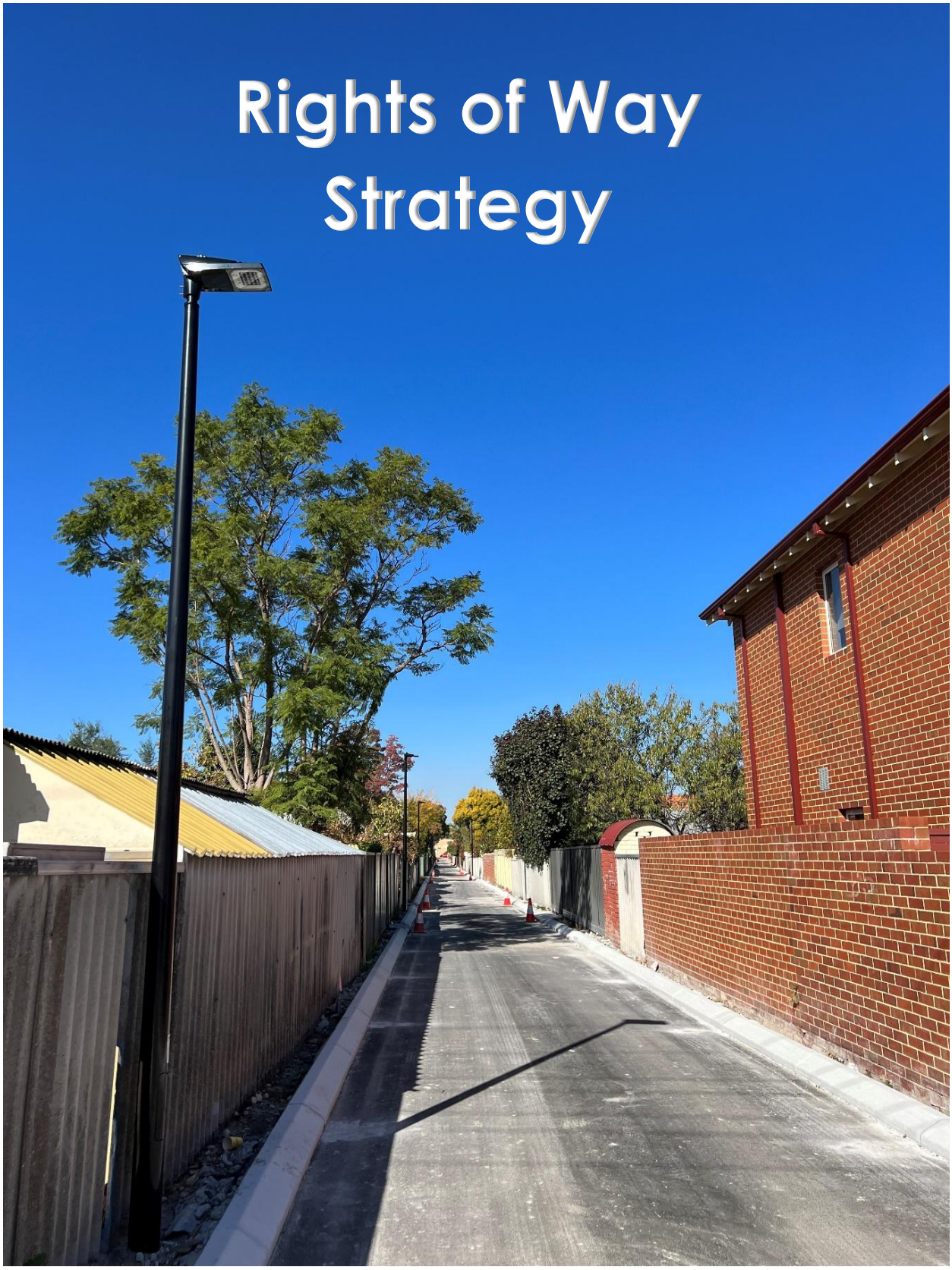
Rights of Way Strategy



Town of Claremont

September 2026

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Executive Summary

This Strategy provides a framework for the Town of Claremont to manage its 8.4km Rights of Way (ROW) network, which services approximately 485 properties. The document addresses the historical complexities of ROW ownership and outlines a proactive path for future maintenance, upgrades, and legal dedication.

Current Status & Challenges

Ownership Complexity: Of the 79 ROWs in the Town, 58 are privately owned (often by deceased individuals or defunct companies), while 21 are held by the Town or the Crown.

Infrastructure Issues: Many private ROWs are in "Very Poor" condition, with inadequate drainage, significant potholes, and limited casual surveillance, which impacts safety and accessibility.

Legal Constraints: Under the *Local Government Act 1995*, the Town is strictly limited in spending ratepayer funds on private land. This has historically prevented the Town from maintaining or upgrading the majority of the network.

Strategic Objectives

The primary goal is to transition the ROW network into a safe, functional, and well-managed asset through:

- 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 though 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.

Implementation & Financial Implications

The Strategy prioritises ROWs into four action categories, with a total estimated program cost of approximately $4.89m.

Class	Description	Est. Cost
Class 1	High-need ROWs requiring full construction, drainage, and lighting.	Approx. $3.78m
Class 2	Well-maintained ROWs primarily needing lighting and minor upgrades.	Approx. $1.06m
Class 3/4	ROWs for permanent closure or retention in private ownership.	N/A

A total of 5 plus 3 part ROWs are recommended for closure and 13 plus 1 part ROW are recommended to be retained in private ownership. Based on the above, the total cost for constructing, draining and lighting the 20 plus 1 part Class 1 ROWs should be approx. $3.78m. The estimated cost of Class 2 works including lighting of 37 plus 2 part ROWs (16 Council/Crown ROWs and 19 plus 2 part private ROWs) are estimated at approximately $865,000, plus additional isolated drainage upgrades approximating $196,000 - totalling approximately $1.06m ($1,047,659.34) for Class 2 works (noting that some portions of the ROWs which have previously been constructed are in need of maintenance and reconstruction). The total cost for works associated with this program is estimated at approximately $4.84m, noting that additional administration costs will also apply to resource staffing for the program (dependant on the number of staff employed and period of program), survey costs and DPLH registration fees to roll out of the program over a Council specified timeframe.

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.

Recommended Next Steps

1. Public Consultation: Advertise the Strategy to gauge community support (noting that approximately 70–75% owner support is a benchmark for individual ROW dedications).
2. Policy Review: Revoke Council Policy LV108 As the Policy no longer serves a purpose given the adoption of the Rights of Way Strategy (September 2026) now serves the same policy direction purpose for Council.
3. Pilot Project: Commencing a test reconstruction to verify cost estimates and engineering standards following dedication of the ROW.
4. Refine and prioritise individual ROW upgrades following dedication as part of the annual Council budget preparation process.

Introduction

Rights of Way (ROW) are separate parcels of land that were in the main created to service rear laneway access to lots as part of an original subdivision. In most cases, ownership of the ROW has remained with the original subdivider following the sale of the lots shown on the Plan of Diagram or Survey. Rights of Way are generally contained in a Certificate of Title (CT), registered in the name of the original subdivider. The original subdivider is often a deceased person or a defunct company. Other ROWs may be in Council or Crown ownership and be dedicated as underwidth public roads.

As is the case across all Local Government areas in the metropolitan area, ROW ownership within the Town is varied. In this respect, of the 79 ROWs within the Town, 21 are owned by the Town or the Crown (1), whilst the remaining 58 are held in private ownership. As a result, ownership, and the responsibility of managing ROWs within the Town is complex and can cause several issues for residents who either abut or live within close proximity of ROWs.

The total length of the private ROWs is 6,080.39 (approx. 6.08km) and the length of Council/Crown owned ROWs is 2,357.51m (approx. 2.36km) – the total ROW network is some 8,437.9m (approx. 8.44km). The ROWs service vehicular access to approximately 488 properties (plus additional strata lots).

The purpose of this ROW Strategy is firstly to clarify and document the current ownership of all ROWs within the Town and secondly to consider ongoing management and use options for ROWs. This Strategy presents options for Council to consider ongoing financial management implications for the Town, which will ultimately need to be considered in light of the Town's budget constraints by Council and potential infrastructure construction programs.

Objectives

- To provide a co-ordinated approach to future decision making in relation to ROW closures and upgrades.

- Ensure that ROWs are fully utilised, including providing access for infill developments to reduce crossovers to local roads.

- Ensure that ROWs are retained where they contribute to existing streetscapes.

- To identify ROWs appropriate for closure or retention in private ownership where it's considered there are limited benefits to the community.

- To consider rationalising the land tenure of all ROWs.

- To enhance safety, accessibility, and functionality around residential and commercial development.

- To provide guidance for landowners and Council on financial contributions to the capital cost of maintaining and upgrading ROWs.

- To examine cost implications of construction upgrade and long term maintenance of ROWs in the Town.

- To inform the review and development of a ROW specific Local Planning Policy and future upgrade implementation plan options for Council's consideration.

Background

Prior Works

A 'Study of Rights of Way' was prepared for the Town of Claremont by SJB Town Planners in July 1995. The study documents the condition of each ROW within the Town as it appeared at the time, and includes additional information with respect to ownership, services and adjoining land uses. Most of the ROWs within the Town have been retained since the study. The document is therefore a valuable reference in the undertaking of this ROW Strategy.

Western Australian Planning Commission (WAPC) Planning Bulletin No. 33 (1999) also provides guidelines on ROWs and laneways in established areas and extracts of this Planning Bulletin are referenced throughout this Strategy.

Scope

This Strategy relates to all ROWs within the Town of Claremont Local Government area. The Strategy will refer to Public (Council and Crown owned) ROWs and Private ROWs.

Definitions

Dedication means the acquisition as Crown land of any alienated land or private road which has been used by the public, following a request from a local government to the Minister for Lands under Section 56 of the *Land Administration Act 1997*.

Implied rights mean the rights established under Section 167A of the *Transfer of Land Act 1893* for the registered proprietors of the original lots, which were included in the Plan or Diagram of Survey creating that private ROW, to use the private ROW provided it is shown as a 'right-of-way' on the Land Titles Office Plan or Diagram of Survey.

Note - Present owners of abutting lots have implied rights to upgrade, seal, drain and to use (along with their guests and invitees) the ROW for vehicular and pedestrian access providing the lots (or lots from which they were created) were included on a Plan or Diagram of Survey in which the private ROW was created.

Laneway means a public road designed to provide access to the side or rear of lots principally now for vehicle parking.

Prescribed rights mean the access rights for lots which are not created on the same Plan or Diagram of Survey as the ROW. Landowners in these cases may, nonetheless, still have rights to use a ROW at Common Law or under the *Prescription Act 1832*, but investigation of these rights would need to be undertaken.

Private Road, is defined under the *Land Administration Act 1997* as:

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

(a) is not dedicated, whether under a written law or at common law, for use as such by the public;

(b) forms a common access to the land, or premises, separately occupied; or

(c) is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public.

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

Private ROW means the balance of title from a subdivision held in private ownership over which adjacent owners have an implied right of access under Section 167A of the *Transfer of Land Act 1893.*

Note – Private ROWs usually remain in the ownership of the original subdivider after the lots shown on the Plan or Diagram of Survey were sold off. Private ROWs are nowadays often the 'balance of title' contained CT still registered in the name of the original subdivider, perhaps a deceased person or a defunct company.

Public road has the same meaning as 'roads', which are defined under the *Land Administration Act 1997* as:

"… being land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both".

Public ROW means land vested in the Crown under the *Transfer of Land Act 1893* for public use. These can be ceded to the Crown on subdivision under Section 20A of the *Town Planning and Development Act 2005.*

Note - Public ROWs were created by the Minister for Lands under the *Land Act 1933* or earlier legislation.

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

Specified Area Rate means a rate charged by the Local Government for specific works such as construction of a ROW. The Specified Area Rate is provided for and regulated by Section 6.37 (and also 6.11 for the purpose of operating Reserve Accounts for the specified works over an extended period) of the *Local Government Act 1995.* Council may adopt a Policy to guide the establishment and operation of Specified Rate areas.

Planning and Legal Context

State Legal Framework

Section 167A of the ***Transfer of Land Act 1893*** (TL Act) enables the implied access rights for properties adjacent to ROWs. Properties with implied access rights under Section 167A are shown on the original Plan or Diagram of subdivision.

In instances where landowners do not have implied access rights under Section 167A of the TL Act, they may still have rights to use a ROW at Common Law or under the ***Prescription Act 1832*** (PR Act). This is subject to investigation of the individual situation.

The ***Land Administration Act 1997*** (LA Act) is the legal instrument that enables the closure, dedication and acquisition of private ROWs as Crown land and public roads.

- Section 52 of the LA Act relates specifically to the Local Government requesting the Minister for Lands to close a private ROW and acquire it as Crown land or dispose of the land to adjoining owners.
- Section 56 sets out the process for dedicating the private ROW as a public road.

The ***Local Government Act 1995*** (LG Act) limits the maintenance responsibility of the Town on private land (including private ROWs) under Schedule 3.2. While it is noted that Schedule 3.2 indicates that Local Government can carry out works to drain land or undertake works for preventing or reducing flooding, these works are ordinarily taken in the context of protecting public land, not private land (i.e. – if private land is flooding onto public property). Notwithstanding this initial view, legal advice has been sought to determine what level of construction is allowable to maintain drainage (i.e. – can painting be justified in terms of preventing drains from silting up?). Maintenance restrictions under the LG Act are difficult for adjoining owners to comprehend, particularly as LPS3 and the RDC have provisions forcing access from the ROW network.

Section 6.37 allows Councils to fund specific works that are of direct benefit to defined areas (such as ROWs) through Specified Area Rates. The provisions allow for funds to be collected for defined purposes within each financial year of be placed into a reserve account for the purposes of the works.

State Strategic Planning Framework

Perth and Peel@3.5million is the overarching strategic document building on *Directions 2031 and Beyond* and links across the four sub-regional land use planning and infrastructure frameworks.

