

ATTACHMENTS

BRIEFING SESSION

20 FEBRUARY 2018

Attachment No. 1:

Sage Consulting Engineers Street/Road Lighting Report

Attachment No. 2:

Waste Collection Options Survey Report
Ratepayers' Feedback

Attachment No. 3:

- Verge Treatment and Maintenance Policy;
- Permissible Verge Treatment Information Sheet;
- Activities on Thoroughfares and Trading in Thoroughfares and Public Place Local Law 2010;
- Photographs of the verge;
- Letter to owner at 115A Anzac Terrace regarding non-compliant verge treatment; and
- Email from the owner at 115A Anzac Terrace requesting an exemption.

Attachment No. 4

- Success Hill Community Workshop Presentation – Ingress/Egress.
- Success Hill Community Survey.
- Success Road and Lord St Crash Traffic Management Assessment.
- Lord St and Walter Rd East Crash Traffic Management Assessment.
- Crash Factor Matrixes – Walter Road East and Lord Street; and Walter Road and Success Road.

Attachment No. 5

- Councillor Workshop 13 February 2018 - Department of Transport presentation.
- Department of Transport 13 February 2018 revised concept plan 245215-54-SKE-001 Rev A.
- Community Workshop 16 January 2018 presentation
- Community Feedback.

Attachment No. 6:

- Refusal Notice – 1 River Street
- Letter from Owner to Mayor

Attachment No. 7

Draft SPP 4.1 – Industrial Interface
Draft SPP 4.1 – Frequently Asked Questions (FAQ's)
SPP 4.1 – State Industrial Buffer Policy

Confidential Reports and Confidential Attachments

ATTACHMENT NO. 1



**SAGE
CONSULTING
ENGINEERS**

ROAD LIGHTING AUDIT REPORT

January 2018

Sage Consulting Engineers Pty Ltd
203 Railway Road
SUBIACO WA 6008
Telephone: (08) 9388 9745
Facsimile: (08) 9388 9256
Email: msage@iinet.net.au

ROAD LIGHTING AUDIT

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REV	DATE	STATUS	AUTHOR	REVIEW
01	6/11/2017	First draft	C.Lawrence	
02	17/11/2017	Final	C.Lawrence	
05	12/2/2018	Costs updated	I.Ahmadyar	



1. INTRODUCTION

The Town of Bassendean has requested a road lighting audit for an area within 200m of Success Hill Train Station. The area to be audited will include;

- Anzac Terrace
- Seventh Avenue
- Railway Parade
- Thompson Road
- Lamb Street
- Nurstead Avenue
- Lord Street

This Road Lighting Report considers the existing road lighting and compares it with AS/NZS 1158 and MRWA Lighting Design Guidelines for Roadway and Public Safety. This report offers specific recommendations and cost estimates.

2. BASIS

This report is based on the following sources:

- AS/NZS1158.3.1: 2005 Pedestrian area lighting.
- AS/NZS1158.1.1: 2005 Vehicular Traffic Lighting.
- MRWA Lighting Design guideline for Roadway and Public Space
- Site visits in November 2017
- Western Power's current range of road lighting equipment (Distribution Design Catalogue Sections SL and DM).
- MRWA Lighting Design Guidelines for Roadway and Public Safety

The scope of the report included:

- Receive and prepare drawings
- Visit site and record existing street lighting infrastructure.
- Desktop audit using AGI-32 lighting design software
- Site measurements
- Assess compliance with AS/NZS 1158 and Main Roads WA Lighting Guidelines.
- Schedule all the roads and for each road record the existing lighting equipment and note compliance/non-compliance with AS/NZS 1158
- Preliminary design to improve the street lighting and comply with AS1158 and MRWA guidelines.
- Prepare brief Lighting Audit Report providing recommendations and opinions of probable costs for upgrading the street lighting.



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3. EXISTING LIGHTING

The existing street lighting was observed in the following areas:

- Local roads have a combination of 80w MV, 125w MV and 42w CLF Wester Power street lighting mounted on overhead power lines.
- Lord Street have 250w HPS and 125w MV Wester Power street lighting mounted on overhead power lines and steel poles
- The principal shared path have MRWA standard lighting.

4. SITE MEASUREMENTS

Site measurements were performed on the 18th December 2017 at approximately 8pm. Don Yates was informed of the site audit and asked to turn off his private street lighting. He declined to do so and argued the Christmas lighting would influence the readings. The Christmas lighting did not have the intensity to effect the readings.

At the time of the site audit:

- Flood lighting from Bassendean Oval was not operating.
- No moon was present
- Readings were only taken between Nurstead Ave and Guildford Road due to private street lighting effecting north end of Thompson Street.

Readings ranged from 0.01lux to 2.57lux, with an average of 0.7lux. Low measurements as expected were recorded under the Fig tree.

There were a number of previous attempts to conduct site measurement which were cancelled due to Don Yates expressing concerns about the influence of a full moon. For the moon to influence site measurements it needs to be directly overhead to penetrate the tree lined street. This was not the case on previous attempts.

5. MERCURY VAPOUR LAMPS

Mercury vapour lamps are obsolete. They have poor energy efficiency and the mercury content poses occupational and environmental hazards. In 2005, the Australian Greenhouse Gas Office banned them for Category V road lighting. In 2008, the United States banned them. From 2011, Australian Standards did not accept mercury vapour streetlights. During 2015, the European Union will phase out all mercury vapour lamps.

During the course of next year, the supply of mercury vapour lamps for maintenance will diminish. Within a few years, road lighting installation with mercury vapour lamps will not be maintainable.

Western power have introduced an 18w LED to replace the 80W mercury vapour lamp. At this point in time there is no replacement for the 125w mercury vapour lamp

Western Power needs to consider alternative lamp sources to replace mercury vapour lamps.



No other alternative is available at this time. Larger wattage compact fluorescent are available but do not fit into street lights.



6. STANDARDS

Australian Standard AS/NZS1158 is summarised in Appendix B.

AS/NZS 1158.1.1: 2005 covers Category V for freeways and highways. Categories V5 to V1 cover these major roads in ascending rank.

Light-technical parameters for road safety at night should be based on the criteria set out in AS/NZS 1158.1.1: 2005.

AS/NZS 1158.3.1: 2005 covers Category P for pedestrian areas. Categories P5 to P1 cover minor roads. The standard gives twelve categories from P1 to P12 covering a wider range of areas and activities. Categories P5 to P1 cover most minor roads in ascending rank.

Light-technical parameters for the security of the community at night should be based on the criteria set out in AS/NZS 1158.3.1: 2005.

AS/NZS 1158 specifies light levels, or illuminance, as "maintained" illuminance. This is the lighting level at the end of the lighting maintenance cycle. The maintained illuminance is related to the initial illuminance by a "maintenance factor" which takes into account depreciation of the lamp output and dirt on luminaire surfaces. For instance, Category P3 requires 1.75 lux maintained corresponding to 2.5 lux initial with a 70% maintenance factor.

When compared with current British and European standard BS/EN 13201, the North American recommendations, and the South African Standard SABS 098, the requirements of AS/NZS 1158 cannot be considered excessive.

Mainroads Western Australia (MRWA) – Lighting Design Guideline for Roadway and Public Space, specify all P category lighting shall be designed in accordance with AS/NZS1158.3.1 with the following specific requirements

Item	Road Element	Design Method	AS/NZS reference
1	Roads in local areas	P3, P4, P5	Table 2.1 of AS/NZS 1158.3.1
2	Pathways including cycle ways	P1, P2, P3, P4	Table 2.2 of AS/NZS 1158.3.1
3	Public Activities excluding carparks	P6, P7, P8	Table 2.3 of AS/NZS 1158.3.1
4	Connecting Elements	P9, P10	Table 2.4 of AS/NZS 1158.3.1
5	Outdoor car parks including roof top car parks	P11, P12	Table 2.5 of AS/NZS 1158.3.1
6	Road train assembly area	P8	Table 2.3 of AS/NZS 1158.3.1

With the additional following requirements:

Main Roads requires P2 Category lighting for Principal Shared Paths (PSPs) to be achieved with the following additional parameters:

- Typical mounting height for column mounted Pedestrian Light poles shall be 7.0 metres
- The outreach length for pedestrian lighting is to be 0.0 to 1.5 metres
- The luminaire's optical assembly shall have an adjustable tilt of not less than +5° from the horizontal, which feature shall be inherent in the luminaire's design.



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However, the upcast and any specific luminaire settings required shall be specified in the design.

- d) All pedestrian lighting design and installation shall be High Pressure Sodium (HPS) lamps.
- e) **Point horizontal of no less than 5 lux with vertical Lux to AS1158.3 category P2;**
- f) At locations where a PSP intersects another Path the horizontal and vertical illuminance shall not be less than 20 lux;
- g) At locations of conflict and high pedestrian usage such as rail stations point horizontal and vertical illuminance of no less than 20 lux shall be achieved;
- h) Desirable pole setback should be 1.0m from edge of path;
- i) Vegetation in the vicinity of lighting is to be removed/pruned so as proposed lighting levels are maintained.
- j) Regular maintenance requirements for vegetation should be mentioned under design report.
- k) Spillage lighting level (roadway lighting only, not commercial lighting etc) and reflectivity of any walls or surfaces in the vicinity of the lighting is to be included in lighting calculations
- l) Minimum lighting category for PSP under pass lighting is P10 in accordance with AS/NZS 1158.3.1:2005.
- m) It is required to comply with V3 Category lighting requirements where a PSP intersects a road in accordance with AS/NZS 1158.1.1 2005

Main Roads provide roadway and pathway lighting on urban freeways, highways and control of access roads with high traffic volumes (traffic lights) and principal Shared Paths to travel safely at night. **They do not have control or implement lighting standards on local roads.**

The principal shared path on the northern side on the train line is under MRWA control and would comply with MRWA guidelines.

7. RECOMMENDATIONS

MRWA requirement for point horizontal of no less than 5 lux with a vertical Lux to AS1158.3 Cat P2 is intended for principal share parths, not residential streets. We believe a minimum point horizontal of 5 lux is excessive for a residetial street and what you would expect for a shopping mall.

Western Power do not have any lighting equipment in their range that can achieve this standard when installed on exisitng over head power poles.

Referring to the table in Appendix C (AS/NZS 1158.3.1 Pedestrian area lighting), we would recommend complying with AS/NZS 1158.3.3 Cat P3 on all roads in the 200m radius vicinity of the trian station. This is based on:

- Activity – medium
- Risk of crime – low - medium
- Need to enhance prestige – medium



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Seventh Avenue complies with AS/NZS 1158.3.3 Cat P3.

Thompson Road fails to comply with AS/NZS 1158.3.3 Cat P3 due to the large fig tree located on the corner of Thompson and Lamb Street. The rest of Thompson Road measured, meets AS/NZS 1158.3.3 Cat P3. Due to community concerns it may be appropriate to increase these roads to AS/NZS 1158.3.3 Cat P2 and include vertical illuminance for facial recognition

Increasing the lighting above category P3 (i.e. category P2) may cause light spill onto abutting properties. Spill light will cause more community disagreement. Consultation with residents on Thompson Road and Seventh Ave would be advised before increasing the lighting levels.

The most important criteria to meet when designing pedestrian street lighting is the vertical illuminance. Good vertical illuminance allows a person to identify detail, such as approaching people. MRWA requirements and AS/NZS 1158.3.1 P2 both specify a point vertical illuminance of 0.7lux.

This would satisfy concerned residents in the effected area.



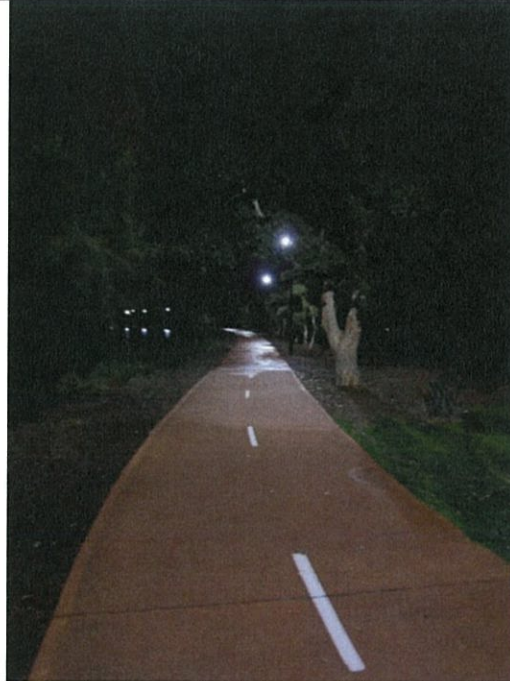
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Some examples of P2 category lighting:

- Lake Monger path lighting, Town of Cambridge
- Copley Park, City of Belmont



Lake Monger

To achieve AS/NZS 1158.3.1 P2 using Western Power equipment we would need to install 150W MH roadsters on every overhead power pole.

Alternatively, private LED street lighting could be installed on the other side of the road and the Western Power street lighting removed. This would allow for better light control to limit spill light and reduce energy costs.

The Fig tree will need to be considered when designing and installing new street lighting to avoid the existing non compliance problems. Mounting heights adjacent the tree will need to be reduced to effectively light the area.



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APPENDIX A

SCHEDULE OF OBSERVATIONS & COST ESTIMATES



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2657 - SUCCESS HILL BASSENDEAN
ROAD LIGHTING AUDIT
THOMPSON ROAD
Fig. 1

Drn: I.A.
Date: JAN 2018
Scale: 1:1000 @ A4
AS/NZS ISO 9001:2008
Certificate No. 9000 254

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0 10m 20m 30m 40m 50m
SCALE 1:1000 @ A4



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SCHEDULE OF OBSERVATIONS

No.	Street Name	Length	AS/NZS 1158	Existing Lighting	Complies
1	Anzac Terrace	300	P3	2 x 80W MV, 1 x 80W MV B2224, 1 x 125W MV, 1 x 42W CFL	No
2	Seventh Avenue	180	P3	1 x 80W MV, 2 x 80W MV B2224	Yes
3	Railway Parade	350	P3	3 x 80W MV, 2 x 80W MV B2224, 1 x 125W MV	No
4	Thompson Road	180	P3	2 x 80W MV, 1 x 125W MV	No ①
5	Lamb Street	250	P3	2 x 70W HPS, 1 x 125W MV, 1 x 42W CFL	No
6	Nurstead Avenue	270	P3	2 x 80W MV, 1 x 125W MV, 1 x 42W CFL	No
7	Lord Street	190	V3	3 x 250W HPS, 1 x 125W MV	No

① Non-compliance under Fig tree



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SCHEDULE OF COST ESTIMATES – WESTERN POWER

AS/NZS 1158.3.3 Cat P3 on all roads

No.	Street Name	Length	AS/NZS 1158	Recommendation	Cost
1	Anzac Terrace	300	P3	Install 4 additional WP 18W led on existing overhead line pole	\$ 12 000 - \$ 24 000
2	Seventh Avenue	180	P3	Retain existing street lighting and request Western Power to clean and re-lamp	\$ 18 000
3	Railway Parade	350	P3	Install 3 additional WP 18W led on existing overhead line pole	\$ 9 000 - \$18,000
4	Thompson Road	180	P3	Retain existing street lighting and request Western Power to clean and re-lamp. Reduce mounting height under Fig tree	\$ 2000
5	Lamb Street	250	P3	Install 4 additional WP 18W led on existing overhead line pole	\$ 12 000 - \$ 24 000
6	Nurstead Avenue	270	P3	Install 3 additional WP 18W led on existing overhead line pole	\$ 9 000 - \$ 18 000
7	Lord Street	190	V3	Install 250W HPS @ 50m spacing's	\$ 48,000.00
				Total	\$ 90 000 - \$132 000

Cost Basis:

- 250W HPS 12.5m steel pole \$ 12 000
- 150W MH mounted on existing O/H line \$ 3 000 - \$ 6000
- Replace existing \$ 500
- Does not include bulk Western Power replacement of 18W LED not covered in recommendation



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AS/NZS 1158.3.3 Cat P2 on Thompson Road and Seventh Avenue.

No.	Street Name	Length	AS/NZS 1158	Recommendation	Cost	Priority
1	Anzac Terrace	300	P3	Install 4 additional WP 18W led on existing overhead line pole	\$ 12 000 - \$ 24 000	5
2	Seventh Avenue	180	P2	Replace all with 150W MH and install additional 150W MH on all overhead line poles	\$ 5 000 - \$ 8 000	2
3	Railway Parade	350	P3	Install 3 additional WP 18W led on existing overhead line pole	\$ 9 000 - \$18,000	3
4	Thompson Road	180	P2	Replace all with 150W MH and install additional 150W MH on all overhead line poles	\$ 5 000 - \$ 8,000	1
5	Lamb Street	250	P3	Install 4 additional WP 18W led on existing overhead line pole	\$ 12 000 - \$ 24 000	4
6	Nurstead Avenue	270	P3	Install 3 additional WP 18W led on existing overhead line pole	\$ 9 000 - \$ 18 000	6
7	Lord Street	190	V3	Install 250W HPS @ 50m spacing's	\$ 48,000.00	9
Total					\$120 000 - \$192 000	

Cost Basis:

- 250W HPS 12.5m steel pole \$ 12 000
- 150W MH mounted on existing O/H line \$ 3 000 - \$ 6000
- Replace existing \$ 500
- Does not include bulk Western Power replacement of 18W LED not covered in recommendation



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APPENDIX B

LIGHTING DESIGN OPTIONS



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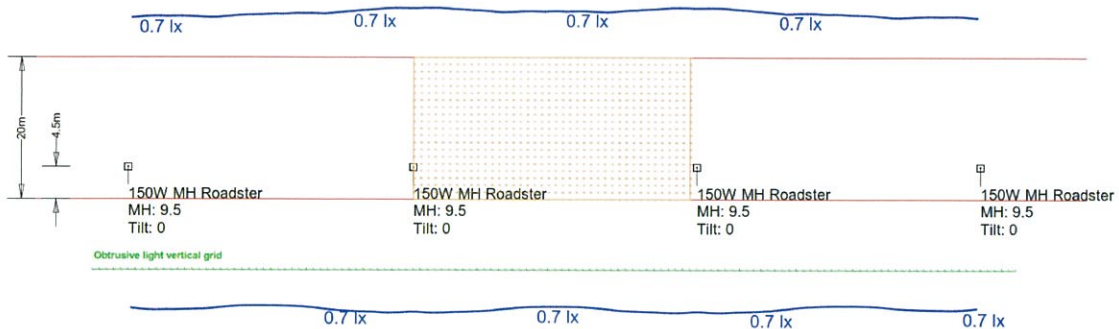
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AS/NZS 1158.3.1 P2

Success Hill, Bassendean Road reserve 20m - samples

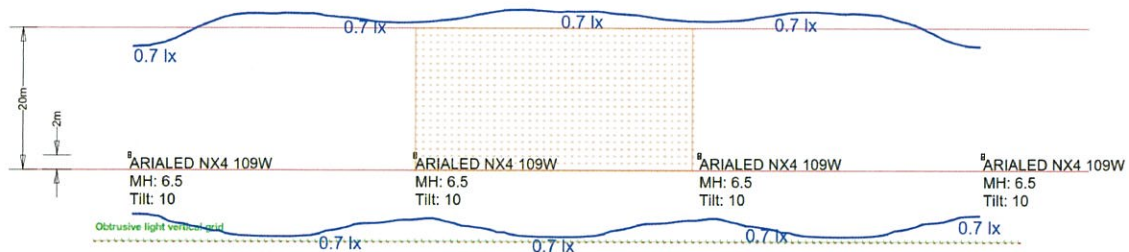
**OPTION 1 - Roadster 150W Metal Halide
WP Overhead Line Poles
MH=9.5m
Arm=2.5m
Tilt - 0 degrees**



Luminaire Schedule								
Project: OPT 1								
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description	Arm	Lum. Watts
□	4	150W MH Roadster	SINGLE	11500	0.800	SLA Roadster MH150D - 201016	2.5	150

Calculation Summary						
Project: OPT 1						
Label	CalcType	Units	Avg	Max	Min	Max/Avg
Evp 1 - obtrusive light	Illuminance	Lux	N.A.	2.81	1.67	N.A.
Horizontal grid Eh1 @ 0m GL	Illuminance	Lux	5.91	15.98	1.55	2.70
Vertical grid Ev1 @ 1.5m AGL	Illuminance	Lux	N.A.	9.10	0.71	N.A.

**OPTION 2 - ARIALED
New Steel Poles
MH=6.5m
Arm=0m (post-top)
Tilt - 10 degrees**



Luminaire Schedule								
Project: OPT 2								
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description	Arm	Lum. Watts
□	4	ARIALED NX4 109W	SINGLE	13097	0.800	ARIALED - SL-050N2D6PEB0A00 - 050 NX4 219C 4000K	0	109

Calculation Summary						
Project: OPT 2						
Label	CalcType	Units	Avg	Max	Min	Max/Avg
Evp 2 - obtrusive light	Illuminance	Lux	N.A.	0.28	0.11	N.A.
Horizontal grid Eh2 @ 0m GL	Illuminance	Lux	9.58	38.16	0.75	3.98
Vertical grid Ev2 @ 1.5m AGL	Illuminance	Lux	N.A.	21.95	1.52	N.A.



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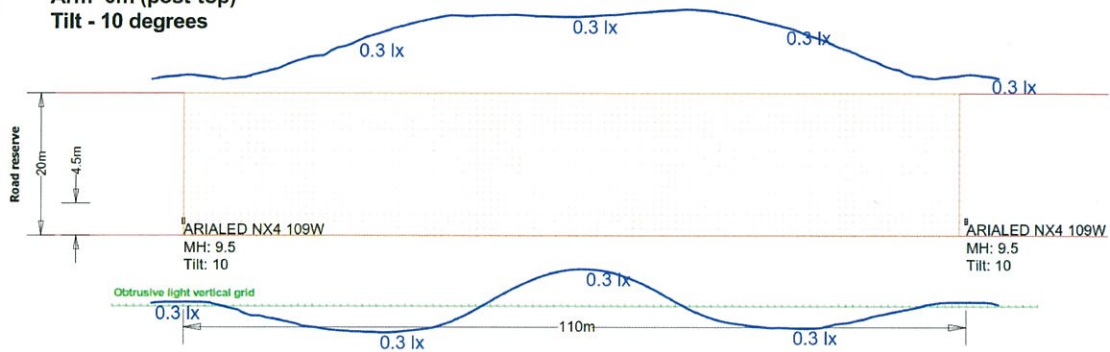
AS/NZS 1158.3.1 P3

Success Hill, Bassendean

Road reserve 20m - sample spacing

AS/NZS 1158.3.1 - P3 category

ARIALED
New Steel Poles
MH=6.5m
Arm=0m (post-top)
Tilt - 10 degrees



Luminaire Schedule								
Project: OPT 1								
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description	Arm	Lum. Watts
+	2	ARIALED NX4 109W	SINGLE	13097	0.800	ARIALED - SL-050N2D6PEB0A00 - 050 NX4 219C 4000K	0	109

Calculation Summary						
Project: OPT 1						
Label	CalcType	Units	Avg	Max	Min	Max/Avg
Evp 1 - obtrusive light	Illuminance	Lux	N.A.	1.22	0.19	N.A.
Horizontal grid Eh1 @ 0m GL	Illuminance	Lux	3.08	17.51	0.41	5.69



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APPENDIX C

LIGHTING STANDARDS

AS/NZS 1158.3.1: 2005 - ROADLIGHTING- Pedestrian Area Lighting
AS/NZS 1158.1.1: 2005 - ROADLIGHTING- Vehicular Traffic Lighting



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AS/NZS 1158.3.1:2005 Pedestrian area lighting

Roads & Pathways:

Lighting Category ①		P1 ②	P2 ②	P3	P4	P5	P6	P7	P8
Type of Road or Pathway		MIXED VEHICLE & PEDESTRIAN TRAFFIC Pedestrian or cycle orientated pathways, e.g. footpaths, including along arterial roads, walkway, lanes, park paths, cycle paths (P1 to P4 apply) Collector roads or non-arterial roads which collect and distribute traffic in an area, as well as serving abutting properties Local roads or streets used primarily for access to abutting properties including residential properties. Common area, forecourts of cluster housing					GENERALLY PEDESTRIAN MOVEMENT ONLY <ul style="list-style-type: none"> Areas primarily for pedestrian use, e.g. city, town, suburban centres, including outdoor shopping precincts, malls, open arcades, town squares, civic centres MIXED PEDESTRIAN & VEHICLE TRAFFIC <ul style="list-style-type: none"> Transport terminals and interchanges, service areas 		(similar to P1)
Selection Criteria ① ②	Activity	n/a	High	Med	Low	Low	Ped only N/A Mixed - High	Med	Low
	Risk of crime	High	Med	Low local roads - Med	Low	Low	High	Med	Low
	Need to enhance prestige	n/a	High	Med	n/a	n/a	High	Med	n/a
Light Technical Parameters									
Maintained Average Horizontal Illuminance (lux)		7	3.5	1.75	0.85	0.5	21	14	7
Maintained Horizontal Illuminance (lux)		2	0.7	0.3	0.14	0.07	7	4	2
Maximum Horizontal Illuminance Uniformity $E_{max}/E_{ave} (U_p)$		10	10	10	10	10	10	10	10
Maintained Vertical Illuminance ④ (E_v) lux		2	0.7	0.3⑤	n/a	n/a	7	4	2

Connecting Elements and Outdoor Car Parks:

Lighting Category	P9	P10	P11a	P11b	P11c	P12
Type of Road or Pathway	Steps, ramps, footbridges, pedestrian ways.	Subways, including associated ramps or steps ⑥	Parking spaces, aisles and circulation roadways ⑦			Parking spaces for people with disabilities ⑦
Night time vehicle or pedestrian movements	N/A	N/A	High	Medium	Low	N/A
Night time occupancy			>75%	>25%, <75%	<25%	
Risk of crime			High	Medium	Low	
Light Technical Parameters						
Maintained average horizontal Illuminance (lux) E_h	Same as for highest lighting Category applying to adjacent connected areas but, where forming part of a road or pathway, to not less than Category P8	35	14	7	3.5	-
Maintained horizontal; Illuminance (lux)		17.5	3	1.5	0.7	>14 & > E_h
Maximum horizontal Illuminance Uniformity E_{max}/E_{ave} (U_p)		10	10	10	10	-
Maintained vertical Illuminance ④ (E_v) lux		17.5	3	1.5	-	-

Notes:

- ① The highest level of selection criteria that is deemed appropriate for the road or pathway will determine the applicable lighting Category.
- ② P3, P4 & P5 apply across the whole road reserve. P1 & P2 apply only to the formed footpath
- ③ Where there are good vertical reflecting surfaces alongside the pathway, the next lower lighting Category may be selected
- ④ Applies at 1.5m above the surface of the area.
- ⑤ The vertical illuminance requirement for Category P3 applies to pathways not local roads
- ⑥ Subway walls should have a light colour
- ⑦ Luminaires should be located to highlight obstruction and hazards. For indoor car parks refer to AS1680.2.1



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AS/NZS 1158.1.1: 2005 - ROAD LIGHTING - Vehicular Traffic Lighting

Lighting Category	V1	V2	V3		V4	V5
APPLICATIONS Note: for all applications the upward waste light ratio should not exceed 6%	Arterial or main roads in central and regional activity centres of capital and major provincial cities, and other areas with major abutting traffic generators	Arterial roads that predominantly carry through traffic from one region to another, forming principal avenues of communication for traffic movements with major abutting traffic generators	Arterial roads that predominantly carry through traffic from one region to another, forming principal avenues of communication for traffic movements	Freeways, motorways and expressways consisting of divided highways for through traffic with no access for traffic between interchanges and with grade separation at all intersections	Sub-arterial or principal roads which connect arterial or main roads to areas of development within a region, or which carry traffic directly from one part of a region to another part.	
<i>Light Technical Parameters</i>						
Minimum Average Luminance L(cd/m ²) (maintained)	1.5	1.0	0.75		0.5	0.35
Min Overall Uniformity U _o	0.33	0.33	0.33		0.33	0.33
Min Longitudinal Uniformity U _l	0.5	0.5	0.5		0.5	0.5
Max Threshold Increment TI(%)	20	20	20		20	20
Min Surround Illuminance ES (%)	50	50	50		50	50
At Intersections - Min Point horizontal Illuminance E _{min} , lux (maintained)	15	10	7.5		5	3.5
Max Illuminance Uniformity E _{max} /E _{min}	8	8	8		8	8
Max Upward Waste Light Ratio %	3	3	3		3	3

Notes on reflectance characteristics

- R1 = light diffuse road (e.g. concrete)
 R2 = diffuse & specular (e.g. asphalt with artificial brightener in aggregate)
 R3 = slightly specular, typical highways and MRWA design standard
 R4 = mostly specular, very smooth texture



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ATTACHMENT NO. 2



TOWN OF
BASSENDEAN
Home by the Swan

Waste Collection Options Survey

Results - January 2018

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Objectives

- The Town of Bassendean is currently considering the introduction of a 3 bin waste collection system, including the addition of a green waste bin for residents, which will reduce the amount of waste currently going to landfill
- This survey of households was commissioned to measure the:
 - Appetite for the introduction of a 3 bin waste collection system, including a general waste bin, recycling bin and green waste bin;
 - Willingness to pay for the 3 bin system as a method to reduce waste and contamination;
 - Levels of support/ reactions to the estimated set up and ongoing additional costs for provision of the service.

Our approach

Sampling framework

- Randomly selected sample of households surveyed by telephone (householder 18 plus responsible for waste disposal in household)
- Supplemented by online survey available on the Town's website and Facebook page

Questionnaire design and approval

- 6 to 8 minute duration
- Adapted for telephone and online environments
- Formally approved by Town of Bassendean representative prior to survey administration

Data collection

4 - 17 December 2017

Multiple call-backs to randomly selected households to ensure representative sample

N = 403 households telephone survey

N= 221 residents online survey (website and Facebook page) - reported in a separate section of this presentation

Analysis and Reporting

- Results weighted to be representative of suburb household populations and renters and ratepayers
- Key findings
- Detailed results

Key Findings

Key Findings

- Overall, and based on the results from the representative telephone survey, there is strong support for the introduction of a 3 bin waste collection system in the Town of Bassendean, to reduce the amount of waste currently going to landfill
 - 88% of householders either support or strongly support the introduction of a green waste bin
 - 84% would use it regularly
- As to be expected, support for the concept DOES decline when a one off levy (\$80 to \$90) and annual charge (\$20 to \$30) is introduced
 - However we still have more than 2 in 3 householders (69%) in support of the introduction of a green waste bin
- Older householders (over 40 years of age) are more likely than those younger to be opposed to the proposal
- Results did not vary between suburbs or ratepayers and renters



88% support the
3 bin waste
collection system
concept

84% would use
the green waste
bin regularly

Support declines
to 69% with the
introduction of
one off levy and
annual charge

22% would not
support the
introduction of
the new system
with the
proposed charges

Levels of support
strongest
amongst younger
householders
(<40)

Results
consistent across
suburbs and
renters and
ratepayers

The 3 bin waste collection system

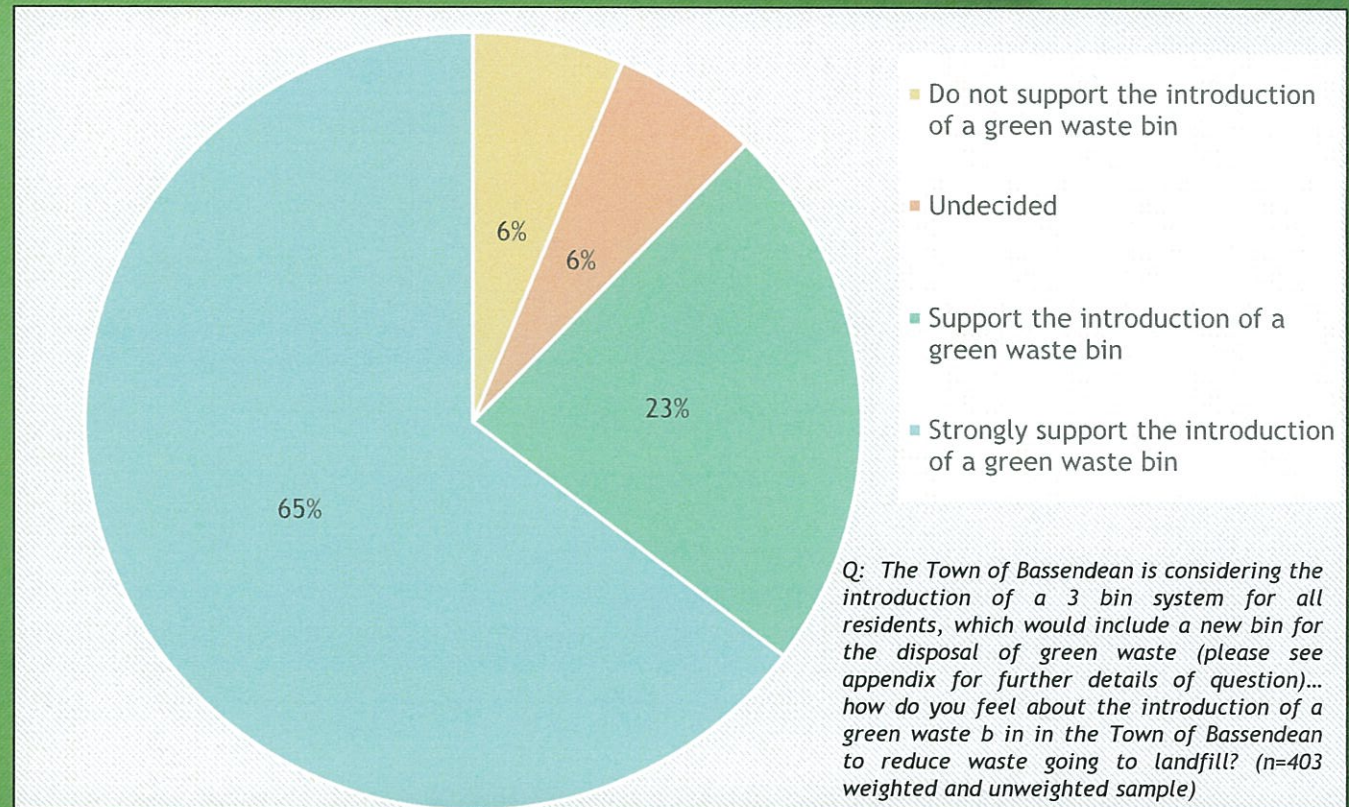
Town of Bassendean
Community Telephone Survey results 2018

