

ATTACHMENTS

ORDINARY COUNCIL AGENDA

28 MAY 2019

Attachment No. 1:

Ordinary Council Minutes of 23 April 2019

Attachment No. 2

- Draft Memorandum of Understanding between the Department of Communities (specifically, the Housing Authority) and the Town of Bassendean.

Attachment No. 3

- Coorporative Research Centres Projects (CRC-P) funding submission (including roles).
- Support letter from Waste Authority.

Attachment No. 4

- Department of Biodiversity, Conservation and Attractions letter of response on alternative concept design;
- Department of Biodiversity, Conservation and Attractions letter declining to attend Council Concept Workshop;
- RPMC 02/02/18 - Summary of feedback and response; and
- Coterra Environmental – 9 April 2019 Powerpoint presentation.

Attachment No. 5

- Current Verge Treatment and Maintenance Policy;
- Current Permissible Verge Treatment Information Sheet;
- Activities on Thoroughfares and Trading in Thoroughfares and Public Place Local Law 2010;
- Proposed new Verge Maintenance Policy;
- Proposed new Verge Treatment Policy; and
- Email from the co-ordinator of the Bassendean Verge Transformation Project.

Attachment No. 6

- Proposed Town of Bassendean Thoroughfares and Public Places Local Law 2019;
- Current Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010; and
- LGIS Risk Assessment.

Attachment No. 7

Syrinx Environmental feedback

Attachment No. 8

People Services Committee Minutes of 15 May 2019.

Attachment No. 9

- Minutes of the Town Assets Committee meeting of 8 May 2019;
- Arboricultural Report - 2019 Street Tree Planting;
- Sage Consulting Report; and
- Lighting Upgrade Design.

Attachment No. 10

List of payments made under delegated authority for the period April 2019.

Attachment No. 11

Financial Reports for April 2019.

Attachment No. 12

Notice of Motion – Cr Brown: Lot 821 on Plan 40943 - 52 Villiers Street, Bassendean, conceptual plans.

Confidential Reports 13.1 and 13.2

Confidential Attachments 1 to 3

ATTACHMENT NO. 1

TOWN OF BASSENDEAN
ORDINARY COUNCIL MEETING
MINUTES
23 APRIL 2019

TABLE OF CONTENTS

		Page No.
1.0	Declaration of Opening/Announcement of Visitors	1
2.0	Public Question Time and Address by Members of the Public	1
3.0	Attendances, Apologies and Applications for Leave of Absence	2
4.0	Deputations	3
5.0	Confirmation of Minutes	3
6.0	Announcements by the Presiding Person Without Discussion	4
7.0	Petitions	4
8.0	Declarations of Interest	4
9.0	Business Deferred from Previous Meeting	4
9.1	Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review	4
10.0	Reports	6
10.1	Adoption of Recommendations En Bloc	6
10.2	Request to Purchase Lot 5 (No. 246) Morley Drive East, Eden Hill – Proposed Concept Plan For Lots 4 & 5 (Nos. 246 & 248) Morley Drive East	7
10.3	Town of Bassendean Best Practice Non-Chemical Weed Management Notice of Motion Response	9
10.4	Broadway and Railway Parade Timed Parking	10
10.5	Hardy Road Verge Parking	10
10.6	Food Organics Garden Organics (FOGO) Waste	11
10.7	Bassendean Oval Football Facilities Project Control Group Meetings held on 21 February 2018, 22 August 2018 & 22 February 2019	12
10.8	Economic Development Committee Meeting held on 13 March 2019	13

10.9	Sandy Beach Reserve Nature Based Regional Playground	13
10.10	Finalisation of Town Planning Scheme No. 4A	15
10.11	Quarterly Report for Period Ended 31 March 2019	15
10.12	Determinations Made by the Principal Building Surveyor	16
10.13	Determinations Made by Development Services	16
10.14	Accounts for Payment –_March 2019	16
10.15	Financial Statements – March 2019	17
10.16	Use of the Common Seal	17
10.17	Calendar for May 2019	17
11.0	Motions of Which Previous Notice has Been Given	18
11.1	Notice of Motion – Cr Hamilton: Tonkin Park Containment Cell	18
12.0	Announcements of Notices of Motion for the Next Meeting	18
13.0	Confidential Business	19
13.1	Commercial Offer for Third-Party Signage on Payphone Facilities - Jcecaux Australia	19
13.2	Sports Achievement Awards	19
13.3	Organisational Structural Change	20
13.4	Council Street Trees – 118 Whitfield Street, Bassendean	20
14.0	Closure	21

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 23 APRIL 2019 AT 7.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

Mr Don Yates, 10 Thompson Road, Success Hill/Bassendean

Is there maintenance planned to clean up the undergrowth and leaf build up at the arboretum to reduce the risk of a fire.

The Acting Director Operational Services advised that a contractor is due to commence maintenance work in that area.

There is a lack of maintenance of the Town's playground equipment, is that going to be addressed.

The Acting Director Operational Services advised that the Town intends to upgrade playground equipment under the Asset Management Plan. The Town is reviewing all the playgrounds in the area to see what needs to be done in terms of maintenance and replacement of equipment.

Should the Sandy Beach playground be put on hold until funds are available through the the sale of the Lord Street blocks as part of the Town Planning Scheme 4A.

The CEO responded that indications are that real estate activity will pick up after the federal election. The Town is hoping to sell those blocks after the federal election. The Town's preferred funding source is the sale of those blocks, but there are alternatives which will be put to Council should the need arise.

2.2 Address by Members of the Public

It should be noted that public statements are not recorded in the minutes.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Bob Brown, Deputy Mayor
Cr John Gangell
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Ken Lapham, A/Director Corporate Services
Mr Salvatore Siciliano, A/Director Community Development
Mr Ken Cardy, A/Director Operational Services
Mr Anthony Dowling, Director Strategic Planning
Mr Brian Reed, Manager Development Services
Mrs Amy Holmes, Minute Secretary

Public

Six members of the public were in attendance.

Press

Nil

Leave of Absence

The following leaves of absence were requested:

- Cr Brown – 26 April to 20 May
- Cr McLennan – 24 April to 30 April

COUNCIL RESOLUTION – ITEM 3.0

OCM – 1/04/19 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the following leaves of absence be granted:

- Cr Brown – 26 April to 20 May 2019; and
- Cr McLennan – 24 April to 30 April 2019.

CARRIED UNANIMOUSLY 7/0

4.0 DEPUTATIONS

- 4.1 Mr Brent Fleeton of Caff on Broadway, addressed Council on Item 10.4.
- 4.2 Mr Bruce Keay addressed Council on Item 10.10.

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 26 March 2019

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.1(a)

OCM – 2/04/19 MOVED Cr Brown, Seconded Cr Mykytiuk, that the minutes of the Ordinary Council Meeting held on 26 March 2019, be received.

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.1(b)

OCM – 3/04/19 MOVED Cr Brown, Seconded Cr Mykytiuk, that the minutes of the Ordinary Council Meeting held on 26 March 2019, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Ideas Hub was opened last Monday and will be open Monday to Friday, 9am-5pm. This is all part of the consultation process around the future planning of our Town.

Thursday is the Town's ANZAC day service at the War Memorial at the BIC Reserve.

In light of the recent activity in Sri Lanka, the Mayor acknowledged the Sri Lankan Consulate that is located within the Town and expressed sympathies to the Sri Lankan people.

7.0 PETITIONS

Nil.

8.0 DECLARATIONS OF INTEREST

Nil

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

9.1 Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review (Ref: LUAP/POLCY/2, DABC/BDVAPPS/2011-135, DABC/BDVAPPS/2013-125 - Cameron Hartley, Planning Officer)

Cr Gangell left the meeting at 7.47pm and returned at 7.49pm.

APPLICATION

The purpose of this report was to provide an audit into existing industrial fencing within the Tonkin Park Industrial Estate (TPIE) as well as provide a recommendation to council as to whether the Town's Local Planning Policy No. 6 (LPP6) requires modification in line with the audit findings. This report is linked to a Council Resolution from OCM 28 July 2015, which forms an attachment to this report. The report also includes a recommendation for an additional modification to LPP6, to increase the ratio of shade tree plantings within car parking areas from one tree per six bays to one tree per four bays.

Cr Gangell moved the officer recommendation.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 9.1

OCM – 4/04/19 MOVED Cr Gangell, Seconded Cr Brown, that Council:

1. Amends Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines, to delete reference for fencing to be setback 2 metres behind the street alignment, as well as modifying the number of shade trees in parking areas to a ratio of one per four car parking bays; and
2. Notes that the Planning Department of the Town of Bassendean will cease compliance action against landowners of 76 and 80 May Holman Drive, Bassendean, as the fencing will comply to the modified Local Planning Policy No. 6.

LOST 2/5

Crs Gangell and Brown voted in favour of the motion. Crs McLennan, Hamilton, Mykytiuk, Quinton & Wilson voted against the motion.

Cr Hamilton moved an alternative motion to include that Officers undertake an entire review of Local Planning Policy No 6 – Industrial Zones Development Guidelines and that Planning staff defer any action against other landowners identified during the fencing audit.

COUNCIL RESOLUTION – ITEM 9.1

OCM – 5/04/19 MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Approves a modification to Local Planning Policy No 6 – Industrial Zones Development Design Guidelines, to amend Landscaping part (d) from the existing ratio of one tree per six car parking bays to one tree per four car parking bays with all tree planting to comply with the Town's specifications; and
2. a) Notes that the Planning Department of the Town of Bassendean will cease compliance action against landowners of 76 and 80 May Holman Drive, Bassendean, provided the landowners enter into an agreement with the Town to install and maintain, at their own cost, verge landscaping and tree planting designed to improve the streetscape of the respective sites; and

- b) Requests that Planning staff defer any action against other landowners identified during the fencing audit as being non-compliant with conditions of approval until Point 3 of this motion is concluded; and
3. Requests officers undertake an entire review of Local Planning Policy No 6 – Industrial Zones Development Guidelines to regulate development standards during future renewal of industrial sites to achieve the following objectives:
- a) To ensure built form and design provides a high standard of amenity and sustainability;
 - b) To achieve coordinated, quality development outcomes into the future that maximise streetscape amenity and tree canopy;
 - c) To establish a cohesive framework for the assessment of future applications for development within this zone.

CARRIED 6/1

Crs Hamilton, Wilson, McLennan, Brown, Mykytiuk & Quinton voted in favour of the motion. Cr Gangell voted against the motion.

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

It was agreed that items 10.2, 10.3, 10.4, 10.6, 10.10 & 10.11 be removed from the en-bloc table and considered separately.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.1

OCM – 6/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 23 April 2019:

Item	Report
10.5	Hardy Road Verge Parking
10.7	Bassendean Oval Football Facilities Project Control Group Meetings held on 21 February 2018, 22 August 2018 & 22 February and 22 March 2019
10.8	Economic Development Committee Meeting held on 13 March 2019
10.12	Determinations Made by the Principal Building Surveyor

10.13	Determinations Made by Development Services
10.14	Accounts for Payment – March 2019
10.16	Use of the Common Seal
10.17	Calendar for May 2019

CARRIED UNANIMOUSLY 7/0

Council was then requested to consider the balance of the Officer recommendations independently.

Item	Report
9.1	Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review
10.2	Request to Purchase Lot 5 (No. 246) Morley Drive East, Eden Hill – Proposed Concept Plan For Lots 4 & 5 (Nos. 246 & 248) Morley Drive East
10.3	Town of Bassendean Best Practice Non-Chemical Weed Management Notice of Motion Response
10.4	Broadway and Railway Parade Timed Parking
10.6	Food Organics Garden Organics (FOGO) Waste
10.9	Sandy Beach Reserve Nature Based Regional Playground
10.10	Finalisation of Town Planning Scheme No. 4A
10.11	Quarterly Report for Period Ended 31 March 2019
10.15	Financial Statements – March 2019
11.1	Notice of Motion – Cr Hamilton: Tonkin Park Containment Cell
13.1	Commercial Offer for Third-Party Signage on Payphone Facilities - JcDecaux Australia
13.2	Sports Achievement Awards
13.3	Organisational Structural Change
13.4	Council Street Trees – 118 Whitfield Street, Bassendean

- 10.2 Request to Purchase Lot 5 (No. 246) Morley Drive East, Eden Hill – Proposed Concept Plan For Lots 4 & 5 (Nos. 246 & 248) Morley Drive East – Owners: Town of Bassendean and Birmingham Properties Pty Ltd/Ladrift Pty Ltd /Matax Pty Ltd (Ref: A3693 & A3714 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report was for Council to consider a draft Concept Plan for the proposed development of Lots 4 & 5 (Nos. 246 & 248) Morley Drive East.

OFFICER RECOMMENDATION — ITEM 10.2

That:

1. Council adopts the Eden Hill Master Planning Concept Plan prepared by Taylor Robinson Chaney and Broderick dated March 2019, for the purposes of advertising the future proposed sale of Lot 5 No 246 Morley Drive by private treaty; and
2. That a further report be brought to Council to address:
 - the proposed purchase price of the land;
 - assurance for the community regarding good quality design and development;
 - arrangements to ensure that the land is developed in a reasonable timeframe; and
 - any other information required to allow a proposal for the land to be sold by private treaty.

Cr Hamilton moved the officer recommendation with amendments as shown in bold to include consultation with the community and stakeholders prior to further consideration by Council and note that Council must observe the private treaty provisions of the Local Government Act 1995.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.2

OCM – 7/04/19 MOVED Cr Hamilton, Seconded Cr Wilson that:

1. Council adopts the Eden Hill Master Planning Concept Plan prepared by Taylor Robinson Chaney and Broderick dated March 2019 **purely** for the purposes of **consultation with community and stakeholders prior to further consideration by Council of the potential** sale of Lot 5 No 246 Morley Drive by private treaty; and
2. Further reports be brought to Council to address:
 - The proposed purchase price of the land;
 - **Design amendments that address Council's desire to preserve existing significant trees;**
 - Assurance for the community regarding good quality design and development **outcomes;**
 - Arrangements to ensure that the land is developed in a reasonable timeframe; and

- Any other information required to **evaluate** a proposal for the **Council owned** land to be sold by private treaty; and

3. **Council notes OCM-10/04/18 that advises Birmingham Properties that notwithstanding any of the above, the Council must observe the private treaty provisions of the Local Government Act 1995 and give due consideration to the public consultation results and therefore gives no guarantee that it will sell Lot 5, No. 246 Morley Drive East, regardless of what is supplied to the Council or undertakings made by the owners of 248 Morley Drive East, Eden Hill.**

CARRIED UNANIMOUSLY 7/0

10.3 Town of Bassendean Best Practice Non-Chemical Weed Management Notice of Motion Response (ref: GOVN/CCLMEET/1) – Jeremy Walker, Senior Environmental Officer.

APPLICATION

The purpose of this report was to provide feedback to Council in regards to the Notice of Motion (OCM 28/08/18) regarding best practice non chemical weed management practices.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.3

OCM – 8/04/19 MOVED Cr Mykytiuk, Seconded Cr Wilson, that Council:

1. Receives the EMRC Steaming to Success Alternative Weed Management Trial Report;
2. Notes that Officers are developing a weed management strategy that will take a holistic approach to the management of weeds via the use of integrated weed management control methods, reducing the reliance on herbicides alone, and increasing the chances of successful control or eradication; and
3. Notes that Officers intend to host a weed forum with invited professional experts, to provide an overview of weed management strategies, techniques, risks to position and inform the Town in the development of its Weed Management Strategy.

CARRIED UNANIMOUSLY 7/0

10.4 Broadway and Railway Parade Timed Parking (Ref: LAWE/REPRTNG/3 – Sharna Merritt – Senior Ranger)

APPLICATION

The purpose of this report was to request Council consider an amendment to the parking time limits on Broadway and Railway Parade, Bassendean.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.4

OCM – 9/04/19 MOVED Cr Hamilton, Seconded Cr Wilson, that Council approves:

1. The amendment of the existing '1 hour' time restrictions in front of 3 Broadway, Bassendean, to '2 hours, 8am to 5pm, Monday to Friday' restrictions; and
2. The amendment of the 13 currently unrestricted parking bays on Railway Parade, between the intersections with Broadway and Scaddan Street, Bassendean, to '2 hours, 8am to 5pm, Monday to Friday' restrictions.

CARRIED UNANIMOUSLY 7/0

10.5 Hardy Road Verge Parking (Ref: LAWE/REPRTNG/3 – Sharna Merritt – Senior Ranger)

APPLICATION

The purpose of this report was to request Council consider verge parking restrictions between 1B and 5A Hardy Road, Bassendean.

COUNCIL RESOLUTION/OFFICER RECOMMENDATIONS – ITEM 10.5

OCM – 10/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council approves the installation of verge parking restrictions at 1C and 5A Hardy Road, Bassendean.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-6/04/19 7/0

10.6 Food Organics Garden Organics (FOGO) Waste (Ref: WSTMNGT/TENDNG/10 - Ken Cardy, Manager Asset Services) and Simon Stewert-Dawkins, Director Operational Services.

APPLICATION

The purpose of this report was to:

- provide a copy of the Eastern Metropolitan Regional Council (EMRC) confidential draft Financial model for processing Food Organics & Garden Organics (FOGO) waste at the Red Hill Waste Management facility;
- advise that the EMRC and the Town of Bassendean are submitting a joint grant application to the Waste Authority to assist with the FOGO community behavioural change and FOGO waste management process; and to
- confirm that from November 2019, the Town of Bassendean will commence the rollout of the Better Bins program, including the provision of the FOGO bins to ratepayers.

OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Receives the Eastern Metropolitan Regional Council confidential draft Financial Model for processing FOGO (Food Organics & Garden Organics) waste at the Red Hill Waste Management facility and notes that the information will be used by the Town to build the draft 2019/2020 budget Waste Management estimates;
2. Notes that the Eastern Metropolitan Regional Council and the Town of Bassendean are submitting a joint grant application to the Waste Authority to assist with the FOGO community behavioural change and FOGO waste management process; and
3. Advises the Eastern Metropolitan Regional Council that from 1 November 2019 the Town of Bassendean will commence the rollout of the Better Bins program, including the provision of the FOGO (Food Organics & Garden Organics) bins to ratepayers and request that the Red Hill Waste Management facility be in a position to receive and process FOGO waste.

Cr McLennan moved the officer recommendation with the deletion of Point 1.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.6

OCM – 11/04/19 MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

1. Notes that the Eastern Metropolitan Regional Council and the Town of Bassendean are submitting a joint grant application to the Waste Authority to assist with the FOGO community behavioural change and FOGO waste management process; and
2. Advises the Eastern Metropolitan Regional Council that from 1 November 2019 the Town of Bassendean will commence the rollout of the Better Bins program, including the provision of the FOGO (Food Organics & Garden Organics) bins to ratepayers and request that the Red Hill Waste Management facility be in a position to receive and process FOGO waste.

CARRIED UNANIMOUSLY 7/0

10.7 **Bassendean Oval Football Facilities Project Control Group Meetings held on 21 February 2018, 22 August 2018 & 22 February 2019 (Ref: COMDEV/PLANNG/4 – Salvatore Siciliano, Manager Recreation and Culture)**

APPLICATION

The purpose of the report was for Council to receive the minutes of the Bassendean Oval Football Facilities Project Control Group meetings held on 21 February 2018, 22 August 2018 and 22 February 2019.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.7

OCM – 12/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council receives the report of the minutes of the Bassendean Oval Football Facilities Project Control Group meetings held on 21 February 2018, 22 August 2018 and 22 February 2019.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-6/04/19 7/0

10.8 Economic Development Committee Meeting held on 13 March 2019 (Ref: GOVN/CCLMEET/13 – William Barry, Senior Economic Development Officer)

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Economic Development Committee held on 13 March 2019.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.8

OCM – 13/04/19 MOVED Cr Wilson, Seconded Cr Brown, that:

1. Council receives the report on a meeting of the Economic Development Committee held on 13 March 2019; and
2. The draft Economic Development Strategy be presented to a Concept Workshop for consideration.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-6/04/19 7/0

10.9 Sandy Beach Reserve Nature Based Regional Playground (Ref: PARE/DESCONT/10 – Graeme Haggart, Director Community Development)

APPLICATION

Council was requested to receive the revised draft Concept Plan for the Sandy Beach Reserve playground and to determine the next stages of the project.

OFFICER RECOMMENDATION — ITEM 10.9

That Council

1. Endorses the Sandy Beach Playground Concept Plan as attached to the Ordinary Council Meeting Agenda of 23 April 2019;
2. Approves the Town proceeding to make application to Lotterywest for a \$200,000 grant toward the project cost;
3. Requests that Nature Play Solutions prepare detailed drawings based on the concept plan;

4. Approves the Town proceeding to prepare and submit a Part 5 application to the Department of Biodiversity, Conservation and Attractions for Ministerial approval for the project; and
5. Provides a one-time delegation to the CEO to accept any reasonable offer to purchase 93 Lord Street, Bassendean and 48 Chapman Street, Bassendean.

Cr Hamilton moved the officer recommendation with an amendment to Point 3, as shown in bold below, to include the development of a suitable lighting plan to be incorporated into the detailed design, and the removal of Point 5, as the CEO preferred that any offers to purchase the properties be referred back to Council for consideration.

COUNCIL RESOLUTION — ITEM 10.9

OCM – 14/04/19 MOVED Cr Hamilton, Seconded Cr Quinton, that Council:

1. Endorses the Sandy Beach Playground Concept Plan as attached to the Ordinary Council Meeting Agenda of 23 April 2019;
2. Approves the Town proceeding to make application to Lotterywest for a \$200,000 grant toward the project cost;
3. Requests that Nature Play Solutions:
 - a) Prepare detailed drawings based on the concept plan; and
 - b) Liaise with the Town to develop a suitable lighting plan to be incorporated into the detailed design;**
4. Approves the Town proceeding to prepare and submit a Part 5 application to the Department of Biodiversity, Conservation and Attractions for Ministerial approval for the project.

CARRIED 6/1

Crs Hamilton, Quinton, McLennan, Gangell, Mykytiuk & Wilson voted in favour of the motion. Cr Brown voted against the motion.

10.10 Finalisation of Town Planning Scheme No. 4A (Ref: LUAP/PLANNG/16 - Brian Reed, Manager Development Services)

APPLICATION

Council was requested to endorse the preparation of an officer report examining alternative strategies to finalise the Scheme and minimise financial losses that the Scheme is anticipated to make.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.10

OCM – 15/04/19 MOVED Cr Gangell, Seconded Cr Hamilton, that planning staff prepare a further report for Council to examine alternative strategies to reduce the likely losses that Town Planning Scheme No. 4A is likely to make, if it were to be brought to finalisation.