This Strategy aligns with the following principles and objectives:

- *Provide well-designed higher-density housing that considers local context, siting, form, amenity and the natural environment, with diverse dwelling types to meet the needs of the changing demographics.*
- *Ensure the attractive character and heritage values within suburbs are retained and minimise changes to the existing urban fabric, where appropriate.*

- *To create sustainable communities that are attractive places to live and work. The consolidation of urban areas provide for more efficient use of urban land and infrastructure with improved access to public transport, sport and recreation, community and commercial facilities while minimising impacts on significant environmental attributes.*

State Statutory Planning Framework

The ***Planning and Development Act 2005*** (P&D Act) is the primary legislative document that governs development and subdivision in Western Australia. In this respect, the P&D Act enables most of the tasks Local Government is responsible for:

- Section 152 of the P&D Act permits land to be ceded to the Crown through a subdivision approval process.
- Section 158 permits dedication for the purpose of widening as a public street where the widened section of the ROW connects to the existing street network.

The ***Planning and Development (Local Plannings Schemes) Regulations 2015*** (LPS Regs) are created under the P&D Act and provide a framework for development within the Local Government area. The LPS Regs enable the creation of a Local Planning Policy which is proposed to be informed by this Strategy.

State Planning Policy Framework

State Planning Policy 7.0 – Design of the Built Environment is the primary Policy document that sets the state-wide development standards and objectives in Western Australia. Within the document are ten principles for good design, of which the following are addressed by this Strategy:

- *Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
- *Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
- *Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
- *Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*

The tangible regulations generated from the above principles are enabled by **State Planning Policy 7.3 – Residential Design Codes** (RDC). The codes are broken up into volumes based on types of residential development and each volume specifically stipulates vehicle access standards that implicate ROWs.

RDC Volume 1 relates to single house, grouped dwelling and multiple dwelling development at the lower density. Most ROWs within the Town are abutting lots assessed under the lower density RDC. The deemed-to comply requirements of the RDC Volume 1 (cl. 5.2.1 C1.3)

requires that, where available, vehicular access is to be provided from a communal street or ROW. This requirement is consistent with the Town's LPS3 vehicle access provisions.

RDC Volume 2 – Apartments relates to residential development of R80 and above. Only ROWs in the Town Centre abut land coded R80 and above, although it is noted that Amendment No. 138 to LPS3 has now been supported with modifications by the Minister for Planning. Modifications include increasing the proposed density coding from R-AC3 to R-AC1 with a resultant increase in development height from six - eight storeys, to nine storeys and plot ratio from 2.0 to 3.0, resulting in an increased potential development yield. Upon Gazettal of Amendment No. 138, Council has committed to prepare a supplementary Integrated Access Study to endeavour to ensure that the increased traffic volumes from development are directed to the Highway and side streets to reduce the impact of this additional development traffic on adjacent residential properties/streets.

State Planning Policy 3.6 Infrastructure Contributions (SPP3.6) provides the powers to Council to amend its Local Planning Scheme to incorporate Developer Contribution Plan provisions. This is managed through Development Contribution Plans (DCPs), which detail how costs for necessary infrastructure like roads, public transport, and community facilities are shared between developers and the community based on a 'beneficiary pays' principle.

Key principles of SPP 3.6 include:

- Need and nexus - The need for the infrastructure must be clearly shown, and a clear link (nexus) must exist between the development and the demand it creates.
- Transparency - The method for calculating and applying the contribution must be clear, transparent, and easy to understand.
- Equity - Contributions must be levied equitably from stakeholders within a contribution area based on their relative contribution to the need.
- Shared responsibility - The cost of infrastructure is shared between the state government, local government, and the development industry.

Local governments can create DCPs to manage contributions for a specific area. These plans are legally binding agreements. Developers contribute through land, infrastructure, or payments. These contributions are only levied after a development application has been approved. Strict transparency and accountability requirements apply:

- DCPs must be advertised publicly for comment.
- Detailed expenditure reports are required to show how funds will be spent.
- Local governments must publish annual reports on the delivery of community infrastructure against approved DCPs.

DCP arrangements for upgrading ROWs requires complex and demanding requirements to be put in place and managed by the Local Government. A case study is presented below of the City of Stirling's approach to upgrading ROWs through DCP arrangements.

The City of Stirling's approach commenced in 2009 with private co-funding arrangements between the Council and landowners abutting private ROWs for the Council to take over ownership and have an agreement for cost contribution from ratepayers as a Differential Rates levee through a 10 year development program. This approach was initially considered but discounted by the Department of Local Government, when the programme commenced under Council Policy (see below). The Stirling programme was considered too complex by the City to be undertaken through a Specified Area Rates programme, and has now evolved into a 20 year DCP programme where Council gradually pre-funds the construction of dedicated ROWs (presently five per year) based on adjoining owners partially contributing to the works (presently 28% of the cost) through the DCP administered through the Local Planning Scheme when abutting owners apply for development or subdivision approval.

Exemptions are provided for development valued less than $124,000 or less that do not access a ROW. A dedicated team of 2-3 staff work on administering the programme, where costs of survey, design and costs for implementation of the works and DCP are borne by the City. Upgrade works initially included paving, draining, kerbing, intersection treatments, asbestos removal and ancillary works such as concrete crossover aprons, retaining walls, bollards and speedhumps. In more recent times and to address Crime Prevention Through Environmental Design (CPTED) strategies, upgrades now include installation of street lighting connected to the mains (and a retrofit programme to light former upgraded ROWs), which is maintained by the City. Once constructed, the ROWs are maintained and managed by the City as part of the functional road network.

The preferred approach by the City of Stirling was combination of City Funds, Developer Contributions and Differential General Rates (but not through Specified Area Rates) as it reinforces the user-pay principle where owners/developers in infill development areas or those owners who will benefit directly from the upgrade and dedication of ROW in the form of an improved vehicular access to their development, contribute proportionately to the cost of upgrading the ROW on the basis of their frontage. Owners adjoining a ROW who already have an established primary access from the normal street network, but nevertheless will benefit from an upgraded and maintained ROW, were to contribute a lesser amount in the form of additional municipal rates until redevelopment occurs, or the ROW is used for access.

It was however determined that Differential General Rates for the purpose of the Strategy could only be implemented upon necessary changes being made to the Local Government Act Regulations. Although the Department of Local Government and Regional Development (now known as the Department of Local Government Industry Regulation and Safety) indicated initial support for the use of Differential General Rates, the Department reconsidered its stance in August 2009 and longer supported changing the Act to facilitate its use for the purpose of the City of Stirling's Strategy. In addition, the practicality and complexity of implementing a rate based funding system on strata-titled properties also came to light. Given that a significant proportion of properties abutting ROWs were strata-titled lots, the complexity associated with administering a funding system based on rates was considered impractical. In light of these events, Differential General Rates was no longer considered a feasible funding option and was therefore abandoned. As Specified Area Rates was not considered feasible for the programme, a combination of City Funds and Development

Contributions through the DCP and LPS provisions now provide the primary funding mechanism for the Strategy.

The City's approach was then based on implementation through Council Policy as an interim measure to seek development contribution and the construction of portions of ROWs upon development of properties abutting ROWs. However, as the contribution requirements were not formally incorporated as part of the City's Local Planning Scheme provisions, the contribution impositions were capable of being challenged as part of the Development Approval appeal process. In order to implement development contributions consistently and successfully under the Strategy, formal Development Contribution provisions for ROW improvements were proposed to the Local Planning Scheme.

Liveable Neighbourhoods is the operational Policy for both the design and assessment of Structure Plans and subdivision for new urban areas. The Policy sets out eight design element objectives as the key focus for future development.

The following principal aims are applicable to this Strategy:

- *To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving.*
- *To maximise land efficiency wherever possible.*

Design Element 1 focuses on the importance of community design in future planning. A key objective of this design element is providing a movement network that is interconnected, and which establishes good access for residents which is safe and minimises the impact of through traffic. Maintaining and adapting existing ROWs (through improvements and widening where appropriate) to ensure traffic volumes can be accommodated ensures that risks to residents and other users of the ROWs are minimised.

Design Element 2 sets out the approach to movement networks and street design. The document aims to promote characteristics that differ from conventional street systems which include:

- *the street system is highly interconnected, and is aimed at reducing local travel distances and related emissions and energy use.*
- *traffic is distributed more evenly through a flatter hierarchy of streets, reducing pressure at major intersections.*
- *use of rear laneways in higher density areas.*

Similar to Design Element 1, the objectives relative to streets and movement include the promotion of safe streets that minimise the impact of through traffic. A clear emphasis is also placed on the provision of providing and maintaining attractive streetscapes, consistent with the objectives of this ROW Strategy.

Liveable Neighbourhoods requires a minimum width of 6m for vehicle access based upon the minimum space required to manoeuvre a car into or out of a parking space at right angles to

the ROW. It is recommended that the indicative maximum traffic volume in an ROW is 300 vehicles per day with a target maximum speed of 15km/h.

Planning Bulletin 33 (PB33). Articulates the Western Australian Planning Commission's (WAPC) stance on ROW management. The Bulletin sets out the Policy requirements for residential and commercial development and subdivision adjacent to ROWs inclusive of the following:

- Decision makers are advised to require applicants to upgrade private ROWs as part of subdivision and development applications (where appropriate) and request widening through subdivision to achieve minimum manoeuvrability standards (Note – this may also be achieved by provision of Right of Carriageway (ROCW) easements as a Development Approval condition).
- Processes for ROW dedication under the LA Act are also detailed where it is acknowledged that management of ROWs is unsustainable remaining in private ownership.
- The Bulletin recognises that vehicles can pass safely (at low speed) in a 5m wide ROW and may be considered appropriate where access is limited to access parking (not including pedestrian access, emergency, postal or rubbish collection) from the ROW.
- Where constraints preclude the widening of a ROW, alternative design solutions may include one-way traffic flow, parking constructed parallel to the ROW or variable width ROW where wider sections are provided to allow vehicles to pass.
- The WAPC will not generally support dedication of ROWs where they are over 140m and where no alternative access is available for pedestrians to a public road.
- Where pedestrian access is proposed to be served by the ROW, lighting should be provided at appropriate intervals.

Regard has been given to this Policy when making the recommendations within the ROW Strategy.

Town of Claremont Strategic Planning Framework

Although now more recently superseded by the Local Planning Strategy below, the Town of Claremont **Strategic Community Plan 2021-31 – 'Claremont Ahead'** outlines the visions, aspirations, and objectives of the Claremont community. The following aspects of the community plan are relevant to this Rights of Way Strategy:

Liveability - We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.

Strategies:

- *Promote and support initiatives that improve traffic flow.*
- *Provide clean, usable, attractive, and accessible streetscapes and public places.*
- *Balance the Town's historic character with complementary, well designed development.*

- *Develop the public realm as gathering spaces for participation, prosperity and enjoyment.*

People - We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.

Strategies:

- *Effectively manage and enhance the Town's community facilities in response to a growing community.*
- *Support local safety and crime prevention.*

Local Planning Strategy (LPS) endorsed by Council 14 June 2022 and approved by the WAPC on 25 November 2024, refers to the ROW network relative to the following.

Under the Infrastructure Issues and Opportunities, Strategic Considerations include:

> *Preservation of Right of Way (ROWs)*
>
> *Throughout the Town Centre there exists a series of ROWs, in which properties that are adjacent to utilise them for vehicular access, over the local road. These have been identified as important to retain, as usage of these limits the number of crossovers on streets, and the negative impacts that this can have.*
>
> *The Town will seek to prepare a ROW Strategy in response, which will undertake a review of all existing ROWs, identify ones that need upgrading, and will contemplate development requirements to ensure adequate setbacks, for the safe and effective use of the ROWs. This will limit the number of cars on the street, and assist in improving streetscape amenity.*

Table 4 identifies the specific Issues/Opportunity for *Preservation of ROWs – There is an opportunity to review and upgrade existing rights of way and encourage rear vehicle access to properties, particularly in Planning Areas, which reduces the negative impacts of vehicle crossovers on streets and therefore the impact of street tree loss, increased hard surfaces and loss of streetcar bays.*

Specific Actions include preparation of *a ROW strategy to consider upgrade of existing ROWs and to consider development requirements to ensure the provision of adequate setbacks to facilitate safe and efficient movement within the ROW* as *an effective movement network is essential to the economic, social and environmental prosperity of the Town.*

Within the Planning Areas, Stirling Highway East Urban Corridor Infrastructure Strategic Considerations include the *management of vehicle access to ensure this occurs predominantly through side streets and rear laneways, rather than direct to via Stirling Highway, to minimise the impact on regional traffic efficiency and ensure safe access and egress from development sites.* The associated Action and Implementation proposal is to prepare an *integrated Access Study to provide guidance on changes to the movement network require, along with along with management strategies to ensure functionality of the local movement network.*

It is noted that the same Issues/Opportunities, Actions and Infrastructure Considerations of the Stirling Highway East Urban Corridor are identified for the Stirling Highway West Urban Corridor.

Although now dated, consistent with the above, the Town prepared a **Street and Laneway Activation Plan** (SLAP) in 2010 which promotes the use and activation of ROWs within the Town Centre.

Town of Claremont Statutory Planning Framework

Local Planning Scheme No. 3 (LPS3) includes the following requirement cl.36(6) relative to vehicular access:

> *The provision or use of:*
>
> *(a) A car parking area (whether a garage, carport or dedicated uncovered area) at the front of a property; and*
>
> *(b) Any crossover from the primary street,*
>
> *will not be permitted where a practical alternative vehicle access point exists (such as from a secondary street, rear laneway or similar). This prohibition will apply notwithstanding a proposed development involves the use of a pre-existing crossover from the primary street, except where the proposed development:*
>
> *(a) Is considered by the Council to be a renovation of an existing dwelling which retains the pre-existing car parking area without facilitating additional car parking, and provided the requirement to remove the crossover and provide alternative car parking area is considered by the Council to be unreasonable; or*
>
> *(b) Involves only upgrading of an existing car parking area, provided that the proposed upgrading does not facilitate any additional car parking.*
>
> *To facilitate the use of rear laneways or similar practical alternative access points, the Council may consider approving a reduced front setback for the dwelling where private open space to the rear would be significantly compromised by the requirements of this clause, having regard to the applicable design principles of the Residential Design Codes.*

The intent is for ROWs within the Town to be utilised for vehicle access in all circumstances unless it is not practical to do so. Given this requirement, to accommodate not only the existing but resultant future vehicle traffic, developing a contemporary Strategy to guide the management of all ROWs within the Town and informing future Policy is of great importance.

The extent to which vehicle access is practical from a ROW was considered in *Alcock and the Town of Claremont* ([2013] WASAT 83). The SAT indicated that the primary consideration when determining alternative vehicle access is whether the access itself is a practical means of servicing the lot. In this case, 'practicality' was simply determined by identifying that the ROW already serviced several other properties and, to this end, could not be disputed.