Town of Bassendean Telephone Survey

Detailed results

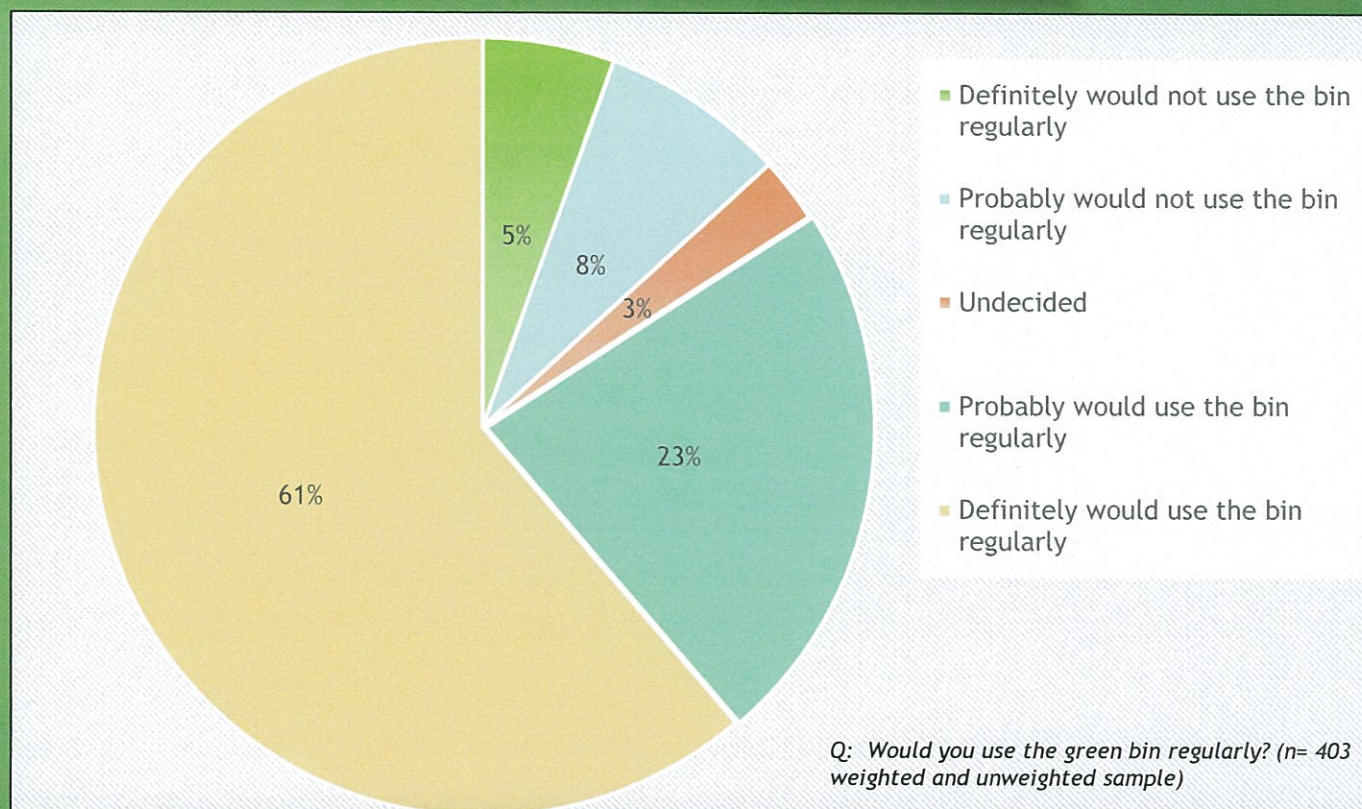
The 3 bin waste collection system concept

- The new waste collection system was explained, with 3 bins (one bin for general waste, one for recycling and a new bin for green waste), householders were asked to indicate how they felt about the proposed introduction of the new system
- Overall, levels of support for the concept were strong, with 88% of householders either strongly supporting or supporting the introduction of a green waste bin
- Ratepayers and renters registered similar levels of support for the introduction of a 3 bin system
- Those under 40 years of age were more likely than those over 40 years to support the new system, as were females
- Results did not vary by suburb



Anticipated use of the green waste bin

- Householders indicated that “yes” they would use the green waste bin regularly
- Only just over 10% said that they definitely or probably would not use the bin regularly and only 3% were undecided
- As for results in relation to the proposed introduction of the 3 bin system householders over 40 years of age were significantly LESS likely than those younger to indicate that they would use the bin regularly
- Results did not vary by suburb or between ratepayers and renters

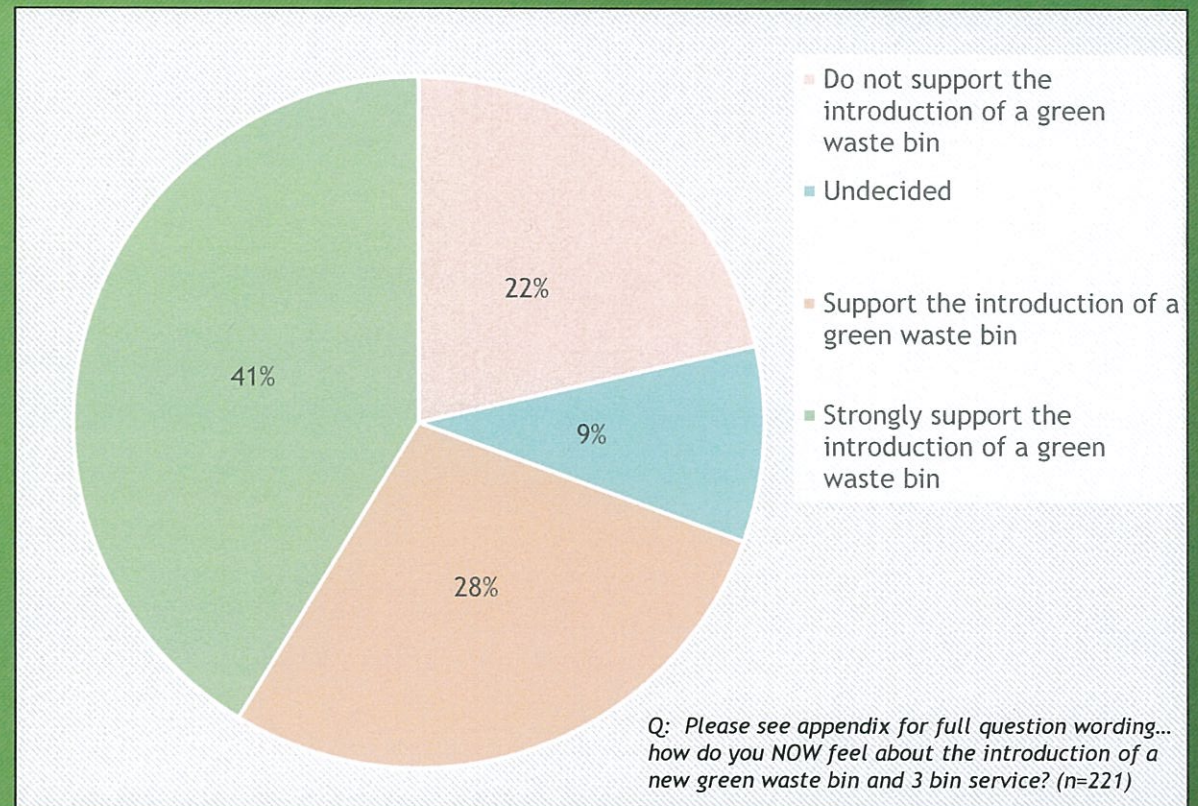


Support for the 3 bin waste collection system concept - with levies and charges

- After responding to questions related to levels of support for the concept of the 3 bin system AND anticipated regularity of use, householders were asked to consider the costs associated with the introduction of the service and again indicate their level of support for the new system
- The explanation provided to householders was as follows (for ratepayers):
 - The introduction of a green waste bin for ratepayers across the Town would mean that all ratepayers would pay a one off fee of between \$80 to \$90 for the delivery of the bin and then an annual fee of between \$20 to \$30, which would be added to your annual rates notices each year. The service will be provided to every household.
- And for renters:
 - The introduction of a green waste bin will initially cost between \$80 to \$90 for the delivery of the bin and then an annual fee of between \$20 to \$30, which would be added to the rates for the property that you currently rent. As someone renting a property in the Town of Bassendean, property rates are not applicable to you; however, the owner of the property may pass on these charges to you via an increase in your rent.

Support for the 3 bin waste collection system concept - with levy and annual charge

- Overall, the introduction of a levy and annual charge for the 3 bin system **DID** affect levels of support for the concept
- The proportion of householders not supporting the introduction of the system increased from 10% to 22% (significant change) and those undecided from 6 to 9% (a slight but not significant change)
- These increases aside however, we still have almost 2 in 3 householders either supporting or strongly supporting the introduction of the green waste bin
- Levels of support were again principally driven by age, with 27% of those over the age of 40 not supporting the introduction of the green waste bin, in comparison with 7% of those under the age of 40
- Results did not differ significantly by suburb or renters vs ratepayers
- As for support associated with the concept, women remained more likely than men to support the introduction of the new system with levies and charges



Differences by age

Question	Under 40 years of age	Over 40 years of age
Support for the 3 bin waste collection system CONCEPT		
• Do not support the introduction of a green waste bin	0.8%	9.1%
• Undecided	7.9%	5.5%
• Support the introduction of a green waste bin	19.7%	23.6%
• Strongly support the introduction of a green waste bin	71.7%	61.8%
Regularity of use - green waste bin		
• Definitely would not	1.6%	7.3%
• Probably would not	1.6%	10.2%
• Undecided	5.6%	1.5%
• Probably would	24.0%	22.2%
• Definitely would	67.2%	58.9%
Support for the 3 bin waste collection system with associated levy and annual charge		
• Do not support the introduction of a green waste bin	7.1%	26.9%
• Undecided	9.5%	9.1%
• Support the introduction of a green waste bin	32.5%	26.2%
• Strongly support the introduction of a green waste bin	50.8%	37.8%

Town of Bassendean Online Survey - Website and Facebook page

Detailed results

Summary

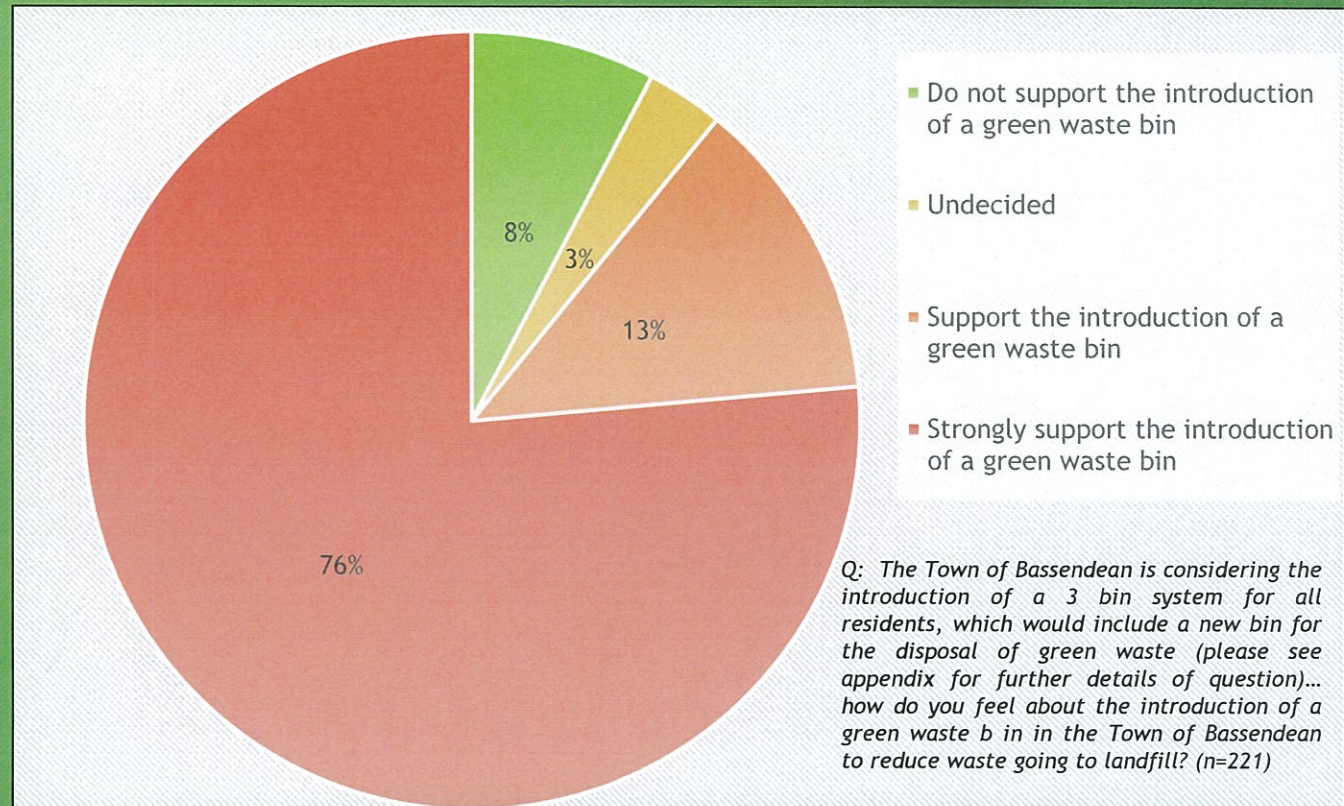
- As a survey for which the sample is self selected (as opposed to one initiated by the research company (via telephone calls) and randomly selected, the results from the online website and Facebook survey conducted in conjunction with the telephone survey do provide additional results for Council to consider with some caution
- Traditionally, self selected sample surveys provide the opportunity for those with stronger views to respond; either strongly in support or strongly in opposition to a concept or proposal to register their opinions, as opposed to a broader cross section of the overall community
- The results from this survey are no exception - in comparison with the representative telephone survey there is a “skew” towards a positive response to the 3 bin waste collection concept
 - Whilst the results do have a positive “skew” they generally reflect the results of the telephone survey as respondents to the website and Facebook survey were predominately younger (60% under 40 years of age) - the age group more likely to support the concept and its introduction in the Town of Bassendean
 - The survey also included a strong component of Bassendean residents who were more likely to oppose the concept in comparison with those from other suburbs
 - Given results from the telephone survey were consistent across suburbs, these results may indicate the presence of a vocal group of residents that may actively oppose the introduction of the new system at Council meetings and other events

Key statistics - online survey

- 221 respondents overall
- 91% (201) ratepayers and 9% (20) renters
- Suburb breakdown:
 - 80% Bassendean (176)
 - 14% Eden Hill (30)
 - 6% Ashfield (14)
 - 1 resident did not respond
- Age groups:
 - 1 in 2 aged between 30 and 39 years
 - Breakdown:
 - 60% - under 40 years
 - 40% - 40 years or over
 - All respondents reported to currently have 2 bins - recycling and general waste

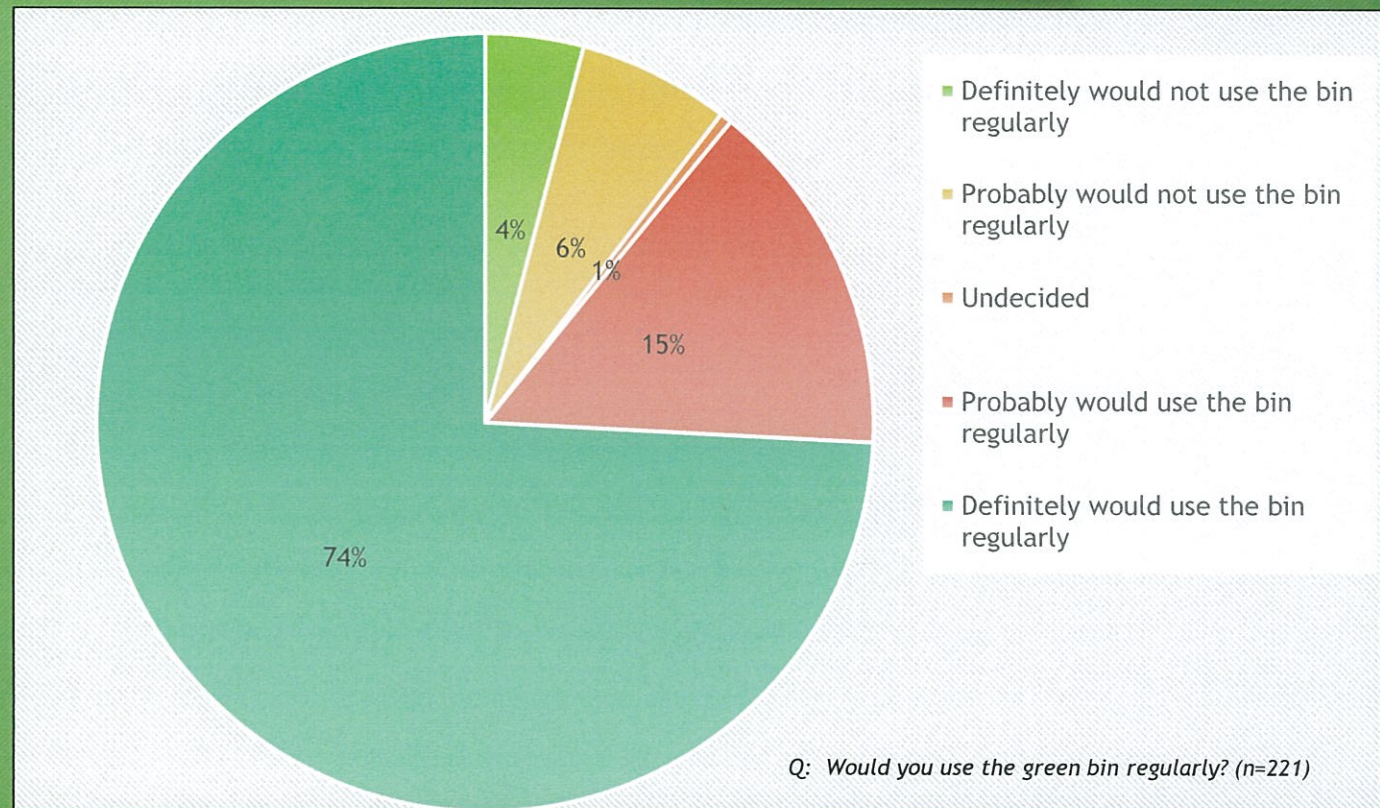
The 3 bin waste collection system concept

- As for respondents to the telephone survey, those online were asked initially how they felt about the introduction of a 3 bin system, including a new bin for the disposal of green waste
- Overall, levels of support for the concept were strong, with almost 9 in 10 respondents either strongly supporting or supporting the introduction of a green waste bin
- Ratepayers and residents registered similar levels of support for the introduction of a 3 bin system
- Those over 40 were more likely than younger respondents to either not support or be undecided regarding the introduction of the 3rd bin
- Bassendean residents were significantly MORE likely than those from other suburbs (Eden Hill and Ashfield) to NOT support the 3 bin concept - 10% of Bassendean residents responding to the survey did NOT support the introduction of the 3 bin system in comparison with no residents responding from Eden Hill and Ashfield



Anticipated use of the green waste bin

- In response to the question related to anticipated green waste bin use, almost 9 in 10 residents said that they either probably or definitely would use the bin regularly... around 10% said they probably would not
- Renters and ratepayers recorded similar results as did those under and over 40 years of age

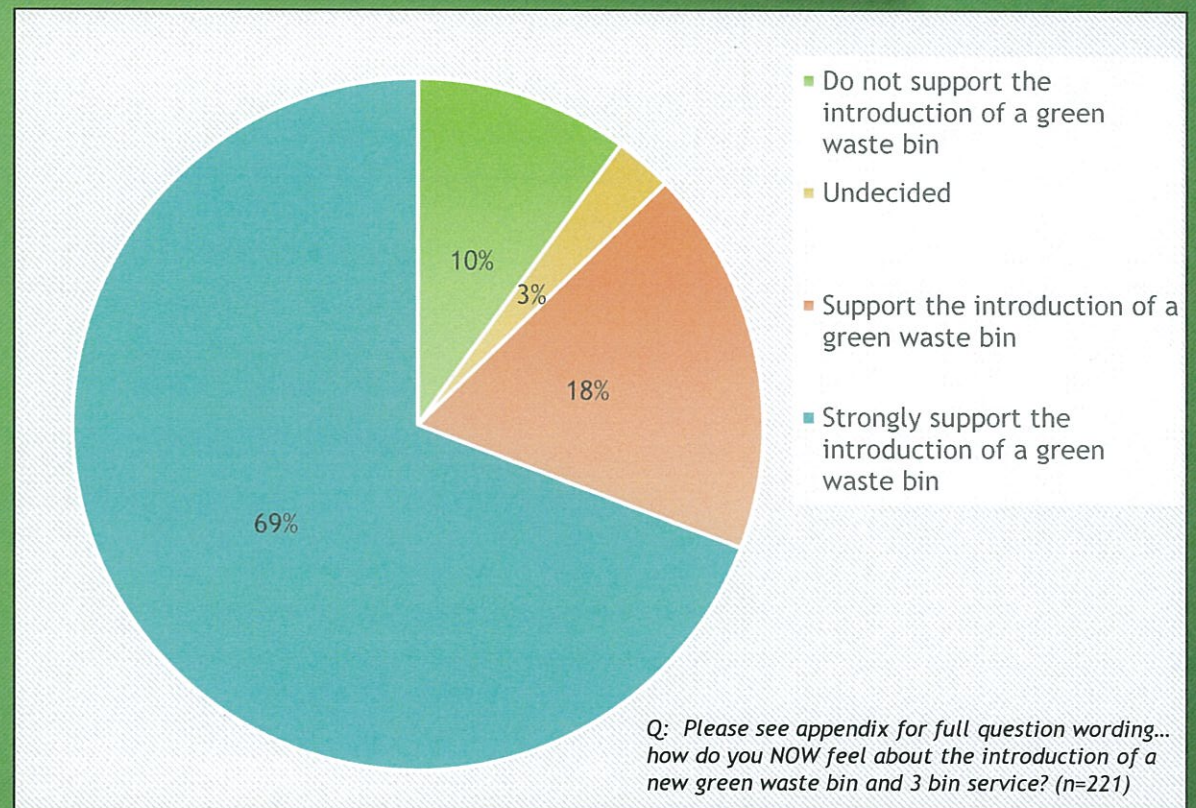


Support for the 3 bin waste collection system concept - with levies and charges

- With overall opinions in relation to the 3 bin system established, respondents were then asked (as for the telephone survey) whether they would support the 3 bin system with costs - being a one off \$80 to \$90 one off levy and a \$20 to \$30 annual charge
- Ratepayers were informed that these charges would be an addition to their annual rates whilst it was explained to renters that there was the potential for these charges to be added to their weekly rent

Support for the 3 bin waste collection system concept - with levy and annual charge

- Overall, the introduction of a levy and annual fees for the 3 bin system DID impact on levels of support for the concept BUT NOT significantly
- Whilst the relative STRENGTH of support for the concept did decline somewhat (from 76% to 69%) we still have almost 9 in 10 respondents in support of the concept overall (87%)
- There are still 1 in 10 respondents not in support of the concept - and their lack of support remained constant meaning that they did not support the concept EITHER in principle OR with a charge or levy attached
- Renters and ratepayers maintained similar views as did those under and over 40 years of age
- As for support for the concept, residents from Bassendean continued to be less likely than residents of other suburbs to support the introduction of the green waste bin, (12.5% of Bassendean residents did not support the introduction of the bin in comparison with 0 residents from other suburbs)



Appendix 1

Sample Profiles
Telephone survey
Online survey

Sample Profile - Telephone Survey

Characteristic	% - unweighted sample N=403	% weighted sample N=403
Suburb:		
• Bassendean	49.4	69.0
• Ashfield	16.1	9.0
• Eden Hill	34.5	22.0
Age group:		
• 18-29	6.0	7.6
• 30-39	20.0	23.8
• 40-49	15.8	15.2
• 50-59	21.8	21.3
• 60-69	18.0	15.4
• 70 and over	18.5	16.7
Gender:		
• Male	45.7	43.8
• Female	54.3	56.2
Dwelling Tenure:		
• Ratepayer	82.9	71.0
• Renter	17.1	29.0

Sample Profile - Website and Facebook survey

Characteristic	% N=221
Suburb:	
• Bassendean	79.6%
• Ashfield	6.3%
• Eden Hill	13.6%
• No response	0.5%
Age group:	
• 18-29	10.0%
• 30-39	49.8%
• 40-49	20.8%
• 50-59	14.5%
• 60-69	3.6%
• 70 and over	1.4%
Dwelling Tenure:	
• Ratepayer	91.0%
• Renter	9.0%

Appendix 2

Data collection and sampling specifics
Telephone Survey

Component	Details
Research Solutions Contact	Tracey Martell/ Nicky Munro
Client Contact	Rhonda Browning
Research Universe	All households with listed phone numbers (landline and mobile) in the Town of Bassendean
Data collection method	Telephone survey
Sampling technique (including geographical coverage)	Census based due to small population size – contact attempted with all households on telephone list
Quotas/weighting details	Sample weighted to be representative of the proportion of households in each Town of Bassendean suburb and ratepayers vs renters (occupied dwellings) – based on ABS census figures
Sample details	As above 403 respondents
Incentives	NA
Field Company	Ask Australia
Field Company Credentials	ISO 20252 accredited
Briefing method	Written specifications and briefing notes supplied to interviewers In person briefing session conducted by Research Solutions involving all interviewers
Pilot study date	4 December 2017

Component	Details
Questionnaire length/administration time	Average duration of approximately 5 minutes
Survey dates	4 December – 7 December 2017
Times of day interviews took place	Between 4pm and 8pm Other times by appointment with respondent
Validation procedures	10% of all surveys validated with a call back from Survey Supervisor
Response Rate	17%
Interviews	403
Not available/ away for duration of study/ answering machine (after call backs)	1535
Refusals	350
Language/ Behaviour barrier	154
Response rate details	N/A
Validity and reliability issues	N/A
Overall sampling error	±4.9%

Component	Details
Data coding	<p>Procedure involves:</p> <ul style="list-style-type: none"> - Review of first 50 questionnaires (or similar) to develop coding sheets based on common responses - Additional codes created when more than 2% of the sample record common response - Approval of coding sheet by Research Solutions Project Manager
Consistency checks	<p>Preliminary data file checked by Project Manager using SPSS;</p> <ul style="list-style-type: none"> • Frequency counts • Relevant cross tabulations <p>Data outside the range/duplicates or abnormalities investigated with Field Company prior to coding and analysis</p>
Treatment of missing data	<p>Excluded from analysis and/or noted where relevant</p> <p>Individual cases with excessive missing data excluded from sample</p>
Statistical tests used	See over...
Data file provided to client	Not requested
De-identified data file retained	For five years
This project has been undertaken under the principles of ISO 20252	

Test: Chi Square (Pearson's chi-square)

Use: To determine if two variables are related by more than chance alone.

Data Assumptions:

- Data is from a random sample.
- Data must be nominal, ordinal or interval.
- Sufficiently large sample (absolute minimum $n=30$) & adequate cell sizes ($n=10+$)
- Observations must be independent.
- Observations must have the same underlying distribution.
- Data is unweighted

Test Measure / Cut-off Criterion: $p \leq 0.5$

Test:	T-Test
Use:	To determine if the means of a variable in two independent or two dependent samples are significantly different.
Data Assumptions:	<ul style="list-style-type: none"> • Measure being tested is normally distributed within the two samples. • Data must be interval or ratio. • Variance of measure being tested is roughly similar (homogeneity of variance). • Appropriate version of the test chosen for independent or dependent samples.
Test Measure / Cut-off Criterion:	<p>$p \leq 0.05$ i.e. the difference between two groups has only a 5% probability of occurring by chance alone</p>
Issues to be aware of:	<p>The result should be both statistically significant and clinically or tactically or strategically significant. Be mindful of statistically significant differences where:</p> <ol style="list-style-type: none"> 1. The sample sizes are very large 2. Scores within the groups are very similar (i.e. the groups have small standard deviations)

Appendix 3

Telephone Survey
Questionnaire

**TOWN OF BASSENDEAN 2017
COMMUNITY PERCEPTIONS SURVEY - WASTE COLLECTION OPTIONS**

Good morning/afternoon/evening, my name isfrom Research Solutions. We are calling on behalf of the Town of Bassendean to conduct a short survey about waste collection and your current bin system.

The survey will take around 6 to 8 minutes. We respect your confidentiality and your comments will only be used for research purposes. You have the right to access any information we hold on you or request that the information is destroyed until it is de-identified at the end of the data collection period. Our Privacy policy is available at www.researchsolutions.com.au with details of how to contact our privacy officer Nicky Munro if you would like further information.

May I speak to the person in your household over 18 years of age who is responsible for putting the bins out/ your rubbish collection? [if a joint task – so the responsibility of two people in the household, ask to speak to the one who is available]

[repeat introduction with appropriate person or ask for an appointment for a call back when the person is at home]

Q1. Firstly, does your household currently have, for rubbish collection by the Council: (read out - SR)

A general waste bin	1
A yellow lid bin for recycling	2
Both	3
Other (please specify.....)	

Q2. And do you own or rent the home you are living in? DO NOT READ OUT (SR)

Own / paying mortgage – and a ratepayer of the Town of Bassendean	CONTINUE	1
Rent	CONTINUE	2
Other	CONCLUDE SURVEY	3
Refused	CONCLUDE SURVEY	4

Q3. The Town of Bassendean is considering the introduction of a 3 bin system for all residents, which would include a new bin for the disposal of green waste.

The new bin would be collected fortnightly and is for you to dispose of green waste – so lawn clippings, pruning, unwanted plants and other soil or plant related matter, which will go to recycling into mulch or compost.

Currently green waste is disposed of in your general waste bin and cannot be recycled – it goes to landfill at the Red Hill Waste Facility.

The introduction of a 3 bin system means that you would have 3 bins rather than the 2 you currently have.

How do you feel about the introduction of a green waste bin in the Town of Bassendean to reduce waste going to landfill? Do you (read out): (SR)

Strongly support the introduction of a green waste bin	4
Support the introduction of a green waste bin	3
Undecided	2
Do not support the introduction of a green waste bin	1

Q4. Would you use the green waste bin regularly? (read out) SR:

Definitely would	5
Probably would	4
Undecided	3
Probably would not	2
Definitely would not	1

Q4. TOWN OF BASSENDEAN RATEPAYERS ONLY (Q2 = 1)

The introduction of a green waste bin for ratepayers across the Town would mean that all ratepayers would pay a **one off fee of between \$80 to \$90** for the delivery of the bin and then an **annual fee of between \$20 to \$30**, which would be added to your annual rates notices each year. The service will be provided to **every** household.

Thinking about these approximate costs, how do you now feel about the introduction of a new green waste bin and 3 bin service? Do you: (read out) (SR)

Strongly support the introduction of a green waste bin	4
Support the introduction of a green waste bin	3
Undecided	2
Do not support the introduction of a green waste bin	1

Q4a. TOWN OF BASSENDEAN RENTERS ONLY (Q2 = 2)

The introduction of a green waste bin will initially cost between \$80 to \$90 for the delivery of the bin and then an annual fee of between \$20 to \$30, which would be added to the rates for the property that you currently rent.

As someone renting a property in the Town of Bassendean, property rates are not applicable to you, however the owner of the property may pass on these charges to you via an increase in your rent.

Thinking about these approximate costs, how do you now feel about the introduction of a new green waste bin and 3 bin service? Do you: (read out) (SR)

Strongly support the introduction of a green waste bin	4
Support the introduction of a green waste bin	3
Undecided	2
Do not support the introduction of a green waste bin	1

And finally, just to make sure we get a good range of people responding to the survey can you please tell me:

Q7. Which of the following age groups you fit into? (read out) SR:

18-29 years	1
30-39 years	2
40-49 years	3
50-59 years	4
60-69 years	5
70 years plus	6
REFUSED (do not read out)	99

Q8. And which suburb do you live in? Read out (SR):

Bassendean	1
Ashfield	2
Eden Hill	3
Refused	99

Thank you for your help with the survey. As this is a research interview, it is carried out in compliance with the Privacy Act and the information provided will be used only for research purposes. May I just check that your name was:

Name

Phone number.....

As part of our Quality Control Procedures, someone from our project team may recontact you to ask a couple of questions verifying some of the information we have just collected. Once information processing has been completed, please be assured that your

name and contact details will be removed from your responses to this survey. After that time we will no longer be able to identify the responses provided by you.

Thank you for your time. Just to remind you, I'm calling from Research Solutions. If you have any queries you can call Rhonda Browning from the Town of Bassendean on 9377 9016 or the Market Research Society's free Survey Line on 1300 364 830.

INTERVIEWER

I hereby declare that I have completed this questionnaire fully in accordance with my instructions and that the interview was conducted according to the ICC/ESOMAR international code.

Name

Signature Date

Item	Ratepayers Feedback
------	---------------------

- 1 'There needs to be another option for people who have little waste. I live in a small village & use my green bin once a year max - I put one small bag of rubbish in my neighbours green bin each week cos theirs is only ever half full. I currently fill my recycle bin each fortnight & put the tiny amount of green waste that I have into my green bin, leave the lid slightly ajar to allow it to dry out & put the bin out once yearly after Xmas when I have something else to put in it. Apart from storing another bin which in itself would be a problem, I simply don't need it. This is

Just to add more information, I live at XXXXXXXX, where there are only 25 villas. Most of us have very little general rubbish or green waste as our gardens are minimal. Many of us share bins for this reason. I can see no good reason why the many residents who are in this situation should pay for a service that we don't need & have yet another bin to store in limited space. I am an avid re-cycler & recycle everything I can so my yellow top bin is always full. I really think there have to be other solutions to this issue which I realise is a very important one.

- 2 I am very supportive of three bins, but wanted to suggest that the Town considers the implementation of composting bins for food waste, as well (either within the green bin or separate). I understand Melville are currently trialling it, but it would be a great way to reduce our landfill waste.
- 3 The bin survey is flawed, At one more question must. Does the house hold generate green? All questions ask if you are in favour not if the bin would of use. The survey is poorly prepared and bias.
- 4 I put a successful motion at the Annual Electors' Meeting calling for maintaining the size of our residual waste bins on the arguments that we should generally have faith in our residents' environmental sensibility in relation to waste, and, that amounts of residual waste vary significantly with life-stage and family size, necessitating the current bin size at times. I also pointed out that without sufficient residual waste capacity some may protest

The success of the motion doesn't mean that Councillors will necessarily vote to respect it, however. They may instead choose the minority view, expressed by a resident against the effective aim of the motion, that some did not fill their current sized bin and it should cost more for those that do through paying for a second small bin in

Should we apply this thinking to pay-as-you-use events, libraries, parks, playing fields etc.? Should it apply to

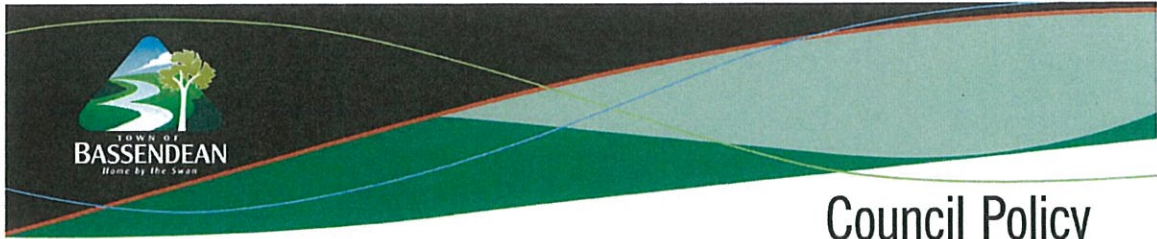
I make the following further observations.

I received a community engagement survey call last night but was not engaged! I presume my gender was guessed and the first question asked into what age group I fit. Upon answering that I was told my group already had adequate representation, thanks, goodbye, immediate hang-up. There was no inquiry as to whether there was

I'd like to know if the survey asks for opinion on the reduction in the size of the residual waste bin. It's all well to ask about cheap (for now, at least) addition of amenity, but what about withdrawal?

There seems a presumption implicit in this proposed universal transition that a large portion of waste in general waste bins currently is green-waste. Without figures on this we are travelling blind. If it is not a great deal, and
(a) one way or another all green-waste ends up in the environment in compact, decomposed form, albeit one way r
(b) we have an annual kerbside green-waste pickup, which many aim great effort towards, and. guarantees the only visibly clean green-waste stream, just how worthwhile is the proposed transition from both a financial and

ATTACHMENT NO. 3



Council Policy

1.9 Verge Treatment and Maintenance Policy

Street verges within the Town perform important functions including the provision of space for public utility services, increased public space and the visual linking of streetscapes. In the interests of Bassendean's wellbeing into the future, the Town wishes to encourage landscaping that is waterwise, aesthetically pleasing and reflects our natural heritage.

It is acknowledged that verges form part of the public realm. Whilst Council allocates funding for the maintenance of selected verges, generally those adjacent to major or distributor roads, the Town relies on the goodwill and cooperation of adjacent land owners/occupiers for the maintenance of their verges.

Objectives

The objectives of this policy are to encourage adjacent owners/occupiers to install and maintain Permissible Verge Treatments in accordance to Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, for the installation and management of verges that are waterwise, aesthetically pleasing, and that reflect our natural heritage.

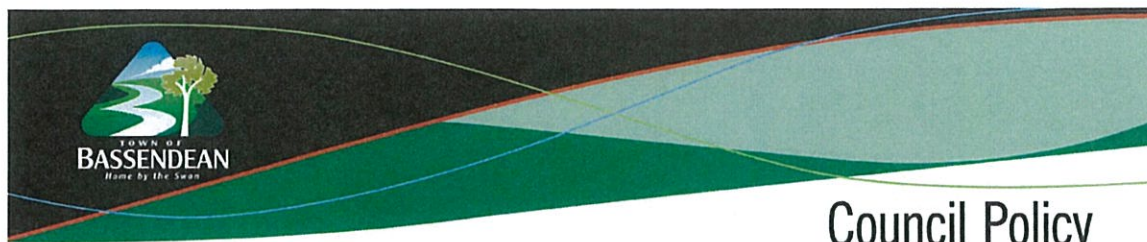
Council does not mow or slash verges adjacent to all private, commercial or industrial property on the basis that owners and residents with civic pride undertake this activity as a contribution to the amenity of the Town. This allows Council to direct its resources to priority services.