CARRIED UNANIMOUSLY 7/0

10.11 Quarterly Report for Period Ended 31 March 2019 (Ref: FINM/AUD/1 – Peta Mabbs, Chief Executive Officer)

APPLICATION

The purpose of this report was for Council to receive the Quarterly Report for the period ended 31 March 2019.

Cr Mykytiuk left the meeting at 9.24pm.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.11

OCM – 16/04/19 MOVED Cr Quinton, Seconded Cr Brown that Council receives the Quarterly Report for the quarter ended 31 March 2019.

CARRIED UNANIMOUSLY 6/0

Cr Mykytiuk returned to the meeting at 9.26pm.

**10.12 Determinations Made by the Principal Building Surveyor
Ref: LUAP/PROCED/1 – Kallan Short, Principal Building
Surveyor)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.12

OCM – 17/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-6/04/19 7/0

**10.13 Determinations Made by Development Services (Ref:
LUAP/PROCED/1 – Brian Reed, Manager Development
Services)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.13

OCM – 18/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Manager Development Services.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-6/04/19 7/0

**10.14 Accounts for Payment – March 2019 (Ref: FINM/CREDTS/4
– Jill Brazil, Acting Manager Corporate Services)**

APPLICATION

The purpose of this report was for Council to receive the Accounts for Payment in accordance with Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -
ITEM 10.14

OCM – 19/04/19 MOVED Cr Wilson, Seconded Cr Brown, that in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996) the List of Accounts paid March2019 be received.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-6/04/19 7/0

10.15 Financial Statements – March 2019 (Ref: FINM/AUD/1 – Jill Brazil, Acting Manager Corporate Services)

APPLICATION

The Local Government Financial Management Regulations, Clause 34(1) requires that a monthly financial report be presented to Council. A Local Government is to prepare each month a statement of financial activity that clearly shows a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.15

OCM – 20/04/19 MOVED Cr Gangell, Seconded Cr Brown, that the:

1. Financial Reports for the period ending March 2019 be received; and
2. 2018/19 Budget be amended in accordance with the schedule listed in Note 9 (Budget Amendments) and as attached to the Ordinary Council Agenda of 23 April 2019, be approved.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.16 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.16

OCM – 21/04/19 MOVED Cr Wilson, Seconded Cr Brown, that Council notes the affixing of the Common Seal to the documents during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-6/04/19 7/0

10.17 Calendar for May 2019 (Ref: Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.17

OCM – 22/04/19 MOVED Cr Wilson, Seconded Cr Brown, that the Calendar for May 2019 be adopted.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-6/04/19 7/0

11.0 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 **Notice of Motion – Cr Hamilton: Tonkin Park Containment Cell**

COUNCIL RESOLUTION – ITEM 11.1

OCM – 23/04/19 MOVED Cr Hamilton, Seconded Cr Brown, that Council:

1. Requests the administration communicates with the land owner and relevant government agencies to provide an updated report to this council at the earliest opportunity on progression and implementation of the Remediation Action Plan (RAP) pertaining to decommissioning of the 4.5ha Tonkin Park Containment Cell and the contaminated soils/fill contained within said cell located on Lot 857 Yellard Way, Bassendean; and
2. Thereafter, the administration continue to liaise with all relevant parties, and fully appraise future councils with progress reports on a yearly basis re the ongoing implementation of the Remediation Action Plan until such time as the Tonkin Park Containment Cell and it's contents are successfully and completely decommissioned; and
3. Requests updated information relating to site audits of contamination together with relevant DWER reports/information be provided as a comparison to the mandatory auditor's report dated 18 August 2016.

CARRIED UNANIMOUSLY 7/0

12.0 **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

13.0 **CONFIDENTIAL BUSINESS**

COUNCIL RESOLUTION – ITEM 13.0(a)

OCM – 24/04/19 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 9.35pm.

CARRIED UNANIMOUSLY 7/0

13.1 Commercial Offer for Third-Party Signage on Payphone Facilities - JcDecaux Australia (Ref: COMA/MARKT/1 - Brian Reed, Manager Development Services)

OFFICER RECOMMENDATION - 13.1

That Council enters into a commercial arrangement with JcDecaux Australia for the installation for Payphones with third party advertising subject to the conditions laid out this report.

Cr Quinton moved an alternation motion to reject the offer until a draft digital advertising policy be researched and compiled and returned to Council before any other offers for digital advertising be considered by the Town,

COUNCIL RESOLUTION – ITEM 13.1

OCM – 25/04/19 MOVED Cr Quinton, Seconded Cr Wilson, that:

1. Council reject the offer from JcDecaux Australia to install a digital pay phone in the Town of Bassendean; and
2. A draft digital advertising policy be researched and compiled and returned to Council before any other offers for digital advertising be considered by the Town, listing examples of the impacts of digital advertising from around Australia including the impacts on mental health.

CARRIED UNANIMOUSLY 7/0

13.2 Sports Achievement Awards (Ref: COMR/AWADP/4 – Tim Dayman, Recreation Development Officer)

OFFICER RECOMMENDATION – ITEM 13.2

That Council:

1. Awards the Town of Bassendean Sports Achievement Award to the first junior nominee shown in the Confidential Attachment to the Ordinary Council Meeting Agenda of 23 April 2019; and
2. Considers awarding the Sports Achievement Award to the second nominee shown in the Confidential Attachment to the Ordinary Council Meeting Agenda of 23 April 2019;
3. Presents the Sports Achievement Award at the May 2019 Ordinary Council Meeting; and

4. Notes the report and name of the recipient of the Award remain confidential until after the Award is presented.

Cr Quinton moved the officer recommendation with the deletion of Point 2 as no travel costs were incurred for the second nominee.

COUNCIL RESOLUTION - ITEM 13.2

OCM – 26/04/19 MOVED Cr Quinton, Seconded Cr Gangell, that Council:

1. Awards the Town of Bassendean Sports Achievement Award to the first junior nominee shown in the Confidential Attachment to the Ordinary Council Meeting Agenda of 23 April 2019;
2. Presents the Sports Achievement Award at the May 2019 Ordinary Council Meeting; and
3. Notes the report and name of the recipient of the Award will remain confidential until after the Award is presented.

CARRIED UNANIMOUSLY 7/0

13.3 Organisational Structural Change (Peta Mabbs, Chief Executive Officer)

OCM – 27/04/19 MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Notes the rationale for organisational structural change at the Town of Bassendean (as outlined in the Confidential Report provided by the CEO); and
2. Endorses the CEO to commence a process to identify opportunities for organisational structural change at the Town of Bassendean.

CARRIED UNANIMOUSLY 7/0

13.4 Council Street Trees – 118 Whitfield Street, Bassendean (Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services)

This item was discussed and considered prior to Item 13.3.

All Officers, except the CEO and Minute Secretary, left the meeting at 9.54pm and did not return.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 13.4

OCM – 28/04/19 MOVED Cr Hamilton, Seconded Cr Mykytiuk, that Council requests the Chief Executive Officer to write to Local Government Insurance Services requesting that it liaises with the property owners of 118 Whitfield Street, Bassendean, regarding the alleged damage caused by the trees adjacent to their property.

CARRIED UNANIMOUSLY 7/0

Mrs Amy Holmes, Minute Secretary left the meeting at 9.56pm and did not return.

COUNCIL RESOLUTION – ITEM 13.0(b)

OCM – 29/04/19 MOVED Cr Hamilton, Seconded Cr Wilson, that the meeting come from behind closed doors, the time being 10.20pm.

CARRIED UNANIMOUSLY 7/0

As no members of the public returned to the Chamber, the reading aloud of the motions passed behind closed doors was dispensed with.

14.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 21 May 2019 commencing at 7.00pm. The next Ordinary Council Meeting will be held on Tuesday 28 May 2019 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 10.20pm.

ATTACHMENT NO. 2



Government of **Western Australia**
Department of **Communities**

DRAFT AS AT 2 MAY 2019

HOUSING AUTHORITY

and

TOWN OF BASSENDEAN

MEMORANDUM OF UNDERSTANDING

Contents

1. PREAMBLE	3
2. RECITALS	4
3. DEFINITIONS	5
4. OBJECTIVES	5
5. OBLIGATIONS OF THE PARTIES	6
6. GOVERNANCE	6
6.1 Establishment of a Working Group	6
6.2 Membership of the Working Group	6
6.3 Meetings of the Working Group	6
7. CONTACT OFFICERS	7
7.1 Appointment of Contact Officers	7
7.2 Details of Contact Officers	7
8. INTELLECTUAL PROPERTY RIGHTS	7
9. COSTS OF THE MEMORANDUM OF UNDERSTANDING	7
10. CONFIDENTIALITY	8
11. PUBLIC RELATIONS AND MARKETING	8
12. VARIATIONS TO THE MEMORANDUM OF UNDERSTANDING	8
13. DISPUTE RESOLUTION	8
14. NON-ENFORCEABILITY	8
15. ENDING THE MEMORANDUM OF UNDERSTANDING	9
16. GENERAL	9
EXECUTION OF THIS MOU	10

THIS MEMORANDUM OF UNDERSTANDING is made the _____ day of May 2019

BETWEEN

Housing Authority (Housing) a body corporate constituted under section 6 of the *Housing Act 1980* (WA) of 99 Plain Street, East Perth, WA 6004, and acting within the **Department of Communities** (Communities), a State Government Department established on 1 July 2017.

AND

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

1. PREAMBLE

As Perth's population continues to grow and change, a responsive housing market which enables access to affordable land and housing is vital for sustaining vibrant and inclusive communities. Diverse and affordable housing, together with well-designed and connected neighbourhoods can be transformational and enriching for individuals, families and communities, increasing security, productivity and growing the economy.

The Department of Communities (referred to as "Communities"), within which the Housing Authority operates, has a focus on 'People, Place and Home' and its purpose is:

Collaborating to create pathways that enable individual, family and community wellbeing.

Communities recognises the benefits of working collaboratively with local governments to deliver, facilitate and support the development of inclusive and connected communities through the delivery of appropriate and affordable housing.

Communities works to achieve the following outcomes:

- **A place to call home** – this is different for everyone and should be safe and functional, providing a sense of physical and emotional security;
- **Inclusive and accessible community** – support opportunities for members to participate, and contribute, in the social, cultural and economic life of their community;
- **Strong families and kin** – comes from the trusting and enduring relationships people can build with their family, extended family and friends;
- **Safe children** – the environment of a child during its early development can profoundly impact on their wellbeing for their whole life. For children and young people to reach their full potential, safety and security is a prerequisite; and
- **Empowered people** – created by people being and feeling valued, a fundamental human need.

The Town of Bassendean's vision of – "A connected community, developing a vibrant and sustainable future that is built upon the foundations of our past" is reflected in its *Strategic Community Plan (SCP) 2017-2027*. The SCP is premised on a commitment to enhance the Town's appearance and improve amenity; enhance connectivity between places and people; plan for an increased and changing population; and facilitate diverse housing and facility choices to ensure the Town is a great place to visit, live and do business. Together with the Town's *Corporate Business Plan 2018-2022*, the SCP provides the framework and strategies to guide the Town's decision-making into the future.

The Town of Bassendean has identified the following objectives and priorities for its community:

Social: Building a sense of place and belonging;

Ensuring all community members have the opportunity to be active, socialise and be connected;
Planning for a healthy and safe community;
Improving lifestyle choices for the aged, families and youth.

Natural Environment: Displaying leadership in environmental sustainability;
Protecting our River Bushland Reserves, and Biodiversity;
Ensuring the Town's open space is attractive and inviting.

Built environment: Planning for an increased population and changing demographics;
Enhancing connectivity between places and people;
Enhancing the Town's appearance.

Local economy: Building economic capacity;
Facilitating local business retention and growth.

Good governance: Enhancing organisational accountability;
Proactively partnering with our community and our stakeholders;
Striving for improvement and innovation.

Housing and the Town of Bassendean have similar objectives. Working together, to create vibrant communities supports the outcomes sought by both organisations and will assist in the development of a connected community, supporting economic growth for all. These similarities highlight the benefits of working together, to achieve resilient, welcoming and diverse communities.

2. RECITALS

- (a) Housing and the Town of Bassendean seek to achieve whole of government positive outcomes through the creation of a strategic relationship and achievement of respective objectives, including the growth of inclusive and accessible communities;
- (b) Housing and the Town of Bassendean will contribute to a collaborative approach on land and property holdings owned by, or accessible to, the Parties;
- (c) Housing has considerable experience in affordable land and housing development, possesses assets, and oversees a range of speciality consumer products to assist people on low to moderate incomes into affordable accommodation, which can assist in supporting a balance of increased residential density development that expresses a coherent architectural language that unifies the surrounding urban fabric, scale and proportion and building types of the place in which the new development is to be inserted;
- (d) The Town of Bassendean seeks to explore and create value from land and property holdings owned by, or accessible to, the Parties, throughout the Town, in particular around the Town centre such as Park Lane Reserve (i.e. Wilson Street Car Park) to assist in achieving the objective of providing diverse and appropriate built form and housing outcomes that support improved streetscapes and a connected community;
- (e) Both Parties are committed to working collaboratively to achieve positive community outcomes;
- (f) This Memorandum of Understanding (MOU) sets out the terms on which the Parties have agreed to work collaboratively to pursue positive whole of government outcomes. In doing so however, the MOU is not intended to create legally enforceable obligations on, or between, the Parties.

3. DEFINITIONS

In this MOU:

- (a) **“Affordable Housing”** means accommodation that households on low-to-moderate incomes (i.e. those households earning 50-120% of the median income) can afford while meeting other essential living costs. Housing costs should generally be no more than 30% of gross household income.
- (b) **“MOU”** means this Memorandum of Understanding.
- (c) **“Parties”** means the Housing Authority (acting within the Department of Communities) and the Town of Bassendean.
- (d) **“Party”** means either the Housing Authority (acting within the Department of Communities) or the Town of Bassendean.
- (e) **“Public Housing”** means rental accommodation provided by Housing and leased to members of the public who meet Housing’s eligibility criteria.
- (f) **“Community Housing”** means rental accommodation provided by the community housing sector and leased to members of the public who meet Housing’s eligibility criteria for community housing.
- (g) **“Term”** means the term of this MOU, commencing on the date on which the MOU is made and expiring on the Termination Date or such other date as may be mutually agreed between the Parties in writing, or as notified by one Party to the other Party with at least 30 days written notice.
- (h) **“Termination Date”** means three (3) years after the date of execution or any such other date as defined in clause 3(g).

4. OBJECTIVES

Under this MOU, the Parties aim to:

- (a) create a collaborative relationship with the intent of achieving positive whole of government outcomes and meet the Parties respective objectives;
- (b) collaborate and share information on housing demand and needs to inform strategic and regulatory functions of the Town;
- (c) collaborate and share information on affordable housing tools and statutory planning mechanisms to achieve affordable housing outcomes;
- (d) collaborate and share information on land and property holdings, options and initiatives between the respective Parties, and provide opportunities which may include but are not limited to the development, redevelopment, sale, purchase or renting of land and property holdings;
- (e) provide advice regarding private developer procurement processes, subject to commercial confidentiality, conflict of interest and internal guidelines;
- (f) identify and progress potential development sites or redevelopment opportunities to pursue the delivery of desired and appropriate built form and housing outcomes, to assist community development. This may include, and is not limited to, prioritisation of projects, statutory time frames, project feasibility and partnership and procurement methodology; and
- (g) progress potential pilot or demonstration projects that deliver innovation in built form and housing outcomes; develop subsequent Memoranda of Understanding or such other agreements between the Parties for the purpose of progressing commercial working relationships for individual development projects. The Parties will endeavour to identify land and property holdings located within the boundaries of the Town that are suitable for joint working opportunities, including potential land swap(s) that would have positive outcomes for Housing and the Town of Bassendean and its community. A key focus will be around train stations to support transport orientated development.

This MOU is designed to enable both parties to explore potential development opportunities in the Town of Bassendean. Prior to progressing the development of any potential opportunities, the Town of Bassendean is committed to engaging with the community at the earliest possible opportunity.

5. OBLIGATIONS OF THE PARTIES

During the Term, the Parties will each:

- (a) arrange and attend all required meetings of the working group;
- (b) use their best endeavours to progress the objectives of this MOU;
- (c) share knowledge and experience;
- (d) contribute information on their respective land and assets to the other Party; and
- (e) share the costs and risk on any joint projects or collaborative activities, with such costs and risks to be negotiated and documented in separate agreements.

6. GOVERNANCE

6.1 Establishment of a Working Group

There shall be a working group established which will comprise the members specified in clause 6.2 and which will be responsible for the strategic oversight of the process, principles and intent associated with this MOU. Housing's representatives operate within the Department of Communities.

6.2 Membership of the Working Group

- (a) The members of the Working Group are to comprise:
 - (i) the Director Business Development, Communities or delegated nominee;
 - (ii) the Chief Executive Officer, Town of Bassendean or delegated nominees; and
 - (iii) any deputies or proxies nominated by either Party.
- (b) The Parties may at any time formally change their member of the working group by written notice to the other Party.

6.3 Meetings of the Working Group

- (a) The Working Group will meet at least four times every 12 months unless otherwise agreed.
- (b) The first meeting of the Working Group shall be held within one month of this MOU being executed.
- (c) Each Party will host, chair and take minutes on an alternating basis, or as agreed.
- (d) The members of the Working Group will use their best endeavours to work collaboratively to progress the purpose and intent of the MOU.
- (e) The terms of reference of the Working Group are to be agreed upon between the members of the Working Group.

7. CONTACT OFFICERS

7.1 Appointment of Contact Officers

- (a) The Parties agree to each appoint contact officers. The contact officers for each Party are authorised to act for that Party in relation to this MOU and is the first point of contact for the other Party in relation to any disputes arising under the MOU.
- (b) The details for each Party's contact officers are set out in clause 7.2.
- (c) If the Parties wish to change their contact officers that Party will notify the other Party in writing of the new contact details within five (5) business days of the change.

7.2 Details of Contact Officers

The following personnel have been nominated by their respective Party to be the contact officer in all instances of communication between the Parties in relation to this MOU. Communications sent by email will be taken to be received 24 hours after it is sent unless an out of office or undeliverable report is received. Housing's representatives on the Working Group operate within the Department of Communities.

Department of Communities:

David Jones (Primary)
Business Development Manager
Commercial Operations
Telephone: 6217 6243
Email: David.Jones@communities.wa.gov.au

Nigel Hindmarsh
Director Business Development
Commercial Operations
Telephone: 9222 4878
Email: Nigel.Hindmarsh@communities.wa.gov.au

or such other person notified by Housing in accordance with clause 7.1(c)

Town of Bassendean:

[Primary contact details]

Christian Buttle (Primary)
Senior Planning Officer
Town of Bassendean
Telephone: 9377 8000
Email: cbuttle@bassendean.wa.gov.au

Peta Mabbs
Chief Executive Officer
Town of Bassendean
Telephone: 9377 8000
Email: pmabbs@bassendean.wa.gov.au

or such other person notified by the City in accordance with clause 7.1(c).

8. INTELLECTUAL PROPERTY RIGHTS

The Parties acknowledge that nothing in this MOU shall affect ownership of any intellectual property rights.

9. COSTS OF THE MEMORANDUM OF UNDERSTANDING

Each Party will pay its own costs and expenses in respect to the negotiation, preparation, execution and delivery of this MOU.

10. CONFIDENTIALITY

- (a) The Parties acknowledge that the terms of this MOU and any information about any projects entered into by the Parties, will be kept confidential unless:
 - (i) required by law to be released;
 - (ii) disclosed to the Town of Bassendean Council, Minister for Housing or other Minister to whom Communities is required to report; the State Government of Western Australia (or any relevant department, agency or representative body or committee of the government); or to Parliament (or any committee of Parliament);
 - (iii) placed in the public domain, for reasons other than through a contravention of this clause;
or
 - (iv) both Parties agree in writing to the release of the information.
- (b) The obligations set out in clause 10(a) survive the termination of this MOU.

The Town of Bassendean acknowledges that some matters by their nature are required to be “commercial in confidence”. Whilst observing the above confidentiality provisions, the Town will balance the requirement for confidentiality with the need for transparency and engagement with its community.

11. PUBLIC RELATIONS AND MARKETING

- (a) Promotional and/or media opportunities generated by joint projects and collaborative activities created under this MOU are to be undertaken in a cooperative manner that promotes both the Town and Housing/Communities.
- (b) The respective roles of Housing and the Town, in the context of any project or activity, must be acknowledged at relevant forums, conferences and project launches where a commercial working relationship for the individual development project is promoted. Approval is required from both parties before any public statement is made.

12. VARIATIONS TO THE MEMORANDUM OF UNDERSTANDING

The Parties agree that this MOU can be amended at any time upon the agreement in writing of the Parties.

13. DISPUTE RESOLUTION

- (a) If any Party (the first Party) is of the view that the other Party (second Party) is not fulfilling any of its obligations under, or referred to in this MOU, the first Party will notify in writing to the second Party, setting out full details of the second Party’s obligations/s under this MOU and requesting that the obligation/s be fulfilled.
- (b) If a dispute arises out of or in relation to the content of this MOU, including but not limited to the fulfilment of an obligation under clause 13(a), the Parties will endeavour in good faith to settle all matters notified in writing as being in dispute between them at the lowest and most informal level practical.
- (c) In the event that a dispute cannot be determined under paragraph 13(b), the dispute shall be finally and conclusively determined by the respective Chief Executive Officers for each Party acting reasonably and in good faith.

14. NON-ENFORCEABILITY

- (a) With the exception of clause 10, this MOU constitutes a statement of the mutual intentions of the Parties with respect to its contents and each Party represents to the other that:

- (i) no reliance shall be placed on it;
 - (ii) it does not constitute an obligation contractually or legally binding on either Party; and
 - (iii) it creates no rights in favour of either Party.
 - (iv)
- (b) The Parties acknowledge and agree that:
- (i) the MOU may not constitute all communications, negotiations, arrangements and agreements made between the Parties with respect to the subject matter; and
 - (ii) the Parties may during the Term enter into any further communications, negotiations, arrangements and agreements in order to give effect to, or fulfil any obligation under the MOU or with respect to the subject matter of the MOU.