However, the decision also alluded to the fact that matters internal to a lot may have a significant bearing on whether an internal access point is considered to be 'practical'.

Although the SAT did not elaborate on nor specify the 'internal matters', the finding has formed the basis of justification for primary street access in lieu of the ROW where substantial existing infrastructure precluded car parking from the ROW. The findings in this instance were that the ROW was practical for the purpose of vehicle access given that the site was being totally redeveloped, and that the applicant's reluctance to provide rear access was a personal preference. This preference was not considered relevant and accordingly the SAT review was dismissed as cl.36(6) prevented access from the primary street where the practical alternative access was established and available.

It is noted that paragraph 52 of the above SAT determination indicated as follows:

> *The Tribunal does not say that matters internal to the lot are not relevant considerations; in fact, there may be instances where such matters will have a significant bearing on whether there is a practical alternative access point. It is only those matters personal to the landowners' preferences that are not relevant considerations.*

On 5 October 2021, Council considered an application for a double carport fronting 8 Riley Road, where practical access was available from the rear ROW, however the existing garage (approved in 1991 as a double garage and studio above) did not meet current design standards and modifications to the structure and wall to bring the garage and its access into compliance would be extensive and problematic. Although practical access was available, the internal site constraints on the lot prevented practical alternative access from the ROW (e.g. – a large pool or built structure adjacent the rear of the property) remain. At the time, Council's solicitors confirmed that reasonable consideration of internal matters is still appropriate in these instances. Accordingly, the report to Council concurred with the SAT view that the existing development constraints internal to the lot were significant in this instance to restrict access to the property for additional parking at the rear, and as a result, additional parking serviced from the rear of the rear ROW was considered neither reasonable nor practical. As a result, it was not considered reasonable that cl. 36(6) apply to restrict access to the proposed double carport fronting Riley Road.

In order to reduce traffic volumes in ROW and achieve a balance between public road and ROW streetscape objectives (under this Strategy and the Local Planning Scheme), Council may review potential options which allow for alternative public road access from the front of the property and consider at least half of the strata lots be designed to front and gain access from the rear ROW network, with the remaining strata lots being designed to allow access to the primary street. This may be achieved by designing restricted access through the site to allow pedestrian access from the primary street to the rear lots but prevent vehicular movement through the site from the primary street frontage to the rear secondary ROW frontage.

Clause 44 of LPS3 requires as follows:

> *Where land having a frontage to Stirling Highway has vehicular access to another street or road, a person shall not create and direct vehicular access to or from that land to Stirling Highway.*

Following consultation and consideration of submissions relative to Amendment No. 138 to LPS3, Council resolved on 2 March 2021 to modify cl.44 as follows:

> *Where land having a frontage to Stirling Highway has sufficient alternative means of safe vehicular access to another street, either directly or via a Right of Way or Right of Carriageway connecting to a side street, a person shall not create and direct vehicular access to or from that land to Stirling Highway.*

Town of Claremont Local Planning Policy Framework

LV108 – Rights of Way/Laneways was developed to provide provisional guidance regarding the future management of ROWs within the Town drawing references and recommendations from the SJB Planners 1995 Study of Rights of Way. The Policy applies to both Private ROWs and Public ROWs. The Policy was last reviewed by Council in June 2024 (see below), however, as this Strategy now serves the same policy direction purpose for Council, the Policy should be revoked.

COUNCIL POLICY LV108 - RIGHT OF WAY LANEWAYS

Purpose

The purpose of this policy is to provide guidance on the management and/or acquisition of privately owned Right of Ways (**ROWs**) in the Town of Claremont.

Acquisition

A local government may request the Minister for Lands dedicate privately owned ROW for public use (Section 56 of the *Land Administration Act 1997).*

Pursuant to section 56, before a local government may request ownership of a private ROW:

1. the Private ROW must be constructed and maintained to the satisfaction of the local government and the owners of the ROW must apply to the local government and request dedication as per (s56(1)(b); or

2. the Public must have had uninterrupted use of that ROW for a period of not less than 10 years (s56 (1)(c)).

In relation to (1), Council considers that “to the satisfaction” will by way of guidance generally mean not in a state of disrepair and:

1. not requiring major repairs, re sealing or renewing;

2. in a trafficable state;

3. has sufficient and functioning drainage;

4. free of substantial pot holes.

Management

Pursuant to section 3.27 of the *Local Government Act* the Town is only permitted to utilise ratepayer funds on privately owned land in very restricted circumstances including:

1. Carry out works for the drainage of land.

2. Do earthworks or other works on land for preventing or reducing flooding.

3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.

4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.

5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.

6. Place on land signs to indicate the names of public thoroughfares.

7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.

Council does not endorse ratepayers funds being used outside of what is permissible under the *Local Government Act 1995.*

The inability for Council to assist in legally maintaining and upgrading of private ROWs has long been a source of frustration of both residents and Elected Members alike.

The purpose of this Strategy is to examine opportunities for Council to build upon and strengthen the detail contained in LV108 and to provide clear direction regarding the future management of all ROWs within the Town and review of LV108. In particular, the Strategy outlines the different management pathways available to the Town to be implemented appropriately following an assessment of each ROW within the Local Government area.

Study Findings

Asset Condition Report

An Asset Condition Report was completed for the Town by Asset Infrastructure Management in late 2021 to record and document the condition of the Town's ROWs. The report breaks down the condition of each ROW into 23 separate categories that include kerbing condition, seal and drainage and potholes. The condition was graded on scale of 1-5 for each of the individual categories (detailed below).

Condition Grading	Rating	Description	Action	Residual Life (estimated % remaining useful life)
1	**Very Good**	Asset is as new Minimal defects/deterioration present	No additional maintenance required	60 to 100%
2	**Good**	Asset is functional Superficial defects/deterioration, but no major defects present	Minor maintenance may be required	40 to 60%
3	**Fair**	Asset is functional Moderate defects/deterioration present	Minor maintenance and/or minor component replacement required	25 to 40%
4	**Poor**	Asset functionality is reduced Significant defects/deterioration present	Significant ongoing maintenance or major component replacement required	10 to 25%
5	**Very Poor**	Asset is not functional Very significant defects/deterioration and/or high number of major defects present	Asset requires full replacement	0 to 10%

The data recorded indicates that very few ROWs presently have a rating of 'Very Good' in all categories, and most score a '0' in more than one category, which occurs if that category cannot be measured (e.g., ROW does not have a drain). The condition report was conducted on a 'present assets' basis and therefore does not consider the full scope of what a ROW will require moving forward. The report does however highlight the variable condition of ROWs within the Town and the need for a coordinated management approach.

General Condition

When conducting assessments of the individual ROWs for this Strategy, the four elements primarily focused on were surface condition, drainage, fencing and/or structures abutting the ROW and casual surveillance of the ROW. The condition report referred to above contains details regarding ROW length, width and area which have been included in the ROW list. Any other observations that were considered relevant are also included in the ROW list assessment notes.

The findings indicate that surfaces varied significantly both within individual ROWs and from ROW to ROW. Typically, the surface was bitumen or if unsurfaced, consisted of sand and overgrown grass. Many of the bituminised ROWs showed signs of wearing that included

cracking and potholes. Few ROWs were surfaced in brick paving or gravel, however where this did occur, the surface was generally in good condition.

Formal drainage was observed in most ROWs where sufficient bitumen or paving had been used. Given the variable nature of the surface condition however, it is evident that drainage is often inadequate. It is assumed that a significant amount of stormwater runoff is managed into the soil due to the prevalence of unsurfaced land. In addition, many ROWs are across sloping land therefore stormwater also runs off into public streets.

In most cases the fencing abutting ROWs was solid, noting that the style of fence varied between brick, render, fibre cement, timber and metal. The standard solid fencing is applied as a means of privacy, safety and noise protection. Where ROWs had been subject to adjacent redevelopment, garages and brick/rendered walls were the prominent feature. The condition of fencing along ROWs varied considerably and, in some instances, impacted vehicle movement and has at time allowed stormwater from sites to enter the ROW network and either cause drainage issue in the ROW itself, or traverse along the ROW and further impact other lots abutting the ROW. Vegetation within ROWs and vegetation within private property encroaching upon the ROW also impacted vehicle movement and had caused damage to fencing.

Due to the prevalence of solid fencing, casual surveillance of most ROWs was limited, noting that most dwellings were oriented toward the original primary street. In some instances, redevelopment had occurred resulting from subdivision thus dwellings had primary frontages (that were typically open) to ROWs which improved the casual surveillance as well as the condition of the ROW. It is anticipated that casual surveillance will improve as further redevelopment occurs adjacent to ROWs in areas which support additional density development.

ROW Areas

ROWs within the Town are generally located within three areas, south of the railway line, north-east of the railway line towards Alfred Road and north-west in Swanbourne. The greatest number are located south of the railway line.

Of the ROWs south of the railway line, those in the best condition are already under the ownership and management of the Town. These include the eight ROWs between Stone Road (east) and Bay Road (west). The remaining ROWs south of the railway line vary considerably in condition from ‘Very Poor’ to ‘Very Good’. Again, the condition of the private ROWs largely depends on the amount of redevelopment that has occurred adjacent and whether lots have primary frontages to the ROW.

To the northeast towards Alfred Road, although mostly privately owned, the ROWs are generally in ‘Very Good’ condition. The Town owns one ROW in this area accessed from First Avenue that has recently been surfaced in bitumen and had kerbing installed by a developing landowner seeking to improve access arrangements for development of a new dwelling at the rear of his property fronting the (formerly) private ROW.

To the northwest in Swanbourne, the ROWs are generally in 'Very Poor' condition. Bounded by Shenton Road to the north and Claremont Crescent to the south, many have 'Very Poor' surfacing and fencing and, in some cases, no longer function for the purpose of vehicle access. It is noted that little subdivision or redevelopment has occurred in this area to generate upgrades.

Services within ROWs

In the initial stages of undertaking the Strategy, the Town conducted 'Dial Before You Dig' searches on all ROWs within the Local Government area. Data was provided to the Town by the following service providers:

- Telstra
- Water Corporation (Water Corp.)
- Western Power
- ATCO Gas
- NBN
- NextGen Group
- AARNet

The searches uncovered services in the majority of ROWs. The most common service within the Town's ROWs are Water Corporation wastewater pipes (91% of ROWs) which were historically located at the rear of properties. Located within the ROWs were also Telstra cables (9 ROWs), Western Power cables (6 ROWs), Water Corporation pipes (5 ROWs), ATCO Gas pipes (5 ROWs) and NBN cables (3 ROWs).

The Town contacted each of the above service providers for comment on the advice that a ROW Strategy was being undertaken. Responses were received from Telstra, ATCO Gas, Water Corporation and Western Power.

Telstra advised that they will assist the Town to ensure that their telecommunications network was protected. It was emphasised that Telstra assets must remain accessible for maintenance requirements. The Town has considered these comments when making recommendations in this Strategy.

ATCO Gas provided general information regarding the total gas pipe network that runs through the Local Government area. In addition, ATCO Gas provide the Town with specific requirements for any works required that may disturb a gas pipeline within a ROW. The Town was further advised that ATCO Gas would provide a more detailed response should the Town enquire about gas pipes in a specific ROW.

The Water Corporation advised that they prefer for all ROWs to remain open where access is required to sewers, noting that this applies to most ROWs in the Town. In instances where ROWs are re-sealed in bitumen, a maximum cover to the sewer of 0.9m is requested. There

may be circumstances where a ROW can be closed and sewer main protected by an easement, however this would require further assessment.

Western Power provided a general response regarding the process for determining whether their infrastructure was in a ROW.

Although the Town hasn't received responses from all service providers, it has considered the implications of all services within ROWs when making recommendations.

Issues

Access/Widening

As can be noted from the Asset Condition Report, the widths of ROW's 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.

Maintenance

Rights of Way may present maintenance issues, dependant on ownership, and these are often confused.

Private ROWs are often held in the ownership of the original subdivider of the land (or their Estate) and these owners (or companies) are generally unable to be contacted. This leaves the maintenance responsibilities to the adjoining owners created by that subdivision through their implied access rights of access under the TL Act.

Where adjoining land is not part of the original subdivision, the owners of those properties have no implied rights to access of maintain private ROWs, although there is a possible legal path through the PR Act to prove ongoing use of the ROW and rights to therefore maintain the private ROW.

Public ROWs may only be maintained by the Local Government consistent with the provisions of the LG Act. Noting the Local Government maintenance restrictions on private land under the LG Act, Council is often faced with ratepayer concerns over maintenance issues given the LPS requires access to their properties through the ROW network. The Town has on occasion in the past, provided a basic level of maintenance to assist access in private ROWs, particularly relative to flooding events which have occurred in recent years.

Given the misunderstanding of legal maintenance obligations and the desire of Council to find solutions to assist in maintenance options for private ROWs, this Strategy aims to present Council with options to address maintenance and other issues raised herein.

Implementation Options

Widening of ROWs

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.

Where Council has previously required the provision of a Right of Carriageway easement to widen a Right of Way as a condition of Planning or Development Approval, and that easement is no longer required by the Town under the terms of this Strategy and the owners request removal of the easement, Town will consider such proposals on a case-by-case basis relative to its impact on the operation of the Right of Way.

One Way Traffic Flow

An alternative to widening ROWs could be to consider designation of certain ROWs for one-way traffic operation. In order to determine whether one-way traffic operation is appropriate, the following factors will require consideration:

- The current and expected future traffic flow (vehicles per day)
- The existing built form abutting the ROW preventing widening
- Traffic flow management, noting there are limitations on traffic flow and Police enforcement on private land
- Temporary obstructions to traffic flow from short term vehicle parking and servicing (rubbish collection), and
- The potential for redevelopment along the ROW.

Given that this option would be difficult to enforce and has potential consequences on vehicle flow through temporary obstructions, it is not contemplated further in this Strategy.

Levels of Service

Strategies for upgrading of ROWs have evolved over time. Current levels of service standards include evenly paved surfaces with drainage, speed control measures (speed humps), in some instances kerbing, and lighting to address CPTED Principles (see photographs following of recent ROW construction in Inglewood – City of Stirling).