Strategy

The Town of Bassendean will achieve these objectives through the application of "Permissible Verge Treatment" guidelines (see Appendix 1) with which to assess requests to develop new or alter existing verge treatments and the development of a priority verge slashing program to reduce the grass loadings through out the year, within the allocated budget constraints.

Street verge slashing program is a grass reduction service not a lawn mowing service and will be provided within budget constraints, in accordance with the following priorities:

Priority One - Primary and District Distributor Roads – Guildford Rd, Lord St, Walter Rd East, Morley Drive (as arranged with the Shire of Swan), Collier Rd and Railway Parade, and areas required to be carried out for reasons of fire, traffic, cyclist or pedestrian safety.



Council Policy

Priority Two - Local Distributor Roads – West Rd, Ivanhoe St, Old Perth Rd, Hardy Rd, Reid St, Broadway, Northmoor Rd, Iolanthe St, Palmerston St, Shackleton St, Bridson St, Haig St and Colstoun Rd.

Priority Three - Local Roads - Scaddan St, North Rd, Bassendean Parade, Pearson St and Surrey St.

Priority Four - Verges adjacent to vacant and corner blocks, cul-de-sac heads, and closed road sections in other roads.

Note:

1. Verges adjacent to Council controlled reserves are to be mown as part of those reserves; and
2. Verges maintained by the resident are not included in the verge slashing program.

Detail

This policy applies to the portion of land between the road kerb/edge and the property boundary. The requirements of the policy exclude footpaths and crossovers.

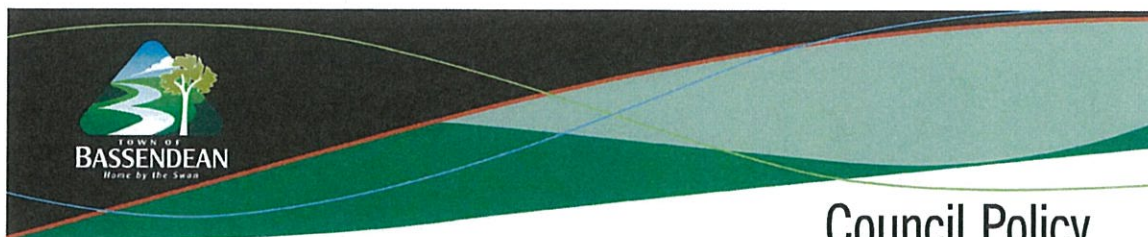
Treatments should be attractive and provide a positive enhancement to the streetscape. Street tree planting shall be in accordance to the adopted Street Tree Master Plan. Street trees remain the responsibility of the Town and are therefore, excluded from this policy.

Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. 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.

Policy Type: Strategic Policy	Policy Owner: Director Operational Services
Link to Strategic Community Plan: Town Planning & Built Environment	First Adopted: OCM-12/12/11
	Last Review Date: March 2014
	Version 1
	Next Review due by: December 2016



Council Policy

Appendix 1

PERMISSIBLE VERGE TREATMENTS

Introduction

The portion of land between a property boundary and the carriageway or road is referred to as the verge. Property owners or residents of land abutting the verge may install a permissible verge treatment.

A permissible verge treatment is one that is approved by Council and subject to stringent conditions.

Waterwise management practices are encouraged for verge treatments. The Water Corporation webpage (www.watercorporation.com.au) has a range of initiatives to assist residents minimise water usage.

Permissible Verge Treatments

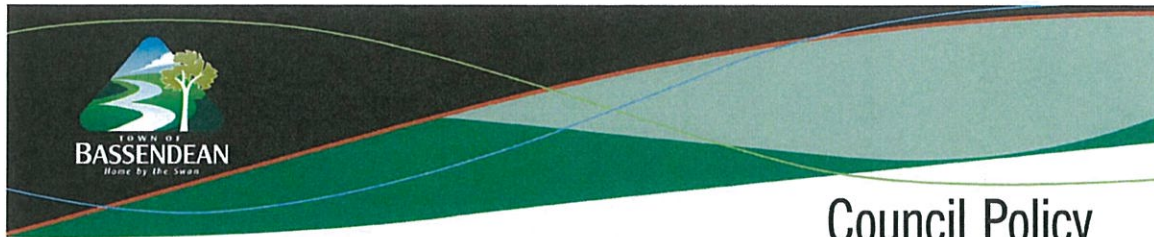
The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

Division 1 - General prohibitions : A person must not plant any plant except grass within 6m of an intersection

Division 3 - Permissible Verge treatments:

- (1) *An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.*
- (2) *The permissible verge treatments are:*
 - (a) *the planting and maintenance of a lawn;*
 - (b) *the planting and maintenance of a garden provided that:*
 - (i) *clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;*
 - (ii) *where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;*
 - (iii) *it does not include a wall or built structure; and*
 - (iv) *it is not of a thorny, poisonous or hazardous nature; or*
 - (c) *the installation of an acceptable material; or*
 - (d) *the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).*

Acceptable materials	Conditional requirements
1. Composted mulch or chipper mulch material	➤ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree
2. Small format Permeable/ Porous Pavers	➤ To protect the tree roots, all earth works under the tree drip line shall be performed using hand tools ➤ Verge pavers shall be at least 20 per cent porous



Acceptable materials	Conditional requirements
3. Irrigation system 4. Grass 5. Low growing ground cover plants	<ul style="list-style-type: none"> ➤ Storm water on verge shall be managed on site ➤ Verge pavers shall not be laid within 2 metres from base of existing tree trunk ➤ A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s) ➤ No more than one third of the verge shall be paved excluding the crossover ➤ Mulch or paving once installed shall not be higher than the adjacent kerb line, footpath or crossover ➤ Paving shall tolerate limited vehicle traffic ➤ Below ground irrigation / pop up sprinklers

Examples of Non - Acceptable materials	Reason
1. Frangible objects such as mounds, rocks, sleepers, walls, and garden kerbs 2. Loose objects such as gravel or aggregate 3. In-situ concrete, concrete slabs, and bitumen 4. Artificial turf	<ul style="list-style-type: none"> ➤ Frangible objects may be considered unsafe, cause damage or be used to cause damage ➤ Loose objects impact upon pedestrian safety ➤ Concrete & bitumen have poor water permeability and contribute to storm water flow ➤ Synthetic turf may reduce soil health and contribute to the urban heat island effect by absorbing sunlight and emitting heat

Irrigation & Planting requirements

Irrigation of the verge is an acceptable material on the following condition:

- Gate valve(s) / solenoid valve(s) are located on private property
- Installation of retractable sprinkler heads, level with grass surface
- Irrigation system designed to ensure that the water is not distributed onto paved surfaces.
- Irrigation is applied in accordance to Waterwise for WA water roster requirements.

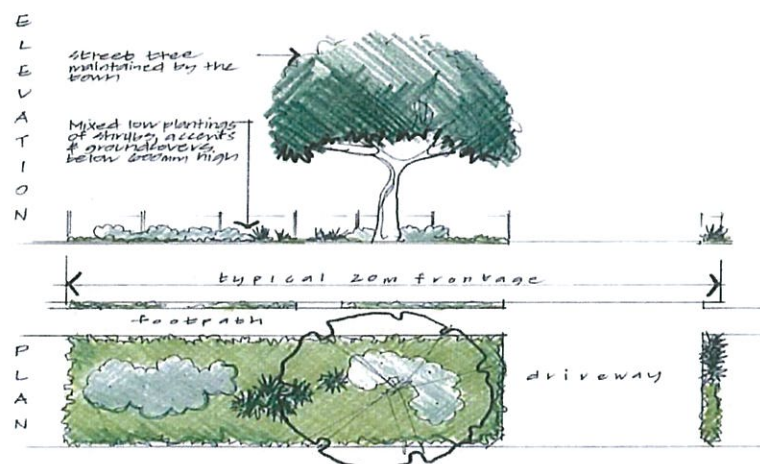
In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 2 metres of a road edge and no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection. Other low growing plants shall not exceed 0.75 metres in height.

The sketch landscape plan below is provided to assist the owner / occupier of the lot abutting a verge, appreciate visually the verge planting requirements. In this plan, the plants have been arranged so that grass or a similar ground cover plant covers are placed at edges and low growing plant towards the middle of the verge area.

Where street trees are growing under the overhead power lines it is essential that the Town of Bassendean approved contractors have appropriate machinery access to carry out street tree pruning operations. Should a verge treatment proposal prevent a street tree from being maintained/ pruned or will damage an existing street tree, the application shall be refused.

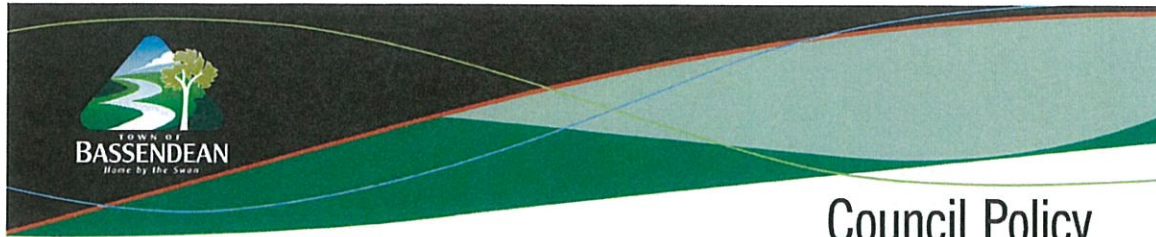
When considering landscaping a verge, the planting of endemic (local native) low growing groundcovers and shrubs are strongly encouraged. *Grow Local* native plants brochures can be obtained from the Town's Customer Service information desk. The brochure contains a range of hints and information on how to use and look after native plants

Below is an example of a verge landscaped plan



Important Information:

- Please refer to the Council adopted Verge Treatment Policy, Street Tree Protected Policy and the Crossover Policy are available for viewing on the Town of Bassendean webpage at: www.bassendean.wa.gov.au/information & feedback/policies.
- Before the owner/occupier of the lot abutting a verge or contractors start to dig, plough, excavate or undertake any sub-surface activity, contact the "Dial Before You Dig" service on telephone 1100 to access indicative plans / information within 4-5 days on underground pipes and cables. Failure to take steps to avoid damage may leave you liable for costs incurred in the event of infrastructure damage.
- Local native plants will generally need to be watered for the first two summers until established. Some non-native plant species whilst 'waterwise' should be avoided as there is the potential for seed dispersal into natural areas. For this reason local natives are preferred



APPENDIX 2

VERGE TREATMENT APPLICATION FORM

Name of Applicant:
Property Address:
Email:
Telephone (Hom):(Mob):

Verge Treatment Details

Please (✓) tick to confirm the required information has been attach to the verge treatment application form.

- ☐ Sketch plan of proposed verge treatment attached
- ☐ Specification of material planned to be utilised provided
- ☐ If garden to be provided, ensure plant species proposed are clearly shown.
- ☐ Reticulation plan of proposed spray or drip reticulation attached
- ☐ Dial before you dig information attached
- ☐ Request the Town plant and maintain a street tree.

Please Note: If above supporting information is not submitted with application, the Town will have no option but to reject application until relevant information is provided

For General Information Sheets, please refer to the Town of Bassendean web page at : www.bassendean.wa.gov.au/ for the following:

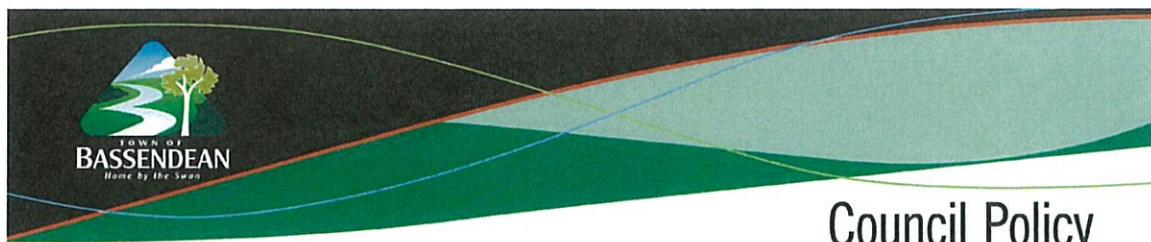
- * "Street Tree" – Telephone 93779000 or request in writing a street tree (s) be planted
- * "Street Tree Protection"- building permit requirements.
- * "Crossovers" – constructed in accordance to Town's specifications
- * "Availability of Mulch" Free mulch during specified time frames or pay for delivery.

I/we, agree:

1. to maintain the verge area in accordance to the approved permissible verge treatment in a good and tidy condition and ensure that pedestrian access will be maintained.
2. that service utilities on occasions will require access to the verge area to undertake underground, above ground routine work and street tree pruning operations.
3. that if the approved permissible verge treatment is damaged as a result of the routine work, the applicant shall reinstate the area at no cost to the Town of Bassendean.

Applicant (s) Name
Applicant/s Signature
Date:

Please note that landscaping of verge area shall not be undertaken without written approval that the application is in accordance to the Permissible Verge Treatment requirements



Council Policy

OFFICE USE ONLY

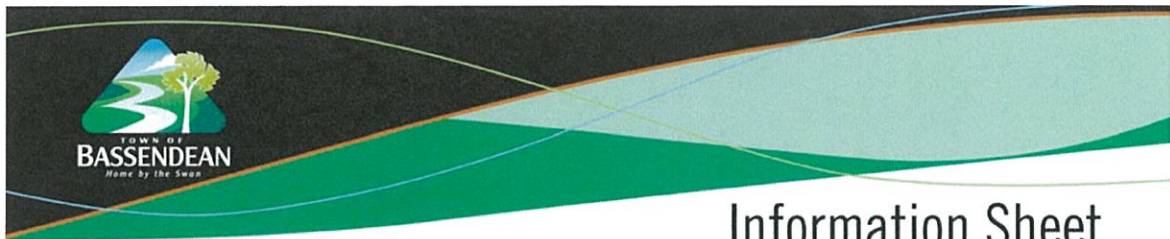
Required Verge Treatment documentation and Plans submitted	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Street Tree Protected policy considered & applied	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Acceptable materials utilized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pedestrian Access provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Existing / Future Street Tree considered	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Application ☐ Approved ☐ Refused

Comments:

.....

Officer Title : Date: Applicant advised Yes ☐



Permissible Verge Treatment

Introduction

The portion of land between a property boundary and the carriageway or road is referred to as the verge. Property owners or residents of land abutting the verge may install a permissible verge treatment.

A permissible verge treatment is one that is approved by Council and subject to stringent conditions.

Waterwise management practices are encouraged for verge treatments. The Water Corporation webpage (www.watercorporation.com.au) has a range of initiatives to assist residents minimise water usage.

Permissible Verge Treatments

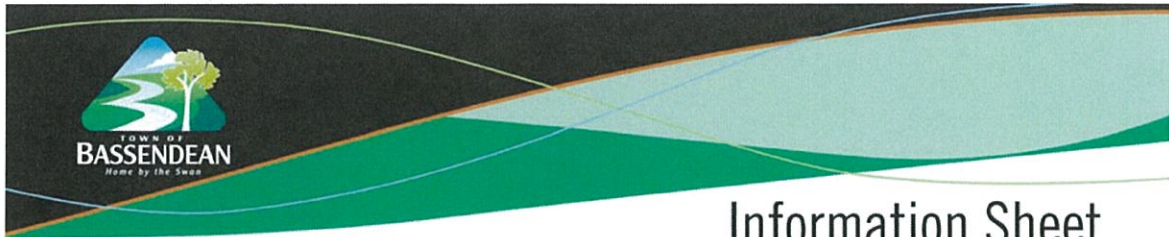
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 - (iii) *it does not include a wall or built structure; and*
 - (iv) *it is not of a thorny, poisonous or hazardous nature; or*
 - (c) *the installation of an acceptable material; or*
 - (d) *the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).*

Acceptable materials	Conditional requirements
1. Composted mulch or chipper mulch material	➤ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree
2. Small format Permeable/ Porous Pavers	➤ To protect the tree roots, all earth works under the tree drip line shall be performed using hand tools
3. Irrigation system	➤ Verge pavers shall be at least 20 per cent porous
4. Grass	➤ Storm water on verge shall be managed on site
5. Low growing ground cover plants	➤ Verge pavers shall not be laid within 2 metres from base of existing tree trunk
	➤ A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s)
	➤ No more than one third of the verge shall be paved excluding the crossover
	➤ Mulch or paving once installed shall not be higher than the adjacent kerb line, footpath or crossover
	➤ Paving shall tolerate limited vehicle traffic
	➤ Below ground irrigation / pop up sprinklers



Examples of Non - Acceptable materials	Reason
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Irrigation & Planting requirements

Irrigation of the verge is an acceptable material on the following condition:

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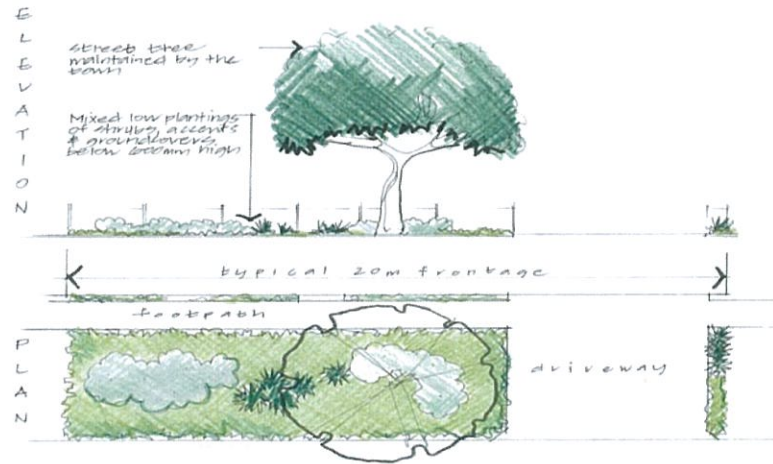
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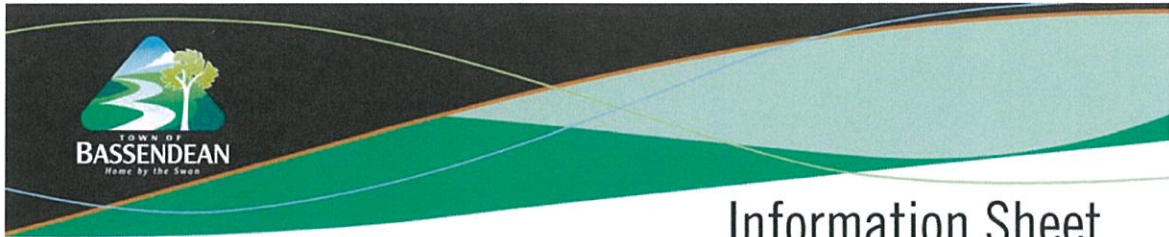
Over the page is shown an example of a verge landscaped plan



Important Information:

- Please refer to the **Verge Treatment**, **Street Tree Protection**, **Significant Tree** and the **Crossover** information sheets which are available for viewing on the Town of Bassendean web page at: www.bassendean.wa.gov.au / information & feedback/ policies
- Before the owner / occupier of the lot abutting a verge or contractors start to dig, plough, excavate or undertake any sub-surface activity, contact the "Dial Before You Dig" service on telephone 1100 to access indicative plans / information within 4-5 days on underground pipes and cables. Failure to take steps to avoid damage may leave you liable for costs incurred in the event of infrastructure damage.
- Local native plants will generally need to be watered for the first two summers until established. Some non-native plant species whilst 'waterwise' should be avoided as there is the potential for seed dispersal into natural areas. For this reason local natives are preferred.

See overleaf for Verge Treatment Permit Application Form.



Information Sheet

VERGE TREATMENT PERMIT APPLICATION FORM

Name of Applicant:
 Property Address:
 Email:
 Telephone (Hm):(Mb):

Verge Treatment Details

Please (✓) tick to confirm the required information has been attached to the verge treatment application form.

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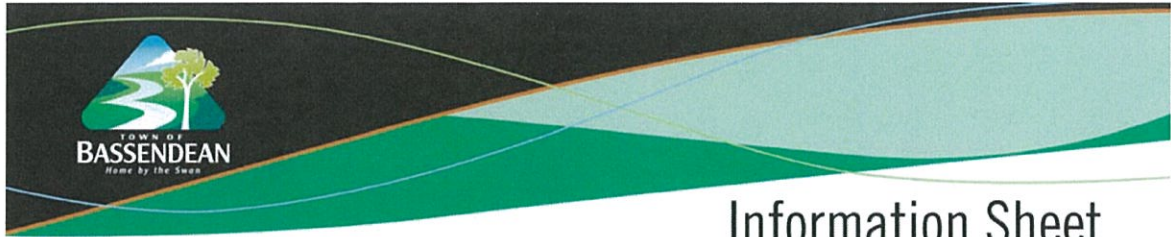
- * "Significant Trees" - *guidelines for the identification, protection and management*
- * "Street Tree" – *Telephone 93779000 or request in writing a street tree (s) be planted*
- * "Street Tree Protection"- *building permit requirements.*
- * "Crossovers" – *constructed in accordance to Town's specifications*
- * "Availability of Mulch" *Free mulch during specified time frames or pay for delivery.*

I/we, agree:

- 1. to maintain the verge area in accordance to the approved permissible verge treatment in a good and tidy condition and ensure that pedestrian access will be maintained.**
- 2. that service utilities on occasions will require access to the verge area to undertake underground, above ground routine work and street tree pruning operations.**
- 3. that if the approved permissible verge treatment is damaged as a result of the routine work, the applicant shall reinstate the area at no cost to the Town of Bassendean.**

Applicant (s) Name
 Applicant/s Signature
 Date:

Please note that landscaping of verge area shall not be undertaken without written approval that the application is in accordance to the Permissible Verge Treatment requirements



OFFICE USE ONLY

Required Verge Treatment documentation and Plans submitted
Street Tree Protected policy considered & applied
Acceptable materials utilized
Pedestrian Access provided
Existing / Future Street Tree considered

☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

Application

☐ Approved

☐ Refused

Comments:

.....

.....

Officer Title : Date: Applicant advise Yes ☐



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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

**ACTIVITIES ON
THOROUGHFARES AND
TRADING IN
THOROUGHFARES AND
PUBLIC PLACES
LOCAL LAW 2010**

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on the 23rd November 2010 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish or recycling collection service;

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

“**CEO**” means the Chief Executive Officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

(a) private land; or

(b) a private thoroughfare serving private land;

“**district**” means the district of the local government;

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which—

(a) is planted, by any person, only with grass, or with a similar plant; or

(b) is planted, by the local government, with any other plant;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

“**local government**” means the Town of Bassendean;

“**local government property**” means anything except a thoroughfare—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**lot**” has the meaning given to it in the *Planning and Development Act 2005*;

“**owner**” or “**occupier**” in relation to land does not include the local government;

"permissible verge treatment" means a treatment described in clause 2.7(2), and includes any reticulation pipes and sprinklers installed for the purposes of the treatment;

"permit" means a permit issued under this local law;

"permit holder" means a person who holds a valid permit;

"person" does not include the local government;

"premises" for the purpose of the definition of "public place" in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

"public place" includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

"regulations" mean the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

"thoroughfare" has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

"town planning scheme" means a town planning scheme of the local government made under the *Planning and Development Act 2005*;

"townsite" means the townsit of the local government which is—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

"vehicle" includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
- (b) a pram, a stroller or a similar device; and

"verge" means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

(1) The *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 16 August 2001 is repealed.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person must not—

- (a) plant any plant except grass within 6m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden in a thoroughfare or public place unless—
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) place, or allow to be placed or remain, on a thoroughfare or verge any thing (except water) that—
 - (i) obstructs the thoroughfare or verge; or
 - (ii) results in a hazard for any person using the thoroughfare or verge;
- (d) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (e) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;

- (f) within a mall, arcade or veranda of a shopping centre, ride any skateboard, rollerblades, bicycles, scooters or similar device; or
- (g) remove or kill by felling, poison or any other means a tree on a verge area or thoroughfare or verge unless the person is—
 - (i) acting under authority of a permit issued by the local government; or
 - (ii) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or
 - (iii) acting under authority of a written law.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare, kerb or footpath;
- (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing, or in order to maintain, a permissible verge treatment—
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, including gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (k) on a public place use anything or do anything so as to create a nuisance;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container;
- (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare;
- (n) prune or lop a tree on a verge or in a thoroughfare unless that person is—
 - (i) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or
 - (ii) acting under authority of a written law;
- (o) plant or sow any seeds in a thoroughfare;
- (p) clear or maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land; or
- (q) construct a firebreak on a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—

- (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
- (b) the person is doing so in accordance with a permit;

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle Crossings

2.4 Temporary Crossings

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—

- (a) a crossing does not exist; or
- (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The “person responsible for the works” in subclause (1) is to be taken to be—

- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
- (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

2.5 Removal of redundant crossing

(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—

- (a) remove any part of or all of a crossing which does not give access to the lot; and
- (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge Treatments

2.6 Interpretation

In this Division, unless the context otherwise requires—

“**acceptable material**” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

2.7 Permissible verge treatments

(1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—

- (a) the planting and maintenance of a lawn;
- (b) the planting and maintenance of a garden provided that—
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature; or
- (c) the installation of an acceptable material; or
- (d) the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.8 Only permissible verge treatments to be installed

(1) A person shall not install or maintain a verge treatment that is not a permissible verge treatment.

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.9.

2.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) ensure the verge treatment does not cause a sight distance obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment—
 - (i) do not protrude above the level of the lawn when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

2.10 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

2.11 Transitional provision

(1) In this clause—

“**former provisions**” means one or more of the provisions on a repealed local law which permitted certain types of verge treatments; and

“**repealed local law**” means the local law that is repealed by clause 1.4. without the consent of the local government.

(2) A verge treatment which—

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

2.12 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any—

(i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

*Division 4—Property Numbers***2.13 Interpretation**

In this Division, unless the context requires otherwise—

“**number**” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

2.14 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

*Division 5—Fencing***2.15 Public place—clause 4(1) of Division 1, Schedule 3.1 of Act**

Each of the following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

(a) a public place, as that term is defined in clause 1.2; and

(b) local government property.

*Division 6—Signs Erected by the Local Government***2.16 Signs**

(1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.17 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.16 if—

(a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and

(b) the condition of use specified is not inconsistent with any provision of this local law.

*Division 7—Driving on a Closed Thoroughfare***2.18 No driving on closed thoroughfare**

(1) In this clause—

“**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

(2) A person shall not drive or take a vehicle on a closed thoroughfare unless—

(a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES*Division 1—Preliminary***3.1 Interpretation**

In this Part, unless the context otherwise requires—

“**advertising sign**” means a sign used for the purpose of advertising a business, organisation, person, service, product or event and includes an “election sign”;

“**direction sign**” means a sign used to provide direction to another place where an activity or event is taking place, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“**infrequent or occasional**” means a one off or annual occurrence; and

“**portable sign**” means a portable free standing advertising sign or direction sign which is not placed on or affixed to any natural feature, including a rock or tree, or on any structure located within a thoroughfare.

*Division 2—Permit***3.2 Portable advertising signs and portable direction signs**

(1) A person shall not—

(a) erect or place an advertising sign or direction sign on any part of a thoroughfare without the prior approval of the local government; and

(b) place a sign of any other description on any part of a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which complies with the following—

(a) the sign does not exceed 500mm in height or 0.5m² in area;

(b) the sign is placed on a thoroughfare on an infrequent or occasional basis only to direct attention to a place where an activity or event is occurring, during the hours of that activity or event;

(c) the number of portable direction signs providing direction to the place where the activity or event is occurring shall not exceed 4 in total;

(d) the sign shall use symbols and lettering of a sufficient size so as to be clearly legible when observed from a distance;

(e) the content of the sign shall be limited to advertising an activity or event and providing direction to its location;

(f) the sign shall only be placed for the duration of the activity or event to which the sign relates;

(g) the sign shall be secured while placed so as to not become a hazard, particularly when subject to wind loads;

(h) the sign shall not be placed on a footpath;

(i) the sign shall not be placed within 1m of a vehicle carriageway and a carriageway will be deemed to include a parking bay; and

(j) the sign shall not be placed in any other location where, in the opinion of the local government, the sign is likely to obstruct sight lines along a thoroughfare or cause danger to any person using the thoroughfare.

(3) Notwithstanding subclause (1), a permit is not required in respect of a portable advertising sign which complies with the following—

(a) the sign does not exceed 1m in height or 1m² in area;

(b) the sign shall use symbols and lettering of a sufficient size so as to be clearly legible when observed from a distance;

(c) the content of the sign shall be limited to advertising a business, organisation, person, service, product or event;

(d) the sign shall be the only portable advertising sign serving the building, property or business to which the sign relates (1 sign per business/property/building);

(e) the sign shall only be placed during the business hours to which the sign relates;

(f) the sign shall be secured while placed so as to not become a hazard, particularly when subject to wind loads;

(g) the sign shall, in all instances, be located directly adjacent to the building, property or business to which the sign relates;

(h) the sign shall not be placed on a footpath;

(i) notwithstanding subclause (3)(h), the sign may be placed on a footpath if the verge adjoining the building, property or business to which the sign relates consists only of a footpath. In this instance the sign must be—

(i) located within a trading zone or alfresco dining zone if one has been approved for the subject property; or

(ii) where a trading zone or alfresco dining zone has not been approved for the subject property the sign must be placed such that it abuts the property's front boundary; and

(iii) the placement of a sign on a footpath must not reduce the footpaths effective width for use by pedestrians to a distance less than 1.8m.

- (j) the sign shall not be placed within 1m of a vehicle carriageway and a carriageway will be deemed to include a parking bay;
- (k) the sign shall not be placed in any other location where, in the opinion of the local government, the sign is likely to obstruct sight lines along a thoroughfare or cause danger to any person using the thoroughfare; and
- (l) the sign owner must maintain public liability insurance cover to a level agreed to by the local government. A copy of the insurance must be provided to the Town on an annual basis, or such other time as required by the Town, as evidence that the insurance cover has been renewed.

3.3 General Discretion

- (1) Notwithstanding other sections in this local law, the local government may consent to the placement of a sign that does not comply with a requirement or standard of this local law.
- (2) In determining whether to grant its approval to the placement of any sign, the local government may consider, in addition to any other matter, whether the placement of the sign would have an adverse affect on—
 - (a) the safe or convenient use of any land; or
 - (b) the safety or convenience of any person.

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and Vehicles

4.1 Leaving an animal or vehicle in a public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) Subject to any other local law, a person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) Subject to any other local law, a person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

- (1) In subclause (2), “owner” in relation to an animal includes—
 - (a) an owner of the animal;
 - (b) a person who has the animal in his or her possession or under his or her control; and
 - (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live.
- (2) An owner of an animal shall not—
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow the animal which has a contagious or infectious disease to be led, ridden or driven in a public place;
 - (c) train or race the animal on a thoroughfare; or
 - (d) subject to subclause (4), allow the animal to defecate on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the defecation is immediately removed.

4.3 Removal of vehicle or animal

An authorised person may impound an animal or vehicle left in contravention of clause 4.1

Division 2—Shopping Trolleys

4.4 Interpretation

In this Division—

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“shopping trolley” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.5 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.6 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place or on local government property other than in an area set aside for the storage of shopping trolleys.

4.7 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1).

4.8 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

4.9 Impounding of abandoned trolley

An authorised person may impound a shopping trolley that is—

- (a) left on a thoroughfare, verge or local government property that is not marked in accordance with clause 4.5; or
- (b) not removed by a retailer after having been so advised under clause 4.7(2).

PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and Traders***5.1 Interpretation**

In this Division, unless the context otherwise requires—

“**public place**” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property, but does not include premises on private property from which trading is lawfully conducted under a written law.

“**stall**” means a movable or temporarily fixed structure, stand, table or vehicle in, on or from which goods or services are sold, hired or offered for sale or hire;

“**stallholder**” means a person in charge of a stall;

“**stallholder’s permit**” means a permit issued to a stallholder;

“**trader**” means a person who carries on trading;

“**trader’s permit**” means a permit issued to a trader; and

“**trading**” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them.

5.2 Stallholder’s permit

A person shall not conduct a stall on a public place unless that person is—

- (a) the holder of a valid stallholder’s permit; or
- (b) an assistant specified in a valid stallholder’s permit.

5.3 Trader’s permit

A person shall not carry on trading unless that person is—

- (a) the holder of a valid trader’s permit; or
- (b) an assistant specified in a valid trader’s permit.

5.4 No permit required to sell newspaper

Despite any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

5.5 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading, must—

- (a) display her or his permit in a conspicuous place on the stall, vehicle or temporary structure or, if there is no stall, vehicle or temporary structure, carry the permit with him or her while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Trade Measurement Administration Act 2006*.

(2) A stallholder or trader must not—

- (a) deposit or store any thing or any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (b) act in an offensive manner; or

- (c) use or cause to be used any apparatus or device, including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit.

Division 2—Street entertainers

5.6 Interpretation

In this Division, unless the context otherwise requires—

- “**perform**” includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;
“**permit**” means a permit issued for the purpose of clause 5.7;
“**permitted area**” means the area or areas, specified in a permit, in which the permit holder may perform; and
“**permitted time**” means the time or times, specified in a permit, during which the permit holder may perform.

5.7 Permit required to perform

A person shall not perform in a public place without a permit.

5.8 Variation of permitted area and permitted time

(1) The local government may by notice in writing to a permit holder vary—

- (a) the permitted area;
(b) the permitted time; or
(c) both the permitted area and the permitted time,

shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

5.9 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

5.10 Cancellation of permit

The local government may cancel a permit, if in the opinion of an authorised person—

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place; or
(b) the performance otherwise constitutes a nuisance.

Division 3—Outdoor Eating Facilities on Public Places

5.11 Interpretation

In this Division—

- “**facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;
“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 5.12; and
“**public place**” has the meaning given to it in clause 5.1.

5.12 Permit required to conduct facility

A person shall not establish or conduct a facility without a permit.

5.13 Removal of facility unlawfully conducted

Where a facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

5.14 Temporary removal of facility may be requested

- (1) The permit holder for a facility is to temporarily remove the facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.
(2) The permit holder may replace the facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
(2) An application for a permit under this local law must—
(a) be in the form determined by the local government;
(b) be signed by the applicant;

- (c) provide the information required by the form;
 - (d) contain other information required, for that particular type of permit, under this local law; and
 - (e) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

6.3 Relevant considerations in determining application for permit

- (1) In determining an application for a permit, the local government is to have regard to—
- (a) any relevant policy of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity; and
 - (d) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit on any one or more of the following grounds—
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit; or
 - (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 2—Conditions

6.4 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.5 Imposing conditions under a policy

- (1) In this clause—

“policy” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

(2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

6.6 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

6.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.11.

6.8 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed,

apply, with appropriate modifications to an application for the renewal of a permit.

6.9 Transfer of permit

(1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO or an authorised person; or
- (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.10 Production of permit

A permit holder is to produce to an authorised person his or her permit immediately on being required to do so by that authorised person.

6.11 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with—

- (a) a condition of the permit; or
- (b) a provision of any written law which may relate to the activity regulated by the permit.

(2) If a permit is cancelled the permit holder—

- (a) shall return the permit as soon as practicable to the local government; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

6.12 Nominee of permit holder

Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit apply to the nominee as if he or she was the permit holder.

PART 7—OBJECTIONS AND APPEALS**7.1 Application of Part 9 Division 1 of Act**

The provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to any local government decision.

- (a) to impose conditions on a permit;
- (b) to vary a permit; or
- (c) not to renew or cancel a permit.

PART 8—NOTICES**8.1 Notice to redirect or repair sprinkler**

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person or vehicle using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

8.2 Hazardous plants

(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard;

(2) Subclause (1) does not apply where the plant was planted by the local government.