15. ENDING THE MEMORANDUM OF UNDERSTANDING

- (a) This MOU will terminate on whichever is the earliest of:
- (i) the Termination Date as defined in clause 3(h); or
 - (ii) such other date agreed in writing by the Parties as the date on which the MOU terminates; or
 - (iii) as notified by one Party to the other Party with at least 30 days written notice.
- (b) With the exception of the obligations set out in clause 10, after the MOU terminates, neither Party will have any further obligation to the other Party arising under or pursuant to this MOU.

16. GENERAL

- (a) Each Party will do all things and execute all further documents reasonably necessary to give full effect to this MOU.
- (b) Nothing in this MOU constitutes either Housing or the Town as an agent, employee, director, partner or joint venture of the other Party.
- (c) Nothing in this MOU authorises either Party to incur any obligation on behalf of the other Party.
- (d) Nothing in this MOU confers or can confer, any proprietary interest on either Party in the other Party's land or assets, unless specifically agreed to and executed in writing under another agreement.

EXECUTION OF THIS MOU

SIGNED FOR AND ON BEHALF OF
TOWN OF BASSENDEAN BY

Peta Mabbs
CHIEF EXECUTIVE OFFICER
TOWN OF BASSENDEAN

DATE: 2019

SIGNED FOR AND ON BEHALF OF THE
HOUSING AUTHORITY BY

MICHELLE ANDREWS
A/CHIEF EXECUTIVE OFFICER
HOUSING AUTHORITY

DATE: 2019

ATTACHMENT NO. 3

Project Description:

Project Title: *Developing a Smart Resource Tracking System to clean-up the Australian Waste Industry*

Project Description (500 characters):

- *Ensure the project description focuses on the projects key problem to be solved or key market opportunity for the products, process or services to be commercialised. It may include the key target market and how CRC-P support will assist in achieving the commercial outcomes.*

This project will establish an integrated system using interactive mobile application for household, smart sensors, tracking & weighing technology to monitor resource & waste flows at the Town of Bassendean. The project will reduce contamination, optimise efficiency of the residual fraction through an integration of whole system thinking from product design to safe disposal. The project also looks to solve inadequacies in waste data and to encourage better recycling and a more circular economy.

Industry Context (2000 characters):

- *What is the national and international state of play in research area that is contributing to solve the identified industry problem or opportunity?*
- *Provide a description of the research landscape relating to the identified problem and how this relates to or complements your proposed project*

Resource and waste infrastructure has not previously been regarded with the same priority as energy and water, but the recent refusal by China to accept contaminated municipal waste has changed this perception. This has already had a significant impact on the Australian waste management and recycling service. By international standards, Australia has poor and inefficient recycling practices. Australian Governments have set a 100% packaging targets, i.e. by 2025 all packaging needs to be 100% reusable, compostable or recyclable. The operational practices of the Australian waste management industry need to be radically upgraded to achieve the target.

This industry-led research project will apply innovative resource and waste tracking technologies to provide detailed information on product packing, household consumption, recycling behaviour and the overall waste management practices. The project will develop a mobile application to collect data on various packaging and to explore resource flow in Australian households. This will enable us to better understand the packaging design and consumption practice at household which are very important as this often ignores in the traditional waste management.

Integrating innovative sensors such as micro-ultrasonics, RFID, weighing, smart imaging, technologies in the household waste bins and collection trucks will open up a new era of accurately measuring and effectively managing our waste. This will be a state-of-the-art model that has not yet been implemented widely at the local government scale in Australia.

The project provides an opportunity to collaborate amongst industry, researchers and the community to improve resource productivity by reducing the level of contamination and to inform manufacture industry about their problematic packaging. The SMEs will have the opportunity to conduct proof of concept activities to improve their organisation competitiveness for entering and thriving to the mass waste market.

Estimated Project Commencement Date: *1 July 2019*

Estimated Project Completion Date: *30 June 2022*

Estimated Project Length (in Months): *36 Months*

Project Description (4000 characters)

- *Include the industry problem to be solved, the scope of the Project, key activities and methodology to address the problem or opportunity, and expected outcomes. Describe any links or current engagement with growth sectors. This information will not be used for publication, but will be included in the grant agreement should the application be successful. The project description and outcomes field is limited to 4000 characters (including spaces and paragraph returns).*

This project is focused on the waste industry with respect to general waste and recycling. The study looks to bring improvements to the sector through a whole systems approach in order to respond to inefficiencies and shortfalls with new technologies and strategies.

This project responds to various problems in the waste and recycling industry such as waste contamination, waste reduction, the collection of quality data while at the same time bringing efficiencies to the waste industry to provide households with real-world cost savings. Part of these problems are due to citizen education around waste and recycling, industry inefficiencies and international policies such as 'China's ban on contaminated recyclable materials'.

The scope of the of the study will focus on 1,500 households within the Town of Bassendean in Western Australia. The study will build upon the Town of Bassendean roll out of a three-bin program in 2020 through the wider municipality.

Key Activities include using various sensing technologies (Video, Still Camera, RFID, Volumetric Sensors data analysis and machine learning) to understand household waste habits and patterns to develop ways to encourage recycling and a more circular economy. The ultimate outcome will be to obtain baseline data from a small population to understand where contamination occurs and begin to trial methods to encourage consumer uptake of appropriate systems, whilst simultaneously educating the public about what can and cannot be recycled.

The project will apply a mixed-methodology by incorporating both quantitative and qualitative research methods. These include; literature review, citizen reporting via the purpose-built mobile application and data analytics.

The project is expected to deliver the following beneficial outcomes:

- *An innovative waste tracking system;*
- *A complete household waste profile;*
- *Identification of problematic packaging;*
- *Reduction of contamination through design and behaviour change;*
- *Increase resource productivity; and*
- *Reduce landfill cost and GHG emission.*

The expected outcomes include a 5%-10% reduction of waste contamination, a 10% improvement in the recycling efficiency and at least 90% of Town of Bassendean residents' active participation in the new three-bin recycling system. Further to this we look to implement the SME's technologies for the benefit of the wider waste industry and community.

The project is in alignment with the Australian Growth Centres, namely AMGC and FIAL for the following reasons:

AMGC because of the implementation of smart sensors to recycling and waste collection systems and how this will ultimately impact packaging and manufacturing, which will only be worthwhile and feasible after we obtain baseline data, which this project will achieve. Technical leadership is being developed with advanced processes and business models utilising new technologies. This project directly relates to the "Australian Packaging Covenant Strategic Plan 2017-2022" by way of efficiently use resources, divert packaging waste from landfill; and share knowledge to improve the packaging sustainability performance of Australian industry.

FIAL in terms of the impact that it could have with respect to food waste and household consumption habits. This project directly looks to address aspects of the "2018 National Waste Policy: Less waste, more resources" which FIAL will deliver and implement a plan for.

Merit Criteria

25% each and a 5000 character limit including spaces

Merit Criterion 1: Project Alignment with the programme objectives

- a) The industry identified the problem and how this impacting the competitiveness, productivity and sustainability of Australian industry
- b) How your project will foster high quality research through collaborative industry-research partnerships
- c) How your project will encourage and facilitate SME participation.

Since China's waste ban in 2018, the waste sector in Australia is facing unprecedented challenges in managing waste locally. A paramount stockpiling of recycled-waste has been observed which has already raised the concerns of posing fire hazards. The recent shutdown of multiple recycling facilities in Victoria by the Environment Protection Authority due to fears about the fire risk posed by growing stockpiles. The most affected local governments are not willing to even collect recycling bins since the service would cost a significant amount of money to manage waste locally (i.e. \$50 million for Queensland councils).

Realising the severity of the crisis currently facing by the waste industry and local governments, both Matter and Tradr (SMEs) have been trying to integrate their innovative smart technologies to address the issues. The integrated resource and waste tracking system will support industry-led collaborations between industry, researchers and the community to improve the competitiveness, productivity and sustainability of Australian waste industry.

This project provides innovation in waste industry by integrating smart tracking, weighing, imaging and machine learning technologies into the waste collection system. The system will be facilitated by a real-time data acquisition platform, underpinned by blockchain technology. The project will be open in the following ways: (i) resource tracking system used to measure the household's material flow; (ii) RFID, smart image and weighing system used to track waste generation, recycling and contamination; (iii) through open source data and (iv) through communications written by specialists assigned to the project.

Major manufacturers and retailers use barcoded recyclable packaging and this study will apply the packaging recyclability evaluation portal as a tool to understand the actual recycling rate of the certified packaging product at the household level. Specifically, the project will use the Town of Bassendean. The study will analyse household material flows by scanning the barcodes of product's packaging. This will reveal consumption patterns and packaging recycling behaviour. In addition, the study will assist in identifying problematic product packaging which has poor to no recycling provision. The data will identify common packaging items that are found to contaminate the recycled waste stream, which will inform retailers on packaging redesign and/or allow them to pursue alternative solutions. Further to this, households will be notified of their recycling behaviour in order to incentivise behaviour change.

Integrating innovative sensors, smart imaging, RFID and weighing technologies in the household waste bins and collection trucks will open up a new era of accurately measuring and effectively managing our waste. The SMEs will have the opportunity to collaborate with local governments and research organisations in conducting new research and proof-of-concept activities to improve their organisation competitiveness for entering and thriving in the mass waste market.

The open source data will enable the sharing of the captured information among consumers (purchase decision) & waste generators (recycling behaviour), retail market (informing problematic packaging), the waste management authority (optimisation & billing) and the recycling industry (secure investments with better decisions).

This will be an exemplar for LGA's across Australia through open, real-time tracking and visualisation of the waste flows. This will significantly improve the efficiency of waste management systems, as well as informing and improving effective decision making, since stakeholders will now be able to access a more comprehensive and integrated overview on the amounts, types, contamination and location of waste. Consequently, it will empower stakeholders to make more effective decisions and increase the efficiency and productivity of their waste-management activities.

The project will enable collaborations amongst various stakeholders from SMEs (Tradr, Matter), waste industry (SUEZ), local government bodies (Town of Bassendean), Academic and research institute (CIC, Curtin University) and NGO's (Climate-KIC Australia). The project is particularly interesting for SMEs as both Tradr and Matter are collaborating in the project by offering their unique smart technologies which are vital for the project.

On one hand, Tradr is specialised in developing and operating smart sensors and a cloud platform, and on the other hand, Matter is specialised in volumetric sensors and sustainability assessment of waste management, thus integrating the innovative technologies, cloud computing and sustainability assessment in the proposed project will support both SMEs to apply their technologies in the real-world scenarios which is very essential for concept proofing and commercialise their technologies in the Australian and global market.

Merit Criterion 2: The quality and benefits of your research project

- a) The research you will do and methodologies you will use
- b) How the research will address the identified problem, build on the current body of knowledge and enhance the adoption of new technologies
- c) The education and training opportunities your project will provide to build capability and capacity in the industry and research sectors.

The project will apply a mixed-methodology by incorporating both quantitative and qualitative research methods. The project aims to demonstrate the recent invention in smart technologies to solve the real-world problem and in this case waste. The project will demonstrate multiple innovative approaches to provide an in-depth knowledge and policy solutions for addressing the current challenges, including:

- Using customised mobile application to track household consumption behaviour and identify problematic product packaging;*
- Installing state of the art micro-ultrasonics and RFID trackers in all three waste bins and weighing technology in the collection trucks to track household waste generation and recycling practices;*
- Integrating imaging technology with the machine learning technique will enable to identify the level of contamination in the recycling waste from household to city scale; and*
- Using blockchain platform for open source waste data to ensure a high-resolution real-time data which are currently not available.*

Various studies show that waste generation and its management are directly influenced by household consumption patterns. The project scope is not limited to waste by-products but will also assess products and goods consumers purchase daily, analysed at the household level. The project will consider the Town of Bassendean as a case study areas for demonstrating the smart waste tracking system.

The project will develop a tailor-made mobile application for the participating households in Bassendean to collect their resource consumption and the packaging data. Since almost all packaging are now barcoded, the mobile application will use barcode technology to record the household consumption of goods from selected households during the consumption trial providing data on packaging for analysis. A citizen science self-reporting technique will be used to capture household's packaging recycling practices. For example, the mobile application will be able to identify which product packaging (certified/uncertified) are problematic and not being recycled correctly at household due to design and behavioural issues. This will help to visualise and understand the complexity of the waste issues which motivate better purchase decisions as well as improve recycling behaviour. In addition, the retailer and manufacturer will be informed about their problematic packaging, so that they can rectify the issue through design or using sustainable materials.

The smart tracking and weighing system is currently applied in several cities in Europe and North America but the technology has not yet been introduced in Australia for determining the collection cost; which is almost half that of total waste management. In addition, the project will include smart imaging systems to capture high definition video and a series of snapshots of each bin during collection, thereby identifying the level of contamination for each household. The machine learning technique will be applied to these images a be trained over the period of the study period.

This initiative will be an early adopter in Australia which will provide a detailed overview of the data through the full supply chain of waste management from resource consumption to safe disposal.

The key focuses of the project are to educate local community and inform them about their consumption and recycling behaviour through the digital application and to motivate them for better decision making while purchasing products and managing their waste / recycling in order to reduce contamination. The project builds on Circular Economy principles and will deliver a Factor 4 to Factor 10 improvement in waste productivity by reducing the contamination, increasing the material circularity in the supply chain and resulting in a significant reduction in the environmental impact of waste.

Despite having innovative and smart technologies, both Tradr and Matter as SMEs lack the capacity to conduct the essential product and market research which are essential for mass-application of smart technologies in the waste industry. This project will provide the opportunity to build the relationship with community, waste service industry, non-profit organisations and research institute. The SMEs would be benefited from the research environment provided by the Curtin University. The Town of Bassendean would be mainly conducting the community education, SUEZ would be providing the necessary collection services and trainings to the waste collectors. Tradr and Matter will be enabling integration of smart devices in the waste management practices to track real-time data which are currently absence in the waste management system.

Merit Criterion 3: Capacity, capability and resources to deliver the project

- a) How will you manage and monitor your project, explaining the governance and planning arrangements and how you will manage risks, including data protection and cyber security concerns*
- b) Your access to required resources including personnel with the right skills and experience, funding, infrastructure, technology and intellectual property.*

The project activities and progress will be managed and monitored closely by all stakeholders and a project manager will be employed by coordinating the activities between industries and academia. In order to monitor the project progress and milestones, scheduled stakeholders' meeting will be organised each month. An effective and detailed project management plan (attached) will be prepared and activities will be planned and delivered. There will be several community engagement programmes which will be held in different project phases and the community engagement will be held in a forum style manner.

There will be regular dissemination of reporting and publication in line with funding requirements. The publication topics include consumption and recycling behaviour, trends and dynamics of waste composition, optimising collection cost through a PAYT system and a waste management strategy for Bassendean. The project will yield communications and an implementation report.

The loss of key personnel is highly unlikely since the project will be coordinated by Matter and Curtin University's permanent staff. All relevant stakeholders are committed to actively collaborate and invest in the project which means the refusal of work is very unlikely. Key risks have been identified, analysed and mitigated in the attached Failure Mode and Effects Analysis Table.

Working with Curtin University, Matter and Tradr (SMEs) will have the access to the urgently required research environment which would safeguard any risk of data breach and cyber security concerns. Using Curtin firewall and interface will ensure safe handling of any confidential household data which would have not been possible to ensure by a small business like Matter.

The project will bring a unique set of personnel and skills which are vital for the project to be completed with the utmost success. Both Matter and Tradr as SMEs have a number of patents and industry led innovative technologies in the waste tracking systems and implementing them at a local council will minimise the knowledge gaps in relation to the competitive advantages of the technologies in a real-world scenario.

The key roles and collaboration of the stakeholders are briefly outlined here:

Matter: Matter as a project lead will focus on meeting milestones, managing the budget, reporting and assisting other project partners on a day-to-day basis with technology, integration and operations. Matter will also provide technical support for the volumetric analysis of waste generation and tracking system from point of generation to the collection system. The potential carbon and greenhouse-gas emission from household waste will be analysed through a comprehensive carbon accounting system. Matter's proprietary data management system will also be leveraged in order to optimise efficiencies in water collection while supporting data analytics.

Tradr: Tradr will provide the technical development for the mobile application and machine learning technology. Tradr will also provide maintenance support to the project, as well as the marketing campaign and data guidance. Tradr will also support the project in a general collaborative way by assisting with implementation and operations.

SUEZ Recycling and Recovery Pty Ltd.: SUEZ is the Town of Bassendean's waste contractor who will be responsible for deploying and managing the waste monitoring and tracking technologies and the roll out of the three-bin system with RFID tagging. The smart imaging and weighing devices will be installed in SUEZ waste collection trucks operating in the Town of Bassendean.

The Town of Bassendean: The Town of Bassendean will roll out the three-bin programme by 2020, thereby creating the RFID tagged three bin smart collection system which is fundamental to this proposal. The necessary community engagement and communication campaign will be organised by the Town of Bassendean for a smooth transition of the current two bin system to the three bin system.

Curtin University: Curtin University will provide coordination duties and responsibilities to the project. Curtin University will advise all partners to determine the necessary tracking (RFID, camera, DVR) and weighing (weighing device, calibration software, etc.) technologies which need to be purchased for collecting data on household waste profile and resource recovery status. Curtin University will also conduct research across the project for qualified knowledge creation, innovation and reporting. The Curtin Institute for Computation will provide data analytics to the project that will enable management and analysis of the data collected for research purposes as well as implementation, and the setup of a database for the exported data.

Climate-KIC Australia: Providing support for developing mobile application and integrating the SRTS study into the Circular Economy flagship project in Europe. This will provide the potential for scaling across Australia and global comparison.

Merit Criterion 4: impact of the grant funding on your project

- a) *The likelihood that the project would proceed without the grant and how the grant will impact the project in terms of scale and timing*
- b) *The total investment the grant will leverage and why the Australian Government should invest in your project*
- c) *The commercial potential of the project including the expected commercial outputs such as new products, process or services and or any expected spill over benefits.*

This is an industry-driven project led by the SME and local councils and research institute have been consulted and will be actively involved in this project. As one of the leading partner organisations, the Town of Bassendean will implement this project by moving from its current two-bin waste collection system to a three-bin waste collection system of 1500 service recipients in 2020 equipped with the cutting-edge smart resource and waste tracking system.

This exemplar initiative will not only bring local residents, governments, waste industry and academic institutions onto the same platform but the project will also demonstrate how cities can orchestrate the sustainable management of resource and waste in the future.

Through the demonstration element of the project, residents will be provided with a tailor-made mobile application for tracking their household material flows. The end of life waste will be photographed, measured and weighed with the smart sensors, RFID tagging system and imaging technology. The level of contamination will be determined at the individual household level so that a customised waste awareness program can be delivered to the citizens who are not performing to an expected level. Thus, the project will ensure an active community participation throughout the project to reduce contamination and improve the waste recycling rate. The data will be de-identified as it is stored, except for access by a very limited number of researchers who will collate the results to meaningful reports. Citizen integrity will be guaranteed by access to the computational expertise of Curtin University with their stringent ethics and integrity system.

The project will engage the local community about the benefits of initiating this project and measuring the waste in relation to the reduction of waste generation and improvement of recycling rate which can potential save households money. The project will model a bill by weight system for an appropriate tariff structure in the preliminary trials, however, with public acceptance and project performance, the PAYT system would be adopted during the implementation phase.

The project will engage local community as outlined in the attached project plan and monthly stakeholder meetings with consortium partners and regulatory/government bodies. A set of milestones and targets are assigned to measure the project's progress. The project manager will assess the progress based on stakeholders' satisfaction. The diverse roles of the project partners will ensure citizen engagement at various project phases including software/mobile application development (Tradr/Matter/Climate-KIC /Curtin University), profiling household waste composition (Town of Bassendean/Curtin University/Tradr) and smart waste collection system (SUEZ/Curtin University/Matter), waste management and scale up potential (Town of Bassendean).

A combination of smart technologies will allow the community and local government to gain a sense of the resource value of waste. The sense of resource value within the community is absent due to a lack of socio-economic and environmental awareness on waste. A key focus of this project will be on accessing household resource and waste data to provide details on household waste recycling practices to the residents in real-time through a tailor-made mobile Application. Such cutting-edge initiatives not only increase community awareness on waste but also improve recycling efficiency, which will be cost-effective in the long term.

The key performance indicators for success of this project include a 5%-10% reduction of waste contamination, a 10% improvement in the recycling efficiency and at least 90% of Town of Bassendean residents' active participation in the new three-bin recycling system. In addition, we will use 80% stakeholder satisfaction (gathered from surveys during and after the project) as a means of measuring the overall community success of the project.

The project also aligns with the Town of Bassendean's commitment to improve waste management services to their residences. The project will endorse the National Waste Policy which sets Australia's waste management and resource recovery direction to 2020 by addressing all six key areas including taking responsibility, improving market, pursuing sustainability, reducing hazard & risk, tailoring solution and providing evidence to the decision makers.

The project is in alignment with the Australian Growth Centres, namely AMGC and FIAL for the following reasons:

AMGC because of the implementation of smart sensors to recycling and waste collection systems and how this will ultimately impact packaging and manufacturing, which will only be worthwhile and feasible after we obtain baseline data, which this project will achieve. Technical leadership is being developed with advanced processes and business models utilising new technologies. This project directly relates to the "Australian Packaging Covenant Strategic Plan 2017-2022" by way of efficiently use resources, divert packaging waste from landfill; and share knowledge to improve the packaging sustainability performance of Australian industry.

FIAL in terms of the impact that it could have with respect to food waste and household consumption habits. This project directly looks to address aspects of the "2018 National Waste Policy: Less waste, more resources" which FIAL will deliver and implement a plan for.

Other Government Priorities:

The project will address the Australian Governments' priority areas such as sustainable waste and resource management. In addition, the project will assist in achieving the Australian State and Federal Governments 100% packaging targets.

