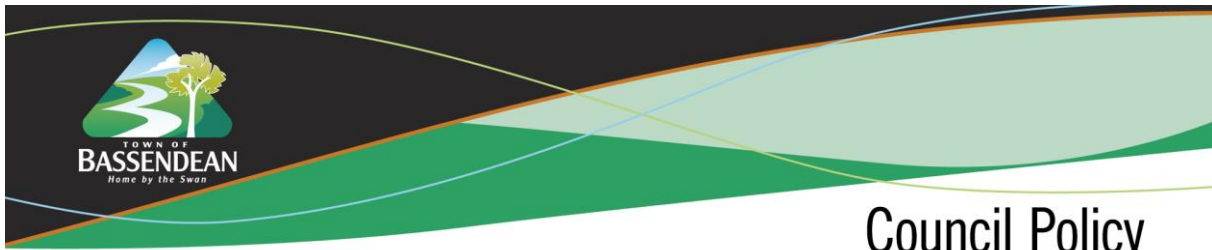
### Background

The Town of Bassendean originally contained 24 rights-of-way that were created to provide access to the rear of adjoining properties. They also facilitated the servicing of backyard toilets, the delivery of solid fuels and the provision of other essential services.

The majority of rights-of-way were created as part of the original subdivision of the surrounding properties, and are in private ownership. They are not owned or controlled by the Town. They are private rather than public streets, and generally may only be legitimately used by the landowners of adjoining properties. The original subdividers of the land owned many of the rights-of-way and these companies no longer exist.

Advantages of retaining rights-of-way include:

- \* They provide an alternative convenient access to properties, especially those properties fronting important regional roads;
- \* They may contain public utility infrastructure;
- \* They have the potential to allow carports and garages to be provided at the rear of the properties that can lead to improved streetscapes; and
- \* They could have the potential in the future to be used to facilitate the development of infill dwellings at the rear of existing residences, which utilises the right-of-way as their sole vehicular access to the dedicated street network.



On occasions, the Town is asked to close rights-of-way. Reasons for the requests include:

- \* They are no longer required to give access to adjoining properties;
- \* They are poorly maintained;
- \* They are used for illegal dumping;
- \* They give unwanted access to the rear of properties and are used for anti-social/criminal behaviour; and
- \* To increase the area or development potential of adjoining properties.

Often adjoining property owners cannot agree on whether or not a right-of-way should be closed.

The closure of rights-of-way or more properly private streets is governed by the *Land Administration Act 1997* and involves the Town of Bassendean, the Western Australian Planning Commission, and the Department of Land Administration.

## **Application**

This policy applies to all requests to close rights-of-way within the Town of Bassendean.

## **Relationship to the Western Australian Planning Commission and the Department of Land Administration Policies**

This policy is consistent with Western Australian Planning Commission and the Department of Land Administration policies on the closure of right-of-way

## **Objectives**

The objective of this policy is to ensure that consideration is given to both the short-term and long-term impacts of right-of-way closure requests.

## **Principles**

Closure of a right-of-way shall not proceed generally where:



## Council Policy

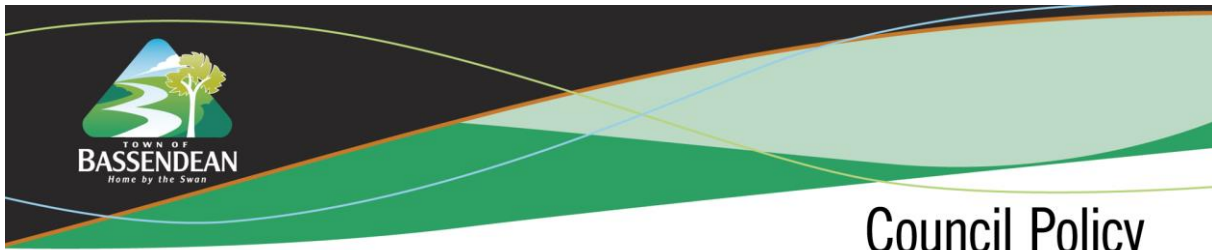
- \* safe rear access is provided by the right-of-way to properties on Important Regional Roads;
- \* the right-of-way is clearly used for access to small lots with limited street frontage;
- \* the right-of-way is constructed;
- \* the right-of-way provides the only means of access to an approved garage or carport;
- \* the right-of-way has the potential either now or in the future to be used to facilitate the development of infill dwellings at the rear of existing residences;
- \* agreement cannot be reached for the acquisition and inclusion of the subject land into adjoining properties;
- \* arrangements have not been made to protect or relocate any public services located within the right-of-way;
- \* reasonable objections by adjacent property owners and owners and residents of properties served by the right-of-way have not been satisfactorily addressed; and
- \* relevant transport and planning considerations have not been taken into account and issues raised by Department for Planning and Infrastructure and other relevant government departments have not been properly considered.

In addition to the above, closure of a right-of-way shall not proceed without:

- \* referral to, and preliminary agreement by, the Department for Planning and Infrastructure;
- \* referral to service agencies; and
- \* A resolution from Council recommending closure.

Amalgamations of Crown land with adjacent freehold properties must be effected by subdivisional plan, which requires approval by the Western Australian Planning Commission. Where the Commission opposes amalgamation, closure cannot proceed.





As a general principle, each adjoining landowner should have an opportunity to share equally in the land in a closed right-of-way. This principle does not apply where services requiring easements dictate unequal land allocations for good planning reasons.

## **Policy Provisions**

### **Preliminary Assessment**

Each request to initiate closure action of a right-of-way shall be reported to Council to enable the Council to decide whether the request should be supported and to allocate a work priority to that request. As part of this assessment Council officers will provide an initial assessment against the policy principles contained with this policy.

## **THE CLOSURE PROCESS**

### **Consultation with Adjoining Landowners**

Where Council decides that a request to initiate closure action of a right-of-way should be progressed, Council officers will carry out consultation with adjoining owners in accordance with the Land Administration Act 1997.

### **Department for Planning & Infrastructure Referral**

Council will provide the Department for Planning & Infrastructure with a copy of the initial assessment. Where there is objection from the Department, a report shall be presented to Council for consideration to seek advice as to whether Council should ask for the matter to be reviewed by the Western Australian Planning Commission.

It should be noted that where the approval of the Commission cannot be obtained, the closure cannot proceed.

### **Other Referrals**

Comments will be sought from other relevant public authorities and service agencies with regard to service relocation and easement requirements.

## **Purchase and Disposal Arrangements**

During the preliminary stages, Council staff will request Department of Land Administration to provide an upfront conditional purchase price based on market values in the absence of service relocation or easement costs, so that the adjoining landowners can be informed as soon as possible. The purchase price may be reduced depending on the impact of any easements or costs to relocate services.

## **Town of Bassendean's Considerations**

In forming its view on a proposed closure; Council will have due regard to:

- a) the objectives, policy principles and policy provisions of this policy; and
- b) the advice of relevant public authorities and parties, including the Department for Planning & Infrastructure.

## **Administration Fee**

Council will charge the applicant a deposit, which will be used to meet closure costs incurred by Council and must be paid prior to Council carrying out its initial assessment.

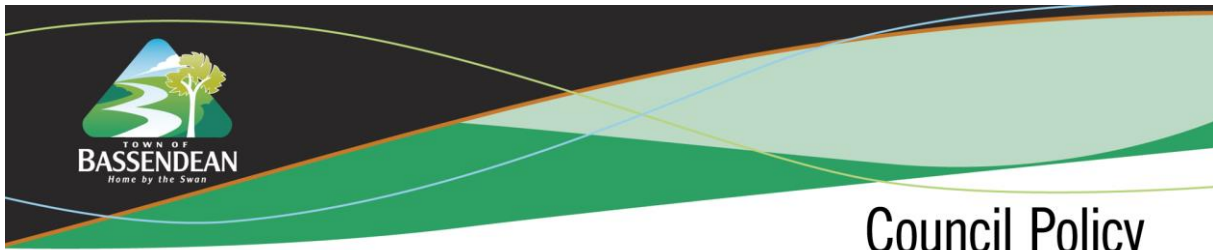
Expenses over and above the deposit will be invoiced to the applicant and must be paid prior to Council's final resolution for closure. Any unused monies shall be returned to the applicant.

The amount of the deposit is included in Council's Schedule of Fees and Charges and shall be reviewed annually and updated in relation to the CPI, if necessary.

## **Application Procedure**

The applicant shall provide:

1. A statement from the majority of landowners adjoining the right-of-way indicating that they support the right-of-way being closed;
2. A statement from the landowners adjoining the right-of-way indicating that they agree with the proposed land distribution and agree to meet the costs of acquisition, including any relocation of services; and
3. The administration fee.



# Council Policy

Note: Where a number of owners will benefit from the closure of a right-of-way, division of costs must be privately agreed between all parties.

## Advice to the Department of Land Administration and Finalisation of Closure

Council shall confirm its recommendation to the Department of Land Administration. Where Council’s recommendation is to support the closure request the Department will finalise the matter with the affected landowners.

## Advice to Adjoining Landowners

Council will advise the adjoining landowners by letter of its recommendation to the Department of Land Administration in relation to closure, including the reasons for its recommendation.

## Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Town Planning and Built Environment</p>	<p><b>Responsible Officer:</b> Chief Executive Officer and Manager Development Services</p> <p><b>Last Reviewed:</b> March 2014  <b>Version 2</b>  <b>Next Review due by:</b> December 2016</p>
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# **ATTACHMENT NO. 2**

**Policy Number: Local Planning Policy No 2**  
**Policy Title: Sustainable Development**

**1. Citation**

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. x – Sustainable Development.

**2. Policy Statement**

The Town recognises the increasing importance of sustainable development and its benefits including reduced greenhouse gas emissions, reduced utility bills and an increased natural comfort level for occupants. Simple yet effective measures can be implemented to minimise energy and water use, enabling the Town to create a more sustainable future.

**3. Policy Objectives**

- (a) To enact Clause 4.3.1.2 of Local Planning Scheme No. 10 (LPS 10), which relates to development of land designated with a split residential density code on the scheme map.
- (b) To clearly outline the criteria and design standards for the sustainable design of residential development; providing a framework for assessing whether residential developments have adopted sustainable design principles.
- (c) To encourage and facilitate sustainable built form development throughout the district.

**4. Application**

This policy applies to applications for development approval for land that is designated with a split residential density code under Local Planning Scheme No. 10 (LPS 10), and seeks approval at the middle or higher residential coding.

It applies to applications for single houses, grouped dwellings and multiple dwellings (up to an including R35 only) but not to applications for multiple dwellings in areas coded R40 and above, which will be assessed against State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments.

**5. Definitions**

NatHERS: *the Nationwide House Energy Rating Scheme which measures a home's energy efficiency to generate a star rating. It is one option to demonstrate compliance with the minimum energy efficiency standards for new buildings outlined in the Building Code of Australia. For further information, see [www.nathers.gov.au](http://www.nathers.gov.au)*

Rain Garden: *a garden comprising native shrubs, perennials and flowers planted in a small depression to filter and treat stormwater runoff.*

## **6. Policy Requirements**

### **6.1 New Dwellings**

6.1.1 Each new dwelling shall achieve a minimum 70 efficiency points as assessed against the checklist contained as Attachment A, or alternatively, comply with all of the following requirements:

- (a) Each individual dwelling shall demonstrate a NatHERS star rating (or other comparable star rating measurement tool which is accredited by the National Construction Code / Building Code of Australia) which is one star in excess of the current energy efficiency requirement of the Building Code of Australia specified for a class 1A building.
- (b) The NatHERS (or other accredited equivalent) star rating for the dwelling shall be certified by a NatHERS (or other accredited equivalent) energy assessor using the NatHERS (or other accredited equivalent) software and shall be provided as part of the application for development approval.
- (c) Each dwelling shall be provided with a minimum 3kw photovoltaic solar panel system.
- (d) Each dwelling shall be provided with a minimum 3,000L capacity rainwater tank that is plumbed to either a toilet or laundry within the dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation / ground water recharge.
- (e) Installation of electric vehicle charging points (3-phase power) or the capacity for electric vehicle charging points to be installed at a later time.
- (f) A rain garden with an area no less than 2% of the roof cover. For example, a dwelling with 100m<sup>2</sup> of roof cover will require a rain garden of at least 2m<sup>2</sup>.

6.1.2 Roof structures are to have the following maximum solar absorptance ratings:

- Flat roof structures that are not visible from the street or adjacent properties – 0.4.
- Pitched roof structures or roof structures that are visible from the street or adjacent properties – 0.6, unless otherwise required by Local Planning Policy – Heritage and Character, a Conservation Management Plan and/or a Heritage Assessment.

## 6.2 Retained Dwellings

Where an existing dwelling is proposed to be retained as part of a development, the retained dwelling must be upgraded to incorporate all of the following sustainable elements:

- (a) A minimum 3kw photovoltaic solar panel system; and
- (b) A minimum 3,000L capacity rainwater tank that is plumbed to either a toilet or laundry within the dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation / ground water recharge; and
- (c) Installation of electric vehicle charging points (3-phase power) or the capacity for electric vehicle charging points to be installed at a later time; and
- (d) A rain garden with an area no less than 2% of the roof cover. For example, a dwelling with 100m<sup>2</sup> of roof cover will require a rain garden of at least 2m<sup>2</sup>.

### Document Control

<b>Directorate</b>	Community Planning
<b>Business Unit</b>	Development and Place
<b>Inception Date</b>	<b>[Insert OCM RESOLUTION NO &amp; DATE]</b>
<b>Version</b>	
<b>Next Review Date</b>	February 2024

## Attachment A: Sustainable Development Policy Credit Point Checklist

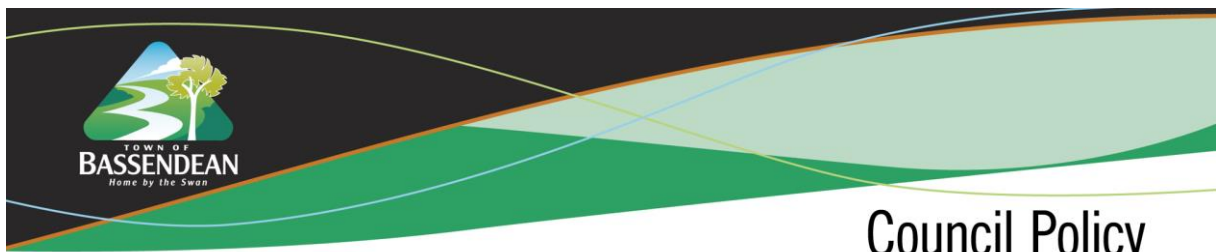
Proposed Development: \_\_\_\_\_

Address: \_\_\_\_\_

	Design Element	Credit Point Available	Credit Points Claimed	Comments
1.	Orientation - longest axis east west.	10		
	<i>Orientation of dwelling excluding garage and any associated storage area.</i>			
2.	North facing courtyard (or balcony for upper floor apartments), and main living areas.	12.5		
	Windows to living areas occupying a min 50% of the north facing wall.	12.5		
	<i>A roof overhang is to be provided beyond the main living area windows which is of a sufficient depth to provide shading to these openings during summer but which does not project to an extent so as to unreasonably block direct solar access during the winter months (e.g. for full height sliding doors, solid roofing is not to extend more than 2.4m beyond the sliding doors).</i>			
3.	Windows to bedrooms minimised in area and south facing. One bedroom window is permitted to face north.	15		
	<i>The available points are apportioned between the number of bedrooms that are contained within each respective dwelling. For example, a 3 bedroom dwelling which incorporates two bedrooms each with south facing windows (minimised in area) and a third bedroom with a window facing east or west would achieve a score of 10 points.</i>			
4.	Eastern and western walls are either blank or only have openings to non-habitable utility rooms.	10 (east) 10 (west)		
	<i>It is acknowledged that windows may need to be located on eastern or western facing walls for the purpose of cross ventilation. Where a secondary window to a habitable room is located on an eastern or western wall and is kept beneath 1 square metre in area, points will not be deducted for such windows.</i>			
	<i>Where the only window to a habitable room is located on an eastern or western facing wall, 5 points will be deducted for each opening, irrespective of size.</i>			
	<i>Where a patio or verandah roof projects a minimum of 3m beyond an east or west facing opening to a habitable room, points will not be deducted in relation to that opening.</i>			



5.	60% of all habitable rooms shall be cross ventilated through the provision of windows on walls that have opposing orientations.  (i.e. a bedroom with a south facing window and a secondary window of under 1 square metre on a western or eastern facing wall)	10		
<i>Part credit points are not allocated for this criterion.</i>				
<i>An open plan living / dining / kitchen area is treated as one room.</i>				
6.	The provision of either a solar pergola or solar hot water heating system or photovoltaic solar panel system.	15		
<i>Where a solar pergola is to be provided, it is to be positioned to the northern side of the main windows of the main living area of the dwelling and the louvres are to be fixed and positioned at 34 degrees to north.</i>				
7.	Landscaping design and plant selection to demonstrate compliance with low water use gardening principals.	5		
<i>A landscape plan is to be prepared by a relevant industry professional and is to be submitted in conjunction with the application for development approval.</i>				
<b>TOTAL</b>		<b>100</b>		<b>Score ≥ 70</b> Yes / No



## **LOCAL PLANNING SCHEME NO. 10**

### **LOCAL PLANNING POLICY NO. 2 - ENERGY EFFICIENT DESIGN**

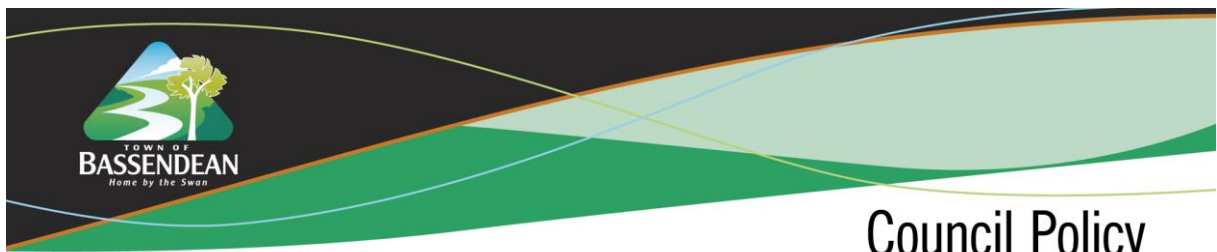
#### **1.0 OPERATION OF THIS PLANNING POLICY**

- (a) This planning policy has been prepared in accordance with Part 2 of the Town Planning Amendment Regulations 1999.
- (b) This policy does not bind the Council in respect of any application for planning approval but the Council will have due regard to the provision of the policy and the objectives which the policy is designed to achieve before making its determination.
- (c) If a provision in this policy is inconsistent with the:
  - (i) Building Code of Australia, then the higher provision shall prevail.
  - (ii) Residential Design Codes this Policy shall prevail in respect of Development at the higher density.
- (d) This policy applies only to split density coded land as designated on the gazetted Scheme map.
- (e) This policy may also be used by landowners wishing to construct energy efficient dwellings.

#### **2.0 PURPOSE OF THIS POLICY**

The purpose of this policy is to:

1. Clearly outline the criteria Council regards as having energy efficient benefits in the design of residential dwellings.
2. To provide a basis to encourage those building Residential Dwellings in Bassendean to design energy efficient building(s).
3. State the design standards Council will have regard to when considering higher densities on land zoned with split density code under its Town Planning Scheme.



## Council Policy

### **3.0 APPLICATION OF THE POLICY**

This policy shall be applicable where to all land where split density codes prevail and the application for the highest density code is being considered by Council.

### **4.0 BACKGROUND**

#### **4.1 Energy Efficient Design Principals**

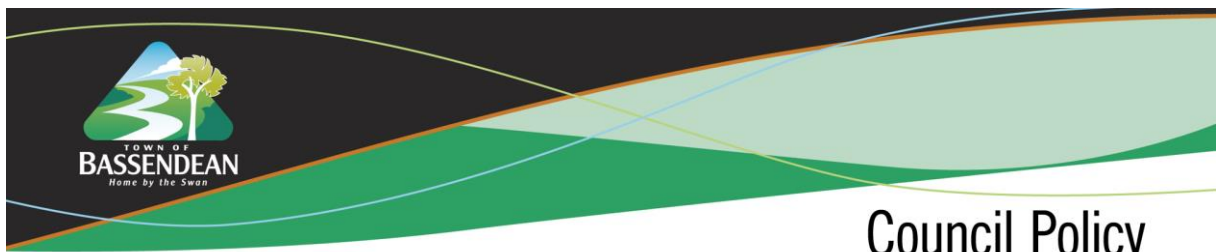
There are several advantages to living in an energy efficient home – saving money on energy costs being the most obvious. Other benefits include reducing the impact on the environment through the decreased use of fossil fuels, the increased comfort of effective natural lighting and ventilation and the improved resale value of dwellings due to lower power bills they create.

The principal means to ensure energy efficiency is to design dwellings to suit the local climate. By taking advantage of free natural warmth from the winter sun and cooling from breezes, it will reduce the costly use of fossil fuel energy for heating and cooling. Careful building design can easily achieve internal temperatures 5°C warmer in winter and 10°C degrees cooler in summer than in typical, poorly designed homes in the southwest.

Any style of home can be designed for energy efficiency, to ensure savings on future energy costs, and to assist the environment. The main features of energy efficient housing relate to:

- Building orientation
- Internal room layout
- Window placement, sizing and shading
- Use of insulation
- Ventilation
- Draught proofing
- Use of heat absorbing building materials
- Landscaping
- Use of energy efficient appliances.

Most features such as improved layout, appropriate window placement and sensible garden design, will make little difference to initial building cost. Although insulating a house will add initially to construction costs, the savings in energy and carbon emissions will make for a positive return over the life of the building. It would be false economy to do otherwise.



## **4.2 Project Homes –vs- Individual Designs**

While it is easier to incorporate energy efficiency features if dwellings are designed specifically to a particular lot of land, Council recognises that this could significantly add to the cost of construction. However, in some cases this is unavoidable and economic cost does not justify a relaxation of this policy where higher density codes are being sought by applicants.

Nevertheless there are excellent opportunities to meet basic energy efficient principals even with a standard project house. There are many standard house designs available which would allow good energy efficiency, provided they are built facing the right direction. A minor modifications such as moving or reducing the size of windows or relocating the carport, along with good insulation, may be all that's needed to reduce unnecessary and expensive energy use and act to noticeably create increased internal comfort levels.

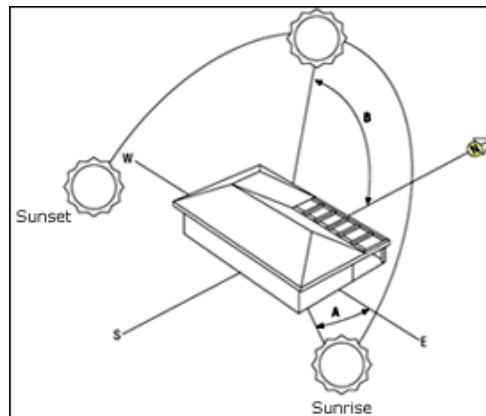
## **5.0 POLICY PROVISIONS**

### **5.1 Orientation**

One of the major principles of energy efficient building design is to allow the sun's heat into a building in winter while excluding it during the long hot days of summer. This can be achieved because the angle of the sun changes from season to season.

In summer the sun rises earlier, south of due east and climbs high in the sky before setting south of due west. Major summer heat gain occurs through the roof and through the east and west windows and walls of the home. In winter the sun rises later, north of due east and stays low in the northern sky before setting north of due west. North facing windows and walls receive maximum winter sun and warmth.

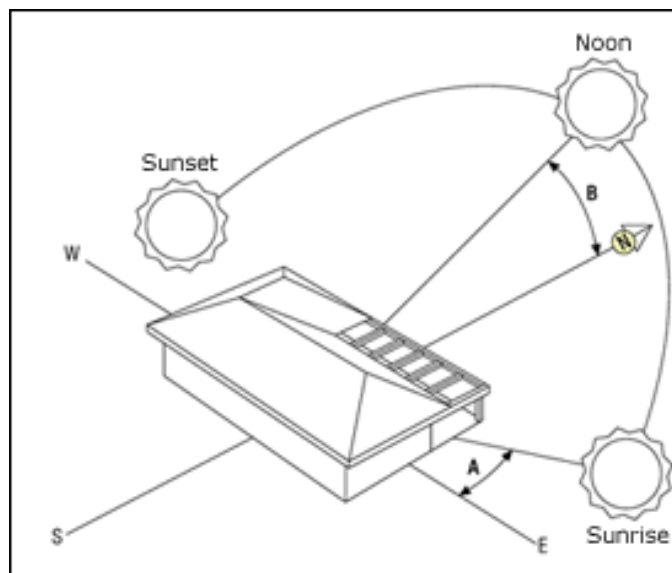
## The Sun's Movement during summer (Dec)



Legend:

	Horizontal Rise /Set Angle (A)	Noon Altitude (B)
Perth	28.5° south	80.7°

## The Sun's Movement during winter (Jun)



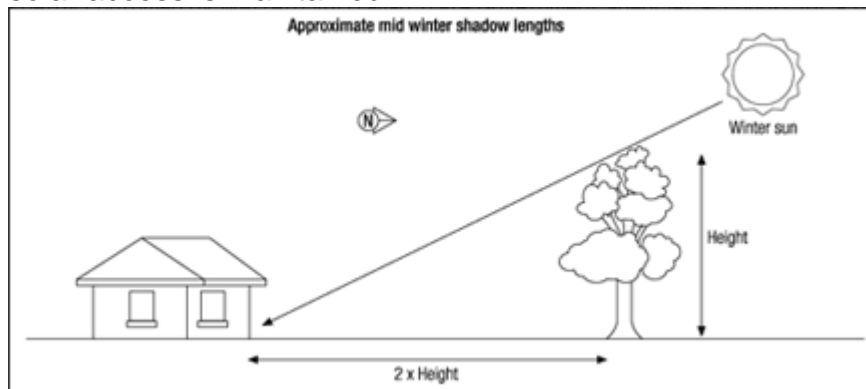
Legend:

	Horizontal Rise/ Set Angle (A)	Noon Altitude (B)
Perth	27.8° south	34.2°

## Council Policy

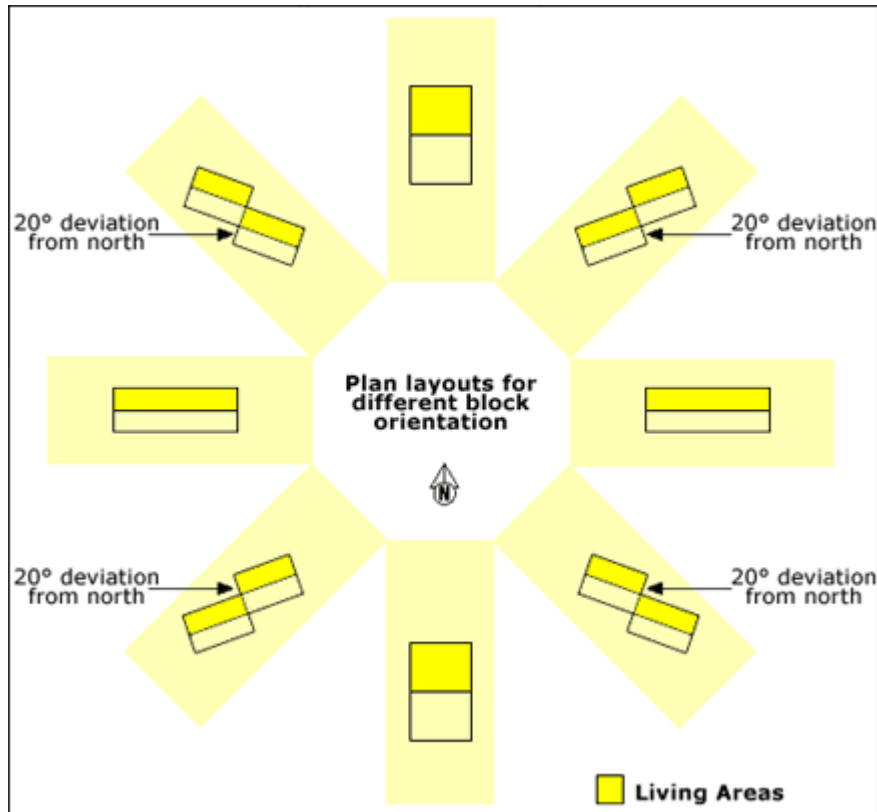
For residential development, it is recommended that land which permits the living areas of the dwelling to face north, be free of obstructions such as buildings or evergreen trees on this side of the home. Orientation is the key factor in achieving energy efficient design. While items such as pergolas, shutters and insulation can often be retro-fitted at a relatively low cost, the orientation of a building is often set in 'concrete' and if poorly orientated it is virtually impossible to correct.

Objects cast a shadow southwards approximately twice their height in mid-winter, and it is therefore essential that sufficient allowance is made between tall objects and the north side of a dwelling to ensure that winter solar access is maintained.



The ideal lot layout is one with the rear courtyard/garden facing north.

However, there are a number of ways of varying the design of a house and its interior layout to optimise solar orientation.

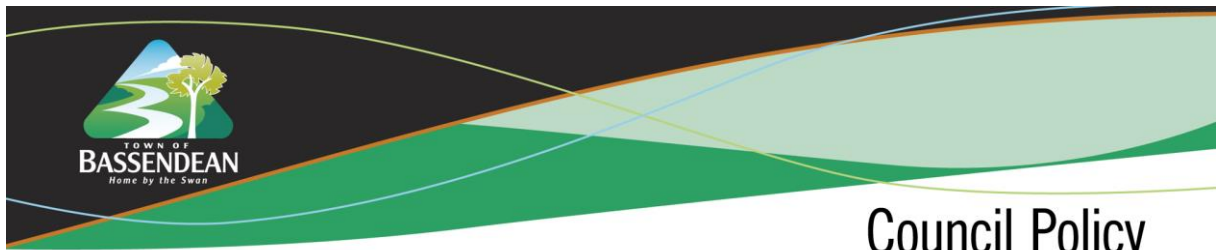


To achieve the design goal of optimal energy efficiency, an effective rule of thumb for a house in the southwest is to have north and south facing walls 1.5 to 2.0 times the length of east and west facing walls. This allows reasonable access to the winter sun from the north of the home, while reducing the exposure of walls and windows to early morning and late afternoon sun on the east and west sides of the home.

True north is the ideal orientation for windows. However, if the eaves are designed correctly, windows oriented between approximately 20° east or west of north still allow good solar penetration in winter while excluding most of the direct summer sun.

## 5.2 Internal Room Layout

Indoor living and entertaining areas should be oriented on the north side of the home where possible, with other rooms to the south. This will create warm and bright living areas in winter since north facing windows and walls receive maximum winter sun. The south side of a house receives a small amount of direct sun in summer, and therefore by locating bedrooms to the south, will be more comfortable for sleeping in summer.



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Rooms should be grouped with similar uses together to create zones and doors be used to separate these zones. This type of design is more energy efficient than open plan living because you can close off rooms which are cooled or heated from those that are not.

It is recommended that the kitchen, laundry and bathrooms be grouped together in order to minimise the need for long hot water pipes. This will reduce the amount of heat lost from the pipes.

### 5.3 Windows and Shading

Appropriate window placement, sizing and shading are key elements to energy efficient design. Windows can act as solar collectors trapping heat from the sun, which is useful in winter but not in summer. They ventilate during summer, funnelling cool late afternoon and night time breezes to remove heat accumulated during the day and are an important source of light.

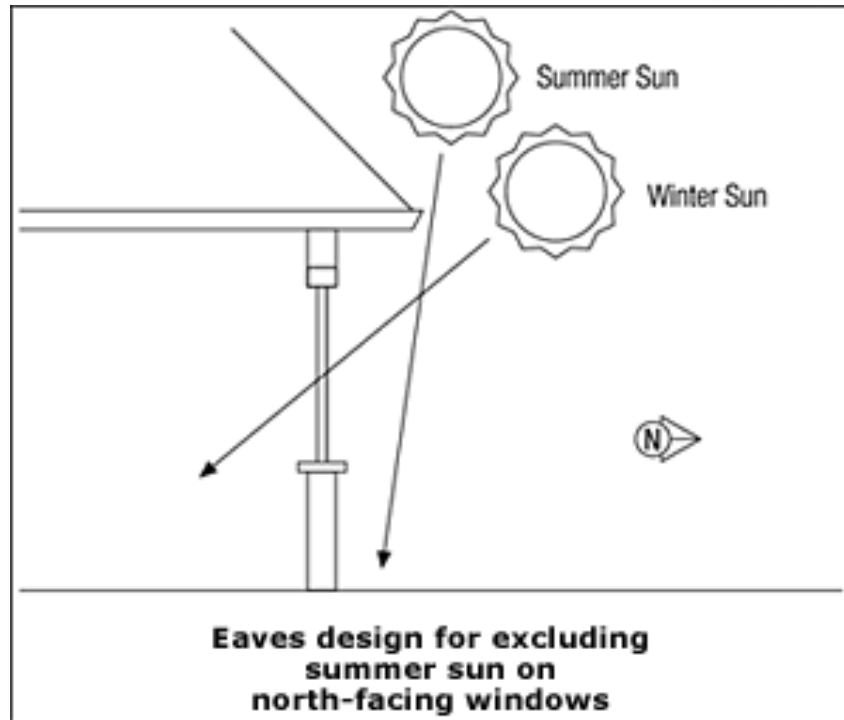
A balance needs to be struck between controlling the sun's access and allowing adequate cross ventilation from breezes, as well as allowing natural light to enter.

### 5.4 North Facing Windows

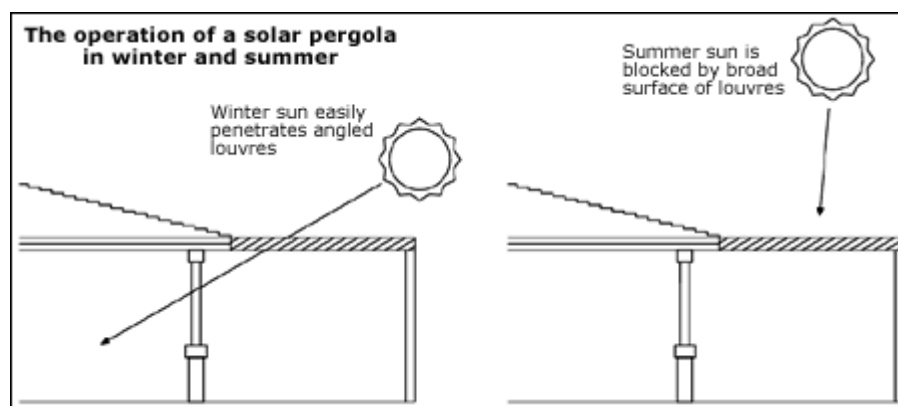
It is recommended that around a third to a half of the north face of the dwelling be glass, as it is very effective at trapping winter warmth and can be easily shaded from summer sun with correctly designed eaves.