8.3 Damage to thoroughfare

Where any portion of a thoroughfare, kerb or footpath has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

8.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 9—ENFORCEMENT*Division 1—Notices Given Under This Local Law***9.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

*Division 2—Offences and Penalties***9.3 Offences**

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

9.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

*First Schedule**Local Government Act 1995*

Town of Bassendean

**ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES LOCAL LAW 2010
PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Obstructing or causing a hazard on thoroughfare or verge	200
2.1(d)	Damaging or interfering with thoroughfare structure	350
2.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(f)	Riding of skateboard or similar device on mall or veranda of shopping centre	125
2.1(g)	Removal of tree on thoroughfare or verge	350
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
2.2(1)(b)	Throwing or placing anything on a verge without a permit	200
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(f)	Damage a thoroughfare, kerb or footpath	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	200
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	200
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	200
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	200
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200
2.2(1)(n)	Prune or lop a tree without a permit	250
2.2(1)(o)	Plant or sow any seeds on a thoroughfare without a permit	125
2.2(1)(p)	Clear the surface of a thoroughfare without a permit	200
2.2(1)(q)	Construct a firebreak on a thoroughfare without a permit	250
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.8(1)	Installation of verge treatment other than permissible verge treatment	250
2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
2.10	Failure to comply with notice to rectify default	200
2.16(2)	Failure to comply with sign on public place	125
2.18(2)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	The erection or placing of a portable directional sign contrary to the local law	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125

Clause	Description	Modified Penalty \$
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(2)(d)	Allow a animal to defecate on a throughfare	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.6	Person leaving shopping trolley in public place other than trolley bay	125
4.7(2)	Failure to remove shopping trolley upon being advised of location	125
5.2	Conducting of stall in public place without a permit	350
5.3	Trading without a permit	350
5.5(1)(a)	Failure of stallholder or trader to display or carry permit	125
5.5(1)(b)	Stallholder or trader not displaying valid permit	125
5.5(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
5.5(2)	Stallholder or trader engaged in prohibited conduct	125
5.7	Performing in a public place without a permit	125
5.8(2)	Failure of performer to move onto another area when directed	125
5.12	Establishment or conduct of outdoor eating facility without a permit	350
5.14	Failure of permit holder to remove outdoor eating facility when requested	200
6.6	Failure to comply with a condition of a permit	200
6.10	Failure to produce permit on request of authorised person	125
9.1	Failure to comply with notice given under local law	200

Dated: 16 May 2011.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr J. R. H. GANGELL, Mayor.
Mr R. C. JARVIS, Chief Executive Officer.

L102/60/51







Our Ref OEM-6944717

Sharleen Baigent
115A Anzac Terrace
Bassendean WA 6054

Dear Sharleen

Re: Non-compliant verge treatment – 115A Anzac Terrace, BASSENDEAN

I am writing to inform you that Officers of the Town have recently conducted inspections in your area. As part of the inspections it has been noted that the verge treatment at the above mentioned address does not comply with the Town of Bassendean requirements/policy and a copy of the Council's Permissible Verge Treatment is endorsed for your information.

The above mentioned policy states that loose materials (such as gravel, aggregates) are non-acceptable materials for a verge treatment. The recently conducted inspection revealed that loose materials (aggregates) were installed on the verge.

Please note that the loose materials that are installed on the verge do not comply with the Town's Permissible Verge Treatment Policy, and shall be removed.

You are hereby given notice that the verge treatment applied to the verge adjacent to 115A Anzac Terrace has not been done in accordance to the Town of Bassendean Permissible Verge Treatment policy.

Please contact the undersigned to discuss a time frame for the removal of the non-compliant verge treatment and to obtain any further information.

Should you wish to discuss any aspect of this matter further, please telephone the undersigned on 9377 9027, during normal officer hours.

Yours faithfully



Andreea Balica

Engineering Technical Assistant / Compliance Officer

18/09/2017

ATTACHMENT NO. 4



Success Hill Ingress/Egress

Success Hill Community Workshop

Tuesday 16 January 2018

Items to discuss

- ▶ Overview - Strategic land use & upcoming transport study.
- ▶ Local Area Traffic Management issues - Existing single point of access to the Success Hill precinct, via Success Road.
- ▶ Potential access solutions to the Success Hill precinct
- ▶ Community Workshop participants to discuss ingress & egress options
- ▶ Proposed Main Roads Western Australia & Department of Transport's Principal Shared Path alignment in Railway Parade from Seventh Avenue to Cul-de-sac
- ▶ Community Workshop participants to discuss location of Principal Shared Path

Strategic land use & upcoming transport study

- Context -

- ▶ Future access solutions to be cognisant of wider strategic land use and transport objectives and regional imperatives
- ▶ *2015 Local Planning Strategy (LPS)* being revised to address State directions set out under the WAPC's draft *Perth Peel @ 3.5 Million* planning framework
- ▶ Principal direction—increase residential densities across the Perth metropolitan region (PMR) to accommodate a projected population of 3.5 million living in the region by 2050

Context *(continued)*

- ▶ Bassendean - 4,200 additional dwellings required
- ▶ Provision of these additional dwellings is largely to be directed to 800 metre radius catchments around each of the Town's train stations - Ashfield, Bassendean and **Success Hill** (TOD's - transit oriented development)
- ▶ The aim of directing density development to around train stations is to achieve a State planning goal of reduced car dependency and increased use of public transport (hence METRONET)

Context *(continued)*

- ▶ High density housing (preferably incorporated within mixed use development) to be provided at the centre of the catchment and within a 400 metre radius of its centre
- ▶ Medium density housing to be provided further out and to the edge of the catchment
- ▶ Notwithstanding the **objective of reduced car dependency**, increased density development likely to result in increased traffic flow and on-street parking along local streets

Context *(continued)*

- ▶ This impact, together with the **current access limitations within Success Hill**, will be examined through a proposed transport study of the Town (consultant brief currently in preparation)
- ▶ The outcomes of this community workshop and community survey (to follow) will also inform the transport study, which in turn, will inform the revised Local Planning Strategy

End of Overview



Success Hill Precinct Currently

Single access point to precinct
north of railway line via Success
Road, off Lord Street



Success Road/ Lord Street Currently

Traffic Count Data

Lord Street

2011	Current
17,966vpd	17,937vpd

Success Road

2013	Current
883vpd	920vpd

Standard 4 way intersection
with stop control



Local Area Traffic Management Study

- ▶ Bassendean Local Area Traffic Management Plan prepared in 2012 by OPUS International consultants
- ▶ Proposed traffic treatments
 - ▶ Community consultation conducted with feedback provided to Council in April 2013
 - ▶ Proposed to open the Walter Rd East/Lord St intersection as a vehicle exit only
 - ▶ Proposed to modify Success Rd/ Lord St using a traffic treatment island to permit vehicle entry only



Intersection Treatment Options considered

Walter Road East/ Lord Street



Success Road / Lord Street



Bassendean Local Area Traffic Management Plan

Following community consultation, Council endorsed in 2013 the proposal to open the Walter Rd East/Lord St intersection for vehicle exit only and the proposal to modify Success Rd / Lord St to permit vehicle entry only

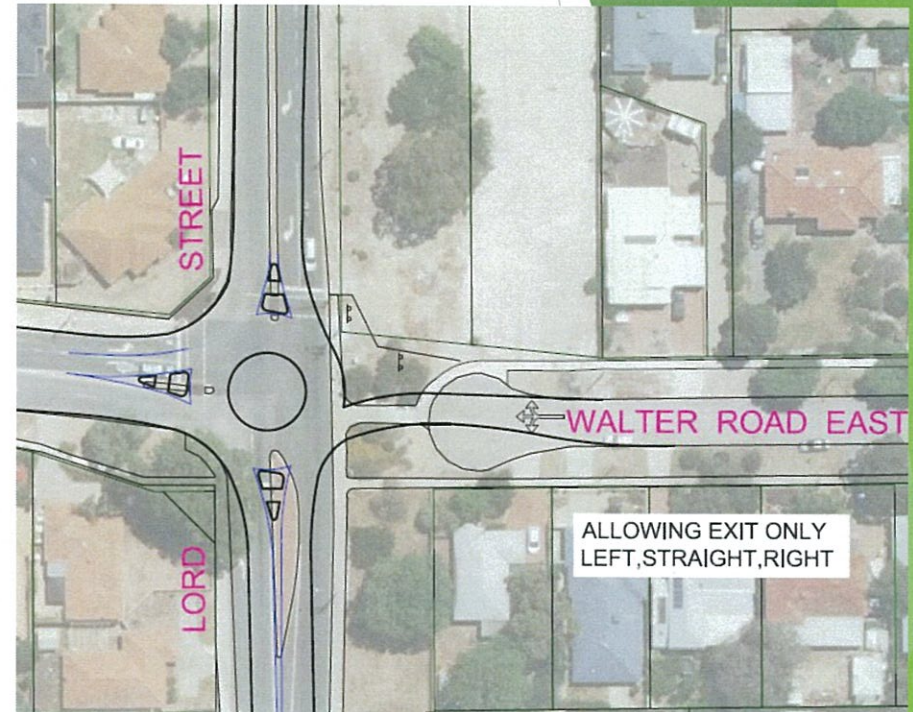


Existing Main Roads WA signalised intersection is proposed to be modified to permit traffic to exit from Walter Road East (east of the intersection) on their own phase

Main Roads WA has offered alternative treatments

Issues to be considered:

- Grant funding is provided for localities where a high level of accidents occur.
- Walter Road East / Lord Street and Success Road / Lord Street do not qualify for blackspot grant funding
- Walter Road East and Lord Street are currently classified as District Distributor Roads managed by Town of Bassendean. Any road or intersection modifications are at cost to Bassendean Ratepayers





Community Workshop participants on each table to discuss ingress & egress options and a representative from each table to present back to all workshop participants

Please note:

- Workshop comments presented, and individual comments received, will be provided to the February 2018 Ordinary Council Meeting.
- All community feedback received will be provided to the appointed consultant undertaking the upcoming Transport Study.
- The appointed consultant will review all feedback, undertake further investigations and present a report to Council for consideration

Success Hill Community Survey

Your Say Bassendean

Success Hill Community Survey

We're after your views of the traffic entrance and exit out of the Success Hill precinct and proposed Principal Shared Path along Railway Pde.

Please provide your name (Required)

Please provide your house number and street name (Required)

Please select your suburb (Choose any one option) (Required)

- ☐ Eden Hill
- ☐ Bassendean
- ☐ Ashfield

Please indicate if you attended the Community workshop on Tuesday 16th January 2018 (Choose any one option) (Required)

- ☐ Yes
- ☐ No

After completing the survey and providing comments in the space provided, should you wish to provide additional feedback please submit in writing to mail@bassendean.wa.gov.au, by post to PO Box 87, Bassendean, WA, 6934, or written feedback may be dropped off at the Customer Service Centre at 35 Old Perth Rd, Bassendean between 8.30am and 5pm. Feedback must be submitted by 12pm Thursday 1st February 2018.

Success Hill Community Survey

Your Say Bassendean

Walter Rd East / Lord St Option A (modified traffic lights)

Walter Rd East/ Lord St

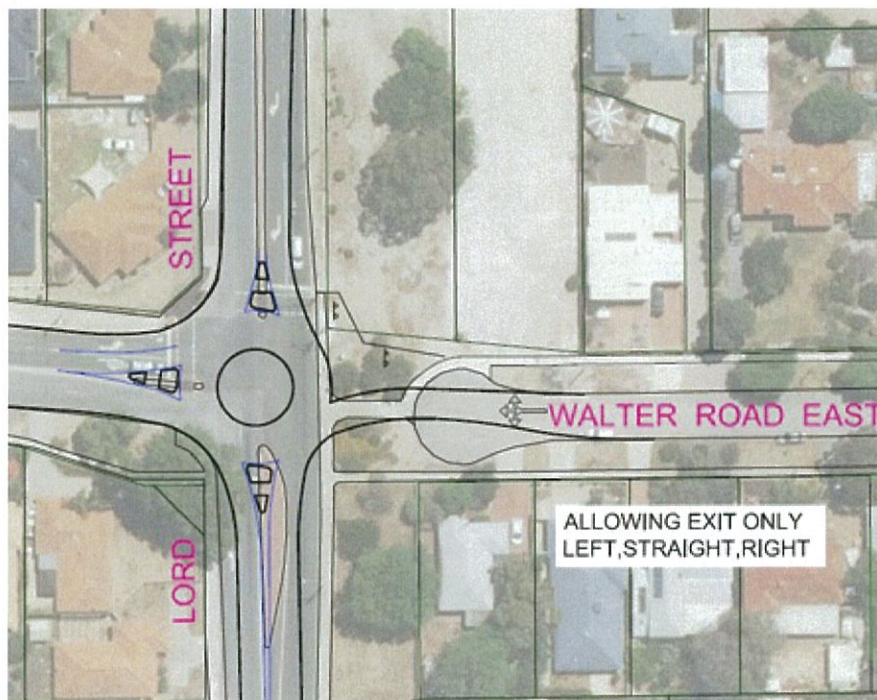


Success Hill Community Survey

Your Say Bassendean

Walter Rd East / Lord St Option B (install roundabout)

Walter Rd East/ Lord St



Please select your preferred option for Walter Rd East/ Lord St (Choose all that apply)

- ☐ Option A
- ☐ Option B
- ☐ Other

Note: You may select more than one option

Success Hill Community Survey

Your Say Bassendean

If you selected "other" clearly describe what you would like to see achieved

Success Rd / Lord St Option A

Success Rd/ Lord St



Success Hill Community Survey

Your Say Bassendean

Success Rd / Lord St Option B

Success Rd / Lord St



Please select you preferred option for Success Rd/ Lord St (Choose all that apply)

- ☐ Option A
- ☐ Option B
- ☐ Other

If you selected "other" clearly describe what you would like to see achieved

Town of Bassendean
TRAFFIC MANAGEMENT ASSESSMENT FORM

File Reference: _____ TRAF/MONTNG/1 _____ **Date:** _____

Description of Road: _____ Success Road _____
_____ Hs. No. 4 _____

Name of Person Making Request: _____ PROGRAMMED ASSESMENT _____

Address: _____

Contact Number: _____

Type of Road: Access Road < 3000vpd ☒
(tick appropriate box) Local Distributor Road 3000-6000vpd ☐
District Distributor Road B 6001-8000vpd ☐
District Distributor Road A 8001-15000vpd ☐
Primary Distributor Road >15000vpd ☐

Results of Traffic Survey

Date From: 6 DEC 17

Date To: 14 DEC 17

Traffic Classifier One – Location: 4 Success Road
Average Daily Traffic (7 days) 942 vpd
Average Weekday Traffic (5 days) 920 vpd.
Mean Speed 37.7 km/h
85th Percentile Speed 45.09 km/h.
Class 3 or Higher (truck) Traffic 7%.
AM Peak Hours 08:00 am.
PM Peak Hours 17:00 pm.
Weekend Peak Hours 11:00 am; 14:00 pm.
speeding: 3.85%.

Traffic Classifier Two – Location: _____
Average Daily Traffic (7 days) _____
Average Weekday Traffic (5 days) _____
Mean Speed _____
85th Percentile Speed _____
Class 3 or Higher (truck) Traffic _____
AM Peak Hours _____
PM Peak Hours _____
Weekend Peak Hours _____

Assessment Against Policy/Guidelines:

It should be noted that a tick (✓) in the assessment box indicates the criteria has been met, a cross (x) in the assessment box indicates the criteria has not been met.

Criterion	Assessment
1 Council has not considered the subject road within an eighteen-month period except in circumstances where obvious and identifiable significant changes in traffic patterns or characteristics have occurred.	<input checked="" type="checkbox"/>
2 The road is considered as an access road or local distributor road within the Town of Bassendean Functional Road Hierarchy Plan.	<input checked="" type="checkbox"/>
3 The predominant (at least 80%) land use served by the subject road is residential.	<input checked="" type="checkbox"/>
4 Traffic volumes within the subject road exceed 750vpd for access roads, and 2000vpd for local distributor roads.	<input checked="" type="checkbox"/>
5 The length of the subject road exceeds 300 metres between controlled intersections (Stop, Give Way, or traffic signals).	<input checked="" type="checkbox"/>
6 The 85 th percentile speed is 60km/h or greater in 50km/h zones, or exceeds the posted speed limit by more than 10% in other speed zones.	<input checked="" type="checkbox"/>
7 Through traffic exceeds 30% on access roads and 60% on local distributor roads – except those streets providing access/egress to school sites.	<input type="checkbox"/>
N/A	

Officer Recommendation:

MRWA to provide additional speed zone signage	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Providing rubbish bin stickers to residents	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Partnering with the WA Police Traffic Intelligence Services to target speeding	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Traffic Management is Recommended:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>



Signature

15.12.2017.

Date

Town of Bassendean
TRAFFIC MANAGEMENT ASSESSMENT FORM

File Reference: _____ TRAF/MONTNG/1 _____ **Date:** 14.12.2017
Description of Road: Lord Street (District Distributor A)
Nb No 31

Name of Person Making Request: _____ PROGRAMMED ASSESMENT _____
Address: _____
Contact Number: _____

Type of Road: Access Road < 3000vpd ☐
(tick appropriate box) Local Distributor Road 3000-6000vpd ☐
District Distributor Road B 6001-8000vpd ☐
District Distributor Road A 8001-15000vpd ☒
Primary Distributor Road >15000vpd ☐

Results of Traffic Survey

Date From: 6 DEC 17 **Date To:** 14 DEC 17
Traffic Classifier One – Location: 31 Lord Street
Average Daily Traffic (7 days) 17,122 vpd
Average Weekday Traffic (5 days) 17,937 vpd
Mean Speed 49.1 km/h
85th Percentile Speed 58.5 km/h
Class 3 or Higher (truck) Traffic 4.3%
AM Peak Hours 08:00 am
PM Peak Hours 16:00 pm
Weekend Peak Hours 11:00 am 12:00 pm
speeding (over 60km/h) : 10.91%

Traffic Classifier Two – Location: _____
Average Daily Traffic (7 days) _____
Average Weekday Traffic (5 days) _____
Mean Speed _____
85th Percentile Speed _____
Class 3 or Higher (truck) Traffic _____
AM Peak Hours _____
PM Peak Hours _____
Weekend Peak Hours _____

Assessment Against Policy/Guidelines:

It should be noted that a tick (✓) in the assessment box indicates the criteria has been met, a cross (x) in the assessment box indicates the criteria has not been met.

Criterion	Assessment
1 Council has not considered the subject road within an eighteen-month period except in circumstances where obvious and identifiable significant changes in traffic patterns or characteristics have occurred.	<input checked="" type="checkbox"/>
2 The road is considered as an access road or local distributor road within the Town of Bassendean Functional Road Hierarchy Plan.	<input checked="" type="checkbox"/>
3 The predominant (at least 80%) land use served by the subject road is residential.	<input checked="" type="checkbox"/>
4 Traffic volumes within the subject road exceed 750vpd for access roads, and 2000vpd for local distributor roads.	<input checked="" type="checkbox"/>
5 The length of the subject road exceeds 300 metres between controlled intersections (Stop, Give Way, or traffic signals).	<input checked="" type="checkbox"/>
6 The 85 th percentile speed is 60km/h or greater in 50km/h zones, or exceeds the posted speed limit by more than 10% in other speed zones.	<input checked="" type="checkbox"/>
7 Through traffic exceeds 30% on access roads and 60% on local distributor roads – except those streets providing access/egress to school sites.	<input type="checkbox"/>
N/A	

Officer Recommendation:

MRWA to provide additional speed zone signage	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Providing rubbish bin stickers to residents	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Partnering with the WA Police Traffic Intelligence Services to target speeding	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Traffic Management is Recommended:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>



Signature

14.12.2017

Date

Crash Factor Matrix

Intersection: 37432 - LORD ST & SUCCESS RD

ROAD USER MOVEMENT CODE	Number of Crashes by Year						Severity					Surface			Light Condition					Day of Week							Time of Day											
	2012	2013	2014	2015	2016	Total	Fatal	Hospital	Medical	PDO Major	PDO Minor	Dry	Wet	Not Specified	Day	Dusk/Dawn	Dark lights On	Dark lights off	Dark no lights	Not Specified	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	00:00 - 02:59	03:00 - 05:59	06:00 - 08:59	09:00 - 11:59	12:00 - 14:59	15:00 - 17:59	18:00 - 20:59	21:00 - 23:59	Not Specified		
10 Series : INTERSECTION																																						
14 - Thru - Right		1		1		2				2		2			2									1		1				1			1					
10 Series Total		1		1		2				2		2			2									1		1				1			1					
30 Series : VEHICLES FROM ONE DIRECTION																																						
31 - Same Lane Rear End					1	1				1		1			1								1										1					
30 Series Total					1	1				1		1			1								1										1					
All RUM Codes	0	1	0	1	1	3	0	0	0	3	0	3	0	0	3	0	0	0	0	0	0	0	1	1	0	1	0	0	0	1	0	0	2	0	0	0		

Crash Factor Matrix

Intersection: 37406 - WALTER RD, EAST & LORD ST

ROAD USER MOVEMENT CODE	Number of Crashes by Year					Severity				Surface			Light Condition					Day of Week							Time of Day													
	2012	2013	2014	2015	2016	Total	Fatal	Hospital	Medical	PDO Major	PDO Minor	Dry	Wet	Not Specified	Day	Dusk/Dawn	Dark lights On	Dark lights off	Dark no lights	Not Specified	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	00:00 - 02:59	03:00 - 05:59	06:00 - 08:59	09:00 - 11:59	12:00 - 14:59	15:00 - 17:59	18:00 - 20:59	21:00 - 23:59	Not Specified		
10 Series : INTERSECTION																																						
14 - Thru - Right		1			2	3				3		2	1		3							1	2								1	2						
10 Series Total		1			2	3				3		2	1		3							1	2								1	2						
30 Series : VEHICLES FROM ONE DIRECTION																																						
31 - Same Lane Rear End		1	1	2	1	5				5		4	1		5							1	1	2	1						1		2	2				
32 - Same Lane Left Rear				1		1				1		1			1																			1				
33 - Same Lane Right Rear	1	1				2					2	2			2											1	1					1						
30 Series Total	1	2	1	3	1	8				6	2	7	1		8							1	2	2	1			1	1		1	1	2	4				
70 Series : OFF PATH, ON STRAIGHT																																						
72 - Off Left Cway Obj	1					1				1		1					1									1									1			
74 - Off Right Cway Obj	1					1				1		1					1								1										1			
70 Series Total	2					2				2		2					2								1	1									1	1		
All RUM Codes	3	3	1	3	3	13	0	0	0	11	2	11	2	0	11	0	2	0	0	0	0	2	4	2	2	1	1	1	1	0	0	1	2	4	4	1	1	0

Town of Bassendean
35 Old Perth Road,
Bassendean,
WA 6054

Dear Madam Mayor,

Reference: Proposed road opening at the intersection of Lord Street and Walter Road East

I write in connection with the above development proposal. I have examined the proposed options and as a local Seventh Avenue resident, I know the area well and strongly object to the proposal.

The cul-de-sac orientated North of Success Hill (Walter Road East / Seventh Avenue) precinct is a quiet and peaceful area enjoyed by many resident families, many of which (including me) have young children. The proposal to open the road at Walter Road East / Lord St will destroy the spirit of the area in which so many of us have chosen to invest.

The enormous increase in traffic (from no-through-road local traffic only to at least 450 vehicles per day; a 1000% increase for most affected residents) will overwhelm the unique characteristics of this culturally significant area. The protection of this area's visual, historic and culturally sensitive qualities is also supported by WAPC's Metropolitan Region Scheme Text Section 28A – Bush Forever areas. Further, the proposal contradicts WA Planning Development Control Policy 1.6 Planning to Support Transit Use and Transit objectives, a commitment that Bassendean Town Council also subscribe to.

I understand the proposal was initiated by a minority who feel unsafe entering and exiting Success Road / Lord Street. I also understand ToB have a duty to consider and respond to all valid complaints. Be that as it may, I question the validity of this complaint and note the Western Australian Highway Code Road Rules and Safety Advice (Section 3.13 – Intersections) clearly instruct vehicle licence holders how to correctly enter and exit intersections of the same configuration as that resembling Success Rd / Lord St intersection. Without researching any metrics, I assume there to be many hundreds of such intersections in the State, in the Nation and the world over.

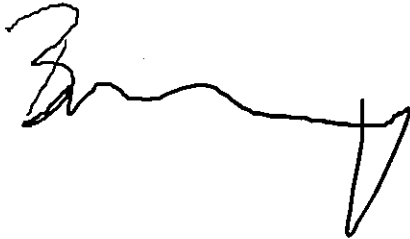
Upon examination of the historical evidence of accident data, I note the occurrence of four (4) minor accidents at the Success Rd / Lord St intersection in a 5-year period between 2013 and 2017. In a 5-year period between 2006 and 2010 there was no less than fifteen (15) accidents at the Walter Rd / Lord St junction, four (4) of these regrettably resulted in casualties.

With an extra 450 vehicles per day, the proposal to open-up the Walter Rd East / Lord St intersection will increase the probability of more accidents, a statistic ToB surely wants to avoid.

Driving is dangerous, hence the amount of controls in place to safely manage the roads provides some level of assurance that drivers are conducting themselves in a safe and responsible manner for their own and other road user's safety.

Cognisant that Madam Mayor needs to correctly posture a response to these few 'complainants,' the relevant safety evidence, coupled with the issuance of the Road Rules and Safety Advice, fail to make a compelling argument for such a drastic proposal. A proposal of which is diametrically opposed to the consideration of any opportunity to further improve the character and quality of this area, its property owners and the way it functions.

Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized 'Z' or 'B' followed by a long horizontal line and a vertical stroke at the end.

SUCCESS HILL PRECINCT – PROPOSED CHANGES TO ACCESS/EGRESS

We would submit that the reasoning for increasing access/egress options from Success Hill onto Lord Street is flawed.

The current accident rate at the Success/Lord Street intersection is so minimal as to not be recognised by the Main Roads Department or any other agency as sufficient to warrant black spot funding. Any inconvenience associated with turning onto Lord Street is limited to peak hours.

This same inconvenience is faced by residents on the west side of Lord Street wishing to use Railway Parade, Anzac Terrace and Success Road to turn onto Lord Street.

Altering the amount of access/egress options for the residents of Success Hill:

- (a) is not sufficiently warranted
- (b) does not address the issues facing residents on the west side of Lord St facing the same peak-hour inconvenience, and
- (c) will create further problems that pose even greater danger and inconvenience than is currently experienced.

It is also important to note that the current inflated traffic load on Lord Street will lessen once the works on Tonkin Highway are completed and will decrease even further once the Morley-Ellenbrook railway is complete.

PROBLEMS ASSOCIATED WITH CURRENT OPTIONS

WALTER ROAD

Both proposed changes to Success/Lord are predicated on opening Walter Rd/Lord St.

Opening Walter Road in any capacity brings with it the following problems:

A. SAFETY

1. Increasing north-south traffic along Seventh Ave and through the 5-way intersection of Success/8th/7th forgets or overlooks the main reason for the closing of Walter Rd.

Traffic heading north along Seventh Ave to Walter Rd has severely restricted vision, both left and right, of traffic travelling on Success Road/8th Ave. The 5-way intersection is predicated on Success Road being the main throughway/distributor and will be dangerously unworkable should the load travelling north-south increase.

RESPONSE TO TRAFFIC ENTRANCE AND EXIT OUT OF SUCCESS HILL

Increasing the north-south load along Seventh Avenue will also direct more vehicles directly past the only entrance to Success Hill park and playground.

2. Both of the options presented ignore the 10-unit development that will occur at lots 8 and 10 of Walter Road. This development will significantly increase the already considerable amount of residential traffic and on-street parking on Walter Road, impeding the ability of introduced traffic to flow safely around the restricted vision/90-degree corner of Walter Rd/7th Ave.
3. The 10-unit development will also have its access right where the proposed options have traffic flowing into Lord Street. The proposed options do not factor in this development at all. If Walter Road is to be opened as an exit-only, the 10-unit residents will both endanger and be endangered by increased traffic. Further, all of the residents on the north side of Walter Road will have to, at peak times, exit their residences by turning left, turning around at some point in Success Hill and re-entering Walter Road in order to join the queue to exit via Walter Road.
4. Currently the corner of Walter Road and Seventh is used as an accessway for foot traffic into both Pyrton estate and Success Hill reserve. Children, dogwalkers and hikers walk along both Walter Road and Seventh Ave to gain access to the bushland. Dogwalkers also park onstreet and then take their dogs into Pyrton. Increased traffic endangers all who use this pedestrian accessway, in what is a skinny and ill-designed 90-degree corner.
5. The current residents of the affected portion of Walter Road include significant numbers of school-age and younger children. The south side alone, which will bear the greatest brunt of introduced traffic, currently houses 10 children of school-age or younger.
6. Walter Road and Seventh Avenue are also used as preferred pedestrian access to Success Hill train station by residents west of Lord Street

Further issue with Option B – roundabout

Travelling south on Lord Street through the Walter Road intersection involves ascending a considerable gradient which impedes vision of what lies ahead. It is necessary to control this intersection with clearly visible, elevated traffic signals.

B. AMENITY AND CULTURAL SIGNIFICANCE

1. Opening Walter Road and increasing traffic along Seventh Avenue runs counter to the overarching planning imperatives of increased density and decreased car dependency. The north side of Walter Road already has significant infill (6 houses) even before the 10-unit development is considered. Introducing further non-residential traffic in a higher-density

housing area not only endangers residents but decreases the value and appeal of homes in the affected area.

2. Garbage collection for the north side of Water Road will not be able to be done if Walter Road is exit-only as there is insufficient room for garbage trucks to turn around.
3. Success Hill Reserve and Pyrton estate are undeveloped bushland which attract considerable numbers of walking visitors. The current residents of the north portion of Seventh Avenue and Walter Road were also attracted to the seclusion and relative low-traffic and altering this greatly inconveniences these residents.
4. Success Hill and Pyrton are both subject to Native Title considerations which preclude development without proper consultation with the relevant Indigenous groups. Success Hill reserve is a class A reserve which precludes development or expansion of the existing inadequate infrastructure (the size of Walter Road and the 90-degree corner).

SUCCESS ROAD

Both options for Success Road either remove or limit the ability to use Success Road as an entry point to Lord Street.

The majority of the residents of Success Hill will be denied the opportunity to use the exit nearest them to leave their own suburb. Other than peak times, using Success Road to gain access to Lord Street is no difficulty at all.

If the options proposed were to go ahead, the majority of the Success Hill residents will no longer have the ability to just slip out Success Road onto Lord. They will have to join a queue at a lights or dangerous roundabout some considerable distance from their homes. They will have to drive past a playground, turn sharply into a blind 90-degree corner and negotiate the 30-odd cars of residents of Walter Road, avoiding the pedestrians accessing the bushland or train station, skirt past the dogwalkers who park their cars on Walter Road and the cars parked on Walter Road by the residents of the considerable infill that has taken place on Walter Road.

SUMMARY AND GENERAL INVITATION

We welcome all councillors and Town planning staff to cross the 5-way intersection at Success Rd/8th/7th to experience the dangers it presents if opened up to all of the traffic load of Success Hill. Visitors can then experience firsthand the impracticality, inconvenience, danger and shortsightedness of opening Walter Road.

We can understand that people merely driving past some traffic lights could be tempted into thinking it would be easy to just change the signalling and avoid a bit of inconvenience turning right onto Lord Street. It is necessary to visit the area that would be affected to envision what would be required and what would

RESPONSE TO TRAFFIC ENTRANCE AND EXIT OUT OF SUCCESS HILL

follow on from such a theoretically simple change. It is necessary to visit the affected area to avoid the dangers of shortsighted reaction.

The proposed options ignore why Walter Road was first closed and ignore the 10-unit development at the end of Walter Road. They ignore the practicalities of reopening Walter Road (from safety to garbage removal) and pit the occasional inconvenience experienced at peak hours by a few Success Hill residents against the more grievous inconveniences of directing 500 vehicles a day past houses that were purchased with no thought of this eventuality. Houses whose value will considerably decrease. Houses that contain people who will be endangered and inconvenienced **for all time** – not just for peak hours while Lord Street temporarily carries a higher than usual load while Tonkin Highway is reworked and before the Morley-Ellenbrook train line is built.

Nathan and Nicole Jarvis
1 Walter Road, Bassendean
0481 177 550

ATTACHMENT NO. 5



Department of
Transport

RAILWAY PARADE PRINCIPAL SHARED PATH (PSP)

www.transport.wa.gov.au



BACKGROUND

The vision of the Western Australian Bicycle Network Plan 2014-2031 is to make WA a place where cycling is **safe, connected, convenient** and a widely-accepted form of transport.

Main elements include;

- Strong governance,
- Expansion of the PSP Network,
- WABN Grants Program,
- Safe Active Streets (Bike Boulevards),
- Connecting Schools,
- and, Connecting Stations

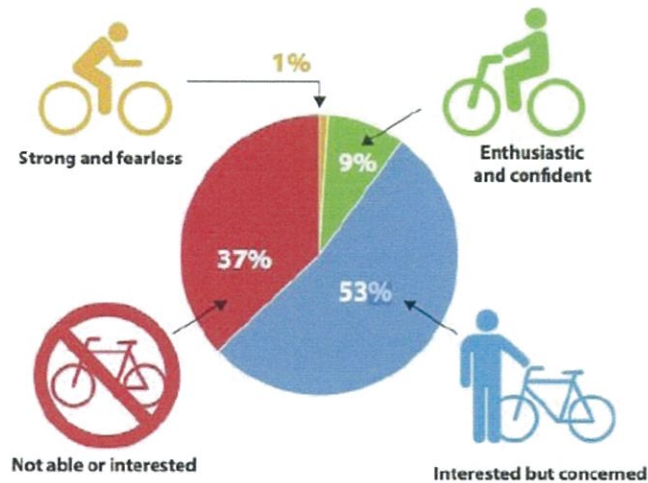


BACKGROUND

Why more cycling infrastructure?

Target the largest audience

Source: <https://www.portlandoregon.gov/transportation/article/264746>



How?

Provide a safe and connected network.

- Ongoing PSP expansion program.
- WABN Grants program.
- Nation leading Safe Active Streets program.
- Better activation of new infrastructure.
- Stronger linkages with Travel Smart and other behaviour change programs.

MAIN CONCERN IS SAFETY

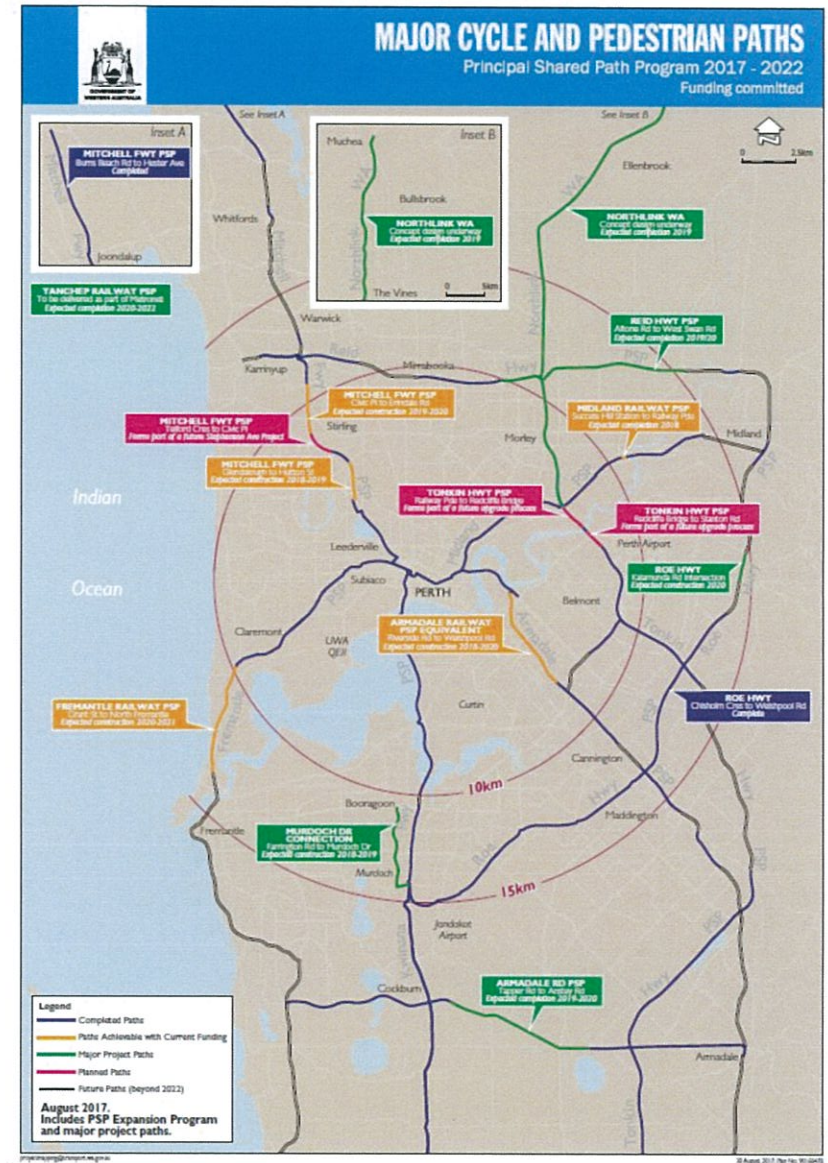


BACKGROUND

PSP Rollout

Priority placed on paths within a 15 kilometre radius from the Perth CBD, including the following locations:

- Mitchell Freeway Principal Shared Path (PSP) Glendalough Station to Hutton Street missing link and Erindale Road to Civic Place missing link
- Fremantle line PSP - Grant Street to North Fremantle extension
- Midland line PSP - Success Hill Station to Railway Parade cul-de-sac missing link



RAILWAY PARADE PSP

CONSULTATION FEEDBACK

Major feedback themes:

1. Support for the project
 - a. **Support** for project with as much vegetation as possible kept
 - b. **Support** for the PSP to fill the missing gap in the network
2. Concerns over loss of trees/vegetation
 - a. **Arguments against** saying it should be left as is
 - b. **Queries why** an on road section/Safe Active Street be built
3. Concerns about the speed of cyclists on the shared path and conflict with the station entry/exit.



