

Schedule of Recommended Modifications to Draft Rights of Way Strategy

1. Modify the Strategic Objectives of the ROW Strategy on page 3 as follows:
 - Rationalising Tenure: Converting private ROWs into underwidth public roads to allow for Town-led maintenance.
 - Enhancing Safety: Implementing 'Crime Prevention Through Environmental Design' principles to improve public safety in the ROW network through provision of lighting options which prevent light spill on adjacent property in consultation with adjacent property owners at the time of preparing preliminary designs for each individual ROW.
 - Improving Access: Continue to encourage current informal two-way traffic and service vehicle passing points in the ROW network in front of garages entering off ROWs in the 6m manoeuvring spaces and associated garage setbacks from ROW boundaries.

2. Insert the following paragraph on pages 4, 29 and 34 (revised to 36) to address funding concerns:

The ROW funding may be sourced from the Town's capital works programme over the next 10 years.

This may be facilitated by the reduction in the footpath renewal programme which has largely focused on the replacement of the slabbed footpaths with concrete footpaths. This programme will be completed in the 2026/27 financial year.

In a similar vein, the demand for roads renewal works has reduced to the point where most road improvements can be funded from grant funding with fewer being funded from the Town's funding resources.

The net effect is that funding from the redirection of funding from these programmes is available to be directed to the ROW and other projects which have been raised in priority.

Therefore, there will be no additional funding required from adjoining owners or from an increase in rates specifically for this purpose.

3. Remove the paragraphs contained in the section on Access/Widening on page 21 and replace with the following paragraph:

As can be noted from the Asset Condition Report, the widths of ROWs vary considerably within the Town and in some instances do not support two-way traffic flow or service vehicle passing points. Notwithstanding, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and

service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided, and accordingly opportunity for additional informal passing points will expand when applications for garages with access from ROWs are made.

4. Modify the first paragraph of page 23 (revised to 22) to address widening concerns as follows:

Notwithstanding that the preferred width of a ROW as outlined in the Western Australian Planning Commission's Planning Bulletin 33 (PB33) is 6m and that consideration may be given to a lesser 5m width, PB33 does provide for options to reduce the width where constraints preclude widening. While widening can be achieved through the application of conditions on Subdivision and Development Approvals, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided.

5. Modify the second last paragraph on page 24 (revised to 22 and 23) to add the following sentence:

Notwithstanding, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided.

6. Delete and modify the last paragraph on page 24 (revised to 23) to address widening concerns as follows:

Notwithstanding that widening of the ROW network can be achieved through the application of conditions on Subdivision and Development Approvals, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided, and accordingly it is not recommended that the Town require widening of ROWs in the network as part of subdivision and development application considerations.

7. Provide an additional paragraph following the last paragraph of the section on Options to 'Support a ROW Construction and Maintenance Programme' on page 31 (revised to 32 and 33) to address how the 70—75% benchmark may be assessed, as follows:

While noting that the Minister for Lands will have their own measure to determine acceptable levels of community support for individual future

ROW actions and noting that this Strategy can only guide Council recommendations to the Minister on individual actions this Strategy proposed that Council also maintain some levels of flexibility to determine the overall level of agreement or opposition to individual actions.

This is relatively straightforward where all the adjoining owners are single residential lots, but where group housing or strata developments occur, it is acknowledged that there may be some concern over the single residential support being overwhelmed by larger opinion blocks.

In these instances, a range of approaches could be implemented. One such approach would be to provide each strata lot owner with one vote, while another could be to provide the whole strata development one vote only. While either of these could be deemed unfair, a possible more balanced approach would be to allocate proportional strata votes relative to their accessibility to the adjoining ROW. As an example, where the strata development has only one access and this is off the ROW, then it would be reasonable to provide one vote to each lot in the strata development. Alternatively, where there is only one access off the main street, then it may be reasonable for the strata development to have no vote. However, in many instances, there may be two or three access points to the strata development, and it would seem reasonable to have a proportional vote depending on what proportion of the strata lot has access the ROW. Therefore, if there were two access points with one being off the ROW, the strata lot could have 50% of their lot owners having a vote. Similarly, for a strata lot with three access points with one off the ROW, their lot owners would have only one third votes.

This approach will however be further explored to ensure a balanced approach is put in place when these matters are finalized prior to implementation of individual ROW actions.

8. Modify the paragraph in the middle of page 33 (revised to 35) commencing with 'Recommendations over the following pages...' to address concerns over how the recommended actions have been assessed:

Recommended individual ROW actions over the following pages take into account levels of service expectations and the following base principles. In general terms, where a ROW serves only a few properties and is apparently well maintained, it is proposed that the status quo be maintained and the ROW remain in private ownership. Where a ROW is larger and servicing multiple properties and is not well maintained, it is appropriate that the ROW be closed and dedicated for public use in order to allow Council to construct/maintain the ROW into the future. It is noted

that some of the ROWs have portions where maintenance levels are high, but some sections are not well maintained. Recommendations for these larger ROWs (and similar ones which may be well maintained) become more subjective and accordingly could be retained in either private ownership or closed and dedicated for public use. In these instances, the Strategy can recommend an action either way, however if the Strategy supports closure and dedication, these matters can be further reviewed when specific proposals are actioned for the individual ROW. Where clear support can be identified (or not) as part of these future processes, this will inform Council and/or the Minister on the way forward for that ROW. Other ROWs (or parts thereof) have been identified for specific closure and apportionment to adjoining owners, and finally, ones adjacent to Stirling Highway have been identified as requiring a detailed Access Study as complex arrangements relative to the ROW (and easement) networks are required to address commercial traffic intrusion into adjacent residential areas.

The recommendations also take into account the following preliminary cost estimates for construction.

9. Modify the ROW Maps on pages 37 (revised to 40) and 76 (revised to 78) to maintain the existing access extension of ROW 39 to the north directly onto Gugerri Street.
10. Modify the final paragraph for ROW 39 on page 77 (revised to 79) as follows:

Other than to the northern end, little development has occurred along the ROW however it is presently a well-used access and has the potential to accommodate increased traffic flow. It is recommended that Council maintain the current ROW access extension to Gugerri Street and take ownership of the ROW to improve the surfacing, drainage and lighting.
11. Modify the recommendation for ROW 40 on page 78 (revised to 79 and 80) as follows:

Request the Minister to dedicate the land for management by the Town under Section 56 of the *Land Administration Act 1997* and retain the ROW for pedestrian use with limited vehicle access to the garage at the rear of 2 Mary Street being retained.
12. Remove the existing last paragraph for ROW 40 on page 79 (revised to 81) and replace with the following:

It is recommended that the Town take ownership of the ROW and maintain it for pedestrian use in addition to limited vehicle access to the garage at the rear of 2 Mary Street.

13. Remove all references to 'ceded or easements to be granted to allow for widening' from the ROW List (ROWS 1-16, 19-25, 27-40, 50-51, 53-57, 64-69, 71-72, 85-90, 92, 95, 99-100, 107, 111 and 113-115).