To calculate the overhang needed, multiply the distance from the eaves-line down to the bottom of the window by 0.7. This will ensure the glass is adequately shaded from September until March. For cooler regions, multiplying by 0.4 will provide suitable shade from October until February.





Deciduous trees and shrubs or creepers growing on an open pergola on the north face of a home can also provide window shading in summer, while allowing the sun through to warm your home once they've lost their leaves in winter. Alternatively, a solar pergola is designed to achieve the same result.



It is important that shading devices, whether in the form of eaves, pergolas or appropriate landscaping, do not block the sun's access to the interior of your home during winter.

### **5.5 East and West Facing Windows**

East and west facing windows can provide unwanted solar heat gain during the summer months and therefore, if excessive, can contribute significantly to an inefficient house design.

To minimise heat gain during the summer months, a house should be designed with the majority of rooms facing either east or west being non habitable i.e. either laundries or garages etc and that the areas of windows are kept to the absolute minimum.

External shading devices provide some protection from the summer sun, with complete protection achieved only with full vertical screening, such as outside blinds or shutters. This is due to the fact that the angle of sun will be close to horizontal early in the morning (east) and in the late afternoon (west), and only vertical screening can block the sun at these angles. Deciduous trees or vines growing on a trellis can also provide shading during summer.

### **5.6 South Facing Windows**

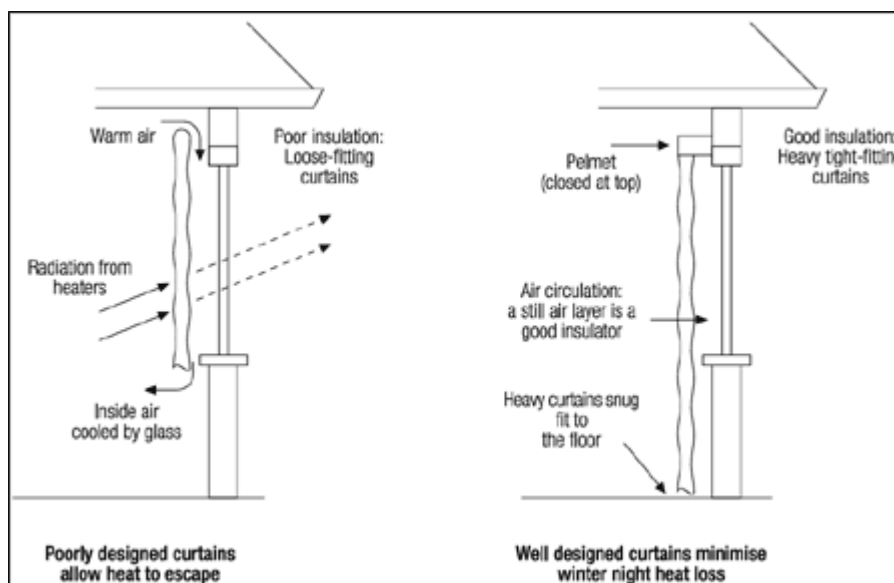
South facing windows receive no direct sun in winter but will receive a few hours of morning and afternoon sun in summer months. For this reason, they lose heat in winter and gain some undesirable heat in summer. South facing windows should be large enough to allow good ventilation and light to enter the home without losing too much heat in winter.

Vertical elements such as external screening or landscaping in conjunction with internal blinds will be most effective at shading south facing windows, since the majority of this sun is at low angle. Basic 'eaves overhang' in combination with internal window treatments will also assist solar control to south facing windows. In mid summer the sun can fall on an unshaded southern façade for approximately 4 hours in the morning and 4 hours again in the afternoon. For the more northerly latitudes (eg, Geraldton) provision of shading to south facing windows is even more important. This is because at this latitude there can be an additional 45 minutes of mid summer sun falling on the south face of a building, morning and afternoon.

### 5.7 Internal Window Treatments

While external window treatments are the best way to reduce summer heat gain, internal window treatments are most important for reducing winter heat loss. A window can lose heat five to ten times faster than an equivalent area of wall. This heat loss can be minimised by keeping warm air inside the room away from cold windows.

Closed curtains can be effective insulators and should be made from a heavy fabric with insulating backing for maximum effectiveness. They need to be long enough to reach the floor and should include a closed pelmet. The pelmet is an integral part of the curtain as it reduces air circulation and consequent heat loss through the window glass during winter and heat leakage into the home during summer when the curtains are drawn.



### 5.8 Skylights

Skylights can reduce your daytime lighting needs. However, a typical Perth home consumes approximately six times as much energy for heating and cooling than for lighting, and heat can be lost from your home through skylights on winter nights and gained during hot days. To reduce this problem, position your skylight so it is shaded in summer or consider buying one with special glazing that minimises heat transfer and can be closed at night. Non-vented ducted skylights lose less heat in winter, as the air trapped in the duct acts as a thermal buffer.

## **5.9 Tinted Glass and Reflective Films**

Tinted glass and reflective films absorb and reflect heat, keeping your home cooler. However, be aware that using them reduces the amount of light and heat entering rooms in winter as well as in summer. During summer the glass itself becomes hot as it absorbs energy, which will cause some heat to be radiated into the room. These products may be useful where large areas of east and west glazing are unavoidable due to design reasons. However, tints and films will generally not reduce heat gain as much as external shading.

## **5.10 Double glazing**

Two panes of glass separated by at least 10 mm can reduce winter heat loss but is generally only cost effective in situations with high heating requirements. Double glazing can also reduce conductive summer heat gain. However, when exposed to sun double glazed windows will still allow significant heat transfer, which means that full shading is still required.

## **5.11 Other window products**

Windows are also available with other features, such as special coatings on the glass, which can offer improvements in thermal performance.

Insulation acts as a barrier to heat flow. It can make your home more comfortable by reducing the amount of warmth escaping in winter and reducing the amount of heat entering in summer. By insulating you can significantly reduce your heating and cooling bills and help to reduce greenhouse gas emissions.

In an uninsulated house most heat is lost or gained through the ceiling and roof – this is the most important part of the home to insulate. Insulating external walls can bring further benefits. Sealing air gaps will also help.

Opening and closing windows and window coverings at appropriate times to control air flows and heat transfer will also increase your comfort levels. This is particularly important in summer to prevent your house overheating. If you allow too much direct summer sun into your home through windows then insulation may act to keep the home warmer for a longer period of time.

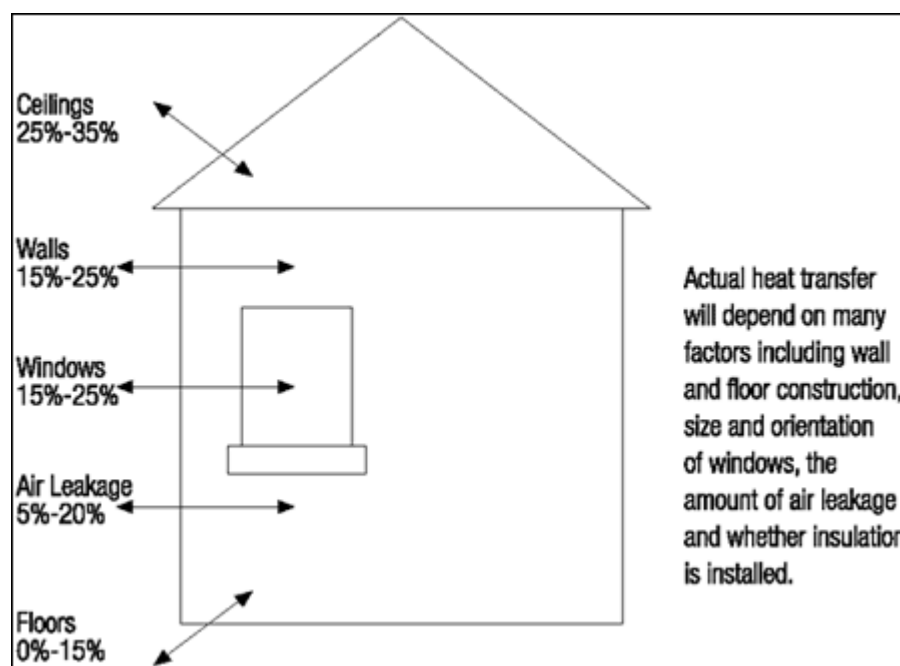
## 5.12 Insulation Works

The two main types of insulation are bulk insulation and reflective insulation.

Bulk insulation works by trapping small cells or layers of air within the insulating material. Many pockets of still air are very effective at retarding heat transfer.

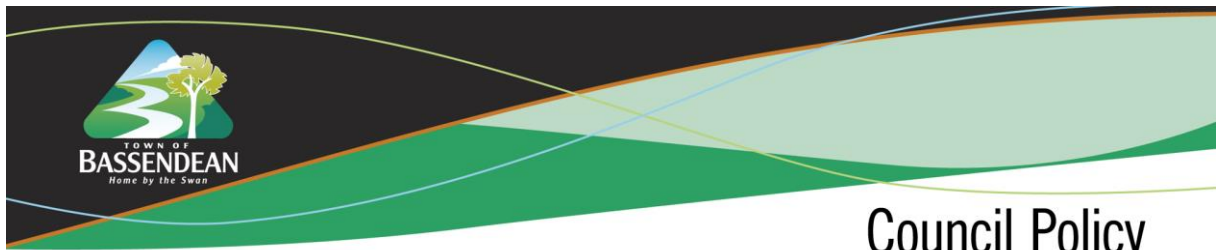
Reflective insulation works by reflecting significant proportions of light and heat. Some reflective foils can be used both as a vapour barrier and to reduce heat transfer.

### Typical Areas of Heat Transfer



## 5.13 Construction Materials

Building materials make a significant difference to the performance and comfort of dwellings. Dense materials such as brick, stone, concrete and rammed earth heat up and cool down slowly – they have what is called a high ‘thermal mass’. Lightweight materials such as weatherboard and fibre cement allow the home to heat up and cool down quickly. These materials have a low thermal mass.



Thermal mass is simply the ability of a material to store heat. A 200 square metre home in the south west with good solar access to the north needs about 20 cubic metres of concrete and 20 to 30 cubic metres of internal brick or equivalent depending on your location (30 cubic metres for Perth) to adequately store winter daytime warmth and gradually release it at night.

Thermal mass is most beneficial in homes which have good solar access to north facing windows. If solar access is limited, large amounts of thermal mass can increase a dwellings heating requirements during winter.

During summer, thermal mass will act to keep your home cooler during the day, provided the dwelling is ventilated overnight. The aim is to allow the night air to cool down the mass inside your home, resulting in more comfortable conditions the next day.

#### **5.14 Masonry Walls**

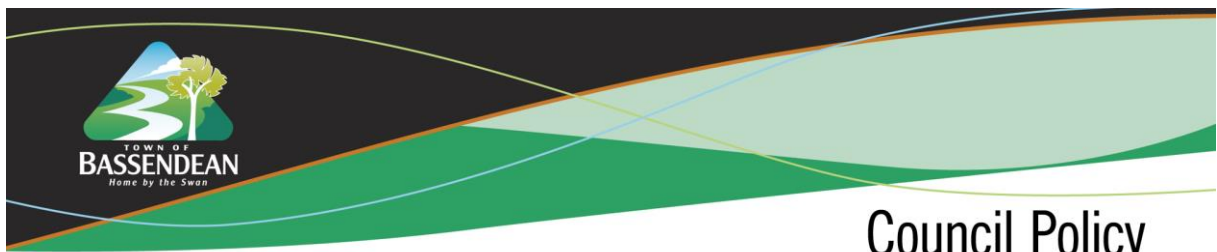
**Double brick** walls heat up slowly and stay warm for long periods. This is an advantage during short periods of hot weather, but can make your home uncomfortable over extended hot spells. Insulating double brick walls will add to initial costs, but will help to prevent heat transfer to the interior of the home during summer and help to retain heat during winter.

**Brick veneer** walls consist of a single external layer of brickwork, with a lined stud frame inside. These walls have less thermal mass than double brick walls and therefore respond more quickly to temperature changes. Homes with brick veneer walls are better at cooling down during extended periods of hot weather – making conditions more comfortable at night during summer. Brick veneer walls are also easier to insulate.

**Reverse brick veneer** walls have the brickwork inside and lightweight frame and cladding outside. This has the advantage of providing the thermal mass on the inside of your home which will retain any heating used in winter. Conversely the external lightweight cladding (weatherboards etc) will not absorb and store summer heat in the same way as masonry wall are know to do.

With both double brick and brick veneer walls (or any type of wall for that matter), it is important to ventilate your home in summer once the temperature outside becomes cooler than the temperature inside.





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This will help cool your home down and make conditions more comfortable. Retained night time coolness achieved through ventilation can also keep your home cooler during the day.

### 5.15 Lightweight Walls

Weatherboard, fibre cement and other lightweight walls get hot quickly in the sun, but also cool down quickly once shaded and after sunset. During winter, they lose heat far more quickly than brick walls. The thermal performance of lightweight walls will improve significantly with insulation, which is cheaper and easier to install at the building stage.

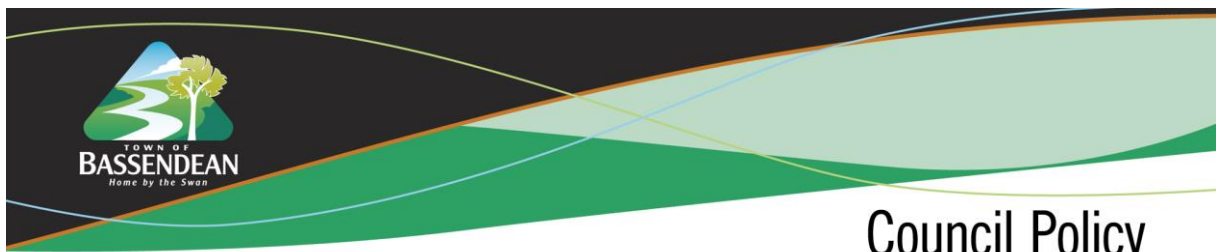
### 5.16 Floors

**Concrete floors** store heat from the sun shining through northern windows in winter and return some of that heat during the evening. Laying dark tiles where the low angle winter sun hits the floor will maximise the absorption of heat to be re-radiated. It is important that this thermal mass is not exposed to direct solar energy during summer, as this can lead to uncomfortably warm internal conditions.

**Timber floors** do not have the high thermal mass of concrete floors. This means that a home with a timber floor will lose far more heat than one with a concrete floor. For homes on stumps which are open at the sides, it is recommended that insulation be installed to the underside of all exposed floorboards. Another solution is to fully enclose the area between the ground and the floor with a solid material like brick, but this will not be as effective as using insulation. An enclosed space under the floor will also require some permanent ventilation to control subfloor dampness.

### 5.17 Colour of External Building Materials

As a general rule, light colours tend to reflect the sun's heat while darker colours absorb it. You can take advantage of this fact when selecting the colour of your roof and wall materials. In summer, lighter coloured materials will help to keep your home cooler by reflecting heat from the sun. However if your home is properly insulated, which is a much more effective method of controlling heat transfer, the effect of external building colour on your comfort will be greatly reduced.



## Council Policy

### 5.18 Ventilation

Doors and windows should be positioned to achieve cross ventilation in summer. A larger opening on the leeward side of the home will maximise the airflow through rooms. If this has been allowed for in the design of your home, doors and windows opened late on a summer's day will make use of cooling late afternoon and night time breezes to rid your home of heat accumulated during the day.

### 5.19 Draught Proofing

Air leaks and draughts can add significantly to your heating and cooling bills by allowing cold air into your home during winter and warm air during summer. You can prevent these unwanted leaks by installing draught excluders on the bottom edge of doors and sealing strips around doors and windows.

These are easy to fit and can be purchased from your local hardware store. When draught proofing you should also check for spaces between walls and skirtings and block off any unused fireplaces. Note that homes with heaters that burn a fuel inside are required by law to have fixed ventilation for safety reasons. (NB this is for information only and is generally a requirement under the Building Code of Australia)

### 5.20 Landscaping Design and Planting Selection

Gardens can provide significant climate modification effects, and have the ability to further enhance or detract from the other factors influencing energy efficient design mentioned above.

For example, deciduous trees or vines which provide shade in summer but allow the winter sun to shine through. When their leaves have dropped they provide an effective and simple option.

Deciduous creepers can keep west facing walls cool on hot summer afternoons. Shrubs or trees to the south can be placed to direct south-westerly sea breezes into and through your home.

Plantings to the west and north-west can shield houses from winter storms, but close plantings may lead to damage in certain circumstances.

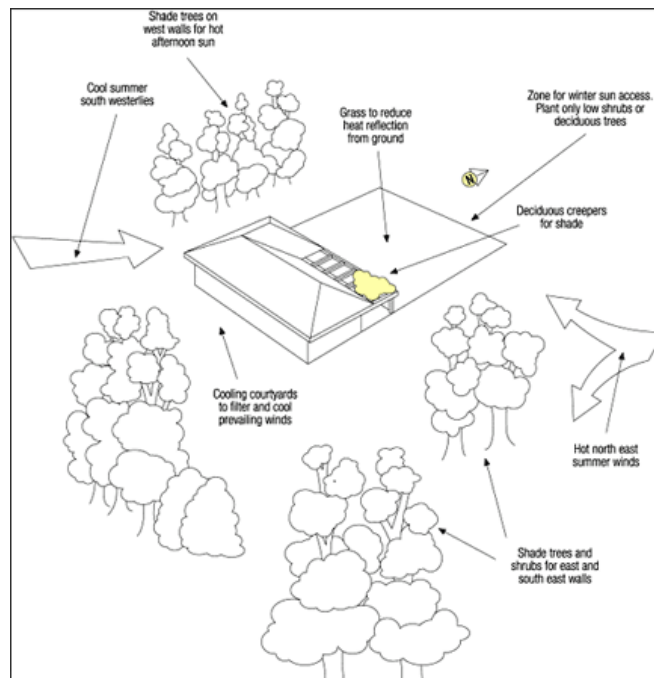
Unshaded paving to the north, east and west of your home should be avoided as it can cause heat to be reflected into windows during summer. Lawns and other ground covers will help reduce this problem.

South facing courtyards with moist cool ferneries will also assist summer cooling.



Overall plant selection should adhere to water wise gardening principals to minimise water usage

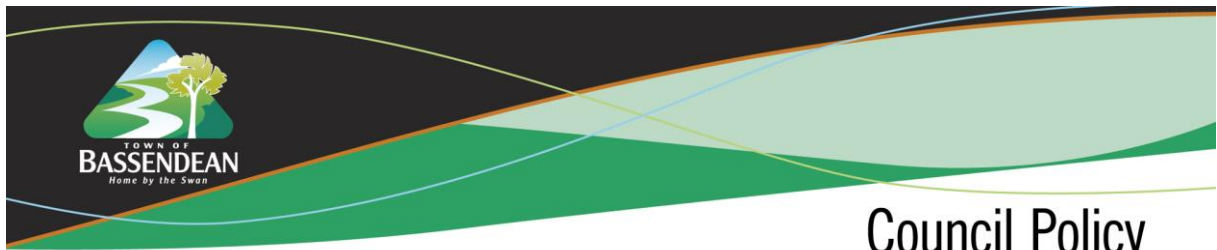
The diagram below indicates wind patterns for the Perth region. You should investigate the 'wind regime' particular to your location, to make the most of desirable cooling summer breezes, or to reduce the impact of hot summer or gusty winter winds.



### 6.0 Assessment Procedure

Under Local Planning Scheme No. 10, the Town is able to permit higher density development in the Split Density Coded residential areas where it can be demonstrated that the design of the dwellings meets specified energy efficiency requirements.

An applicant has two (2) options with respect to satisfactorily addressing this matter as identified below:



**Option 1**

To ascertain the energy efficiency of the dwelling, Council has assigned a relative value to each of the design criteria listed in the body of this policy.

In order to qualify for the higher density code a score of 70 out of a possible 100 efficiency points is required to establish an acceptable degree of intrinsic energy efficient housing design.

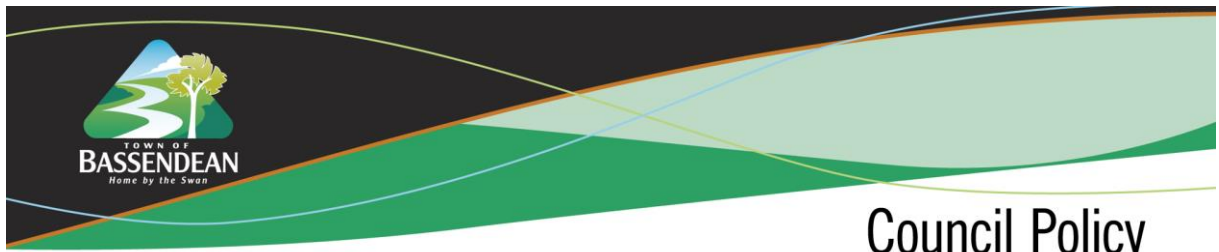
In grouped or multiple dwelling developments each individual dwelling must achieve the minimum score in order to be eligible. There is considered to be sufficient scope within the points allocation for a number of design solutions.

The following are the assigned values given to each design element of energy efficiency:

**ENERGY EFFICIENT DESIGN POLICY CREDIT POINTS CHECKLIST**

PROPOSED DEVELOPMENT:  
ADDRESS:

	<b>Design Element</b>	<b>Credit Pts Available</b>	<b>Credit Pts Claimed</b>	<b>Comments</b>
1.	Orientation - longest axis east west.	10		
Explanatory Notes: Orientation of dwelling excluding garage and any associated storage area.				
2.	North facing courtyard (or balcony for upper floor apartments), and main living areas. (12.5 points) Windows to living areas occupying a min 50% of the north facing wall. (12.5 points)	25		



**Explanatory Notes:**  
 A roof overhang is to be provided beyond the main living area windows which is of a sufficient depth to provide shading to these openings during summer but which does not project to an extent so as to unreasonably block direct solar access during the winter months (e.g. for full height sliding doors, solid roofing is not to extend more than 2.4m beyond the sliding doors).

3.	Windows to bedrooms minimised in area and south facing. One bedroom window is permitted to face north.	15		
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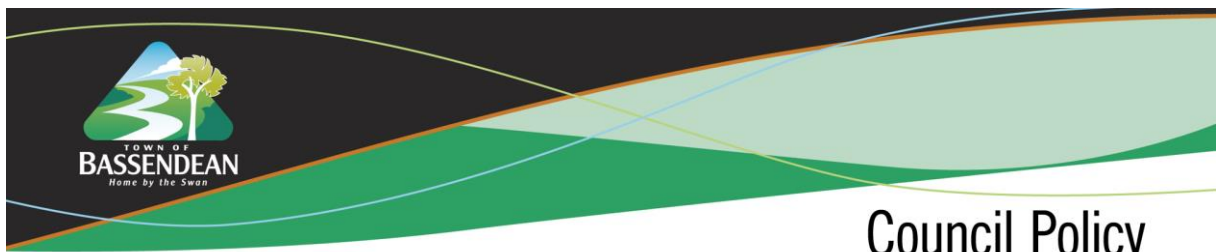
**Explanatory Notes:**  
 The available points are apportioned between the number of bedrooms that are contained within each respective dwelling. For example, a 3 bedroom dwelling which incorporates two bedrooms each with south facing windows (minimised in area) and a third bedroom with a window facing east or west would achieve a score of 10 points.

4.	Eastern and western walls are either blank or only have openings to non-habitable utility rooms.	10 (east) 10 (west)		
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**Explanatory Notes:**  
 The Town acknowledges that windows may need to be located on eastern or western facing walls for the purpose of cross ventilation. Where a secondary window to a habitable room is located on an eastern or western wall and is kept beneath 1 square metre in area, points will not be deducted for such windows.

Where the only window to a habitable room is located on an eastern or western facing wall, 5 points will be deducted for each opening, irrespective of size.

Where a patio or verandah roof projects a minimum of 3m beyond an east or west facing opening to a habitable room, points will not be deducted in relation to that opening.

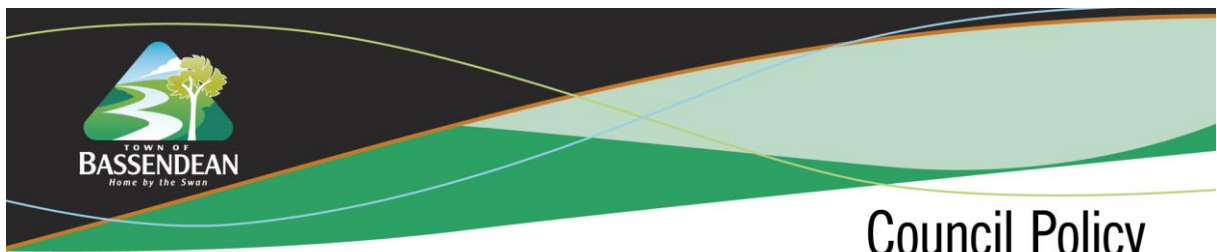


## Council Policy

5.	60% of all habitable rooms shall be cross ventilated through the provision of windows on walls that have opposing orientations. (i.e. a bedroom with a south facing window and a secondary window of under 1 square metre on a western or eastern facing wall)	10		
<p>Explanatory Notes: Part credit points are not allocated for this criterion.</p> <p>An open plan living / dining / kitchen area is treated as one room.</p>				
6.	The provision of either a solar pergola or solar hot water heating system or photovoltaic solar panel system.	15		
<p>Explanatory Notes: Where a solar pergola is to be provided, it is to be positioned to the northern side of the main windows of the main living area of the dwelling and the louvres are to be fixed and positioned at 34 degrees to north.</p>				
7.	Landscaping design and plant selection to demonstrate compliance with low water use gardening principals.	5		
<p>Explanatory Notes: A landscape plan is to be prepared by a relevant industry professional and is to be submitted in conjunction with the application for development approval.</p>				
	<b>TOTAL</b>	<b>100</b>		Require min 70 out of 100 to qualify for higher density code

The applicant is to submit a letter explaining the features provided and the number of credit points claimed.

Any dwellings which are proposed to be retained as a part of any development proposal are to be modified to meet the points required by this Policy.



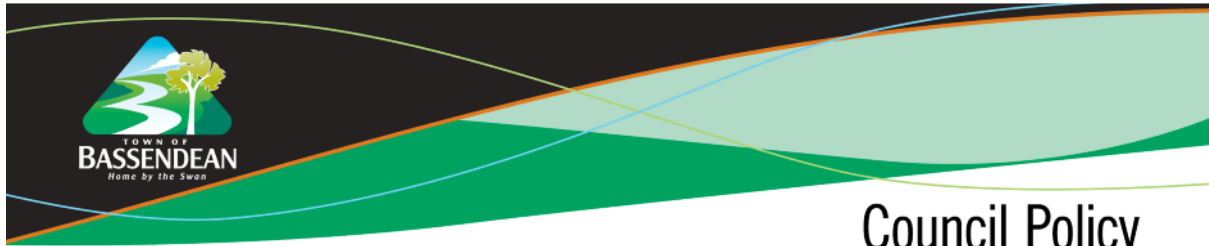
## Council Policy

Where an existing residence either does not comply or cannot be made to comply with the points required by this Policy, the Town shall not grant development approval.

### **Option 2**

As an alternative to achieving the 70 point score from the matrix identified in Option 1, the following requirements shall be met:

- (a) Each dwelling which is a part of the application for development approval (irrespective of whether the dwelling is a single house / grouped dwelling multiple dwelling / apartment) shall demonstrate a Nationwide House Energy Rating Scheme (NatHERS) star rating (or other comparable star rating measurement tool which is accredited by the National Construction Code / Building Codes of Australia) which is one star in excess of the current energy efficiency requirement of the Building Codes of Australia that are specified for a class 1A building; (e.g. if NatHERS is used as the assessment tool as at March 2019 *any* proposed dwelling would need to achieve a 7 star rating); and
- (b) The NatHERS (or other accredited equivalent) star rating for the dwelling shall be certified by a NatHERS (or other accredited equivalent) energy assessor using the NatHERS (or other accredited equivalent) software and shall be provided at the development application stage; and
- (c) Each dwelling shall be provided with a minimum 1.5kw photovoltaic solar panel system; and
- (d) Each dwelling shall be provided with a minimum 3000L capacity rainwater tank that is plumbed to either a toilet or laundry within the dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation / ground water recharge.



## Council Policy

### LOCAL PLANNING SCHEME NO. 10

#### **LOCAL PLANNING POLICY NO. 3 - WATER SENSITIVE DESIGN**

##### **POLICY OUTLINE**

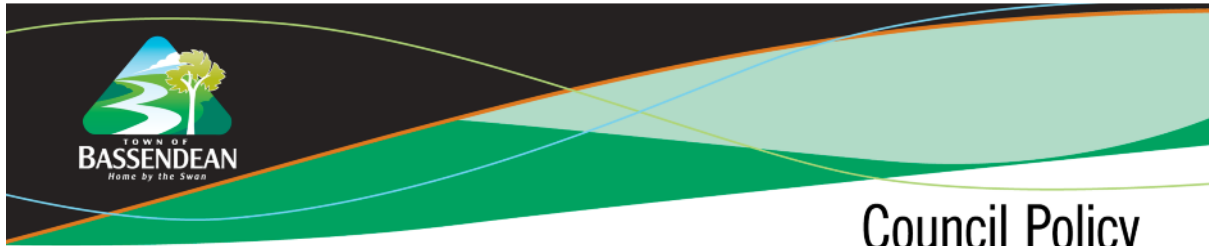
1. Operation of this Policy
2. Statement of Intent
3. Definitions
4. Policy Objectives
5. Application of the Policy

##### **1. OPERATION OF THIS PLANNING POLICY**

- (a) This planning policy has been prepared in accordance with Part 2 of the Town Planning Amendment Regulations 1999.
- (b) This policy does not bind the Council in respect of any application for planning approval but the Council will have due regard to the provision of the policy and the objectives which the policy is designed to achieve before making its determination.
- (c) If a provision in this policy is inconsistent with the:
  - (i) Environmental Protection (Swan Canning Rivers) Policy 1998, the Environmental Protection Policy Prevails; and
  - (ii) The Town of Bassendean Town Planning Scheme, the Scheme prevails.
- (d) This policy applies to rezonings, structure plans, subdivisions and development proposals and applies throughout the Town of Bassendean.

##### **2. STATEMENT OF INTENT**

There is concern about the quality of water discharging from drains into water bodies such as the Swan and Canning Rivers. Stormwater runoff carries sediments and pollutants such as nutrients and heavy metals from impervious surfaces. The Swan-Canning Cleanup Program (1999) highlights the need to address water quality in drainage from rural and urban land uses. A mechanism to address water quality of stormwater runoff from developed areas is through Water Sensitive Urban Design.



The principles are the detention and retention of stormwater to increase filtration of pollutants by soil, vegetation or other physical means rather than direct conveyance to a water body.

The Bayswater Main Drain Catchment Management Strategy (1994) recommends the adoption, where practical, of water sensitive urban design for new development and redevelopment within the catchment by local Government authorities. The Eastern Metropolitan Regional Environmental Strategy (RES) (2000) recommends that member councils adopt Water Sensitive Design Planning principles, develop drainage plans and adopt Stormwater Quality Management Guidelines.

The Environmental Protection (Swan-Canning Rivers) Policy 1998<sup>1</sup> requires that all government agencies including local government, when making decisions, ensure that drainage systems are designed, constructed and operated:

- (i) in accordance with best management practice; and
- (ii) “in order to prevent and mitigate land degradation (Clause 17 (a) (ii)).

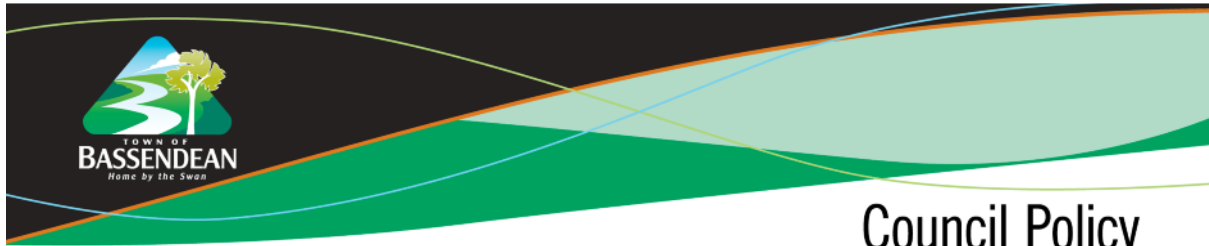
*The Local Government Guidelines for Subdivisional Development*, produced by the Institute of Municipal Engineering WA Division in 1998 promotes the adoption of Water Sensitive Urban Design principles.

The Community Codes (*Liveable Neighbourhoods*) published by the Ministry for Planning in 2000 emphasises Water Sensitive Urban Design (nutrient stripping, swales, incorporation of drainage in public open Space) and provides incentives of up to 3% credit in the 10% Public Open Space (POS) requirement for the adoption of Water Sensitive Urban Design.

### 3. DEFINITIONS

“**Best Management Practice**” means best management practices developed under clause 11 of the Environmental Protection (Swan and Canning Rivers) Policy 1998, and assessed in the context of this policy.





Until such time as best management practices are published by the Environmental Protection Authority the use of interim best management practices as published by the Water and Rivers Commission's "*A manual for managing urban stormwater quality in Western Australia*" dated August 1998 will be used in conjunction with the Principles for design and assessment of best management practices (ie, Section 5 of this policy) and the Towns engineering specifications and conditions relating to developments and subdivision.

**"AAMGL"** Average Annual Maximum Groundwater Level

**"Multiple Use Corridor"** linear reserve which integrates drainage function as well as conservation and recreation values.