RAILWAY PARADE PSP

CONSULTATION FEEDBACK

We have listened!

Following a meeting on site with Town officers and Councillors, a revised concept design has been produced.

This design has the following changes;

1. Requires the removal of less trees/shrubs (23 vs 27), and no loss of large trees.
2. Two sections of the path could be built on platforms, this allows no disruption to roots in the area.
3. No changes to the road width at any point.



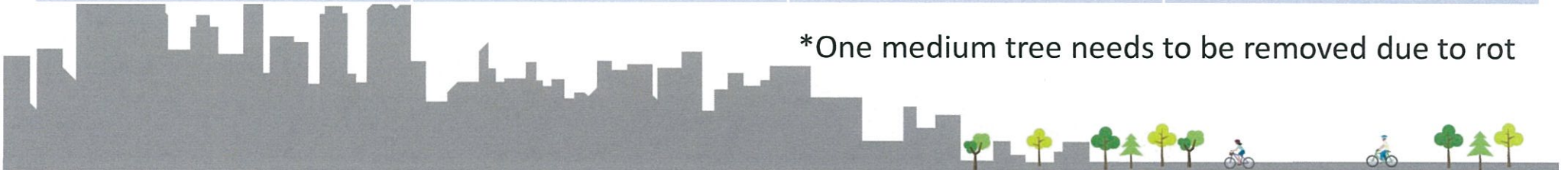
RAILWAY PARADE PSP

CONSULTATION FEEDBACK RESPONSE

Concerns over loss of trees/vegetation

TYPE OF VEGETATION	CURRENT	LOSS DUE TO PATH CONSTRUCTION	MITIGATION
Large Trees (1-1.5m in diameter)	6	0	Each tree removed will be replaced two for one. Will lead to 80 plus trees. Landscaping to include new shrubs around the path. Tree types and locations to be agreed with ToB.
Medium Trees (0.3-1m in diameter)	18	5*	
Small Trees (0-0.3m in diameter)	24	12	
Shrubs	11	6	
TOTAL	59	23	

*One medium tree needs to be removed due to rot



RAILWAY PARADE PSP

CONSULTATION FEEDBACK RESPONSE

PSP Activation – Potential Green Routes Pilot

- **Green Routes** = an initiative targeting the space surrounding PSPs to enhance the cycling experience, increase community amenity, create bio-diverse corridors and provide opportunities for local action
- Potential for Bassendean PSP to showcase Green Routes, meeting a range of outcomes for different stakeholders i.e.:
 - **The community** who want/value vegetation, more green spaces, and opportunities to participate in their locality
 - Recent examples of guerrilla gardening and community initiatives across Perth (e.g. Bayswater resident community garden spaces in parks, verges and along paths).
 - **DoT** who recognise paths as opportunities to create valued public spaces where people want to walk, ride and get involved in local community initiatives
 - **Path users** who want more greenery, shade, and wind protection
 - **The Town's** Greening Bassendean initiatives aiming to:
 - Protect – protect as many trees as possible, support sustainable transport
 - Restore – regenerate to make more resilient, community participation
 - Enhance – improve the existing landscape with layered, native canopies
 - **Other LGA links:** Urban Forestry Strategy, Adopt-a-Tree program, Plants to Residents initiative

RAILWAY PARADE PSP

CONSULTATION FEEDBACK RESPONSE

PSP Activation – Potential Green Routes Pilot

- ✓ Native vegetation with layered canopies
- ✓ Community involvement
- ✓ Investment in local amenity
- ✓ Support sustainability outcomes
- ✓ Bassendean as a nation-leading Green Routes showcase



VS



RAILWAY PARADE PSP

CONSULTATION FEEDBACK RESPONSE

Leave as is / have an on road section

LEAVE AS IS

Context: Some respondents would rather leave as is than have the trees removed.

"I ride my bike in that area and use the road. Very little road traffic, no need for designated bike path or removal of trees."

- Only missing off road section from Perth to Midland.
- May be suitable for experienced cyclists, but not for all, consideration for families, children and less experienced cyclists need to be made.

WHY NOT AN ON-ROAD SECTION?

Context: Some respondents have questioned why this section can't be on-road, similar to a safe active street.

"The trees should be protected. This section of PSP is not required as the street is very quiet. The street itself should be converted to a bike boulevard."

- Lack of continuity, changing facility over a short distance is not desirable.
- Funding is for a PSP, can not be used for another type of facility.



RAILWAY PARADE PSP

CONSULTATION FEEDBACK RESPONSE

Concerns about the speed of cyclists and conflict with pedestrians

SPEED OF CYCLISTS AND CONFLICTS WITH PEDESTRIANS

Context: Some respondents raised concerns over the speed of cyclists and conflict with pedestrians.

‘The path should also be redirected at the point it intersects with the pedestrian bridge at Success Hill train station’

- Added signage and surface treatment at conflict points.
- Design to incorporate bends that will disrupt sightlines slowing cyclists down.

PSP SPEED CONTROL TRIAL

- DoT recently facilitated a trial of a speed control device which could potentially be utilised on PSP's in high volume areas
- 4 profiles were trialled, with a further 3 to be trial next month.
- All potential user types of PSP's trialled the infrastructure.





Department of
Transport

QUESTIONS?

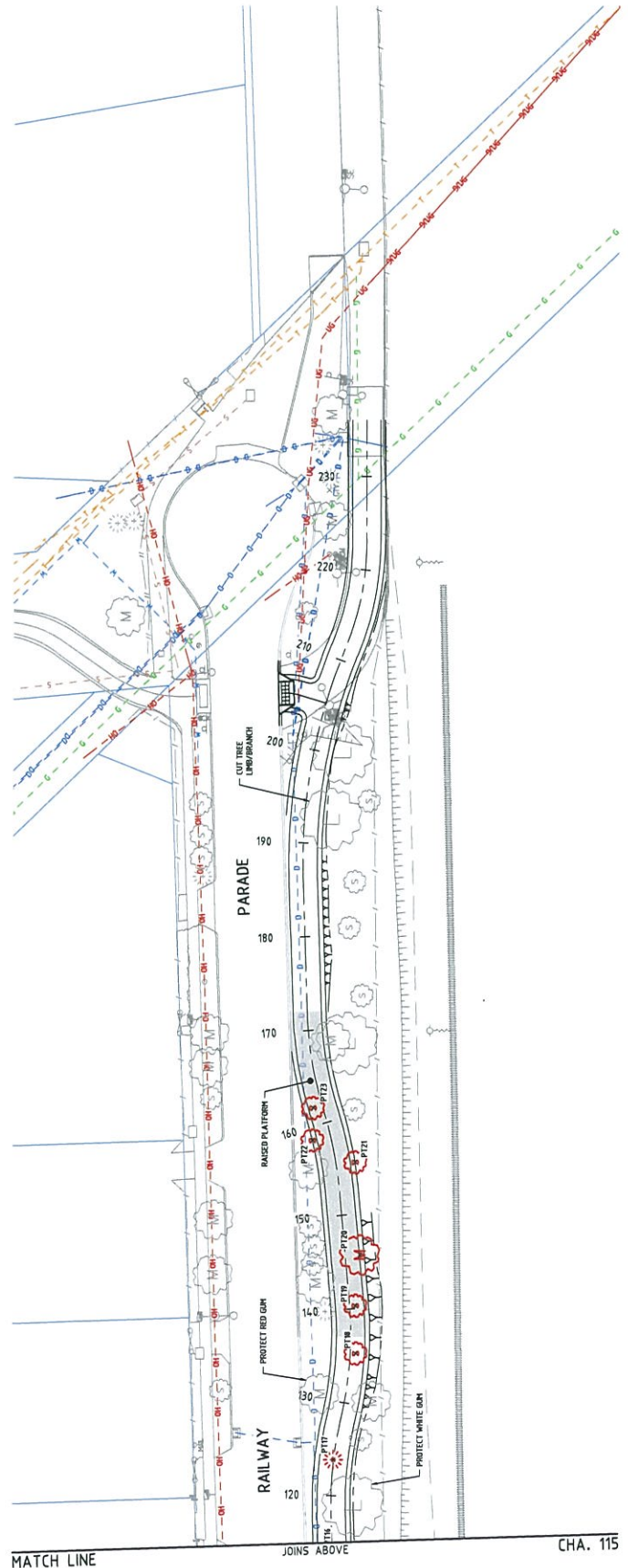
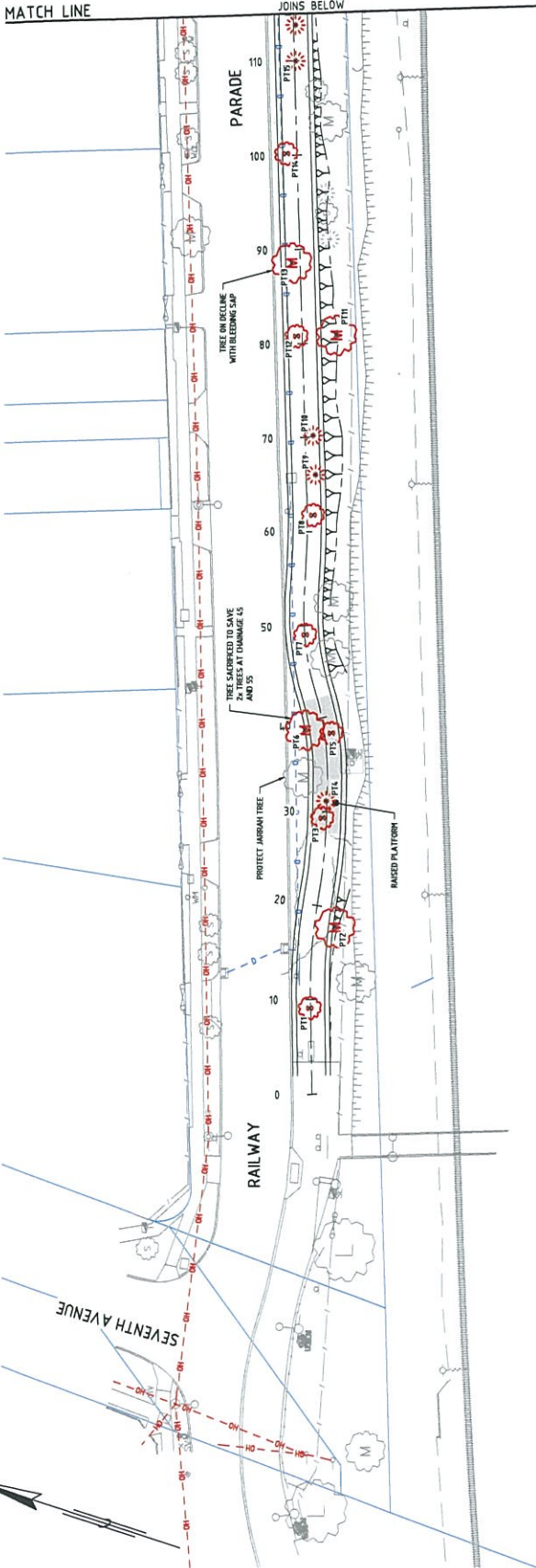


LEGEND

- EXISTING CADASTRAL BOUNDARY
- EXISTING OVERHEAD POWER
- EXISTING UNDERGROUND POWER
- EXISTING GAS
- EXISTING WATER MAIN
- EXISTING DRAINAGE PIPE
- EXISTING TELESTR. FIBRE OPTIC
- PROPOSED BASED PLATFORM
- EXISTING TREE
- S - 8 TO 8.3m DIAMETER
- M - 8.3 TO 10m DIAMETER
- L - 10 TO 15m DIAMETER
- EXISTING TREE TO BE REMOVED
- EXISTING SHRUB TO BE REMOVED

TREES TO BE REMOVED		COORDINATES (PCGS94)	
POINT No.	EASTING	NORTHING	
PT1	63130.071	269223.671	
PT2	63135.963	269222.435	
PT3	63150.148	269225.635	
PT4	63151.987	269225.534	
PT5	63159.180	269226.159	
PT6	63159.039	269229.834	
PT7	63169.029	269230.604	
PT8	63185.963	269232.799	
PT9	63190.035	269233.250	
PT10	63200.968	269232.604	
PT11	63200.168	269236.704	
PT12	63207.730	269238.595	
PT13	63210.114	269240.955	
PT14	63228.949	269241.604	
PT15	63232.706	269242.239	
PT16	63242.586	269243.991	
PT17	63254.111	269243.471	
PT18	63259.110	269244.316	
PT19	63264.537	269244.714	
PT20	63274.156	269246.786	
PT21	63275.714	269251.634	
PT22	63279.128	269252.127	

CHA. 115

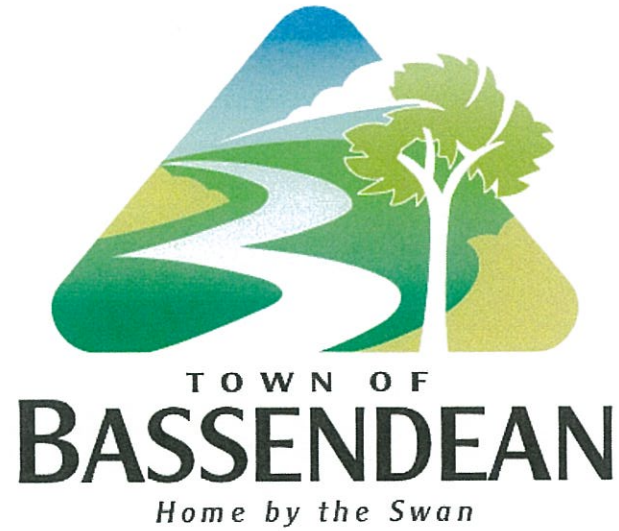


MATCH LINE

JOINS ABOVE

CHA. 115

APPROVED & DATE	
A. EXCISED FOR INFORMATION	
REVISIONS	
PROJECT TITLE: SUCCESS HILL PRINCIPAL SHARED PATH	
SHEET TITLE: SUCCESS HILL STATION TO RAILWAY PARADE EASTERN END CUL-DE-SAC OPTIONAL ALIGNMENT	
DATE: 25/10/18	SCALE: 1:250
REV: A	24.5215-54-SKE-001



RAILWAY PDE
PRINCIPAL SHARED PATH

Success Hill Community Workshop

Tuesday 16 January 2018

Main Roads WA & Department of Transport Principal Shared Path - Railway Parade

The proposed Main Roads WA Principal Shared Path is to connect the missing link of the Principal Shared Path between Seventh Avenue and the Railway Parade cul-de-sac

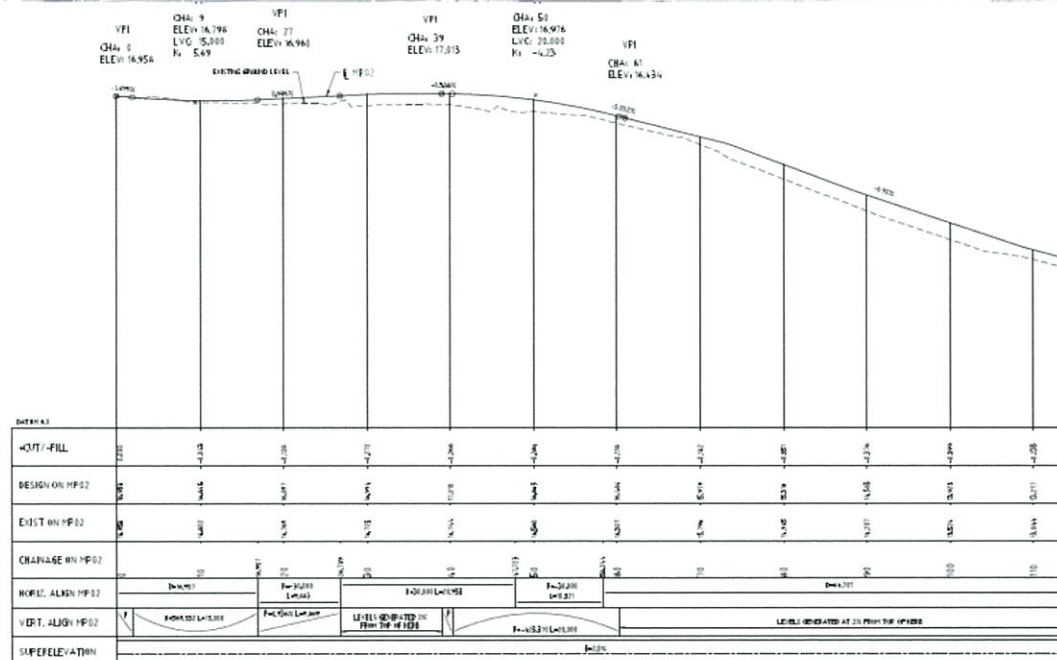


Pending consultation, Main Roads Western Australia and the Department of Transport will proceed with the detail design and construction of the path. Work is not schedule to commence until 2018-19

Main Roads WA & Department of Transport Proposed Principal Shared Path

- ▶ All significant mature trees would remain
- ▶ Minimal vegetation to be removed with replacement of two for one
- ▶ Designed narrowing or slow point on Railway Parade Road acts as traffic calming mechanism
- ▶ MRWA advised steepest grade 6.92% with smooth transition at the Cul-de-sac
- ▶ No retaining walls required - eliminates graffiti surfaces
- ▶ Main Roads WA and Department of Transport project is at no cost to the Town for the construction of the path and replacement planting





THIS DRAWING SHOULD BE PRINTED & COPIED
IN COLOUR TO ENSURE THAT THE FULL INTENT
OF THE DRAWING IS CONVEYED.

PROFILE - MP02
1:25H 1:25V



AMENDMENTS		
NO.	DESCRIPTION	APPROVED DATE
1	ADD NEW ROADWAY DESIGN	16/12/2014
2	ADD NEW ROADWAY DESIGN	16/12/2014

NOTES	
1. THE DRAWINGS TO BE READ IN CONJUNCTION WITH THE P&I (P&I) SHEET.	
2. ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE.	

LEGEND	
—	EXISTING ROADWAY
—	PROPOSED ROADWAY

SERVICES	
—	EXISTING OVERHEAD POWER
—	EXISTING UNDERGROUND POWER
—	EXISTING GAS
—	EXISTING WATER MAIN
—	EXISTING TELEPHONE
—	EXISTING TELEPHONE
—	EXISTING TELEPHONE

METADATA	
GROUND SURVEY STANDARD: 67-08-03	
DATE OF CAPTURE: DECEMBER 2014	
MAPPING SURVEY STANDARD:	
DATE OF CAPTURE:	
PROJECT NAME: P&I	
PROJECT NUMBER: 002	

ARUP	
1000 North Street Sydney, NSW 2000 Australia Phone: +61 (0)2 9555 8000 Fax: +61 (0)2 9555 8001 Email: arup@arup.com	
PROJECT MANAGER: T. TOFFERWEN / P. BAPTISTA	
DESIGNER: T. TOFFERWEN / P. BAPTISTA	
CHECKER: T. TOFFERWEN / P. BAPTISTA	

mainroads	
1000 North Street Sydney, NSW 2000 Australia Phone: +61 (0)2 9555 8000 Fax: +61 (0)2 9555 8001 Email: mainroads@mainroads.com.au	
PROJECT MANAGER: T. TOFFERWEN / P. BAPTISTA	
DESIGNER: T. TOFFERWEN / P. BAPTISTA	
CHECKER: T. TOFFERWEN / P. BAPTISTA	

SUCCESS HILL PSP - STAGE 3	
OPTION 2	
RAILWAY PARADE (0019)	
PLAN AND PROFILE - MP02	
SHEET 1 OF 2	
LOCAL AUTHORITY: CITY OF SYDNEY	
PROJECT NUMBER: C-DRG-02-002-B	

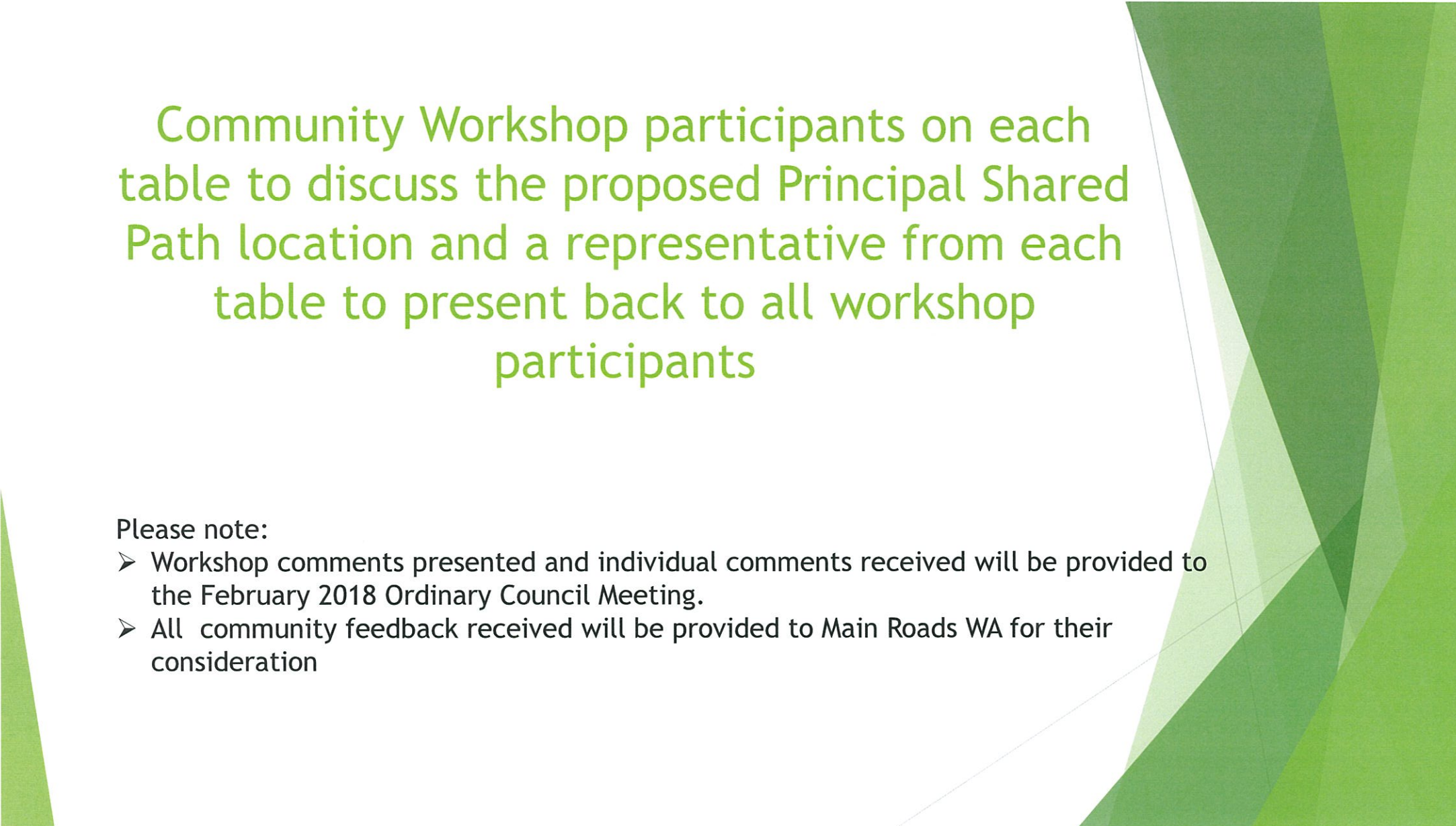


WARNING
UNSAFE TO WORK ON

The location of underground utilities are approximately only and their exact position should be checked on site. To guarantee that all existing utilities and services are shown. Locate all underground utilities and services before commencement of the work to Minster's Regulation 3.21

DIAL 1100
REPORT YOUR DIG

C-DRG-02-003-B

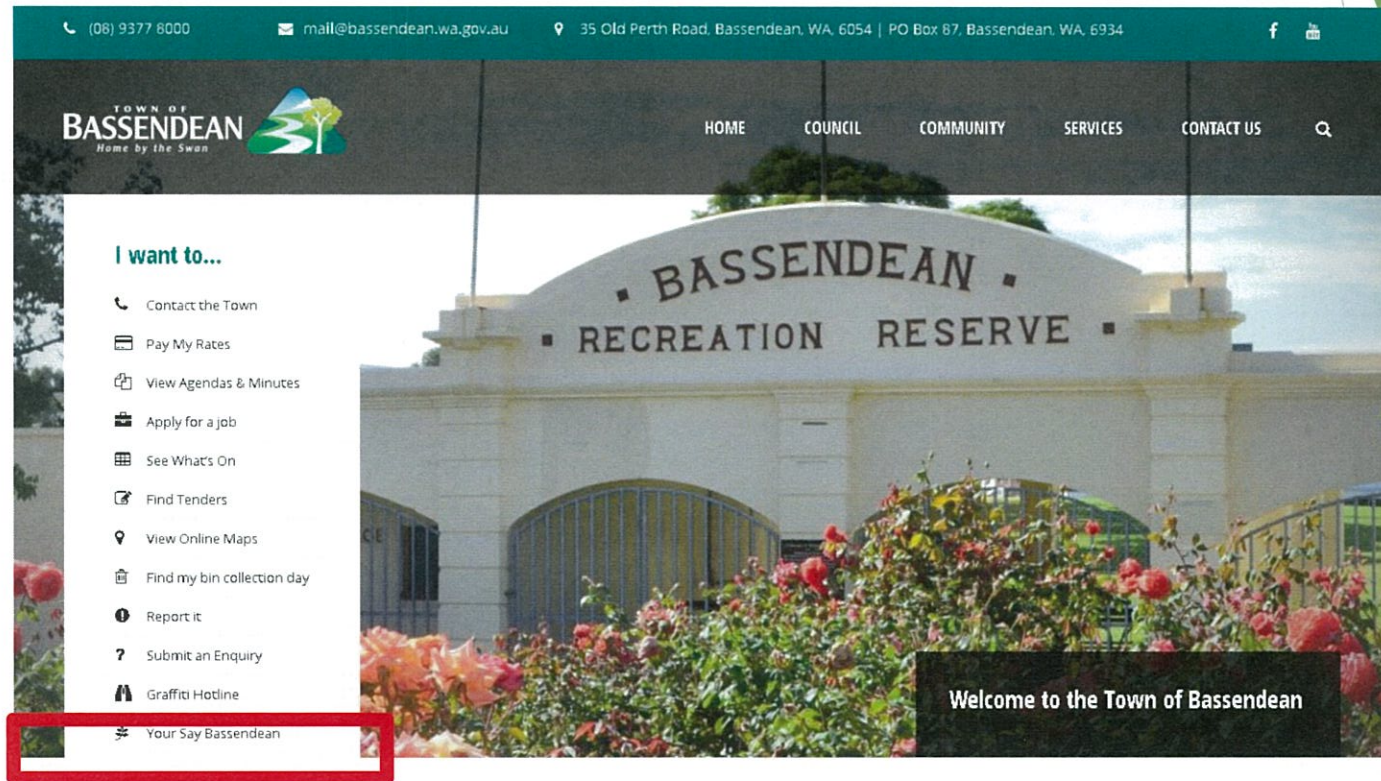


Community Workshop participants on each table to discuss the proposed Principal Shared Path location and a representative from each table to present back to all workshop participants

Please note:

- Workshop comments presented and individual comments received will be provided to the February 2018 Ordinary Council Meeting.
- All community feedback received will be provided to Main Roads WA for their consideration

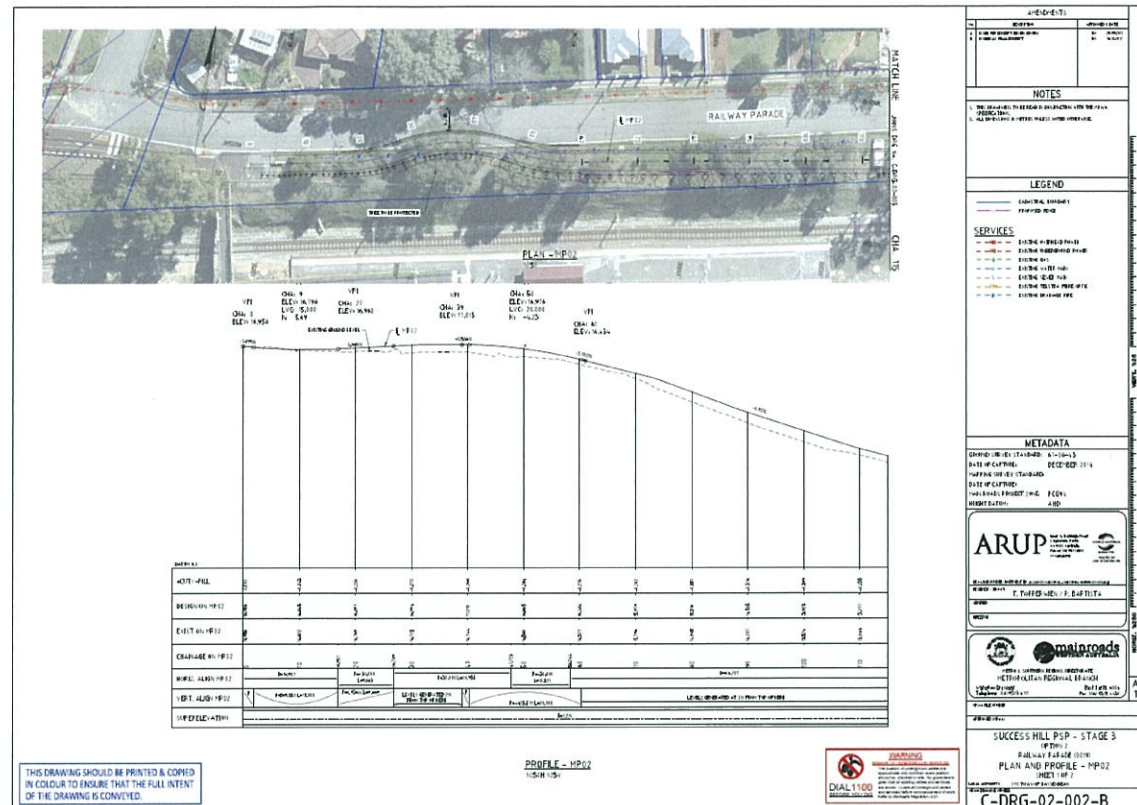
Feedback - via survey this evening or online at “Your Say Bassendean” until 1st February 2018



Online Survey is available through the Town of Bassendean website via “Your Say Bassendean” at <http://www.bassendean.wa.gov.au/>

Your Say Bassendean

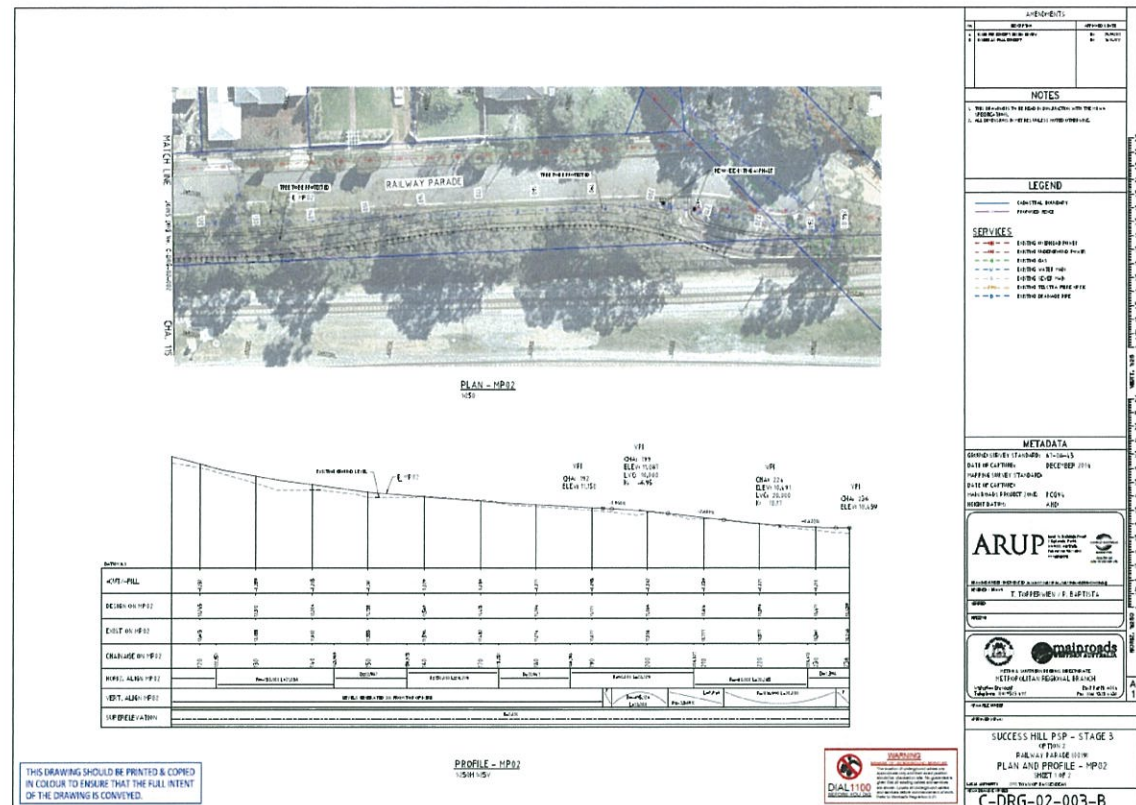
Railway Pde Proposed Principal Shared Path Page 1



Success Hill Community Survey

Your Say Bassendean

Railway Pde Proposed Principal Shared Path Page 2



Please provide comments/ feedback on the proposed Principal Shared Path along Railway pde - This information will be provided to Main Roads WA and the Department of Transport for their consideration.