Basis for government priority:

Australia's National Waste Policy: Less waste, more resources, available at <http://www.environment.gov.au/protection/waste-resource-recovery/national-waste-policy>

WA's Waste Avoidance and Resource Recovery Strategy 2030, available at <http://www.wasteauthority.wa.gov.au/about/waste-strategy/>

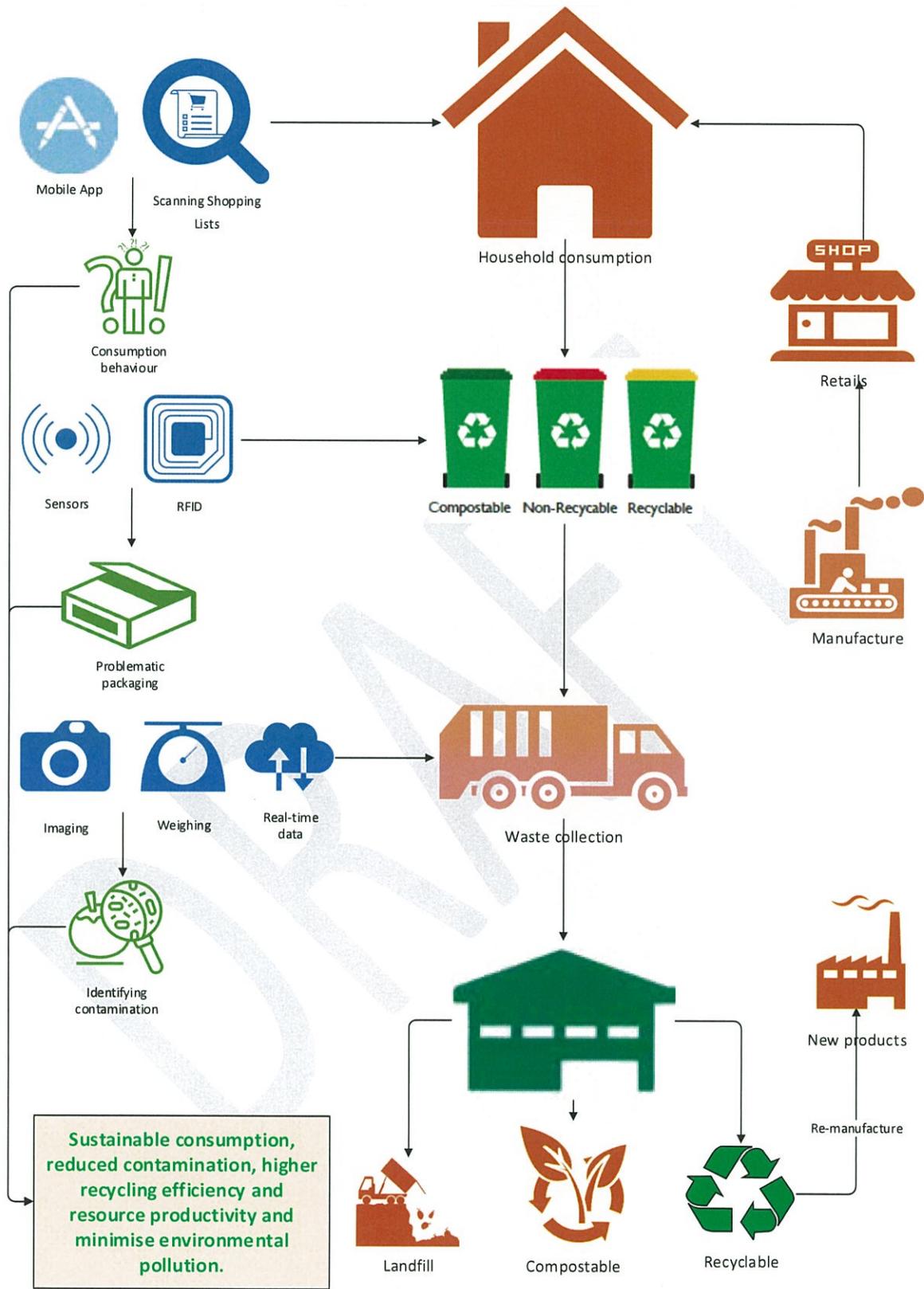


Figure: The SRTS Project Activity Diagram

The Project Activities Plan (July 2019-June 2022)

Task Name	Duration	Start	Finish	Partners	Milestones
Project Scope and Data Management Plan	5 months	1/07/2019	30/11/2019		M1
Drafting consortium agreement	1 mon			All Partners	
Finalising consortium agreement	1 mon			All Partners	
Literature review	3			Curtin/CIC	
Finalising the scope of the study	1			Curtin/CIC/Partners	
Finalising Research Methodology and Data management Plan	2			Curtin/CIC	
Inventory and Planning	2 mons				
Inventory of available and required smart technologies (Bill of materials)	1 mon			Matter / Tradr	
Procurement planning	1 mon			Matter / Tradr	
Household Material Flow Analysis	11 mons	1/12/2019	31/10/2020		M2
Identification and listing of consumable products	1 mon			Curtin	
Develop mobile application for tracking shopping products	4 months			Tradr / Matter and 3 rd Party development firm Collaboration with the Curtin Team	
Public consultation	1 mon			ToB (supported by group)	
Testing the mobile app and scanning system	1 mon			Curtin Team/Tradr	
Optimising the household MFA data	1 mon			Curtin Team/Tradr	
Collecting Household Consumption and Recycling Data	6 mon			Curtin / Tob	
Procurement and Installation of Smart Devices	6 mons	1/11/2020	1/5/2021	SUEZ/Tradr/Matter?	M3
Procurement of required smart devices	5 mon			Matter / Tradr / Suez	

Public consultation	1 mon			ToB (supported by group)	
Installation of, sensors, RFID, Image capture and weighing devices, LoRa	2 mons			TOB (supported by group)	
Training of the employees	1 mon			SUEZ	
Trial Period	6 months	2/5/2021	1/11/2021		M4
Trial 1: RFID Waste Tracking System	6 mons				
Selecting data collection platform	2 mons			Tradr (IP)	
Integrating waste data in the cloud system	2 mons			Curtin Data Scientist / Tradr	
Modelling of the machine learning technique	2 mons			CIC/Shared IP/Tradr	
Household waste profile trial 1	2 mons			Tradr	
Calibration and optimisation	1 mon			SUEZ	
Public consultation	0.5 mons			ToB (supported by Tradr)	
Trial 2: Volumetric Waste Tracking System	6 mons				
Development and integration to cloud system	3 mons			Matter (IP)	
Modelling of the machine learning technique	2 mons			CIC/ Shared IP	
Household waste profile trial 1	1 mon			Matter	
Public consultation	0.5 mons			ToB (supported by Matter)	
Implementation and Data Synthesis	8 mons	2/11/2021	31/6/2022	Curtin Team	M5
Full-scale implementation Stage 1	6 mons				
Motivating for Behaviour Change-Consultation	1				
Full-scale implementation Stage 2	6 mons				
Data synthesis and room for improvements	3 mons			Curtin / Matter / Tradr	
Public Report	2 mons			Curtin Team+ Partners	
Start of a New Era!	1 mon			Group	

Milestone Schedule

Milestone	Duration	Start	End	% PV
Project Scope and Data Management Plan	5 months	1/7/2019	30/11/2019	\$1,269,950
Household Material Flow Analysis	11 months	1/12/2019	31/10/2020	\$1,269,950
Procurement and Installation of Smart Devices	6 months	1/11/2020	1/5/2021	\$1,770,005
Trial Period	6 months	2/5/2021	1/11/2021	\$631,142
Implementation and Data Synthesis	8 months	2/11/2021	30/6/2022	\$631,142
TOTAL	36 months			\$5,572,189



Your Ref: OLET-8038419
Our Ref: WA-01766
Our File Ref: DER2018/0064-8

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info@wasteauthority.wa.gov.au
www.wasteauthority.wa.gov.au

Ms Peta Mabbs
Chief Executive Officer
Town of Bassendean
mail@bassendean.wa.gov.au

Dear Ms Mabbs

Letter of support - Developing a smart resource tracking system to clean up the Australian waste industry

Thank you for your letter dated 11 March 2019 regarding the submission of a research grant application titled "Developing a Smart Resource Tracking System to clean up the Australian Waste Industry" to the Federal Government's Cooperative Research Centres Projects (CRC-P) Grants program.

In principle the Authority is supportive of this project, which will utilise innovative technology for measuring and effectively managing waste in Western Australia. Embracing new technologies that contribute to circular economy principles is a vital step in improving waste management practices.

As you would be aware, the *Waste Avoidance and Resource Recovery Strategy 2030* was launched on 10 February 2019. The circular economy is central to the new waste strategy, and presents opportunities for increased local recycling activity. Improved data collection and analysis is also a key component of the waste strategy. This industry-led research project presents opportunities to improve the measurement and evaluation of waste management programs and initiatives by collecting data on household consumption, recycling behaviour and product packaging.

The Waste Authority delivers a range of programs to support the waste strategy on behalf of the State Government that you may wish to consider applying for, to support the project. On 4 April 2019, the Minister for Environment, Hon Stephen Dawson, announced \$1 million funding for waste infrastructure projects in Western Australia. This funding will be made available through a one-off round of the Community and Industry Engagement (CIE) program, administered by the Waste Authority. I would encourage the Town of Bassendean and the collaborating entities to investigate and apply for funding for waste infrastructure. Further information about CIE can be found on the Waste Authority website at www.wasteauthority.wa.gov.au/programs/cie. Applications close at 10 am, Monday 29 April 2019.

I would like to thank the Town of Bassendean and all other entities involved in progressing this important work and wish you all the best in your application to the CRC-P program.

Yours sincerely

Marcus Geisler
CHAIRMAN

10 April 2019

ATTACHMENT NO. 4



Department of **Biodiversity,
Conservation and Attractions**
Conservation and Ecosystem Management Division

Our ref: 2017/004690
Enquiries: Peter Adkins
Phone: 9278 0915
Email: peter.adkins@dbca.wa.gov.au

Mr Bob Jarvis
Chief Executive Officer
Town of Bassendean
PO Box 87
BASSENDEAN WA 6934

Attn: Jeremy Walker

Dear Mr Jarvis

BINDARING WETLAND CONCEPT DESIGN REVIEW – FURTHER DISCUSSIONS

Thank you for the opportunity for staff from the Rivers and Estuaries Branch (REB) of the Department of Biodiversity, Conservation and Attractions (DBCA) to meet with Jeremy Walker and Simon Stewart-Dawkins on 5 July regarding extensions to the Bindaring Wetland Concept Plan Development – Revision 1 (Coterra Environment, July 2017).

Without additional data from onsite investigations, DBCA is unable to provide statutory planning advice on the proposed future inclusions of the Bindaring Wetland Concept Plan including the creation of islands, adjustment of bed levels and installation of weir structures.

To assess whether these significant changes to Bindaring Wetland are viable there would be a need to study and consider presence and extent of potential acid sulfate soils, dewatering requirements, potential contaminants, especially from stream bed excavation, and flooding potential and amongst other possible factors:

As the proposed future inclusions of the Bindaring Wetland Concept Plan are unlikely to result in significantly enhanced water quality improvement and risk worsening water quality if not appropriately managed, REB recommends against exploring this option further, particularly if at the expense of progressing works proposed in the Bindaring Wetland Concept Plan Development – Revision 1 (Coterra Environment, July 2017).

As per our letter dated 13 November 2017, REB is supportive of the plans to improve water quality within Bindaring Wetland. Providing the depth below the floating wetlands and the space, access and fall to construct biofilters to the appropriate specifications is sufficient, then option 1 in the Bindaring Wetland Concept Plan Development – Revision 1 (Coterra Environment, July 2017) is preferred, as it offers the greatest nutrient treatment for the least cost.

It is again recommended that the Town of Bassendean verify the estimated treatment reduction determined by Coterra using the UNDO tool. Also, if the land swap of Lot 271 Hamilton Street for Lot 27 (Lot 100) Hyland Street proceeds, it is recommended that the Town of Bassendean notify the land owner of the potential for a future constructed wetland which may be built on the parkland to the west of Lot 271 Hamilton Street, as identified in Figure 3 of Ashfield Flats Brief for Strategic Management Plan and Associated Works, prepared for Town of Bassendean in July 2004 by Syrinx Environmental PL.

Rivers and Estuaries Branch
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9278 0900 Email: rivers.systems@dbca.wa.gov.au
dbca.wa.gov.au

I trust these comments are of use. Should you require further information please contact myself or Christie Atkinson, A/Drainage and Nutrient Intervention Program Manager, on 9278 0952.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Adkins', with a long horizontal flourish extending to the right.

Peter Adkins
Manager, River Systems Management Unit

2 November 2018



Department of Biodiversity,
Conservation and Attractions



Your ref:
Our ref: 2017/004690
Enquiries: Peter Adkins
Phone: 9278 0915
Email: peter.adkins@dbca.wa.gov.au

Mr Bob Jarvis
Chief Executive Officer
Town of Bassendean
PO Box 87
BASSENDEAN WA 6934

Attn: Jeremy Walker

Document #: ILET-13766418
Date: 20.04.2018
Officer: BOB JARVIS
File: PARE/CONTRNG/2



Dear Mr Jarvis

COUNCIL WORKSHOP TO DISCUSS ALTERNATIVE BINDARING WETLAND CONCEPT

Thank you for the invitation to attend the Town of Bassendean council workshop to discuss an alternative concept design for the Bindaring Wetland. The Department of Biodiversity, Conservation and Attractions are able to review and provide comment on the alternative concept design for the Bindaring Wetland but consider that this review would be better informed outside of a workshop setting.

To ensure comments are able to be provided prior to the workshop, the alternative plan and any associated detail should be forwarded to Peter Adkins, Drainage and Nutrient Intervention Program Manager at peter.adkins@dbca.wa.gov.au by close of business 26 April 2018. Officers will then provide comments prior to the workshop for the Town of Bassendean's consideration.

We commend the Town of Bassendean on leading the Bindaring Wetland project to protect the Swan and Canning rivers.

Yours sincerely

Stephen Lloyd
A/Manager, River System Management

20 April 2018

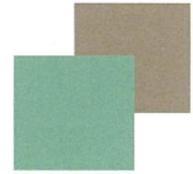
Parks and Wildlife Service
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9278 0915 Email: peter.adkins@dbca.wa.gov.au
Web: pws.dbca.wa.gov.au

RPMC 02/02/18 Summary of feedback and response.

Responder	Feedback	Officer Comment
Department Biodiversity, Conservation & Attractions	Supportive of plans to improve water quality within Bindaring wetland	
	Recommend that specifications ensure that space, access & fall to construct bio filters to the adoption Guidelines for Stormwater Bio filtration Systems is sufficient and depth below the floating wetlands is sufficient to prevent plant root growth into the base of the wetland	Officer agrees with comment and will provide feedback to Coterra to provide a response and update option 1 concept.
	Recommend option 1 be preferred as it offers greatest nutrient treatment for the least cost	Noted
	Suggested possibility of constructing additional wetland areas within public open space north of Bassendean Parade if desired in future	Noted
	Recommended that further information regarding inputs used by Coterra in the UNDO model be obtained to verify estimated treatment reduction	Officer will request further information from Coterra in regards to UNDO modelling and estimated nutrient reduction.
recommend council notify potential new land owner of land swap that there is potential for a future wetland on the parkland to the west of Lot 271 Hamilton St	Noted comment, however future wetland is proposed to be adjacent lot 100 Hyland St, not Hamilton St.	

Friends Of Bindaring Park	Friends Group consider that this plan by Coterra does not go far enough to address core issues and provide a plan for holistic repair of degraded wetland system	Designs are concepts not detailed specifications, next stage would be to develop detailed specifications based off the concepts.
	Friends Group would like to see an environmentally sensitive Hydraulic design that allows the available water flow to support a wetland system that can function well within its urban setting, whilst being accessible to the community	<p>Concept designs are all developed to meet the following objectives:</p> <ol style="list-style-type: none"> 1. Improve water quality within Bindaring Wetland through the improved treatment of urban stormwater runoff at stormwater discharge locations within the Park. 2. Improve ecological & Habitat value through removal of weed vegetation, retention of high value trees and rehabilitation using local native species.
		<ol style="list-style-type: none"> 3. Improve access, path connectivity & under-utilised space within the Park for improved recreational amenity. 4. Consider modification of hydraulic controls.
	Friends Group would like a greater emphasis on the 'Living Stream' and their comments are based on that premise	Option 1 preferred option, incorporates a living stream in the northern section of the wetland between Harcourt St & Anstey Rd.
	Friends group would like to see Hydrological/ hydraulic assessments to identify best design	Section 2.5 of the Coterra report covers hydrology component of the concept design for ground water & Surface water, Section 3 is Hydraulic Modelling and Section 4 is water quality modelling, GHD undertook hydraulic modelling for northern section of wetland in 2016, Structerre undertook geotechnical investigations in 2017 both of which contributed to the designs.
	Greater priority given to habitat design	<p>Item 2 of project objective was to Improve ecological & Habitat value, Coterra undertook level 1 fauna survey to gather better understanding of fauna found in wetland prior to developing designs.</p> <p>Officer notes comment on proposed pathways, feedback will be provided to Coterra to remove pathways and replace with boardwalk only as far as Watercorp sewer inspection. Officer seek clarification on which paths exactly friends group would like removed including pathway proposed off Watson St.</p>

		<p>As mentioned in the Coterra report, further Hydrological & environmental investigations are required to adequately assess the impact that closing off Hyland street and removing culvert would have on the wetland hydrology & ecosystem, the flood levels represented on the concept options are indicative of the current hydraulic controls and existing topography. Initial comments from both GHD & Coterra suggest that opening the culvert could impact the freshwater ecology of the upper wetland, as water data logger shows no current salt water intrusion north of Anstey/Lovelock St.</p>
	<p>Ongoing management Nutrient Pollution Reduction</p>	<p>Ongoing management is developed as part of the detailed specifications and drawings. Section 4 of Coterra report explains water quality monitoring that has been undertaken for the past 7 years in conjunction with department of water & City of Bayswater. Officers can seek more detail from Coterra on how suggested treatment options will increase conservation values and habitat capacity. Detailed design will take into consideration depth required for floating wetland to be successful and any excavation/silt removal required to achieve this.</p>
	<p>Request that staff consult with Friends group & Councillors before any future scopes are developed for work in Bindaring</p>	<p>officers presented scope for stage 2 at RPMC (RPMC – 1/11/16) prior to seeking quotes from contractors.</p>



COTERRA
ENVIRONMENT

Bindaring Park

Concept Plan Development

9th April 2019

Presentation by
Coterra Environment

Rebecca Epworth - Director

Background

- ToB seek to improve ecological and recreational value of Bindaring Park
- Coterra and sub-consultants: technical studies and develop 3 concept designs



Objectives



COTERRA
ENVIRONMENT

1. Improve water quality through improved treatment of urban stormwater runoff at stormwater discharge locations within the park.
2. Improve ecological and habitat value through removal of weeds, and rehabilitation planting using local native species.
3. Improve access, path connectivity, and underutilised space within the park for improved recreational amenity.
4. Consider possible future options.

Concept Design - Option 1



COTERRA
ENVIRONMENT

Objective	Measures proposed
Improve quality of stormwater discharged to wetland	4 biofilters (major inflows) 3 swales (minor inflows) Floating wetland Gross pollutant trap
Improve ecological and habitat value	Extensive weed control Rehabilitation planting Retain 50 black cockatoo habitat trees Remove 5 feral beehives
Improve recreational amenity	Additional paths, boardwalks, bird hide Passive recreation areas including seating and lookouts <i>Optional: Use house on 27 Hyland St as environment/community house.</i>
Consider hydraulic controls	No changes proposed

1



- ### LEGEND
- EXISTING RESIDENTIAL PROPERTIES
 - EXISTING TREES
 - PROPOSED TREES
 - OPEN EPHEMERAL WETLAND
 - REHABILITATED EPHEMERAL WETLAND AND SWALES
 - NATIVE DRYLAND REHABILITATION PLANTING
 - TURF LAWN AREAS
 - STABILISED LIMESTONE FOOTPATHS
 - CONCRETE FOOTPATHS
 - STREET PARKING
 - RETENTION OF 50NO. TREES IDENTIFIED AS POTENTIAL GARNABY'S BLACK COCKATOO BREEDING HABITAT
 - REMOVAL OF 5NO. FERAL BEEHIVES
 - WAYFINDING SIGNAGE
 - INTERPRETIVE SIGNAGE CONTAINING INFORMATION ABOUT THE ENDANGERED WETLAND'S ABORIGINAL HERITAGE, THE NATURAL ENVIRONMENT AND FLOOD AWARENESS

DRAINAGE

FLOOD LEVELS

- 1 YEAR FREQUENT EVENT
- 5 YEAR ARI
- 10 YEAR ARI
- 100 YEAR ARI

OPTION 1 DRAINAGE INFLOW TREATMENTS:

SUBREGION	TREATMENT METHOD	AREA (SQM)
A1	BIOFILTER	421.3
A2	BIOFILTER	24.2
A3	BIOFILTER	54.6
B	BIOFILTER	23
C	BIOFILTER	122
D	SWALE	60
F	BIOFILTER	113
G	SWALE	25
H	SWALE	56
FW	FLOATING WETLAND	200

LEGEND CONTINUED

- 1 SEATING NODE / LOOKOUT
- 2 CYCLEWAY
- 3 REHABILITATED SWALE / STREAM
- 4 BOARDWALKS ACROSS WETLANDS FOR PEDESTRIAN ACCESS AWAY FROM EXISTING PROPERTIES
- 5 WATERCORP SEWER MANHOLE WITH 3M WIDE STABILISED LIMESTONE ACCESS TRACK
- 6 FORMALISED PARK BOUNDARY
- 7 PUBLIC OPEN SPACE WITH NATIVE DRYLAND REHABILITATION PLANTING
- 8 FOOTPATH CONNECTION ALONG CARNEGIE ROAD
- 9 PATH CONNECTION TOWARDS PICKERING PARK AND RIVER
- 10 RECLAIMED CORNER ABUTTING PRIVATE PROPERTY WITH FORMALISED RETAINING WALL AND FENCE ALONG BOUNDARY
- 11 RETAINED OPEN TURFED PARKLAND SPACE FOR PASSIVE RECREATION
- 12 REVEGETATION ALONG WESTERN BANKS OF THE LAKE TO PROVIDE WATERBIRD HABITAT AND REDUCE WEED DENSITY

CALLOUT: PROPOSED FUTURE SCENARIO



OPTION 1 SPECIFIC FEATURES:

- 13 MAIN WETLAND BOARDWALK CROSSING WITH VIEWING DECK / BIRD HIDE
- 14 RECONSTRUCTED CULVERT CROSSING AND PEDESTRIAN PATH ACROSS WETLAND
- 15 DWELLING RETAINED FOR COMMUNITY USE