Width requirements can vary between 5-6m to cater for two-way traffic flow and possible rubbish collection, noting that lots presently require gazetted road frontage/access which allows collection from the public street. While the ROW is in private ownership, lots facing the ROW are required to provide pedestrian access to the public street – this would allow rubbish collection and emergency vehicle access from the main public street frontage of the lot, however, if the ROW is dedicated as an underwidth public road, this will no longer be required. In this case rubbish collection and emergency vehicle access would be required

through the rear ROW (underwidth Public Road) and slow moving vehicles may not be complementary to the operation of the ROW, particularly if two way traffic flow is not supported through widening of the ROW. 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.

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.





Retain in Private Ownership

Should it be recommended that a ROW remain in private ownership, the Town may continue to seek ROW maintenance and upgrades though subdivision and redevelopment. The responsibility for management and maintenance will remain that of the current owner/s of the land and the adjoining property owners (as contained on the original plan of subdivision) in accordance with their 'implied rights'.

Dedicate as Public Roads

Through application of *Land Administration Act 1997* (LA Act) procedures below, Council can close (see below) and then dedicate private ROWs for public use where it is deemed necessary for the Town to take ownership and management. This will allow the Town to legally maintain and allow full public access to ROWs for the benefit of the community and adjoining landowners.

Section 56 of the LA Act provides for Council to request the Minister for Lands to dedicate designated ROWs as public roads as follows:

(1) If in the district of a local government —

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) If a local government resolves to make a request under subsection (1), it must —

(a) in accordance with the regulations prepare and deliver the request to the Minister; and

(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

Further to the above, before delivering a request to the Minister, the Town must:

- Provide notice to the current owner, the adjoining landowners and utility providers;

and

- Advertise the proposal and invite submissions for a period of not less than 30 days.

Dedication procedures have associated administration costs, however, there are no acquisition of land costs associated.

Notwithstanding the reference in Section 56(1)(b) to a private road (in this case ROW) being constructed and maintained to the satisfaction of the Local Government, private ROWs in the Town have various states in construction and maintenance. Whereas the last dedication process considered by the Town involved a private ROW located between Graylands Road, First and Second Avenues where a private landowner paid for the construction of the ROW to assist in his marketing of a subdivision, this circumstance is rare. Consequently, dedication will most likely result in maintenance obligations for ROWs being transferred to the Town, for which a maintenance and construction program will be required. This will have a financial obligation on the Town in the preparation of its annual budget.

Closure of ROWs

As part of the dedication process outlined above, or where it can be established that the ROW serves no access or has no specific purpose (i.e., access to property or the provision of servicing infrastructure), closure can occur (if easements can be created relative to servicing infrastructure). Where no subsequent dedication processes are contemplated, this is normally subject to adjoining owners agreeing to the apportionment and division of the former ROW into smaller parcels of land for acquisition at valuation by the adjoining landowners.

Council is required to, under Section 52 of the LA Act, request the Minister for Lands to acquire respective land as Crown land where it is deemed necessary for a ROW to be closed. Section 52 is as follows:

(1) Subject to this section, a local government may request the Minister to acquire as Crown land —

(a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar; or

(b) any private road; or

(c) any alienated land in a townsite which the Minister proposes to abolish under section 26,

within the district of the local government (in this section called the subject land).

(2) A request made under subsection (1) is to be accompanied by —

(a) a plan of survey or sketch plan —

(i) showing the subject land; and

(ii) approved by the Planning Commission;

and

(b) copies of all objections lodged with the local government during the period referred

to in subsection (3)(b)(i) or (ii), as the case requires.

(3) Before making a request under subsection (1), a local government must —

(a) take all reasonable steps to give notice of that request to —

(i) the holder of the freehold in the subject land unless the local government holds that freehold; and

(ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and

(iii) all suppliers of public utility services to the subject land;

(iv) and

(b) in the case of —

(i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or

(ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.

Upon receipt of the request the Minister will either grant the request, direct the Local Government to reconsider or refuse to grant the request. Once registration of the order is made, the land ceases to belong to the holder of its freehold and becomes Crown land. The Alienated Crown Land may be then purchased by the adjoining owners at market valuation.

Options to Support a ROW Construction and Maintenance Programme

If Council has ownership of a ROW (or the ROW is dedicated as an underwidth Public Road under the Council's care and control), there are two funding models (one with two implementation options available) which may be used to pay for construction and maintenance works. These include:

1. Funding through yearly budget allocations (e.g. – similar to the footpath upgrade programme).
2. Implementing Cost Share arrangements with benefiting landowners:
    a. Developer Contribution Plan – complex and expensive for the Town to operate and requiring an amendment to the Local Planning Scheme. They do however have the ability to exempt abutting owners from contributing to the cost of ROW upgrades (e.g. as in the case of the City of Stirling, the levees only apply through development works accessing the ROW and valued over $124,000).
    b. Specified Area Rate – this is a simpler mechanism involving identification of works within a specified area and charging an annual rate to cover the works. If an owner will have a benefit from the works or have access to the works, they will be required to contribute to the works through the annual Specified Area Rate. As a result of these limitations, it would be difficult to exclude individual landowners from paying the Specified Area Rate as all owners would benefit from the works in some form (i.e. - they may or may not have access to the ROW), however the general improvement in amenity, and possibly property, in street blocks will result from well-maintained ROWs with street lighting.

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.

It is noted that options to allow for construction ahead of dedication were raised with the Town's solicitors. These options included measures such as the application of grants (similar

to heritage grants for Council funded heritage maintenance works on private property) ahead of dedication to allow owners to make private arrangements for maintenance/reconstruction, and interpretation of the LG Act provisions relative to the level of allowable construction allowable to maintain drainage and prevent flooding (i.e. - paving).

Advice received indicates that while these options may be considered, there must be a clear pathway under the terms of the Sections 3.27 and Schedule 3.2 of the LG Act for both. Drainage works (only) are permitted and whereas it may be possible to construe an association with ancillary paving works to reduce silt build-up in drainage pits which may lead to failure or increased flooding risk, the LG Act only allows for paving works where demonstrably and predominantly necessary for drainage functionality. This would not include lighting works.

Acknowledging that heritage grants derive legitimacy from the statutory and policy framework (including the *Heritage Act 2018* and local heritage listings), expenditure on private property is recognised as a public conservation purpose. This cannot be applied in the same way for construction of ROWs as there is no comparable statutory or planning framework which presently mandates or systematically recognises private ROW upgrades as a public conservation or infrastructure objective. Concerns are therefore raised over the use of grants to prefund ROW upgrades prior to closure and dedication as the expenditure would be difficult to justify under the Sections 3.27 and Schedule 3.2 of the LG Act.

The legal advice includes the following concluding comments:

> *Section 3.27 permits drainage and flood mitigation works on private land but does not expressly authorise general paving or lighting of Private ROWs.*
>
> *Accordingly, while the LG Act permits limited drainage and flood mitigation works on private land, it does not authorise the Town to construct, pave or light private ROWs as general road infrastructure while they remain privately owned, except to the extent such works can properly be characterised as drainage or flood mitigation under Schedule 3.2.*
>
> *Paving works may fall within Schedule 3.2 only where demonstrably and predominantly necessary for drainage functionality.*
>
> *Lighting works do not fall within Schedule 3.2 and would likely be ultra vires for the Town itself to undertake while the ROW remains privately owned.*
>
> *Grant funding does not remove the need for statutory authority and must be supported by a genuine public purpose.*
>
> *A narrowly framed, drainage-focused grant program supported by engineering evidence and broader public benefit may be defensible.*
>
> *A broader program funding paving and lighting of Private ROWs serving adjoining landowners carries materially greater legal uncertainty, although could potentially be reasonably justified as within the general function of the Town under section 3.1 if clear public benefits were identified.*
>
> *Adoption of a structured, district-wide ROW policy would strengthen the public purpose character of expenditure and reduce (though not eliminate) legal risk.*

If the Town's objective is to pave and light ROWs as functioning road infrastructure with minimal legal uncertainty, closure and dedication under the LAA remains the clearest and lowest-risk pathway.

The Town effectively has three legally distinct options:

(a) *Option 1 – Dedication (Lowest Legal Risk): proceed under sections 52 and/or 56 of the LAA to close and dedicate the ROW. Once dedicated, the Town has clear authority to pave, light and maintain the infrastructure as part of its ordinary road functions.*

    However, this pathway is discretionary and ordinarily requires meaningful support from affected adjoining landowners. Section 52 includes a formal objection process, and the Minister (through DPLH) will have regard to the extent and nature of adjoining-owner opposition. While unanimous support is not legally required, substantial opposition may delay, complicate or prevent progression. Early testing of owner support is therefore critical to the viability of this option.

(b) *Option 2 – Drainage-Only Intervention (Moderate Legal Risk): undertake narrowly scoped works demonstrably necessary for drainage or flood mitigation under section 3.27 and Schedule 3.2. This requires strong engineering evidence and careful documentation of dominant purpose. Lighting is excluded.*

(c) *Option 3 – District-Wide Public Purpose Model (Elevated but Manageable Risk) - Adopt a formally articulated, district-wide ROW policy identifying public safety, emergency access, drainage resilience, permeability and environmental objectives. Rely on section 3.1 (good government) and section 6.7(2) to support grants or targeted interventions that implement that strategy. The Town may consider funding via Specified Area Rates (s 6.37) where a discrete beneficiary area can be defined, in addition to or instead of grants.*

    Under this model, works would not be characterised as improvements for the benefit of adjoining landowners, but as implementation of a municipal infrastructure and safety framework. The stronger and more systematic the policy basis, the stronger the public purpose characterisation.

    However, this pathway does not alter the private ownership status of the land and does not displace the statutory dedication framework under the LAA. The greater the works resemble construction of public road infrastructure (particularly paving and lighting), the greater the risk that the Town is perceived as bypassing the dedication process.

If the Town's objective is comprehensive paving and lighting of ROWs as functioning road infrastructure with minimal legal uncertainty, formal closure and dedication under the LAA remains the clearest and lowest-risk pathway. However, that legal certainty comes with consequential financial and operational implications. Dedication requires upfront survey, WAPC, advertising, registration and administrative costs, and may involve compensation considerations. The process is discretionary and can be lengthy.

Once dedicated, the ROW becomes Crown land under the Town's care, control and management, and the Town assumes ongoing responsibility for maintenance,

renewal, lighting, asset management and civil liability exposure. Dedication therefore converts what is presently privately owned land into municipal infrastructure forming part of the Town's asset base. Council will need to weigh the benefit of legal clarity and control against the long-term budgetary and risk implications of assuming those responsibilities.

Irrespective of the pathway selected, early testing of support among affected adjoining owners and transparent communication of purpose, scope and implications will materially influence DPLH's assessment and the Minister's exercise of discretion on road actions. Where significant opposition is evident and not addressed by design changes or clear public-interest justification, proposals may be delayed, modified or declined.

It is separately noted from advice from the Town's solicitors and DPLH that whichever option is preferred, each will need to be supported by a clear majority of adjoining owners (approximately 70-75% as a benchmark). This support measure should be taken into consideration in the review of LV108.

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, is 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.

ROW Specific Recommendations

The data collected from the assessment of the ROWs (relating to the above factors) can be used to formulate categories of ROW to inform the future management approach to each ROW.

Essentially there are three options for the Town to consider in the longer term management of the Town's ROW network. These include:

1. Maintain status quo and educate adjoining property owners on their (and the Town's) relative rights and responsibilities in terms of construction and maintenance.
2. Close and/or Dedicate ROWS as underwidth Public Roads and subsequent maintain these roads as part of the public road network. This option needs to consider:
    a. The state of the existing construction prior to dedication and where the construction does not meet pre-determined levels of service, what degree of adjoining landowner contribution is required to raise the construction level service prior to dedication?
    b. Where landowner contributions are required, it appears that the facilitating mechanism of DCP provisions in the LPS (which will require considerable effort and financial commitment as presented in the City of Stirling example outlined above) is complex and could be better achieved in the case of the Town of Claremont through Specified Area Rates.
    c. Alternatively, if Council was to close and/or dedicate all the ROW suitable for retention as underwidth Public Roads, it would take on the entire responsibility of construction and long term maintenance of the ROWs.
    d. Commitment to widening ROWs (or imposition of Right of Carriageway Easements) through Development Approval conditions and recommendations to the WAPC for Subdivision approvals in order to achieve a minimum 5m wide underwidth Public Road network (or at least provided for suitably spaces passing spaces in areas where widening is not practical in the interim) to facilitate two-way traffic flow, emergency and service vehicle access.
3. Permanently close the ROW where appropriate and not needed for the public road network.

The ROWs have been prioritised for Action based on the following:

- Class 1 – Highest class action – public and private ROWs (20 plus 1 part) - arrangements must be in place for private ROW construction involving dedication of private. Need for upgrading involving prior closure and/or dedication as an underwidth Public Road and possible implementation of Specified Area Rates to enable cost sharing of construction and lighting, or Council taking on the long term responsibility for construction, lighting and maintenance.
- Class 2 – (37 plus 2 part) Existing well-maintained public and private ROWs in need of lighting (and in some isolated instance, minor drainage upgrades) involving closure and/or dedication where appropriate in order for Council to take on the long-term

maintenance obligations. ROWs constructed to a suitable level of paved construction and drainage and can be dedicated as an underwidth Public Road for the Town to take over longer term maintenance. Taking on public responsibility for maintenance also introduces levels of care responsibilities and as a consequence, to improve public safety, CPTED principles should be applied by installing supplementary lighting.

- Class 3 (4 plus 4 part) – Closure where appropriate.
- Class 4 (13 plus 1 part) – Retain in private ownership where appropriate (small ROWs servicing minimal access requirements).

In summary, there are 79 ROWs in the Town, 58 of which are Private ROWs and 21 of which are Public ROWs (20 owned by Council and 1 by The Crown) as detailed in the following Summary of ROW and Recommended Action Classes. The total length of the private ROWs is 6,080.39m (approx. 6.08km) and the length of Council/Crown owned ROWs is 2,357.51m (approx. 2.36km). The total ROW network is some 8,437.9m (approx. 8.44km). The ROWs service vehicular access to approximately 488 properties (plus additional strata lots).

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.