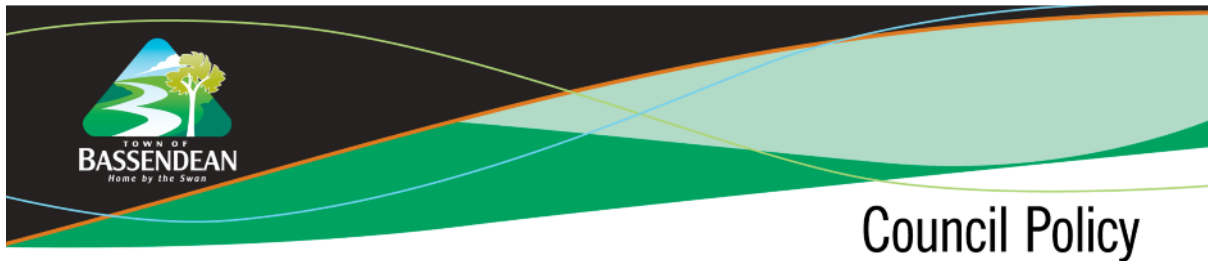
**"Treatment Train"** means application of several types of physical stormwater best management practices in line in a series to achieve improved drainage water quality output to water bodies.

**"Xeric Landscape"** landscape consisting of native or adapted plants which require nil or minimal watering

#### 4. POLICY OBJECTIVES

- (a) This Water sensitive Design Policy is to assist in protecting the beneficial uses of the Swan and Canning River and watercourses, consistent with the requirements of the Environmental Protection (Swan and Canning Rivers) Policy 1998. The beneficial uses include:
  - \* as habitat for the maintenance of the diversity and abundance of locally indigenous fauna and flora species;
  - \* to maintain ecological processes;
  - \* as an important recreational element; and
  - \* as natural landscape.
- (b) Ensure water sensitive design best management practices are implemented for all new development proposals so as to minimise nutrient and other pollutants exported to the Swan-Canning rivers;
- (c) Protect and where possible restore and enhance the environmental and social (ie, recreation and scenic) values of waterways and protected wetlands; and





- (d) Retain or enhance open drains by converting them to “living streams’ in multiple use corridors that provide habitat for wildlife and passive recreation opportunities wherever possible.

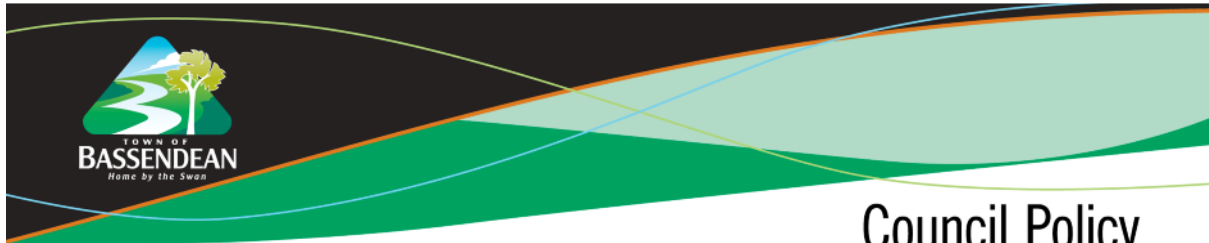
## 5. APPLICATION OF THE POLICY

The principles of Water Sensitive Urban design are to be incorporated into urban development through the application of best management practices. The extent to which the various best management practices are selected for implementation will depend on the scale of development. For example, there will be greater opportunities to incorporate structural best management practices at the structure planning or subdivision scale than at the single lot level. For approval at a split or higher R-Code, developments will be required to meet these design guidelines.

Principles for design and assessment of best management practice.

The application of water sensitive planning and management principles involves:

- i) incorporation of water resource issues early in the land use planning process;
- ii) addressing water resource management at the catchment and sub-catchment level;
- iii) storage and stormwater reuse and stormwater treatment occur as high as possible in the catchment- use of a treatment train approach with the components of stormwater management located so that they follow the natural contours;
- iv) property is protected from flooding or damage by surface water or groundwater;
- v) post urban development conditions in watercourses approximate pre urban conditions (ie, water level and flow regimes are maintained);
- vi) stormwater system design incorporates as much as possible features of waterways that improve water quality;
- vii) the use of vegetation (particularly indigenous vegetation) in stormwater management to promote filtering and slowing of runoff to maximise settling of particulate-bound pollutants; and
- viii) multiple use corridors are used when appropriate.



The following are examples of structural best management practices which encompass the above principles:

- Onsite detention;
- Stormwater infiltration systems;
- Buffer strips;
- Pollutant traps (eg, Continuous Deflection Separators);
- Grass or reed swale drains;
- Broken or flush kerbing;
- Ponds and wetlands; and
- Native or Xeric landscaping.

Selection of best management practices should follow that suggested in the Water and Rivers Commission's *Manual for Managing Urban Stormwater Quality in Western Australia*. (Stormwater best management practice selection chart to be included in appendices)

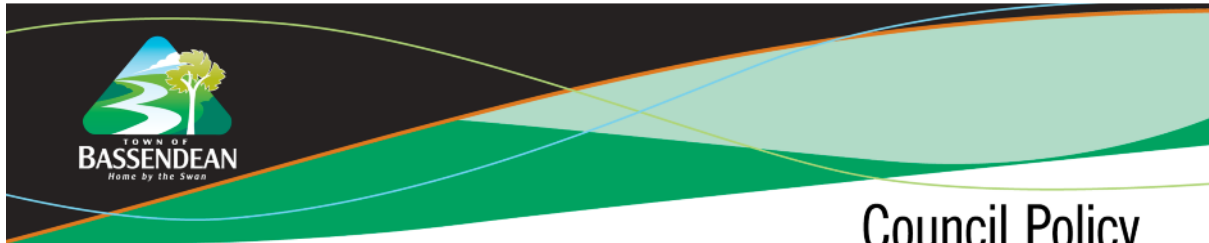
### **5.1 Non- structural best management practices**

A comprehensive approach to storm water management also involves the promotion of non-structural best management practices. These include source controls such as:

- education of residents on appropriate plant species, fertiliser and water use;
- street sweeping regimes; and
- improved waste and stormwater management for industrial premises.

### **5.2 Incorporation of water resource issues early in the land use planning process**

The earlier that stormwater management is addressed in the land use planning process the more opportunity there generally is for integration of structural mechanisms to ensure water quality. Ideally it should form part of the initial site analysis prior to structure planning and sub-division. For small residential subdivisions (<5ha) and redevelopments in which ponds or wetlands may not be feasible inline controls such as pollutant traps may be more appropriate.



### **5.3 Addressing water resource management at the catchment and sub-catchment level**

Sub-catchments should be used to determine drainage system design. Developments low in the catchment should be designed with due regard to existing and proposed land use as reflected in the Town Planning Scheme and the volumes and quality of stormwater or subsoil drainage water likely to be generated upstream.

### **5.4 Storage, stormwater use and stormwater treatment occur as high as possible in the catchment, a treatment train approach is used and components of stormwater management are located so that they follow natural contours**

Stormwater treatment such as detention should occur at source or on-site if practicable. Structural best management practices are most effective when they can be combined in a series, as a treatment train preferably connected by grass or reed swales or multiple use corridors (through public open space). Storage areas should be an integral part of the landscape, wherever possible. The use of the treatment train can increase pollutant removal effectiveness, allow for filtration of suspended solids, or overcome site factors that limit the effectiveness of a single measure.

The detention capacity of the treatment train should be capable of retaining the first flush and constructed according to the design criteria provided by the Water and Rivers Commission hydrological effectiveness graphs (*Manual for Managing Urban Stormwater Quality in Western Australia pp 20, 21*)

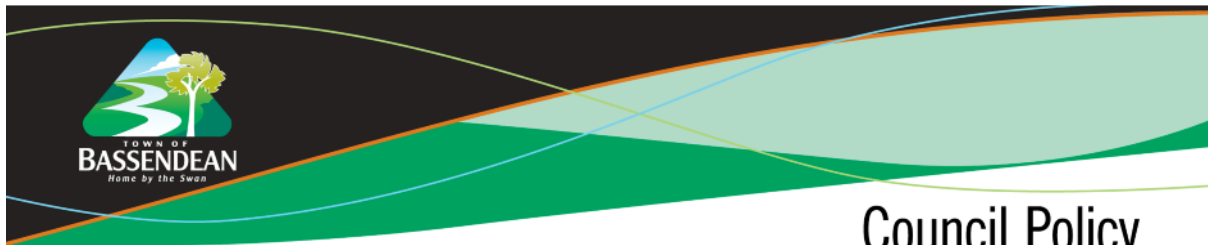
Wherever possible use should be made of stormwater runoff. Car parks in commercial developments should direct runoff water into landscaped swales by use of flush or broken kerbing to reduce the irrigation requirement and filter stormwater pollutants. Porous paving materials should be encouraged, especially for parking areas that are infrequently used or are low traffic volume areas.

Mechanisms to trap sediment should be in place to remove sediment 100 microns or more.

### **5.5 Protecting property from flooding**

#### **5.5.1 Water Courses and main drains**

All development along watercourses, main drains and overland flow paths for the 100 year storm recurrence interval shall have floor levels at 500mm above the 100 year flood level.



Watercourses and main drainage reserves should be of sufficient width to allow for 1:6 batters, appropriate access for maintenance or 1:8 (for revegetation) and the floodway associated with the 100 year event. This would normally result in a minimum reserve width of 30m. However, to allow for natural meandering of a watercourse and the floodplain a 50m reserve width is preferred.

### **5.5.2 Groundwater levels**

To protect housing from flooding and damage from groundwater, development in areas where the Average Annual Maximum Groundwater Level (AAMGL) is at or within 1.2m of the surface, the importation of clean fill will be required together with the provision of sub surface drainage placed at the AAMGL. In areas where the AAMGL is more than 1.2m from the surface, subsurface drainage may still be required to restrict the rise in groundwater and ensure that adequate separation of building floor slabs from groundwater is achieved.

The AAMGL should be determined to the satisfaction of the Water and Rivers Commission.

## **5.6 Maintaining water level and flow regimes**

### **5.6.1 Water levels –Protected wetlands**

Where it is deemed that a proposal is likely to have a potential impact on the hydrological regime of a protected wetland a hydrological study will be required to determine how the water level regime of the wetland can be maintained.

As a general guideline, a hydrological study is likely to be required where drains that alter groundwater levels (eg, subsoil drains) are used within 100m of a protected wetland, or if drainage into a wetland is proposed.

### **5.6.2 Water flows –Watercourses**

In order to prevent instream erosion, peak flows in water courses should not exceed pre-development conditions for the particular storm average recurrence interval (eg, the peak flow reaching the water course from the catchment in a 10 year event should remain the same after development).

Longer duration low-level flows in watercourses to maximise detention times in detention ponds consistent with the advice in the Water and Rivers Commission *Manual For Managing Urban Stormwater Quality in Western Australia* are acceptable to enable increased water volumes to be discharged off-site.

Adequate on site detention is required to ensure this criterion can be met.

**5.6.3 Development of Private Open Space**

Drainage from paved areas should be directed to garden beds or lawn or use of porous paving surfaces encouraged.

Low water and nutrient requiring plants should be required in landscaping such as native or adapted xeric plants to reduce the need for artificial fertilisers and watering.

**5.7 Incorporating landscape enhancing features to improve water quality**

Features that improve water quality that should be incorporated into stormwater drainage systems include:

- Native vegetation-in particularly reeds and rushes should be to promote filtering of nutrients and sediments;
- Boulders or riffles improve aeration and oxygenation;
- Ponds, pools or stormwater gullies designed as sediment traps; and
- Drain or watercourse profiles that provide a range of fauna habitats.

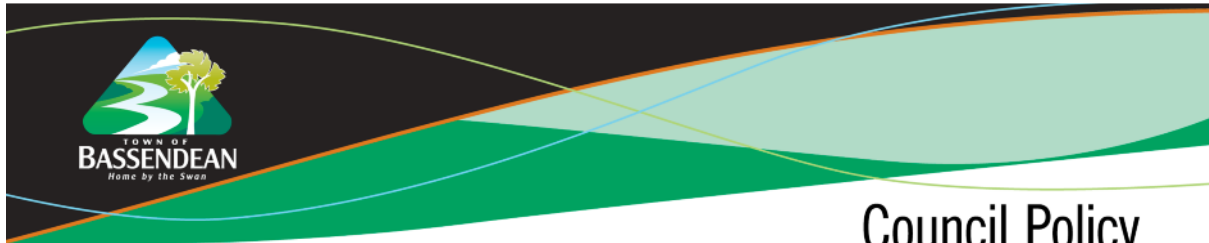
**5.8 Retaining and rehabilitating protected wetland and watercourse fringing vegetation**

Fringing vegetation should not be removed from within the following buffer zones:

Watercourses with permanent water or protected wetlands	50m
Seasonally flowing watercourses	30m
Watercourses which flow in response to specific rain events	10m

Removal of non-native vegetation in a manner that replaces it with native vegetation and minimises potential soil erosion is encouraged, except where the non-native vegetation has identified landscape or heritage value.

Foreshore management proposals are assessed in terms of the achievement/replication of natural processes, and integration of passive recreation whilst maintaining conservation values.



As a minimum watercourses should be revegetated with native vegetation for 10m either side of watercourses which flow in response to specific rain events and 15m either side of other watercourses.

As a minimum, protected wetlands should be revegetated consistent with vegetation zones that would naturally occur in a wetland to at least 15m from the high water mark or 1m higher than the high water mark whichever is the smaller.

Batters and reserve widths are addressed under “Protection of property from flooding” above.

### **5.9 Using Multiple use corridors and open drains**

Existing open drains should be assessed for their potential to provide for the multiple uses of recreation, stormwater management and the restoration and maintenance of environmental values through conversion to meandering streamlined channels.

There should be no net loss of existing open drain habitat, based on the extent (ie area) of open water and wetland vegetation provided by the drain. Transfer of habitat to a multiple use corridor/streamlined meandering channel is acceptable, but timing to minimise the period when habitat is not available should be considered.

Multiple use corridors width may vary according to site characteristics. However a minimum of 50m is recommended with additional width if needed for recognising floodway characteristics and protection of foreshore vegetation.

Management plans should be prepared for multiple use corridors. Multiple use corridors should be divided into zones or priority use areas for management purposes.

## APPENDIX 1 - WATER SENSITIVE DESIGN POLICY CHECKLIST

Section	Policy Application	Structure Plan	Subdivision	Development Application
5.1	Early incorporation of water resource issues in planning			
5.2	Drainage design based on sub-catchments			
5.3	Treatment Train approach from top of catchment			
	Stormwater management components follow natural contours			
	Detention capacity able to retain first flush			
	Detention capacity to meet appropriate hydraulic and detention time criteria			
	Car park runoff to landscaped detention swales			
	Sediment less than 100 microns trapped			
5.4	Floor levels >500mm above 1:100			
	Waterway batter slopes maximum 1:8			
	Waterway reserve adequate width			
	AAMGL calculation meets W&RC requirements			
	Drainage at or above AAMGL and soil surface >1.2m above AMGL			
5.5	Hydrological study undertaken for protected wetlands			
	Post development flows approximate pre development flows through adequate detention			

Website: [www.bassendean.gov.au](http://www.bassendean.gov.au) Email: [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au) Tel: (08) 9377 8000

Town of Bassendean Council Policy

Local Planning Scheme No. 10

Amendments made to the policy (OCM2-7/6/11):



## Council Policy



## Council Policy

Section	Policy Application	Structure Plan	Subdivision	Development Application
	Runoff from paving directed to garden or lawn areas			
	Encourage use of pervious paving materials			
5.6	Natural features incorporated into stormwater design (eg native vegetation, riffles & pools)			
	Easily maintained sediment traps included			
5.7	Existing fringing vegetation protected			
	Fringing vegetation rehabilitated (10 or 15m)			
	Passive recreation catered for along foreshores			
	No net loss of open drain habitat			
	Potential for Multiple Use Corridors evaluated			
5.8	Multi Use Corridors zoned			
	Management plans for Multiple Use Corridors prepared			

## Sustainable Development Information Sheet

### 1. General

There are several advantages to living in a sustainable home including saving money on utility costs, reducing the impact on the environment through the decreased use of fossil fuels, the increased comfort of effective natural lighting and ventilation and the improved resale value of dwellings due to lower utility bills they create.

The Town encourages the implementation of both energy efficiency design (EED) and water sensitive urban design principles. This Information Sheet provides all of the necessary supporting information which outline simple and effective initiatives that can be applied to increase the sustainability of your development.

### 2. Energy Efficient Design Principles

#### 2.1 Energy Efficient Design

The objective behind EED is to ensure energy efficiency by designing dwellings to suit the local climate. By taking advantage of free natural warmth from the winter sun and cooling from breezes, it will reduce the costly use of fossil fuel energy for heating and cooling. Careful building design can easily achieve internal temperatures 5°C warmer in winter and 10°C degrees cooler in summer than in typical, poorly designed homes in the southwest.

Any style of home can be designed for energy efficiency, to ensure savings on future energy costs, and to assist the environment. The main features of energy efficient housing relate to:

- Building orientation
- Window placement, sizing and shading
- Use of insulation
- Ventilation
- Draught proofing
- Use of heat absorbing building materials
- Landscaping
- Use of energy efficient appliances

Most features such as improved layout, appropriate window placement and sensible garden design, will make little difference to initial building cost. Although insulating a house will add initially to construction costs, the savings in energy and carbon emissions will make for a positive return over the life of the building. It would be false economy to do otherwise.

#### 2.2 Project Homes vs. Individual Design

While it is easier to incorporate energy efficiency features if dwellings are designed specifically to a particular lot of land, Council recognises that this could significantly add to the cost of construction. However, in some cases this is unavoidable and

economic cost does not justify a relaxation of this policy where higher density codes are being sought by applicants.

Nevertheless, there are excellent opportunities to meet basic energy efficient principles even with a standard project house. There are many standard house designs available which would allow good energy efficiency, provided they are built facing the right direction. A minor modifications such as moving or reducing the size of windows or relocating the carport, along with good insulation, may be all that's needed to reduce unnecessary and expensive energy use and act to noticeably create increased internal comfort levels.

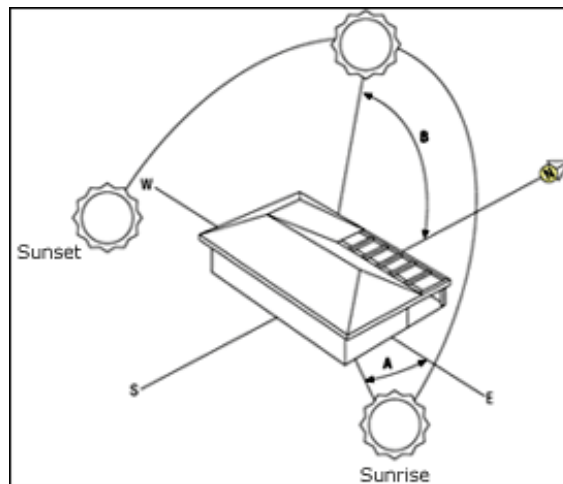
### 3.3 Energy Efficient Design Elements

#### 3.3.1 Orientation

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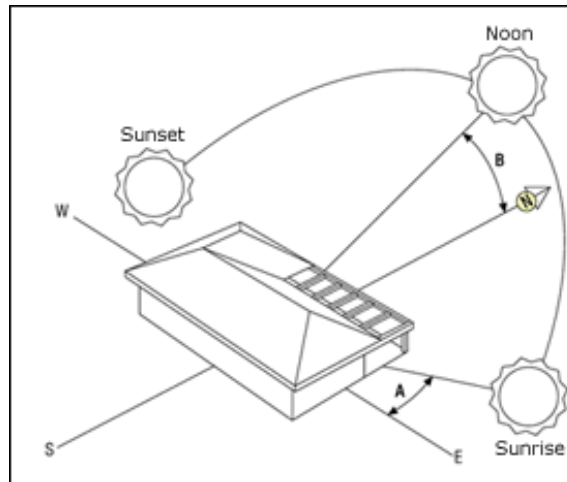
The Sun's Movement during summer (Dec)



Legend:

	Horizontal Rise /Set Angle (A)	Noon Altitude (B)
Perth	28.5° south	80.7°

## The Sun's Movement during winter (Jun)

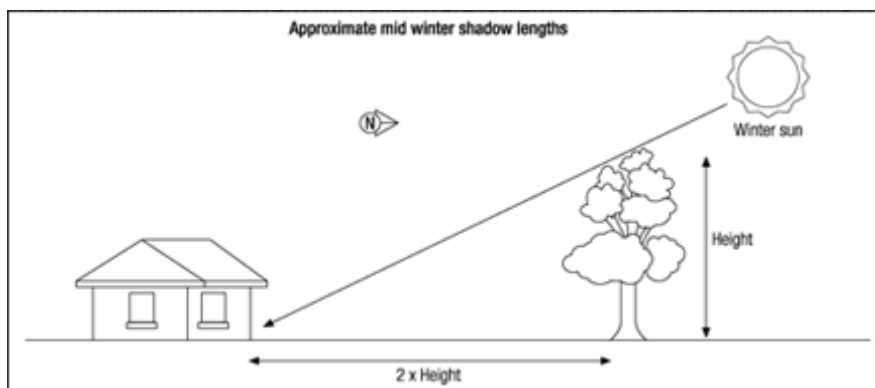


Legend:

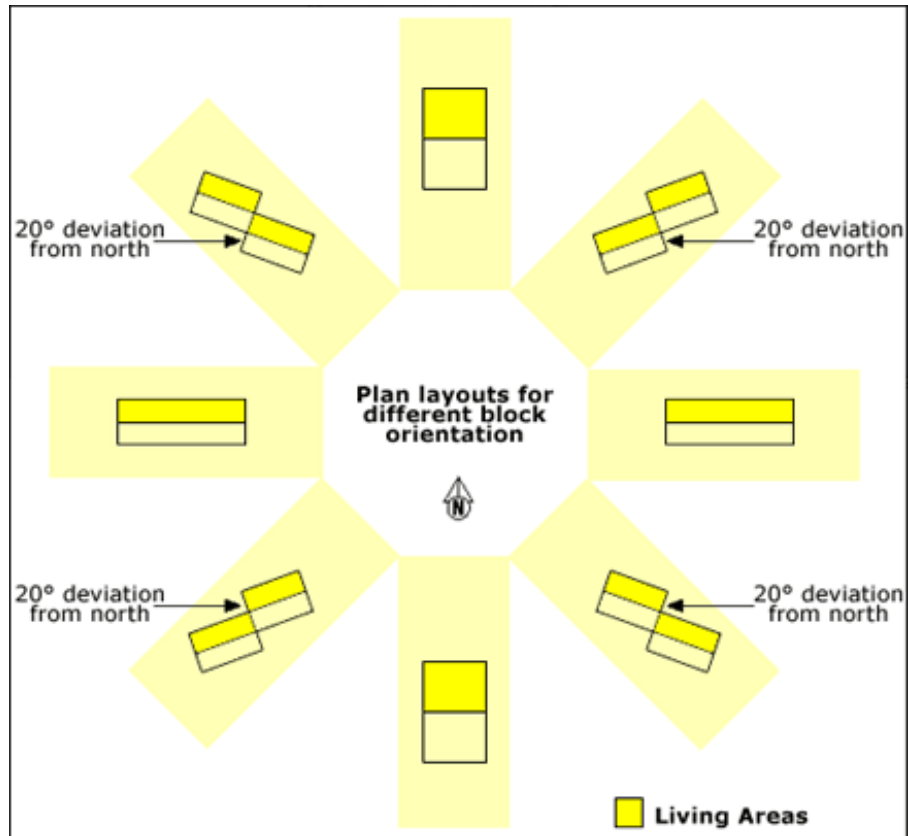
	Horizontal Rise/ Set Angle (A)	Noon Altitude (B)
Perth	27.8° south	34.2°

For residential development, it is recommended that land which permits the living areas of the dwelling to face north, be free of obstructions such as buildings or evergreen trees on this side of the home. Orientation is the key factor in achieving EED. While items such as pergolas, shutters and insulation can often be retro-fitted at a relatively low cost, the orientation of a building is often set in 'concrete' and if poorly orientated it is virtually impossible to correct.

Objects cast a shadow southwards approximately twice their height in mid-winter, and it is therefore essential that sufficient allowance is made between tall objects and the north side of a dwelling to ensure that winter solar access is maintained.



The ideal lot layout is one with the rear courtyard/garden facing north. However, there are a number of ways of varying the design of a house and its interior layout to optimise solar orientation.



To achieve the design goal of optimal energy efficiency, an effective rule of thumb for a house in the southwest is to have north and south facing walls 1.5 to 2.0 times the length of east and west facing walls. This allows reasonable access to the winter sun from the north of the home, while reducing the exposure of walls and windows to early morning and late afternoon sun on the east and west sides of the home.

True north is the ideal orientation for windows. However, if the eaves are designed correctly, windows oriented between approximately 20° east or west of north still allow good solar penetration in winter while excluding most of the direct summer sun.

### 3.3.2 Internal Room Layout

Indoor living and entertaining areas should be oriented on the north side of the home where possible, with other rooms to the south. This will create warm and bright living areas in winter since north facing windows and walls receive maximum winter sun. The south side of a house receives a small amount of direct sun in summer, and therefore by locating bedrooms to the south, will be more comfortable for sleeping in summer.

Rooms should be grouped with similar uses together to create zones and doors be used to separate these zones. This type of design is more energy efficient than open plan living because you can close off rooms which are cooled or heated from those that are not.

It is recommended that the kitchen, laundry and bathrooms be grouped together in order to minimise the need for long hot water pipes. This will reduce the amount of heat lost from the pipes.

### 3.3.3 Windows and Shading

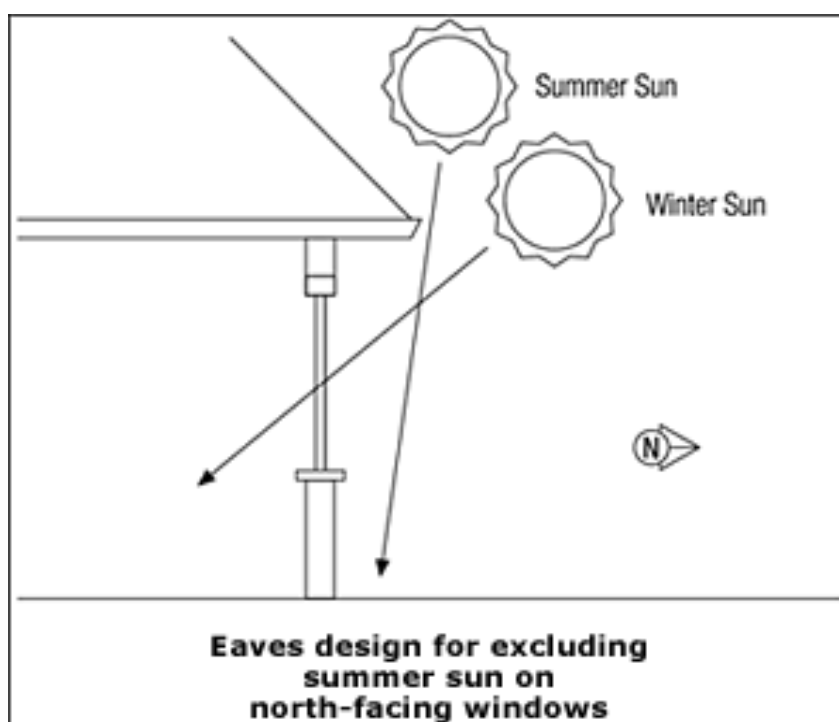
Appropriate window placement, sizing and shading are key elements to EED. Windows can act as solar collectors trapping heat from the sun, which is useful in winter but not in summer. They ventilate during summer, funnelling cool late afternoon and night time breezes to remove heat accumulated during the day and are an important source of light.

A balance needs to be struck between controlling the sun's access and allowing adequate cross ventilation from breezes, as well as allowing natural light to enter.

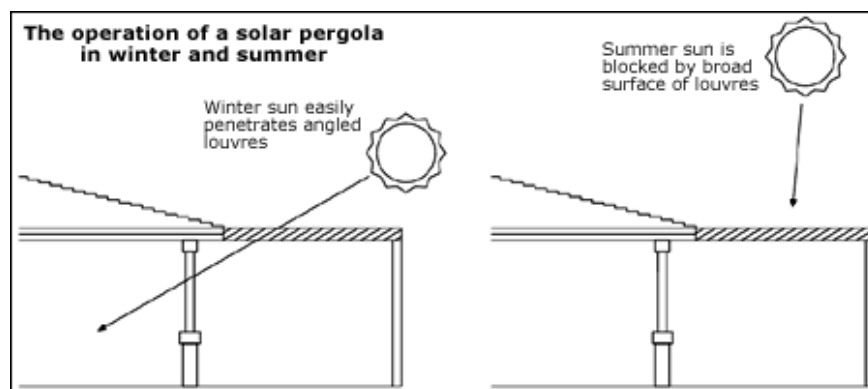
### 3.3.4 North Facing Windows

It is recommended that around a third to a half of the north face of the dwelling be glass, as it is very effective at trapping winter warmth and can be easily shaded from summer sun with correctly designed eaves.

To calculate the overhang needed, multiply the distance from the eaves-line down to the bottom of the window by 0.7. This will ensure the glass is adequately shaded from September until March. For cooler regions, multiplying by 0.4 will provide suitable shade from October until February.



Deciduous trees and shrubs or creepers growing on an open pergola on the north face of a home can also provide window shading in summer, while allowing the sun through to warm your home once they've lost their leaves in winter. Alternatively, a solar pergola is designed to achieve the same result.



It is important that shading devices, whether in the form of eaves, pergolas or appropriate landscaping, do not block the sun's access to the interior of your home during winter.

### 3.3.5 East and West Facing Windows

East and west facing windows can provide unwanted solar heat gain during the summer months and therefore, if excessive, can contribute significantly to an inefficient house design.

To minimise heat gain during the summer months, a house should be designed with the majority of rooms facing either east or west being non habitable i.e. either laundries or garages etc and that the areas of windows are kept to the absolute minimum.

External shading devices provide some protection from the summer sun, with complete protection achieved only with full vertical screening, such as outside blinds or shutters. This is due to the fact that the angle of sun will be close to horizontal early in the morning (east) and in the late afternoon (west), and only vertical screening can block the sun at these angles. Deciduous trees or vines growing on a trellis can also provide shading during summer.

### 3.3.6 South Facing Windows

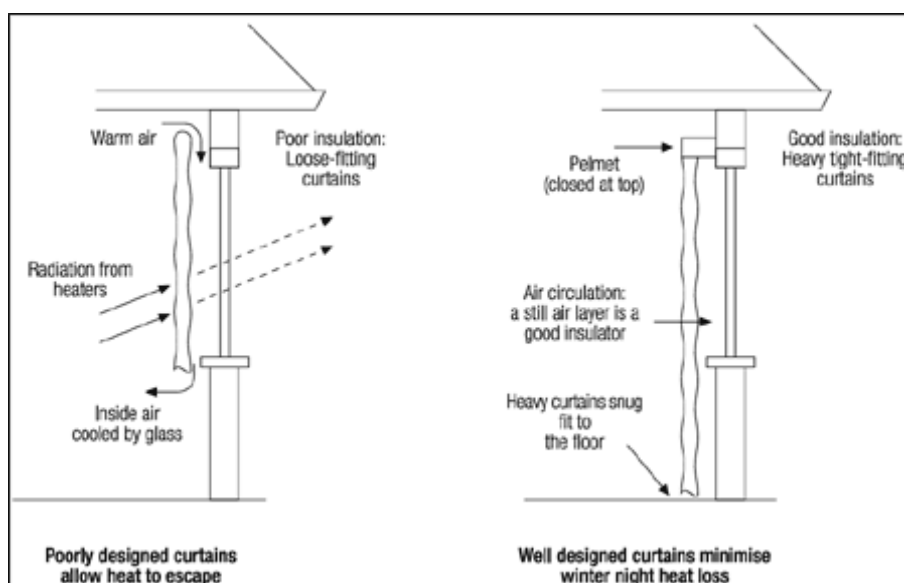
South facing windows receive no direct sun in winter but will receive a few hours of morning and afternoon sun in summer months. For this reason, they lose heat in winter and gain some undesirable heat in summer. South facing windows should be large enough to allow good ventilation and light to enter the home without losing too much heat in winter.

Vertical elements such as external screening or landscaping in conjunction with internal blinds will be most effective at shading south facing windows, since the majority of this sun is at low angle. Basic 'eaves overhang' in combination with internal window treatments will also assist solar control to south facing windows. In mid summer the sun can fall on an unshaded southern façade for approximately 4 hours in the morning and 4 hours again in the afternoon. For the more northerly latitudes (eg, Geraldton) provision of shading to south facing windows is even more important. This is because at this latitude there can be an additional 45 minutes of mid summer sun falling on the south face of a building, morning and afternoon.

### 3.3.7 Internal Window Treatments

While external window treatments are the best way to reduce summer heat gain, internal window treatments are most important for reducing winter heat loss. A window can lose heat five to ten times faster than an equivalent area of wall. This heat loss can be minimised by keeping warm air inside the room away from cold windows.

Closed curtains can be effective insulators and should be made from a heavy fabric with insulating backing for maximum effectiveness. They need to be long enough to reach the floor and should include a closed pelmet. The pelmet is an integral part of the curtain as it reduces air circulation and consequent heat loss through the window glass during winter and heat leakage into the home during summer when the curtains are drawn.



### 3.3.8 Skylights

Skylights can reduce your daytime lighting needs. However, a typical Perth home consumes approximately six times as much energy for heating and cooling than for lighting, and heat can be lost from your home through skylights on winter nights and gained during hot days. To reduce this problem, position your skylight so it is shaded in summer or consider buying one with special glazing that minimises heat transfer and can be closed at night. Non-vented ducted skylights lose less heat in winter, as the air trapped in the duct acts as a thermal buffer.

### 3.3.9 Tinted Glass and Reflective Films

Tinted glass and reflective films absorb and reflect heat, keeping your home cooler. However, be aware that using them reduces the amount of light and heat entering rooms in winter as well as in summer. During summer the glass itself becomes hot as it absorbs energy, which will cause some heat to be radiated into the room. These products may be useful where large areas of east and west glazing are unavoidable due to design reasons. However, tints and films will generally not reduce heat gain as much as external shading.

### 3.3.10 Double Glazing

Two panes of glass separated by at least 10 mm can reduce winter heat loss but is generally only cost effective in situations with high heating requirements. Double



glazing can also reduce conductive summer heat gain. However, when exposed to sun double glazed windows will still allow significant heat transfer, which means that full shading is still required.

### 3.3.11 Other Window Products

Windows are also available with other features, such as special coatings on the glass, which can offer improvements in thermal performance.