Thankyou for your contribution
this evening



**RAILWAY PDE PROPOSED PRINCIPAL SHARED
COMMENTS/FEEDBACK ON THE PROPOSED PRINCIPAL SHARED PATH
ALONG RAILWAY PARADE**

1. No comment without explanation of the two figures describing the shared path.
2. As long as many trees as possible can be preserved PSP extension is a good idea, however being a minor road with minimal traffic one can safely cycle on the road.
3. The trees should be protected. This section of PSP is not required as the street is very quiet. The street itself should be converted to a bike boulevard/safe active street.
4. My main concern about the pathway being built is that the trees/vegetation along railway parade may need to be removed. We already lost all the trees along the railway when the bike path was built between railway parade and the river. The only cars that would use this part of railway parade would be people that reside there, and I hope they would prefer to keep the trees than have a path.
5. I don't see why a shared road based coloured lane (like a red lane) couldn't be implanted for this short section, living in this street I can tell you it is very quiet cul-de-sac
6. Not sure about this. There are a lot of us that walk dogs and the bikes/cyclists are very noisy and could cause dogs to be startled
7. Continue to use the road. There is very little traffic on this stretch of road, and no need to separate cars and bicycles. Instead this stretch of road should be changed to run at 30kmh only for all road users (including downhill cycling....)
8. This seems to be the only part of the PPS not connected from Midland to Perth, and it would be silly not to proceed with the project. However the retention of significant trees is supported and MRWA should replant vegetation and broad canopy trees in accordance with the new design all the way along the stretch between the train station and the river. ToB may also consider request MRWA plant new box trees in adjacent to the PPS on Railway Parade (200m west) where there is a vacant stretch of no trees. This would 'complete' the street tree plantings along this stretch. Design is supported
9. A cycle way is not a cycle way if you need to go up and down curbs. What ever the outcome the cycle way needs to be a continuous path to allow the smooth flow of traffic. Let the experts do their work.
10. Think that the path needs to be joined up, agree with the plans.
11. This path looks acceptable. A key consideration needs to be safe entry to and exit from the bridge to the Success Hill train station.
12. The images aren't clear enough on these two proposals that I am unable to comment - it's not clear what is meant??
13. This is a good proposal to join the existing paths and protect the established trees however particular investigation needs to be done to ensure tree roots are not an issue as they have been on Guildford Rd... cracking the bike path in the Ashfield area.

14. I like the option that can save large trees as much as possible. Could some land be reclaimed on the railway reserve using limestone retaining walls. Be a shame to lose more mature trees as we lost all those when the new housing development happened further down toward the river.
15. Page 2 looks better due to being a more even gradient.
16. As someone who has cycled between Bassendean south and Success Hill frequently, but slowly and carefully, I can say that there is no point building a cycle path here. The road is virtually free of traffic, quiet, offers clear visibility and is at a grade which would not be any better via the cycle way proposed. Indeed the clarity of vision and clear space of the road itself provides a safer travel in the case of any unexpected obstructions. Bicycles cannot stop quickly going downhill. A tight curving path is not appreciated either up or down. Creating such a thing here is a waste of money, and no doubt would result in the loss of many valuable amenity trees as has occurred with other similar "shared paths". Even if such a path were constructed, I would prefer to ride on this stretch of road, lest I happen across an unwary pedestrian, child or someone walking dogs on the 'shared' path. Instead provide ramps where kerbs are too high for bicycles and prams. Leave the shade trees in place. Instead - if money must be spent, calm the vehicular traffic, what little there is of it.
17. If a bike path has to be made make where you will not be taking away any trees, you have no consideration to how that will effect locals and local wildlife. I have been wanting to see Bassendean and surrounding areas to embrace its environment and plant more trees and plants. Sad to keep hearing of the plans you actually have, it's going backwards not forward.
18. Save the trees and make the rd one lane with bays for overtaking.
19. Do not remove the trees - mature trees are invaluable and can not easily be replaced. It will diminish the ecological diversity of the area
20. MRD and the Department of Transport's plan seems sound although generous compensation measures should be taken advantage of, so that once the path is built even more screening trees and shrubs are grown. The path should also be built such that it does not endanger the root growth of those native trees to be kept and those to be planted. The path should also be redirected at the point it intersects with the pedestrian bridge at Success Hill train station. This is currently dangerous and ill-advised.
21. I use that section of the path regularly and I see no reason to make any changes, especially if these changes are likely to cause the destruction of some beautiful mature tress. If it is felt that a more safe option is needed (despite the very low volume of traffic on this road), would it be possible to create a "bicycle-friendly 'boulevard'" similar to that on Shakespeare Street in Mt Hawthorn? See: <http://www.watoday.com.au/wa-news/europeanstyle-bicyclefriendly-boulevard-set-for-mount-hawthorn-20160405-gnyrw2.html>
22. Railway Pde Proposed Principal Shared Path Page 2

23. Upgrading the shared pedestrian and bike paths seems a wise move. We should be moving to reduce car use in Perth (unlike the stupid road proposals listed earlier in this survey) and introducing a more integrated system of public transport and other options. For what it is worth, I have somehow reached the age of 46 without learning how to ride a bike (unusual I know) but the provision of these paths has led me to purchase a bike and start lessons. Further developments along these lines are welcome
24. As far as possible I would like the existing vegetation to be preserved. Also cyclists come down the hill at high speed, so either clear visibility or some traffic calming would maximise safety for pedestrians
25. It's a beautiful tree lined road - I'd like to see how a bike path fits in around that or if it would mean cutting most of the trees down?
26. As this is a fairly quiet road traffic-wise, as many mature trees as possible should be retained and move the path around them rather than remove trees to have a straight path.
27. I prefer page 2 as it is trying to keep 2 existing trees. Would like as many trees and shrubs etc kept as possible
28. I am opposed to this proposed PSP as it is unnecessary. It makes no sense to remove mature trees for the benefit of bike riders at the expense of the local community's amenity, the Swan River ecological corridor to which these trees belong or for the loss of green infrastructure at a local and state level increasing the urban heat effect. This quiet road can safely accommodate an excised piece of road for bike riders. Given the location and its path down to the river...riders should be dismounting or riding slowly anyways and MRD and ToB would be better ensuring safety through bike and road calming measures here instead of removing green infrastructure to facilitate the often speeding bikers who risk not only themselves but also pedestrians and residents.
29. I have no objection to the PSP with the proviso of a slow point, and adequate warning signs, at the junction of the ramp coming from Success Hill Station.
30. Do not understand why it is necessary this street is extremely quiet and a designated bike track not necessary especially at the loss of some many trees
31. Only the residents on the effected street should decide the outcome. They live there. Not you or me or cyclists.
32. I ride my bike in that area and use the road. Very little road traffic, no need for designated bike path or removal of trees
33. Verge tree should be maintained. Adjust the shared pathway to fit pre-existing mature trees. The trees add sun and heat coverage, native animal habitat and pleasant visual amenity which would not be replicated with replanting after construction.
34. Use roadway as cyclepath.
35. Keep the road the same so that you don't need to waste money reworking the road. No need to create an obstacle course for drivers to use at high speed, which so often occurs. These are seen as challenges to see how fast hoons can get through the loops and bends. Add the shared path into the verge area like you have done the rest of the length towards Bassendean Station.

36. Please leave the road as it is without removing any trees. There is such low traffic in the area that the portion of the road next to the train line can easily be marked as a shared space for cars, bikes and pedestrians. Some care should however be given to reducing speed of bikes at the entrance to Success Hill Train station.
37. Happy for this to proceed as planned
38. Make that section of road 30km/h for all users(bikes included). See the bike boulevard in Shakespeare St Mt Hawthorn as an example. Minimal clearing of mature native trees please. There's already too many mature trees gone in this suburb due to sub-division and river bank erosion.
39. This is not a priority. Railway Parade is a dead end, already has a footpath and is safe for cyclists. The money should be spent on more pressing issues.
40. Neither option. The paths require the removal of trees which is unnecessary. It detracts from the overall appeal of the area including pedestrians and cyclists travelling through the area. This section of road is only subject by local traffic. One solution is simply mark the existing road with a dedicated single lane cyclepath on the railway side with entry and exit point at either end.
41. Please create a bike boulevard as in Bayswater and keep all the trees.
42. Good design.
43. Would be a great idea to extend the path, so as to remove danger from the road.
44. Whichever means less trees removed
45. Do whatever is needed but DONT CUT DOWN THE TREES So disappointed beyond words how that can even be suggested -we moved here because of the big beautiful trees Cyclists are more than able to ride around them on a path What a feature to be known for (it's not a racetrack either)
46. Preferred Option shared path 2
47. You have provided detailed plans and road profiles, which most of the general public cannot understand as they do not have a background in reading civil drawings. I would suggest making these more user friendly for the layperson. The drawings only state which trees are to be protected. Are there any trees that will be removed? If so these have not been identified on the drawings and the public should be made aware of this.
48. please keep as many trees and green cover as possible. This is such a lovely shady area, keeping the temperature down on hot days - such a big difference between here and areas further down the new path, where it's boiling hot as the sun bounces of concrete
49. If the bike path is a fait accompli at least keep as many of the trees as is possible.
50. Pls protect as many trees as possible.

51. The most important aspect of the proposed shared path is preserving as much of the existing vegetation as possible and managing the speed of the cyclist coming down Railway Pde. Improving visibility for walkers and cyclist entering and exiting at the end of Railway Pde along The Great Wall of Bassendean with artwork/bollards, recycling and/or poop bins or curving the pathway around some of the larger trees.
52. Would like to see path run under railway station access bridge.
53. On site liaison with resident of Railway Pde identify what is proposed with a view to minimise removal of mature tree's
54. Do nothing – leave it on the road
55. The cycle path on the verge would be ugly, would take away most trees, why not just leave the situation as is, it works well and is a much better alternative to a full width wide pathway
56. Keep road layout as is. More investigation is needed in cyclist and pedestrians at the train station and cul-de-sac. Another point is the speed the cyclist are doing as the go down Railway Pde.
57. Not bothered, not a bike rider. Happy for any option to proceed.
58. Considering it is a no thru road, is it possible to reduce the width of the whole road for minimal impact on the trees. Otherwise I think the efforts to save some of the mature trees.
59. This is unnecessary.
60. Not required, leave the trees
61. Do not remove trees, make changes to street for cyclist. All vegetation valued for aesthetics and privacy noise buffer.
62. Waste of money
63. Save money – we don't need a bike path for 280m. Save the trees and the undergrowth
64. There is no need for a separate bike path and lose much valued vegetation and trees. Existing street be marked for bike use but with realistic speed limit signs to slow down the down hill bike users. Also pedestrians going to and from the station need to be protected.
65. I support this proposal if many existing trees can be protected
66. Looks great! Try and keep the big ones.
67. I'm a cyclist and don't see issue with just a bike lane on the road for the stretch verses the cost of PSP path and removing trees. Would be good to know cost to make informed decision. Needs to be better entry/ egress off road onto path at the train station end.
68. Support bike pat with current design. Ensure more trees are planted
69. Leave verge as is.

ATTACHMENT NO. 6

Our Ref:DABC/BDVAPPS/2011-224:TR

IVY & MICHAEL JOHN MURPHY
1 RIVER STREET
BASSENDEAN WA 6054

Dear Sir/Madam:

**PROPOSED RE-ROOFING – (LOT 223) NO. 1 RIVER STREET
BASSENDEAN 6054.**

In response to your application dated 29 November 2011 for the above, I advise that the Manager Development Services has **refused** the proposed development, for the reasons specified on the attached Notice of Refusal. A copy of the refused plan is also enclosed.

You may seek a review to the State Administrative Tribunal within 28 days of the date of this decision. The State Administrative Tribunal website <http://www.sat.justice.wa.gov.au/> provides excellent advice as well as access to the appeal forms.

Should you wish to discuss any aspect of this matter further, please contact Council's Planning Officer Mr Timothy Roberts directly on 9377 8024.

Yours faithfully



**BRIAN REED
MANAGER DEVELOPMENT SERVICES**

04 January 2018

Encl: Determination on Application for Planning Approval
Copy of Associated Plan

**NOTICE OF DETERMINATION ON
APPLICATION FOR PLANNING APPROVAL
PLANNING AND DEVELOPMENT ACT 2005
TOWN OF BASSENDEAN
LOCAL PLANNING SCHEME NO. 10**

NAME OF OWNER: MICHAEL JOHN MURPHY

ADDRESS: 1 RIVER STREET BASSENDEAN 6054

APPLICATION NUMBER: 2011-224

RECEIVED ON: 29/11/2011

DESCRIPTION OF PROPOSED DEVELOPMENT: RE-ROOFING.

The application for development approval is **refused** for the following reasons:

1. The dwelling is listed on the State Register of Heritage Places and as such the retrospective application for development approval was referred to the State Heritage Office for comment. The materials, form and profile of the unauthorised works were not supported by the State Heritage Office and therefore cannot be supported by the Town.
2. In considering an application for development approval, clause 67 (Matters to be considered by Local Government) of the Deemed Provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the Town to have due regard to various matters, including the following:
 - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
 - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
 - (c) any approved State Planning Policy;

- (k) the built heritage conservation of any place that is of cultural significance;
- (n) the amenity of the locality including the character of the locality;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (za) the comments of submissions received from any authority consulted under clause 66; and
- (zb) any other planning consideration the local government considers appropriate.

The local government in considering an application for development approval is to have due regard to the above matters that it considers relevant to the proposed development the subject of this application. Having regard to these matters to be considered by the local government as well as the recommendations provided by the State Heritage Office obtained through the mandatory referral process, the retrospective works cannot be supported.

If an applicant is aggrieved by this determination, there is a right of review under Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged within 28 days of the determination.



BRIAN REED
MANAGER DEVELOPMENT SERVICES
for and on behalf of the Town of Bassendean

04 January 2018

Our Ref: A1314; 2011-224:TR

Michael & Ivy Murphy
1 River Street
BASSENDEAN WA 6054

Dear Sir/Madam:

UNAUTHORISED DEVELOPMENT (2011-224) AT NO. 1 RIVER STREET, BASSENDEAN 6054

We note that you are the registered proprietor of the property at 1 River Street, Bassendean. I note that on 29 November 2011, the Town of Bassendean received a development application for reroofing and stormwater maintenance to the former Success Hill Lodge located at 1 River Street, Bassendean. The application was not able to be determined due to the inadequacy of the information that accompanied the application. The Town conveyed this advice by letter dated 17 February 2012. This letter also advised that work had commenced without the requisite Town of Bassendean approvals or endorsement from the State Heritage Office, required as part of this process. The Town received a response on 26 March 2012 with further detail however; the materials, works and level of detail proposed still did not allow an informed decision to be made. This shortcoming was again conveyed by letter on 01 May 2012. No correspondence has since been received.

Noting that the application remained undetermined within our system, as well as the length of time taken to provide the requested further information and that the unauthorised works cannot be supported, the application to commence development approval has been refused.

The Town would like to bring the unauthorised works up to an acceptable standard. In the event that the unauthorised works are not satisfactorily modified, the Town will commence prosecution proceedings under section 218 of the Planning and Development Act 2005. As part of the refused application to commence development approval, the Town sought the advice of the State Heritage Office who have requested the following modifications be made:

- (a) The unauthorised replacement roof sheeting is to be removed and replaced with short sheet galvanised iron roof sheeting to match the original;
- (b) A gutter is to be provided for the whole length of roof in either an ogee (preferable) or Stramit S profile to match the existing; and

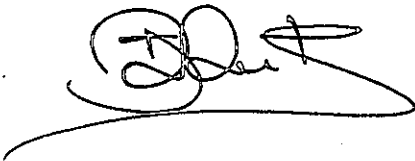
- (c) The unauthorised PVC downpipes are to be removed and replaced with galvanised iron down pipes. These are to be located discreetly consistent with their original location and with a profile and material to match the original. Downpipe materials should be compatible with existing roof materials to avoid galvanic corrosion.

As the property is on the State Register of Heritage Places, these modifications require the approval of the Town prior to the commencement of any works on site. In the event that the roof materials/style, gutter installation and stormwater arrangements are not modified in accordance with the above requirements and a development application not lodged before the Town within 30 days from the date of this letter, being 05 February 2018, it will be open to the Town to commence prosecution proceedings against you.

Please note that the maximum penalty for an offence under section 218 of the *Planning and Development Act 2005* is \$200,000, along with a maximum daily penalty of \$25,000 for each day during which the offence continues. Additionally there are further penalties that can be imposed under the *Heritage Places of Western Australia Act 1990*.

We look forward to your prompt compliance. If you have any queries please do not hesitate to contact me on 9377 8024. It is also recommended that you liaise directly with the State Heritage Office with respect to bringing these works in line with their requirements. They can be contacted directly on 6551 8002.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Timothy Roberts', with a large, sweeping underline that extends to the left.

TIMOTHY ROBERTS
PLANNING OFFICER

04 January 2018

Document #: IPA-13355118
Date: 31.01.2018
Officer: SUE PERKINS
File: DABC/BDVAPPS/2011-224



1 River St
Bassendean, WA 6054
31 Jan 2018

Cr Renee McLennan, Mayor
Town of Bassendean
PO Box 87
BASSENDEAN, WA 6054

Dear Cr McLennan,

We have received a letter from your Planning Officer (please see copy enclosed) and we want all parties involved in dealing with our heritage home to be fully aware of our situation.. As per our reply, following a phone call to Mr Roberts, we have run into financial difficulties as well as requiring technical advice which we have sought from the State Heritage Office.

Let me first state that we love old houses and we would be delighted if we could succeed in recladding our roof, restoring the verandah and a host of minor jobs but our current situation precludes such large investments. This house represents the vast majority of our life savings so we need to preserve it in best condition.

In any case we need a delay of proceedings until we can formulate some type of plan in conjunction with the Heritage Commission.

As we stated to Mr Roberts we do not intend to hide any actions or the condition of the house. All of the members of the Success Hill Action Group have been hosted here so we invite yourself and all the Council Members to visit together or individually to view our home where we can take the opportunity to explain the problems.

We know the problems so now we need solutions. We look forward to your visit.

MJ Murphy

Encl: (1) Copy of Planning Officer letter dated 4 Jan 2018
(2) Copy of our reply to letter dated 31 Jan 2018

1 River St
BASSENDEAN WA 6054
31 JAN 2018

Timothy Roberts
Planning Officer
Town of Bassendean
PO Box 87
BASSENDEAN WA 6934

Dear Mr Roberts,

In consideration of your letter dated 04 Jan 2018, allow me to first state that we love old houses, we are not vandals and we had every intention of restoring this house to a condition which was not only livable but in sympathy with it's original build.

Allow me to inform you of our history here. At the time we started to replace the iron sheeting on the roof we had already expended a considerable sum on the premises including the retaining wall, sewers, electrical, painting and kitchen. We were not aware that we required any approval to replace the roof sheeting since it appears to occur on a regular basis on all types of buildings and it is not a structural change.

Our mistake was to try to replace the iron at all even when leaking (which it still does). We would have been far better off if we had invested in 20 new buckets for the leaks. The sequence of events which occurred then were:

- a.. The roofer went bankrupt;
- b. The Bassendean Council stopped further work;
- c. The roofer sued us for an "accident" he incurred when we refused to pay him until the work was finished up to halfway;
- d. We employed another roofer to close up the mess left by the original roofer;
- e. The insurance company eventually agreed to pay out the first roofer but we were left still to pay the hefty remainder;
- f. We still have only a half new roof for a total outlay of \$25,000.

Further to these events our paper delivery business declined so that we sold it for half its' original price. We then bought a courier round which has also heavily declined. Now we have very little savings, assets or income so if we are compelled to replace this new half of the roof with half-sheets we are left with three (3) alternatives:

- a. attempt to obtain a Lotteries grant;
- b. subdivide the property (only half the property is old)
- c. sell all the property.

In any case where money can be obtained, it would be better spent on re-sheeting the old section of roof rather than replace the new section. We are still not sure if "short sheets" are on the old section. We have noticed that a lot of heritage buildings have been re-clad with very long sheets so the only factor is

the shine on the zincalume product which Heritage NSW states is more durable and inert to corrosion.

We do not intend to conceal anything in regards to this property. To that end we invite yourself, Brian Reed and any of your staff to inspect the house to determine for yourselves the condition and discuss any future actions. We have sent a similar letter to the Bassendean Councillors and the Heritage Commission so that all interested parties are fully informed to enable a satisfactory outcome. With all parties on board we hope we may continue a process of maintenance and restoration.

I look forward to your visit,

A handwritten signature in blue ink, appearing to read 'MJ Murphy', is positioned above the printed name.

MJ Murphy

ATTACHMENT NO. 7



Department of **Planning,
Lands and Heritage**



Draft State Planning Policy 4.1 Industrial Interface

November 2017

*Prepared under Part Three of the Planning and Development Act 2005
by the Western Australian Planning Commission*

Disclaimer

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website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
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1 CITATION

This is a State Planning Policy prepared under Part 3 of the *Planning and Development Act 2005*. This policy may be cited as State Planning Policy 4.1 – Industrial Interface.

2 POLICY INTENT

The purpose of this policy is to protect industry and infrastructure facilities from the encroachment of incompatible land uses and ensure that planning decisions consider the locational constraints of these land uses, the significant investments they represent and their current and future benefits and costs to the community when considering the most appropriate land uses for the surrounding land. The policy also seeks to prevent land use conflict between industry/infrastructure facilities and sensitive land uses.

3 BACKGROUND

Industry and infrastructure facilities are critical to local, regional, State and national economies and are significant employment generators. These activities can generate air, noise, odour and other emissions and safety risks, which, if poorly planned and managed, may negatively impact the health and amenity of people.

In line with the *Environmental Protection Act 1986*, the operators of an emitting industry must take all reasonable and practicable measures to prevent or minimise emissions from their premises. While state of the art facilities, best practice processes and modern pollution control equipment should be employed, emissions beyond the boundary of an industrial land use or infrastructure facility's activities are not always avoidable. Furthermore, unintended emissions as a result of equipment failure or other causes sometimes occur. It is therefore necessary to strategically plan and manage the interface between industry/infrastructure facilities and sensitive land uses to prevent adverse impacts on existing and future residents and other sensitive land uses.

This policy provides the foundation for land use planning to prevent land use conflict associated with industry and infrastructure facilities in Western Australia. Importantly, this policy, in conjunction with similar State Planning Policies, builds upon the following key principles outlined in *State Planning Policy 1 – State Planning Framework Policy* (SPP1):

- (a) preventing environmental problems which might arise as a result of siting incompatible land uses close together;
- (b) avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;

- (c) protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development.

This policy also aligns with the *State Planning Strategy 2050* which seeks to identify and secure appropriate buffers to ensure air, dust, noise and odour emissions of industry do not impact on human health, amenity and wellbeing and to protect key strategic sites for industry and infrastructure facilities. The *State Planning Strategy 2050* identifies Strategic Industrial Areas as areas of significant economic and strategic importance for the State that require suitable and appropriate integration with surrounding compatible land uses and buffer areas to ensure long-term sustainability.

The intention of this policy is to prevent land use conflict at higher levels of the planning framework, including planning schemes and strategic planning documents. Consideration of land use conflict should not be deferred solely to the subdivision and/or development planning stages, where mitigation options are more limited and decisions may not adequately consider the protection of State and/or regionally significant industries, and infrastructure facilities.

3.1 Where this policy applies

This policy applies to planning decision-making for existing and proposed:

- (a) industrial zones in region or local planning schemes;
- (b) industrial land uses, including land uses that may be permitted on land that is not zoned for industrial purposes;
- (c) infrastructure facilities; and



- (d) land that may be impacted by existing and proposed industrial land uses and/or infrastructure facilities. This includes land impacted by industrial or related activity exempt from planning approval, such as mining operations.

3.2 Policy exemptions

This policy does not apply to land use conflict associated with the impacts generated by the following, which are specifically addressed in separate planning policies and guidance documents:

- (a) rural land uses, including land zoned industry – primary production, or rural;
- (b) the extraction of basic raw materials;
- (c) infrastructure corridors such as road and rail;
- (d) telecommunications infrastructure; and
- (e) aircraft noise.

The provisions of this policy do not apply retrospectively to address or remove existing land use conflicts where an existing sensitive land use is impacted by the operations of an existing approved industry and/or infrastructure facility.

3.3 When this policy should be applied

This policy is to be applied to planning decision-making for:

- (a) The preparation or assessment of planning instruments, including region schemes, improvement schemes, regional strategies or frameworks, sub-regional strategies, local planning strategies and schemes and structure plans, and to any

amendments to these instruments, which include industrial land uses or infrastructure facilities or land that may be impacted by such proposals;

- (b) Subdivision applications for land zoned or otherwise for industrial land uses or infrastructure facilities or land that may be impacted by these land uses; and
- (c) Development applications for industrial land uses, and infrastructure facilities, or sensitive land uses that may be adversely impacted by existing industrial land uses and infrastructure facilities.

Guidance on appropriate scientific methods for determining the risk and extent of off-site impacts from industrial land uses and infrastructure facilities is not the subject of this policy. Planning decision-makers should seek advice from the relevant government agency, as outlined below in this policy, in relation to the appropriateness/acceptability of technical studies provided by proponents in support of planning proposals.

3.4 Relationship of this policy to environmental, health and safety regulations and guidelines

Various regulations and guidelines complement and overlap with the planning system, and some proposals require approvals by other decision makers. Proponents should seek appropriate professional advice in this regard. This section outlines factors and approvals related to proposals for industry and infrastructure facilities that may require consideration in planning decision-making. However, compliance with other legislation should not be interpreted as approval by the WAPC under the *Planning and Development Act 2005*.

(a) Environmental Impact Assessment - Environmental Protection Authority

The Environmental Protection Authority (EPA) considers the environmental impacts of planning schemes and scheme amendments under Part IV, Division 3 of the *Environmental Protection Act 1986*. Schemes and scheme amendments must be referred to the EPA prior to being advertised for public comment to determine if the scheme should be assessed or not, or is incapable of being made environmentally acceptable. Development proposals that are likely to have a significant effect on the environment are required to be referred to the EPA under Part IV, section 38.

The EPA's Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses provides advice on which land uses require separation, and recommends the appropriate separation distances. The guidance outlines the EPA's expectations on the application of separation distances for schemes and scheme amendments in the environmental impacts assessment process. The guidance also supports strategic and statutory land use planning and development decisions by planning authorities where proposed land uses have the potential to adversely impact on human health and amenity.

(b) Regulation of Prescribed Premises - Department of Water and Environmental Regulation (DWER)

Part V Division 3 of the *Environmental Protection Act 1986* makes it an offence to cause an emission or discharge from activities carried out on a Prescribed Premises unless a works approval or licence is held for the premises. Prescribed Premises are listed in Schedule 1 of the Environmental



Protection Regulations 1987. It is Department of Water and Environmental Regulation's policy: Guidance Statement: Land Use Planning 2015 to assess applications under Part V Division 3 of the *Environmental Protection Act 1986* concurrently with applications for planning approval and to make a determination once relevant planning decisions have been made.

Licences and works approvals may be granted subject to conditions to prevent, control, abate or mitigate pollution or environmental harm. Licences may be granted for up to 20 years, depending on the risk to public health and the environment posed by the premises as well as the duration of other statutory approvals, including planning approvals. Any changes to operating Prescribed Premises that may alter emissions must seek a licence amendment.

(c) **Industries with emissions not regulated as Prescribed Premises**

Industrial land uses that are not Prescribed Premises under the Environmental Protection Regulations 1987, though may still generate emissions, do not require a works approval or licence from DWER and therefore require special consideration by planning decision-makers. Examples of such land uses include automotive spray painting, metal fabrication, service stations, transport vehicle depot, panel beating, abrasive blasting and joinery and wood working premises as well as industries below the specified production capacity or design capacity threshold specified in the Environmental Protection Regulations 1987 to be a Prescribed Premise.

(d) **Off-site risks - Department of Mines, Industry Regulation and Safety**

Where a new or existing industry involves off-site risks, including cumulative risks, planning decision-makers should seek technical advice from the Department of Mines, Industry Regulation and Safety (DMIRS).

Industries involving explosives and other dangerous goods, including major hazard facilities, with potential off-site risks are regulated by the DMIRS under the *Dangerous Goods Safety Act 2004*. Information on the types of goods and the critical qualities which require licensing are listed in the DMIRS's Safety Guidance Note: Dangerous Goods Safety Guidance Note Licensing and exemptions for storage and handling. Minimum separation distances between explosive facilities and various categories of incompatible land uses are provided in Australian Standard AS2187.1:1998 and the DMIRS's Dangerous Goods Safety Guidance Note – Storage of explosives.

The potential off-site risks associated with onshore petroleum facilities located on petroleum production licences are also regulated by the DMIRS under the *Petroleum and Geothermal Energy Resources Act 1967*. The DMIRS recommends that its advice is sought on the potential off-site risks associated with any development proposed within 500 metres of the boundary of an existing petroleum facility.

(e) **Mining Act 1978**

Where a planning proposal may be negatively impacted by a mining operation carried out under the *Mining Act 1978*, the planning decision-maker should seek advice from the DMIRS and the DWER regarding the risk and acceptability of potential off-site impacts. While the Minister for Mines, Industry Regulation and Safety, the warden or the mining registrar will take into account planning instruments when considering an application for a mining tenement, a planning instrument cannot operate to prohibit or affect the grant of such tenement.

(f) **High-pressure gas pipelines**

Development of land within a pipeline licence area or the Dampier to Bunbury Natural Gas Pipeline (DBGP) corridor is subject to the restrictions originating with the *Petroleum Pipelines Act 1969*, the *Energy Coordination Act 1994* and the *Dampier to Bunbury Pipeline Act 1997*.

Planning proposals affecting land within the Dampier-Bunbury Natural Gas Pipeline corridor may trigger a need for approval under Section 41 of the *Dampier to Bunbury Pipeline Act 1997*. Reference should be made to the relevant development control policy relating to the planning for high-pressure gas pipelines. Advice from the Administrator of Section 41 approvals under the *Dampier to Bunbury Pipeline Act 1997* should be sought to determine if approval is required. The planning decision-maker should advise the Administrator that it has given in principle support prior to granting approval.



4 POLICY OBJECTIVES

The objectives of this policy are to:

- (a) protect existing and proposed industry, and infrastructure facilities from encroachment by incompatible land uses that would adversely affect efficient operations;
- (b) avoid land use conflict between existing and proposed industry/ infrastructure facilities and sensitive land uses; and
- (c) promote compatible land uses in areas impacted by existing and proposed industry and infrastructure facilities.

5 POLICY MEASURES

Key elements in achieving the objectives of this policy are:

- (a) Statutory buffers should be provided around strategic sites and facilities of State significance with off-site impacts to prevent encroachment by incompatible land uses.
- (b) Industries which generate off-site impacts should be located in a Strategic or General Industry zones and ensure that off-site impacts can be contained within the industrial land use zone or surrounding compatible land use zones and/or reserves.
- (c) A compatible interface should be provided between Strategic/General Industry zones and sensitive zones.

5.1 Protecting Strategic Industry and infrastructure facilities of State significance through statutory buffers

5.1.1 Where statutory buffers should apply

A statutory buffer should be designated for existing and proposed:

- (a) Strategic Industrial Areas;
- (b) infrastructure facilities of State significance which generate off-site impacts;
- (c) individual industrial sites/facilities of State significance which generate off-site impacts; and
- (d) as determined by Minister for Planning on advice from the Western Australian Planning Commission.

5.1.2 How statutory buffers should be applied

Where designated under clause 5.1.1, statutory buffers should take the form of a Special Control Area, or similar, with related scheme provisions in planning schemes. Buffers for Strategic Industrial Areas and infrastructure facilities of State significance, should be identified in any applicable Region Scheme, or other planning instrument.

5.1.3 How compatible land uses should be promoted in statutory buffers

The following principles should be applied in planning decision-making involving land within a statutory buffer:

- (a) The Special Control Area scheme provisions for statutory buffers should identify incompatible land uses within the buffer based on the nature of

the impacts affecting the surrounding land. The following land uses should not be considered in statutory buffers:

- i. proposed sensitive land uses;
 - ii. land uses with off-site impacts that may constrain the operations of the existing buffered Strategic Industries/Facility, or the future planned development/expansion of the Strategic Industrial Area and infrastructure facility of State significance; and
 - iii. other land uses considered incompatible with the off-site impacts.
- (b) Local planning schemes should establish compatible land use zones and/or reserves in buffers, consistent with clause (a) and the strategic planning framework for the area.
 - (c) Statutory buffers should not affect non-conforming use rights.
 - (d) A notification on title pursuant to relevant legislation should be required where a subdivision (including strata title) or development is approved within a defined buffer area in order that prospective purchasers and successors in title are made aware of the existence of the buffer area and relevant factors affecting the use of the land.
 - (e) For infrastructure facilities of State significance, where the nature and extent of off-site impacts is well known, statutory buffers may comprise a number of transitional areas (identified by separate Special Control Areas) to prescribe different levels of development control depending on the distance from the source of emissions and to promote a transition of compatible land use zones and/or reserves.



- (f) Where practicable, infrastructure facilities of State significance should be located in precincts where clusters of synergistic and compatible infrastructure and land uses can be facilitated within the buffer.

5.1.4 How statutory buffers should be determined

Where a statutory buffer is required under clause 5.1.1 of this policy, the following approach should be taken to determine the size/extent of the buffer:

- (a) Potential off-site impacts, including consideration of the following:
 - i. Technical environmental reports provided by the proponent on the nature and extent of potential off-site impacts from existing and future proposed industry and/or infrastructure. For Strategic Industrial Areas, the potential cumulative impacts of the fully developed industrial area should be considered where possible.
 - ii. Technical advice from the relevant State Government agency, including the DWER, DMIRS and/or Department of Health, on the nature and extent of potential off-site impacts and the acceptability of any supporting technical studies.
- (b) Strategic planning considerations, including consideration of the following:
 - i. Strategic planning for the industrial area/facility in the context of the surrounding area;
 - ii. For Strategic Industrial Areas, the State's strategic objectives and long term planning for the industrial area and any specific requirements

- of existing or planned strategic industries, on advice from the Department of Jobs, Tourism, Science and Innovation;
 - iii. For infrastructure facilities of State significance, the State's strategic objectives for the infrastructure facility and/or the associated precinct, including the future potential expansion requirements of the facility, based on advice from the relevant State Government Department and the infrastructure operator; and
 - iv. Where the site involves an industry subject to a State Agreement Act, the provisions of the State Agreement must be considered on advice from the Department of Jobs, Tourism, Science and Innovation .
- (c) Proposed amendments to established statutory buffers must consider the matters in both 5.1.4(a) and 5.1.4(b).

5.2 Managing land use conflict and preventing adverse impacts

5.2.1 Industrial zones

The co-location of industrial land uses in clusters, or industrial areas, promotes a more efficient use of land by enabling the coordination of design, provision and potential sharing of infrastructure and services, inputs and by-products and ensuring separation from sensitive land uses. The following principles should be applied in planning for industrial zones to prevent land use conflict:

- (a) Sensitive land uses should not be considered in industrial zones in region or local planning Schemes;

- (b) Land uses permitted in General industry zones, including incidental or ancillary uses, should be consistent with the objectives of the zone outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to clause 5.2.1(b);
- (c) Strategic and General Industry zones should not have a direct interface with sensitive zones in local planning schemes. An interface of compatible land use zones and/or reserves should be identified in local planning schemes (such as Light Industry and Commercial zones and Public Open Space reserves) to ensure a compatible interface is achieved.
- (d) Where there is an interface between an Industrial zone and an Urban zone in a region scheme, where practicable, the compatible land use zones and/or reserves (in the local planning scheme) should be identified within both the Industrial and Urban zones of the region scheme;
- (e) Rural zoned land located adjacent to Strategic or General Industry zones should be considered compatible with off-site impacts where the impacts do not affect existing or proposed sensitive land uses on the rural land. Consistent with *State Planning Policy 2.5 – Rural Planning Policy (2015)*, single dwellings on rural land are a sensitive land uses; and
- (f) To ensure a compatible interface is retained, there should be a presumption against zoning proposals that would allow the development of new sensitive land uses on Rural zoned land adjacent to General Industry zones.



5.2.2 Industrial land uses and infrastructure facilities

The following principles should be applied in planning decision-making involving existing and proposed industrial land uses and infrastructure facilities which generate off-site impacts, and sensitive land uses which may be impacted by these.

- (a) New sensitive land uses should not be considered on land impacted by existing or proposed industrial land uses and/or infrastructure facilities;
- (b) New industrial land uses in Light Industry zones (or other non-industrial zones) should not generate off-site impacts.
- (c) New industrial land uses in General Industry zones should contain off-site impacts within the Industrial zone, or within surrounding compatible land use zones and/or reserves where in existence (such as Light Industry and Commercial zones and Public Open Space reserves).
- (d) New industrial land uses in Strategic Industry zones should contain off-site impacts within the buffer.
- (e) New infrastructure facilities, including infrastructure facilities of State significance and other/local infrastructure facilities, should contain off-site impacts within the infrastructure reserve, or within surrounding compatible zones and/or reserves where in existence.
- (f) Industrial land uses and infrastructure facilities in Rural zones should contain off-site impacts within the Rural zone, subject to clause 5.2.1(e) of this policy, or within surrounding compatible land use zones and/or reserves where in existence.