Independent Engineering consultants have estimated the following preliminary costs for the purposes of establishing approximate financial implications of implementing a construction programme for the upgrading of the existing ROW network (it is noted that these costs will

need to be verified through a test reconstruction project once dedication arrangements have been sorted):

- Paving – $300 + 25% contingencies ($75) = $375/$m^2$
- Drainage - $50 + 25% contingencies ($12.50) = $62.50/$m^2$
- Kerbing/speed humps/driveway and road tie-ins/fence repairs – $50 + 25% contingencies ($12.50) = $62.50/$m^2$
- Lighting (solar) – $30 + 25% contingencies ($7.50) = $37.50/$m^2$
- Total per metre - $537.50/$m^2$

The following table identifies Action Classes and their potential financial implications on the Town/landowners. A total of 5 plus 3 part ROWs are recommended for closure and 13 plus 1 part ROW are recommended to be retained in private ownership. Based on the above, the total cost for constructing, draining and lighting the 20 plus 1 part Class 1 ROWs should be approx. $3.87m ($3,779,373.73). The estimated cost of Class 2 works including lighting of 37 plus 2 part ROWs (16 Council/Crown ROWs and 19 plus 2 part private ROWs) are estimated at approximately $865,000 ($865,483.09), plus additional isolated drainage upgrades approximating $196,000 ($196,257.13) - totalling approximately $1.06m ($1,061,740.22) for Class 2 works (noting that some portions of the ROWs which have previously been constructed are in need of maintenance and reconstruction). The total cost for works associated with this program is estimated at approximately $4.84m ($4,841,113.95), noting that additional administration costs will also apply to resource staffing for the program (dependant on the number of staff employed and period of program), survey costs and DPLH registration fees to roll out of the program over a Council specified timeframe.

Once Council's preference for the management of the ROW network in the Town is established, and assuming that the preference is to upgrade the network to meet the above service standards, it would be appropriate for Council to consider implementation of this program in the annual budget setting process.

Prior to Council embarking on this program, it is recommended (consistent with the legal advice) that Council advertise this ROW Strategy for public comment, then consider variations to Council Policy LV108 and consider budget allocations to resource the program in the annual budget review process. This will involve the allocation of staff resources and funds to refine the priorities for upgrading of the ROW network over a specified period (e.g. 10 years at approximately $500,000 per year (plus staff costs).

Given these expected costs are similar to what Council has budgeted yearly for its footpath upgrade program and for road carriageway maintenance (which may possibly be extended in duration), it may be possible for Council to fund the program without significantly impacting on the Town's annual budget resource allocations (this matter should be further addressed in budget papers).

Given that cost-sharing mechanisms like Specified Area Rates introduce other complexities and as the envisaged cost presents as a manageable improvement program which upgrades all vehicle access in the Town's road network to a safe and suitable standard, it is recommended that the program be managed through an implementation program services through municipal rates.

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.

Summary

The above ROW Specific Recommendations outline a structured approach to manage the Town's 79 ROWs by categorising them into four action classes based on their current condition and strategic importance.

The Town's preferred approach involves closing or dedicating private ROWs as underwidth public roads to allow for consistent maintenance and upgrades, including paving, drainage, and solar lighting. This comprehensive program is estimated to cost approximately $4.89 million, which could be funded via annual budget allocations of roughly $500,000 over 10 years (plus staff and administration costs).

Key next steps include advertising the strategy for public comment, reviewing Council Policy LV108, and initiating a test reconstruction project to verify engineering costs.

Summary of ROWs and Recommended Action Classes

	Private ROW			Public ROW						
ROW Ref.	**Length (m)**	**Width (m)**	**Area (m^2)**	**Length (m)**	**Width (m)**	**Area (m^2)**	**Action Class**	**Action Class 1 Private and Town Action Estimated Construction Cost Full Treatment ($537.50m^2$)**	**Action Class 2 Town/Private Action Estimated Construction Cost - Lighting Only ($37.50m^2$)**	**Action Class 2 Additional Estimated Construction Cost - Minor Maintenance / Drainage Only ($62.50m^2$*Note 3)**
1				120.70	3.66	441.76	Class 2 Town owned		$16,566.08	
2				120.70	3.66	441.76	Class 2 Town owned		$16,566.08	
4				158.00	3.66	578.28	Class 2 Town owned		$21,685.50	
5				120.70	3.66	441.76	Class 2 Town owned		$16,566.08	
6				120.70	3.66	441.76	Class 2 Town owned		$16,566.08	
7				120.70	3.66	441.76	Class 2 Town owned		$16,566.08	
8				120.70	3.66	441.76	Class2 Town owned		$16,566.08	
9				166.50	3.66	609.39	Class 2 Town owned		$22,852.13	
13 to 15	272.30	3.42	931.27				Class 1	$500,557.62		
16	111.20	3.50	389.20				Class 2		$14,595.00	
17				31.68	1.67	52.91	Town Owned – Class 3 - Close	NA	NA	
19 to 21	177.44	3.02	535.87				P Class 1	$288,030.12		
22	232.54	3.02	702.27				Class 2		$26,335.16	
25	44.04	3.02	133.00				Class 2		$ 4,987.53	
26	64.00	2.50	160.00				Class 3 - Close	NA	NA	
27	44.04	3.02	133.00				Class 2		$ 4,987.53	
28				321.00	3.70	1187.70	Class 2		$44,538.75	
29	132.29	5.03/ 7.06	684.00				Class 1 and Class 3 partial closure	$163,400 (based on Class 1 area		
33 to 35	206.74	3.02	624.35				Class 1	$335,588		
38	101.80	5.03	512.05				Class 1	$275,200		
39	209.00	5.03	1051.27				Class 1	$565,057.63		
40	74.65	5.03	375.49				Class 1 – for continued pedestrian use	NA	$14,080.88	
45	13.40	3.46	46.36				Class 4 - Retain as private	NA	NA	
46	13.00	5.10	66.30				Class 4 - Retain as private	NA	NA	
47	20.17	3.04	61.32				Class 4 - Retain as private	NA	NA	
49	30.33	3.34/ 5.6	117.00				Class 4 - Retain as private	NA	NA	
50				176.00	3.90	686.40	Class 2 Town owned		$25,740.00	
51	93.62	5.03	470.91				Class 2		$17,659.07	
52	6.00	3.40	20.40				Class 3 - Close	NA	NA	
53 to 56	361.25	4.02	1452.23				Class 1	$780,570.94		
57	156.00	5.03/ 5.23	798.5				Class 2		$29,943.75	
58 & 59	397.00	4.06	1611.82	310	1.04	322.40	58 - Class 2 59 - Crown ownership		$72,533.25	
62	48.20	3.02	145.56				Class 4 -Retain as private	NA	NA	
64 & 65				183.73	3.02	554.86	Class 2 Town owned		$20,807.42	
66				40.64	3.00	121.92	Class 2 Town owned		$4,572.00	
67 & 68				114.00	3.00	342.00	Class 2 Town owned Some paving maintenance / reconstruction required		$12,825.00	$21,375.00 * Note 3

69	208.00	5.03	1046.24				Class 2 Some paving maintenance / reconstruction required		$39,234.00	$65,390.00 * Note 3
70	62.80	3.62	227.34				Class 4 - Retain as private	NA	NA	
71 & 72	129.10	5.03	649.37				Class 1 (71 - north and Priority 2 (72 - east/west)	$122,393.05	$16,764.98	
73	47.90	3.00	143.70				Class 4 - Retain as private	NA	NA	
75	34.39	3.62	124.49				Class 3 - Close	NA	NA	
82	138.00	5.04	605.52				Priority 4 - Retain as public (POS adjunct)	NA	NA	
83	23.24	5.03	117.18				Priority 4 - Retain as private	NA	NA	
85	80.80	5.03	406.42				Class 1	$218,452.90		
86	190.00	5.03	955.70				Class 2 20% not constructed due to excess grades – Class 3		$ 28,671.00 * Notes 1 & 4	
87	104.00	5.03	523.12				Class 2 Drainage issue and 33% not constructed due to grades - Class 3		$13,078.00, plus $25,000 *Notes 1 & 4	$32,695.00 *Note 3
90	102.55	5.03	515.83				Class 2		$19,343.40	
91	119.90	5.03	603.10				Class 2		$22,616.25	
92	857.60	5.03	4313.73				Class 2		$161,764.80	
94	38.84	3.02	117.30				Class 4 - Retain as private	NA	NA	
95	38.84	3.02	117.30				Class 4 - Retain as private	NA	NA	
98	150.40	3.02/ 4.02	469.00				Class 4 - Retain as private & Class 3 - Close portion	NA	NA	
99 & 100	99.85	5.03	502.25				Class 2		$18,834.21	
101 to 103				131.76	5.03	662.75	Class 2 Town owned		$24,853.23	
107	160.92	3.32	534.25				Class 1	$287,161.74		
108	40.17	3.04	122.12				Class 4 - Retain as private	NA	NA	
109	27.90	3.22	89.84				Class 3 - Close	NA	NA	
110	80.46	3.32	267.13				Class 1 Pedestrian access only	$143,580.87		
111	80.46	3.32	267.13				Class 1	$143,580.87		
112	94.02	3.32	312.15				Class 2		$11,705.49	
113 & 114	128.80	5.03	647.86				Class 2 Some paving maintenance / reconstruction required		$24,294.90	$40,419.50 *Note 3
115	144.50	4.02	580.89				Class 2 Some paving maintenance / reconstruction required		$21,783.38	$36,305.63 *Note 3
116	10.42	5.03	52.41				Class 4 – Retain as private			
Totals	**6,080.39m**		**25,351.52m²**	**2,357.51m**		**7,709.19m²**		**Class 1 $3,779,373.73**	**Class 2 $865,483.09**	**$196,257.13**
									Class 2 Total $1,061,740.22	
Total Estimated Expenditure									**$4,841,113.95*Note 2**	

Note *1 - Drainage at base of the intersecting ROWs 86 and 87 has flooded into the adjacent lot in the past during storm events. A separate overflow pump system could be installed and piped up to the road drainage network for approximately $25,000 to alleviate this issue.

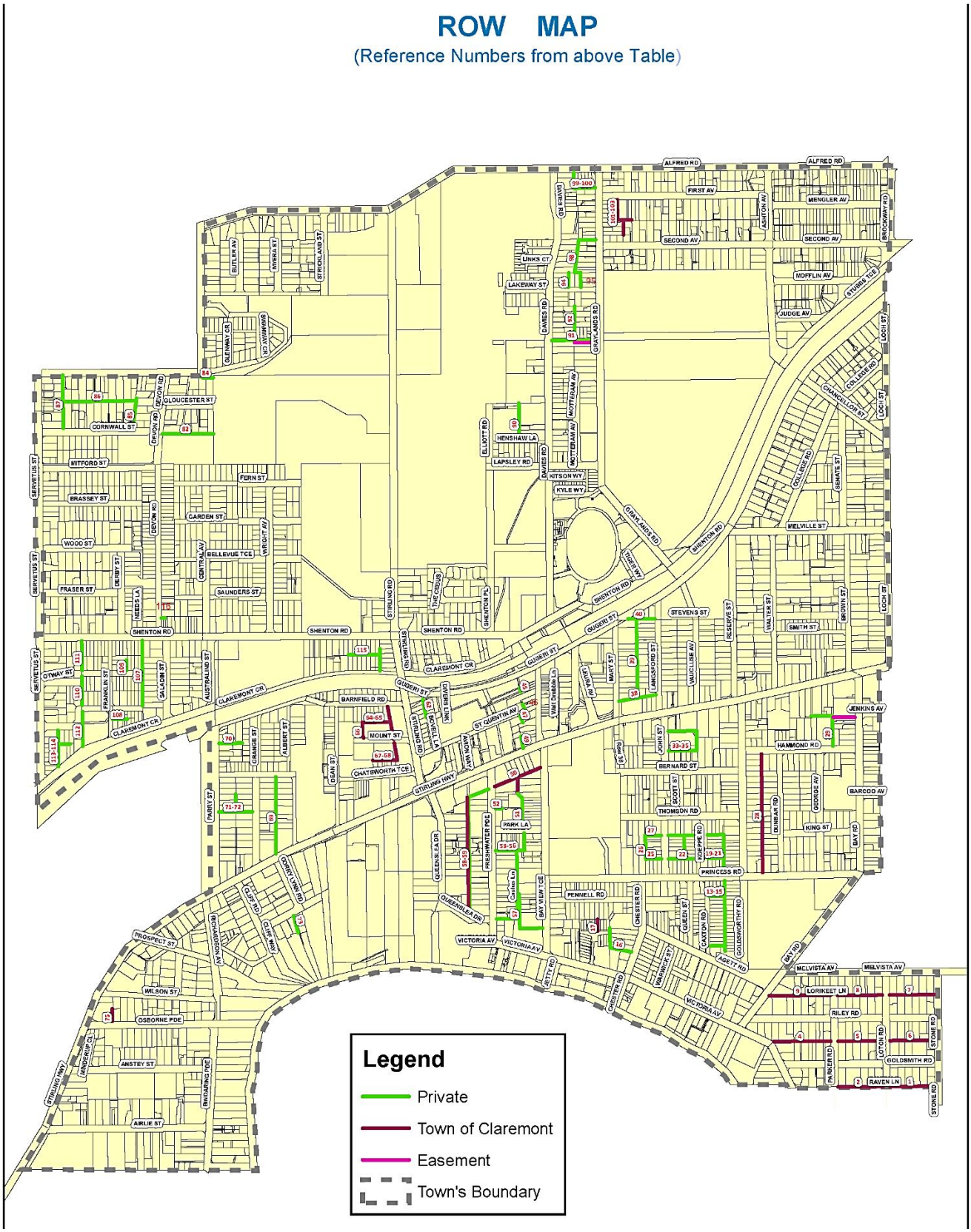
Note *2 – Plus administration costs for dedication and rolling out the construction plan, most likely through contractors.

Note *3 – Cost likely to be reduced due to extent of minor repairs required

Note *4 – Cost Likely to be reduced due to extent of constructed ROW requiring lighting.