Insulation acts as a barrier to heat flow. It can make your home more comfortable by reducing the amount of warmth escaping in winter and reducing the amount of heat entering in summer. By insulating you can significantly reduce your heating and cooling bills and help to reduce greenhouse gas emissions.

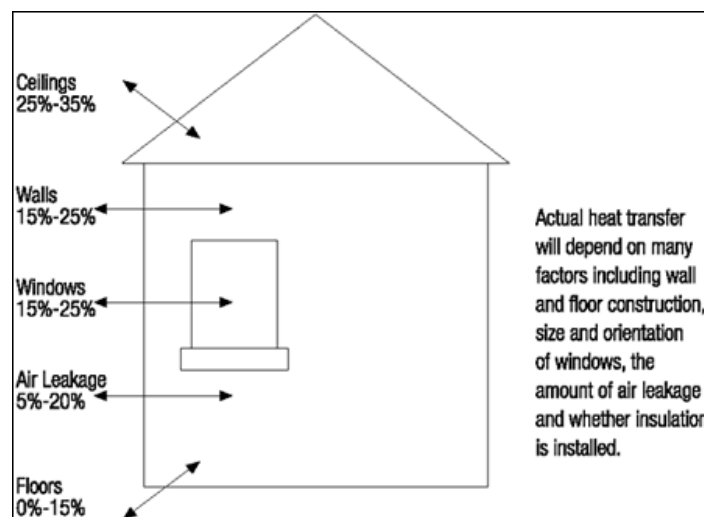
In an uninsulated house most heat is lost or gained through the ceiling and roof – this is the most important part of the home to insulate. Insulating external walls can bring further benefits. Sealing air gaps will also help.

Opening and closing windows and window coverings at appropriate times to control air flows and heat transfer will also increase your comfort levels. This is particularly important in summer to prevent your house overheating. If you allow too much direct summer sun into your home through windows then insulation may act to keep the home warmer for a longer period of time.

### 3.3.12 Insulation Works

The two main types of insulation are bulk insulation and reflective insulation. Bulk insulation works by trapping small cells or layers of air within the insulating material. Many pockets of still air are very effective at retarding heat transfer. Reflective insulation works by reflecting significant proportions of light and heat. Some reflective foils can be used both as a vapour barrier and to reduce heat transfer.

#### Typical Areas of Heat Transfer



### 3.3.13 Construction Materials

Building materials make a significant difference to the performance and comfort of dwellings. Dense materials such as brick, stone, concrete and rammed earth heat up and cool down slowly – they have what is called a high 'thermal mass'. Lightweight

materials such as weatherboard and fibre cement allow the home to heat up and cool down quickly. These materials have a low thermal mass.

Thermal mass is simply the ability of a material to store heat. A 200 square metre home in the south west with good solar access to the north needs about 20 cubic metres of concrete and 20 to 30 cubic metres of internal brick or equivalent depending on your location (30 cubic metres for Perth) to adequately store winter daytime warmth and gradually release it at night.

Thermal mass is most beneficial in homes which have good solar access to north facing windows. If solar access is limited, large amounts of thermal mass can increase a dwellings heating requirements during winter.

During summer, thermal mass will act to keep your home cooler during the day, provided the dwelling is ventilated overnight. The aim is to allow the night air to cool down the mass inside your home, resulting in more comfortable conditions the next day.

#### **3.3.14 Masonry Walls**

Double brick walls heat up slowly and stay warm for long periods. This is an advantage during short periods of hot weather, but can make your home uncomfortable over extended hot spells. Insulating double brick walls will add to initial costs, but will help to prevent heat transfer to the interior of the home during summer and help to retain heat during winter.

Brick veneer walls consist of a single external layer of brickwork, with a lined stud frame inside. These walls have less thermal mass than double brick walls and therefore respond more quickly to temperature changes. Homes with brick veneer walls are better at cooling down during extended periods of hot weather – making conditions more comfortable at night during summer. Brick veneer walls are also easier to insulate.

Reverse brick veneer walls have the brickwork inside and lightweight frame and cladding outside. This has the advantage of providing the thermal mass on the inside of your home which will retain any heating used in winter. Conversely the external lightweight cladding (weatherboards etc) will not absorb and store summer heat in the same way as masonry wall are know to do.

With both double brick and brick veneer walls (or any type of wall for that matter), it is important to ventilate your home in summer once the temperature outside becomes cooler than the temperature inside.

This will help cool your home down and make conditions more comfortable. Retained night time coolness achieved through ventilation can also keep your home cooler during the day.

#### **3.3.15 Lightweight Walls**

Weatherboard, fibre cement and other lightweight walls get hot quickly in the sun, but also cool down quickly once shaded and after sunset. During winter, they lose heat far more quickly than brick walls. The thermal performance of lightweight walls will improve significantly with insulation, which is cheaper and easier to install at the building stage.

### **3.3.16 Floors**

Concrete floors store heat from the sun shining through northern windows in winter and return some of that heat during the evening. Laying dark tiles where the low angle winter sun hits the floor will maximise the absorption of heat to be re-radiated. It is important that this thermal mass is not exposed to direct solar energy during summer, as this can lead to uncomfortably warm internal conditions.

Timber floors do not have the high thermal mass of concrete floors. This means that a home with a timber floor will lose far more heat than one with a concrete floor. For homes on stumps which are open at the sides, it is recommended that insulation be installed to the underside of all exposed floorboards. Another solution is to fully enclose the area between the ground and the floor with a solid material like brick, but this will not be as effective as using insulation. An enclosed space under the floor will also require some permanent ventilation to control subfloor dampness.

### **3.3.17 Colour of External Building Materials**

As a general rule, light colours tend to reflect the sun's heat while darker colours absorb it. You can take advantage of this fact when selecting the colour of your roof and wall materials. In summer, lighter coloured materials will help to keep your home cooler by reflecting heat from the sun. However if your home is properly insulated, which is a much more effective method of controlling heat transfer, the effect of external building colour on your comfort will be greatly reduced.

### **3.3.18 Ventilation**

Doors and windows should be positioned to achieve cross ventilation in summer. A larger opening on the leeward side of the home will maximise the airflow through rooms. If this has been allowed for in the design of your home, doors and windows opened late on a summer's day will make use of cooling late afternoon and night time breezes to rid your home of heat accumulated during the day.

### **3.3.19 Draught Proofing**

Air leaks and draughts can add significantly to your heating and cooling bills by allowing cold air into your home during winter and warm air during summer. You can prevent these unwanted leaks by installing draught excluders on the bottom edge of doors and sealing strips around doors and windows.

These are easy to fit and can be purchased from your local hardware store. When draught proofing you should also check for spaces between walls and skirtings and block off any unused fireplaces. Note that homes with heaters that burn a fuel inside are required by law to have fixed ventilation for safety reasons. (NB this is for information only and is generally a requirement under the Building Code of Australia).

### **3.3.20 Landscape Design and Planting Selection**

Gardens can provide significant climate modification effects, and have the ability to further enhance or detract from the other factors influencing EED mentioned above.

For example, deciduous trees or vines which provide shade in summer but allow the winter sun to shine through. When their leaves have dropped they provide an effective and simple option.

Deciduous creepers can keep west facing walls cool on hot summer afternoons. Shrubs or trees to the south can be placed to direct south-westerly sea breezes into and through your home.

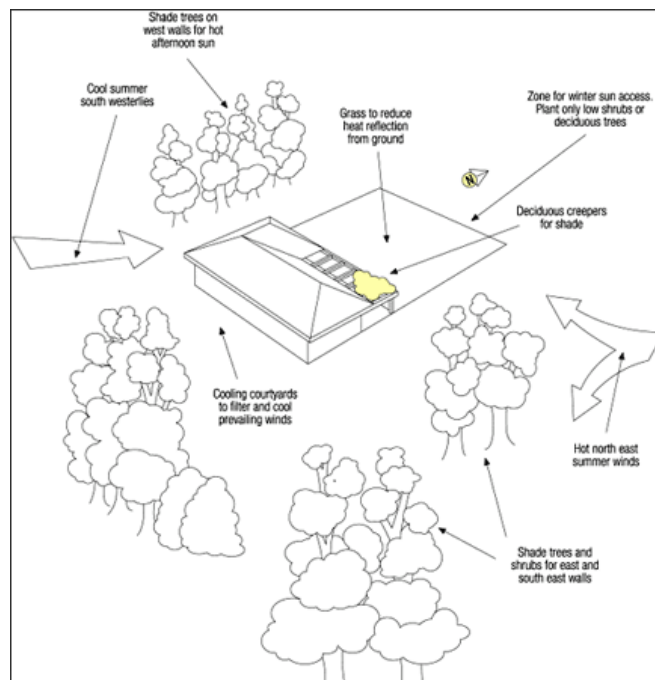
Plantings to the west and north-west can shield houses from winter storms, but close plantings may lead to damage in certain circumstances.

Unshaded paving to the north, east and west of your home should be avoided as it can cause heat to be reflected into windows during summer. Lawns and other ground covers will help reduce this problem.

South facing courtyards with moist cool ferneries will also assist summer cooling.

Overall plant selection should adhere to water wise gardening principals to minimise water usage

The diagram below indicates wind patterns for the Perth region. You should investigate the 'wind regime' particular to your location, to make the most of desirable cooling summer breezes, or to reduce the impact of hot summer or gusty winter winds.



#### 4. Water Sensitive Design Principles

##### 4.1.1 Increased star Water Efficiency Labelling Scheme (WELS) appliances

The Water Efficiency Labelling Scheme (WELS) is a system of easily identifiable and user friendly ratings for household appliances, supported by commonwealth and state legislation to reduce demand for high quality drinking water by informing consumers about water efficiency at the point of sale.

The Town recommends appliances installed into any new dwelling are to have a minimum WELS rating 1 star less than the highest WELS rated appliance. For example, the highest rated dishwasher on the current market may be 5 stars under the WELS. Therefore, any appliance installed into the dwelling must be 4 stars or higher under the WELS.

Information regarding the appliances recognised by this system are found on <https://www.waterrating.gov.au/>.

#### 4.1.2 Waste Water Recycling and Harvesting

In order to promote the recycling of waste water on the site and in order to satisfy this element of this policy, the Town encourages all dwellings to install a minimum 3000L capacity rainwater tank that is plumbed to either a toilet or laundry within the dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation/ground water recharge. Additionally, water permeable paving solutions should be used as much as practicable on development sites as opposed to hardstand areas, to allow for natural infiltration of stormwater into the soil.

Greywater disposal must be in accordance with the [Code of Practice for the Reuse of Greywater in WA](#). The Code of Practice for Greywater Reuse in WA specifies minimum areas of garden or lawn required for greywater disposal. These are summarised in Table 1 below.

No. Bedrooms	Minimum area required for greywater disposal
1 Bedroom (1 person)	20m <sup>2</sup>
2 Bedroom (2 person)	40m <sup>2</sup>
3 Bedroom (4 people)	80m <sup>2</sup>
4 Bedroom (5 people)	100m <sup>2</sup>

Table 1 – Minimum area required for greywater disposal  
(NB the above land areas are calculated on the design irrigation rate of a sandy loam. These may differ depending on the soil type on the property of interest (refer to the Code of Practice for the Reuse of Greywater in WA for different soil types.)

Where the applicant does not have the minimum land areas as specified in Table 1, the use of greywater is not an option. Where this is the case, applicants should opt for the rainwater tank instead.

#### 4.1.3 Landscaping

The Town acknowledges the importance deep-rooted vegetation has on aiding maintenance of ground water levels as well as stormwater run-off from areas, which are not conducive to stormwater infiltration (i.e. new development). Professionally prepared landscaping plans reflect how the landscaping responds and contributes to the sustainable design of the development.

A landscaping plan is to include all details of soft and hard surfaces, plant species and density as well as information on deep soil planting areas and rain gardens to assist in providing natural infiltration into the soil. Also refer to the Town's [Landscaping Information Sheet](#).

The Town encourages landscaping plan for the following elements:

- Is permeable paving being used to encourage water infiltration;
- Are there rain garden present;
- Does the proposal include elements of 'xeriscaping';
- Does the proposal grade the reduced sized hardstand areas on the site towards the landscaped garden beds;

- Are the plant selections native and endemic species that once installed, will not require additional watering to maintain their health and vitality;
- Are grassed areas reduced and/or removed on site in favour of low water use mulched garden beds; and
- Does the site contemplate an area for deep soil planting of shade providing plant/tree species.

## 4.2 Rain Gardens

A rain garden is comprised of native shrubs, perennials and flowers planted in a small depression to filter and treat stormwater runoff. Rain gardens can play a key role in facilitating water sensitive design as they assist runoff to infiltrate into the underlying soil, recharging the groundwater, and reducing peak flows from the site.

The recommended size of your rain garden is 2% of the existing roof cover area on your property. Refer to Table 2 below for guidance.

Roof Cover Area	Rain Garden Size
50m <sup>2</sup>	1m <sup>2</sup>
100m <sup>2</sup>	2m <sup>2</sup>
150m <sup>2</sup>	3m <sup>2</sup>
200m <sup>2</sup>	4m <sup>2</sup>

Table 2 – Examples of Rain Garden Sizes at a 2% Proportion of Roof Cover Area

Then recommended locational criteria for your rain garden is one that:

- Is on a flat site or a slight natural slope. Although rain gardens can be excavated in steeper areas with enough depth for drainage, this can be an added cost;
- Located so that they can capture and treat stormwater from impervious services. Generally, it is best practice to locate a rain garden at the lowest point of your site, as that is where stormwater collects;
- Can provide for a total rain garden depth of 600-800mm (dependent on how large your rain garden is); and
- Setback at least 450mm from the dwelling and property boundaries.

A standard rain garden has two layers of soil. The top layer acts as the filter layer and should be comprised of a sandy loam with good drainage and a very low clay content. The bottom layer acts as the drainage layer and should be coarse sand. It is recommended that larger rain gardens have a third gravel drainage layer.

For further information on how to establish a successful rain garden refer to [Building a raingarden: step-by-step guide Archives - Healthy Land and Water \(hlw.org.au\)](#).

## 4.3 Incorporation of Water Resource Issues Early in the Land Use Planning Process

The earlier that stormwater management is addressed in the land use planning process the more opportunity there generally is for integration of structural mechanisms to ensure water quality. Ideally it should form part of the initial site analysis prior to structure planning and sub-division. For small residential subdivisions (<5ha) and redevelopments in which ponds or wetlands may not be feasible inline controls such as pollutant traps may be more appropriate.

## 4.4 Addressing Water Resource Management at the Catchment and Sub-catchment Level

Sub-catchments should be used to determine drainage system design. Developments low in the catchment should be designed with due regard to existing and proposed land use as reflected in the Local Planning Scheme and the volumes and quality of stormwater or subsoil drainage water likely to be generated upstream.

#### **4.5 Storage, Stormwater Use and Stormwater Treatment Occur as High as Possible in the Catchment, a Treatment Train Approach is used and Components of Stormwater Management are Located so that they Follow Natural Contours**

Stormwater treatment such as detention should occur at source or on-site if practicable. Structural best management practices are most effective when they can be combined in a series, as a treatment train preferably connected by grass or reed swales or multiple use corridors (through public open space). Storage areas should be an integral part of the landscape, wherever possible. The use of the treatment trains can increase pollutant removal effectiveness, allow for filtration of suspended solids, or overcome site factors that limit the effectiveness of a single measure.

The Department of Water and Environmental Regulation (in preparation with the Swan River Trust) have outlined the recommended key design principles to establish a effective treatment trains in their [Stormwater Management Manual for Western Australia](#) (pp. 149 - 151).

Wherever possible use should be made of stormwater runoff. Car parks in commercial developments should direct runoff water into landscaped swales by use of flush or broken kerbing to reduce the irrigation requirement and filter stormwater pollutants. Porous paving materials should be encouraged, especially for parking areas that are infrequently used or are low traffic volume areas. Mechanisms to trap sediment should be in place to remove sediment 100 microns or more.

#### **4.6 Protecting property from flooding**

##### **4.6.1 Water Courses and main drains**

All development along watercourses, main drains and overland flow paths for the 100 year storm recurrence interval shall have floor levels at 500mm above the 100 year flood level in accordance with the [Draft State Planning Policy 2.9 - Planning for Water](#).

Watercourses and main drainage reserves should be of sufficient width to allow for 1:6 batters, appropriate access for maintenance or 1:8 (for revegetation) and the floodway associated with the 100 year event. This would normally result in a minimum reserve width of 30m. However, to allow for natural meandering of a watercourse and the floodplain a 50m reserve width is preferred.

##### **4.6.2 Groundwater Levels**

To protect housing from flooding and damage from groundwater, development in areas where the Average Annual Maximum Groundwater Level (AAMGL) is at or within 1.2m of the surface, the importation of clean fill will be required together with the provision of sub surface drainage placed at the AAMGL. In areas where the AAMGL is more than 1.2m from the surface, subsurface drainage may still be required to restrict the rise in groundwater and ensure that adequate separation of building floor slabs from groundwater is achieved.

The AAMGL should be determined to the satisfaction of the Department of Water and Environmental Regulation.

#### **4.7 Maintaining Water Level and Flow Regimes**

##### **4.7.1 Water levels –Protected wetlands**

Where it is deemed that a proposal is likely to have a potential impact on the hydrological regime of a protected wetland a hydrological study will be required to determine how the water level regime of the wetland can be maintained.

As a general guideline, a hydrological study is likely to be required where drains that alter groundwater levels (eg, subsoil drains) are used within 100m of a protected wetland, or if drainage into a wetland is proposed.

##### **4.7.2 Water flows –Watercourses**

In order to prevent instream erosion, peak flows in water courses should not exceed pre-development conditions for the particular storm average recurrence interval (eg, the peak flow reaching the water course from the catchment in a 10 year event should remain the same after development).

Longer duration low-level flows in watercourses to maximise detention times in detention ponds consistent with the advice in the Department of Water and Environmental Regulation are acceptable to enable increased water volumes to be discharged off-site.

Adequate on-site detention is required to ensure this criterion can be met.

#### **4.8 Retaining and Rehabilitating Protected Wetland and Watercourse Fringing Vegetation**

Fringing vegetation should not be removed from within the following buffer zones:

<b>Watercourse Type</b>	<b>Buffer Zone</b>
Watercourses with permanent water or protected wetlands	50m
Seasonally flowing watercourses	30m
Watercourses which flow in response to specific rain events	10m

Table 3 – Fringing Vegetation Watercourse Buffer Distances

Removal of non-native vegetation in a manner that replaces it with native vegetation and minimises potential soil erosion is encouraged, except where the non-native vegetation has identified landscape or heritage value.

Foreshore management proposals are assessed in terms of the achievement/replication of natural processes, and integration of passive recreation whilst maintaining conservation values.

As a minimum watercourses should be revegetated with native vegetation for 10m either side of watercourses which flow in response to specific rain events and 15m either side of other watercourses.



As a minimum, protected wetlands should be revegetated consistent with vegetation zones that would naturally occur in a wetland to at least 15m from the high water mark or 1m higher than the high water mark whichever is the smaller.

Batters and reserve widths are addressed under "Protection of property from flooding" above.

#### **4.9 Using Multiple Use Corridors and Open Drains**

Existing open drains should be assessed for their potential to provide for the multiple uses of recreation, stormwater management and the restoration and maintenance of environmental values through conversion to meandering streamlined channels.

There should be no net loss of existing open drain habitat, based on the extent (ie area) of open water and wetland vegetation provided by the drain. Transfer of habitat to a multiple use corridor/streamlined meandering channel is acceptable, but timing to minimise the period when habitat is not available should be considered.

Multiple use corridors width may vary according to site characteristics. However, a minimum of 50m is recommended with additional width if needed for recognising floodway characteristics and protection of foreshore vegetation.

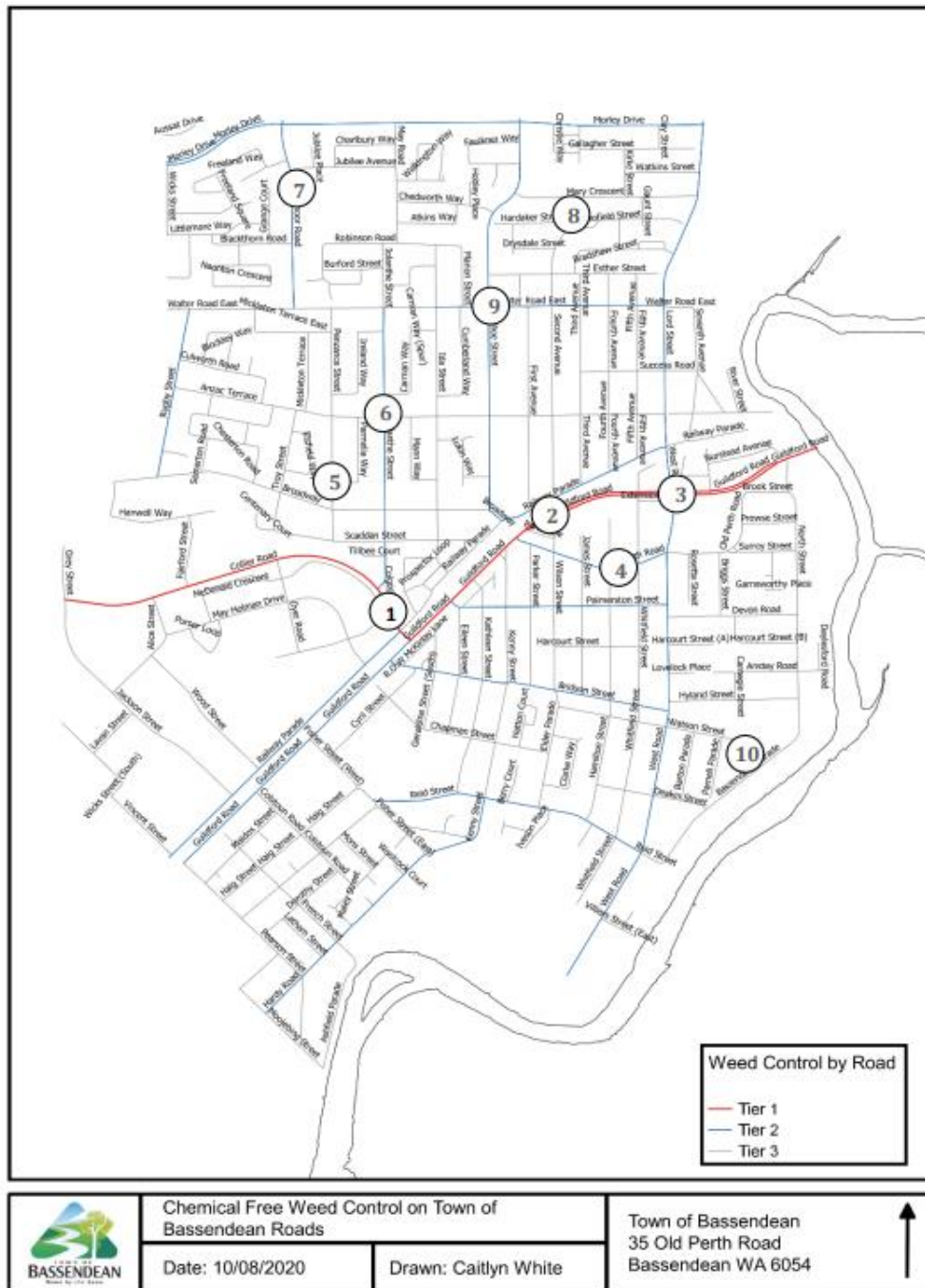
Management plans should be prepared for multiple use corridors. Multiple use corridors should be divided into zones or priority use areas for management purposes.

# **ATTACHMENT NO. 3**

**Steam Weed Control in the Town of Bassendean**

The Town of Bassendean commenced steam weed control of hardstand areas in 2018, and from 2018 to date has utilised three different contractors with three types of steam weed control units to undertake works within the Town. In July 2020, monitoring for the efficacy of steam weed control began within the Town of Bassendean. The purpose was to compare the effectiveness of steam compared to traditional methods and examine different treatment frequency for steam applicati

monitori sites;



**Figure 1: Monitoring locations within the Town of Bassendean**

**Table 1: Monitoring locations**

ID	Tier	Location	Description
1	1	Collier Road	Median island between Iolanthe Road and Railway Parade
2	1	Guildford Road	Median island between Wilson Street and Old Perth Road Footpath at Guildford Road/Wilson Street intersection
3	1	Guildford Road	Traffic island at Guildford Road/West Road intersection Median island between West Road and Whitfield Street
4	2	Old Perth Road	Median island outside Library Median island at Hamilton Street
5	3	Penzance Street	Kerbline between Parmelia Way and Broadway
6	2	Iolanthe Street	Median island south of Iolanthe Street/Anzac Terrae round about
7	2	Northmoor Road	Kerbline along Jubilee Reserve
8	3	Second Avenue	Kerbline and footpath opposite Hardaker Street
9	2	Walter Road	Kerbline, footpath and traffic island between Ivanhoe and Cumberland Way
10	3	Watson Road	Footpath and kerbline along Bindaring Park
<b>Comparison sites</b>			
		City of Swan	Intersection of Sweeting St and Attfield Street
		City of Bayswater	Grey Street between Walter Road East and Anzac Terrace

The steam treatment regime, and other works such as pressure cleaning undertaken during the monitoring period has been outlined in Table 2, the first treatment of all roads was undertaken from late June- August and a second treatment from September- October 2020, only one application was undertaken per month for the other treatments shown. Streets were divided into Tiers based on their visibility/traffic levels, as shown in Figure 1. Following January 2021, treatments were undertaken as per the frequency outlined in the Hard Stand Weed management sheet (Attachment 1) and Table 2.

**Table 2: Treatment regime during the monitoring period**

Tier	2020						2021						
	J	A	S	O	N	D	J	F	M	A	M	J	
Tier 1	*	*#											
Tier 2	^	^											
Tier 3	^	^											







- Treatment 1: Steam weed treatment using a Keckex Hako mounted unit
- Treatment 2: Steam weed Treatment using Weedtechnics Steam Weeding vehicle mounted units
- Treatment 3: Steam weed Treatment using Weedtechnics Steam Weeding vehicle mounted units
- Ad hoc treatment, Iolanthe and footpath outside of Ida street shops using Weedtechnics Steam Weeding vehicle mounted units
- Treatments under Steam weeding contract RFQ 06\_2020, using Weedtechnics Steam Weeding vehicle mounted rig
- \* Pressure clean Collier medians
- # Pressure clean Guildford Medians
- ^ Treatment did not include median/traffic islands



## Photo Monitoring

Photo monitoring was undertaken at each location at the beginning of the month. Information provided for each monitoring point includes the last treatment in the area prior to the photo (Town of Bassendean areas only), and the weather conditions for the month (nearest weather station, Perth Airport (Station Number 009021), information accessed [Climate Data Online - Map search \(bom.gov.au\)](https://www.bom.gov.au) August 2021)

### Town of Bassendean

#	July 2020 (3/07/2020) Total rainfall: 71.2 mm Monthly mean max temp.: 19.4 °C	August 2020 (4/08/2020) Total rainfall: 99.4 mm Monthly mean max temp.: 19.2 °C	September 2020 (3/09/2020) Total rainfall: 81.6 mm Monthly mean max temp.: 21.7 °C	October 2020 (5/10/2020) Total rainfall: 13.2 mm Monthly mean max temp.: 25.6 °C	Nov 2020 (3/11/2020) Total rainfall: 88.8 mm Monthly mean max temp.: 25 °C	Dec 2020 (4/11/2020) Total rainfall: 3.8 mm Monthly mean max temp.: 32.4 °C
1. Collier Rd Median						
	<b>Latest works:</b> Steamed: 17/6/2020	<b>Latest works:</b> Steamed: 17/6/2020 Pressure cleaned and swept: 25/7/2020	<b>Latest works:</b> Steamed: 17/6/2020 Pressure cleaned and swept: 25/7/2020	<b>Latest works:</b> Steamed: 25/09/2020	<b>Latest works:</b> Steamed: 25/09/2020	<b>Latest works:</b> Steamed: 24/11/2020



#	July 2020 (3/07/2020) Total rainfall: 71.2 mm Monthly mean max temp.: 19.4 °C	August 2020 (4/08/2020) Total rainfall: 99.4 mm Monthly mean max temp.: 19.2 °C	September 2020 (3/09/2020) Total rainfall: 81.6 mm Monthly mean max temp.: 21.7 °C	October 2020 (5/10/2020) Total rainfall: 13.2 mm Monthly mean max temp.: 25.6 °C	Nov 2020 (3/11/2020) Total rainfall: 88.8 mm Monthly mean max temp.: 25 °C	Dec 2020 (4/11/2020) Total rainfall: 3.8 mm Monthly mean max temp.: 32.4 °C
2. Guildford Road near Wilson St						
	<p><b>Latest works:</b> Steamed: 1/7/2020 (kerbs)</p>	<p><b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians)</p>	<p><b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians) Pressure cleaned and swept: 23/8/2020</p>	<p><b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians) Pressure cleaned and swept: 23/8/2020</p>	<p><b>Latest works:</b> Steamed: 21/10/2020</p>	<p><b>Latest works:</b> Steamed: 24/11/2020</p>



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3. Guildford Road near Lord Street	 	 	 	 	 	 
	<b>Latest works:</b> Steamed: 1/7/2020 (kerbs)	<b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians)	<b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians) Pressure cleaned and swept: 23/8/2020	<b>Latest works:</b> Steamed: 1/7/2020 (kerbs), 23/7/2020 (medians) Pressure cleaned and swept: 23/8/2020	<b>Latest works:</b> Steamed: 21/10/2020	<b>Latest works:</b> Steamed: 24/11/2020
4. Old Perth Road	 	 	 	 	 	 
	<b>Latest Works:</b> Steamed: 24/06/2020 (kerbs)	<b>Latest Works:</b> Steamed: 24/6/2020 (kerbs) 31/07/2020 (foot paths)	<b>Latest Works:</b> Steamed: 24/6/2020 (kerbs) 31/07/2020 (foot paths)	<b>Latest Works:</b> Steamed: 24/6/2020 (kerbs) 31/07/2020 (foot paths)	<b>Latest Works:</b> Steamed: 7/10/2020	<b>Latest Works:</b> Steamed: 7/10/2020



#	July 2020 (3/07/2020) Total rainfall: 71.2 mm Monthly mean max temp.: 19.4 °C	August 2020 (4/08/2020) Total rainfall: 99.4 mm Monthly mean max temp.: 19.2 °C	September 2020 (3/09/2020) Total rainfall: 81.6 mm Monthly mean max temp.: 21.7 °C	October 2020 (5/10/2020) Total rainfall: 13.2 mm Monthly mean max temp.: 25.6 °C	Nov 2020 (3/11/2020) Total rainfall: 88.8 mm Monthly mean max temp.: 25 °C	Dec 2020 (4/11/2020) Total rainfall: 3.8 mm Monthly mean max temp.: 32.4 °C
5. Penzance Street near Parmelia Way						
	<b>Latest Works:</b> Steamed: 24/06/2020 (kerbs)	<b>Latest Works:</b> Steamed: 24/06/2020 (kerbs) 20/07/2020 (footpaths)	<b>Latest Works:</b> Steamed: 24/06/2020 (kerbs) 20/07/2020 (footpaths)	<b>Latest Works:</b> Steamed: 25/09/2020	<b>Latest Works:</b> Steamed: 25/09/2020	<b>Latest Works:</b> Steam: 16/10/2020
6. Iolanthe/Anzac Tce Roundabout						
	<b>Latest Works:</b> Steamed: 23/06/2020 (kerbs)	<b>Latest Works:</b> Steamed: 23/06/2020 (kerb) 21/07/2020 (footpaths)	<b>Latest Works:</b> Steamed: 23/06/2020 (kerb) 21/07/2020 (footpaths)	<b>Latest Works:</b> Steamed: 5/10/2020	<b>Latest Works:</b> Steamed: 5/10/2020	<b>Latest Works:</b> Steamed: 5/10/2020



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7. Northmoor Road						
	<b>Latest Works:</b> Steamed: 23/06/2020	<b>Latest Works:</b> Steam: 23/6/2020	<b>Latest Works:</b> Steam: 23/6/2020	<b>Latest Works:</b> Steam: 23/6/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020
8. Second Ave						
	<b>Latest Works:</b> September 2019	<b>Latest Works:</b> Steam: 6/7/2020 (kerb) 22/7/2020 (footpath)	<b>Latest Works:</b> Steam: 6/7/2020 (kerb) 22/7/2020 (footpath)	<b>Latest Works:</b> Steam: 6/7/2020 (kerb) 22/7/2020 (footpath)	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020







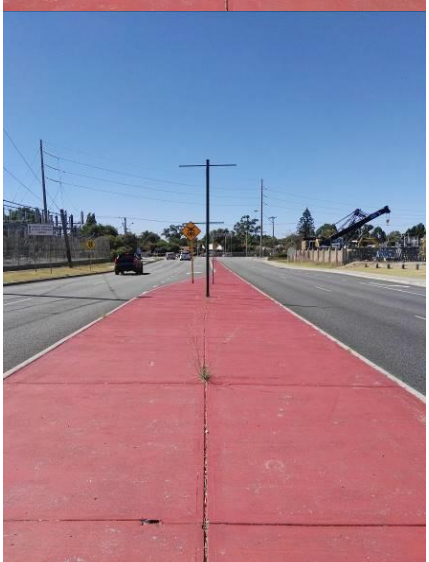







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9. Walter Road/Ivanhoe Street												
												
	<b>Latest Works:</b> Steamed: 23/06/2020 (kerb and median)		<b>Latest Works:</b> Steam: 23/06/2020 (kerb and median)		<b>Latest Works:</b> Steam: 23/06/2020 (kerb and median), 18/8/2020 (path)		<b>Latest Works:</b> Steam: 23/06/2020 (kerb and median), 18/8/2020 (path)		<b>Latest Works:</b> Steam: 9/10/2020		<b>Latest Works:</b> Steam: 9/10/2020	



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10. Watson Road						
	<b>Latest Works:</b> Steamed: 26/6/2020 (kerb)	<b>Latest Works:</b> Steamed: 26/6/2020 (kerb)	<b>Latest Works:</b> Steamed: 26/6/2020 (kerb) 14/08/2020 (path)	<b>Latest Works:</b> Steamed: 26/6/2020 (kerb) 14/08/2020 (path)	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020

















#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
1. Collier Rd Median						
						
	Latest works: Steamed: 24/11/2020	Latest works: Steamed: 24/11/2020	Latest works: Steamed: 9/02/2021	Latest works: Steamed: 9/02/2021	Latest works: Steamed: 19-23/4/2021	Latest works: Steamed: 17-21/5/21