Concept Design - Option 2



COTERRA
ENVIRONMENT

Objective	Measures proposed
Improve quality of stormwater discharged to wetland	2 biofilters (main inflows) 6 swales (minor inflows) Gross pollutant trap
Improve ecological and habitat value	Extensive weed control Rehabilitation planting Retain 50 black cockatoo habitat trees Remove 5 feral beehives
Improve recreational amenity	Additional paths, boardwalks, passive recreation areas including seating and lookouts <i>Optional: Remove causeway and replace with pedestrian boardwalk</i>
Consider hydraulic controls	<i>Optional: Removal of the causeway</i>



- ### LEGEND
- EXISTING RESIDENTIAL PROPERTIES
 - EXISTING TREES
 - PROPOSED TREES
 - OPEN EPHEMERAL WETLAND
 - REHABILITATED EPHEMERAL WETLAND AND SWALES
 - NATIVE DRYLAND REHABILITATION PLANTING
 - TURF LAWN AREAS
 - STABILISED LIMESTONE FOOTPATHS
 - CONCRETE FOOTPATHS
 - STREET PARKING
 - RETENTION OF 50NO TREES IDENTIFIED AS POTENTIAL CARNABY'S BLACK COCKATOO BREEDING HABITAT
 - REMOVAL OF 5NO FERAL BEEHIVES
 - WAYFINDING SIGNAGE
 - INTERPRETIVE SIGNAGE CONTAINING INFORMATION ABOUT THE BINDARING WETLAND'S ABORIGINAL HERITAGE, THE NATURAL ENVIRONMENT AND FLOOD AWARENESS

DRAINAGE

FLOOD LEVELS

- 1 YEAR FREQUENT EVENT
- 5 YEAR ARI
- 10 YEAR ARI
- 100 YEAR ARI

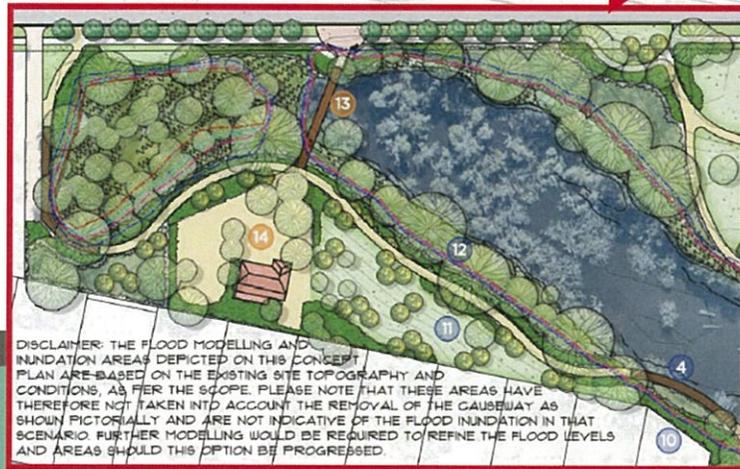
OPTION 2 DRAINAGE INFLOW TREATMENTS:

SUBREGION	TREATMENT METHOD	AREA (SQM)
A1	BIOFILTER	421.3
A2	BIOFILTER	24.2
A3	BIOFILTER	54.6
B	SWALE	23
C	SWALE	122
D	SWALE	6.6
F	SWALE	113
G	SWALE	75
H	SWALE	56

LEGEND CONTINUED

- 1 SEATING NODE / LOOKOUT
- 2 CYCLEWAY
- 3 REHABILITATED SWALE / STREAM
- 4 BOARDWALKS ACROSS WETLANDS FOR PEDESTRIAN ACCESS AWAY FROM EXISTING PROPERTIES
- 5 WATERCORP SEWER MANHOLE WITH 3M WIDE STABILISED LIMESTONE ACCESS TRACK
- 6 FORMALISED PARK BOUNDARY
- 7 PUBLIC OPEN SPACE WITH NATIVE DRYLAND REHABILITATION PLANTING
- 8 FOOTPATH CONNECTION ALONG CARNEGIE ROAD
- 9 PATH CONNECTION TOWARDS PICKERING PARK AND RIVER
- 10 RECLAIMED CORNER ABUTTING PRIVATE PROPERTY WITH FORMALISED RETAINING WALL AND FENCE ALONG BOUNDARY
- 11 RETAINED OPEN TURFED PARKLAND SPACE FOR PASSIVE RECREATION
- 12 REVEGETATION ALONG WESTERN BANKS OF THE LAKE TO PROVIDE WATERBIRD HABITAT AND REDUCE WEED DENSITY

CALLOUT: PROPOSED FUTURE SCENARIO



DISCLAIMER: THE FLOOD MODELLING AND INUNDATION AREAS DEPICTED ON THIS CONCEPT PLAN ARE BASED ON THE EXISTING SITE TOPOGRAPHY AND CONDITIONS, AS PER THE SCOPE. PLEASE NOTE THAT THESE AREAS HAVE THEREFORE NOT TAKEN INTO ACCOUNT THE REMOVAL OF THE CAUSEWAY AS SHOWN PICTORIALY AND ARE NOT INDICATIVE OF THE FLOOD INUNDATION IN THAT SCENARIO. FURTHER MODELLING WOULD BE REQUIRED TO REFINE THE FLOOD LEVELS AND AREAS SHOULD THIS OPTION BE PROGRESSSED.

OPTION 2 SPECIFIC FEATURES:

- 13 CAUSEWAY DEMOLISHED AND PEDESTRIAN BOARDWALK CROSSING CONSTRUCTED
- 14 DWELLING RETAINED FOR COMMUNITY USE

Concept Design - Option 3



COTERRA
ENVIRONMENT

Objective	Measures proposed
Improve quality of stormwater discharged to wetland	7 swales (all inflows) Gross pollutant trap
Improve ecological and habitat value	Extensive weed control Rehabilitation planting Retain 50 black cockatoo habitat trees Remove 5 feral beehives
Improve recreational amenity	Additional paths, boardwalks, bird hide Passive recreation areas including seating and lookouts <i>Optional: Remove house on 27 Hyland St and reclaim land as POS</i>
Consider hydraulic controls	<i>Optional: Removal of the causeway and Hyland Street</i>

LEGEND

- EXISTING RESIDENTIAL PROPERTIES
- EXISTING TREES
- PROPOSED TREES
- OPEN EPHEMERAL WETLAND
- REHABILITATED EPHEMERAL WETLAND AND SWALES
- NATIVE DRYLAND REHABILITATION PLANTING
- TURF LAWN AREAS
- STABILISED LIMESTONE FOOTPATHS
- CONCRETE FOOTPATHS
- STREET PARKING
- RETENTION OF 500 TREES IDENTIFIED AS POTENTIAL CARNABY'S BLACK COCKATOO BREEDING HABITAT
- REMOVAL OF 500 FERAL BEEHIVES
- WAYFINDING SIGNAGE
- INTERPRETIVE SIGNAGE CONTAINING INFORMATION ABOUT THE BINDARING WETLAND'S ABORIGINAL HERITAGE, THE NATURAL ENVIRONMENT AND FLOOD AWARENESS

LEGEND CONTINUED

- 1 SEATING NODE / LOOKOUT
- 2 CYCLEWAY
- 3 REHABILITATED SWALE / STREAM
- 4 BOARDWALKS ACROSS WETLANDS FOR PEDESTRIAN ACCESS AWAY FROM EXISTING PROPERTIES
- 5 WATERCORP SEWER MANHOLE WITH 3M WIDE STABILISED LIMESTONE ACCESS TRACK
- 6 FORMALISED PARK BOUNDARY
- 7 PUBLIC OPEN SPACE WITH NATIVE DRYLAND REHABILITATION PLANTING
- 8 FOOTPATH CONNECTION ALONG CARNEGIE ROAD
- 9 PATH CONNECTION TOWARDS PICKERING PARK AND RIVER
- 10 RECLAIMED CORNER ABUTTING PRIVATE PROPERTY WITH FORMALISED RETAINING WALL AND FENCE ALONG BOUNDARY
- 11 RETAINED OPEN TURFED PARKLAND SPACE FOR PASSIVE RECREATION
- 12 REVEGETATION ALONG WESTERN BANKS OF THE LAKE TO PROVIDE WATERBIRD HABITAT AND REDUCE WEED DENSITY

OPTION 3 SPECIFIC FEATURES:

- 13 MAIN WETLAND BOARDWALK CROSSING WITH VIEWING DECK / BIRD HIDE
- 14 CAUSEWAY DEMOLISHED AND PEDESTRIAN BOARDWALK CROSSING CONSTRUCTED
- 15 DWELLING DEMOLISHED TO CREATE PUBLIC PARKLAND SPACE EXPLOITING NORTHERLY ASPECT
- 16 HYLAND STREET CLOSED OFF IN CUL-DE-SAC FORMATION. PEDESTRIAN PATH AND BOARDWALK CONSTRUCTED ACROSS RESTORED WETLAND

DRAINAGE

FLOOD LEVELS

- 1 YEAR FREQUENT EVENT
- 5 YEAR ARI
- 10 YEAR ARI
- 100 YEAR ARI

OPTION 3 DRAINAGE INFLOW TREATMENTS:

SUBREGION	TREATMENT METHOD	AREA (SQM)
A1	SWALE	421.3
A2	SWALE	24.2
A3	SWALE	54.6
B	SWALE	73
C	SWALE	122
D	SWALE	60
F	SWALE	113
G	SWALE	26
H	SWALE	56

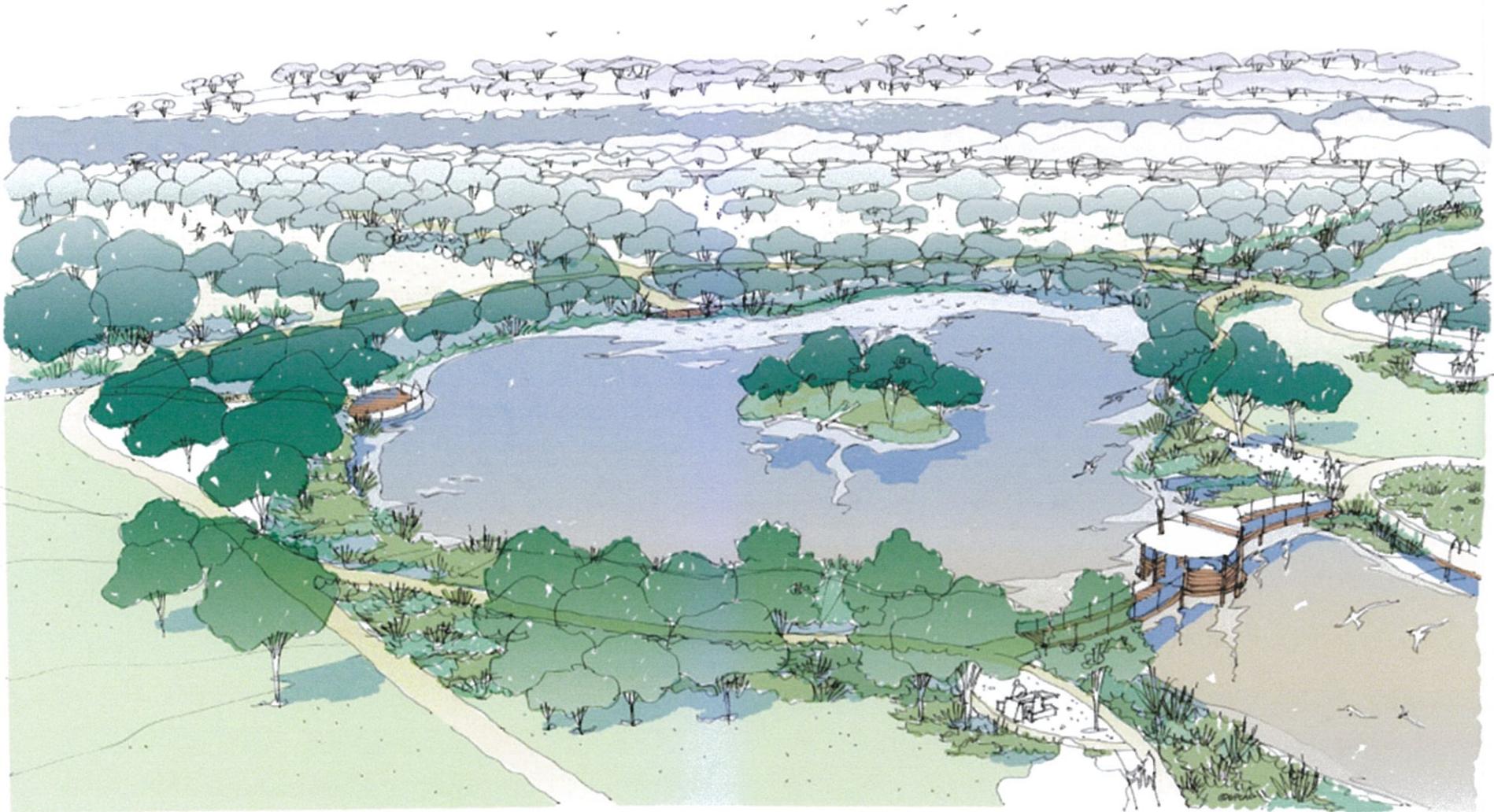
CALLOUT: PROPOSED FUTURE SCENARIO



DISCLAIMER: THE FLOOD MODELLING AND INUNDATION AREAS DEPICTED ON THIS CONCEPT PLAN ARE BASED ON EXISTING SITE TOPOGRAPHY AND CONDITIONS. AS PER THE SCOPE PLEASE NOTE THAT THESE AREAS HAVE THEREFORE NOT TAKEN INTO ACCOUNT THE REMOVAL OF A PORTION OF HYLAND STREET AND THE CAUSEWAY AS SHOWN PICTORALLY AND ARE NOT INDICATIVE OF THE FLOOD INUNDATION IN THAT SCENARIO. FURTHER MODELLING WOULD BE REQUIRED TO REFINE THE FLOOD LEVELS AND AREAS SHOULD THIS OPTION BE PROGRESSSED.



BIRDS EYE PERSPECTIVE: LOOKING SOUTH TOWARDS THE CENTRAL LAKE WITH VIEWING DECKS AND PICNIC SPACES



Water Quality Treatment Effectiveness



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Option	Treatment method	Nutrient export (kg/ha/yr)	
		N	P
Existing	No treatment	1.70	0.19

Option	Treatment method	Total nutrient removed (kg/ha/yr)		Rank (most effective to least)
		N	P	
1	4 biofilters 3 swales Floating wetland, GPT	0.86	0.08	1
2	2 biofilters 6 swales, GPT	0.56	0.05	2
3	7 swales, GPT	0.27	0.01	3

Indicative Cost



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Option	Indicative cost (\$ millions) (Incl.GST)
1	1.64
2	1.40
3	1.45

Exclusions:

- Removal of causeway or dwellings
- Modification of Hyland Street
- Civil services/drainage other than water quality treatment
- Maintenance
- Pest Control
- Design and consultancy fees including further approvals and investigations

See report for full list of exclusions



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Future Work and Options

Meeting Resolution



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RPMC – 2/02/18 MOVED Paul Bridges, Seconded Nonie Jakobsons, that:

The feedback received by Friends of Bindaring Park Bassendean and the Department of Biodiversity, Conservation & Attractions, be received;

Officers request CoTerra amend Option One to incorporate the following feedback comments:

- a) That specifications ensure that space, access & fall to construct bio filters satisfy the Guidelines for Stormwater Bio filtration Systems and delete the floating wetland.
- b) Further information regarding inputs used by CoTerra in the UNDO model be obtained to verify estimated treatment reduction.
- c) CoTerra to update pathways as per feedback and replace with a boardwalk as far as the first Watercorp sewer inspection. *Officers to seek clarification on which paths exactly the friends group would like removed including pathways proposed off Watson St before sending this request to CoTerra;*
- d) CoTerra to detail how suggested treatment options will increase conservation values and habitat capacity;
- e) That consideration be given to including an inspection window in the gross pollutant trap;

That CoTerra provide an amended Option Three plan and feedback that incorporates:

- f) Include consideration of islands to increase the wetlands habitat capacity and nutrient stripping potential;
- g) Consideration of a settling pond for silt removal at the Harcourt St west outlet;
- h) Incorporate as an option the reconnection of the wetland at Hyland Street and the removal of the causeway as outlined in the Option Three callout;
- i) Provide a design with modified wetland levels enabling all portions of the freshwater wetland to be inter linked to a shaded pool of sufficient size and depth to be a year round expression of the underlying ground water capable of supporting an ongoing population of endemic mosquito predators;
- j) Provide options for the inclusion of an adjustable weir either at the current weir site, under the first boardwalk or elsewhere to maintain the wetlands freshwater ecological character by preventing the intrusion of salt due to rising river levels associated with climate change; and

Meeting Resolution



Officers present the updated concepts and project estimates of the time and cost to complete these hydrological and environmental assessments of these variations to the Committee.

CARRIED UNANIMOUSLY 7/0

Reason: The current option does not address rising sea levels, salt inundation, natural mosquito control and enhanced environmental habitat.

The Ordinary Council Meeting considered the River Parks Management Committee's recommendation and resolved

OCM – 17/03/18 MOVED Cr Mykytiuk, Seconded Cr Gangell, that Council:

1. Receives the additional information provided to the March 2018 Ordinary Council Meeting from Coterra Environmental in regards to RPMC–2/02/18 recommendations;
2. Holds a Councillor Workshop with representatives from Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation to discuss point 2a, 3a, 3b, 3c, 3d and 3e of the RPMC–2/02/18 recommendation;
3. Defers a decision on point 2a of the RPMC–2/02/18 recommendation to delete the floating wetland. Lists an estimated cost of \$1,300 to modify the concept design and report and lists funds for Council consideration in the draft 2018/2019 budget;
4. Supports point 2c of the RPMC–2/02/18 recommendation to remove a series of paths and provision of a boardwalk from Hyland Street to the first Water Corporation sewer inspection pit, and awaits the outcome of the workshop prior to engaging Coterra Environment to incorporate changes, at an estimated cost of \$4,200 to modify the concept design and report; and

Receives the River Parks Committee minutes of 6 February 2018.

CARRIED UNANIMOUSLY 6/0

Aspects not Assessed



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Some discussions were had around certain design aspects which were not included in this original scope and therefore have not been assessed. The main aspects include:

- Removal of causeway or dwelling at Lot 27
 - Engineering, structural work required.
- Modification of Hyland Street
 - Engineering, structural, traffic, services work required.
- Inclusion of habitat islands
- All of these options would require further hydrological and environmental/ wetland assessments (discussed below).



Additional Environmental Requirements for Items Not Assessed

Extensive environmental and hydrological assessments, approvals and management plans would be required for any of the aspects identified in the previous slide.

Initially consultation with authorities would be required to confirm the investigations and assessments required. Liaison would likely be required with:

- DBCA
- DWER
- EPA
- Department of Fisheries

Please note:

All investigations or assessments undertaken are subject to the results of the investigation before the proposed changes could progress further.

eg. if the flood assessment indicated that there was unacceptable flood risk to existing houses, then further unforeseen investigations and or infrastructure may be required (if possible).



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Additional Environmental Requirements for Items Not Assessed

- Flood modelling to assess the flood risk impacts of the removal of Hyland Street and the causeway. Assessment required.
 - Risk to existing housing through potential changes in flooding behaviour.
- Wetland water balance modelling to determine the impact of the removal of control structures on typical (non-flood) water levels. Identify where water level changes may impact existing vegetation and ecology (i.e. where water levels are substantially reduced or increased in comparison to present conditions). E.g. the northern wetland may drain a lot quicker and be drier than current conditions.
- Contaminated land assessment to determine the impacts of the removal of potentially contaminated fill in the causeway. Assessment and management required.
- Potential nutrient mobilisation issues and risk of eutrophication and algal blooms, either in the wetland itself and/or the Swan River. Management required.
- Potential sediment pollution risk causing smothering of aquatic invertebrates and aquatic vegetation. Surveys and management required.
- Potential risk of acid sulphate soils exposure. Assessment and management required.
- Salinity impact – changes in salinity may cause adverse impact on the ecology. Changes to salinity would be a permanent change to the wetland dynamic and therefore could not be "managed". It would require comprehensive ecological and hydrological assessment to determine whether the impacts would be too detrimental.

Additional Environmental Requirements for Items Not Assessed



- Referral to the EPA under Section 38 of the Environmental Protection Act for potential significant impact to a CCW or REW. This should be referred by the proponent but anyone can refer the project (e.g. DBCA).
 - An Environmental Management Plan is required for the referral. This would require various assessments.
 - It would either be deemed “not assessed” or require a formal assessment.
 - “not assessed” means the project can proceed under the normal approval processes.
 - Formal assessment means further work and investigations are required. This would take approx. 9 to 18 months and involve multiple assessments and investigations.