ROW Map

(Reference Numbers from above Table)



See Final Plan in PDF document

Conclusion

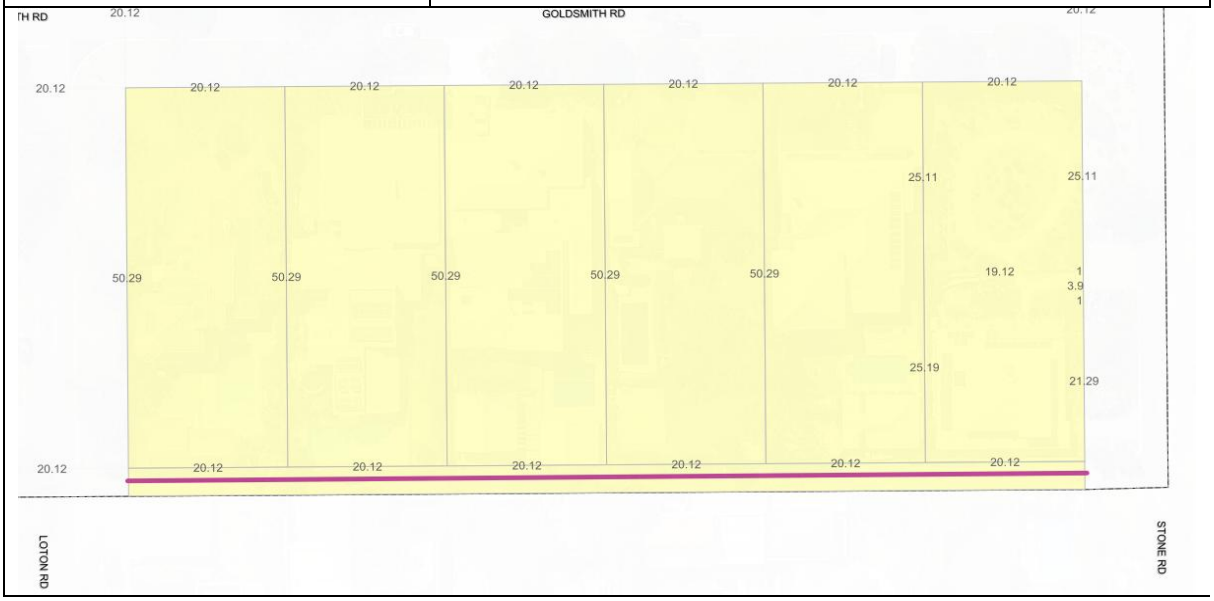
In conclusion, the Town's ROW Strategy identifies a clear need to transition the current fragmented network into a safe, public-managed asset. By addressing long-standing ownership and maintenance barriers through the legal dedication of private ROWs as public roads, the Town can ensure consistent infrastructure standards, enhanced safety through solar lighting, and improved urban functionality.

While the estimated $4.84 million program presents a significant long-term commitment, the proposed 10-year implementation plan offers a sustainable pathway to enhance neighbourhood amenity without overwhelming annual budgets. Adopting this strategy following public consultation and a pilot reconstruction project once dedication processes have been complete will be essential to securing the community support necessary for these critical infrastructure improvements.

ROW List

(Reference Numbers from above Table)

ROW 1	
Ownership	Town of Claremont
Dimension	Length (L): 126m Width (W): 3.66m Area (A): 461.16m^2
Asset Condition	Fair to Very Good (condition as per 2021 study)
Services within ROW	Water Corporation (Water Corp.) wastewater pipes
Vehicular Access	Services 7 properties, 4 within the Town and 3 to the City of Nedlands.
Pedestrian Access	Services 6 properties
Link to Road Network	Part of Raven Lane, one of two separate land parcels bounded by Stone Road to the east and Loton Road to the west.
Current/Future Density	Density coding of R15/20 – No proposed change. Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.

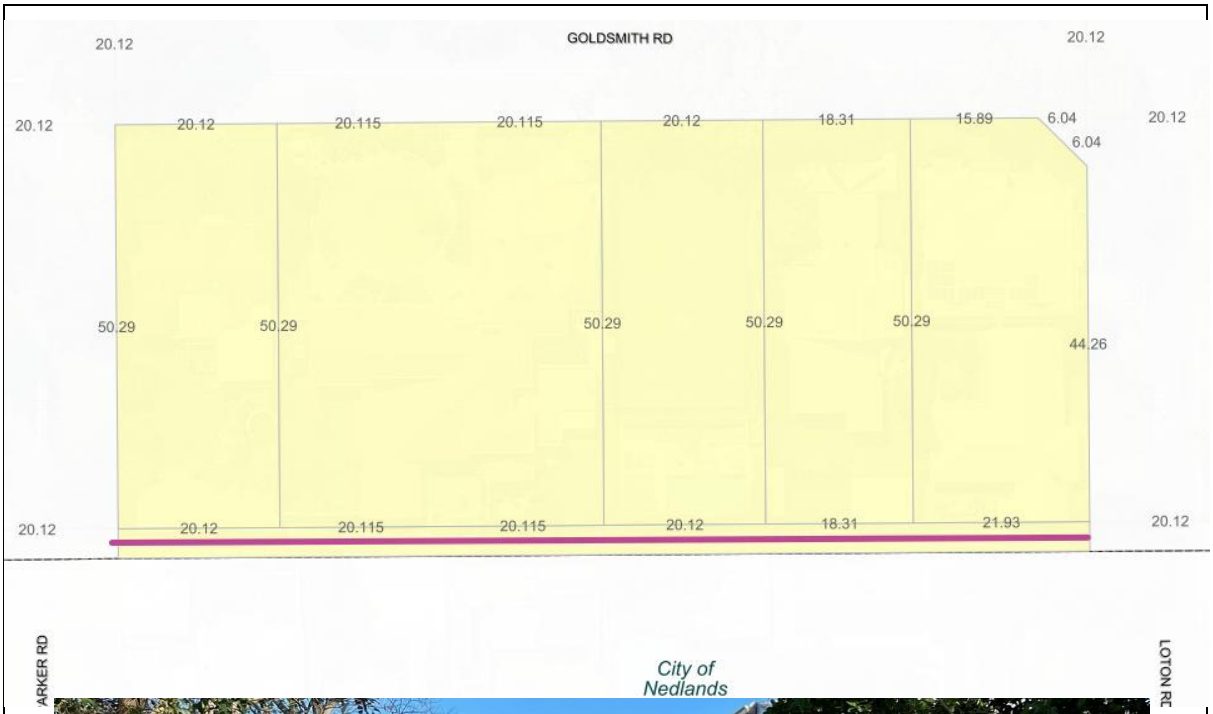


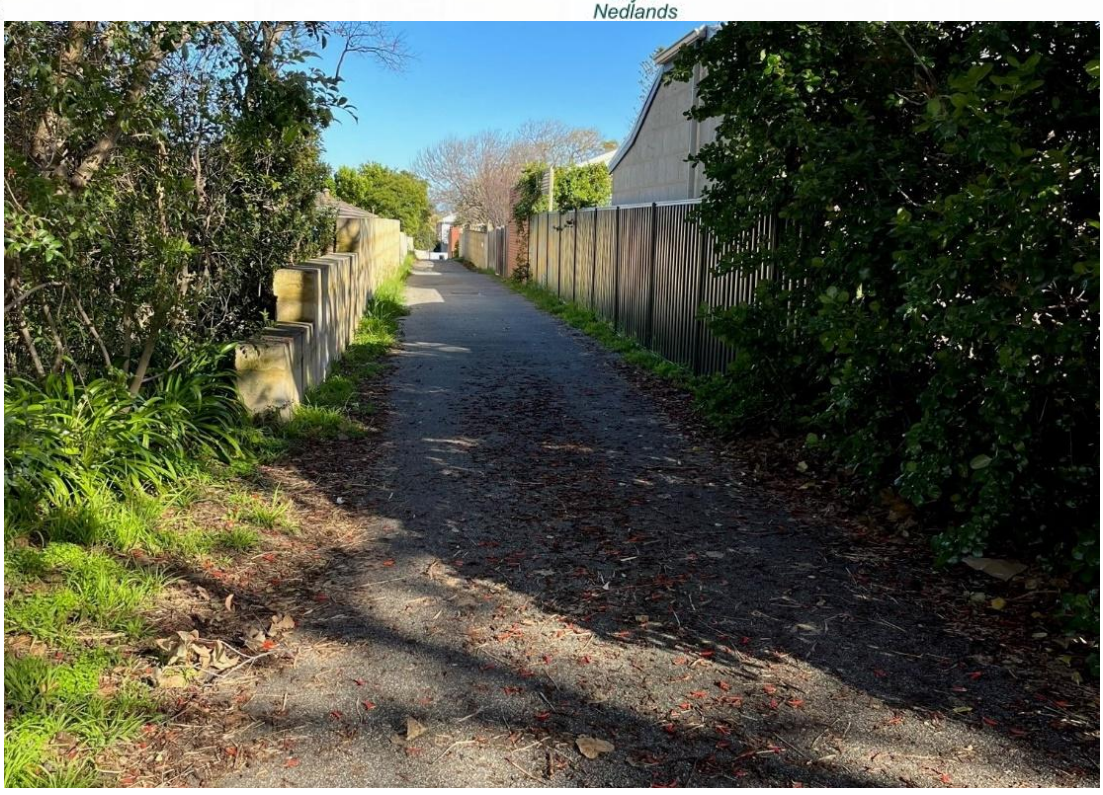


- The ROW is surfaced with bitumen for its entire length. The surface is in good condition with some evidence of minor wear.
- Fencing abutting the ROW is predominantly solid, either brick or wooden and is in variable condition.
- Several drains are located within the ROW at regular intervals.
- Casual surveillance is limited due to the dwelling frontages typically orienated to the primary street and solid fencing to the rear.

Given that the ROW is in good condition and services several residential properties, continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 2	
Ownership	Town of Claremont
Dimension	L: 120.7m W: 3.66m A: 441.76m^2
Asset Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 3 properties to the north of the ROW.
Pedestrian Access	Services 2 properties
Link to Road Network	Part of Raven Lane, one of two separate land parcels bounded by Parker Road to the west and Loton Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change. Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town





- The ROW is surfaced with bitumen for its entire length. The surface is in good condition.
- Prevalence of solid brick fencing which exceed standard fence heights, limiting casual surveillance.
- Several drains are located within the ROW at regular intervals.

Given that the ROW is in good condition and services residential properties (and has the potential to service more properties), continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 4	
Ownership	Town of Claremont
Dimension	L: 158m W: 3.66m A: 578.28m^2
Asset Condition	Fair overall, ranging from Poor to Very Good
Services within ROW	Water Corp. wastewater pipes and Telstra mains cable
Vehicular Access	Services 13 properties to the north and south of the ROW.
Pedestrian Access	Services 7 properties
Link to Road Network	Part of Frogmouth Lane, one of three separate land parcels bounded by Victoria Avenue to the west and Parker Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change. Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.



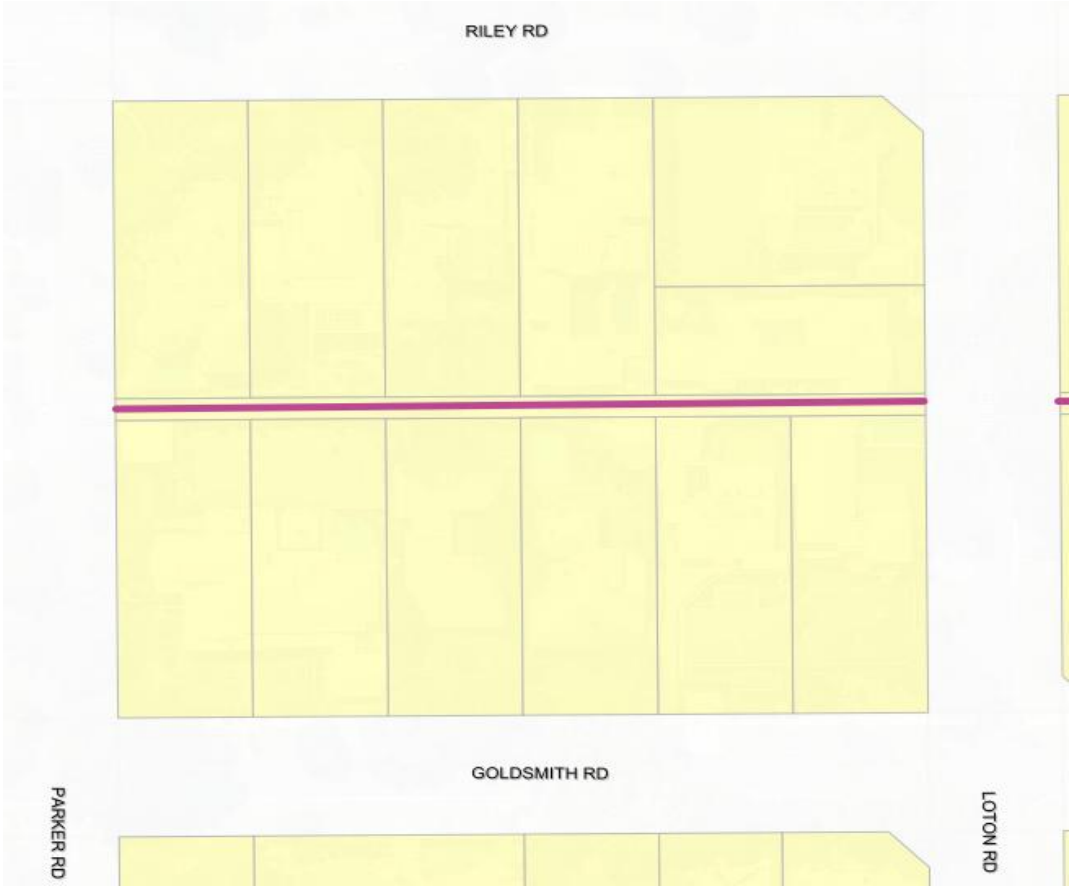


- The surface is predominantly bitumen however has patches of inconsistent surfacing. Overall the condition of the surface is good.
- Fencing is primarily brick render associated with abutting garages and is significantly overheight in many areas. ROW width is therefore established.
- Considerable crossfall from east to west with water runoff likely into Victoria Avenue. Limited drainage is in place, generally strip drains to private property.
- Speed humps have been introducted as a safety measure.
- Some casual surveillance is achieved by way of ancillary accomodation above garages and rear laneway development.

Given that the ROW is in good condition and services several residential properties, continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners)

ROW 5	
Ownership	Town of Claremont
Dimension	L: 120.7m W: 3.66m A: 441.76m^2
Asset Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 9 properties to the north and south of the ROW.
Pedestrian Access	Services 8 properties
Link to Road Network	Part of Frogmouth Lane, one of three separate land parcels bounded by Parker Road to the west and Loton Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change.

	Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.