#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
2. Guildford Road near Wilson St						
	<p><b>Latest works:</b> Steamed: 24/11/2020</p>	<p><b>Latest works:</b> Steamed: 24/11/2020</p>	<p><b>Latest works:</b> Steamed: 10/2/2021</p>	<p><b>Latest works:</b> Steamed: 10/2/2021</p>	<p><b>Latest works:</b> Steamed: 19-23/4/2021</p>	<p><b>Latest works:</b> Steamed: 17-21/5/21</p>



#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
3. Guildford Road near Lord Street						
						
	<b>Latest works:</b> Steamed: 24/11/2020	<b>Latest works:</b> Steamed: 24/11/2020	<b>Latest works:</b> Steamed: 5/2/2021	<b>Latest works:</b> Steamed: 5/2/2021	<b>Latest works:</b> Steamed: 19-23/4/2021	<b>Latest works:</b> Steamed: 17-21/5/21
4. Old Perth Road						
						
	<b>Latest Works:</b> Steamed: 7/10/2020 Pressure cleaned: 5-13/12/2020	<b>Latest Works:</b> Steamed: 7/10/2020 Pressure cleaned: 5-13/12/2020	<b>Latest Works:</b> Steamed: 4/2/2021	<b>Latest Works:</b> Steamed: 4/2/2021	<b>Latest works:</b> Steamed: 19-23/4/2021	<b>Latest works:</b> Steamed: 19-23/4/2021



#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
5. Penzance Street near Parmelia Way						
	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020
6. Iolanthe/Anzac Tce Roundabout						
	<b>Latest Works:</b> Steamed: 22/12/2020	<b>Latest Works:</b> Steamed: 22/12/2020	<b>Latest Works:</b> Steamed: 3/02/2021	<b>Latest Works:</b> Steamed: 3/02/2021	<b>Latest works:</b> Steamed: 19-23/4/2021	<b>Latest works:</b> Steamed: 19-23/4/2021



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7. Northmoor Road						
	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020
8. Second Ave						
	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020	<b>Latest Works:</b> Steam: 9/10/2020



#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
9. Walter Road/Ivanhoe Street						
						
	Latest Works: Steam: 9/10/2020	Latest Works: Steam: 9/10/2020	Latest Works: Steam: 4/02/2021	Latest Works: Steam: 4/02/2021	Latest works: Steamed: 19-23/4/2021	Latest works: Steamed: 19-23/4/2021




#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
10. Watson Road						
	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020 Line trimmed by parks team	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020	<b>Latest Works:</b> Steam: 16/10/2020 Line trimmed by parks team	<b>Latest Works:</b> Steam: 16/10/2020



**Comparison Site: City of Swan**

#		August 2020 (4/08/2020) Total rainfall: 99.4 mm Monthly mean max temp.: 19.2 °C	September 2020 (3/09/2020) Total rainfall: 81.6 mm Monthly mean max temp.: 21.7 °C	October 2020 (5/10/2020) Total rainfall: 13.2 mm Monthly mean max temp.: 25.6 °C	Nov 2020 (3/11/2020) Total rainfall: 88.8 mm Monthly mean max temp.: 25 °C	Dec 2020 (4/11/2020) Total rainfall: 3.8 mm Monthly mean max temp.: 32.4 °C
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Corner of Attfield St and Sweeting St, Guildford</p>						
						
						
						
<p>City of Swan treats streetscapes with Glyphosate three times a year, with ad hoc treatments also conducted as needed. The three treatments are typically two conducted winter/spring and one conducted summer/autumn. Exact timing of the treatments is dependent on seasonal conditions. There is no tiered system with the road treatments; the City currently runs 4x 1 person units to undertake the treatments across the City. Treatment of the kerb line pictured was seen in September 2020</p>						








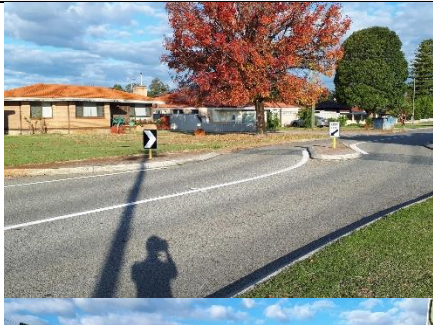






#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
Corner of Attfield St and Sweeting St, Guildford						
						
						
						

City of Swan treats streetscapes with Glyphosate three times a year, with ad hoc treatments also conducted as needed. The three treatments are typically two conducted winter/spring and one conducted summer/autumn. Exact timing of the treatments is dependent on seasonal conditions. There is no tiered system with the road treatments; the City currently runs 4x 1 person units to undertake the treatments across the City. Treatment of the kerb line pictured was seen occurring on the day of the September 2020



**Comparison Site: City of Bayswater**

#	August 2020 (4/08/2020) Total rainfall: 99.4 mm Monthly mean max temp.: 19.2 °C	September 2020 (3/09/2020) Total rainfall: 81.6 mm Monthly mean max temp.: 21.7 °C	October 2020 (5/10/2020) Total rainfall: 13.2 mm Monthly mean max temp.: 25.6 °C	Nov 2020 (3/11/2020) Total rainfall: 88.8 mm Monthly mean max temp.: 25 °C	Dec 2020 (4/11/2020) Total rainfall: 3.8 mm Monthly mean max temp.: 32.4 °C
Corner of Walter Road and Grey Street					
					
<p>City of Bayswater currently treats kerb lines with Glyphosate (Biactive where possible) twice a year, with ad hoc treatments also conducted as needed. The treatments occur with one in winter/spring and one in summer/autumn. Exact timing of the treatments is dependent on seasonal conditions. There is no tiered system with the road treatments; the City is looking to outsource works as currently works requirements/staffing levels means footpaths typically do not get treatment.</p>					

#	Jan 2021 (6/01/2021) Total rainfall: 0 mm Monthly mean max temp.: 33.6 °C	Feb 2021 (8/02/2021) Total rainfall: 28.6 mm Monthly mean max temp.: 30.8 °C	Mar 2021 (5/03/2021) Total rainfall: 32.6 mm Monthly mean max temp.: 30.4 °C	April 2021 (6/04/2021) Total rainfall: 34.2 mm Monthly mean max temp.: 27.3 °C	May 2021 (4/05/2021) Total rainfall: 116 mm Monthly mean max temp.: 22.4 °C	June 2021 (3/06/2021) Total rainfall: 98mm Monthly mean max temp.: 18.8 °C
Corner of Walter Road and Grey Street						
						
<p>City of Bayswater currently treats kerb lines with Glyphosate (Biactive where possible) twice a year, with ad hoc treatments also conducted as needed. The treatments occur with one in winter/spring and one in summer/autumn. Exact timing of the treatments is dependent on seasonal conditions. There is no tiered system with the road treatments; the City is looking to outsource works as currently works requirements/staffing levels means footpaths typically do not get treatment.</p>						



## Discussion

The EMRC 2017 Alternative Weed Management Trial Report concluded that steam treatment was “effective at managing most weeds with the exception of mature weeds or weeds with large underground energy storage systems”. The Town of Bassendean steam weed control monitoring reinforced these findings, with seedlings and small weeds controlled by steam, but rhizomatous grasses, some clumping grasses and plants with established tap roots regrowing after treatment. This is seen at monitoring locations 1 (Collier Road median) with African Lovegrass (*Eragrostis curvula*, Figure 2) and sites 2 (Guildford Road, Figure 3) and 10 (Watson Street) with the regrowth of rhizomatous grasses.



**Figure 2:** Growth of African Lovegrass clump in February 2021 (top left, pre treatment), March 2021 (top right, ~ 1 month post treatment) and 15 October 2021 (bottom)



Photo monitoring along Guildford Road and Collier Road indicated that monthly treatments over a period of 5 months (April – August) was not sufficient to kill the mature rhizomes and clumping grasses (Figure 2 and Figure 3); though the clumping grass on Collier Road did not show the same rapid recovery as the rhizomatous grass in the paved foot path of Guildford Road. During discussion with City of Hobart, who presented the findings of their steam weed control trial at a 2021 WALGA working group, suggested that the hot water may actually promote the germination of some weed seeds post treatment (personal comms).



**Figure 3:** Condition of grass (rhizomatous species) on Guildford Road foot path on 4 December 2020 (right, 10 days post treatment) and 6 January 2021 (left, 43 days post treatment) and 15 October 2021.



Comparatively, steam weed control does not appear as effective as glyphosate, likely due to the method used to kill the weeds. Steam ruptures the cell wall in the weed, causing the weed to wilt and die. Species with underground storage structures, like the grasses in the Town’s trial or the Plantain (*Plantago lanceolata*) in the 2017 EMRC trial, are likely able to regrow because the heat from the steam does not sufficiently penetrate the ground to damage the underground structures. Glyphosate is translocated through the plants to growing points in the plant, and inhibits a plant enzyme required to produce essential amino acids. This will lead to the death of the plant, though some species are resistant or developing resistance to Glyphosate. Visual evidence of the effectiveness of Glyphosate versus steam can be seen at the front of the paved footpath in the City of Swan (Figure 4); no regrowth of the weeds between the bitumen and kerb/paved pathway were seen after the initial treatment.



**Figure 4:** Glyphosate control on kerb line weeds, starting from top left: September 2020 (day of treatment), October 2020, November 2020, December 2020 and June 2021. Rhizomatous grass growing at the front of the brick foot path and adjacent kerb did not regrow.

## Hardstand Weed Management Strategy



### HARD SURFACES: ROADS, KERBS AND FOOTPATH WEED CONTROL

#### WEED CONTROL IN THE TOWN OF BASSENDEAN

The Town aims to minimise herbicide use, where practicable, whilst continuing to maintain the Town's parkland, commercial areas and natural areas to community expectations. The Town currently uses a range of weed control techniques which include:

- physical/mechanical :
  - brush cutting
  - steam and hot water
  - hand pulling
- chemical (herbicides)
- solar radiation
- mulching (etc.)

**WEED CONTROL ON ROADS, KERBS FOOTPATHS AND OTHER HARD SURFACES** Steam and hot water application, in combination with brush cutting and manual removal, is currently being used in the Town's road network for weed control on all hardscaped areas including kerbs, hardstand verges/medians/traffic islands and footpaths.

INDICATIVE WORKS SCHEDULE	Treatment Tier*	J	F	M	A	M	J	J	A	S	O	N	D
Tier 1			■		■	■	■	■	■		■		
Tier 2			■		■		■		■		■		
Tier 3							■		■				

\*See map below

**CONTINUOUS IMPROVEMENT ACTION: MONITORING AND REPORTING ON THE COST AND OUTCOMES OF STEAM TREATMENT**

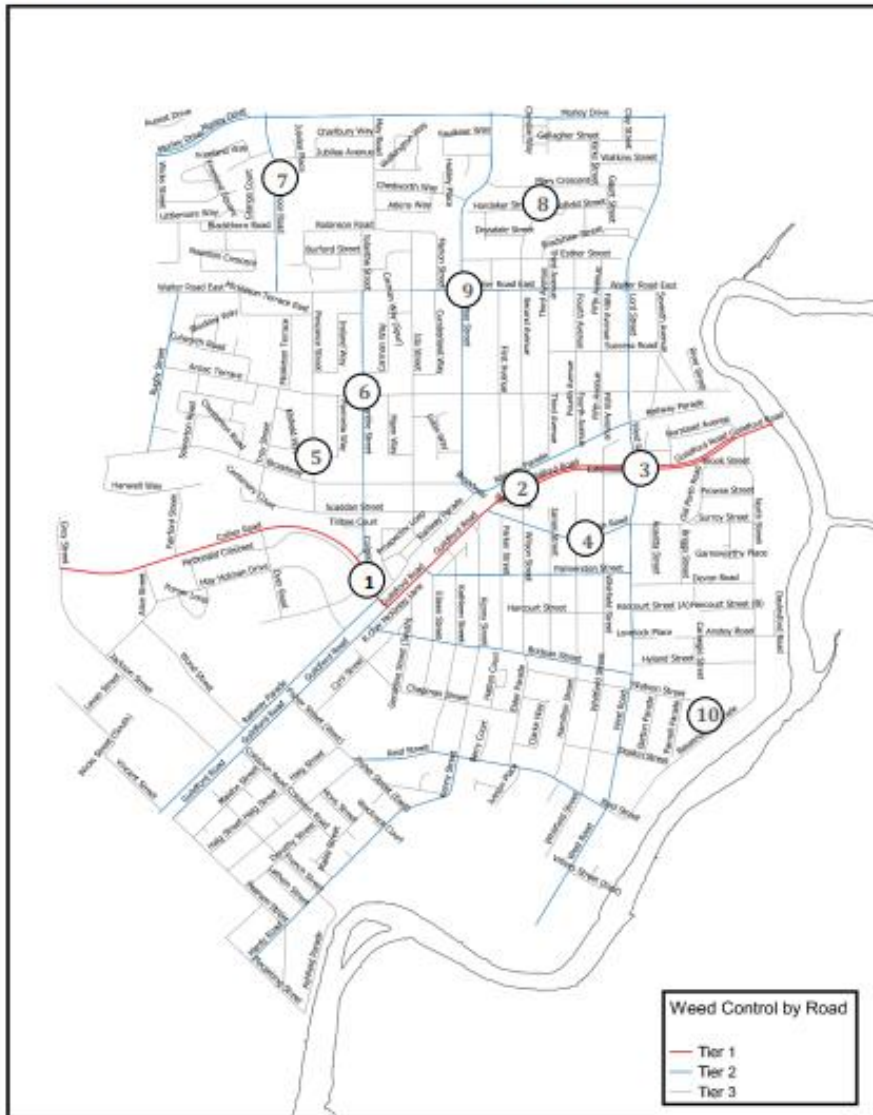
Whilst there is a general understanding of the cost of steam treatment for weed control per event, there needs to be a better understanding of the relationship between the frequency of treatments and the urban amenity outcomes. Officers from the Town will identify 10 locations where works will be recorded and effectiveness measured through monthly photo monitoring.



Weed control/maintenance requirements should also be considered during the construction of roads and associated infrastructure. Reducing 'cracks' for weeds to grow in will reduce overall maintenance requirements. This could include the use of joint fillers, painted islands in place of physical medians, landscaped medians and use of stencilcrete in place of bricks.

**LEAD OFFICER** Conservation Officer

Monitoring locations inside Town:

- |   |                                    |
|---|------------------------------------|
| 1. Collier Road Median (railway end)      | 6. Iolanthe/Anzac Tce Round-a-bout |
| 2. Guildford Road Median (near station)   | 7. Northmoor Road                  |
| 3. Guildford Road Median (near West Road) | 8. Second Avenue                   |
| 4. Old Perth Road                         | 9. Walter Road East/Ivanhoe Street |
| 5. Penzance Street                        | 10. Watson Road                    |



	<b>Chemical Free Weed Control on Town of Bassendean Roads</b>		Town of Bassendean 35 Old Perth Road Bassendean WA 6054	
	Date: 10/08/2020	Drawn: Caitlyn White		

## HARD SURFACES: ROADS, KERBS AND FOOTPATH WEED CONTROL

### WEED CONTROL IN THE TOWN OF BASSENDEAN

The Town aims to minimise herbicide use, where practicable, whilst continuing to maintain the Town's parks and gardens, streetscapes and natural areas to community expectations. The Town currently uses a range of weed control techniques which include:

- physical/mechanical :
  - brush cutting
  - steam and hot water
  - hand pulling
- solar radiation
- mulching (etc.)
- chemical (herbicides)

#### WEED CONTROL ON ROADS, KERBS FOOTPATHS AND OTHER HARD SURFACES

A combination of herbicide and steam/hot water application, in combination with brush cutting and manual removal, is currently being used in the Town's road network for weed control on all hardscaped areas including kerbs, hardstand verges/medians/traffic islands and footpaths. Herbicide used in chemical weed control works shall be Roundup Biactive and is applied directly to the plant.

Steam is used on hard surfaces surrounding schools and childcare centres, and on Old Perth Road and streets adjacent to Hawaiian's Bassendean Shopping Centre. Landscaped medians / garden beds in the streetscape are managed as per the "Parks and Gardens" Weed Management Strategy.

#### INDICATIVE WORKS SCHEDULE

Treatment Area*	J	F	M	A	M	J	J	A	S	O	N	D
Steam treatment												
Herbicide treatment												

\*See map below (vehicle application). Targeted spot spraying of weeds using spray backpacks may also be undertaken at all locations, in addition to the above schedule.

#### CONTINUOUS IMPROVEMENT ACTION

The Town is committed to reducing the use of herbicides in weed control, where the alternative methodology provides effective and efficient control. The Town will continue to investigate alternatives for herbicide use in streetscapes as new technologies become commercially available.

Weed control/maintenance requirements should also be considered during the construction of roads and associated infrastructure. Reducing 'cracks' for weeds to grow in will reduce overall maintenance requirements. This could include the use of joint fillers,



painted islands in place of physical medians, landscaped medians, and use of stencilcrete in place of bricks.

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**'NO SPRAY' LIST**

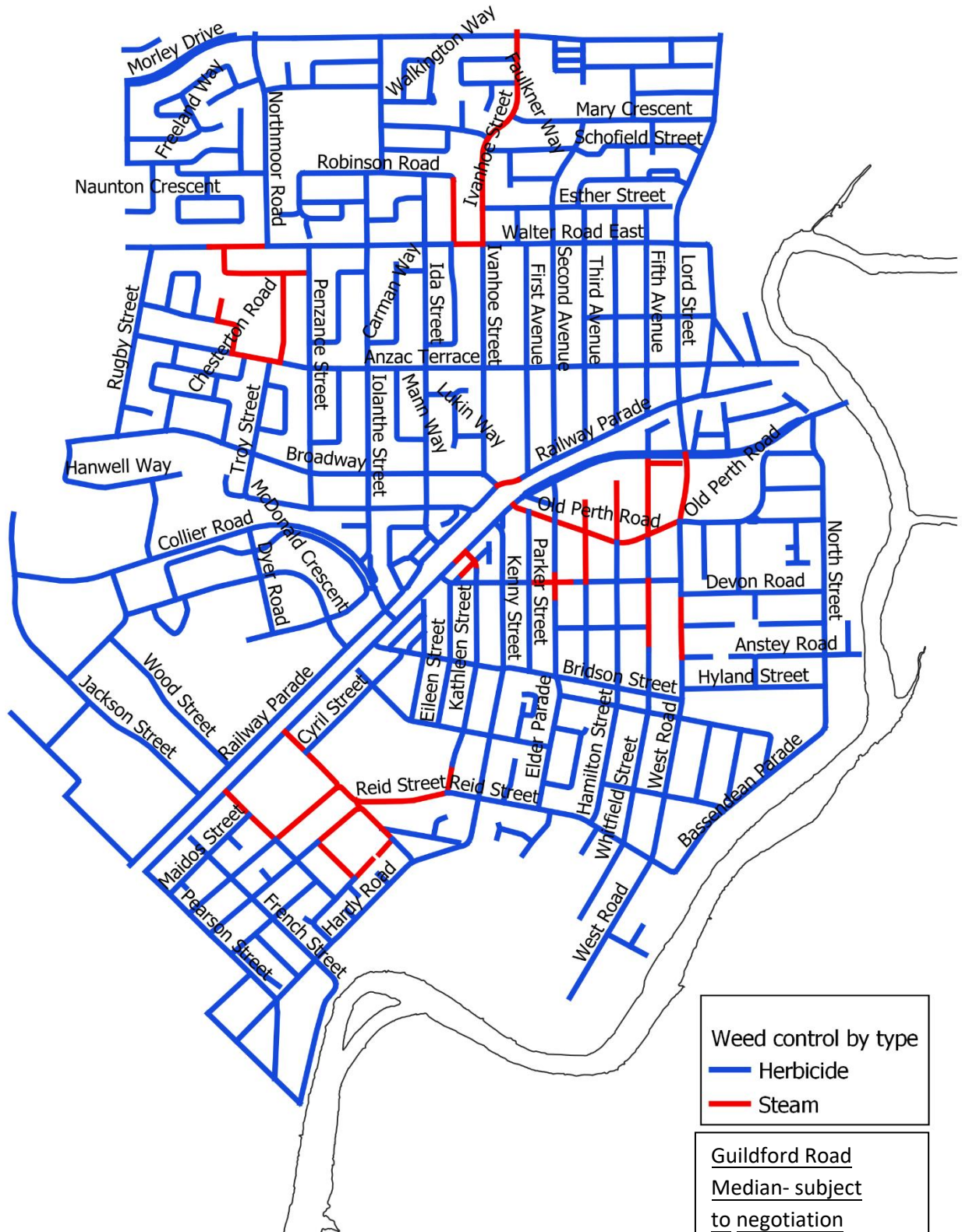
Residents/ratepayers can register for the verge adjacent to their property to be left untreated with herbicides, by contacting the Town in writing (by email to [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au) or mail). The "No Spray" list only applies to local government road reserves and activities of the Town of Bassendean and its contractors.

Registration to the "No Spray" list requires residents/ratepayers to commit to maintaining their verge in a weed-free condition. The Town reserves the right to apply herbicides should the above condition not be met.

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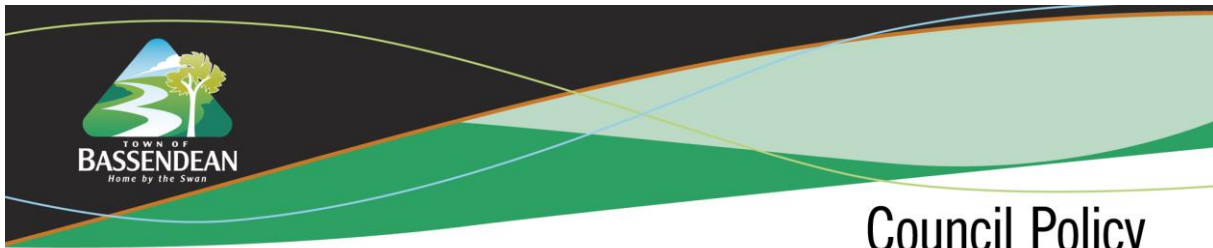
**LEAD OFFICER**

Conservation Officer



WA

# **ATTACHMENT NO. 4**



## Council Policy

### 2.1 Sustainable Bassendean Policy

#### Objective

The Town recognises that all life has intrinsic value, is interconnected and that biodiversity and ecological integrity are part of the irreplaceable life support systems upon which the earth depends. Council is committed to using its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our four key objectives are:

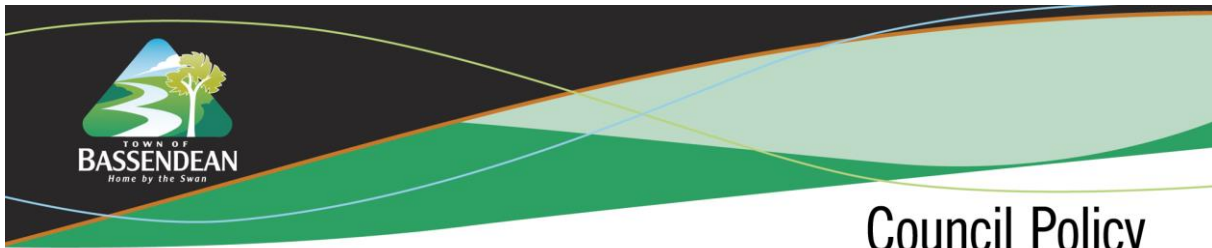
1. To ensure an integrated approach to protecting the natural environment and enhancing the built environment that provides a sustainable environment for future generations.
2. To enhance the quality of community life in the Town characterised by vibrant participation, cohesiveness, increased social capital and recognition of the need for social justice and community safety.
3. To foster economic prosperity in the Town and Region.
4. To strengthen the Town's position as an innovative, independent local government achieving business excellence.

#### Strategy

(Reference "Sustainability Framework for the State Sustainability Strategy")

The Town of Bassendean strives to achieve these objectives by:

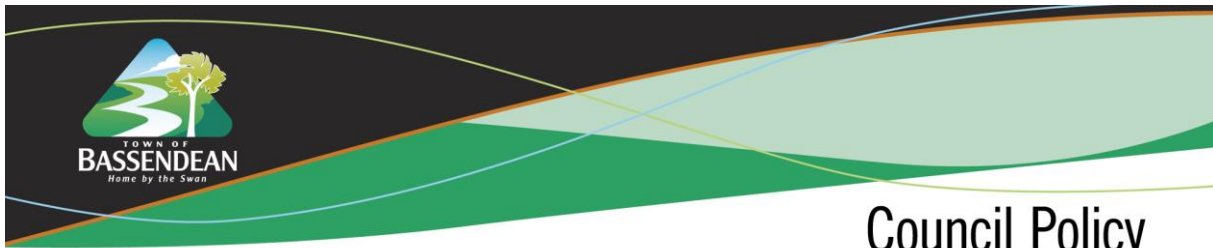
1. Ensuring that the way we govern as a Council is driving the transition to a sustainable future by:
  - Providing stable, ethical and sound government for the Town's residents and ratepayers;
  - Using sustainability assessment to aid decision making;
  - Planning for sustainable long term outcomes for the community;
  - Forming partnerships and strategic alliances to foster sustainability;



## Council Policy

- Managing financial resources in a prudent manner to safeguard a sustainable future;
  - Raising awareness and building capacity in both Councillors, staff and the community in achieving sustainable outcomes;
  - Measuring and reporting on sustainability.
2. Leading by example and playing our part in solving the global challenges of sustainability by:
- Accepting our fair share of increased population density
  - Supporting the development and implementation of environmental technology
  - Maintaining and increasing the Town's biodiversity
  - Responding to green house and climate change and setting an example in reducing greenhouse emissions
  - Raising awareness of oil vulnerability, the gas transition and the use of cleaner fuels
3. Valuing and protecting our environment and ensuring the sustainable management and use of natural resources and in particular our number one asset the Swan River by:
- Ensuring products and services used by the Town support sustainable agriculture, fisheries and aquaculture, forestry and plantations and sustainable mining and petroleum production;
  - Encouraging sustainable tourism in the Region;
  - Protecting the Swan River and the Town's water and aquatic systems; and
  - Employing sustainable land use management for parks, reserves and the urban form.
4. Planning and encouraging our community to reduce its ecological footprint and enhance its quality of life at the same time by:
- Participating in initiatives to manage the wider urban and regional growth;
  - Revitalising our Town centres and suburbs;
  - Implementing sustainable urban design;
  - Integrating land use with transport modes;
  - Encouraging the sound management of freight and regional transport in the Town;
  - Preserving air quality;
  - Reducing waste and managing it as a resource;





- Reducing water consumption and improving water quality;
  - Using sustainable energy sources; and
  - Conserving cultural heritage and landscapes and creating a strong 'sense of place'.
5. Supporting our community to fully participate in achieving a sustainable future by:
- Providing community services, community development and capacity building;
  - Encouraging sustainable housing;
  - Fostering a healthy, fair and safe community;
  - Providing community education and raising community awareness for sustainability;
  - Fostering sustainability through culture and the arts;
  - Fostering sustainability through multiculturalism;
  - Fostering a socially inclusive society;
  - Fostering participatory democracy and community participation in decision making.
6. Assisting business to benefit from and contribute to sustainability by:
- Facilitating networking activities for business sustainability;
  - Creating a business friendly Council and developing economic policy for sustainability;
  - Fostering cleaner production in the Town and Region; and
  - Encouraging corporate social responsibility and industry sustainability

## Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p>	<p><b>Responsible Officer:</b> Director Community Development</p>
<p><b>Link to Strategic Community Plan:</b> Environmental Sustainability and Adaptation to Climate Change</p>	<p><b>Last Review Date:</b> 7 July 2009 <b>Version 2</b></p> <p><b>Next Review due by:</b> December 2016</p>

## 2.2 Treatment of Weeds and Noxious Plants Policy

### Objective

To remove weeds and noxious plants from Council controlled land in order to:

- a) protect and promote the regeneration of locally native vegetation and fauna; and
- b) protect people’s health by eliminating poisonous plants.

### Strategy

The Town of Bassendean will achieve these objectives by:

- Developing Weed Management Plans which will manage the identified target environmental weeds, in accordance with legislative requirements and industry-wide best management techniques in order to control weeds in public places and natural areas;
- Developing Bushland Weed Management Plans that identify weeds that can be removed by non–chemical methods, without damaging the bush area;
- Developing baseline Bushland weed maps that will indicate the target weed species and allow for strategic planning for the priority timing for weed control and management;
- Prevent introduction of additional weed species and prevent further encroachment of weeds;

Council recognises where herbicides are used that the Australian Pesticides and Veterinary Medicines Authority is responsible for assessment, product registration, quality assurance and compliance of agricultural chemicals and that the Town applies these registered herbicides in accordance with manufacturer’s guidelines, the Material Safety Data Sheet requirements and the Town’s Pesticide Operational Policy & Guidelines.

### Detail

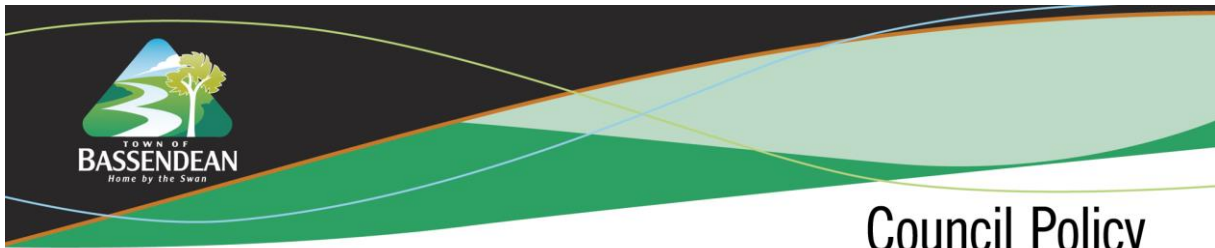
Where any of the following species are growing on Council controlled land, the plants are to be removed and the seed stock progressively controlled:

Plant	Where to be removed from	
	All Locations	Bushland
Acacia rostellifera	✓	✓
Annual Barbgrass		✓
African lovegrass	✓	✓
Arum lily		✓

## Council Policy

Bamboo	✓	✓
Blackberry	✓	✓
Barley Grass		✓
Beach Evening Primrose		✓
Bedstraw		✓
Brome Grass		✓
Bougainvillea		✓
Blowfly Grass		✓
Black Nightshade		✓
Bridal creeper	✓	✓
Birdsfoot		✓
Burr Medic		✓
Buffalo grass		✓
Bullrush		✓
Caltrop	✓	✓
Cape lilac		✓
Cape tulip	✓	✓
Capeweed		✓
Castor oil bush	✓	✓
Chilian willow		✓
Clover	✓	✓
Couch		✓
Crab Grass		✓
Curled Dock		✓
Cyperus		✓

Plant	Where to be removed from	
	All Locations	Bushland
Doublegee	✓	✓
Flatweed		✓
Fleabane	✓	✓
Giant reed	✓	✓
Goldenrod		✓
Hares Tail Grass		✓
Japanese pepper	✓	✓
Kikuyu		✓
Mile-a-Minute		✓
Marsh Club-rush		✓
Morning glory	✓	✓
Nasturtium		✓
Oleander	✓	
Pampas grass	✓	✓
Paspalum	✓	✓
Pigeon Grass		✓
Poplars		✓
Prickly Lettuce		✓
Prickly Sowthistle		✓
Pimpernel		✓
Ribwort Plantain		✓
Ryegrass		✓
Shiver Grass		✓
South African gladiolus	✓	✓
Soursob		✓



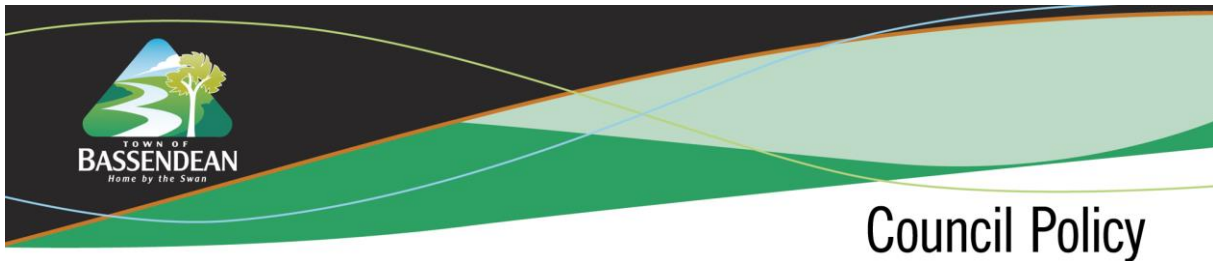
## Council Policy

Small Flowered Mallow		✓
Tree lucerne		✓
Trumpet Vine		✓
Veldt Grass	✓	✓
Vetch		✓
Watercress		✓
Watsonia	✓	✓
Wild lantana	✓	✓
Wild Oat		✓
Wild Radish		✓
Whiteflower Fumitory		

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> OCM - 11/6/99</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.3 Natural Areas Management Policy

The biodiversity found in the south west of WA, including Bassendean, makes it one of the 25 global biodiversity hot spots. However, climate change, development pressures, clearing, weed invasion, over-extraction of ground water and erosion of soils threaten this natural heritage.

The Town of Bassendean currently has 2.39% of its original pre-European settlement vegetation remaining; this equates to about 21 hectares. The Town is committed to conserving biodiversity and to revegetating areas that are degraded. A detailed Five Year Operational Plan for Natural Areas has been developed to provide staff with best practice management tools for actions that need to be implemented in bushland reserves.

### Objectives

The Town of Bassendean's objectives for its Natural Areas Management Policy are:

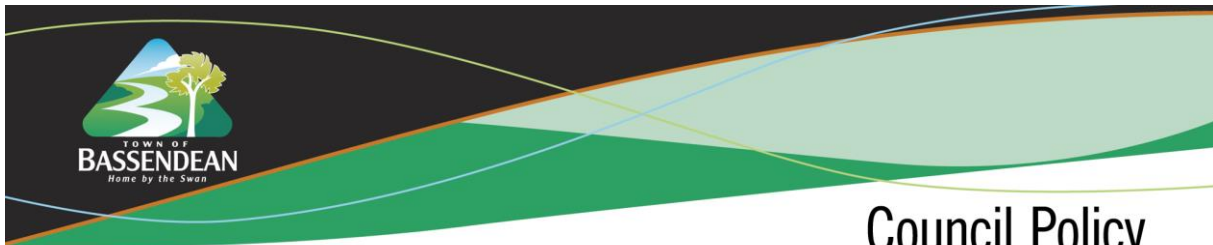
- To ensure that bushland reserves are maintained and restored to protect and enhance their conservational, ecological and community values;
- To provide appropriate frameworks, timelines and processes for the management of the reserves vested in the care of the Town of Bassendean;
- To develop a long term strategy for bushland restoration works and ongoing maintenance of the reserves vested in the care of the Town of Bassendean, including involvement of volunteers;
- To have best practice guidelines in place for staff involved in the management of the reserves.