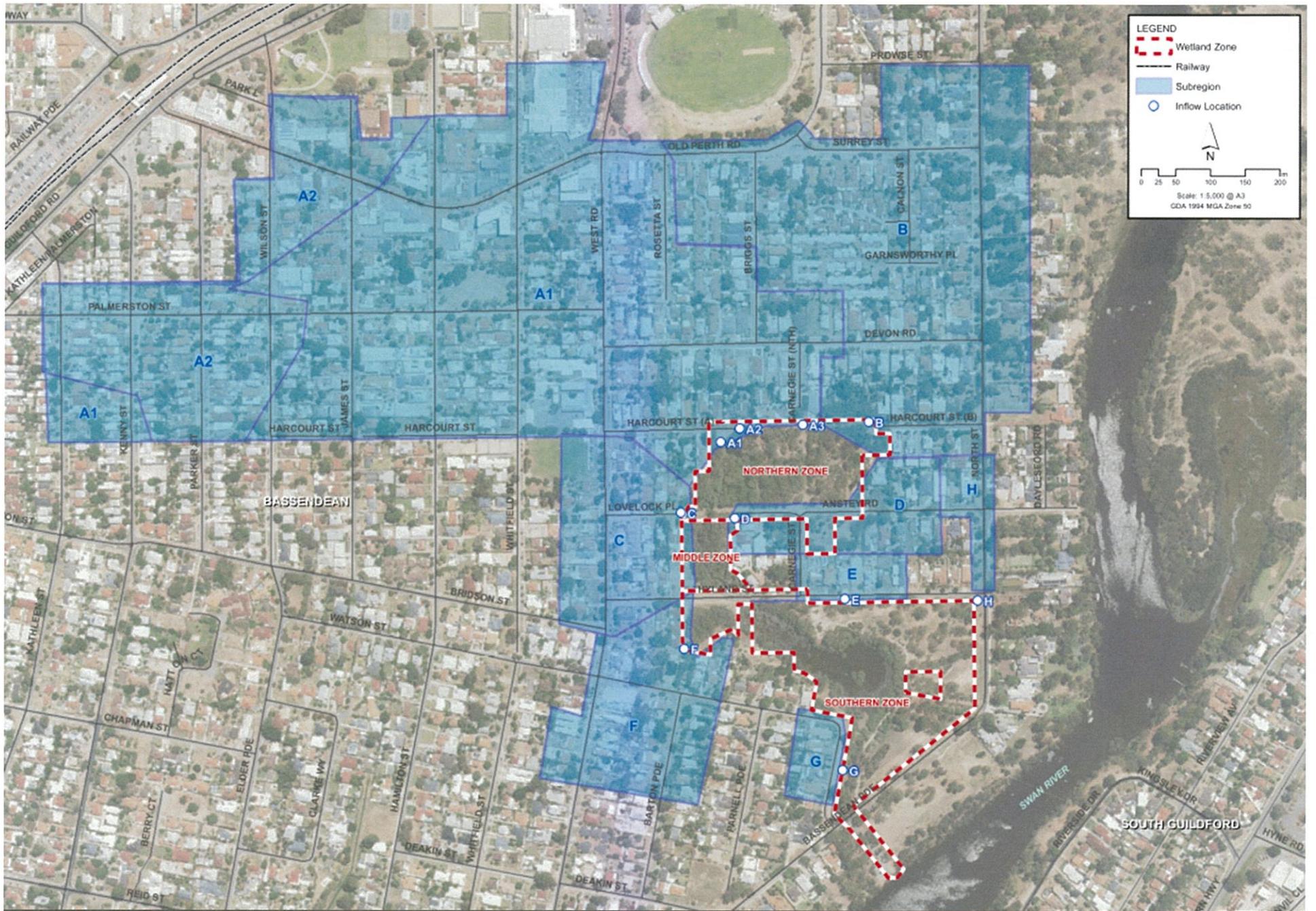
Referrer information			
Who is referring this proposal?		<input type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print)		Signature	
Position		Organisation	
Email			
Address		Street name	
	Suburb	State	Postcode
Date			
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>			<input type="checkbox"/> Yes <input type="checkbox"/> No
Referral declaration for organisations, proponents and decision-making authorities:			
I, _____, (full name) declare that I am authorised to refer this proposal on behalf of _____ and further declare that the information contained in this form is true and not misleading.			
Part A: Proponent and proposal description			
Proponent information			
Name of the proponent/s (including Trading Name if relevant)			
Australian Company Number(s)		<input type="checkbox"/>	
OR Australian Business Number(s)		<input type="checkbox"/>	
Contact for the proposal (if different from the referrer)			<input type="checkbox"/> Yes <input type="checkbox"/> No
<small>Please include: name, physical address, phone, and email.</small>			

Published July 2018

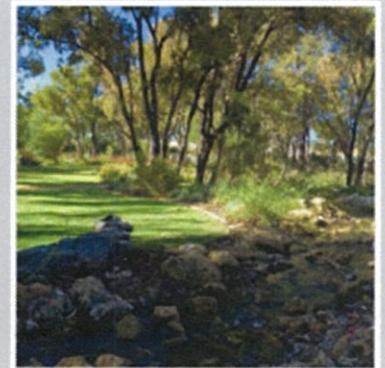
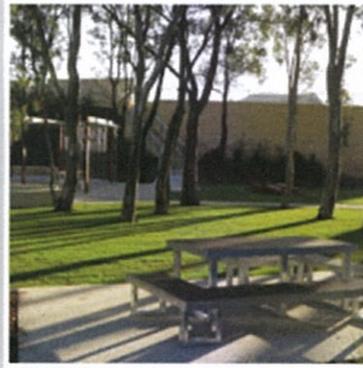


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Thank you



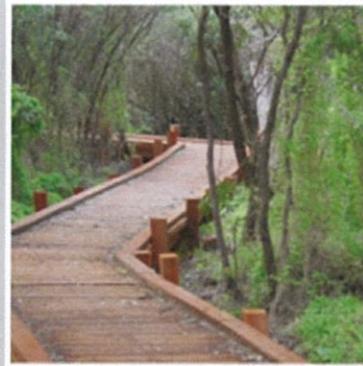
PARKLAND SPACES



SWALES AND BIOFILTERS



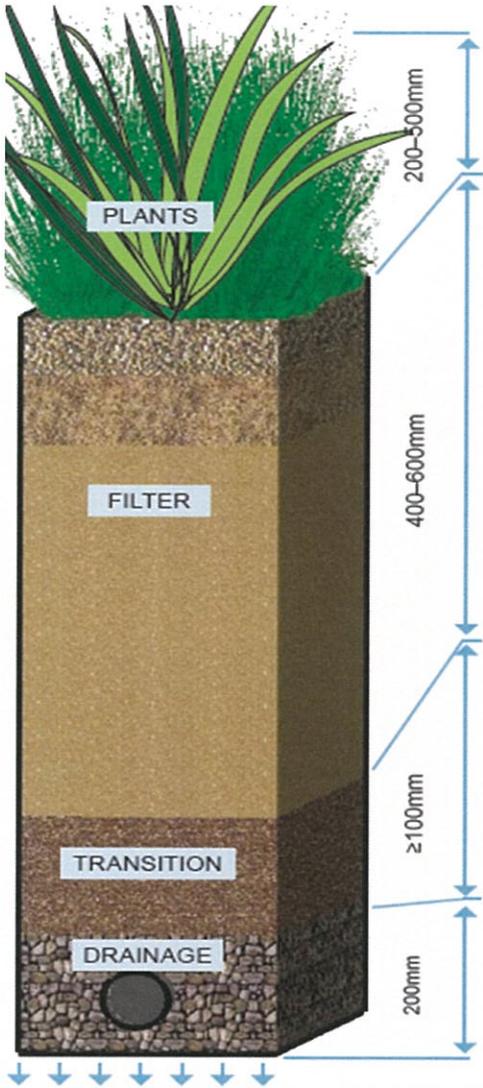
BOARDWALKS



Biofilter



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Swale



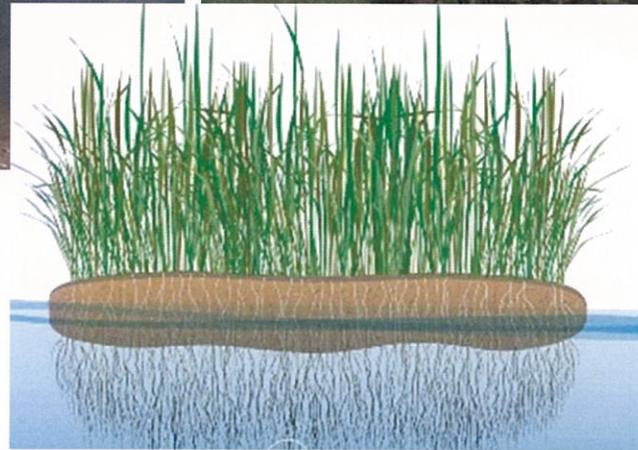
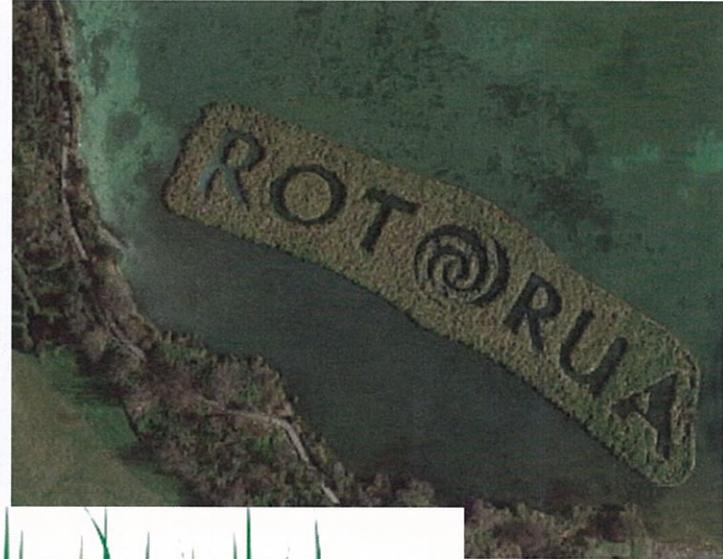
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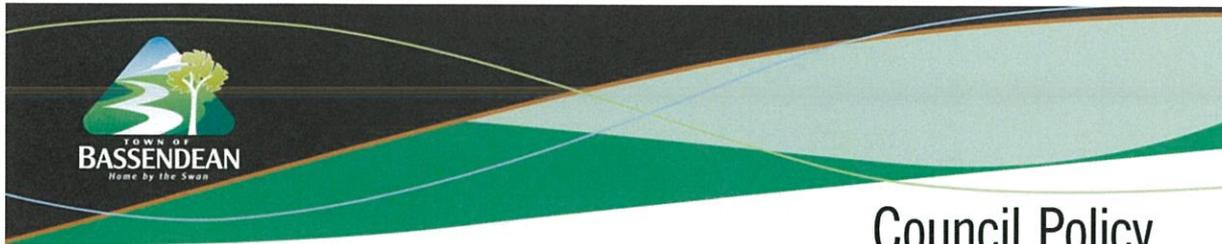
Floating Wetland



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ATTACHMENT NO. 5



Council Policy

1.1 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.

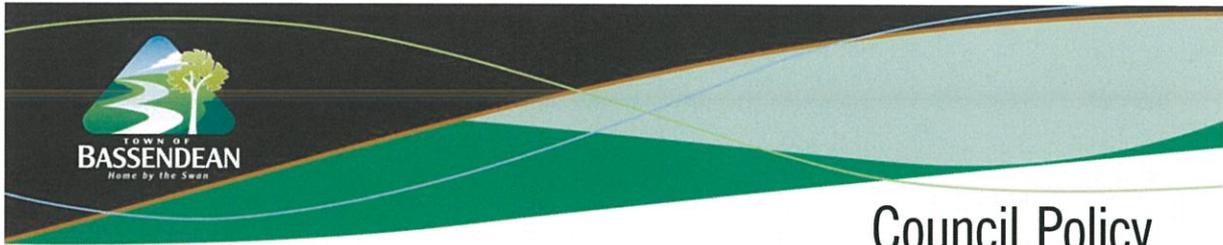
Council does not mow or slash verges adjacent to all private, commercial or industrial property on the basis that owners and residents with civic pride undertake this activity as a contribution to the amenity of the Town. This allows Council to direct its resources to priority services.

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.

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

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

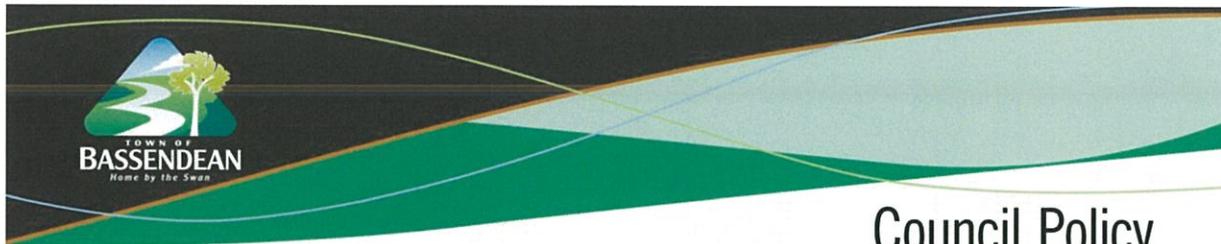
The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

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 2. Small format Permeable/ Porous Pavers	<ul style="list-style-type: none"> ➢ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree ➢ 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



Council Policy

Acceptable materials	Conditional requirements
3. Irrigation system 4. Grass 5. Low growing ground cover plants	<input type="checkbox"/> Storm water on verge shall be managed on site <input type="checkbox"/> Verge pavers shall not be laid within 2 metres from base of existing tree trunk <input type="checkbox"/> A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s) <input type="checkbox"/> No more than one third of the verge shall be paved excluding the crossover <input type="checkbox"/> Mulch or paving once installed shall not be higher than the adjacent kerb line, footpath or crossover <input type="checkbox"/> Paving shall tolerate limited vehicle traffic <input type="checkbox"/> 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	<input type="checkbox"/> Frangible objects may be considered unsafe, cause damage or be used to cause damage <input type="checkbox"/> Loose objects impact upon pedestrian safety <input type="checkbox"/> Concrete & bitumen have poor water permeability and contribute to storm water flow <input type="checkbox"/> 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 value(s) / solenoid value(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.

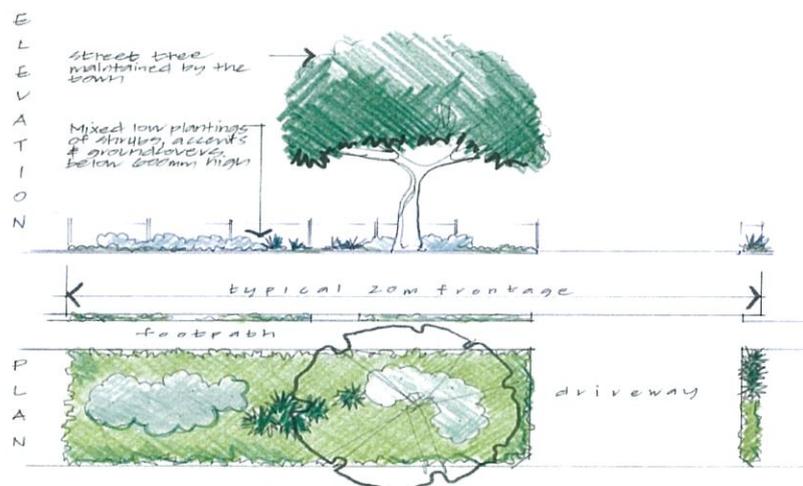
In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 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 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.

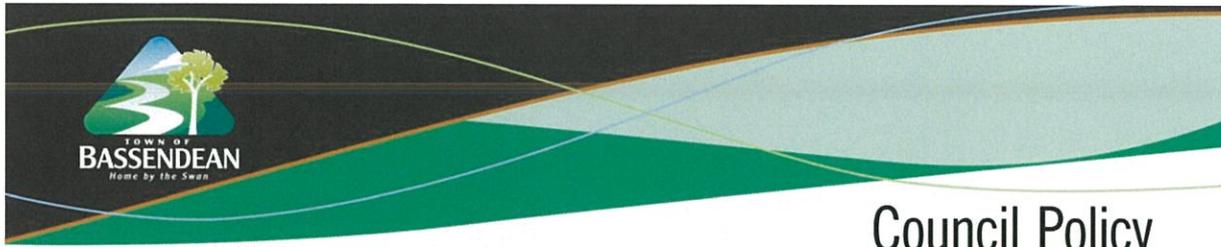
When considering landscaping a verge, the planting of endemic (local native) low growing groundcovers and shrubs are strongly encouraged. *Grow Local* native plants brochures can be obtained from the Town's Customer Service information desk. The brochure contains a range of hints and information on how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

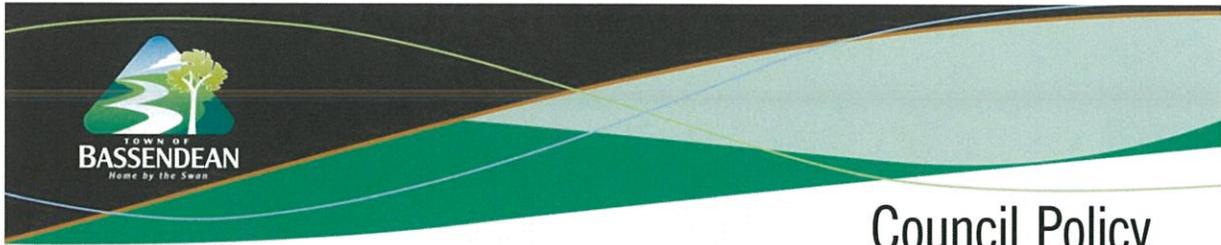
Applicant (s) Name

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





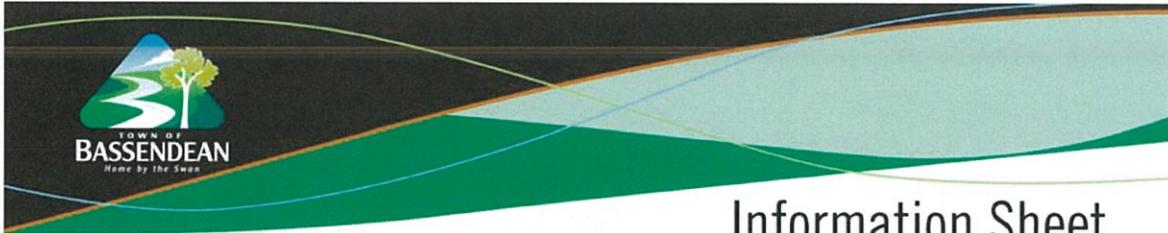
OFFICE USE ONLY

- Required Verge Treatment documentation and Plans submitted Yes No
- Street Tree Protected policy considered & applied Yes No
- Acceptable materials utilized Yes No
- Pedestrian Access provided Yes No
- Existing / Future Street Tree considered Yes No

Application Approved Refused

Comments:
.....
.....

Officer Title : Date: Applicant advised Yes



Information Sheet

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

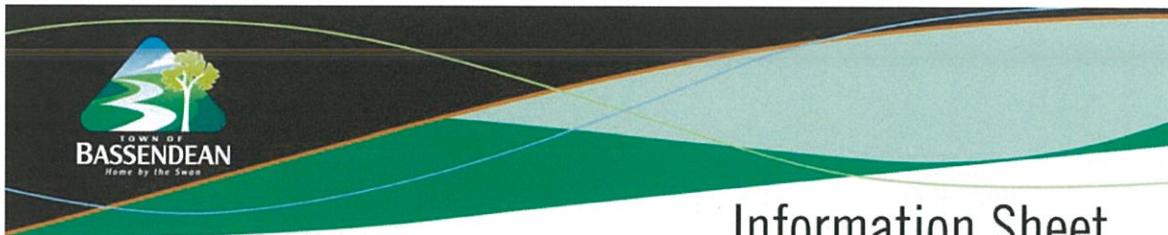
The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

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	<ul style="list-style-type: none"> ➢ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree
2. Small format Permeable/ Porous Pavers	<ul style="list-style-type: none"> ➢ 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 ➢ Storm water on verge shall be managed on site
3. Irrigation system	<ul style="list-style-type: none"> ➢ Verge pavers shall not be laid within 2 metres from base of existing tree trunk
4. Grass	<ul style="list-style-type: none"> ➢ A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s)
5. Low growing ground cover plants	<ul style="list-style-type: none"> ➢ 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



Information Sheet

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.

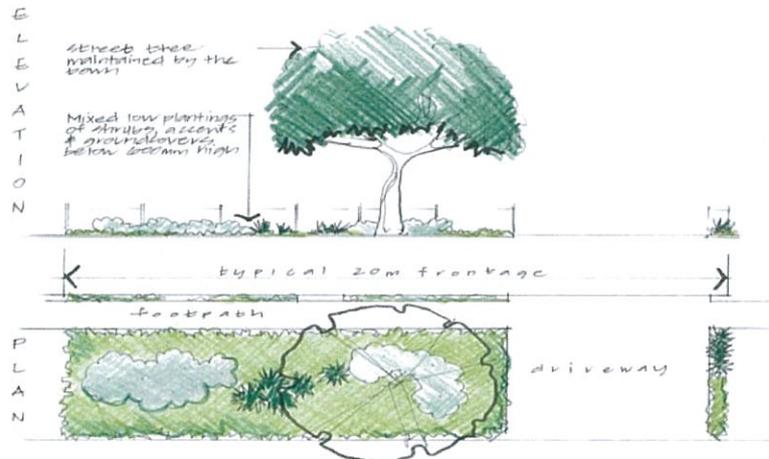
In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 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 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

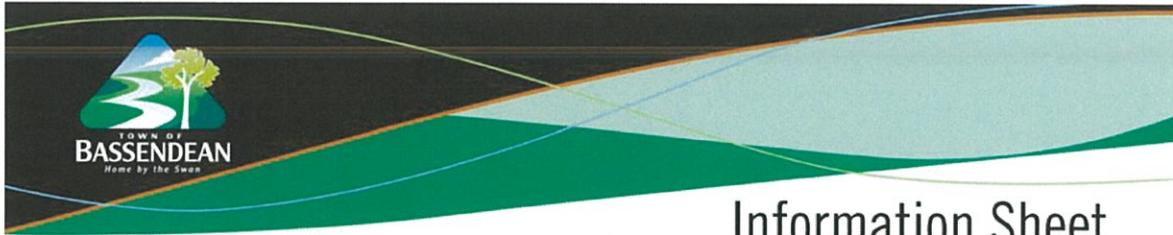
Over the page is shown an example of a verge landscaped plan



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.