- (g) The following approach should be taken to determine the extent of off-site impacts and if clauses 5.2.2(a)-(f) can be achieved:
 - i. where the new or existing industrial land use/infrastructure facility is a Prescribed Premises, the planning decision-maker should rely on technical environmental advice from the DWER in relation to the extent of potential off-site impacts;
 - ii. where the new or existing industrial land use/infrastructure facility is not a Prescribed Premises, or technical environmental advice from DWER is not available in relation to the extent of potential off-site impacts, the planning decision-maker should apply the separation distance recommended by the EPA in Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses. Where the separation distance is not achieved, the onus is on the proponent to demonstrate to the satisfaction of the planning decision-maker that the development will not generate off-site impacts on sensitive land uses and/or zones;
 - iii. where the new or existing industrial land use/infrastructure facility involves off-site risks, such as from dangerous goods or on-shore petroleum facilities, the planning decision-maker should seek technical advice from the DMIRS with regard to the extent and acceptability of any off-site risks.
 - iv. To determine whether a planning proposal will have an impact on a high-pressure gas pipeline, the proponent should refer to the WAPC's relevant development control policy for gas pipelines.

5.3 Precautionary principle

Where a landowner/proponent has not demonstrated, to the satisfaction of the decision-maker, that a planning proposal adequately considers potential land use conflicts and will not expose existing or proposed sensitive land uses and/or zones to adverse impacts, the responsible decision-makers should apply the precautionary principle to all strategic planning proposals, subdivision and development applications.

In relation to strategic planning proposals, subdivisions and development applications, this policy recognises that each site is to be assessed on merit and that the determination of an application may involve the use of discretion in planning decision-making to support innovative solutions to prevent land use conflict.

Where environmental advice is provided to planning decision-makers by the EPA and/or DWER, it should be assumed that the precautionary principle will have been applied by the agency in formulating the advice, in accordance with section 4A(1) of the *Environmental Protection Act 1986*.



6 IMPLEMENTATION

This policy is given effect by the *Planning and Development Act 2005*. The appropriate planning tools to prevent land use conflict are State and regional strategies, region schemes, local planning strategies, local planning schemes, structure plans, subdivision (including strata title) and development applications.

As a general principle, land use conflict should be considered at each stage of the planning framework, increasing in detail at each level. Strategic planning documents and planning schemes should address land use conflict and not defer its resolution or management to subdivision approval or development assessment stage, where mitigation options are more limited and expectations may have been raised by previous decisions.

6.1 Regional and sub-regional strategic planning strategies

Regional and sub-regional strategic planning strategies should identify:

- (a) sites for State or regionally significant industrial zones;
- (b) sites for infrastructure facilities of State significance, including suitable locations for the co- location of infrastructure within precincts; and
- (c) designated buffers for existing and planned Strategic Industrial Areas and infrastructure facilities of State significance.

6.2 Region schemes

Region schemes should:

- (a) identify broad industrial zones;
- (b) identify sites for infrastructure facilities of State significance;
- (c) establish statutory buffers for Strategic Industrial Areas and infrastructure facilities of State significance as Special Control Areas, or similar, with appropriate scheme provisions; and
- (d) Ensure the lifting of urban and/or industrial deferment is subject to demonstrating suitability for its intended purpose and ability to satisfactorily address any off-site impacts. The Urban Deferred zone is not appropriate to manage statutory buffers.

6.3 Improvement schemes

Where an improvement scheme applies the scheme should establish statutory buffers as Special Controls Area or similar, with appropriate scheme provisions.

6.4 Local planning strategies

Local planning strategies should:

- (a) identify areas for Strategic, General and Light Industry;
- (b) identify all existing Prescribed Premises and land uses with off-site risks regulated under the *Dangerous Goods Safety Act 2004* and *Petroleum and Geothermal Energy Resources Act 1967* to ensure planning decision relating to the surrounding land consider any off-site impacts/risks and are referred to the regulating agency for technical advice;

- (c) identify designated statutory buffers for existing and proposed Strategic Industrial Areas, infrastructure facilities of State significance and industrial sites of State significance, and the compatible land uses appropriate in the buffer;
- (d) Where an industrial zone has been identified to transition to a sensitive zone, local planning strategies should identify any existing industrial land uses with offsite impacts in the area and provide a framework for managing the transition over time to avoid land use conflict between existing industries and new sensitive land uses; and
- (e) Where an area has been identified to transition to an industrial zone, local planning strategies should identify any existing sensitive land uses in the area and provide a framework for managing the transition over time to avoid land use conflict between existing sensitive land uses and new industrial land uses.

6.5 Local planning schemes

Local planning schemes should:

- (a) Identify Strategic, General and Light Industrial zones;
- (b) Identify compatible land use zones and/or reserves to provide a transition between General Industry and sensitive land use zones;
- (c) establish statutory buffers as Special Control Areas, or similar, with appropriate scheme provisions, for Strategic Industrial areas, strategic infrastructure facilities and industrial sites of State significance, including those located outside region scheme areas;
- (e) Identify compatible and incompatible land uses within buffers. Where land located within a buffer is zoned Urban in region schemes, local planning



- schemes should establish compatible urban zones and/or reserves and land uses; and
- (f) In contemplating zoning proposals or amendments to local planning schemes, planning decision-makers should:
- ensure zoning proposals identify any areas of land impacted by existing or proposed industrial land uses and infrastructure facilities, including high-pressure gas pipelines and mining operations, and exclude any sensitive land uses and/or zones from the impacted area of land; and
 - ensure zoning proposals within buffers are consistent with the purpose of the buffer and should not constrain existing operations, or the proposed development/expansion, of the buffered industrial area or infrastructure facility.

6.6 Structure plans

- (a) Where an area of land may be impacted by existing or proposed industrial land uses, or infrastructure facilities, and is identified in a scheme as suitable for urban or industrial development, a structure plan should be prepared for the purposes of orderly and proper planning.
- (b) Structure planning should be undertaken for all new General Industry zones in local planning schemes for the purpose of orderly and proper planning, and, where practicable, should include the area of land surrounding the Industrial zone to understand the context of the proposal and enable a compatible interface to be coordinated.

- (c) Structure planning should address land use conflict, in addition to other standard structure planning requirements, and coordinate the development of compatible land uses in buffers and at the interface between industry/infrastructure facilities and sensitive zones.

6.7 Subdivision

- (a) Subdivision (including strata title) should seek to manage and avoid land use conflict through appropriate subdivision design.
- (b) Refer to *Development Control Policy 4.1 Industrial Subdivision*.
- (c) Refer to relevant development control policy relating to the planning for High-Pressure Gas Pipelines.

6.8 Development applications

In contemplating development proposals, the following shall apply:

- (a) The provisions of clause 5.2.2 of this policy.
- (b) Refer to relevant development control policy relating to the planning for high-pressure gas pipelines.
- (c) Development on land within a buffer should be consistent with the purpose of the buffer and should not constrain the existing operations, or the proposed development/expansion of the buffered industrial area or infrastructure facility.
- (d) Development applications should include information on the nature and extent of any off-site impacts, and proposed management plans.

- (e) Development applications should identify any approvals required under other legislation, such as works approval and licencing required under Division 3, Part V of the *Environmental Protection Act 1986* and safety requirements under the *Dangerous Goods Safety Act 2004* and *Petroleum and Geothermal Energy Resources Act 1967*.

6.9 Local planning policies

Local governments may prepare local planning policies to supplement or elaborate on measures associated with the implementation of this policy. Local planning policies should be consistent with the objectives and intent of this policy, as reflected in local planning strategies and schemes.



7 DEFINITIONS

Buffer	<p>The designation of land in which sensitive land uses are constrained. A land use planning response, the extent of a buffer comprises the potential off-site impacts of the land use and strategic planning considerations, such as the State's objectives for the site and the continuation and/or expansion of the industry/infrastructure in the context of surrounding land uses.</p> <p>A buffer is measured from activity to activity, and does not necessarily relate to cadastral boundaries.</p>
Compatible land use zone /reserve	<p>Zones and reserves which are generally compatible with odour, dust, noise and other emissions from industry, and where sensitive land uses are restricted, such as Light Industry, Service Commercial, Commercial and Rural zones and Public Open Space, Environmental Conservation, State Forest, Infrastructure Services and Car Park reserves. The range of compatible land use zones/reserves may depend on the nature of emissions and impacts.</p>
General industry zone	<p>To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses, as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Also includes other similar industrial zones in local planning schemes.</p>
Incompatible land use	<p>Includes sensitive land uses, as well as other land uses incompatible with the off-site impacts of a land use. For example, some commercial land which requires high levels of amenity may be incompatible with industrial land uses with amenity impacts. Land uses which attract a large number of people are generally considered incompatible with land uses which involve off-site risks.</p>

Industrial land use	<p>Industrial land use or industry, as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:</p> <ul style="list-style-type: none">(a) the storage of goods(b) the work of administration or accounting(c) the selling of goods by wholesale or retail(d) the provision of amenities for employees(e) incidental purposes.
Industry – primary production	<p>Industry - primary production means premises used:</p> <ul style="list-style-type: none">a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or(b) for a workshop servicing plant or equipment used in primary production businesses.
Industrial site/facility of State significance	<p>An industrial site/facility that is considered to be of significance to the State of Western Australia by virtue of any or all of the economic, social, cultural or environmental values for that land use, area or issue, as determined by the Western Australian Planning Commission.</p>
Infrastructure facilities	<p>Infrastructure sites or nodes, such as major energy generation and transmission facilities, wastewater treatment plants, water treatment plants including desalination and water recycling plants and major waste water pump stations, major waste facilities, major trading ports, intermodal terminals.</p>
Infrastructure reserve	<p>Any reserve in a planning scheme which provides for infrastructure and where sensitive land uses are restricted.</p>



Light industry zone	To provide for a range of industrial uses and service industries generally compatible with urban areas, as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Also includes other similar industrial zones in local planning schemes.
Off-site impacts	Impacts such as odour, noise, spray drift, vibration, dust, groundwater, air pollution or light spill that cannot be contained within a property boundary. These are impacts which remain after mitigation and management to regulatory and/or policy standards.
Rural land	Land zoned for agricultural or rural use in a Region or local planning scheme or strategy.
Precautionary principle	The presumption against approving further strategic planning proposals, subdivision and development applications or intensification of land uses, where there is a lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed in the opinion of the decision-maker.
Prescribed premises	Certain industrial premises with the potential to cause emissions and discharges to air, land or water which trigger regulation under the <i>Environmental Protection Act 1986</i> . Prescribed premises categories are outlined in Schedule 1 of the Environmental Protection Regulations 1987.
Sensitive land use	Land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres, and generally excludes commercial or industrial premises.
Sensitive zone	An umbrella term that covers land use zones that provides for development of sensitive land uses. These include Urban, Urban Development, Residential, Rural Living and Community Purpose zones, and proposals for the lifting of Urban Deferment.
Separation distance	As defined in Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses, a recommended distance necessary to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid impacts to health and amenity.

Special control area

Special Control Area means an area identified under a region or local planning scheme map as an area subject to special controls set out in this scheme. Special Control Areas identify areas which are significant for a particular reason and where special provisions in the scheme may need to apply. These provisions would typically target a single issue or related set of issues often overlapping zone and reserve boundaries. Where a Special Control Area is shown on the scheme map, special provisions related to the particular issue would apply in addition to the provisions of the zones and reserves. These provisions would set out the purpose and objectives of the Special Control Area, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account in determining development proposals.

Strategic industrial areas

Areas zoned or planned for Strategic Industry, identified by the Department of Jobs, Tourism, Science and Innovation. Strategic Industrial Areas are planned industrial sites of significant economic and strategic importance to the State which provide buffered industrial land in strategic locations for the development of resource and export oriented industries, major utilities infrastructure and other strategic industries which may generate off-site impacts. Strategic Industrial Areas are formally recognised in planning schemes where they comprise an industrial core zoned as 'Strategic Industry' or similar and an appropriate statutory buffer.

Strategic industry zone

To designate industrial sites of State or regional significance, as identified by the Department of Jobs, Tourism, Science and Innovation. May include Strategic Industrial Areas, as well as individual industrial sites of significance economic and strategic importance to the State, such as those subject to State Agreement Acts.



GUIDELINES

The following explanatory text provides further guidance in regard to the application of Sections 5.1 and 5.2.1 of *State Planning Policy 4.1 Industrial Interface*.

5.1 Protecting Strategic Industry and infrastructure facilities through statutory buffers

Figure 1 and Figure 2 provide an example of the application of buffers as Special Control areas in local planning schemes for an infrastructure facility and a Strategic Industrial Area, respectively, in accordance with the proposed policy measures in clause 5.1 of the draft State Planning Policy 4.1 (2016).

Clause 5.1.4 of the proposed policy indicates that statutory buffers should be determined in consideration of potential off-site impacts and strategic planning considerations. This could include the State's strategic objectives/requirements for the facility to expand in the future to service the region's growing population.

The buffer in Figure 1 also includes two transitional areas implemented through two separate Special Control Areas, referenced as SCA1 and SCA2. In this example, the scheme provisions for SCA1 may prohibit all sensitive land uses and commercial land uses, whereas the scheme provision for SCA2 may allow development of commercial land uses, where the commercial land uses are not also sensitive land uses (such as a child care premises).

The local planning scheme identifies compatible zones and reserves within the buffer to encourage the development of compatible non-sensitive land uses.

The example in Figure 2 shows a Strategic Industrial Area, the boundary of which comprises the Strategic Industry zone and the surrounding Special Control Area buffer. The local planning scheme identifies compatible zones and reserves within the buffer to encourage the development of compatible and non-sensitive land uses. Where a new industrial land use is proposed within the Strategic Industry zone, the planning decision maker should ensure that potential impacts can be contained within the buffer.

5.2 Managing land use conflict and preventing adverse impacts

5.2.1 Industrial zones

The intention of clause 5.2.1 of the draft policy is to prevent and manage land use conflict at higher levels of the planning framework, including planning schemes and strategic planning documents. This is achieved by ensuring that General Industry and Strategic Industry zones are adequately separated from zones for Residential and other sensitive land uses (for Residential/Mixed Use zones). This application of this policy measure is shown in Figure 3.

The region planning scheme map in Figure 3 shows the interface between an Industry zone, an Urban zone and a Rural zone. To manage potential land use conflicts, the local planning scheme map for the same area identifies a transition of compatible zones and reserves, including Light Industry, Service Commercial and Public Open Space, between the General Industry zone and Residential zone. In this example, the compatible zones and reserves identified in the local planning scheme are shared over both the Industrial and Urban zones in the Region Scheme.

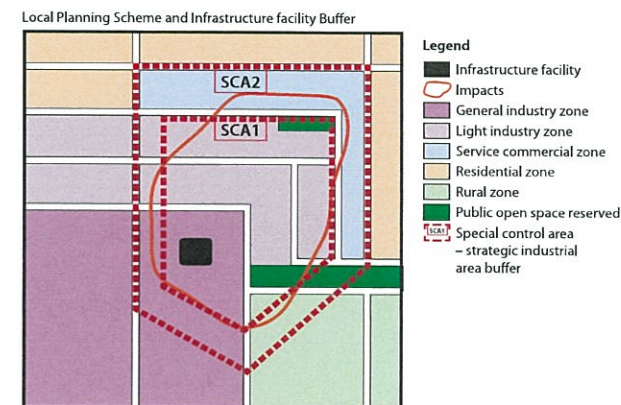


Figure 1: Example of policy measures in clause 5.1 for Infrastructure Facilities

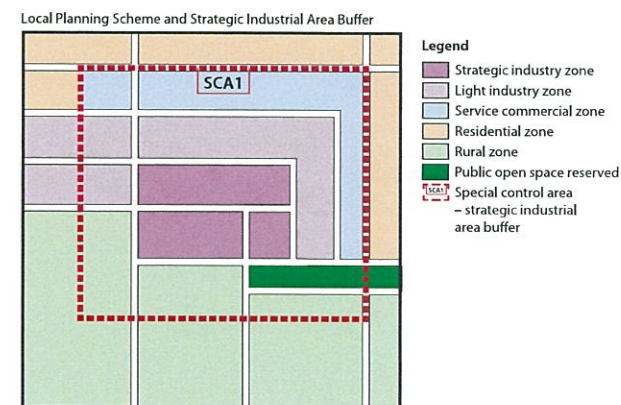


Figure 2: Example of policy measures in clause 5.1 for Strategic Industrial Areas

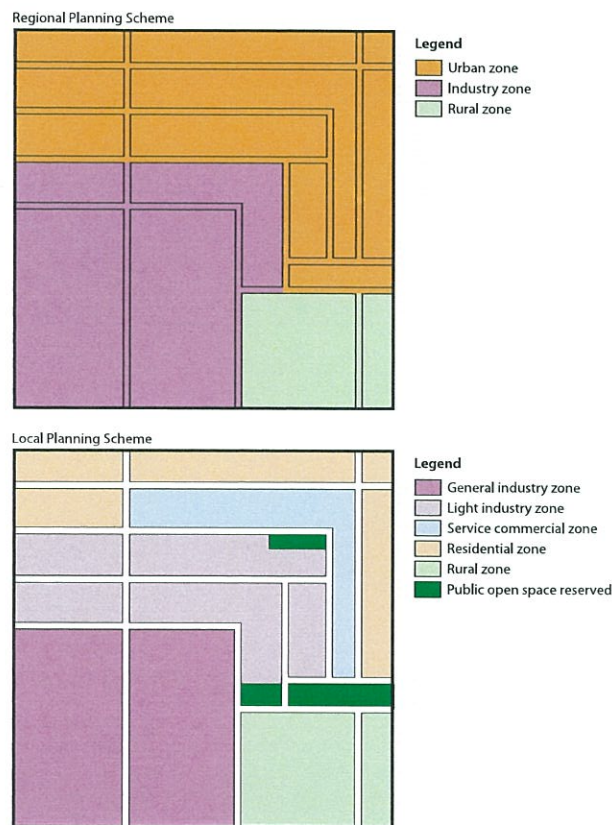


Figure 3: Example of policy measures in clause 5.2.1

5.2.2 Industrial land uses and infrastructure facilities

In accordance with clause 5.2.2 of the proposed policy, where a development application is made for an industrial land uses with potential off-site impacts, it is important to consider if the proposed site is an appropriate location for the industry and that off-site impacts will not affect surrounding sensitive land uses, or land zoned for this purpose.

The objective of the Light Industry zone is to provide for a range of industrial uses and service industries generally compatible with urban areas. As shown in the example in Figure 4, applications for industrial development in the Light Industry zone should therefore ensure that the development will not generate any adverse off-site impacts (i.e. impacts should be contained within the property boundary).

The objective of the General Industry zone is to provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from Residential and other sensitive land uses. As shown in Figure 4, where an industrial development will have off-site impacts, it should be located on land zoned General Industry, or within a Strategic Industrial Area. Offsite impacts of industries in the General Industry zone should be contained within the industrial zone and/or the surrounding compatible zones/reserves, and should not affect surrounding sensitive land uses, or land zoned for sensitive land uses.

In this example, the Rural zoned land located adjacent to the Industrial zone should be considered compatible with the off-site impacts of the industry as the impacts will not adversely affect the rural dwelling.

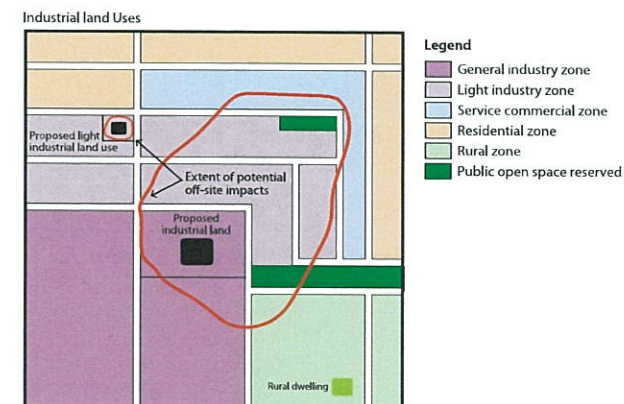


Figure 4: Example of policy measures in clause 5.2.2

FAQ – Draft State Planning Policy 4.1: Industrial Interface (SPP4.1)

1. *How do I find out if SPP4.1 applies to my proposal?*

Please refer to section 3.1 of the policy.

SPP4.1 applies to decision-making related to industrial land uses or infrastructure facilities and surrounding sensitive zones or land uses that may be impacted by these.

2. *Are there any proposals where SPP4.1 does not apply?*

Please refer to section 3.2 of the policy, which outlines the proposals that are exempt from the policy as these are addressed in other planning policies or guidance documents.

Exemptions include:

- rural land uses, including land zoned Industry – Primary Production, or Rural.
- the extraction of basic raw materials
- infrastructure corridors such as road and rail
- telecommunications infrastructure
- aircraft noise.

3. *What planning instruments are affected by SPP4.1?*

Please refer to section 3.3 of the policy.

SPP4.1 applies to decision-making related to industrial land uses or infrastructure facilities or land that may be affected by the following proposals:

- the preparation of region schemes, improvement schemes, regional strategies or frameworks, sub-regional strategies, local planning strategies, schemes, structure plans and amendments to these
- subdivision applications for land zoned or otherwise for industrial land uses or infrastructure facilities
- development application.

4. *Does SPP4.1 apply to existing development?*

The provisions of this policy do not apply retrospectively to address land use conflicts where an existing sensitive land use is impacted by the operation of an industry and/or infrastructure facility.

5. *What is a sensitive land use?*

The definition of a sensitive land use is included in section 7.0 of the policy.

The significance of sensitive land uses being included is their potential to be affected by industry emissions such as noise, dust and odour. Sensitive land uses are typically those

where people live or regularly spend extended periods of time such as residential dwellings, schools and childcare centres.

6. *What is an infrastructure facility?*

The definition of an infrastructure facility has been included in section 7.0 of the policy. The significance of infrastructure facilities being included is their potential to generate significant emissions such as odour, dust, noise and other emissions and also safety risks. An infrastructure facility is the general term for utilities infrastructure such as power generation and transmission facilities and wastewater treatment plants.

7. *What is a Strategic Industrial Area?*

The definition of a Strategic Industrial Area is included in section 7.0 of the policy. The significance of strategic industrial areas being included is their potential to generate significant emissions such as odour, dust, noise and other emissions and also safety risks. A Strategic Infrastructure Area is an area planned for substantial industry, considered to be of significant economic importance. They typically involve resource and export-oriented industry and major utilities infrastructure.

8. *What are the key changes that have been made to the current policy (1997) document?*

The key changes proposed are:

- Strategic industrial areas (e.g. Kwinana) and infrastructure facilities (ports, wastewater treatment plants and power plants) of State significance require statutory buffers for protection, which are to be implemented through special control areas in local planning schemes.
- General industrial land and sensitive land uses managed through land use transition and control.
- Planning decisions not solely reliant on scientific/technical studies and investigations and to consider strategic factors such as future industrial expansion.
- Adoption of the precautionary principle where a proponent is unable to demonstrate a proposal will not cause adverse impact to sensitive land uses.
- Reference to interface requirements for high-pressure gas pipelines in order to strengthen policy application for related proposals.
- Greater clarity for policy implementation including guidelines that illustrate how special control areas can be applied and/or how a transitioning of compatible land use/zones can be applied.

9. *Does the policy have a new name?*

Yes. SPP4.1 has been renamed and is now referred to a State Planning Policy 4.1: Industrial Interface. The name has been changed to reflect the broader policy measures which extend beyond the application of statutory buffers. This means the policy now deals more generally with providing transitioning compatible zones, reserves and land uses between industry and sensitive land uses to avoid potential conflict.

10. What is a statutory buffer?

As the name suggests, a statutory buffer is a legislative mechanism applied to a region scheme and/or local scheme, which designates an area of impact surrounding an emissions generating industry or industries. The statutory buffer proposed by the policy is referred to as a Special Control Area.

11. What proposals require a statutory buffer?

Please refer to section 5.1.1.

Statutory buffers are generally only required for planning proposals that generate significant emissions that potentially result in adverse impacts on sensitive land uses. Proposals that typically require statutory buffers include strategic industrial areas and infrastructure facilities of State significance such as a major wastewater treatment plant.

12. What does it mean when an infrastructure facility is referred to as having State significance?

SPP4.1 deliberately distinguishes between infrastructure facilities and infrastructure facilities of State significance as they have different policy implications. Infrastructure facilities of State significance are those that have been determined by the Western Australian Planning Commission (WAPC) to generate emissions significant enough to warrant the requirement for a statutory buffer such as a major trading port. This can be distinguished from infrastructure facilities, typically of smaller scale, that generate less impactful emissions and therefore the requirement for a statutory buffer is not considered necessary. An example of this type of infrastructure facility is a power station within a suburban neighbourhood.

13. How are statutory buffers determined?

Please refer to section 5.1.4.

This policy does not provide guidance on what is an appropriate buffer in terms of area around, or distance from an emissions generating industry. However it does provide guidance on how they are determined. Broadly, this requires:

- Planning proposals to be accompanied by technical environmental reports, provided by the proponent to determine the potential extent and area of impact from emissions on surrounding land and land uses.
- Planning proposals to be referred to the relevant State government agency including the Office of the Environmental Protection Authority, Department of Environment Regulation (DER), the Department of Mines and Petroleum (DMP) and/or Department of Health, for consideration of potential impacts on surrounding land use and the acceptability of supporting technical environmental reports.
- Planning proposals to factor in broader strategic planning implications such as future plans for industry expansion in the determination of buffers. This is significant in the determination of statutory buffers as it means that technical

reporting alone is not the sole determining factor in quantifying the extent of the buffer.

14. Do all planning proposals that generate emissions require a statutory buffer?

No, not all emissions generating proposals require statutory buffers. Those that do not may still need to be adequately separated from sensitive land uses to avoid conflict. The extent of separation depends on the proposal and type emissions it generates, as well as involvement from other government agencies that have a statutory role in the determination of planning proposals.

Section 3.4 of the policy provides an outline of various government agencies and their regulations and guidelines that have an integral part in determining planning proposals.

15. What sort of land uses can be located within statutory buffers or separation distance/areas?

Section 5.1 and 5.2.1 and the associated guidelines of the policy contain important information on how to manage land use conflict between industry emitters and sensitive land uses. This can be achieved to a large extent by planning for, and establishing compatible zones at the interface of industry emitters and sensitive land uses.

16. Is there any compensation available to landowners whose land is affected by a statutory buffer or a separation distance?

No. Land contained within a statutory buffer or a separation area still has the potential to be developed with compatible land uses associated with compatible zones. It is only sensitive land uses that will not be permitted in these locations.

17. What level of consultation has been undertaken for the draft SPP4.1?

The policy review has been overseen by a WAPC-appointed Steering Committee with input provided by a Working Group comprising State and local government agencies and industry peak bodies.

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WESTERN AUSTRALIAN PLANNING COMMISSION

STATEMENT OF PLANNING POLICY No. 4.1

STATE INDUSTRIAL BUFFER POLICY

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BACKGROUND INFORMATION

1. INTRODUCTION

The purpose of the State Industrial Buffer Policy is to provide a consistent Statewide approach for the protection and long-term security of industrial zones, transport terminals (including ports) other utilities and special uses. It will also provide for the safety and amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and risk.

The background information draws a number of conclusions which are pertinent to a State Industrial Buffer Policy. These are based on an assessment of the need for buffer areas, an explanation of current practices in WA and elsewhere and a discussion of equity and compensation issues. The policy establishes objectives and principles and how the principles should be applied to define and secure buffer areas and who should pay for them. It is intended that the Western Australian Planning Commission (WAPC) will, after the policy has been in operation for a period of two full years, undertake a review of its effectiveness, and if necessary amend the Policy.

1.1 Why Have a Buffer Area?

Industry and infrastructure by their very nature may generate a range of emissions of pollutants including noise, dust, gas, odour, fumes, lighting overspill as well as risk levels which may not be compatible with other land uses. As a result, most industries and infrastructure as well as some other uses need to be separated from residential areas and other sensitive uses with a buffer area (refer to definitions in Appendix 1) to ensure that amenity (environmental quality, health and safety standards) is maintained at acceptable levels.

The buffer area may be accommodated on-site within the plant, outside the plant but within the property boundary, or off-site on surrounding properties. The extent of the buffer area will depend on the industry/infrastructure/special use and particular circumstances (e.g. scale of operations).

In the case of industries of a light/service nature and technology parks, the impacts can usually be retained on-site or within the technology park or industrial area boundaries. This is a normal requirement of the performance-based definitions used for these industries/activities (refer to Appendix 1). Building setbacks in effect form the buffer area. The use of setbacks in this instance is most effective, particularly when combined with landscaping, for reducing impacts to acceptable levels (e.g. building bulk, noise and light overspill from storage areas, car parking and servicing areas, etc).

However, other industries such as hazardous, noxious and resource processing as well as infrastructure such as power generation facilities, effluent treatment plants and ports (including associated road/rail/pipeline transport routes into these areas) and some specific uses such as motor racing often require extensive buffer areas which may extend off-site on to surrounding properties. Often these industries and infrastructure are a vital component of the economy of Western Australia and are essential for the quality of life that we enjoy. For example, the resource processing sector in 1992-1993 directly employed 6.3 per cent of the State's workforce and contributed 31.8 per cent of the gross state product—equivalent to \$11 billion. Even with good pollution control technology and practice, these industries often have residual emissions of pollutants which cannot practicably be avoided (i.e. gas, odour, dust, noise). In addition, there may be unavoidable risk of injury or death from accidents associated with industrial activity or the storage of dangerous goods.

Resource processing industries and infrastructure very often need to be at strategic locations, for example, close to infrastructure such as port facilities and key transport connections. These industries will also need to be near their workforce and other industries with which synergies have developed. The present location of many established industries therefore represents a vital land use to the State. Similarly, infrastructure, particularly ports, may have significant locational constraints. This type of infrastructure is restricted to only a few locations which are suitable in WA. It is therefore necessary to recognise the locational constraints of these facilities, the significant investments they represent and to fully consider the costs to the community when determining the highest and best use of surrounding buffer land.

1.2 Application

The policy applies to all industry infrastructure and special use categories where on-site and off-site buffer areas are required. It also has regard to associated road/rail/pipeline transport routes servicing these facilities and airports.

This policy addresses the buffer requirements of the following industrial categories (existing and new industry)—

- resource processing industry;
- general industry;
- hazardous industry;
- noxious industry;
- extractive industry;
- rural industry;
- light industry;
- service industry; and
- technology parks.

The policy also addresses the buffer requirements of major infrastructure (existing and new infrastructure) including—

- ports;
- major freight terminals;
- waste water treatment plants;
- water treatment plants;
- power generation facilities;
- power distribution terminals and substations;
- solid waste disposal sites;
- airports; and
- gas/petroleum pipelines

Also included are those other **special uses** that may require a buffer area, such as major sporting facilities like speedway racing, football and soccer stadia.

1.3 Implementation of a Statement of Planning Policy

Section 5AA of the Town Planning and Development Act outlines the criteria for the preparation of a Statement of Planning Policy, and sets down the role for local government as—

7 Preparation of schemes

(5) Every local authority in preparing or amending a town planning scheme

(a) shall have due regard to any approved statement of planning policy prepared under section 5AA which affects its district;

This means that whenever a local government amends or reviews a scheme or prepares a new district scheme it must pay due regard to this statement of planning policy. Obviously the WA Planning Commission will be aware of the inclusion or otherwise of buffer areas in new schemes, and will assess them accordingly.

In addition, the Environmental Protection Authority (EPA) will also be assessing schemes under the most recent planning legislation amendments. This Policy will fit in with the new legislation which has the following key features—

- statutory plans are now subject to formal environmental assessment by the EPA. Acceptable buffer areas in accordance with this Policy will be part of that assessment.
- agencies responsible for preparing and amending statutory plans now have equivalent status to proponents under the environmental assessment system. A local government will have to notify the EPA about its intention to prepare or amend a scheme, so that the EPA can determine if a formal assessment is needed.
- preparation of an environmental review of a scheme may be required by the EPA prior to formal advertising.
- submissions received during formal advertising which contain environmental issues must be referred to the EPA.
- the EPA may recommend conditions which shall be incorporated in statutory plans before consideration for final approval by the WAPC.

The Department of Environmental Protection is in the course of preparing a Generic Industrial Buffer Distance Review, which will form the primary guide to the need for buffers, along with appendices to this Policy.

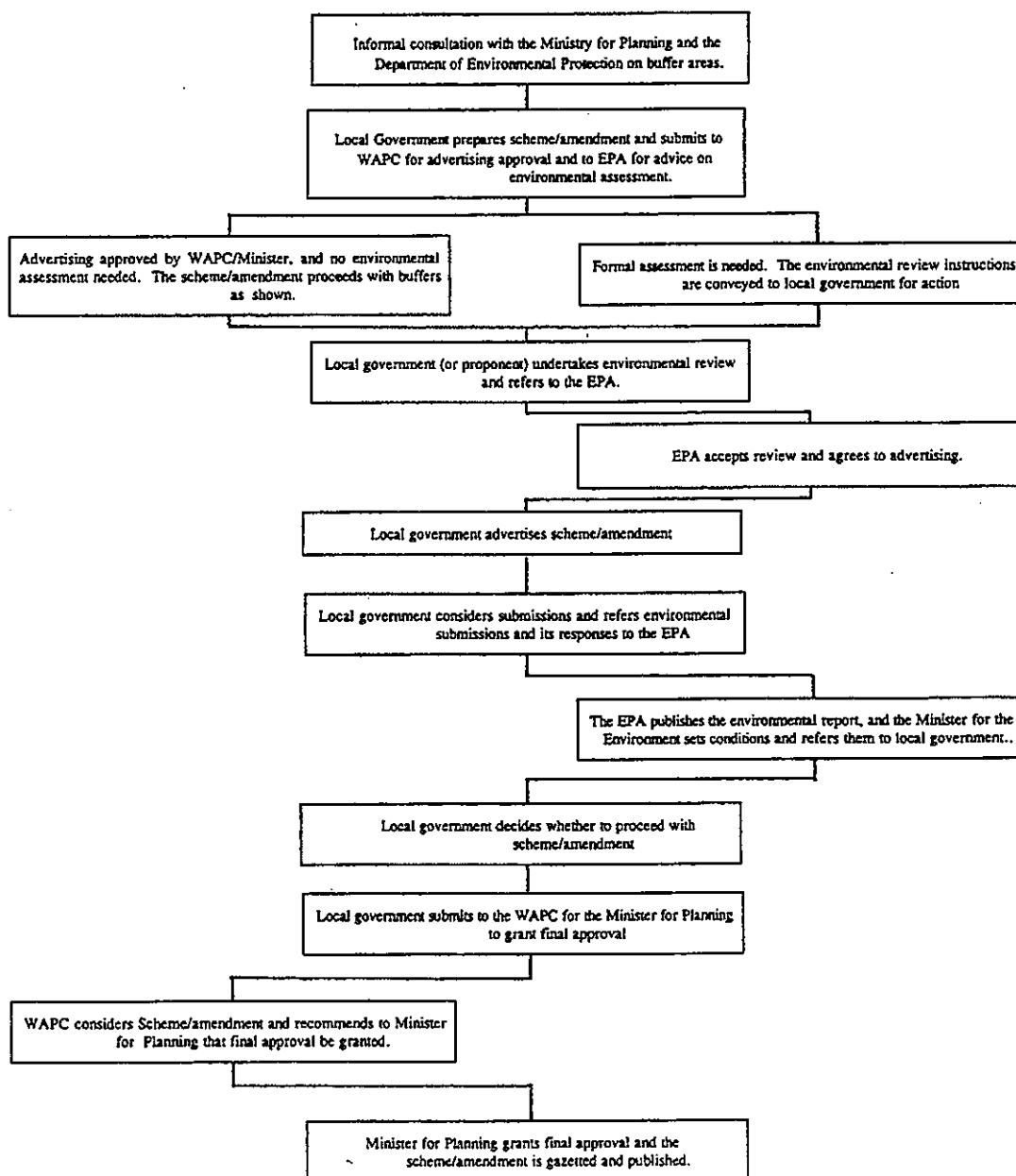
Generally the following procedure as shown diagrammatically on page 9 should be followed by local government when preparing a scheme or scheme amendment. In this context it should be noted that it will often be the Proponent behind the initiation of a scheme or scheme amendment who will be responsible for some of the following—

- Informal consultation with the Ministry for Planning and the Department of Environmental Protection when the preparation of a scheme or the amendment of a scheme is being considered to determine the need for, and the scope of buffer areas.
- The EPA would then be formally notified when the local government resolves to amend or prepare a scheme. This would be at the same time local government sought approval to advertise from the WAPC.
- Under the provisions in the Environment Protection Act the EPA must notify local government within 28 days whether a scheme or amendment needs to be assessed. It would be at this stage that the EPA would give informal advice on buffer areas if there was to be no formal assessment.
- If formal assessment is required the EPA has 60 days to send instructions concerning the scope and content of an environmental review. These formal instructions would cover the general requirements for the implementation of buffer areas.