### Strategy

The Town of Bassendean will achieve these objectives by:

1. Ensuring our own operations encompass best practice standards and practices by:
  - Seeking to preserve and increase local endemic native vegetation in all bushland areas, in partnership with volunteer groups, for which the Town has a management responsibility;
  - Implementing the Five Year Operational Plan for Natural Areas;
  - Managing exotic weed species, in partnership with volunteer groups; and
  - Developing and implementing procedures for best practice management procedures in bushland areas for Council operations;





## Council Policy

2. Ensuring land use planning decisions and processes take bushland management into account by:
  - Providing guidance on statutory and non-statutory bushland planning mechanisms to promote or secure the protection and enhancement of bushland not owned or managed by the Town;
  - Such guidance to include provision of adequate vegetative buffers, Dieback control, acid sulphate soils, weed control and restrictions on clearing of native vegetation and rehabilitation of native vegetation.
3. The use of chemicals for weed control to be used strictly in accordance with Council procedure and to be used only when necessary.

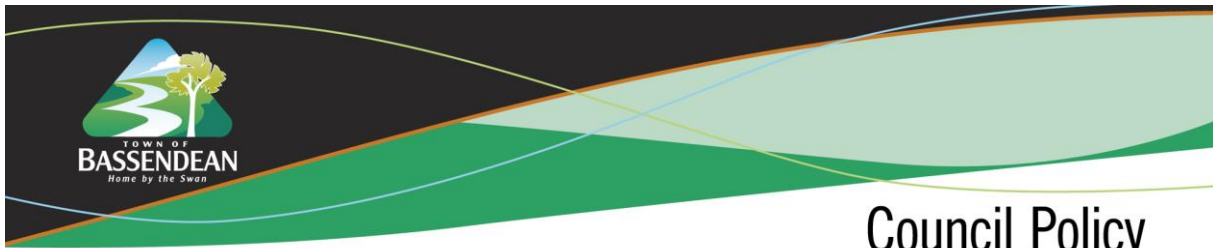
### Detail

- This policy applies to all planning projects including Council projects, subdivisions, land development and redevelopment proposals;
- This policy provides direction to Council in respect of any application for rezoning, subdivision and planning approval. The Council will have due regard to the objectives of the policy before making its determination;
- Providing training to all relevant employees to ensure that they are aware of this Policy and are involved in assisting Council to implement this policy. Training will be provided to volunteer groups involved in bushland management activities on Council managed reserves, as per the Friends Group Manual;
- Openly communicating the Policy to the community.

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.4 Local Biodiversity Policy

The Town of Bassendean values biodiversity and recognises the importance of protecting natural areas. There are significant threats to biodiversity from development pressures, inappropriate management and from climate change.

The purpose of this policy is to ensure the variety of all life forms of endemic plants, native insects, native animals, micro-organisms, their genes and the ecosystem processes of which they are a part, are protected.

### Objectives

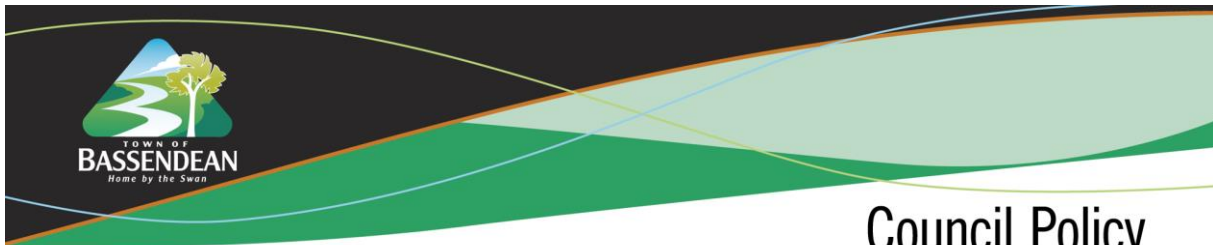
The Town of Bassendean's Local Biodiversity Policy objectives are:

- To secure the protection and conservation of bushland areas, in particular biodiversity corridors (or ecological linkages);
- To promote the retention, conservation, protection, effective management and restoration of all remnant vegetation;
- To ensure that biodiversity conservation and management issues are appropriately addressed and integrated in all Council's activities including strategic land use planning and decision making;
- To ensure that development and land use are compatible with biodiversity protection and/or provide for an improved environmental outcome and incorporate best practice planning, design and management outcomes.

### Strategy

The Town of Bassendean strives to achieve these objectives by:

- Developing a partnership with adjacent Councils to develop and implement a local biodiversity strategy for the Town;
- Protecting and regenerating bushland remnants, restoring local reserves, and either creating or consolidating ecological linkages and buffer zones;
- Ensuring that a comprehensive ecological assessment is undertaken in development proposals and activities;
- Applying an equivalent or higher standard of environmental assessment to planning and carrying out its own works;
- Exploring options for incentives to property owners and developers to conserve biodiversity on private land;
- Only approving development proposals or other activities within its control with likely impacts to biodiversity if the Town is satisfied there are measures in place to avoid or mitigate adverse impacts.
- Reporting implementation of these measures for the life of the development;



## Council Policy

- Improving and enhancing management of natural areas existing reserves ensuring local and regional linkages;
- Landscaping to increase and enhance local biodiversity;
- Monitoring and evaluation of natural areas.

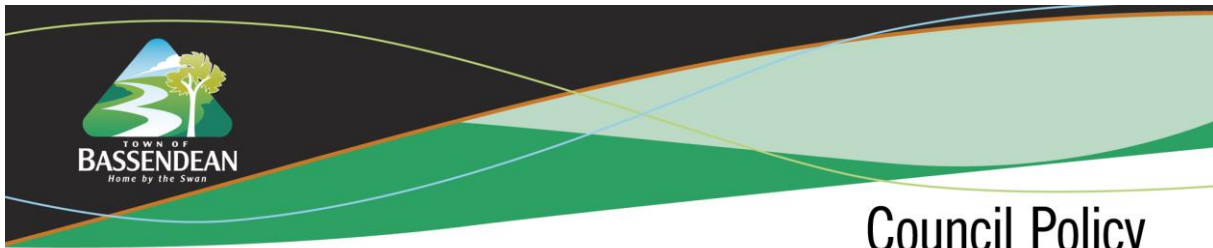
### Detail

- Council adopted Local Planning Policy No. 18 – Landscaping with Local Plants applies to all subdivisions, land development and redevelopments proposals.
- This policy applies to all bushland and foreshore areas within the Town of Bassendean.

### Application

Responsibility for the implementation of this policy rests with all Councillors, staff, volunteers and contractors of the Town of Bassendean. This policy is to be measured and reported upon in the quarterly and annual report. This policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.6 Foreshore Restoration Policy

Council recognises that the riparian vegetation that adjoins drainage gullies, creeks, wetlands, floodplains and the Swan River play a very important role in maintaining foreshore stability and the ecological health of the area by filtering nutrients and sediments, and providing habitat for endemic flora and native fauna.

*Note: 'Riparian' describes the area of land bordering a waterway, where the structure, function and composition of the landscape are influenced by the waterway. The riparian zone includes the entire floodplain.*

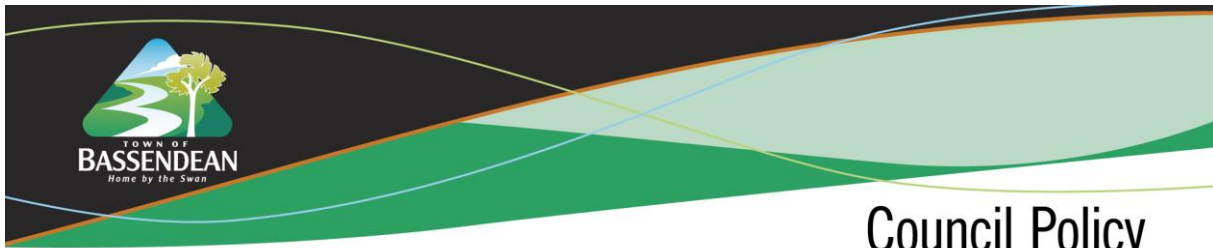
Council also recognises that it has an important role in balancing community expectations and environmental needs in relation to foreshore management.

The Town, in partnership with other agencies responsible for the management of foreshore reserves, has a responsibility to ensure its own actions meet best practice standards. .

### Objectives

The Town of Bassendean's objectives for the Foreshore Restoration Policy are:

- To protect, rehabilitate and enhance the natural functions and biodiversity of the foreshore including the riparian zone through:
  - The employment of best management practices, strategies and other mechanisms to guide management actions in a consistent and co-ordinated manner;
  - To incorporate consideration of these issues into Council's land use planning and development processes and decision-making;
  - To ensure compliance with Western Australian environmental policies, legislation and strategic initiatives relevant to foreshore management;
- To achieve urban design and architectural outcomes which enhance and protect the character and landscape setting of the foreshore;
- To advocate to other agencies with responsibilities for management of foreshore reserves for the protection, enhancement and rehabilitation of the natural functions and biodiversity of the foreshores in line with this policy;
- To take a strong advocacy role in promoting foreshore protection.



## Council Policy

### Strategy

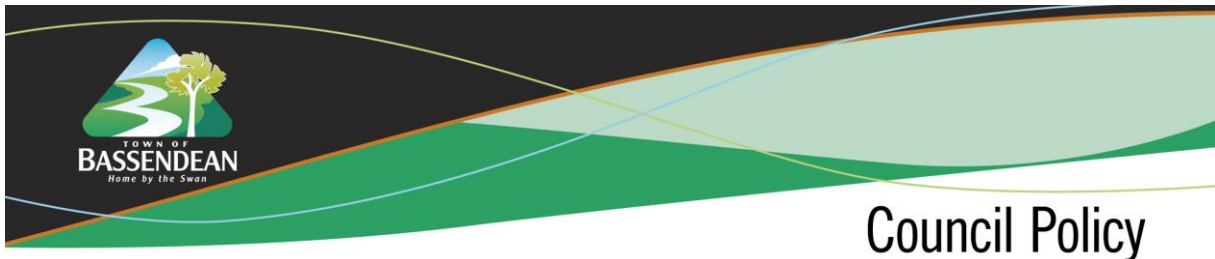
The Town of Bassendean strives to achieve these objectives by:

1. Ensuring our own operations encompass best practice standards and practices by:
  - Developing foreshore management plans for all areas for which the Town has a management responsibility;
  - Developing and implementing procedures to minimise and control erosion and sedimentation from Council operations;
  - Managing exotic weed species\*;
  - Ensuring community consultation is undertaken;
  - Ensuring Aboriginal Consultation is undertaken when required;
  - Working closely with the community and volunteer groups in the undertaking of foreshore restoration works;
  - Seeking cost effective standards that can be maintained;
  - Seeking to preserve native vegetation within the riparian zone; and
  - Delivering projects in a timely manner.

\* Note: In order to minimise risk of erosion of the foreshore soils following weed removal, it is important that temporary and/or permanent foreshore restoration activities are established prior to undertaking such removal.

2. Ensuring land use planning decisions and processes take foreshore protection and management into account by:
  - Providing guidance on statutory and non-statutory foreshore planning mechanisms to promote or secure the protection and enhancement of foreshores not owned or managed by the Town; and
  - Such guidance to include provision of adequate vegetative buffers, erosion and weed control and restrictions on clearing of native vegetation and rehabilitation of native vegetation.
3. Providing leadership identifying and addressing the probable impacts of climate change on the Town's foreshores by:
  - Working at a regional level and with relevant State agencies to identify the likely range of impacts;
  - Seeking partnerships to develop responses to the predicted impacts; and
  - Education and engagement programs to the local community.





**Detail**

- Council adopted Local Planning Policy No. 3 – Water Sensitive Design, Local Planning Policy No. 4 – Flood Plain Management & Development and Local Planning Policy No. 14 – On-Site Stormwater Policy shall apply to all subdivisions, land development and redevelopment proposals;
- This policy applies to all Council foreshore restoration and rehabilitation works;
- Providing training to all relevant employees to ensure that they are aware of this Policy and are involved in assisting Council to implement this policy
- Openly communicating the Policy to the community.

**Application**

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and the Chief Executive Officer. The Chief Executive Officer (ECO) has the authority to administer the requirements of this policy. This policy is to be reviewed every three years

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.8 Energy Use Policy

Policy and programs in areas such as urban development, transport planning, local economic development, and community development and education have an impact on greenhouse gas emissions. Local Government is also a user of energy itself through its own operations and facilities. The Town of Bassendean is a leader in energy management and is working to ensure that its energy consumption is as efficient and effective as possible. This policy is designed to assist in strategic energy management in the Town.

### Objectives

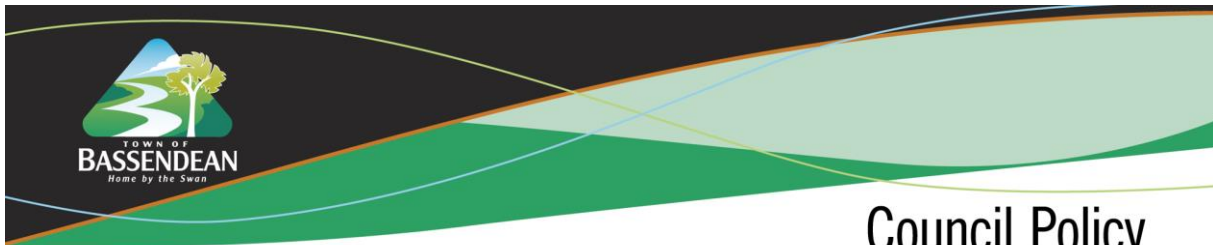
The Town of Bassendean policy objectives for Energy Use are:

- To progressively reduce greenhouse gas emissions and energy consumption beyond the Town of Bassendean's Greenhouse target of 20% of 1998 levels by 2010 to meet international best practice targets;
- To ensure that energy efficiency is a key criteria for consideration in the Town's purchasing decisions, planning and operations, to improve clean energy use.

### Strategy

In order for the Town of Bassendean to minimise energy use and to achieve the objectives the following will be undertaken:

- Improve Bassendean's greenhouse gas management and performance through the CCP Plus Program by setting achievable targets;
  - Ensure that all future Council buildings utilise energy efficient hot water systems, solar hot water systems to be considered where practical;
  - Insulate exposed pipes from water heaters, to prevent heat loss;
  - Progressively replace electric water heaters energy efficient systems e.g. solar, heat pump or gas water heaters;
  - Insulate all Council buildings and use tinting and window treatments to reduce energy use for heating and cooling;
  - Ensure that the Council vehicle fleet and travel requirements consider the associated greenhouse gas emissions;
  - Manage the Council fleet to reduce vehicle emissions, including passenger vehicles having a minimal green star rating of 3 and alternative fuels where practical;
  - Develop a data management system to record energy consumption and changes;
  - Ensure that new and existing Council infrastructure minimises energy/water/waste usage;



## Council Policy

- Investigate and, where feasible, utilise alternate renewable energy sources (e.g. wind, geo-thermal);
- Annual inventories of Council buildings shall be undertaken to monitor and to minimise energy/water/waste usage;
- Maintain a commitment to the Green Bassendean program to offset carbon emissions; and
- Support research to quantify the carbon sequestration potential of native vegetation plantings.

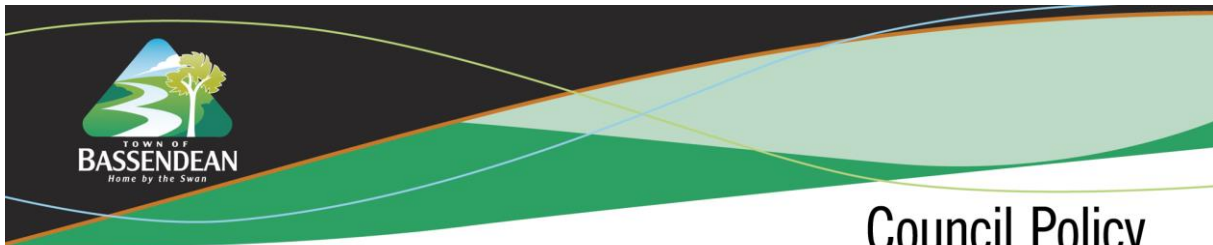
### Detail

- Council adopted Local Planning Policy NO. 2 – Energy Efficiency Design and Building Code of Australia (BCA) 2010 “6 Star” minimum energy efficiency standards applies to Council building applications, subdivisions, land development and redevelopments and proposals;
- This policy applies to all upgrades to Council Buildings, upgrades to infrastructure and Town of Bassendean activity.
- Provide training to all relevant employees to ensure that they are aware of this Policy and are involved in assisting Council to reduce energy use;
- Openly communicate the Policy to the community and formulate local partnerships to reduce community energy use.

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and the Chief Executive Officer. The Chief Executive Officer (CEO) has the authority to administer the requirements of this policy. This policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.9 Water Sensitive Urban Design and Water Conservation Policy

Australia is the driest inhabited continent in the world and Australian Local Governments have a significant role to play in minimising the impact on our limited water resources.

Our changing climate has become more noticeable in the past 10 years with altered rainfall intensity, reduced rainfall occurrences and changes in rainfall timing.

To manage the stormwater received the Town will apply Water Sensitive Urban Design (WSUD) principles.

### Objective

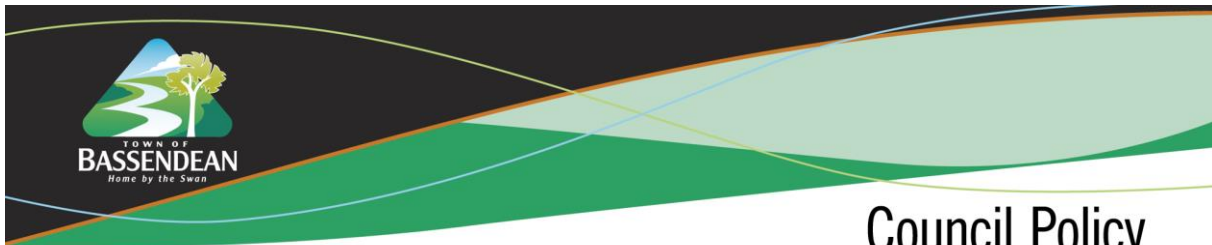
The Town of Bassendean's objectives for Water Sensitive Urban Design and Water Conservation Policy are:

- Ensure that water sensitive urban design and water conservation best management practices are implemented in all new development and redevelopment proposals;
- Raise awareness about the environmental impacts of water waste;
- Assist in protecting the values of the Swan and Canning River and watercourses, consistent with the requirements of the Environmental Protection (Swan and Canning Rivers) Policy 1998;
- Protect and where possible restore and enhance the environmental, economic and social (i.e. recreation and scenic) values of waterways and wetlands; and
- Retain or enhance open drains where possible by converting them to "living streams" in multiple use corridors that provide habitat for wildlife and passive recreation opportunities wherever possible.

### Strategies

The Town of Bassendean strives to achieve these objectives by:

- Assessing the Town's entire stormwater drainage network to identify water quality improvement opportunities;
- Incorporating the Building Code of Australia (BCA) 2010 "6 Star" minimum energy efficiency standards early on in the land use planning;
- Addressing water resource management at the catchment and sub-catchment level;



## Council Policy

- Storing and reusing stormwater and stormwater treatment in the drainage catchment prior to water discharging into water bodies such as the Swan and Canning Rivers; Ensuring stormwater system design incorporates features of waterways that improve water quality;
- Establishing vegetation (particularly native riparian vegetation) in stormwater management to promote filtering and slowing of runoff to maximise settling of particulate-bound pollutants;
- Ensuring structural best management practices which encompass the above principles;
- To protect property from flooding or damage by surface water or groundwater; and
- To ensure post-urban development conditions in watercourses approximate pre urban conditions (i.e. water level and flow regimes are maintained).

A comprehensive approach to stormwater management also involves the promotion of non-structural best management practices. These include source controls such as:

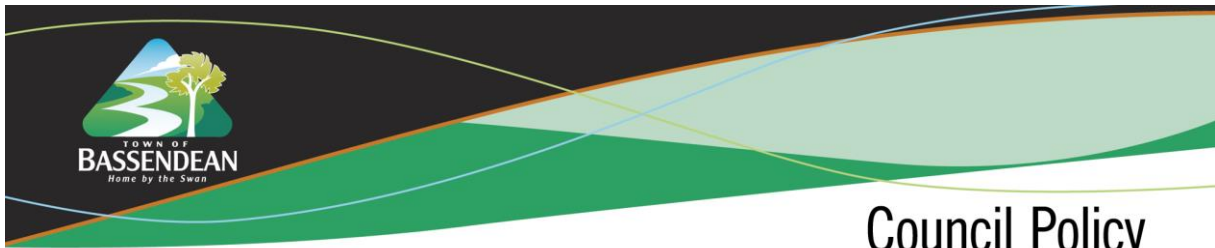
- Education to residents on water conservation, appropriate plant species, fertiliser and water use, street sweeping regimes; and
- Improved waste and stormwater management for industrial premises.

Selection of best management practices should follow Town of Bassendean, Local Planning Policy No. 3 – Water Sensitive Design, Local Planning Policy No. 4 – Flood Plain Management & Development, Local Planning Policy No. 14 – On-Storm Water, Local Planning Policy No. 18 - Landscaping with Local Plants, the Department of Water Stormwater Management Manual for Western Australia, the Building Code of Australia (BCA) 2010 “6” star requirements and the Natural Resource Management (NRM) Policy Manual .

### Detail

- Council has adopted Local Planning Policy No. 3 – Water Sensitive Design and Local Planning Policy No. 14 - On-Site Stormwater Policy;
- Providing training to all relevant employees to ensure that they are aware and are involved in assisting Council to implement this policy;
- Educating and promoting the Building Code of Australia (BCA) 2010 “6 Star” requirements.





# Council Policy

## Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and the Chief Executive Officer. The Chief Executive Officer (ECO) has the authority to administer the requirements of this policy. This policy is to be reviewed every three years

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.10 Nutrient and Irrigation Management Policy

The Town of Bassendean is committed to protecting the natural environment and water quality. Good planning and operational practice is vital to ensure that water is used efficiently and effectively.

The Town recognises that the application of artificial fertilisers and irrigated water supply can have unwanted impacts on the natural environment, especially water bodies, if not carefully managed.

### Objectives

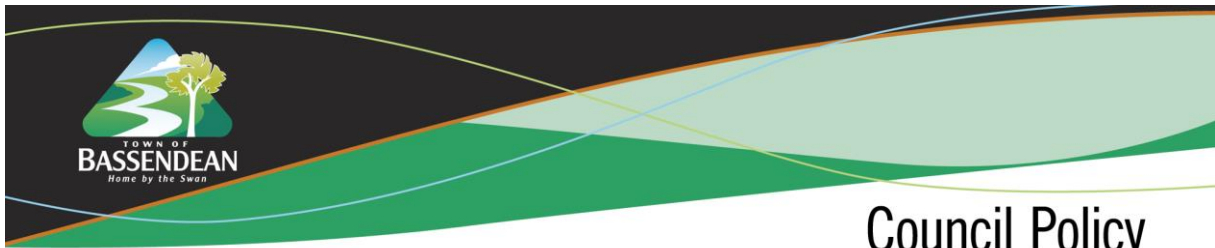
The Town of Bassendean's objectives of the Nutrient and Irrigation Management Policy are:

- To protect water quality in the Town's water courses and drainage systems;
- To contribute to reducing nutrient inputs to water courses and drainage systems to levels that have minimal impact on human health, the environment and associated values;
- To reduce the frequency and intensity of toxic or nuisance algal blooms caused by nutrient pollution.

### Strategy

The Town of Bassendean strives to achieve these objectives by:

- Setting appropriate guidelines for irrigation development;
- Strengthening land use controls and planning mechanisms to identify and phase out high nutrient exporting land uses that are unable to meet nutrient reduction targets;
- Reviewing Town Planning Schemes to ensure they minimise nutrient export from various land uses;
- Planting and retaining local native vegetation etc. This will reduce the risks of nutrients and pesticides entering water bodies;
- Using guidelines to determine fertilisation requirements;
- Ensuring irrigations systems are water efficient;
- Investigate, and where practicable apply, the use of subsurface irrigation systems to minimise runoff;
- Where nutrient rich wastewater is used for irrigation, control application rates and establish a comprehensive monitoring and evaluation program to ensure surface runoff and shallow groundwater contamination does not occur;



- Monitor and evaluate the nutrient and irrigation management practices to gauge overall effectiveness.

## Detail

- Council adopted Local Planning Policy No. 3 – Water Sensitive Design, Local Planning Policy No. 4 – Flood Plain Management & Development and Local Planning Policy No. 14 – On-Site Stormwater Policy shall apply to all subdivisions, land development and redevelopment proposals;
- This policy applies to all Council parks, reserves and stormwater drainage networks.

## Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and the Chief Executive Officer. The Chief Executive Officer (ECO) has the authority to administer the requirements of this policy. This policy is to be reviewed every three years

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 2.11 Wetlands Policy

The Town of Bassendean is committed to protecting the natural environment and recognises that wetlands are a vital part of a complex link between the landscape, soil, groundwater, rivers, plants and animals and that Wetlands provide a habitat, refuge, breeding ground and food source for fauna.

### Objectives

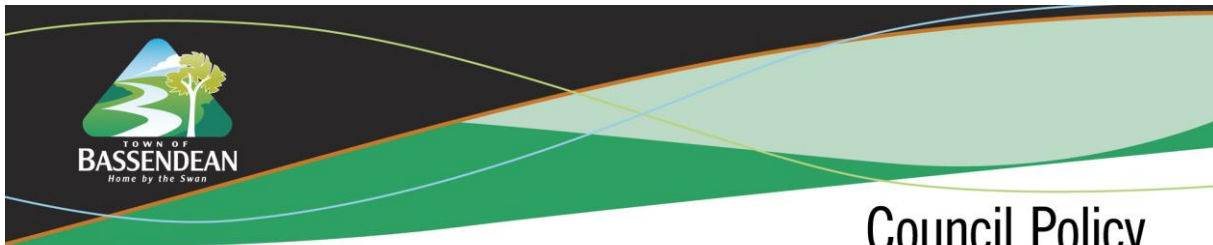
The Town of Bassendean's objectives of the Wetlands Policy are:

- To conserve and manage wetlands in an ecologically sustainable way and within a framework of integrated catchment management, and integration as part of ecological linkage development (in accordance with the Town's Collective Biodiversity Strategy);
- To prevent the further loss or degradation of valuable wetlands and wetland types, and promote wetland conservation, restoration and, in some instances, creation;
- To greatly increase community awareness and appreciation of the many values of wetlands and the importance of sound management of wetlands;
- To increase community involvement in the management of wetlands.

### Strategy

The Town of Bassendean strives to achieve these objectives by:

- Identifying all wetlands and prioritising in order of significance. This will allow decision making to be accountable in consideration of the wetland, and for appropriate objectives and management strategies to be determined;
- Ensuring adequate and appropriate buffering and/or setbacks of wetlands to maintain or enhance the environmental attributes, functions and values of the water resource and minimise the adverse impact of nearby land uses both existing and future;
- Implementing measures to manage vegetation cover and dependant ecosystems;
- Introducing measures that ensure implementation of best planning practice and best management;
- Assessing potential impacts the wetland may have on land use i.e. flooding;
- Protecting, managing, conserving and enhancing the environmental attributes, functions and values of wetlands;
- Preparing management plans for wetlands of significance;
- Rehabilitating damaged wetlands.



## Council Policy

- Council adopted Local Planning Policy No. 3 – Water Sensitive Design, Local Planning Policy No. 4 – Flood Plain Management & Development and Local Planning Policy No. 14 – On-Site Stormwater Policy shall apply to all subdivisions, land development and redevelopment proposals;
- This policy applies to all Council parks, reserves and stormwater drainage networks;
- There are several wetlands within the Town of Bassendean, including:
  - Ashfield Flats Reserve (vested predominately with the Western Australian Planning Commission (WAPC). Department of Planning currently manage the vested land and the Department of Water manage the stormwater drains);
  - Bindaring Park/ Pickering Park;
  - Success Hill Reserve – natural springs;
  - Mary Crescent Reserve; and
  - Broadway Reserve.

### Application

Responsibility for the implementation of this policy rests with all Councillors, staff, volunteers and contractors of the Town of Bassendean. This policy is to be measured and reported upon in the quarterly and annual report. This policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental sustainability and adaption to climate change</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>First Adopted:</b> June 2011</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version</b></p> <p><b>Next Review due by:</b> December 2016</p>
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ATTACHMENT B

Title	Responsible Area	Objectives	Comment	Recommendation
2.1 Sustainable Bassendean Policy	Responsible Officer: Director Community Development Last Review Date: 7 July 2009 Version 2	Our four key objectives are: 1. To ensure an integrated approach to protecting the natural environment and enhancing the built environment that provides a sustainable environment for future generations. 2. To enhance the quality of community life in the Town characterised by vibrant participation, cohesiveness, increased social capital and recognition of the need for social justice and community safety. 3. To foster economic prosperity in the Town and Region. 4. To strengthen the Town's position as an innovative, independent local government achieving business excellence.	Commitment to Sustainability is outlined in the Town's Strategic Community Plan 2020- 2040.  Should Council wish to retain any specific strategies from the Policy that aren't currently documented elsewhere, it is recommended that these are incorporated into the Corporate Business Plan at the next review.	Recommend revocation
2.2 Treatment of Weeds and Noxious Plants Policy	Responsible Officer: Director Operational Services First Adopted: OCM - 11/6/99 Last Reviewed: March 2014 Version	To remove weeds and noxious plants from Council controlled land in order to: a) protect and promote the regeneration of locally native vegetation and fauna; and b) protect people's health by eliminating poisonous plants.	Policies are operational in nature and have been superseded by the 10 and 1 year management plans for natural areas. Pesticide Use Policy and Operational Guidelines address aspects relating to use of herbicides.	Recommend revocation
2.3 Natural Areas Management Policy	Responsible Officer: Director Operational Services First Adopted: June 2011 Last Reviewed: March 2014 Version	To ensure that bushland reserves are maintained and restored to protect and enhance their conservational, ecological and community values; • To provide appropriate frameworks, timelines and processes for the management of the reserves vested in the care of the Town of Bassendean; • To develop a long term strategy for bushland restoration works and ongoing maintenance of the reserves vested in the care of the Town of Bassendean, including involvement of volunteers; • To have best practice guidelines in place for staff involved in the management of the reserves.	Policy 2.3 refers to consideration of bushland management in land use planning decisions and processes. The matters listed are generally not within the Town's scope to control under the planning framework, unless specified under State Planning Policies and guidelines.  Strategic Community Plan outlines future direction to conserve, protect and enhance our natural environment and biodiversity.	Recommend revocation

Title	Responsible Area	Objectives	Comment	Recommendation
			The Draft POS Strategy includes a category of Environment and Conservation for natural areas (predominantly a biodiversity purpose)	
2.4 Local Biodiversity Policy	Responsible Officer: Director Operational Services First Adopted: June 2011 Last Reviewed: March 2014 Version	To secure the protection and conservation of bushland areas, in particular biodiversity corridors (or ecological linkages); <ul style="list-style-type: none"> <li>• To promote the retention, conservation, protection, effective management and restoration of all remnant vegetation;</li> <li>• To ensure that biodiversity conservation and management issues are appropriately addressed and integrated in all Council's activities including strategic land use planning and decision making;</li> <li>• To ensure that development and land use are compatible with biodiversity protection and/or provide for an improved environmental outcome and incorporate best practice planning, design and management outcomes.</li> </ul>	Strategic Community Plan outlines future direction to conserve, protect and enhance our natural environment and biodiversity.  The Draft POS Strategy includes a category of Environment and Conservation for natural areas (predominantly a biodiversity purpose).	Recommend revocation
2.6 Foreshore Restoration Policy		To protect, rehabilitate and enhance the natural functions and biodiversity of the foreshore including the riparian zone through: <ul style="list-style-type: none"> <li>o The employment of best management practices, strategies and other mechanisms to guide management actions in a consistent and co-ordinated manner;</li> <li>o To incorporate consideration of these issues into Council's land use planning and development processes and decision-making;</li> <li>o To ensure compliance with Western Australian environmental policies, legislation and strategic initiatives relevant to foreshore management;</li> <li>• To achieve urban design and architectural outcomes which enhance and protect the character and landscape setting of the foreshore;</li> </ul>	Several of the strategies identified are redundant e.g. foreshore management plans now exist through the 10 and 1 Year Management Plans, land use planning decisions are directed by State Planning Policies, and the Town's leadership commitment is identified in the Strategic Community Plan.  A new action for 2022/23 is proposed to be included in the 2022 Corporate Business Plan review, to finalise the Bassendean	Recommend revocation

Title	Responsible Area	Objectives	Comment	Recommendation
		<ul style="list-style-type: none"> <li>• To advocate to other agencies with responsibilities for management of foreshore reserves for the protection, enhancement and rehabilitation of the natural functions and biodiversity of the foreshores in line with this policy;</li> <li>• To take a strong advocacy role in promoting foreshore protection.</li> </ul>	Foreshore Precinct Plan (draft completed 2014).	
2.8 Energy Use	Responsible Officer: Director Operational Services First Adopted: June 2011 Last Reviewed: March 2014 Version	<p>The Town of Bassendean policy objectives for Energy Use are:</p> <ul style="list-style-type: none"> <li>• To progressively reduce greenhouse gas emissions and energy consumption beyond the Town of Bassendean's Greenhouse target of 20% of 1998 levels by 2010 to meet international best practice targets;</li> <li>• To ensure that energy efficiency is a key criteria for consideration in the Town's purchasing decisions, planning and operations, to improve clean energy use.</li> </ul>	<p>Energy use in development is considered under Local Planning Policy 2. Energy Efficient Design, (proposed to be replaced with a new LPP for Sustainable Development).</p> <p>Emission goal is outdated (refers to a 2010 target year), with the Strategic Community Plan target to achieve carbon neutrality by 2030. Further detail on actions will be included in the Emission Reduction Strategy (ERS) for the organisation, to be developed by June 2022. Two new actions arising from the ERS are proposed to be included in the 2022 Corporate Business Plan review.</p> <p>Council Policy (Purchasing) includes requirement for sustainable procurement, which includes energy efficiency.</p>	Recommend revocation
2.9 Water Sensitive Urban Design and Water Conservation		<ul style="list-style-type: none"> <li>• Ensure that water sensitive urban design and water conservation best management practices are implemented in all new development and redevelopment proposals;</li> </ul>	Strategic Community Plan outlines future direction to value and conserve and protect our water resources and waterways.	Retain and review following development of the Waterwise

Title	Responsible Area	Objectives	Comment	Recommendation
		<ul style="list-style-type: none"> <li>• Raise awareness about the environmental impacts of water waste;</li> <li>• Assist in protecting the values of the Swan and Canning River and watercourses, consistent with the requirements of the Environmental Protection (Swan and Canning Rivers) Policy 1998;</li> <li>• Protect and where possible restore and enhance the environmental, economic and social (i.e. recreation and scenic) values of waterways and wetlands; and</li> <li>• Retain or enhance open drains where possible by converting them to “living streams” in multiple use corridors that provide habitat for wildlife and passive recreation opportunities wherever possible</li> </ul>	<p>Development considerations occur under Local Planning Policy 3. Water Sensitive Urban Design (to be replaced with a new LPP for Sustainable Development).</p> <p>Actions relating to water quality and conservation are outlined in the Waterwise Council Action Plan.</p> <p>Protection of wetlands and waterways is achieved through implementation of 10 and 1 Year Management Plans for natural areas and establishment of living streams is an action in the Town’s Corporate Business Plan 2021-2025.</p>	Bassendean Strategy in 2022/23
2.10 Nutrient and Irrigation Management	Responsible Officer: Director Operational Services First Adopted: June 2011 Last Reviewed: March 2014 Version	<ul style="list-style-type: none"> <li>• To protect water quality in the Town’s water courses and drainage systems;</li> <li>• To contribute to reducing nutrient inputs to water courses and drainage systems to levels that have minimal impact on human health, the environment and associated values;</li> <li>• To reduce the frequency and intensity of toxic or nuisance algal blooms caused by nutrient pollution.</li> </ul>	<p>Strategic Community Plan outlines future direction to value and conserve and protect our water resources and waterways.</p> <p>Waterwise Council Action Plan incorporates actions to achieve intent of policy.</p> <p>Environmental Risk register incorporates risks associated with the Town’s activities regarding nutrient and irrigation management.</p>	Recommend revocation
2.11 Wetlands	Responsible Officer: Director Operational Services First Adopted: June 2011 Last Reviewed: March 2014 Version	To conserve and manage wetlands in an ecologically sustainable way and within a framework of integrated catchment management, and integration as part of ecological linkage	Planning aspects are covered at the time of subdivision by the State Development Control Policy 2.3 - Public open space in residential	Retain and review following development of the Waterwise

Title	Responsible Area	Objectives	Comment	Recommendation
	Next Review due by: December 2016	development (in accordance with the Town's Collective Biodiversity Strategy); <ul style="list-style-type: none"> <li>• To prevent the further loss or degradation of valuable wetlands and wetland types, and promote wetland conservation, restoration and, in some instances, creation;</li> <li>• To greatly increase community awareness and appreciation of the many values of wetlands and the importance of sound management of wetlands;</li> <li>• To increase community involvement in the management of wetlands</li> </ul>	areas, and the new State Planning Policy 2.9. Water Resources.	Bassendean Strategy in 2022/23



## NATURAL ENVIRONMENT, SUSTAINABILITY AND CLIMATE ACTION STATEMENT

The Town of Bassendean is committed to corporate environmental responsibility; managing its environmental aspects and impacts, environmental compliance, improving environmental performance and achieving goals set in alignment with the One Planet Living Sustainability Framework.