- 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
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- 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:

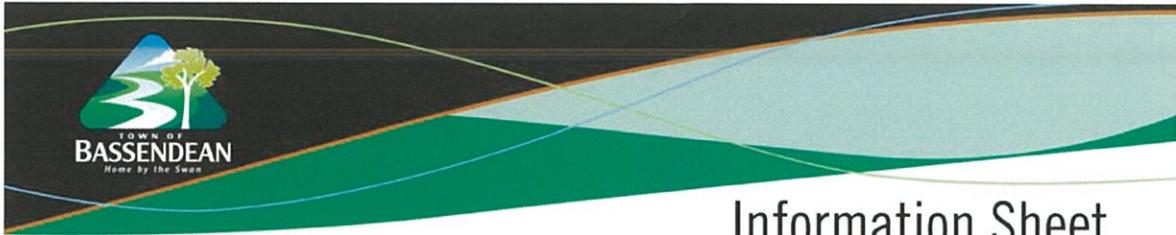
- * "Significant Trees" - *guidelines for the identification, protection and management*
- * "Street Tree" – *Telephone 93779000 or request in writing a street tree (s) be planted*
- * "Street Tree Protection"- *building permit requirements.*
- * "Crossovers" – *constructed in accordance to Town's specifications*
- * "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



Information Sheet

OFFICE USE ONLY

- Required Verge Treatment documentation and Plans submitted Yes No
- Street Tree Protected policy considered & applied Yes No
- Acceptable materials utilized Yes No
- Pedestrian Access provided Yes No
- Existing / Future Street Tree considered 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

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Definitions
- 1.3 Application
- 1.4 Repeal

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

- 2.1 General prohibitions
- 2.2 Activities allowed with a permit—general
- 2.3 No possession and consumption of liquor on thoroughfare

Division 2—Vehicle Crossings

- 2.4 Temporary Crossings
- 2.5 Removal of redundant crossing

Division 3—Verge Treatments

- 2.6 Interpretation
- 2.7 Permissible verge treatments
- 2.8 Only permissible verge treatments to be installed
- 2.9 Obligations of owner or occupier
- 2.10 Notice to owner or occupier
- 2.11 Transitional provision
- 2.12 Power to carry out public works on verge

Division 4—Property Numbers

- 2.13 Interpretation
- 2.14 Assignment of numbers

Division 5—Fencing

- 2.15 Public place—clause 4(1) of Division 1, Schedule 3.1 of Act

Division 6—Signs Erected by the Local Government

- 2.16 Signs
- 2.17 Transitional

Division 7—Driving on a Closed Thoroughfare

- 2.18 No driving on closed thoroughfare

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

- 3.1 Interpretation

Division 2—Permit

- 3.2 Portable advertising signs and portable direction signs
- 3.3 General Discretion

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
- 4.2 Prohibitions relating to animals
- 4.3 Removal of vehicle or animal

Division 2—Shopping Trolleys

- 4.4 Interpretation
- 4.5 Shopping trolley to be marked
- 4.6 Person not to leave trolley in public place
- 4.7 Retailer to remove abandoned trolley
- 4.8 Retailer taken to own trolley
- 4.9 Impounding of abandoned trolley

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

- 5.1 Interpretation
- 5.2 Stallholder's permit
- 5.3 Trader's permit
- 5.4 No permit required to sell newspaper
- 5.5 Conduct of stallholders and traders

Division 2—Street entertainers

- 5.6 Interpretation
- 5.7 Permit required to perform
- 5.8 Variation of permitted area and permitted time
- 5.9 Duration of permit
- 5.10 Cancellation of permit

Division 3—Outdoor Eating Facilities on Public Places

- 5.11 Interpretation
- 5.12 Permit required to conduct facility
- 5.13 Removal of facility unlawfully conducted
- 5.14 Temporary removal of facility may be requested

PART 6—PERMITS*Division 1—Applying for a permit*

- 6.1 Application for permit
- 6.2 Decision on application for permit
- 6.3 Relevant considerations in determining application for permit

Division 2—Conditions

- 6.4 Conditions which may be imposed on a permit
- 6.5 Imposing conditions under a policy
- 6.6 Compliance with and variation of conditions

Division 3—General

- 6.7 Duration of permit
- 6.8 Renewal of permit
- 6.9 Transfer of permit
- 6.10 Production of permit
- 6.11 Cancellation of permit
- 6.12 Nominee of permit holder

PART 7—OBJECTIONS AND APPEALS

- 7.1 Application of Part 9 Division 1 of Act

PART 8—NOTICES

- 8.1 Notice to redirect or repair sprinkler
- 8.2 Hazardous plants
- 8.3 Damage to thoroughfare
- 8.4 Notice to remove thing unlawfully placed on thoroughfare

PART 9—ENFORCEMENT*Division 1—Notices Given Under This Local Law*

- 9.1 Offence to fail to comply with notice
- 9.2 Local government may undertake requirements of notice

Division 2—Offences and Penalties

- 9.3 Offences
- 9.4 Prescribed offences
- 9.5 Forms

PRESCRIBED OFFENCES

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 townsite 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) not withstanding 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

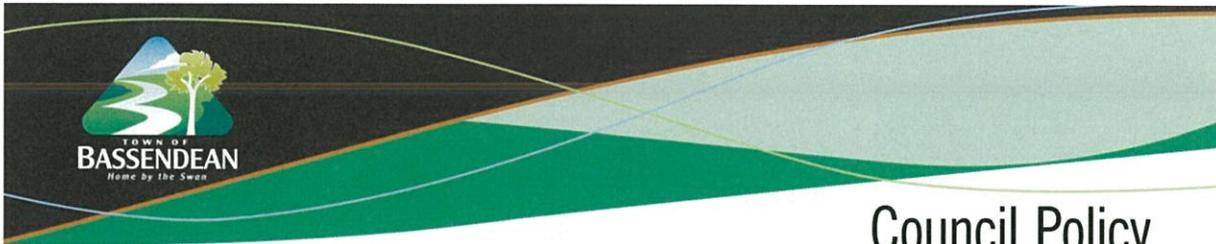
Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Obstructing or causing a hazard on thoroughfare or verge	200
2.1(d)	Damaging or interfering with thoroughfare structure	350
2.1(e)	Playing games 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.



DRAFT – 24 MAY 2019

1.1 Verge Treatment 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 is 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.

Strategy

The Town of Bassendean has developed Permissible Verge Treatment Guidelines to help residents who are interested in establishing a verge garden to self-assess their compliance with Council requirements. Upgrading of a verge that is designed and installed in line with these guidelines, does not require the Town's approval.

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, crossovers and street tees.

To make sure the verge treatment meets the Town of Bassendean requirements, residents are encouraged to review the Guidelines prior to starting the project. It will also help to ensure the verge garden does not impact on the safety of the local community, environment or surrounding infrastructure.

Treatments are to be attractive and provide a positive enhancement to the streetscape. Street tree planting shall be in accordance with the adopted Street Tree Pruning, Removal and Replacement Policy 1.11.



Council Policy

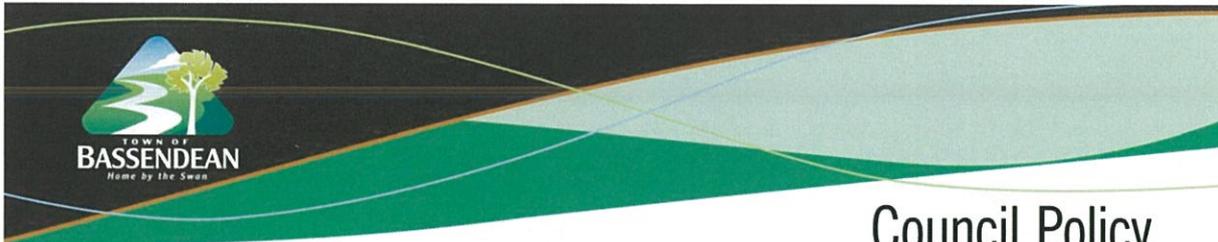
Application

Responsibility for the implementation of this policy rests with the Mayor, Councilors, 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: -
	Version 1
	Next Review due by: -

DRAFT



APPENDIX 1

PERMISSIBLE VERGE TREATMENT GUIDELINES

Let's keep our verges safe, waterwise and beautiful!

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. Permissible verge treatments are described below. The choice of what to do with the verge is yours, provided it meets the Town's requirements and all verge landscaping treatments.

Waterwise management practices are encouraged for verge treatments. The Water Corporation may offer incentives, through the Town, for residents to achieve Waterwise Verge Developments. Further information can be found at the Water Corporation webpage (www.watercorporation.com.au) where it shows a range of initiatives to assist residents minimise water usage.

Permissible Verge Treatments

An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of their land install a permissible verge treatment. It is the responsibility of the owner or occupier to ensure that their verge treatment is well maintained.

The permissible verge treatments are:

1. The planting and maintenance of a lawn;
2. The planting and maintenance of a garden (acceptable gardens include native gardens, waterwise gardens, edible/vegetable gardens, raised garden beds) provided that:
 - a. 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; no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection.;
 - b. Low growing plants shall not exceed 0.75 metres in height;
 - c. Where there is no footpath, a pedestrian has a safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb or road edge (except for verges adjacent to streets or cul-de-sac with less than 20 dwellings and/or less than 120 in length-in these cases the street is considered appropriate for pedestrian use, including people with disabilities) and;
 - d. Where there is a footpath which is not located at the edge of the road, a safe and clear minimum access width of 1.0m shall be provided along the verge, immediately adjacent to the kerb or road edge;
 - e. When developing a verge, consideration should be given to allow space for mobile garbage bins, bulk waste collection, road side car access, etc.
 - f. Raised garden beds to meet the following requirements:
 - The maximum raised garden bed (build structure) height is 0.35m above natural ground level (not including vegetation), remainder of verge to be



Council Policy

at natural ground level (no boxing out allowed);

- Provide a 0.5m setback and clear access to any other infrastructure such as footpaths, crossovers, power poles, utility services; and neighboring property;
- Obtain a recent Dial Before You Dig plans, to check for underground services location, prior to works being undertaken;
- No raised garden bed within 6m of an intersection;
- No raised garden beds within 1.5m of existing trees.

The installation of **acceptable materials** shall be as follows:

- Lawn;
- Low plant ground cover;
- Shrubs that do not restrict sight lines;
- Porous Brick paving (to a maximum of 30% of the verge area excluding crossovers and footpaths) which allows for water infiltration;
- Construction of a raised garden bed, material shall be made of wood, with no sharp edges;
- Mulch and woodchips;
- Vegetables and other edible plants (including fruit trees);
- Verge trees (Planting of verge trees is undertaken by the Town and you can make a request by contacting us);
- Verge Infrastructure (Little Libraries & Seating) is acceptable but must be located on the boundary of the property and street verge, near to the letter box;
- Require a 0.5m setback from the raised garden beds to any other infrastructure in situ on a verge: such as power poles and in ground services.

Non Compliant Verge Treatments

If a verge is considered to pose a safety hazard, does not meet the verge treatment guidelines or resident responsibility criteria, the Town of Bassendean may ask the adjacent resident to undertake the remedial works to meet the Towns requirements or resident may be requested to remove the verge garden.

Undue hazards and sharp objects such as rocks, stakes and star pickets **cannot be placed on the verge.**

A walkable neighbourhood is a sustainability priority for the Town of Bassendean. As such, footpath installation will have priority over verge treatments.

The allowed verge development to be in accordance with *Thoroughfares and Public Places Local Law 2019*.

Council Policy

Acceptable materials	Conditional requirements
<ol style="list-style-type: none"> 1. Composted mulch or chipper mulch material 2. Small format Permeable/ Porous Pavers 3. Irrigation system 4. Grass 5. Low growing ground cover plants 6. Edible plants (including fruit trees) 7. Materials to construct a raised garden bed 8. Verge trees (by the Town) 	<ul style="list-style-type: none"> ➤ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree ➤ 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 ➤ Storm water on verge shall be managed on site ➤ Verge pavers and raised garden bed shall not be laid within 2 metres from base of existing tree trunk ➤ A minimum of 1.5 metre radius street tree planting bay (s) shall be provided for future street tree (s) at the 2.4m to 3.0m alignment from property boundary or existing street trees alignment ➤ 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 ➤ Raised garden beds to be under 0.35m high, to provide 0.5m setback from footpaths, crossovers, street trees, power poles and other infrastructure. ➤ Below ground irrigation / pop up sprinklers ➤ Do not include plants that may reasonably be considered to pose a hazard to people, such as plants that are poisonous or with thorns.

Examples of Non - Acceptable materials	Reason
<ol style="list-style-type: none"> 1. Frangible objects such as mounds, rocks 2. Fences, buntings, signs, stakes, star pickets, fountains and barriers 3. Loose objects such as gravel or aggregate 4. In-situ concrete, concrete slabs, and bitumen 5. Artificial turf 	<ul style="list-style-type: none"> <input type="checkbox"/> Frangible objects may be considered unsafe, cause damage or be used to cause damage <input type="checkbox"/> Loose objects impact upon pedestrian safety <input type="checkbox"/> Concrete & bitumen have poor water permeability and contribute to storm water flow <input type="checkbox"/> 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, with the following condition:

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

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.

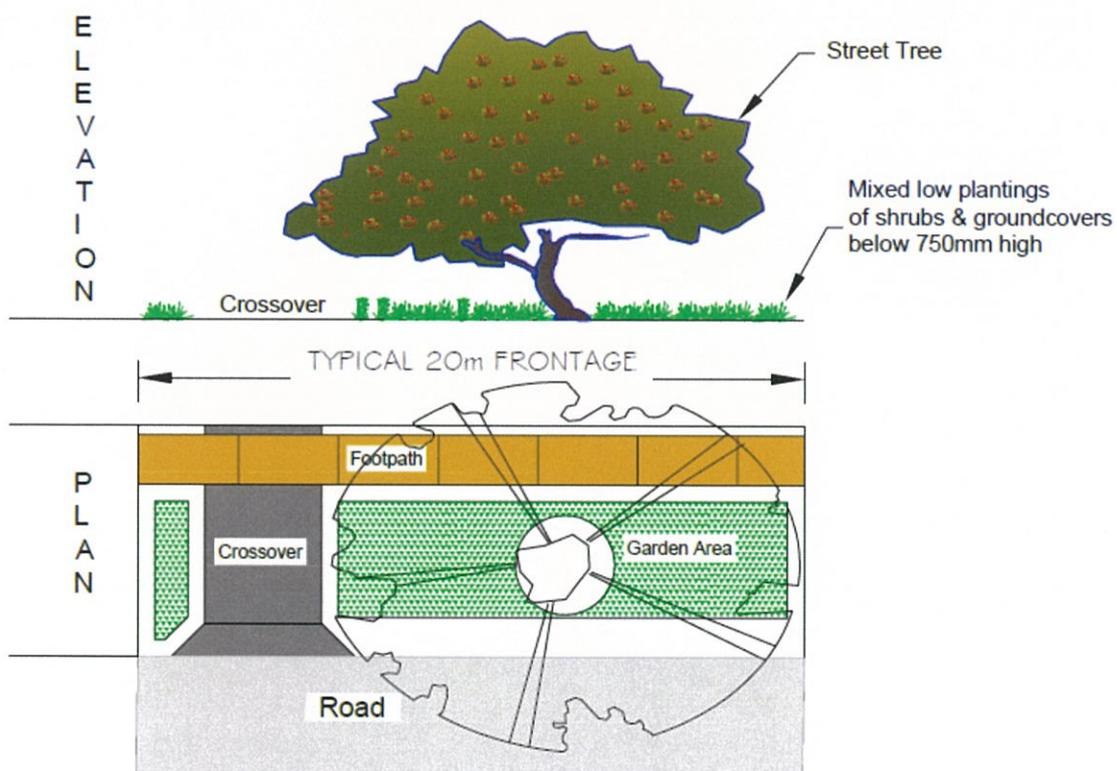
What the Town encourages

- Take into consideration how the verge makeover will improve biodiversity, water usage, aesthetics, food production and minimize the need for fertilizer use and other chemicals; and
- Discuss your plans with your neighbors before you undertake the verge makeover to ensure that it will not adversely impact on them.

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.

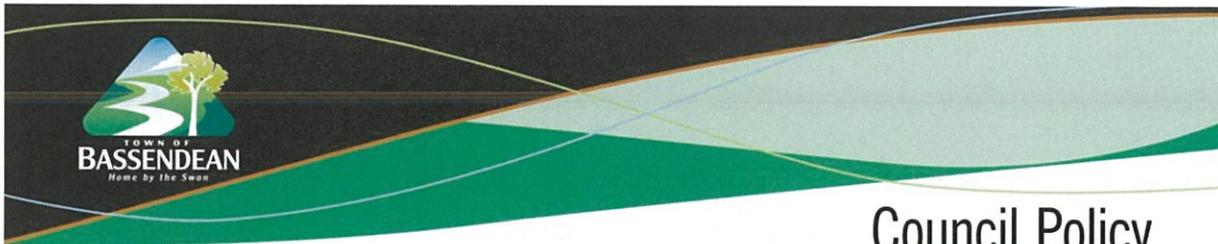
- Promote a well-designed verge development that is consistent with the Water Corporations "Waterwise Verge Best Practice Guidelines". Waterwise verges help in maximising water efficiency, a safe environment, assist visual aesthetics and thus increase property pricing, creating a cool effect counteracting "Heat Island Effect", increase thermal performance of houses and provide ecological benefits (habitat and biodiversity).

Below is an example of typical verge landscaping:



Important Information:

- Please refer to the Council adopted Verge Treatment Policy, Verge Maintenance Policy, Street Tree Protection Policy and Crossover Policy available for viewing on the Town of Bassendean webpage at: [www.bassendean.wa.gov.au/information & feedback/policies](http://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 for underground services pipes and cables. Failure to take steps to avoid underground services damage, may leave you liable for costs incurred in the event of infrastructure damage.



Council Policy

DRAFT – 24 MAY 2019

1.____ Verge Treatment 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

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Strategy

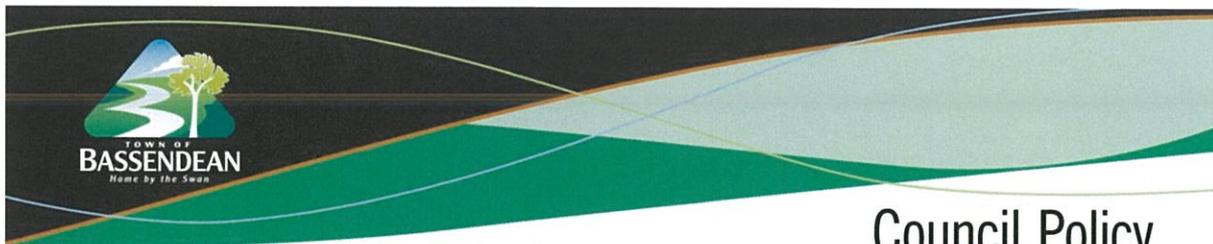
The Town of Bassendean has developed Permissible Verge Treatment Guidelines to help residents who are interested in establishing a verge garden to self-assess their compliance with Council requirements. Upgrading of a verge that is designed and installed in line with these guidelines, does not require the Town's approval.

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, crossovers and street trees.

To make sure the verge treatment meets the Town of Bassendean requirements, residents are encouraged to review the Guidelines prior to starting the project. It will also help to ensure the verge garden does not impact on the safety of the local community, environment or surrounding infrastructure.

Treatments are to be attractive and provide a positive enhancement to the streetscape. Street tree planting shall be in accordance with the adopted Street Tree Pruning, Removal and Replacement Policy 1.11.



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.

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.

<p>Policy Type: Strategic Policy</p> <p>Link to Strategic Community Plan: Town Planning & Built Environment</p>	<p>Policy Owner: Director Operational Services</p> <p>First Adopted: -</p> <p>Last Review Date: -</p> <p>Version 1</p> <p>Next Review due by: -</p>
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From: Lisa Last <lisa.m.last@gmail.com>
Sent: Thursday, 19 October 2017 11:07 PM
To: Andreea Balica
Cc: Angela Tandy; Caitlyn White; Emma Slavin; Gina Ogilvie; Misha Elliott; Rowan Sharp; rebecca Curry; Renée McLennan; Nonie Jakobsons
Subject: Re: Verge Treatment Guidelines

Hi Andreea,

Thanks again for the opportunity to provide comment on the current Verge Treatment and Maintenance Policy .

As far as approval processes go, this process is relatively simple and we have found the Town to be efficient in delivery, thank-you for this.

We do believe however that the process offers limited value for the time spent as the approvals we have seen do not impart any knowledge that couldn't be taken from review of the Policy and the Dial Before You Dig report. We consider a well worded Policy document and supporting guidance could take the place of the current approval process.

Further, we consider that the prescriptive nature of the Policy is in some respects unduly restrictive, inhibiting the enhancement of verges. For example:

- The requirement to have an approval for any new type of plant on the verge is not very practical from a compliance perspective. It is especially not conducive to edible verge gardens as these gardens are seasonal, so residents would need to either apply for approval several times a year or have the foresight to know what they were going to plant for the whole life of the garden. It is unclear to the BVTP what the benefit is of restricting planting in this way and conversely, we see that more edible verges in Bassendean is good for enhancing social capital and civic engagement and food security.
- The City of Bayswater completed a risk assessment on the installation of raised garden beds determining that they could be allowed with a few restrictions as outlined in the City of Bayswater Street Verge Policy and Greening Guide. People want raised garden beds for edible gardens due to the perceived risk of soil contamination.
- Although street trees are covered in another Town of Bassendean policy, we would like to note that we would like the opportunity to plant edible trees as part of verge gardens. This has been incorporated into the City of Bayswater Street Verge Policy
- Regarding the current height restriction on plants of 750mm, perhaps we could just stipulate that sight lines be maintained

As a starting point, the BVTP would like to see the Town of Bassendean Policy and guidelines updated to be in line with the City of Bayswater Policy and guidelines. The City of Bayswater has recently revised and updated their Policy in consultation with the Local Government Insurance Scheme (LGIS) allowing installation of garden beds and a wide variety of plantings including fruit trees and other edibles without the need for City approval. The City of Bayswater's garden bed risk assessment, Policy and Greening guide are linked below for your reference.

If you would like any further information or clarification of our response, please feel free to contact me.

Kind regards
Lisa Last

Co-ordinator (Volunteer)

Bassendean Verge Transformation Project

Arts House Community Garden Inc.

Facebook: [Verge Transformation - Act Local Be Global in Bassendean](#)

ATTACHMENT NO. 6

TOWN OF BASSENDEAN

**~~ACTIVITIES ON THOROUGHFARES AND
TRADING IN THOROUGHFARES AND
PUBLIC PLACES LOCAL LAW 2010~~**
THOROUGHFARES AND PUBLIC PLACES
LOCAL LAW 2019

Local Government Act 1995

Local Government Act 1995

Town of Bassendean

~~ACTIVITIES-ON-THOROUGHFARES-AND-TRADING-IN-THOROUGHFARES-AND-PUBLIC-PLACES-LOCAL-LAW~~ ~~THOROUGHFARES AND PUBLIC-PLACES LOCAL LAW 2019~~

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~~ XXXX 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~~ Thoroughfares and Public Places Local Law 2019*.

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**" means bulky goods generated from residential dwellings; as approved by the local government, not including mattresses, fridges or freezers;

"**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;

"**green waste**" means vegetative material as approved by the local government;

"**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;

"**nuisance**" means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which –

- (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
- (a)(b) which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person.