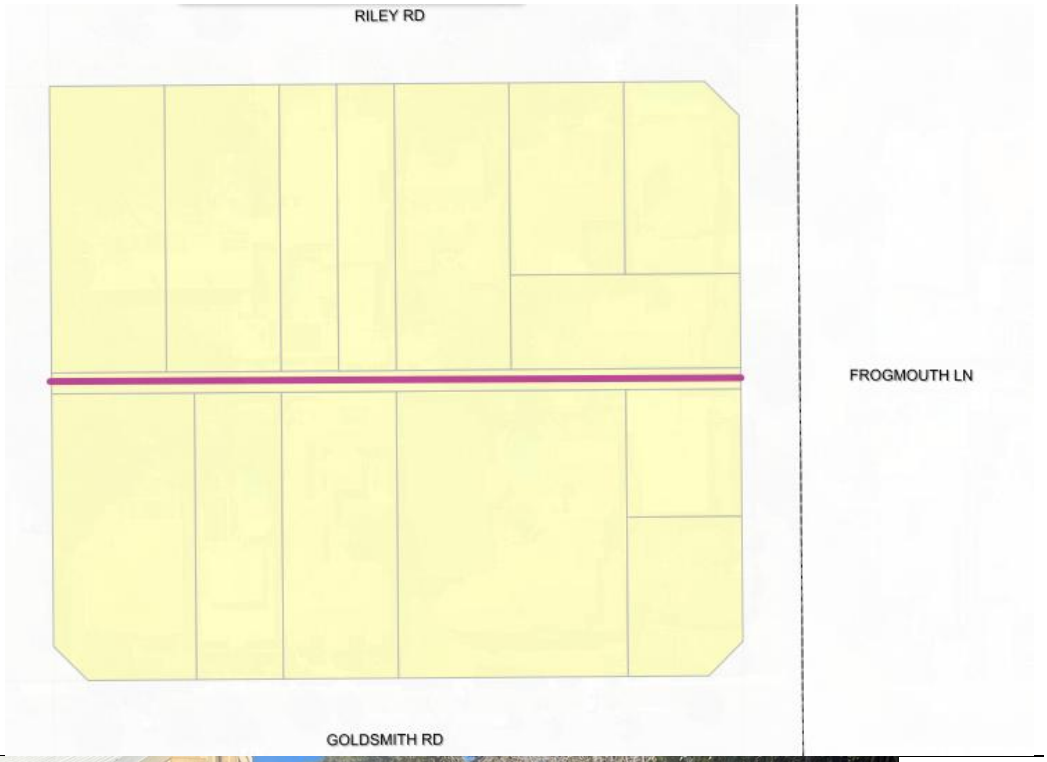


- Majority of the ROW is finished in bitumen noting a small section of brick paving, all in good condition.

- Limited drainage is observed in the ROW, however crossfall to the west will result in stormwater runoff to the street.
- Solid high brick fences abutting the ROW limits any casual surveillance from the residences.

Given that the ROW is in good condition and services several residential properties, continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 6	
Ownership	Town of Claremont
Dimension	L: 138m W: 3.66m A: 441.76m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 7 properties to the north and south of the ROW.
Pedestrian Access	Services 5 properties
Link to Road Network	Part of Frogmouth Lane, one of three separate land parcels bounded by Loton Road to the west and Stone Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change. Apart from one lot, subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.

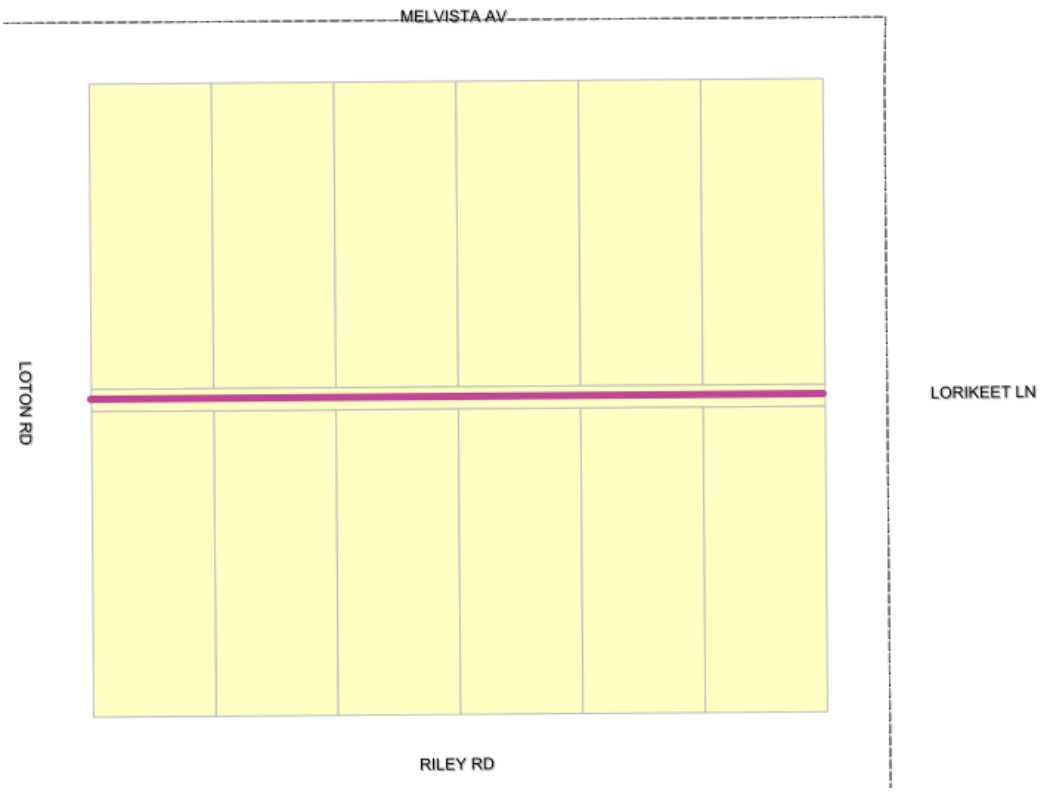




- ROW surface is bitumen for the entire length and in very good condition.
- Mix of brick and wooden solid fences in good condition, noting that the fencing is lower in this ROW compared with others nearby which allows for greater casual surveillance (although still relatively low).
- Several drains are located within the ROW at regular intervals.

Given that the ROW is in good condition and services several residential properties, continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 7	
Ownership	Town of Claremont
Dimension	L: 120.7m W: 3.66m A: 441.8m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 8 properties to the north and south of the ROW.
Pedestrian Access	Services 6 properties
Link to Road Network	Part of Lorikeet Lane, one of three separate land parcels bounded by Loton Road to the west and Stone Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change. Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.



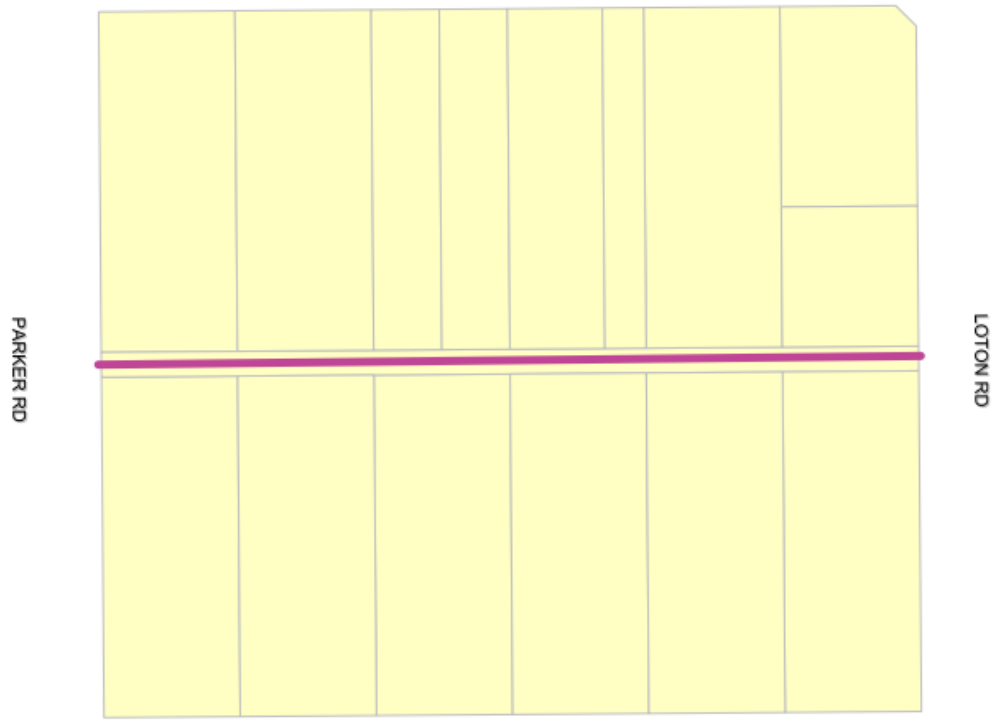


- ROW surface is bitumen for the entire length, however the surface is in average condition with evidence of wear.
- Fencing varies from solid brick, metal and wood, and much is in a poor condition.
- Several drains are located within the ROW at regular intervals.
- Very little casual surveillance of the ROW is achieved.
- Speed humps have been introduced as a safety measure.

Although the ROW is in average condition, it remains funcational and services several residential properties, therefore continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 8	
Ownership	Town of Claremont
Dimension	L: 120.7m W: 3.66m A: 441.8m^2
Condition	Fair overall, ranging from Very Poor to Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 9 properties to the north and south of the ROW.
Pedestrian Access	Services 8 properties
Link to Road Network	Part of Lorikeet Lane, one of three separate land parcels bounded by Loton Road to the east and Parker Road to the west.

Current/Future Density	Density coding of R15/20 – No proposed change. Subdivision potential only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.



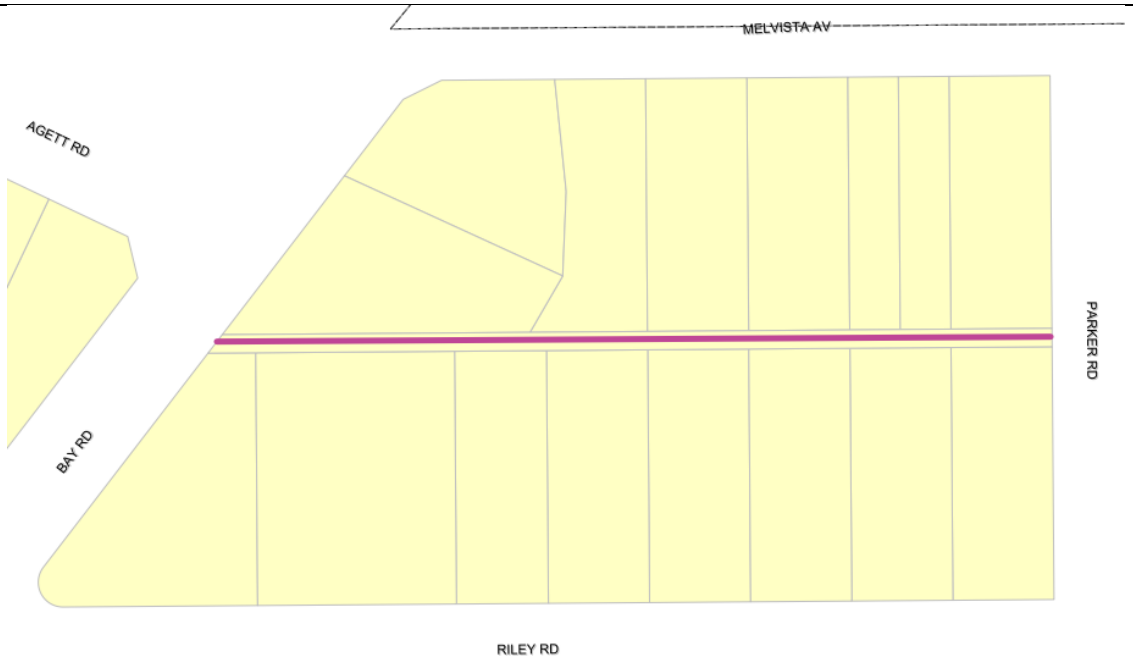


- ROW is bitumen for the entire length and is in good condition.

- Some sections of the ROW are wider than other ROWs within the immediate vicinity due to redevelopment.
- Mix of fencing types which are in good condition overall.
- Several drains are located in the ROW at regular intervals.
- A moderate amount of casual surveillance is achieved from dwellings fronting or having openings to the ROW.

Given that the ROW is in good condition and services several residential properties, continued management and installation of lighting by the Town is appropriate (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 9	
Ownership	Town of Claremont
Dimension	L: 166.5m W: 3.66m A: 609.6m^2
Condition	Fair overall, ranging from Very Poor to Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 9 properties to the north and south of the ROW.
Pedestrian Access	Services 8 properties
Link to Road Network	Part of Lorikeet Lane, one of three separate land parcels bounded by Bay Road to the west and Parker Road to the east.
Current/Future Density	Density coding of R15/20 – No proposed change. Limited subdivision potential, generally only where heritage agreement entered. Notwithstanding, an increase in traffic is unlikely.
Recommendation	Retain in ownership and management of the Town.