One of the seven priority areas of the Town of Bassendean's Strategic Community Plan 2020-2030 (SCP) is "Leading environmental sustainability", recognising the community value placed on the natural environment and future vision for a Town that is "Green and Natural" and "Sustainable".

The future directions for this priority area identified in the SCP include:

1. Demonstrate strong leadership in waste reduction and carbon neutrality
2. Be innovative in responses to sustainability challenges
3. Foster an empowered community that drives sustainability
4. Conserve, protect and enhance our natural environment and biodiversity
5. Value and conserve and protect our water resources and waterways
6. Support the creation of a more green and shaded Town

A summary of the Town's goals and actions/ strategies for the natural environment, sustainability and climate action based on the One Planet Living principles, and alignment with the SCP directions are outlined on the following pages.

FEBRUARY 2022



# Our Commitment

## ALL AREAS: Corporate environmental responsibility (SCP Directions 1-6)

Goals	Actions/ Strategies
Managing environmental aspects and impacts	<ul style="list-style-type: none"> <li>• Subscription to online environmental legislation directory and updates</li> <li>• Subscription to emissions, energy and water data monitoring platform</li> <li>• Purchasing Council Policy (Sustainable Procurement)</li> <li>• Member of WALGA Sustainability Officers Network Group</li> <li>• Development of an Environmental Risk Register in 2021/22</li> <li>• Development of an Environmental Compliance Register in 2021/22</li> </ul>
Environmental compliance	
Improving environmental performance	

## LAND AND NATURE: Protection and enhancement of natural areas and biodiversity values and the urban forest (SCP Directions 4 & 6)

Goals	Actions/ Strategies
Increase tree canopy cover	<ul style="list-style-type: none"> <li>• Street Trees Council Policy</li> <li>• Tree Vandalism Council Policy</li> <li>• 10 and 1 year natural area management plans</li> <li>• Development of a longer term tree planting and biodiversity corridors program in 2022/23</li> <li>• Pesticide Use and Management Policy and Operational Guidelines</li> <li>• Signatory to the Reel It In: Fishing Line Bin MOU</li> <li>• Member of WALGA Urban Forest Working Group</li> <li>• Member of WALGA Local Government Herbicide Use and Integrated Weed Management Working Group</li> </ul>

## SUSTAINABLE WATER: Protection and enhancement of water resources and waterways (SCP Directions 5)

Goals	Actions/ Strategies
Corporate ground water: do not exceed allocation set by Department of Water and Environmental Regulation.	<ul style="list-style-type: none"> <li>• Light Industry Audit Program</li> <li>• Participation in the Waterwise Council Program</li> <li>• Waterwise Council Action Plan</li> <li>• Foreshore condition assessment and priority site restoration</li> <li>• Bassendean Drainage Network Sampling and Analysis Plan</li> <li>• Development of Bassendean Foreshore Precinct Plan in 2022/23</li> <li>• Drains to Living Streams/ Drainage for Liveability projects</li> <li>• Ashfield Flats Master Planning</li> </ul>
Corporate scheme water: Maintain at or below per capita levels of 1000L per person	
Community scheme water: Maintain at or below 125kL per capita until 2025	

## ZERO WASTE: Circular economy and waste reduction (SCP Direction 1)

Goals	Actions/ Strategies
Waste generation reduction per capita by 5% by 2025 and 10% by 2030.	<ul style="list-style-type: none"> <li>• Waste Plan 2021</li> <li>• Single Use Plastics &amp; Balloons Council Policy</li> <li>• Waste Services Management Practice</li> </ul>
Material recovery of 67% by 2025 and 70% by 2030	

## ZERO CARBON ENERGY: Carbon neutrality and climate resilience (SCP Directions 1 & 6)

Goals	Actions/ Strategies based on WALGA's <a href="#">Climate Change Action Framework</a>
Carbon Neutrality by 2030	<p><b>Primary commitments</b></p> <ul style="list-style-type: none"> <li>• Signatory to the WALGA Climate Change Declaration</li> <li>• Participation in the Cities Power Partnership Program</li> </ul> <p><b>Secondary core actions</b></p> <ul style="list-style-type: none"> <li>• Local Climate Change Adaptation Action Plan 2011</li> <li>• Waste Plan 2021</li> <li>• Development of an Emissions Reduction Strategy for the organisation in 2021/22</li> <li>• Development of an Emissions Reduction Strategy for the community in 2022/23- 23/24</li> </ul> <p><b>Tertiary- special actions and projects</b></p> <ul style="list-style-type: none"> <li>• Fossil fuel divestment- Investment Council Policy</li> <li>• Purchase of 100% renewable energy (electricity) for Town facilities since October 2021</li> <li>• Flood Risk Adaptation Plan 2021</li> <li>• Target to achieve carbon neutrality by 2030 identified in the Strategic Community Plan 2020-2030</li> <li>• Participation in the WALGA Energy and Renewables Project</li> <li>• Development of a climate change risk register in 2021/22</li> </ul>

### Actions/ Strategies

#### Land use planning and development control (SCP Directions 2,4,5,6)

- State Planning Policies/ Residential Design Codes
- Design Review Panel
- Environmental conditions on approvals
- LPP 2. Sustainable Development
- LPP 13. Tree Retention and Provision
- LPP 14. Stormwater
- Landscape Plan Information Sheet

#### Community engagement (SCP Direction 3)

- Plants to Residents
- Verge Rebate and Verge Transformation Programs
- Participation in Switch your thinking
- Events, workshops and programmes
- Supporting community/ environmental volunteer groups
- Verge Treatment Guidelines
- Bushcare Volunteer Manual

# **ATTACHMENT NO. 5**





# **ATTACHMENT NO. 6**

# TOWN OF BASSENDEAN

## MINUTES

### AUDIT AND GOVERNANCE COMMITTEE

HELD BY ELECTRONIC MEANS IN ACCORDANCE WITH REGULATION 12(2) AND  
14(D) OF THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

**ON WEDNESDAY 9 MARCH 2022, AT 5.30PM**

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#### **1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member, opened the meeting, welcomed all those in attendance and conducted an Acknowledgement of Country.

#### **2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

#### **3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

##### **Present**

##### **Members**

Cr Hilary MacWilliam, Presiding Member  
Cr Renee McLennan, Deputy Presiding Member  
Cr Kathryn Hamilton, Mayor  
Cr Paul Poliwka  
Patrick Eijkenboom  
Kim Stewart

##### **Staff/Consultants**

Peta Mabbs, Chief Executive Officer  
Paul White, Director Corporate Services  
Elizabeth Kania, Manager Governance & Strategy  
Ron Back, Advisor to the Committee  
Jay Teichert, Office of the Auditor General  
Amy Holmes, Minute Secretary

#### **4.0 DECLARATIONS OF INTEREST**

Nil

## **5.0 PRESENTATIONS OR DEPUTATIONS**

Nil

## **6.0 CONFIRMATION OF MINUTES**

### **6.1 Audit and Governance Meeting held on 8 December 2021**

#### **COMMITTEE/OFFICER RECOMMENDATION – ITEM 6.1**

MOVED Cr McLennan, Seconded Patrick Eijkenboom, that the minutes of the Audit and Governance Committee meeting held on 8 December 2021, be confirmed as a true record.

**CARRIED UNANIMOUSLY** 6/0

## **7.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

Nil

## **8.0 REPORTS**

<b>Item No. 8.1</b>	<b>Independent Auditor's Report 2020/2021 – Significant Adverse Trends</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOVN/CCLMEET/1
<b>Previous Council Reports (if applicable)</b>	N/A
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input checked="" type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 1</b>	<ul style="list-style-type: none"><li>• OAG Independent Auditor's Report 2020/2021</li><li>• Draft Report to the Minister for Local Government – Ratios</li></ul>

## Purpose

The purpose of this report is to inform Council, through the Audit and Governance Committee, of the action the Town has taken, or intends to take, with respect to matters identified as significant by the Auditor General and the Town's external auditor, RSM Australia, for 2020/2021.

## Background

RSM Australia conducted the audit of the Town's Annual Financial Report for 2020/2021 from September to November 2021. The Auditor General reviewed the Annual Financial Report in December 2021. The draft Independent Auditor's Report was tabled at the meeting of the Committee on 8 December 2021 and received by Council on 21 December 2021.

The Auditor General formed the opinion that the annual financial report of the Town:

- (i) *is based on proper accounts and records; and*
- (ii) *fairly represents, in all material respects, the results of the operations of the Town for the year ended 30 June 2020 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*

The Auditor General did, however, identify significant adverse trends in the financial position of the Town:

- *The Asset Sustainability Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three financial years.*
- *The Operating Surplus Ratio has been below the DLGSCI standard for the last three financial years.*

## Proposal

For the Committee to receive the draft report to the Minister for Local Government and recommend to Council that it be provided to the Minister and made available on the Town's website.

## Communication and Engagement

Publish the report to the Minister on the Town's website.

## Strategic Implications

### Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<p>Make brave decisions in line with a risk appetite</p>	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
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### Comment

The administration is aware of the continuing adverse movement in these two ratios, the reversal of which requires a whole of Town approach to asset management and long-term financial and operational planning. The Town has conducted a comprehensive review of its asset management plans and is undertaking a holistic review of its long-term financial plan to identify opportunities for capital renewal and replacement in the coming years. The Town will continue to explore further sources of own source revenue and is closely managing operating expenditure.

### Asset Sustainability Ratio

The Asset Sustainability Ratio is an approximation of the extent to which assets are being renewed or replaced as the assets reach the end of their useful lives. It is calculated by measuring capital expenditure on renewal or replacement of assets, relative to depreciation expense.

The DLGSCI standard is met if the Asset Sustainability Ratio is 0.90.

The Auditor General, in its Independent Auditor's Report for 2020/2021, reported that the Town's Asset Sustainability Ratio has been below the DLGSCI standard for the past three years:

	Town of Bassendean			DLGSC Standard
	2021	2020	2019	
Asset Sustainability Ratio	0.15	0.15	0.26	0.90

The Asset Sustainability Ratio can be improved by:

- Increasing expenditure on capital renewal and replacement;
- Reviewing fair market value asset measurement; and
- Reviewing depreciation rates.



The Town has continued to prioritise capital expenditure in its Annual Budget for 2021-2022 on upgrades to Town assets and new assets. Consequently, budgeted expenditure for capital asset renewal and replacement is relatively low and the Asset Sustainability Ratio is expected to remain low for 2021/2022.

The Town regularly reviews its fair market value asset measurement as part of the asset revaluation process. In accordance with the Australian Accounting Standards and *Local Government (Financial Management) Regulations 1996*, the fair value of fixed assets must be determined at least every five years. Depreciation rates are reviewed and adjusted, if appropriate, at the end of each reporting period. The Town will complete a revaluation of its Land and Buildings and Infrastructure assets by 30 June 2022, which will ensure the depreciation and asset values are correctly presented.

### Operating Surplus Ratio

The Operating Surplus Ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes. It is calculated by measuring operating surplus (operating revenue minus operating expenses) relative to own source operating revenue.

Own source operating revenue means revenue from rates, service charges, fees and user charges, reimbursements and recoveries, interest income and profit on disposal of assets.

The DLGSCI standard is met if the Operating Surplus Ratio is 0.01.

The Auditor General, in its Independent Auditor's Report for 2020/2021 reported that the Town's Operating Surplus Ratio has been below the DLGSCI standard for the past three years:

	Town of Bassendean			DLGSC Standard
	2021	2020	2019	
Operating Surplus Ratio	-0.09	-0.15	-0.10	0.01

The Operating Surplus Ratio can be improved by increasing own source revenue and reducing operating expenditure. The ratio was adversely affected in 2020/2021 by stagnant rates revenue and falling interest income, while operational costs kept rising. The Operating Surplus Ratio improved slightly in 2020/2021, mainly due to the stimulus by State Government on residential buildings resulting in a significant increase in fees from building approvals and development applications.

The Town will explore further sources of own source revenue as part of its long-term financial planning and a critical review of its fees and charges structure and will continue to identify opportunities to reduce operating expenditure. It is quite possible, however, that the Operating Surplus Ratio will remain below the standard in the short-to-medium-term, due to cost pressures and limited revenue sources.

## **Statutory Requirements**

The Local Government Act 1995, section 7.12A, relevantly states:

- (3) *A local government must –*
- (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
  - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (4) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

## **Financial Considerations**

Significant funding to meet costs associated with improving both ratios will be required in the 2022/2023 Annual Budget and beyond. With current border restrictions in place, WA has been impacted by significant increase in its cost structures which will need to be considered as part of the 2022/23 Annual Budget deliberations.

## **Risk Management Implications**

There is a risk with continued under-investment in capital asset renewal and replacement programs that asset condition will deteriorate which may result in failure of assets and/or significant future remedial expenditure.

Continued low results for the Operating Surplus Ratio means that the Town is heavily reliant on third-party funding to deliver capital projects, while maintaining service levels to the community.

*The Director Corporate Services commented that the Town has continued to fall short with the Operating Surplus Ratio but the Town is working hard to turn this around and is hopeful of improvement over the next couple of years.*

*Ron Back suggested that COVID 19 issues should be reflected in the report to the Minister as this has affected the Town's position.*

*Cr Poliwka suggested that Council considers increasing asset renewal expenditure in relation to assets which have been earmarked for long term retention by the Town through its Asset Management Strategy.*

*Cr Hamilton commented that a review of the Land Asset Strategy could be undertaken more frequently to ascertain if there's any capacity to dispose of unused assets.*

*Cr Poliwka moved the officer recommendation with the addition of a Point 3.*

**Committee/Officer Recommendation – Item 8.1**

**AGC-1/03/22**

MOVED Cr Poliwka, Seconded Cr Hamilton, that the Audit and Governance Committee recommends to Council that:

1. Council receives the draft Report to the Minister for Local Government and provides the report, attached to the Audit and Governance Committee Agenda of 9 March 2022, to the Minister; and
2. A copy of the Report to the Minister, attached to the Audit and Governance Committee Agenda of 9 March 2022, be made available on the Town's website.
3. **Council considers increasing asset renewal expenditure in relation to assets which have been earmarked for long term retention by the Town through its Asset Management Strategy.**

CARRIED UNANIMOUSLY 6/0

<b>Item No. 8.2</b>	<b>Town of Bassendean Compliance Audit Return 2021</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	GOVR/LREGLIA/15
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.

<input type="checkbox"/> Quasi-Judicial	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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 2</b>	Town of Bassendean Compliance Audit Return 2021

### Purpose

The purpose of this report is for the Audit and Governance Committee to consider the Local Government 2021 Compliance Audit Return (CAR) for the Town of Bassendean for the period 1 January 2021 to 31 December 2021 and recommend that Council adopt the Return.

### Background

All Local Governments are required to submit an annual Compliance Audit Return (CAR) to the Department of Local Government, Sport and Cultural Industries by 31 March each year for the previous calendar year. The CAR is used to measure the level of compliance with the *Local Government Act 1995* and associated Regulations.

### Proposal

That the Committee consider the Local Government 2021 CAR for the Town of Bassendean for the period 1 January 2021 to 31 December 2021 and recommend its adoption by Council.

### Communication and Engagement

The CAR was tabled at the 28 February 2022 Corporate Management Committee meeting for consideration and approval. Relevant staff were requested to complete those questions of the CAR that related to their service areas. All responses were then collated and incorporated into the CAR by the designated officer.

### Strategic Implications

#### Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the</li> </ul>	<b>SHORT TERM</b> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> </ul>
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	<p>Strategic Community Plan, project and business as-usual services and operations</p> <ul style="list-style-type: none"> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<ul style="list-style-type: none"> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>
Foster an environment of innovation and leadership	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>

## Comment

Each Local Government Authority is required to complete a CAR for the period 1 January 2021 to 31 December 2021. The CAR must be submitted to the Director General of the Department by 31 March 2022. The return is one of the tools that allows Council to monitor how the organisation is functioning. It places emphasis on the need to bring to Council's attention issues of noncompliance, or issues where full compliance was not achieved. In addition to explaining or qualifying cases of noncompliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. The document contains over 100 questions in order to assess a local government's compliance with the legislative framework.

Under regulation 14 of the *Local Government (Audit) Regulations 1996*, sub regulation (3A) the audit committee is to review the CAR and report to council the results of that review. The CAR is then to be presented to the Council and adopted by Council and the resolution recorded in the minutes.

The compliance areas include:

TOPIC	NUMBER OF QUESTIONS
Commercial Enterprises by Local Governments	5
Delegation of Power / Duty	13
Disclosure of Interest	25
Disposal of Property	2



Elections	3
Finance	7
Integrated Planning & Reporting	3
Local Government Employees	6
Official Conduct	3
Optional Questions	9
Tenders for Providing Goods and Services	22

In the previous reporting period, the Town had disclosed five areas of non-compliance. In the current reporting period, the Town achieved compliance in all areas.

## **Statutory Requirements**

### *Local Government (Audit) Regulations 1996*

#### Regulation 14

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation — certified in relation to a compliance audit return means signed by —
  - (a) the mayor or president; and
  - (b) the CEO.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Failure to adopt the Compliance Audit Return within the statutory timeframes will place the Town in breach of the Act. This could lead to reputational damage both within the community and with the Department.

*The Manager Governance and Strategy advised that this this year the Town has complied with all areas of the Return.*

**Committee/Officer Recommendation – Item 8.2**  
**AGC-2/03/22**

MOVED Cr MacWilliam, Seconded Patrick Eijkenboom, that the Committee recommends that Council adopts the Local Government 2021 Compliance Audit Return for the Town of Bassendean for the period 1 January 2021 to 31 December 2021, as attached to this report.

**CARRIED UNANIMOUSLY 6/0**

<b>Item No. 8.3</b>	<b>Purchasing Policy – Amendment to Sole Supplier Provisions</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	GOVN/CCLMEET/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 3</b>	Draft Amended Purchasing Policy

**Purpose**

The purpose of this report is to propose amendments to the Sole Supplier provisions of the Town's Purchasing Policy, for review by the Audit & Governance Committee.

## Background

Council resolved at the Ordinary Council Meeting in August 2021, to amend the Town's Delegations Register to reduce the delegated authority of the Chief Executive Officer to determine a sole supplier arrangement, from \$250,000 to \$50,000.

The Purchasing Policy was subsequently amended to align with the Delegations Register and Council adopted the amended Purchasing Policy at the Ordinary Council Meeting in September 2021.

## Proposal

That the Committee endorse the proposed amendments to the Purchasing Policy and recommend to Council that it adopts the Draft Amended Purchasing Policy.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<p>Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community.</p>	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>
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## Comment

For the CEO to approve a sole supplier arrangement for between \$5,000 and \$50,000, the current Purchasing Policy requires that:

- The purchasing requirement has been documented in a detailed specification;
- The specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement;
- The market testing process and outcomes of supplier assessments are documented; and
- The sole supplier arrangement is for a maximum period of one year.

The Town has a robust Purchasing Policy and Procurement Framework. One of the objectives of this framework is to balance the management of procurement risk, with the efficient achievement of strategic and operational objectives. The Administration considers that the current requirements of the Purchasing Policy are too restrictive to apply to the lower level of delegated authority to the CEO and may operate to inhibit the operational objectives of Council.

For example, when adopting the annual budget for 2021/22, Council approved a budget of \$5,000 for the Town to subscribe to an external grants service. The proposal was for the external grants service to make provision for a Town of Bassendean branded portal on the website for Council, Administration, businesses, sporting clubs and community groups to access in researching and ultimately applying for grants. Market research conducted by officers established that only one provider is able to satisfy all of the Town's requirements, including the requirement for a Town-branded portal.

The provider has offered the Town a three-year subscription, at a total cost of \$7,500 (\$2,500 per year). The CEO is unable to approve the sole supplier arrangement, as it is for a period greater than one year. The Town is able to secure the subscription for one year, at an additional cost of \$1,500 (\$4,000). The CEO may approve that sole supplier arrangement under the current Purchasing Policy, however the effect of doing so is to incur additional expense to the Town.

It is open for the Administration to prepare a report to Council to seek Council's approval to depart from the Town's Purchasing Policy. However, to do so in circumstances such as those described is inefficient in terms of service delivery and overly burdensome, given all project expenditure is necessarily aligned to Council endorsed projects.

The proposed amendments to the Purchasing Policy remove the requirement for market testing and extend the maximum period for a sole supplier arrangement to three years. The CEO must be satisfied that, because of the unique nature of the goods or services required or for any other reason, it is unlikely there is more than one potential supplier; the requirement first having been documented in a detailed specification for approval by the CEO.

The draft amended Purchasing Policy is considered to more effectively balance procurement risk with efficient achievement of operational objectives, given a low threshold of \$50,000 over a maximum of three years.

## **Statutory Requirements**

Local Government (Functions and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply

- goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
- (a) the form of quotations acceptable; and
  - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.

### **Financial Considerations**

Adoption of the amended Purchasing Policy does not have any financial impact.

Councillors will continue to be notified of any proposed procurement valued at greater than \$20,000 via the CEO Bulletin and procurement activity will continue to be conducted in accordance with approved budgets.

### **Risk Management Implications**

The Purchasing Policy provides a balance between managing procurement risk with efficient achievement of operational objectives.

The Purchasing Policy will be reviewed periodically to ensure it continues to meet Council's risk profile and business objectives.

*The Director Corporate Services advised that the administration is looking to relax the requirements for a sole supplier exemption that currently hinder operational efficiency. There will still be a need for a written report to satisfy the CEO that, because of the unique nature of the goods or services required or for any other reason, there is unlikely to be more than one potential supplier. It is recommended the Policy be amended to reflect this.*

*Cr Hamilton requested that Councillors be advised whenever the new sole supplier exemption is enacted and moved the officer recommendation with the addition of a Point 2.*

### **Committee/Officer Recommendation – Item 8.3** **AGC-3/03/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that



1. The Audit and Governance Committee recommends to Council that it adopts the draft Amended Purchasing Policy, as attached to this report.
2. **The Administration will notify Councillors when the sole supplier exemption is exercised.**

CARRIED BY AN ABSOLUTE MAJORITY 6/0

<b>Item No. 8.4</b>	<b>Risk Management Policy and Framework</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 4</b>	<ul style="list-style-type: none"> <li>• Current Risk Management Policy</li> <li>• Draft Risk Management Policy</li> </ul>
<b>Confidential Att No. 1</b>	Risk Management Framework

### Purpose

The purpose of this report is for the Audit and Governance Committee to consider and if satisfied, recommend to Council adoption of the proposed Risk Management Policy and Framework.

### Background

In July 2019, Moore Stephens, the Town’s internal auditors, identified in its report on the Town’s compliance with regulation 17 of the *Local Government (Audit) Regulations 1996*, that the Town’s risk management systems required development and improvement. As a consequence, it was recommended that the Town develop a formal risk management framework to support its risk management policy. It was also recommended that the risk management policy be reviewed as a priority.

The commencement of this work has been the review of the Risk Management Policy. The Town adopted a Risk Management Policy in September 2017. The policy was due to be reviewed in May 2020. The current policy was found to be inadequate to meet the Town’s needs to address issues of risk management. Work commenced on the development of a comprehensive risk management framework for the Town in 2020. The policy formed part of this process. This work seeks to embed risk management within the Town’s operational activities through the development of a Risk Management Framework.

The new policy that has been drafted looks to embed risk management within the organisation. The Framework has recently been completed. This document was developed utilizing previous work that the Town had conducted with the assistance of LGIS.

### **Proposal**

That the Committee recommends that Council adopts the Risk Management Policy and Risk Management Framework, as attached to this report.

### **Communication and Engagement**

The proposed policy was presented at the Corporate Management Committee for their consideration and feedback at its meeting dated 28 February 2022. The feedback received was noted and amendments were made.

### **Strategic Implications**

#### **Priority Area 6: Providing Visionary Leadership and Making Great Decisions**

<p>Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community</p>	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>
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	<ul style="list-style-type: none"> <li>• Develop shared values between Council, administration and the community</li> </ul>	
Foster an environment of innovation and leadership	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>

## Comment

The Town is currently looking at the appropriateness and effectiveness of its systems and procedures in relation to risk management to fulfil its obligations under reg. 17 of the *Local Government (Audit) Regulations 1996*. Risk management is important to achieving the Town's objectives through continuous review of its processes and systems. To that end, the Town is required to ensure that it establishes a risk management framework and has a formal process for managing risks. The policy and Framework embed the Town's approach to risk management.

### 1. Current Risk Management Policy

The current policy was found to be lacking in guidance and in establishing the responsibilities for risk within the organisation in a mature manner. It did not refer to matters such as risk appetite, strategic alignment with the Town's priorities, or risk mitigation. It is deemed appropriate that the current Risk Management Policy be revoked and replaced with the draft policy. The draft policy addresses these matters that were found to be lacking in the current policy and ties in with the Risk Management Framework that has been developed.

### 2. Risk Management Framework

All Local Governments are required to develop and adopt a Risk Management Framework. This forms part of the statutory planning requirements under the IPR legislation. With the Strategic Community Plan, the Corporate Business Plan, Long-term financial plan, Workforce Plan, and the Asset Management Plan, the Risk Management Framework creates value for the Town and the community, contributing to the demonstrated achievement of the Town's strategic objectives.

The risk management framework establishes the boundaries within which risks are managed and provides the scope of the risk management assessment. The risk management context for the organisation needs to be aligned with the

structure, capacity, strategic direction and business planning objectives of the Town. Before the Town is able to embark on a risk assessment the risk management context needs to be identified and the framework established.

The CEO is required to review the risk management system triennially to ensure its appropriateness and effectiveness.

In accordance with the auditor's recommendation the Town has reviewed its risk management policy as part of a formalised risk management framework establishing the risk management context.

### **Statutory Requirements**

*Local Government Act 1995 section 2.7 – Role of Council.*

*Local Government (Audit) Regulations 1996  
Regulation 17*

*CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.*

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Failure to adopt an adequate Risk Management Policy and Framework places the Town at risk of non-compliance with its legislative responsibilities, and with its ability to adequately prepare for and address risks within the organisation and for the local government district. Adoption of the proposed policy and framework will assist efforts to improve the governance arrangement at the Town and meet statutory obligations.

*The CEO advised that there will be regular monitoring and reporting through the Manager Governance Strategy to the Corporate Management Committee to the Audit and Governance Committee and then to Council.*

**Committee/Officer Recommendation – Item 8.4**  
**AGC-4/03/22**

MOVED Cr McLennan, Seconded Patrick Eijkenboom, that the Audit and Governance Committee recommends that Council:

1. Repeals the current Risk Management Policy as contained as an attachment to the report.
2. Adopts the draft Risk Management Policy as contained as an attachment to the report; and
3. Adopts the draft Risk Management Framework as contained as an attachment to the report; and
4. Notes the Risk Profile and Reporting Tool as contained as an attachment to the report.

CARRIED UNANIMOUSLY 6/0

<b>Item No. 8.5</b>	<b>Fraud and Corruption Control Framework</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOVN/CCLMEET/1
<b>Previous Council Reports (if applicable)</b>	N/A
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 5</b>	Draft Fraud and Corruption Policy
<b>Confidential Att No. 2</b>	Draft Fraud and Corruption Control Plan

**Purpose**



The purpose of this report is to present a draft Fraud and Corruption Policy and draft Fraud and Corruption Control Plan to the Audit and Governance Committee for review.

## Background

Following an audit of accounts payable and purchasing at the Town in 2020, the Town’s internal auditor at the time Moore Stephens, recommended that the Town develop a Fraud and Corruption Control Plan to mitigate against both operational and financial fraud risk.

In response, the Town has prepared a draft Fraud and Corruption Policy and draft Fraud and Corruption Control Plan. This Fraud and Corruption Control Framework forms part of the Town’s Risk Management Framework, which is the subject of a separate report to this Committee.

## Proposal

That the Committee endorses the draft Fraud and Corruption Control Plan and recommends to Council that it adopts the draft Fraud and Corruption Policy.

## Communication and Engagement

The draft Fraud and Corruption Policy and Fraud and Corruption Control Plan was developed in consultation with the Manager Governance and Strategy, Manager Finance, Manager Human Resources and Coordinator Procurement. The Town’s Corporate Management Committee endorsed the draft policy and plan on 28 February 2022, for presentation to this Committee.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<p>Make brave decisions in line with a risk appetite</p>	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
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## Comment

The draft Fraud and Corruption Control Policy seeks to clearly state the Town’s zero tolerance approach to fraud and corruption. The Policy applies to employees, Elected Members and external parties involved in the provision of goods or services to the Town. All employees, Elected Members and external parties dealing with the Town have an obligation to support efforts to reduce the

risk of fraud or corruption by demonstrating behaviors that align to the Town's values, and by acting with integrity and professionalism in undertaking their functions.

The draft Fraud and Corruption Policy and draft Fraud and Corruption Control Plan are core elements of good governance and establish an effective structure to address fraud and corruption risks and to detect and respond to incidences of suspected fraud and corruption in accordance with the best practice principles outlined in Australian Standard AS8001-2021 – 'Fraud and Corruption Control'.

The Fraud and Corruption Control Plan is a comprehensive plan to assist the Town to prevent, detect and respond to incidences of fraud or corruption. It prescribes roles and responsibilities for fraud and corruption control and details the required prevention, detection and response measures.

To fully implement the draft Fraud and Corruption Control Plan, a number of actions are required, including:

- Fraud and Corruption risk assessment;
- Enhanced reporting mechanisms;
- Creation and maintenance of a Fraud and Corruption Incident Register; and
- Revised induction and exit procedures and improved fraud and corruption awareness training.

The Town will undertake regular analysis of incidents reported and carefully consider any required changes to policies, procedures, processes and internal controls. Trends will be reported to the Audit and Governance Committee.

## **Statutory Requirements**

### *Corruption, Crime and Misconduct Act 2003*

The Chief Executive Officer of the Town has a duty to notify the Corruption and Crime Commission in writing of any matter which the CEO suspects on reasonable grounds concerns or may concern serious misconduct (Section 28). Serious misconduct includes fraud and corruption.

An appropriate Fraud and Corruption Control Plan, with effective measures in place to prevent, detect and respond to suspected fraud or corruption is essential to enable the CEO to discharge this duty to notify the CCC.

## **Financial Considerations**

Implementation of some elements of the action plan to give effect to the draft Fraud and Corruption Control Plan may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Framework will govern any required engagements.

## **Risk Management Implications**

The risks of fraud and corruption are well-known and ever-present. While core fraud and corruption risks tend to remain reasonably constant, methodologies continue to evolve. Studies show that fraud and corruption risk is heightened in times of economic hardship and uncertainty, and it is reasonable to expect an increased level of risk as a result of the COVID pandemic.

PWC reported that 35% of Australian respondents to their 2020 Global Economic Crime and Fraud Survey had experienced a fraud event in the past two years. While the economic cost is skewed toward the private sector, PWC reported that 62% of those organisations lost over \$1.4m to fraud in the previous two years.