"**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; Please also see the Town of Bassendean Permissible Verge Treatment Policy;

"**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~~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 *Town Planning and Development Act 2005*;~~

~~"townsite"~~ means ~~the townsite 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 2010* published in the *Government Gazette* on ~~16 August 2001~~ 7 June 2011 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 which exceeds or may exceed 0.75m in height 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) _____ plant any plant (except grass or a ground cover plant) on a thoroughfare –~~

~~(i) within 2m of the carriageway where there is not a footpath; or~~

~~(ii) within 1m of a carriageway where there is a footpath which is not located immediately adjacent to the kerb.
_____ ground cover plant
_____~~

~~where there is a footpath which is not located at the edge of the road, a safe and clear minimum access width of 1.0m shall be provided along the verge, immediately adjacent to the kerb or road edge;~~

(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 (unless as part of a permissible verge treatment); or

(ii) results in a hazard for any person using the thoroughfare or verge;

~~(d) (f) _____ 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) (g) _____ 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) (h) _____ within a mall, arcade or veranda of a shopping centre, ride any skateboard, rollerblades, bicycles, scooters or similar device; or~~

~~(g) (i) _____ 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 unless as part of a permissible verge treatment under this local law, throw, place or deposit any thing on a verge except for:

(i) removal by the local government under a bulk rubbish collection, green waste collection or other waste service, and then only during the period of time advertised in connection with that collection by the local government;

(ii) a delivery of mulch, sand or similar product and then only for a period of 7 days unless otherwise directed by an authorised person;

~~(b)~~(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

~~(e)~~(d) cause any obstruction to a water channel or a water course in a thoroughfare;

~~(d)~~(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

~~(e)~~(f) damage a thoroughfare, kerb, ~~or~~ footpath, structure, sign or similar thing erected on a thoroughfare;

~~(f)~~(g) light any fire or burn any thing on a thoroughfare ~~other than in a stove or fireplace provided for that purpose~~;

~~(g)~~(h) fell any tree onto a thoroughfare;

~~(h)~~(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, scaffolding, portable toilets or other materials associated with a building site or property adjoining the thoroughfare;
- (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) (ii) — acting under authority of a written law; the owner/occupier of the lot adjacent to the verge where a fruit tree has been planted; and is being maintained as part of a permissible verge treatment—only fruit trees can be pruned by residents; or
 - (iii) acting under authority of a written law;
- (o) plant or sow any seeds in a thoroughfare unless installing, or in order to maintain, a permissible verge treatment;
- (p) use the local governments' electricity in a thoroughfare or public place;
- (q) clear or maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land; or

- (r) 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~~ Permit issued under the ~~Local Government (Miscellaneous Provisions) Act 1960~~, if one Building Act 2011 has been issued in relation to the works; or

- (b) the registered proprietor of the lot, if no building ~~licence~~ permit has been issued under the *Building Act 2011* ~~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 or built structure, 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-private property~~ install a permissible verge treatment.
- (2) The permissible verge treatments ~~are defined in the Permissible Verge Treatment Policy and~~ 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) where there is a footpath which is not located at the edge of the road, a safe and clear minimum access width of 1.0m shall be provided along the verge, immediately adjacent to the kerb or road edge;
 - (iv) it does not include a wall or built structure, constructed of acceptable material, that exceeds 0.35m in height, with less than 1.5m setback from street trees, and with less than 0.5m setback and clear access to any other infrastructure such as- footpaths, crossovers, street trees, power poles or underground services;- and and
 - (v) 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); or

~~(d)~~(e) The installation of a Waterwise verge treatment that is consistent to the Water Corporations “Waterwise Verge Best Practice Guidelines”.

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~~ local law.

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.~~

- (1) If in the opinion of an authorised person a verge treatment poses a safety hazard or does not comply with this local law, the local government may require the owner or occupier of the private property which abuts the verge to undertake work to meet the requirements or to remove the verge treatment.
- (2) An authorised person may give a notice in writing to the owner or 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 ~~is~~:

- (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 ~~of~~:
 - (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 ~~is~~:

- (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 exceeds 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 four 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 (one 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 install or 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 install or 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 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 ~~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 ~~is~~:

- (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 ~~is~~:

- (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 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

(1) 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.

(2) A contravention of the local law can lead to impounding of goods involved in the contravention in accordance with the Act.

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~~ Thoroughfares and Public Places Local Law 2019

Prescribed Offences

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	125 155
2.1(b)	Damaging lawn or garden	125 155
<u>2.1(c)</u>	<u>Plant a plant other than grass or ground cover contrary to the local law</u>	<u>155</u>
2.1(ee)	Obstructing or causing a hazard on thoroughfare or verge	200 250
2.1(fe)	Damaging or interfering with thoroughfare structure	350 440
2.1(ge)	Playing games so as to impede vehicles or persons on thoroughfare	125 155
2.1(hf)	Riding of skateboard or similar device on mall or veranda of shopping centre	125 155
2.1(ig)	Removal of tree on thoroughfare or verge	350 440
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200 250
2.2(1)(b)	Throwing or placing anything on a verge without a permit	200 250
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200 250
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250 315
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250 315
2.2(1)(f)	Damage a thoroughfare, kerb, or footpath <u>or structure without a permit</u>	250 315
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350 440

2.2(1)(h)	Felling tree onto thoroughfare without a permit	200 250
2.2(1)(i)	Installing pipes or stone <u>or other materials</u> on thoroughfare without a permit	200 250
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350 440
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	200 250
2.2(1)(l)	Placing a bulk rubbish container, <u>or other materials,</u> on a thoroughfare without a permit	200 250
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200 250
2.2(1)(n)	Prune or lop a tree without a permit	250 315
2.2(1)(o)	Plant or sow any seeds on a thoroughfare without a permit	125 155
2.2(1)(p)	<u>Use Local Government’s electricity in a public place without a permit</u>	155
2.2(1)(q p)	Clear the surface of a thoroughfare without a permit	200 250
2.2(1)(r q)	Construct a firebreak on a thoroughfare without a permit	250 315
2.3(1)	Consumption or possession of liquor on thoroughfare	125 155
2.4(1)	Failure to obtain permit for temporary crossing	250 315
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350 440
2.8(1)	Installation of verge treatment other than permissible verge treatment	250 315
2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	200 250
2.10	Failure to comply with notice to rectify default	200 250
2.16(2)	Failure to comply with sign on public place	125 155
2.18(2)	Driving or taking a vehicle on a closed thoroughfare	350 440
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125 155
3.2(2)	<u>The erection or placing of a portable directional sign contrary to the local law</u>	155
3.2(3)	The erection or placing of a portable directional -advertising sign contrary to the local law	125 155

4.1(1)	Animal or vehicle obstructing a public place or local government property	125155
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125155
4.2(2)(b)	Animal on public place with infectious disease	125155
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125155
4.2(2)(d)	Allow a animal to defecate on a throughfare	125155
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125155
4.6	Person leaving shopping trolley in public place other than trolley bay	125155
4.7(2)	Failure to remove shopping trolley upon being advised of location	125155
5.2	Conducting of stall in public place without a permit	350440
5.3	Trading without a permit	350440
5.5(1)(a)	Failure of stallholder or trader to display or carry permit	125155
5.5(1)(b)	Stallholder or trader not displaying valid permit	125155
5.5(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125155
5.5(2)	Stallholder or trader engaged in prohibited conduct	125155
5.7	Performing in a public place without a permit	125155
5.8(2)	Failure of performer to move onto another area when directed	125155
5.12	Establishment or conduct of outdoor eating facility without a permit	350440
5.14	Failure of permit holder to remove outdoor eating facility when requested	200250
6.6	Failure to comply with a condition of a permit	200250
6.10	Failure to produce permit on request of authorised person	125155
9.1	Failure to comply with notice given under local law	200250

Dated:20102019

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 Gange~~ CR RENEE JOY MCLENNAN
MAYOR

~~Mr R C Jarvis~~ MS PETA MABBS
CHIEF EXECUTIVE OFFICER



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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

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Definitions
- 1.3 Application
- 1.4 Repeal

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

- 2.1 General prohibitions
- 2.2 Activities allowed with a permit—general
- 2.3 No possession and consumption of liquor on thoroughfare

Division 2—Vehicle Crossings

- 2.4 Temporary Crossings
- 2.5 Removal of redundant crossing

Division 3—Verge Treatments

- 2.6 Interpretation
- 2.7 Permissible verge treatments
- 2.8 Only permissible verge treatments to be installed
- 2.9 Obligations of owner or occupier
- 2.10 Notice to owner or occupier
- 2.11 Transitional provision
- 2.12 Power to carry out public works on verge

Division 4—Property Numbers

- 2.13 Interpretation
- 2.14 Assignment of numbers

Division 5—Fencing

- 2.15 Public place—clause 4(1) of Division 1, Schedule 3.1 of Act

Division 6—Signs Erected by the Local Government

- 2.16 Signs
- 2.17 Transitional

Division 7—Driving on a Closed Thoroughfare

- 2.18 No driving on closed thoroughfare

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

- 3.1 Interpretation

Division 2—Permit

- 3.2 Portable advertising signs and portable direction signs
- 3.3 General Discretion

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
- 4.2 Prohibitions relating to animals
- 4.3 Removal of vehicle or animal

Division 2—Shopping Trolleys

- 4.4 Interpretation
- 4.5 Shopping trolley to be marked
- 4.6 Person not to leave trolley in public place
- 4.7 Retailer to remove abandoned trolley
- 4.8 Retailer taken to own trolley
- 4.9 Impounding of abandoned trolley

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

- 5.1 Interpretation
- 5.2 Stallholder's permit
- 5.3 Trader's permit
- 5.4 No permit required to sell newspaper
- 5.5 Conduct of stallholders and traders

Division 2—Street entertainers

- 5.6 Interpretation
- 5.7 Permit required to perform
- 5.8 Variation of permitted area and permitted time
- 5.9 Duration of permit
- 5.10 Cancellation of permit

Division 3—Outdoor Eating Facilities on Public Places

- 5.11 Interpretation
- 5.12 Permit required to conduct facility
- 5.13 Removal of facility unlawfully conducted
- 5.14 Temporary removal of facility may be requested

PART 6—PERMITS*Division 1—Applying for a permit*

- 6.1 Application for permit
- 6.2 Decision on application for permit
- 6.3 Relevant considerations in determining application for permit

Division 2—Conditions

- 6.4 Conditions which may be imposed on a permit
- 6.5 Imposing conditions under a policy
- 6.6 Compliance with and variation of conditions

Division 3—General

- 6.7 Duration of permit
- 6.8 Renewal of permit
- 6.9 Transfer of permit
- 6.10 Production of permit
- 6.11 Cancellation of permit
- 6.12 Nominee of permit holder

PART 7—OBJECTIONS AND APPEALS

- 7.1 Application of Part 9 Division 1 of Act

PART 8—NOTICES

- 8.1 Notice to redirect or repair sprinkler
- 8.2 Hazardous plants
- 8.3 Damage to thoroughfare
- 8.4 Notice to remove thing unlawfully placed on thoroughfare

PART 9—ENFORCEMENT*Division 1—Notices Given Under This Local Law*

- 9.1 Offence to fail to comply with notice
- 9.2 Local government may undertake requirements of notice

Division 2—Offences and Penalties

- 9.3 Offences
- 9.4 Prescribed offences
- 9.5 Forms

PRESCRIBED OFFENCES

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 townsite 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

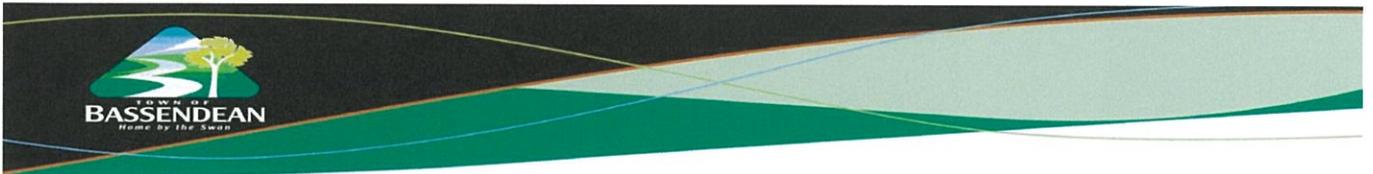
Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Obstructing or causing a hazard on thoroughfare or verge	200
2.1(d)	Damaging or interfering with thoroughfare structure	350
2.1(e)	Playing games 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—

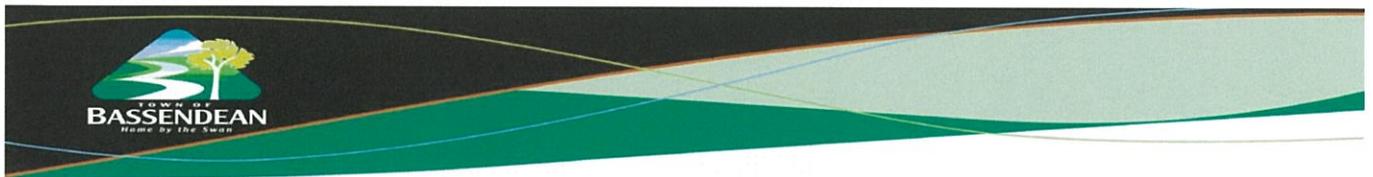
Cr J. R. H. GANGELL, Mayor.
Mr R. C. JARVIS, Chief Executive Officer.



Risk Assessment for the Installation of Raised Garden Beds (Built Structures) on Street Verges

June 2018





BACKGROUND

In December 2012, the Town of Bassendean adopted the Verge Treatment and Maintenance Policy, which was last reviewed in December 2016.

The objectives of the policy are to:

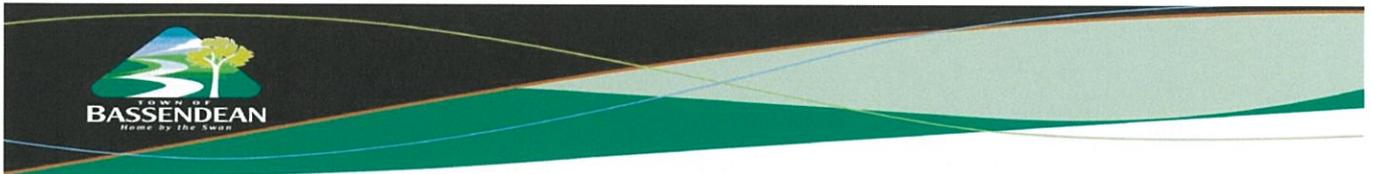
- Encourage adjacent owners and occupiers to install and maintain permissible verge treatments that are waterwise, aesthetically pleasing, and that reflect our natural heritage.
- Provide guidelines as an adjunct to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law for the installation and management of verges in the Town.

In addition to the policy and local law, the Town has developed a Permissible Verge Treatment Information Sheet for residents to assist them in the design of their verge.

At its Ordinary Council meeting held in July 2017, Council resolved that Town's officers provide a report on the Verge Treatment and Maintenance Policy. The report was to explore the option of allowing residents to install plant verge gardens, including edible plants, within guidelines that maintain safe pedestrian flow, vehicle sight lines and the access to utility infrastructure without the requirement of a formal application.

City of Bayswater recently changed their policy and guidelines in regards to verge treatments, allowing residents to install deem-to-comply verge treatments without a formal application being submitted. The Town contacted City of Bayswater and they confirmed they initiated the new verge treatment criteria that no longer required an application and that developers and residents are expected to self-regulate based on the criteria provided. The feedback received is that the City of Bayswater is observing issues with verge treatments, which do not meet the criteria. This might be due to the perceived risks that these structures can pose.

Hence a risk management framework is developed to formally assess the risks associated with the Verge Treatment and Maintenance Policy that lets the residents to install raised garden beds (built structures) on their adjacent verge.



INSTALLATION OF RAISED GARDEN BEDS (BUILT STRUCTURES) ON VERGES

RISK MANAGEMENT/ASSESSMENT

Likelihood (L)	Consequences (C)				
	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Rare (1)	1	2	3	4	5

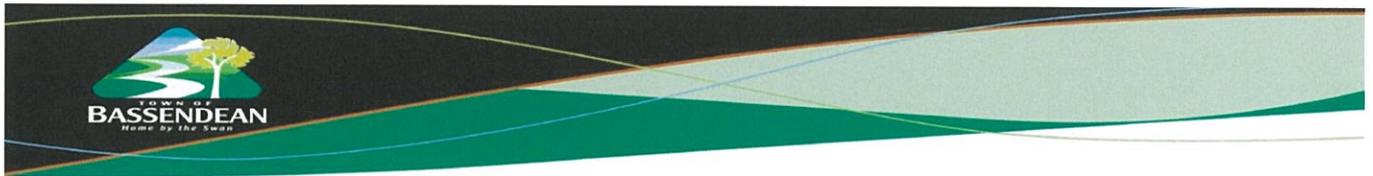
Overall Risk Level= L x C	
Score	Description
1 – 5	Low
6 – 12	Moderate
13 – 19	High
20 – 25	Extreme

Likelihood	
Almost Certain (5)	The event will occur in most circumstances
Likely (4)	The event will probably occur at least once
Possible (3)	The event might occur at sometime
Unlikely (2)	The event is not expected to occur
Rare (1)	The event may occur only in exceptional cases

Consequences	
Insignificant (1)	First Aid Injury
Minor (2)	Medical Treatment Injury
Medium (3)	Lost time Injury : Less than 7 days
Major (4)	Lost time Injury : More than 7 days PTD (Posttraumatic Disorder)
Extreme (5)	Multiple PTD or Fatality

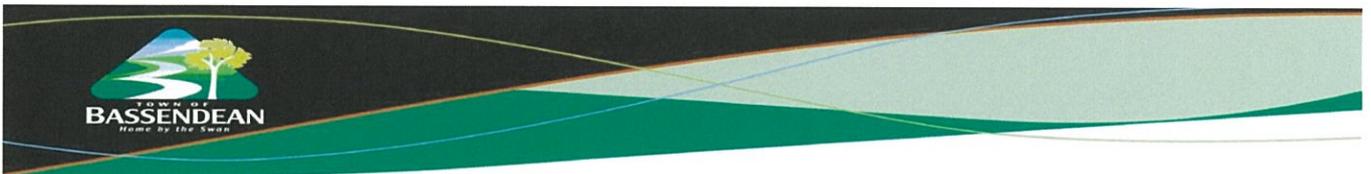
Risk Category	Description
H	Risk to Human Safety and Wellbeing
L	Legal and Economic Risk
E	Risk to the Environment
R	Risk to the Town's Reputation
C	Risk to the Town's Capacity to Deliver Services

Risk Responses	Description
Accept	The risk may be accepted perhaps because there is a low impact or likelihood. A contingency plan will be identified should it occur.
Avoid	The risk is avoided by changing the project in some way to bypass the risk.
Transfer	Some or all of the risk is transferred to a third party for example insurance.
Mitigate	Action is taken to reduce either the likelihood of the risk occurring or the impact that it will have.
Treat	The treatment plan is put in place to respond if the risk is realised.



➤ List all the major risks that the project may face, and ensure that strategies are put in place to mitigate those risks to an acceptable level.

Item No	Risk Description	Risk Category Code/s	Inherent Risk (Existing)			Risk Response	Control Measures	Residual Risk (After Treatment)		
			Likelihood	Consequences	Overall Risk Level			Likelihood	Consequences	Overall Risk Level
1	Cyclist collision (between a cyclist and the raised garden bed)	H	4	3	12	Treat	Require a minimum 0.5m setback from footpath, road and crossovers	1	3	3
2	Car collision (between a car and the raised garden bed)	H	3	4	12	Treat	Maximum built structure (not including vegetation) height of 0.35m, e.g wooden boards	3	3	9
3	Car dings	L	4	1	4	Treat	Require a minimum 0.5m setback from footpath, verges and shared driveways	2	1	2
4	Damaging services	L	3	4	12	Transfer	Require resident to undertake dial before you dig prior to work	1	4	4
5	Unmaintained Garden bed	R	3	1	3	Treat	Included in the Verge Treatment Policy and Verge Maintenance Policy (Adjacent owners/occupiers to install and maintain Permissible Verge Treatments)	1	1	1
6	Injury due to sharp or undulating edges including rocks, garden stakes and sharp edges on built structures	H	4	2	8	Treat	Regulated in the Verge Treatment Policy including rocks, stakes, and sharp objectives	2	2	4
7	Parking on road	R	4	1	4	Mitigate	Included in the local parking strategy	1	1	1
8	Pedestrian access	R	4	2	8	Treat	Require a 2m setback from the edge of the road where no footpath is located on verge(local law requirement)	1	2	2
9	Blocked access to infrastructure and assets	L	4	2	8	Treat	Require a 0.5m setback and clear access (from the road) to any other infrastructure in situ on a verge: such as power poles and in ground services	1	2	2



DISCUSSION

This report is developed to formally assess the risks associated with the Verge Maintenance Policy and Verge Treatment Policy that allows residents to install raised garden beds on their adjacent verge.

Some of the benefits of installing a raised garden bed may include,

- Reducing trip risks for pedestrians using footpath as it stops movement of materials such as woodchips & sand in a controlled manner
- Apart from pleasing visual effects and solution to poor soil issues in gardening, raised garden beds provide good drainage since soil is raised above the surrounding ground level hence efficient even during heavy rains.

This assessment considers the risks associated with the proposed Verge Maintenance Policy and Verge Treatment Policy which are identified as medium to low risks (acceptable level) with proper control measures put in place as part of the policy.

The identified control measures include (conditions when installing raised garden beds):

- Require a minimum 0.5m setback from footpath, road and crossovers
- Maximum built structure (not including vegetation) height of 0.35m, e.g wooden boards
- Require resident to undertake dial before you dig prior to work
- Adjacent owners/occupiers to install and maintain Permissible Verge Treatments)
- Rocks, stakes, pickets, etc. are not allowed on the verge (as per the proposed policy);
- Require a 2m setback from the edge of the road where no footpath is located on verge(local law requirement)
- Require a 0.5m setback from the raised garden beds to any other infrastructure in situ on a verge: such as power poles and in ground services

As part of Risk Management Framework the Town will need to consider a monitoring process to ensure the ongoing compliance with the policy.

RECOMMENDATIONS

That Council divide the current policy in two different policies, a Verge Maintenance Policy and a Verge Treatment Policy which includes permissible verge treatment guidelines. Council to receive the proposed draft versions including the risk control measures identified in this assessment and to consider further developing these draft versions into final versions that can be adopted by the Council.