- Local government would then prepare, or have prepared by a proponent, an environmental review and receive clearance from the EPA before the scheme is advertised for public comment.
- Once this clearance is received, approval from the WAPC to advertise is sought, and the scheme is advertised and treated as any other scheme.
- Any submissions that relate to environmental matters, (the submissions commenting on buffer areas could be considered of this nature,) would be referred to the EPA. The EPA will report to the Minister for the Environment on any environmental factors which should be incorporated into the scheme.
- The scheme with resolutions on the submissions and the advice from the Minister for the Environment is then referred to the WAPC for final approval.

FLOW DIAGRAM

STATE INDUSTRIAL BUFFER POLICY



2. LAND USE RESTRICTIONS

While buffer areas are an effective tool for dealing with residual emissions and risk, they often affect land not owned by the proponent (which is often held in private ownership) and can result in limitations being imposed on the use and development of this land. This raises issues of equity and possible compensation, in particular, who should “pay” for off-site buffer areas around proposed or established industry and infrastructure.

The legal position in Western Australia in relation to compensation should be made clear first. Claims for compensation under Section 12 of the Town Planning and Development Act, 1928, can arise only where a property is injuriously affected by the making of a town planning scheme subject to the following limitations—

12(2a)(b) Subject to the provision of paragraph (c), land shall not be deemed to be injuriously effected by reason of any provision of a town planning scheme which comes into force on or after the appointed day, and which deals with any of the matters specified in clause 10 of the First Schedule, unless the scheme

(i) permits development on that land for no purpose other than a public purpose;

or

(ii) prohibits wholly or partially the continuance of any non-conforming use of that land or the erection, alteration or extension on the land of any building in connection with or in furtherance of, any non-conforming use of the land, which, but for that prohibition, would not have been an unlawful erection, alteration or extension under the laws of the State or the by-laws of the local authority within whose district the land is situated.

It is essential that once buffer areas are defined, the impacts of industry/infrastructure are confined within the buffer on the one hand and, on the other hand, the buffer area is not encroached upon by sensitive uses. It is important that any variations to a defined buffer area must have regard to the rights of landowners, existing industries and the future development intentions of the industry or infrastructure.

The interests of landowners affected by buffer areas can be addressed either directly or indirectly.

2.1 Direct Payments to Landowners

This approach involves payment to the owner of land within the buffer area that is incorporated in the town planning scheme by the developer through acquisition of the land or the acquisition of the rights or interests in the land that restrict its development or use (or other economic mechanisms referred to in Appendix 2), and would be negotiated depending on the particular circumstances. This approach is most applicable in the case of new industrial estates and infrastructure which is surrounded by low intensity broad hectare rural uses (examples include Kemerton and the Collie Power Station). It is also applicable in some instances to single site industries such as Alcoa's Wagerup and Pinjarra Refineries which are surrounded by broad hectare rural land which has been acquired and is farmed by Alcoa.

This approach would be supported by restrictions under planning controls over the uses permitted in the buffer area.

2.2 Indirect Payments to Landowners

An alternative to the above involves the re-planning of buffer areas to allow the development of compatible higher-value land uses, referred to as compatible land uses. These compatible land uses would neither generate significant emissions and/or risk, nor warrant protection from them.

This approach allows the buffer area to be retained in private ownership. However, its application depends on local/regional opportunities for the development of compatible higher-value land uses, the availability of servicing infrastructure and compatibility with the planning framework for the area. It is most applicable where it is possible to match the buffer area with the outer boundaries of the compatible land uses.

This approach has been applied to the buffer areas around special industrial zones in the Shires of Albany and Plantagenet. However, the remote location of these zones has raised concerns about the suitability of this land for compatible use zones and the degree to which landowners accept this solution.

2.3 Established Industry and Infrastructure

Within some areas surrounding established industrial estates, single-site industries infrastructure (e.g. ports) and other special uses, sensitive uses have been allowed to encroach over time due to poorly defined buffer areas and/or the absence of adequate planning and development controls to secure them. In these circumstances the nature of land uses within what should be the buffer areas, and regional/local conditions may make it neither practical nor reasonable for the established industry or infrastructure to be responsible for removing those sensitive uses. Where this occurs subdivision and land use controls may be the most appropriate to prevent further encroachment.

In extreme cases, where the encroachment of sensitive uses is extensive and environmental criteria are exceeded by significant levels, on advice from the Environmental Protection Authority, the government may restrict further industrial development or provide the resources to either relocate the industry or infrastructure or to enable it to meet established emission standards at the boundary of the encroaching sensitive use.

Where there is potential for land use conflicts to occur, and the alternatives mentioned above are not realistic options, planning authorities may need to prepare specific policies or strategies to provide strategic land use and development control guidance for town planning schemes. For example, the prohibitive cost to the State of purchasing the buffer around the Kwinana Industrial Area (when considered by the Kwinana Industrial Coordinating Committee (KICC) in 1991) resulted in the KICC requesting the then State Planning Commission to prepare a policy to provide subdivision and development guidance to secure the long term protection of the Kwinana Industrial Area and its buffer.

Proposals for new development and expansion/upgrading of existing facilities in established industrial estates, single-site industries and infrastructure (including new activities associated with the growth of trade at ports) should have regard to the interests of affected landowners in surrounding areas, where unacceptable impacts extend beyond any existing buffer areas. (The WAPC in conjunction with the EPA would determine those impacts that are unacceptable). In recognition of these interests, the developer may need to upgrade processing systems to mitigate impacts and negotiate with affected landowners, in the same way as with proposals for new facilities and industrial estates in greenfield sites, where indirect solutions in the form of compatible land uses cannot be applied.

STATE INDUSTRIAL BUFFER POLICY

1. OBJECTIVES

(1) To provide a consistent Statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses.

(2) To protect industry, infrastructure and special uses from the encroachment of incompatible land uses.

(3) To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses.

(4) To recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.

2. PRINCIPLES

(1) Industries, infrastructure and special uses requiring off-site buffer areas are an important component of economic growth in Western Australia and are essential for the maintenance of our quality of life. These facilities and associated buffer areas must be planned for.

(2) Off-site buffer areas shall be defined for new industry, infrastructure and special uses where necessary to comply with accepted environmental criteria. Off-site buffer areas shall also be defined for established industry and infrastructure to comply with accepted environmental criteria where there are existing land use conflicts or where there is the potential for land use conflicts to occur.

(3) Once an off-site buffer area is defined, the boundary should not be varied unless justified in a scientifically based study (e.g. the impacts of industry/infrastructure should be maintained within the buffer and it should not be encroached upon by sensitive uses).

(4) It is essential that once an off-site buffer area is defined, it must be recognised in a town planning scheme.

(5) Where a buffer area is included as part of a town planning scheme, all issues relating to restrictions on land use and development, and the effect on landowners and existing industry, shall be addressed by the scheme.

3. THE NEED TO PLAN FOR BUFFER AREAS

All industries, infrastructure and special uses incorporate a buffer area within the boundaries of the site. However, for many industries infrastructure and special uses it is just not practical (usually not economically viable) to retain the entire buffer area on-site.

3.1 On-Site Buffer Areas

Light and service industry and technology parks should retain all emissions and hazards on-site or at least within the zone or park area.

On-site buffer areas should be sufficient to address local amenity. Local governments should ensure that sufficient setback distances (including the treatment of setbacks, e.g. landscaping) are included in their town planning schemes to retain residual emissions and risks within site boundaries. Easements to provide protection for infrastructure such as drainage lines, transmission lines and gas and petroleum pipes should also be shown as these are one form of on-site buffer. Provisions should also be included to ensure acceptable levels of visual amenity.

3.2 Off-Site Buffer Areas

Off-site buffer areas may be required for the following categories of industry, major infrastructure and special uses—

- hazardous industry;
- noxious industry;
- resource processing industry;
- extractive industry;
- rural industry;
- medium and general industry;
- major sporting venues; and
- noisy sports such as speedway or drag racing.

Off-site buffer areas should be defined and secured as early as possible in the planning stages for new facilities and the expansion/upgrading of existing facilities to ensure the protection and long-term security of the industry/infrastructure, including associated road/rail/pipeline transport routes. Off-site buffer

areas should also be determined and secured for established industry and infrastructure where there are existing or potential land use conflicts with the facility.

The definition and securing of off-site buffer areas is important to —

- provide certainty for industry, encouraging continuing investment in the State;
- provide a greater level of certainty for infrastructure which often represents major investment by the State and is not easily replaced, particularly for resource processing industries and its major infrastructure such as ports which have significant locational constraints; and
- ensure that the buffer provides adequate protection for the interests of surrounding landowners.

The remainder of the policy focuses on defining and securing off-site buffer areas, in view of the importance of this matter to the State.

4. THE DEFINITION OF OFF-SITE BUFFER AREAS

The identification of an off-site buffer area requires the application of both environmental criteria and planning criteria to determine the actual size and boundaries of the buffer area. This will require the boundaries of buffer areas to meet the requirements of the Environmental Protection Authority, the Western Australian Planning Commission and the Department of Minerals and Energy.

The Environmental Protection Authority and Department of Environmental Protection (DEP) through the administration of the Environmental Protection Act, will advise on the environmental standards and management of industry/infrastructure/special uses including environmental criteria for both new and established industry, infrastructure and special uses. The DEP Generic Industrial Buffer Distance Review will be a guide to these buffer distances and environmental standards.

Environmental criteria may be developed for specific types of emissions and risk and may be applied to a defined area in the form of an Environmental Protection Policy. These criteria shall be applied by the industry or responsible authority (developer) to determine the buffer area required around an existing or proposed industry or infrastructure or to ensure compliance with an Environmental Protection Policy. Guidelines may be developed to assist with defining buffer areas for generic industry and infrastructure types (e.g. ports). It is important that responsible authorities have regard to these environmental guidelines and criteria when investigating and defining land use zones in site specific locations.

Where an industry or authority responsible (developer) for the operation of an established facility and the Western Australian Planning Commission consider that either existing or potential land use in the vicinity has the potential to compromise the operation of that facility, the developer shall undertake a buffer definition study to define the extent of the buffer area required to secure the facility. Such a study will identify the likely emissions, hazard and risk, noise or lighting and model the development to show the extent of these outside the development site. The study should also show how amelioration could occur, and if this is not possible, the buffer distances required to enable the use to be developed. The incompatible uses that need to be avoided in the buffer area would also be identified.

The Western Australian Planning Commission shall evaluate the buffer definition study recommendations when considering land use decisions that may need to be made in the relevant area.

Extractive industry is a special case, as it can be a temporary use or a long term use. In the case of basic raw materials, or materials used in the development of urban areas for buildings, roads and infrastructure, its cost effectiveness often requires proximity to the urban areas. Each case will need to be considered separately, with hard rock quarries being of a long term nature perhaps needing different treatment to the limestone and sand extraction areas.

4.1 Planning Criteria

The definition of an off-site buffer area will require the application of planning criteria as stated in WAPC policies and in local government planning schemes for land use and development control. These criteria may be expressed through the following planning instruments where they affect the subject land—

- town planning schemes;
- region plans and strategies;
- structure plans; and
- policies.

The application of planning criteria will require consultation between the Environmental Protection Authority and Western Australian Planning Commission prior to the finalisation of the boundaries of an off-site buffer area. Existing land use will be recognised as an important factor in defining the buffer area.

4.2 Environmental Criteria

The following types of environmental criteria shall be applied on a site or area-specific basis by the developer for the purpose of determining the size of buffer areas and for protecting buffer areas from inappropriate uses. These include—

- risk (individual and societal);
- air quality (e.g. dust, sulphur dioxide);
- noise; and
- odour.

It is recognised that the following types of environmental criteria need to be developed further by the Environmental Protection Authority, industry and planning authorities to provide a more scientific approach for the definition and protection of buffer areas.

- societal risk;
- odour; and
- dust.

Some criteria for odour have been produced by the Department of Environmental Protection. The Environmental Protection Policy for Kwinana specifies dust levels for industry within the policy area. Dust levels for new industries are set on a case-by-case basis using the Kwinana criteria where appropriate. While there are criteria for individual risk assessment, there are presently no criteria in Western Australia or Australia for societal risk. However, the Environmental Protection Authority requires that where residential areas abut hazardous industry, societal risk assessment should be carried out. In the interim, the Environmental Protection Authority uses criteria developed by the Health and Safety Executive in the United Kingdom as a guide in determining its advice on specific proposals.

Societal risk criteria for industry, infrastructure and special uses will be established by the EPA in consultation with the Department of Minerals and Energy.

4.3 Environmental Protection Policies

Environmental Protection Policies may also be used to define off-site buffer areas where it is necessary to establish environmental quality objectives and standards for industry or infrastructure.

In the determination of boundaries and any environmental quality standards for buffer areas in Environmental Protection Policies, it is essential that the Environmental Protection Authority and Western Australian Planning Commission liaise closely to ensure that both environmental and planning criteria are adequately addressed.

4.4 How Should Industry and Infrastructure Comply with Environmental and Planning Criteria?

Industry and infrastructure normally comply with adopted environmental and planning criteria through a combination of—

- appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage; and
- off-site buffer areas.

The size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area can be provided. If only a smaller buffer area is available then best environmental management practices (BEMPs) may be required. Although it is accepted that best environmental management practices are preferred, in reality best practicable environmental management practices will usually be negotiated.

The final combination of management practices and off-site buffer areas to comply with the environmental and planning criteria will often involve negotiation between the developer, the Department of Environmental Protection, other adjacent landowners, industry or infrastructure operators (existing and potential) and planning authorities (Western Australian Planning Commission and local governments).

The Western Australian Planning Commission may require the preparation of a structure plan to indicate how the environmental and planning criteria can be satisfied where there are "trade-offs" between the management practices used and the size of the off-site buffer area (e.g. adjacent to gas pipelines).

Risk management should ensure that the individual risk criteria are not exceeded and that societal risk levels are reduced as low as possible. The Health and Safety Executive in the United Kingdom recognises three criteria: tolerable, scrutiny and intolerable. Where the societal risk is below the tolerable criteria, no action should be taken. Where the risk is above the intolerable criteria, the proposal is unacceptable. Where the risk is between the tolerable and scrutiny criteria, as low as reasonably practicable (ALARP) principles should apply. Where the risk is between the scrutiny and intolerable criteria the proposal should be re-examined and benefits identified. An assessment is then made regarding these benefits as to whether it should proceed at these elevated risk levels. ALARP should still apply.

In cases where it is not possible to determine whether the environmental criteria have been met, generic buffer distances, as recommended by the Department of Environmental Protection, may be applied. These distances were defined based on work from overseas and interstate, using information from the Department's complaints register and the judgment of officers who deal with these industries. Depending on the management practices of the industry and site-specific studies of the extent of any off-site impacts, these buffer distances may be varied.

The monitoring of existing facilities will continue by the Department of Environmental Protection to ensure compliance with licence conditions, industry standards and regulations. As new technology is developed and management practices improved, industry and infrastructure will be expected to progressively improve management practices, where practicable, irrespective of licensing conditions or current industry standards and regulations (as well as standards in environmental protection policies).

4.5 Variation of Buffer Areas around Established Industry Infrastructure or Special Uses

Where an industry, infrastructure or encroaching sensitive use seeks to vary the boundary of a buffer area once defined, the variation shall not be allowed unless justified by the proponent seeking the variation in a scientifically based study. The study should comply with adopted environmental and planning criteria to the satisfaction of the Environmental Protection Authority and the Western Australian Planning Commission.

A final decision on the variation of the buffer area would need to take into account the results of that study, the needs of industry and infrastructure (including any arrangements between the proponent seeking the variation, and the industry or infrastructure, to upgrade a facility to reduce the off-site buffer requirement) environmental needs and the rights of adjacent landowners.

5. PLANNING FOR OFF-SITE BUFFER AREAS

Once a buffer area is defined, steps should be taken to ensure that it is effective. A range of mechanisms can be used to manage these buffer areas. These are included in Appendix 2. One or more of these mechanisms should be applied to specific buffer areas by the developer, planning authorities or the State government, depending on the particular circumstances. They can be used either independently or in conjunction with each other. These are—

- (i) the application of planning mechanisms to prevent incompatible land uses being developed within the buffer area.
- (ii) the use of mechanisms involving the purchase of land by the developer, whether this is a Government agency or private industry. This could also involve a negotiated purchase of development rights from the land owner. These tools would be applicable where existing zones permitted incompatible uses.
- (iii) the buffer area can be reserved for a public purpose, and compensation paid to the landowners to secure it or purchase it. In such cases there may be arrangements made between local government, the industry and State government agencies in relation to financial liability.

5.1 The Planning Process

The planning process has an important role to play in ensuring the development of compatible land uses in buffer areas.

Once a buffer area is defined and accepted by the Western Australian Planning Commission, the local government or the Western Australian Planning Commission will incorporate the buffer within any statutory plans, strategic plans or policies affecting the subject land.

Buffer areas should be incorporated into strategic plans and regional and/or local government town planning schemes through appropriate land use designations, zoning and development controls. Where there is potential for land use conflicts to occur, planning authorities may also prepare area-specific policies or strategies to provide strategic land use, subdivision and development control guidance for town planning schemes. Thus, in a rural zone a scheme text could specifically deal with further subdivision or residential development within the buffer area.

The Western Australian Planning Commission may prepare guidelines for buffer areas where—

- the potential for land use conflict is significant and the particular industry/infrastructure has strategic importance to the State;
- land use conflicts cannot be resolved by local governments; and
- there is a need to improve co-ordination between local governments.

Ideally, compatible land uses (e.g. light/service industry) should be used to create tiered or graduated zones which coincide with off-site buffer areas around industry and infrastructure. However, this is limited to locations where there are regional/local opportunities for this type of complementary development, servicing infrastructure is available and where it is compatible with the planning framework for the area (e.g. would not unduly compromise other planning objectives for the locality).

Where compatible land uses are permitted, the designation of these uses should be guided by a structure plan of the area.

5.2 The Application of Economic Mechanisms to Secure Buffer Areas

The application of economic mechanisms may be appropriate in the following circumstances—

- Where the developer prefers to acquire the agreed buffer area (and it is economically viable to do so, such as at the Alcoa Wagerup Refinery) to control existing unacceptable uses.
- Where the proposed buffer area allows, through existing zoning provisions, uses that are not compatible with the use to be buffered. (In such cases the proponent, particularly if a Government agency, may need to undertake a cost benefit analysis to determine whether to proceed with the development and acquire the buffer area or the rights or interests in the land to restrict its development or use.)

5.3 Interim Measures to Secure Buffer Areas around Established Industry and Infrastructure

Interim consultation measures may need to be applied to secure a buffer area where a buffer definition study has been initiated around an established industry or infrastructure.

The Western Australian Planning Commission will consult with the Department of Environmental Protection or the authority responsible for the operation of a facility (e.g. port authority, Water Corporation) when considering any proposals for sensitive uses (including associated subdivision and rezoning proposals) within the vicinity of a facility where a buffer definition study has been commenced.

Where the Western Australian Planning Commission receives advice that a proposal for a sensitive use may have an effect upon the operation of an existing facility or be affected by off-site impacts from that facility, it may require the proponent to carry out the necessary studies to determine the extent of the impacts.

6. WHO SHOULD PAY FOR OFF-SITE BUFFER AREAS

The application of this statement of planning policy does not affect the legal position in Western Australia where compensation is generally not liable for zoning (and development control) restrictions imposed through town planning schemes.

6.1 Non-conforming Uses

The policy recognises that the imposition of a buffer area could adversely affect existing use rights under town planning schemes and rights to certain permitted development, such as a single residence to support a farming use. Matters such as these need to be adequately dealt with using either planning or economic mechanisms prior to the scheme or scheme amendment being referred to the Western Australian Planning Commission.

Prevention of continuance of a legally permitted use by a new town planning scheme incurs a liability to compensation. This Policy seeks to ensure that such instances do not occur without specific equitable attention to such issues.

Where a new industry or infrastructure or an expansion is being considered, any environmental conditions set by the Minister for the Environment would be likely to involve the securing of an appropriate buffer area.

6.2 New Industry and Infrastructure

Where a Government agency, local government or a private developer as the proponent of new industrial estates, single-site industries and infrastructure or special uses, incorporates an off-site buffer area over privately owned land to satisfy environmental criteria, and it is not possible to apply compatible use zones, then appropriate economic mechanisms shall be considered by the proponent to satisfy the Western Australian Planning Commission requirements for the buffer area.

6.3 Established Industry Infrastructure or Special Uses

Where land use conflicts (or potential conflicts) arise in defined off-site buffer areas around established industrial estates, single site industry and infrastructure or special uses, as a result of the approval of encroaching sensitive uses (or a proposal for a sensitive use) the industry or infrastructure or special use should not be required to pay compensation. Rather, the State government may investigate the extent or likely extent of the conflicts and if it decides, after careful consideration of the costs/benefits to the community that it is in the interests of the State for that incursion to occur, to either—

- provide a mechanism and the resources to relocate that industry or infrastructure; or
- provide that industry or infrastructure with the resources to meet established emission standards at the boundary of the encroaching sensitive use.

Alternatively, where the State government decides that the industry or infrastructure or special use should be able to continue to operate without modifying its emission standards planning authorities may apply planning mechanisms to prevent more intensive development of sensitive uses, perhaps for example, by limiting further subdivision. Unless such mechanisms require the removal of non-conforming land uses then the existing uses will be permitted. It should be noted that such action will inevitably restrict the operations of the industry or infrastructure or special use while those sensitive uses remain.

Alternatively the planning authority may consider proposals to redevelop the buffer area land to a more acceptable standard.

6.4 New Proposals for Industry Infrastructure or Special Uses

Where a developer of new proposals for industry infrastructure or special uses (including expansion/upgrading of existing facilities and new activities associated with the growth of trade at ports) incorporates a new or expanded off-site buffer area over privately owned land to satisfy environmental criteria, and it is not possible to apply compatible use zones, then appropriate economic mechanisms should be applied to secure the buffer area. The application of these mechanisms should be applied by the proponent to secure the buffer area, to satisfy the environmental conditions on the environmental approval for the industry or infrastructure.

APPENDICES

APPENDIX 1

Glossary of Terms

For the purposes of this discussion paper the following terms have been used—

- **Best Environmental Management Practices**—Technologies (production) and management processes (including computer based systems and staff management) which achieve the maximum environmental performance possible.
- **Best Practicable Environmental Management Practices**—Technologies (production) and management processes (including computer based systems and staff management) which take into account practical financial and operating considerations whilst still achieving the required environmental performances.
- **Buffer Area**—is the area within which sensitive uses are either restricted or prohibited.
- **Developer**—reference to the developer may include the developer or proponent of a specific industry or it may include a government or local government agency in the case of the development of an industrial estate (LandCorp) or government infrastructure (Water Corporation, Western Power, port authorities, etc), or special use but does not include the authorities which initiate or approve proposals for the zoning of land.

- **Extractive Industry**—means an industry which involves—
 - the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and
 - the production of salt by the evaporation of salt water.
- **General Industry**—means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.
- **Hazardous Industry**—means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality) would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.
- **Infrastructure** includes public installations that provide a service such as—
 - Ports
 - Major freight terminals
 - Waste water treatment plants
 - Water treatment plants
 - Power generation facilities
 - Power distribution terminals and substations
 - Solid waste disposal sites
 - Airports, and
 - Gas/petroleum pipelines
- **Light Industry**—means an industry;
 - in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
 - the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.
- **Noxious Industry**—means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended).
- **On-site buffer areas.** On-site buffer areas are those contained wholly on the site of the particular use.
- **Off-site buffer areas.** For some uses it is not possible to contain all potential emissions or risk of acceptable criteria within the site boundaries. In these cases an off site buffer area is needed.
- **Proponent**—The meaning of the term Proponent is the same as for Developer.
- **Resource Processing Industry**—includes major industries which normally involve—
 - the processing of natural resources (including chemical industries);
 - substantial capital investment;
 - significant employment; and
 - a need for substantial separation or buffer distances to sensitive areas.
- **Sensitive Use**—includes residential dwellings, major recreational areas, hospitals, schools and other institutional uses involving accommodation.
- **Service Industry**—means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
- **Special Uses**—means those uses other than industrial uses that require a buffer area to enable them to operate in harmony with surrounding areas. Uses such as sporting stadia, airports, and motor sports sites are specifically targeted in this grouping.
- **Technology Park**—means a specialised location for scientific and technological research and development activities, and may include production, manufacturing and assembly of products providing these activities relate to and are ancillary to the technological research and development of activities on each site. Development should consist of high quality buildings set in a spacious, park-like setting, and the nature of uses and site layout and design should not adversely affect the amenity of the locality.

APPENDIX 2

Mechanisms For Securing Buffer Areas

A range of mechanisms may be applied to secure buffer areas depending on the circumstances. These mechanisms include economic instruments, special Acts of Parliament and statutory planning controls. The mechanisms are discussed below and may be implemented individually or in conjunction with each other.

1. Economic Mechanisms

There are a number of economic mechanisms that can be applied by the developer to secure and consolidate buffer areas. These measures vary from outright purchase, land swaps, acquiring interests or rights to restrict the development or use of land, and in extreme cases the relocation of industry or infrastructure.

(i) Direct Acquisition of Buffer Areas

This mechanism may be applied where land costs are not excessive and existing and potential land uses are clearly incompatible with the industry or infrastructure developed to best practicable management standards.

Where the developer is the Government, acquisition can be accomplished under existing legislation enabling the Government agency concerned or otherwise by special act of Parliament.

(ii) Land Exchanges

This mechanism has limited application. However, where opportunities can be identified, land within the buffer area may be swapped for land of similar value and type outside the buffer area.

(iii) Acquiring Rights or Interests in Land to Restrict Development or Use

This mechanism involves entering into agreements with the owners of vacant land to acquire the rights or interests in land to restrict its development or use. The mechanism in such agreements can be registered as a restrictive covenant on the title. Under this option the owner could continue to own and use the land in a way that is compatible with the adjoining industrial and/or infrastructure uses.

(iv) Payments to Industry or Infrastructure

In extreme cases, where environmental constraints are large, the government may consider direct payments to industry or infrastructure to enable it to upgrade to meet acceptable emission standards.

(v) Relocation of Industry

The government may consider providing the necessary resources to facilitate the relocation of existing industry or infrastructure in extreme cases where environmental constraints are large and the industry/infrastructure is unable to meet reasonable environmental quality standards in the vicinity.

2. Special Acts of Parliament

Where buffer areas are not acquired by the developer, Agreement Acts can ensure that decisions on development within buffer areas take into account the views of the Minister responsible for the agreement. Such an approach was taken in the Dardanup Pine Log Sawmill Agreement Act 1992. This Agreement Act requires the Minister for Planning to consult with the Minister responsible for this Agreement before exercising any discretionary powers on any application under the planning system to increase residential development in the buffer area.

This mechanism is most suited to controlling development within a buffer area around a single resource processing industry site.

A special Act of Parliament may also be used to facilitate the acquisition of land and lesser interests in land in buffer areas around resource processing precincts. This would enable the Government to place restrictive covenants on property titles purchased and sell the land to private owners to develop in a compatible manner.

3. Planning Controls

A range of planning controls can be applied to maintain the integrity of buffer areas and include both statutory and non-statutory mechanisms.

(i) Subdivision Control

Restriction of the subdivision of land is one way in which the intensity of occupation (population density) within privately owned buffer areas can be limited. Controls on subdivision may impose appropriate restrictions as this is within the discretion of the Western Australian Planning Commission. Subdivision decisions of the Western Australian Planning Commission are subject to the appeal process.

(ii) Improvement Plans

These plans can facilitate the development of an area for compatible uses. For example, an Improvement Plan (IP 14) has been prepared for the East Rockingham Industrial Area to facilitate the orderly development of land in the area (approximately 1336 ha) for a range of industrial uses and parkland buffer areas. Improvement plans can be prepared only within the area covered by the Metropolitan Region Scheme.

(iii) Town Planning Schemes/Development Control

Town planning schemes may be prepared at the regional level through regional planning schemes by the Western Australian Planning Commission and local level by local governments. At the

regional level regional planning schemes can establish broad zones and reservations to secure the general purpose of buffer areas (e.g. industrial or rural). Regional planning schemes may also call-in development that may affect the integrity of the buffer area for determination by the Western Australian Planning Commission.

At the local level scheme controls can be used to restrict sensitive uses such as residential dwellings.

(iv) **Region Plans**

Region plans can allocate land for particular uses so that there is adequate separation between industries and residential areas prior to development proceeding. These are non-statutory plans that promote a framework for future land use and development. They are the initial guidelines for the future regional development of an area.

(v) **Structure Plans**

Structure plans provide a framework for co-ordinated planning and provision of services, and are the precursor to the statutory region scheme. They ensure that planning for new growth areas is consistent with region plans. They may also identify appropriate sites for infrastructure where off-site buffers are required, and guide subdivision design to minimise the impact of polluting industries and infrastructure and the encroachment of surrounding sensitive land uses.

(vi) **Local Rural Strategies**

Local rural strategies can guide the subdivision and development of rural land. They primarily provide a mechanism for protecting good quality farmland.

APPENDIX 3

Persons/Organisations Consulted

Western Australia

John Murphy—Department of Transport
Jim Riddle—Western Power
Adrian Chegwiddden—Western Power
Bob Jackson—Water Authority of Western Australia (now the Water Corporation)
Garry Middle—Department of Environmental Protection
Neville Duckett—LandCorp
Tom Grigson—Department of Resources Development
Ian Williams—Dover Consultants
Joe Bosworth—Dover Consultants
Wilma Coote—Technology Park Management

Victoria

Robin Dunstone—Department of Planning and Development
Peter Anderson—Department of Planning and Development
Joanne Caminiti—Department of Business and Employment

New South Wales

Derek Mullins—Department of Urban Affairs and Planning
Ron Baker—Department of Urban Affairs and Planning
Elizabeth Loseby—Department of Urban Affairs and Planning
Jan Murell—Department of Urban Affairs and Planning
City Planner—Botany Council

Submissions on the Draft Policy were received from—

The City of Fremantle
Shire of Manjimup
Department of Minerals and Energy
Shire of Capel
Chamber of Commerce and Industry
Shire of Busselton
Shire of Katanning
Shire of Moora
Shire of Beverley
Shire of Brookton
Shire of Pingelly
Shire of Cuballing
Shire of Wickpin
Shire of Corrigin
Fremantle Port Authority
Homeswest
City of Belmont
Urban Development Institute of Australia
Town of Kwinana
Shire of Harvey
Town of Bassendean
Shire of Augusta Margaret River

Shire of Ashburton
 Western Australian Municipal Association
 Department of Resources Development
 Shire of Broome
 Esperance Shire Council
 Water Corporation
 City of Armadale
 Australian Institute of Valuers and Land Economists
 Department of Transport
 Chittering Ratepayers Association
 Town of Vincent
 Western Power
 Shire of Swan
 Town of Kwinana
 City of Cockburn
 City of Wanneroo
 Shire of Denmark
 Town of Albany
 Waters and Rivers Commission
 Shire of Northam
 Shire of Dardanup
 Main Roads Western Australia
 Stuart Devenish (WAMA)

APPENDIX 4

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APPENDIX 5

Project Brief

State Industrial Buffer Policy

1. Background

The Infrastructure Coordinating Committee of the WAPC at its meeting of 17 May 1995 resolved to prepare this policy in recognition of the need to provide a consistent Statewide approach to the protection of the integrity of industrial land.

2. The Problem

There has been concerns that buffer areas around industrial land are being developed for uses that are incompatible with existing and potential development of industrial areas in the State (e.g. Kwinana and Narngulu at Geraldton). An industry background report commissioned by DRD outlines the need to protect the integrity of buffer areas around heavy industry.

Some work has been undertaken in an attempt to address this problem by DRD (*Draft State Heavy Industry Land Policy* and related policy paper *Protecting the Integrity of Heavy Industry Buffer Areas*) and LandCorp (for specific proposals in the Shires of Greenough, Plantagenet and Albany). The Commission's Policy D.C. 4.2 *Planning for Hazards and Safety* addresses buffer areas in part. At present the WAPC does not have a basic industrial buffer policy that covers safety and amenity issues and the long term security related to industrial zones.

The Infrastructure Coordinating Committee of the WAPC has indicated that the problem also extends to transport terminals (including ports) and other utilities.

3. Purpose

The purpose of this policy is to provide a consistent Statewide approach for the protection and long term security of industrial zones, transport terminals (including ports) and other utilities. Also, to provide for the safety and amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and/or risk.

4. Scope of the Policy

There will be two phases to the project. The **first phase** will involve some research in the form of a discussion/issues paper. It should be focused into the following areas—

- * need for buffers;
- * definitions of terms such as buffer, sensitive use and industry types that require buffer areas (both on-site and off-site);
- * identification of existing processes and responsibilities;
- * literature review;
- * equity and compensation issues and
- * alternative approaches for maintaining buffer areas.

The **second phase** will involve policy development. The policy should address the following matters (this phase will include some overlap with the first phase) —

- * definitions of terms such as buffer, sensitive use and industry types that require buffer areas (both on-site and off-site);
- * identification of existing processes and responsibilities;
- * the protection of new buffer areas (by industry type); and
- * the protection of existing buffer areas.

The scope is primarily concerned with the various mechanisms for protecting industrial areas. It does not include an assessment of the existing processes/responsibilities for defining industrial buffer requirements for risk, air quality, odour and noise as these are already well established by existing legislation/policy.

Reference to transport terminals and other major utilities is restricted to the following—

- * ports (shipping);
- * major freight terminals;
- * waste water treatment plants;
- * water treatment plants;
- * power generation facilities; and
- * power transmission terminals and distribution substations.

5. Steering Committee

The project will be overseen by an interdepartmental/industry steering committee consisting of representatives from—

Ministry for Planning (chair)
LandCorp
Chamber of Commerce and Industry
Department of Commerce and Trade
Department of Resources Development
Department of Minerals and Energy
Department of Environmental Protection
Department of Transport
Water Corporation

It is anticipated that up to four Steering Committee meetings will be required.

6. Consultation

Consultation will occur through the Steering Committee. The draft policy will also be released to relevant State and local government agencies and industry. This will give an opinion of the proposal from the many stakeholders. Specifically this process will involve—

- * consulting with the Steering Committee members on—
 - the study brief (including contents of the discussion paper);
 - the draft discussion paper;
 - the draft policy (prior to formal consideration/release by the WAPC); and
 - the final policy and report on submissions (prior to formal consideration/release by the WAPC).
- * consulting with key interest groups on the final discussion paper.
- * the WAPC formally releasing the draft policy for comment to—
 - relevant State government agencies;
 - relevant industry bodies; and
 - relevant local authorities.

7. Desired Outcomes

The desired outcomes of the project are—

Phase 1 Discussion/Issues paper

- * A discussion/issues paper which identifies relevant approaches and principles for maintaining buffer areas; the discussion/issues paper to be used as the basis for developing the policy.

Phase 2 Policy Preparation

- * A draft policy to be released by the WAPC for formal consultation.
- * A final policy for consideration and adoption by the WAPC for use by government agencies (State and local) and industry for the planning and maintenance of buffer areas.

8. Project Administration

The project will be undertaken in-house by the Strategies and Policies Branch. Some assistance will be sought from the Steering Committee in the preparation of the discussion/issues paper, particularly the literature review.

The project will be undertaken within the current work program of the branch.

The time-frame for the preparation of the issues/discussion paper and draft policy is four months with completion in the second quarter of 1996.

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