A robust fraud and corruption control framework is effective in mitigating fraud and corruption risk. Effective internal controls, informed by a fraud and corruption risk assessment and supported by an anti-fraud and corruption culture and appropriate training is effective in mitigating fraud and corruption risk and in facilitating early detection should incidents occur.

*The Director Corporate Services explained that the policy framework is designed around three pillars of Prevention, detection at the earliest possible point and appropriate response. The framework will be reviewed every two years and brought back to Council through this committee. Under the policy and plan all elected members will need to be made aware of the requirements and it will form part of the Council induction process.*

**Committee/Officer Recommendation – Item 8.5**

**AGC-5/03/22**

MOVED Cr McLennan, Seconded Cr Hamilton, that the Audit and Governance Committee:

1. Endorses the draft Fraud and Corruption Control Plan, attached to this report, and recommends to Council that it endorse the draft Fraud and Corruption Control Plan; and
2. Adopts the draft Fraud and Corruption Policy, attached to this report, and recommends to Council that it adopts the draft Fraud and Corruption Policy.

**CARRIED UNANIMOUSLY 6/0**

<b>Item No. 8.6</b>	<b>Audit Risk Register</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOVN/CCLMEET/1
<b>Previous Council Reports</b>	N/A

<b>(if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input checked="" type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Confidential Att No. 3</b>	Audit Risk Register

## Purpose

The purpose of this report is to provide the Audit and Governance Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 8 December 2021.

## Background

Creation of an Audit Risk Register was a recommendation arising from the 2019 review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*.

## Proposal

For the Audit and Governance Committee to receive the Audit Risk Register and consider the action taken or proposed to address the identified risks.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<p>Make brave decisions in line with a risk appetite</p>	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
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### Comment

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

The Audit Risk Register has been updated, following feedback from Committee members at the last meeting in December 2021 to:

- Include risks identified during the audit of the Town’s Annual Financial Report for 2020/21;
- Include the risk rating, as classified by the relevant auditor;
- Re-order risks according to risk rating; and
- Archive risks that have been addressed by the Administration.

The Audit Risk Register will continue to be updated and provided for each meeting of the Committee.

### Statutory Requirements

Local Government (Audit) Regulations 1996, Regulation 16, states:

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO’s report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - (i) regulation 17(1); and
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);



- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (ii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

### **Financial Considerations**

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Framework will govern any required engagements.

### **Risk Management Implications**

Nil.

*The Director Corporate Services advised that the format of the audit risk register has been amended following feedback from this committee.*

### **Committee/Officer Recommendation – Item 8.6** **AGC-6/03/22**

MOVED Cr McLennan, Seconded Cr Poliwka, that the Audit and Governance Committee receives the Audit Risk Register and notes the action taken or proposed to address the identified risks.

CARRIED UNANIMOUSLY 6/0

### **9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

### **10.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil

**11.0 CONFIDENTIAL BUSINESS**

Nil

**12.0 CLOSURE**

*For information, the Director Corporate Services advised that the Audit Planning Memorandum for the upcoming financial year will be circulated to committee members once the draft has been received, with the final memorandum tabled at the next scheduled meeting of the Committee.*

The next Audit and Governance Committee meeting is to be held on Wednesday 8 June 2022, commencing at 5.30pm.

There being no further business, the Presiding Member closed the meeting at 6.57pm.



# Auditor General

## INDEPENDENT AUDITOR'S REPORT 2021 Town of Bassendean

To the Councillors of the Town of Bassendean

### Report on the audit of the annual financial report

#### Opinion

I have audited the financial report of the Town of Bassendean (Town) which comprises:

- the Statement of Financial Position at 30 June 2021, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended
- Notes comprising a summary of significant accounting policies and other explanatory information
- the Statement by the Chief Executive Officer.

In my opinion the financial report of the Town of Bassendean:

- is based on proper accounts and records
- fairly represents, in all material respects, the results of the operations of the Town for the year ended 30 June 2021 and its financial position at the end of that period in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

#### Basis for opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities section below. I am independent of the Town in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional & Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the financial report. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Responsibilities of the Chief Executive Officer and Council for the financial report

The Chief Executive Officer (CEO) of the Town is responsible for the preparation and fair presentation of the financial report in accordance with the requirements of the Act, the Regulations and Australian Accounting Standards. The CEO is also responsible for managing internal control (as required by the CEO) to ensure the financial report is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the CEO is responsible for assessing the Town's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the State Government has made decisions affecting the continued existence of the Town.

The Council is responsible for overseeing the Town's financial reporting process.

### **Auditor's responsibility for the audit of the financial report**

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial report. The objectives of my audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial report is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at [https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf).

### **Report on other legal and regulatory requirements**

In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) In my opinion, the following material matters indicate a significant adverse trend in the financial position of the Town:
  - a) The Asset Sustainability Ratio as set out in Note 33 has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three financial years.
  - b) The Operating Surplus Ratio as set out in Note 33 has been below the DLGSCI standard for the last three financial years.
- (ii) All required information and explanations were obtained by me.
- (iii) All audit procedures were satisfactorily completed.
- (iv) In my opinion, the Asset Consumption Ratio and the Asset Renewal Funding Ratio included in the financial report were supported by verifiable information and reasonable assumptions.

### **Other information**

The other information is the information in the entity's annual report for the year ended 30 June 2021, but not the financial report and my auditor's report. The CEO is responsible for the preparation and the Council for overseeing the other information.

My opinion does not cover the other information and, accordingly, I do not express any form of assurance conclusion thereon.

### **Matters relating to the electronic publication of the audited financial report**

This auditor's report relates to the financial report of the Town of Bassendean for the year ended 30 June 2021 included on the Town's website. The Town's management is responsible for the integrity of the Town's website. This audit does not provide assurance on the integrity of the Town's website. The auditor's report refers only to the financial report described above. It does not provide an opinion on any other information which may have been hyperlinked to/from this financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

Grant Robinson  
Assistant Auditor General Financial Audit  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
15 December 2021



## Report to the Minister for Local Government

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### Town of Bassendean External Audit Findings for 2020/2021

This report is provided pursuant to Section 7.12A (4)(a) of the *Local Government Act 1995*. The Office of the Auditor General (OAG) and RSM Australia completed an independent audit of the Town of Bassendean's Annual Financial Report for 2020/2021. Council received the resulting unqualified Independent Auditor's Report on 15 December 2021.

### Significant Adverse Trends Reported

The Auditor General reported significant adverse trends in the financial position of the Town. This related to the Asset Sustainability Ratio and the Operating Surplus Ratio being below the Department of Local Government, Sport and Cultural Industries standard for the past three years.

### Action Plan

The Town is aware of the continuing adverse movement in these two ratios, the reversal of which requires a whole of Town approach to asset management and long-term financial and operational planning. The Town has conducted a comprehensive review of its asset management plans and is undertaking a holistic review of its long-term financial plan to identify opportunities for capital renewal and replacement in the coming years. The Town will continue to explore further sources of own source revenue and is closely managing operating expenditure.

The Town has continued to prioritise capital expenditure in its Annual Budget for 2021-2022 on upgrades to Town assets and new assets. Consequently, budgeted expenditure for capital asset renewal and replacement, is relatively low and the Asset Sustainability Ratio is expected to remain low for 2021/2022.

The Town regularly reviews its fair market value asset measurement as part of the asset revaluation process. In accordance with the Australian Accounting Standards and *Local Government (Financial Management) Regulations 1996*, the fair value of fixed assets must be determined at least every five years. Depreciation rates are reviewed and adjusted, if appropriate, at the end of each reporting period. The Town will complete a revaluation exercise for its two major categories being, Land and Buildings and Infrastructure by 30 June 2022.

The Operating Surplus Ratio was adversely affected in 2020/2021 by stagnant rates revenue and falling interest income, while operational costs kept rising. Some improvement in the Operating Surplus Ratio is expected in 2021/2022.

It is quite possible, however, that both ratios will remain at levels below the standard in the short-to-medium-term, due to cost pressures and limited revenue sources.



## Bassendean - Compliance Audit Return 2021

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	N/A		Elizabeth Kania
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	N/A		Elizabeth Kania
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2021?	N/A		Elizabeth Kania
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	N/A		Elizabeth Kania
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Elizabeth Kania



<b>Delegation of Power/Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16	Were all delegations to committees resolved by absolute majority?	Yes		Elizabeth Kania
2	s5.16	Were all delegations to committees in writing?	Yes		Elizabeth Kania
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	Yes		Elizabeth Kania
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes		Elizabeth Kania
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	Yes		Elizabeth Kania
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		Elizabeth Kania
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Elizabeth Kania
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Elizabeth Kania
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Elizabeth Kania
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes		Elizabeth Kania
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Elizabeth Kania
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	Yes		Elizabeth Kania
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes		Elizabeth Kania

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Elizabeth Kania



No	Reference	Question	Response	Comments	Respondent
2	s5.68(2) & s5.69 (5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Elizabeth Kania
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Elizabeth Kania
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		Elizabeth Kania
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	Yes		Elizabeth Kania
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		Elizabeth Kania
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Elizabeth Kania
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Elizabeth Kania
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Elizabeth Kania
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Elizabeth Kania
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes		Elizabeth Kania
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Elizabeth Kania
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Elizabeth Kania



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No	Reference	Question	Response	Comments	Respondent
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Elizabeth Kania
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*  *Question not applicable after 2 Feb 2021	Yes		Elizabeth Kania
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	N/A		Elizabeth Kania
		*Question not applicable after 2 Feb 2021			
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes		Elizabeth Kania
18	s5.71A & s5.71B (5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Elizabeth Kania
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Elizabeth Kania
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?*	Yes		Elizabeth Kania
		*Question not applicable after 2 Feb 2021			
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?*	Yes		Elizabeth Kania
		*Question not applicable after 2 Feb 2021			





No	Reference	Question	Response	Comments	Respondent
22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	Yes		Elizabeth Kania
23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	N/A		Elizabeth Kania
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	Yes		Elizabeth Kania
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	Yes		Elizabeth Kania

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	N/A		Elizabeth Kania
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A		Elizabeth Kania



<b>Elections</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes		Elizabeth Kania
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	Yes		Elizabeth Kania
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes		Elizabeth Kania



<b>Finance</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Elizabeth Kania
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Yes		Elizabeth Kania
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	Yes		Elizabeth Kania
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes		Elizabeth Kania
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Yes		Elizabeth Kania
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes		Elizabeth Kania
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes		Elizabeth Kania



<b>Integrated Planning and Reporting</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	28 July 2020.	Elizabeth Kania
2	Admin Reg 19DA (1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	23 November 2021.	Elizabeth Kania
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Elizabeth Kania

<b>Local Government Employees</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Elizabeth Kania
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A		Elizabeth Kania
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Elizabeth Kania
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A		Elizabeth Kania
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A		Elizabeth Kania
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A		Elizabeth Kania



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<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	Yes		Elizabeth Kania
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121 (2)?	Yes		Elizabeth Kania
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes		Elizabeth Kania





<b>Optional Questions</b>						
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>	
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	Yes	27 August 2019 Council Meeting	Elizabeth Kania	
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	Yes	As above.	Elizabeth Kania	
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	N/A		Elizabeth Kania	
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events ?	Yes		Elizabeth Kania	
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Elizabeth Kania	
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		Elizabeth Kania	
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	Yes		Elizabeth Kania	
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	Yes		Elizabeth Kania	
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all it's expenditure, revenue and income?	Yes		Elizabeth Kania	



<b>Tenders for Providing Goods and Services</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Elizabeth Kania
2	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes		Elizabeth Kania
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes		Elizabeth Kania
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A		Elizabeth Kania
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes		Elizabeth Kania
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Elizabeth Kania
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Elizabeth Kania
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	No		Elizabeth Kania
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes		Elizabeth Kania
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		Elizabeth Kania



No	Reference	Question	Response	Comments	Respondent
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes		Elizabeth Kania
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	No		Elizabeth Kania
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 23 (1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Yes		Elizabeth Kania
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Yes		Elizabeth Kania
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A		Elizabeth Kania
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A		Elizabeth Kania
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A		Elizabeth Kania
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A		Elizabeth Kania
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A		Elizabeth Kania
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A		Elizabeth Kania
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A		Elizabeth Kania



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No	Reference	Question	Response	Comments	Respondent
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	N/A		Elizabeth Kania

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Bassendean

\_\_\_\_\_  
Signed CEO, Bassendean

## Purchasing Policy

### 1. OBJECTIVE

The objectives of this Policy are to:

- (a) Align procurement at the Town of Bassendean with the strategic and operational objectives of Council, consistent with Council's priorities to support the local economy and environmentally sustainable outcomes, while providing value for money; and
- (b) Ensure procurement at the Town is conducted in compliance with applicable legislation, regulation, standards and policy.

### 2. SCOPE

The Policy applies to all Town officers undertaking procurement on behalf of the Town.

### 3. POLICY STATEMENT

The Town is committed to best practice in the procurement of goods and services that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

### 4. POLICY DETAILS

#### 4.1 Ethics & Integrity

All officers of the Town are to observe the highest standards of ethics, honesty, fairness and integrity when undertaking purchasing activities and act in an honest, fair and professional manner consistent with the Town's values. Ethical behaviour includes avoiding conflicts of interest and disclosing any actual or perceived conflict of interest.

The Town's Code of Conduct details the behavioural expectations of Town Officers.

#### 4.2 Value for Money

Value for money is the overarching principle guiding all procurement activities. Value for money does not mean accepting the lowest quote. Value for money is achieved through the critical assessment of price, risk, safety and quality standards, financial viability of suppliers, timeliness, past contractor performance, specified qualitative criteria, as well as environmental sustainability, social and local outcomes to determine the best value for the Town.

#### 4.3 Procurement Risk

The Town will effectively manage risk in procuring goods and services from external contractors and suppliers to achieve the best procurement outcomes in accordance with this Policy. The Town may engage an independent Probity Auditor for projects assessed as presenting high reputational, financial or community risk.



The Town's Procurement Manual provides a best practice procurement resource for each stage of the procurement process and must be followed for all procurement activity within the Town.

## 4.4 Purchasing Thresholds and Practices

### 4.4.1 Defining the Purchasing Value

The Town will apply the following principles to assess and determine purchasing values to ensure appropriate purchasing practice and threshold management for all purchasing activities:

- (a) Exclude Goods and Services Tax (GST);
- (b) Use the estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations;
- (c) If a purchasing threshold is expected to be reached within three years for a particular supplier, the higher threshold is to be used to determine the purchasing requirements;
- (d) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements; and
- (e) Requirements must not be split to avoid purchasing or tendering thresholds.

The calculated estimated purchasing value will determine the applicable threshold and purchasing practice.

### 4.4.2 Purchasing Thresholds

The purchasing value determines the applicable purchasing threshold and the sourcing requirements, as specified in the following table:

Purchase Value Threshold ( <i>ex GST</i> )	Sourcing Requirement
Up to \$2,000	Obtain at least One (1) verbal quotation from a suitable supplier.
From \$2,001 and up to \$5,000	Obtain at least one (1) written quotation from a suitable supplier. A record of the purchasing decision must be kept in accordance with the Town's Record Keeping Plan.

Purchase Value Threshold ( <i>ex GST</i> )	Sourcing Requirement
From \$5,001 and up to \$100,000	<p>Seek at least three (3) written quotations (including through an electronic procurement portal or email) from suitable suppliers using the applicable RFQ documentation specified in the Town's Procurement Manual.</p> <p>The purchasing decision is to be based upon assessment of the suppliers' responses to:</p> <ul style="list-style-type: none"> <li>• The specified requirement for the goods or services required; and</li> <li>• Value for money criteria.</li> </ul> <p>Quotations received are subject to relevant evaluation, review and approvals using the documentation specified in the Town's Procurement Manual.</p> <p>A record of the purchasing decision must be kept in accordance with the Town's Record Keeping Plan.</p>
From \$100,001 and up to \$250,000	<p>Request For Quotation (<b>RFQ</b>).</p> <ul style="list-style-type: none"> <li>• Conduct an RFQ process in accordance with this Policy and the Town's Procurement Manual by seeking at least three (3) written quotations from suitable suppliers using the applicable RFQ documentation specified in the Town's Procurement Manual.</li> <li>• The RFQ must be sought from either: <ul style="list-style-type: none"> <li>○ Open market;</li> <li>○ WALGA Preferred Supplier Arrangement;</li> <li>○ WA Disability Enterprise or an Aboriginal owned business.</li> </ul> </li> <li>• The RFQ processes must be conducted by the Town's Procurement Unit and is subject to formal evaluation, review and approvals.</li> </ul>
Over \$250,000	<p>Request for Tender (<b>RFT</b>)</p> <ul style="list-style-type: none"> <li>• Conduct a public RFT process in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996, this Policy and the Town's Procurement Manual by seeking a</li> </ul>

Purchase Value Threshold (ex GST)	Sourcing Requirement
	<p>sufficient number of quotes from suitable suppliers to ensure a competitive field.</p> <ul style="list-style-type: none"> <li>• The RFT must be sought from either:               <ul style="list-style-type: none"> <li>○ Open market;</li> <li>○ WALGA Preferred Supplier Arrangement;</li> <li>○ WA Disability Enterprise or an Aboriginal owned business.</li> </ul> </li> </ul> <p>The RFT processes must be conducted by the Town's Procurement Unit and is subject to formal evaluation, review and approvals.</p>

#### 4.5 Inviting Tenders Though not Required to do so

The Town may decide to invite a Public Tender, despite the estimated purchase value being less than the prescribed tender threshold, where it considers a public tender process will provide better value for money, in accordance with clause 4.2 of this Policy. In such cases, the tender process must comply with the legislative requirements and the Town's Procurement Manual.

#### 4.6 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier, may be approved where the:

- (a) Purchasing value is estimated to be over \$5,000 and less than \$50,000; and
- (b) Purchasing requirement has been documented in a detailed specification; ;
- ~~(c) Specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and~~
- ~~(d)(c) Market testing process and outcomes of supplier assessments are documented, including the rationale for the supply being considered unique and why the goods or services cannot be sourced through more than one potential supplier.~~

The CEO may approve a sole supplier arrangement for purchases of up to \$50,000. A sole supplier arrangement may be approved for a maximum period of one-three (1-3) years. ~~For any continuing purchasing requirement, the approval must be re-~~

~~assessed before expiry to evidence that only one potential supplier still genuinely exists.~~

## 4.7 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process where one or more of the following criteria apply:

- (a) An inability to sufficiently scope or specify the requirement;
- (b) Significant variability for how the requirement may be met;
- (c) Potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- (d) Significant creative element; or
- (e) A procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

The EOI process is to be conducted in line with an RFT process and similar rules apply. An RFT should follow an EOI process, with those shortlisted under the EOI invited to participate.

## 4.8 Emergency Purchases

An emergency purchase is exempt from the purchasing thresholds and practices specified in this Policy.

An emergency purchase is defined as an unanticipated and unbudgeted purchase, which is required to respond to an emergency. An emergency purchase does not include a purchase that was not planned for due to time constraints.

The Town must make every effort to anticipate required purchases in advance and to allow sufficient time to apply the other clauses of this Policy.

Purchases or contracts entered in to under an emergency must be limited in scope to that which is necessary only to deal with the emergency. Once the immediacy of the emergency has passed, an appropriate procurement process must be undertaken for replacement or reinstatement works.

The CEO shall approve an emergency purchase.

## 4.9 Anti-Avoidance

The Town will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a public tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

## **4.10 Procurement Governance**

The Procurement Unit will manage all RFQ and RFT processes and will exercise governance and oversight over the Town's other procurement activities, including threshold compliance, sole supplier application, procurement probity, audit and reporting requirements.

## **4.11 Purchasing Procedures**

The procurement of goods and services must comply with the purchasing procedures specified in the Procurement Manual.

## **5. SUSTAINABLE PROCUREMENT**

The Town is committed to sustainable procurement practices that favour suppliers that demonstrate environmentally sustainable business practices and social outcomes, and businesses that provide local economic benefits.

The Town will give effect to this commitment by, wherever appropriate, designing quotations and tenders that incorporate a qualitative criterion for sustainable procurement with a percentage allocation, to provide an advantage to suppliers of goods and services that demonstrate commitment to these desired environmental, social and local economic outcomes.

Where a qualitative criterion for sustainable procurement has been included as part of an RFQ or RFT process, a price tolerance will be applied during price evaluation to suppliers of goods and services that demonstrate the highest evaluation for that criterion. The price tolerance will be up to ten (10) per cent for an RFQ and up to five (5) per cent for an RFT.

### **5.1 Environmentally Sustainable Procurement**

The Town recognises the need to protect the environment. Priority Area Two in the Town's 2020-2030 Strategic Community Plan (SCP) is Leading Environmental Sustainability.

When procuring goods and services, the Town will support businesses that demonstrate environmentally sustainable practices in its overall assessment of value for money.

The Town's procurement of goods and services will be in compliance with the objectives and spirit of Council's Single Use Plastics and Balloons Policy.

### **5.2 Social Outcomes**

The Town recognises the importance of social and community outcomes. Priority Area One in the Town's SCP is Strengthening and Connecting Our Community. This includes creating a resilient and adaptable community and treating people equitably with access to programs and services, regardless of advantage or ability.

When procuring goods and services, the Town will support businesses that provide positive social and community outcomes in its overall assessment of value for money.



## 5.2.1 Aboriginal Businesses

The Town is not required to publicly invite tenders if the goods or services are supplied by a Noongar business registered with the Noongar Chamber of Commerce and Industry, where consideration under the contract is \$250,000 or less.

The Town is not required to publicly invite tenders (pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*), if the goods or services are supplied by an entity on the WA Aboriginal Business Directory, published by the WA Chamber of Commerce and Industry, or an entity approved by the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where consideration under the contract is \$250,000 or less.

Where possible, Aboriginal businesses are to be invited to quote for the supply of goods and services under the tender threshold.

## 5.2.2 Australian Disability Enterprises

The Town is not required to publicly invite tenders (pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*) if the goods or services are to be supplied by an Australian Disability Enterprise.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold.

## 5.3 Local Economic Benefit

The Town recognises the economic benefits local business and local employment brings to the community and is committed, through its SCP, to supporting the local economy. The Town seeks to encourage development of competitive local businesses within its boundaries. Where appropriate, the Town will seek participation of local business in its supply chain in line with the strategic objectives of the SCP.

When procuring goods and services, the Town will support businesses that provide local economic benefits, through being a local business, the use of local sub-contractors or local employees, for example.

## 6. RECORD KEEPING

Records of all purchasing activity, communications and transactions must be maintained as local government records, in accordance with the *State Records Act 2000 (WA)* and the Town's Records Keeping Policy,

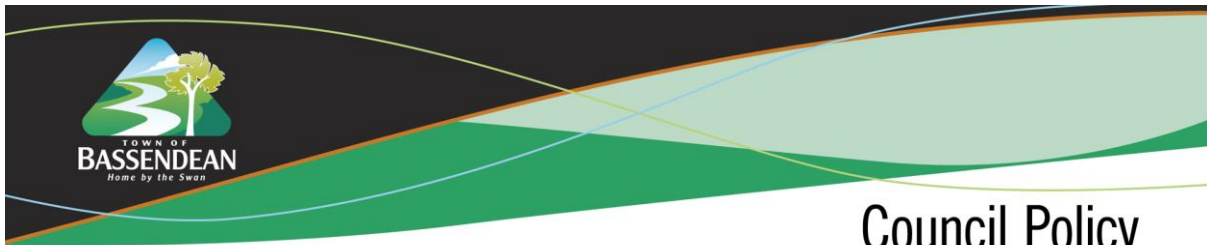
The Town also must consider and will include in each contract for the provision of goods or services the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Town relevant to the performance of the contract.

## 7. PURCHASING POLICY NON-COMPLIANCE

The Purchasing Policy is mandated under Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore forms part of the legislative framework in which the Local Government is required to conduct business.

Purchasing activities are subject to financial and performance audits, which examine compliance with legislative requirements and the Town's policies and procedures. Non-compliance with legislation or this Policy must be reported to the Chief Executive Officer.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Office of the Chief Executive Officer
<b>Inception Date:</b>	December 2020 (OCM-11/12/20)	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	30/06/2023	<b>Repeal and Replace:</b>	
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>		



## **6.15 Risk Management Policy**

### **Objective**

To develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects within the Town and to reduce the potential costs of risk through the implementation of an organisation wide risk management framework.

### **Strategy**

The Town of Bassendean is committed to managing risk and will do so by maintaining a Risk Management framework in accordance with the Risk Management Standard AS/NZS 31000:2009. The framework will include systems to identify, evaluate, treat, monitor, review and report risks. Regulation 17 of the Local Government Act (Audit ) Regulations 1996 provides for a review of the Risk Management of the organisation every 2 years.

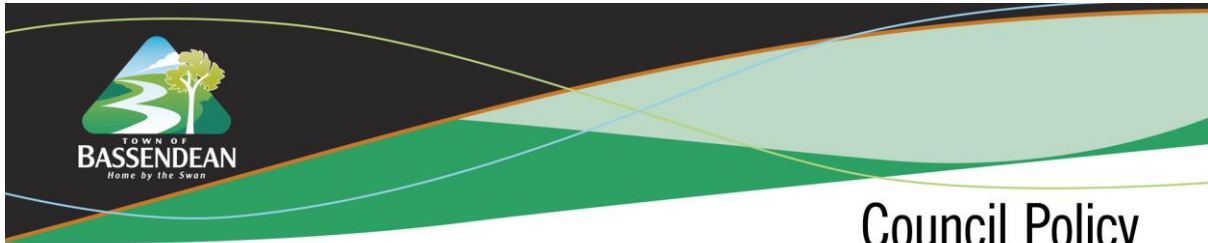
### **Policy Aims**

- To implement Risk Management across the Council in accordance with the Standard AS/NZS 31000:2009 ; and
- To develop a risk management plan which is owned and managed by the Town of Bassendean staff and is aligned to the strategic planning process and the achievement of the Town's vision and values.

### **Policy Scope**

This policy covers:

- All activities of the Town from Strategic Planning and Corporate Governance to operational activities and specific projects;
- Employees identifying and assessing potential risks in all areas of responsibility;
- The development of risk mitigation plans and the implementation of risk reduction strategies; and
- Ensuring that potential and existing risks are reported to the Management and allocating of risk management responsibilities to staff.



## Council Policy

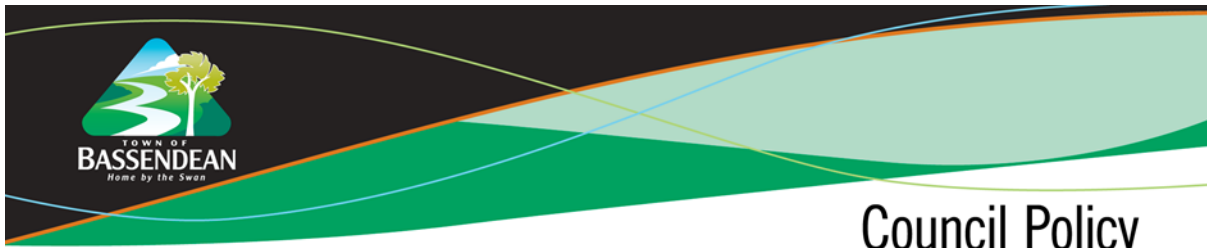
The Risk Management Manual covers risk control as well as some risk financing requirements. These guidelines can be applied to various risk/loss exposures, including those relating to:

- The community;
- The workforce;
- Vehicles and plant;
- Buildings and similar property;
- Revenue streams;
- Legal liability;
- Electronically stored information;
- Intellectual property;
- Environmental damage;
- Contractors;
- Fraud; and
- Reputation.

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Leadership and Governance</p>	<p><b>Responsible Officer:</b> Director Operational Services</p> <p><b>Last Review Date:</b> September 2017 <b>Version 2</b></p> <p><b>Next Review due by:</b> May 2020</p>
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## Council Policy

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# Risk Management Policy

## Purpose

The Town of Bassendean's ("the Town") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Town's strategies, goals or objectives.

## Policy Scope

This policy applies to all of the Town's activities and decision making and applies to all elected members, employees, contractors and volunteers. The policy provides a framework for the Town's strategic, operational and project risks.

## Policy Statement

It is the Town's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management), in the management of all risks that may affect the Town, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Town's Integrated Planning Framework.

The Town's Corporate Management Committee will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every employee, elected member, volunteer and contractor within the Town is recognised as having a role in risk management.

## Definitions (from AS/NZS ISO 31000:2018)

**Risk:** Effect of uncertainty on objectives.

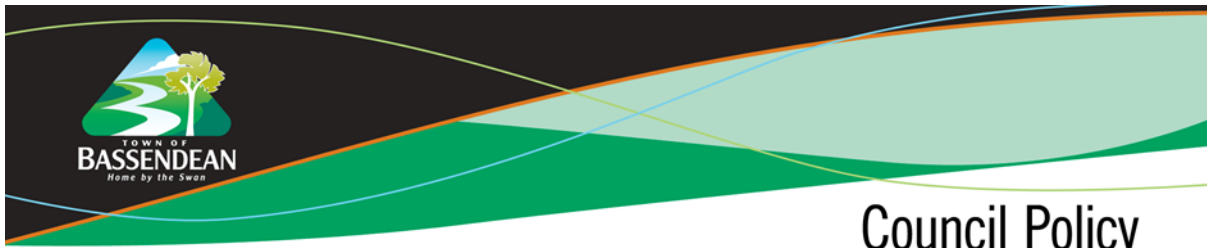
Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.





# Council Policy

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## **Risk Management Objectives**

- Optimise the achievement of our vision, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations

## **Risk Appetite**

The Town defined its risk appetite through the development and endorsement of the Town's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All strategic risks to be reported at a corporate level are to be assessed according to the Town's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Corporate Management Committee.

## **Roles, Responsibilities & Accountabilities**

Council's role is to -

- Review and approve the Town's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Establish and maintain an Audit and Governance Committee in terms of the Local Government Act.

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

## **Monitor & Review**



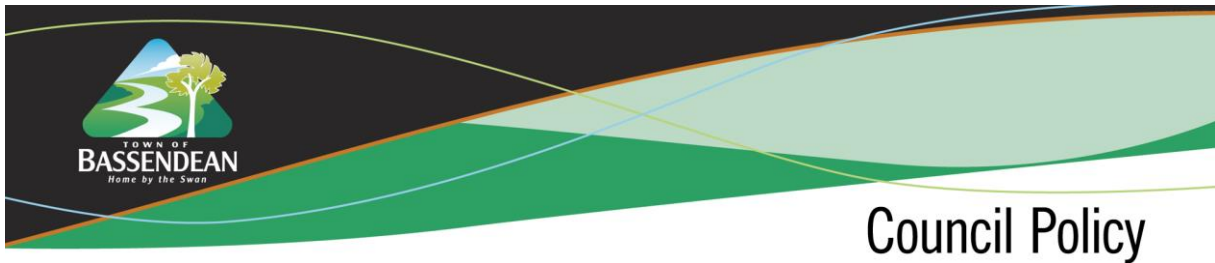
# Council Policy

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The Town will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Town's Corporate Management Committee and will be formally reviewed by Council biennially.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Office of the Chief Executive Officer
<b>Inception Date:</b>	OCM	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Biennial	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i>		



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## **Fraud and Corruption Policy**

### **Policy Objective**

The objective of this Policy is to demonstrate the Town's commitment to the prevention, detection and response to suspected fraudulent or corrupt conduct. The Town has zero tolerance for fraud or corruption and will take all reasonable steps that are necessary to prevent fraud and corruption occurring.

### **Policy Scope**

This Policy applies to:

- (a) Employees;
- (b) Elected Members; and
- (c) External parties.

**'Employees'** for the purposes of this Policy include employees of the Town of Bassendean, contractors, secondments, volunteers, work experience students, trainees and interns.

**'External parties'** for the purposes of this Policy means persons involved in the provision of goods or services to the Town, including contractors, consultants and outsourced providers and suppliers.

### **Policy Statement**

This Policy together with the Town's Fraud and Corruption Control Plan are core elements of good governance and establish an effective structure to address fraud and corruption risks and to detect and respond to incidences of suspected fraud and corruption in accordance with the best practice principles outlined in Australian Standard AS8001-2021 – 'Fraud and Corruption Control'.

The Fraud and Corruption Control Plan is a comprehensive plan to assist the Town to prevent, detect and respond to incidences of fraud or corruption. The Fraud and Corruption Control Plan prescribes roles and responsibilities for fraud and corruption control and details the required prevention, detection and response measures.

All employees, Elected Members and external parties dealing with the Town have an obligation to support efforts to reduce the risk of fraud or corruption by demonstrating behaviours that align to the Town's values, and by acting with integrity and professionalism in undertaking their functions.

The Town expects employees and Elected Members to act in compliance with the respective Code of Conduct and the Town’s Governance Framework and behave ethically and honestly when performing their functions and in their interactions with each other, the community and stakeholders.

The Chief Executive Officer will ensure that appropriate systems and procedures are in place to prevent, detect and respond to incidents of suspected fraudulent or corrupt behaviour.

The Town is committed to building a strong anti-fraud and corruption culture by regularly raising awareness of fraud and corruption risks and the requirements of the Town’s fraud and corruption control framework. The Town will ensure employees, Elected Members and external parties are aware of their responsibilities in respect to the prevention, detection and reporting of suspected fraudulent or corrupt conduct.

The Town will ensure appropriate and easily accessible reporting mechanisms are in place for employees, Elected Members and external parties to report suspected fraudulent or corrupt activity, taking all reasonable steps to protect those making disclosures from acts of victimisation or reprisal.

All suspected instances of fraudulent or corrupt conduct will be investigated in accordance with relevant legislation and the principles of natural justice, with the appropriate reporting, disciplinary, prosecution and recovery actions initiated, where applicable.

The Chief Executive Officer will review the effectiveness of the Fraud and Corruption Control Plan biennially and present the outcome of the review to the Audit and Governance Committee.

Document Control box			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Office of the Chief Executive Officer
Inception Date:	March 2022	Decision Maker:	Council (OCM-__/__/__)
Review Date:	March 2024	Repeal and Replace:	Chief Executive Officer
Compliance Requirements:			
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Model Code of Conduct) Regulations 1996</i>		

	<i>Corruption, Crime and Misconduct Act 2003</i> <i>Public Interest Disclosure Act 2003</i> Fraud and Corruption Control Standards (AS8001-2021)
Link to Strategic Community Plan:	Providing visionary leadership and making great decisions

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