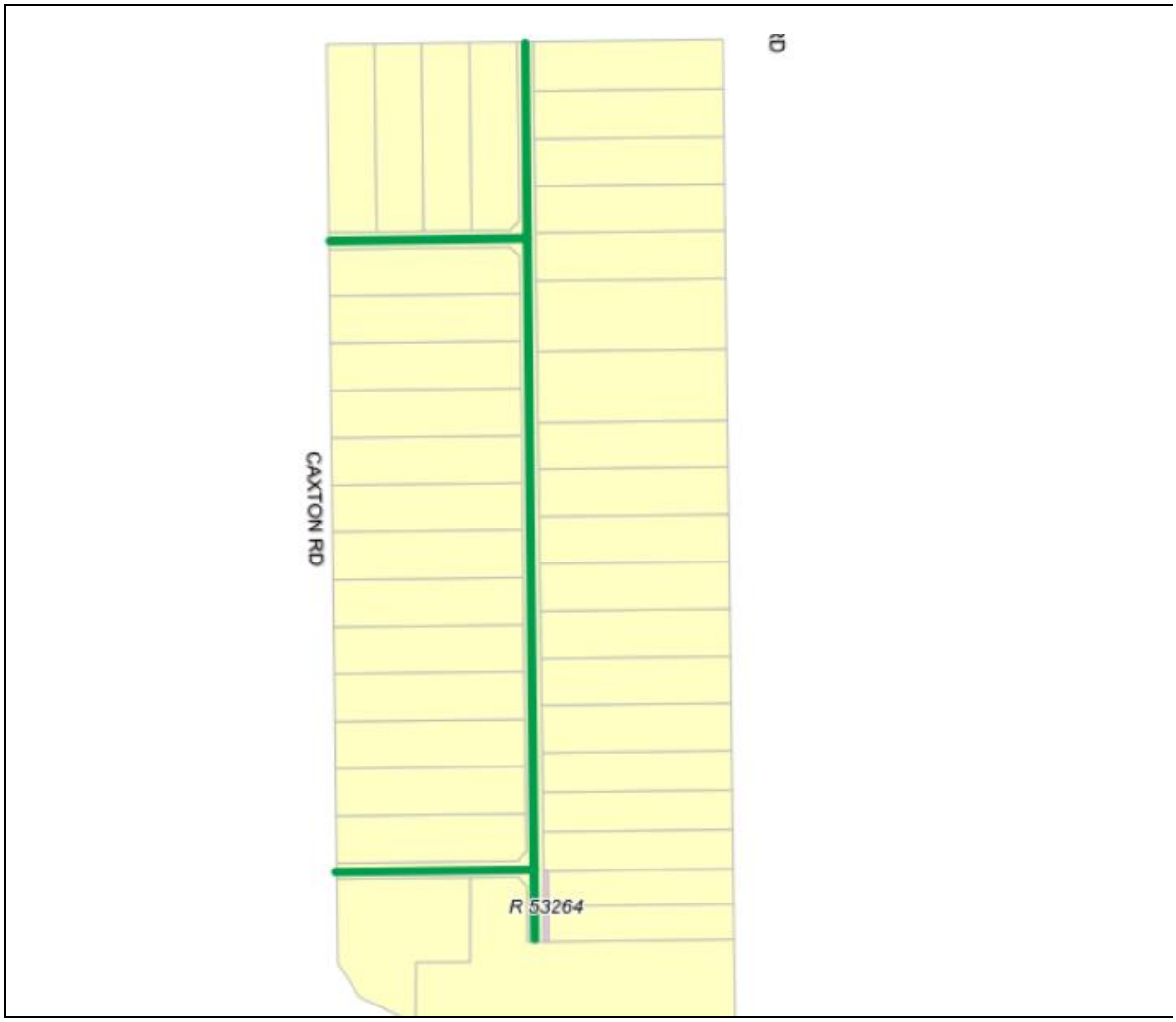




- Most of the ROW is finished in bitumen and is in an average condition with evidence of wear.
- Minimal drainage is observed within the ROW noting that there is a crossfall from east to west which enables some stormwater runoff.
- Mix of fencing types which are in a fair condition overall.

Although the ROW is in average condition, it remains funcational and services several residential properties, therefore continued management and installation of lighting by the Town is appropriate.

ROW 13-15	
Ownership	Private Ownership – H.G. Stirling and T.H. Cooper
Dimension	L: 272.3m W: 3.42m A: 931.3m^2
Condition	ROW 13 and 14 are generally Very Good, ROW 15 is in a Poor condition
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 22 properties
Pedestrian Access	Services 11 properties
Link to Road Network	ROWs 13-15 are made up of a single land parcel that is bounded by Caxton Road to the west (via two entry/exit points) and Princess Road to the north.
Current/Future Density	Predominantly R25 (one property fronting Agett Road is R15/20) - No proposed change. Little to no subdivision potential noting that most lots abutting the ROW are 405m^2.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*


RD
CAXTON RD
R 53264



- The majority of the ROW is not surfaced and consists of sand and gravel, with the exception of a section adjacent to Princess Road which is bitumen in a fair condition.
- The ROW is overgrown with grass and encroaching tree overhang from abutting properties is observed.
- The ROW is very narrow in sections, particularly the southeast corner, which makes turning a vehicle difficult. Both corners are bordered by established walls and garages, therefore any future widening is compromised.
- No drainage is observed within the ROW, noting that stormwater presently drains into the soil.
- Much of the fencing within the ROW is solid and in poor condition.
- Minimal casual surveillance can be achieved as dwellings are predominantly oriented away from the ROW.

The ROW is narrow and in a poor condition overall. Given that the ROW is the primary vehicle access for several properties, it is recommended that the Town take ownership of the ROW to improve the surfacing, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 16	
Ownership	Private Ownership – C.S. Seymour
Dimension	L: 111.2m W: 3.5m A: 389.3m^2
Condition	Fair overall, ranging from Very Poor to Very Good
Services within ROW	Two Water Corp. pipes

Vehicular Access	Services 6 properties
Pedestrian Access	Services 4 properties
Link to Road Network	ROW bounded by Chester Road to the east and Freshwater Road to the west. Access via Chester Road only, does not connect through to Freshwater Place.
Current/Future Density	Density coding of R15/20 (north)and R25 (south). Properties to the west do not use the ROW for access. No proposed change to density coding. Little to no potential for subdivision.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



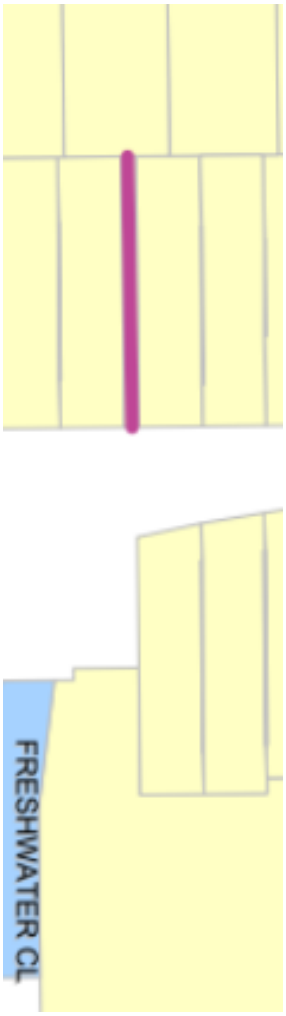


- ROW is surfaced in bitumen and is in a fair condition.
- Adequate drainage is observed within the ROW.
- Casual surveillance is achieved to the east/west section of the ROW from the property abutting to the north on Chester Road. Minimal casual surveillance to the north section (rear).
- Mix of fencing types is evident within the ROW, generally solid and full height.

Given that the ROW is the primary vehicle access for several properties, it is recommended that the Town take ownership of the ROW to improve lighting (subject to consideration of amenity impacts and the views of adjoining property owners) and take on long term maintenance.

ROW 17	
Ownership	Town of Claremont
Dimension	L: 31.68m W: 1.67m A: 52.9m^2
Condition	N/A
Services within ROW	NBN Cable/Telstra cable (north), Low voltage Western Power cable (south) and Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Nil
Link to Road Network	ROW no longer in use, has been consumed by residential property.
Current/Future Density	N/A

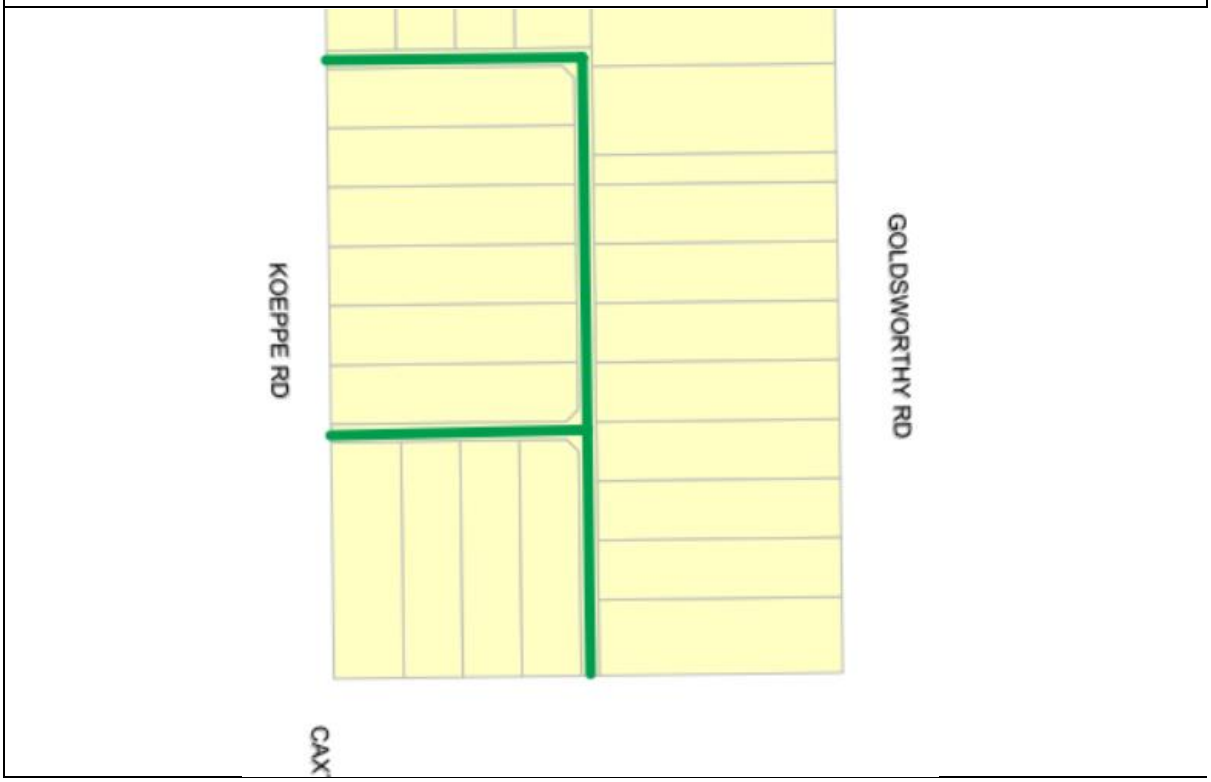
Recommendation	Request closure under Section 52 of the *Land Administration Act 1997* and subsequent purchase at market valuation by the adjoining landowner.



- The ROW has been consumed by residential property in Freshwater Close and no longer functions.

Investigate closure under Section 52 of the *Land Administration Act 1997* subject to provision of easements to servicing authorities using the land and for the land to be acquired at valuation and amalgamated into the residential lot as freehold land with the purchase funds to be paid to the Town as the current landowner. If legislation does not allow for this, negotiate a lease/licence over the land to the adjoining owner.

ROW 19-21	
Ownership	Private Ownership – H.G. Stirling and T.H. Cooper
Dimension	L: 177.44m W: 3.02m A: 535.87m^2
Condition	Fair overall, ranging from Very Poor to Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 12 properties
Pedestrian Access	Services 15 properties
Link to Road Network	Part of larger ROW network linking from the east of Koeppe Road to the west of Evelyn Road. Access from Princess Road to the south and Koeppe Road to the west (via two entry/exit points).
Current/Future Density	Density coding of R20 (east along Goldsworthy Road) and R25 for the remainder. No proposed change. No subdivision potential, noting that most dwellings abutting the ROW are well established.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



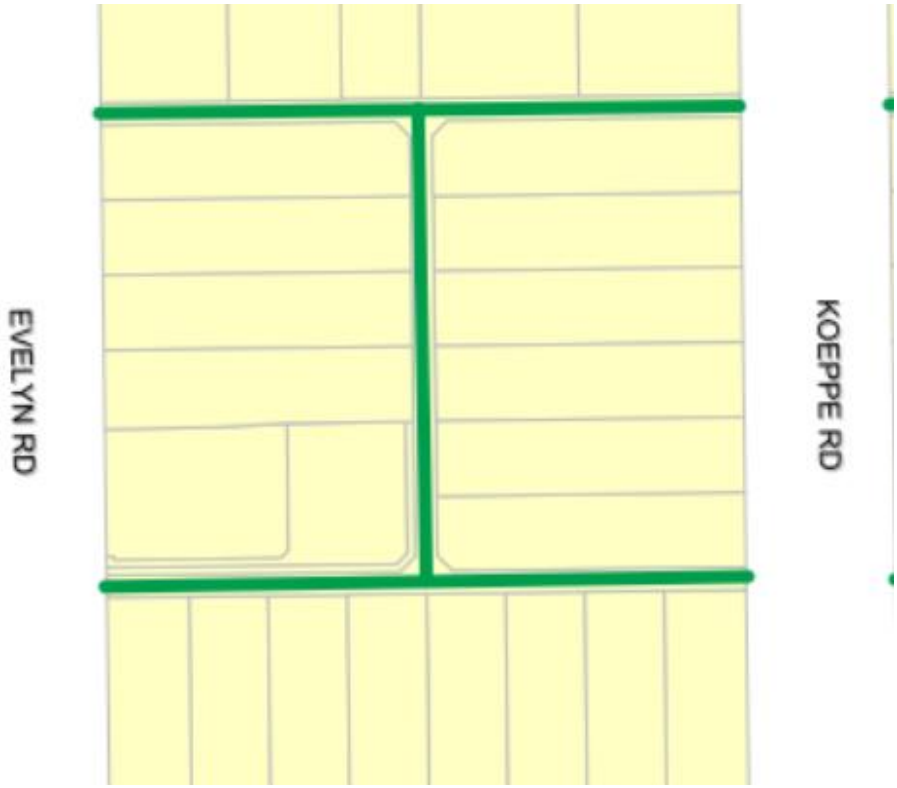


- Mix of surface types including brick paving with grass, limestone paving and bitumen in a fair condition.
- Very narrow in sections, particularly where turning is required, noting that substantial infrastructure is in place which may compromises future widening.
- Mix of fencing types proposed, generally solid and some in poor condition.
- Drainage is observed in the newly surfaced portions of the ROW where redevelopment has occurred, however no drainage is evident in the rear ROW running parallel to Koeppe Road.
- Some casual surveillance is achieved from dwellings with major openings in proximity of the ROW.

The ROW is in average condition overall. Given that the ROW is the primary vehicle access for several properties, it is recommended that the Town take ownership of the ROW to improve the surfacing, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 22	
Ownership	Private Ownership – H.G. Stirling and T.H. Cooper
Dimension	L: 232.52m W: 3.02m A:702.21m^2
Condition	Fair overall, ranging from Very Good to Very Fair
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 19 properties

Pedestrian Access	Services 10 properties
Link to Road Network	Part of larger ROW network linking from the east of Koeppe Road to the west of Evelyn Road. Access from Evelyn Road to the west and Koeppe Road to the east (via two entry/exit points on either side).
Current/Future Density	Density coding of R25 – No proposed change. No subdivision potential, noting that all dwellings abutting the ROW are well established, including several heritage dwellings to the south.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



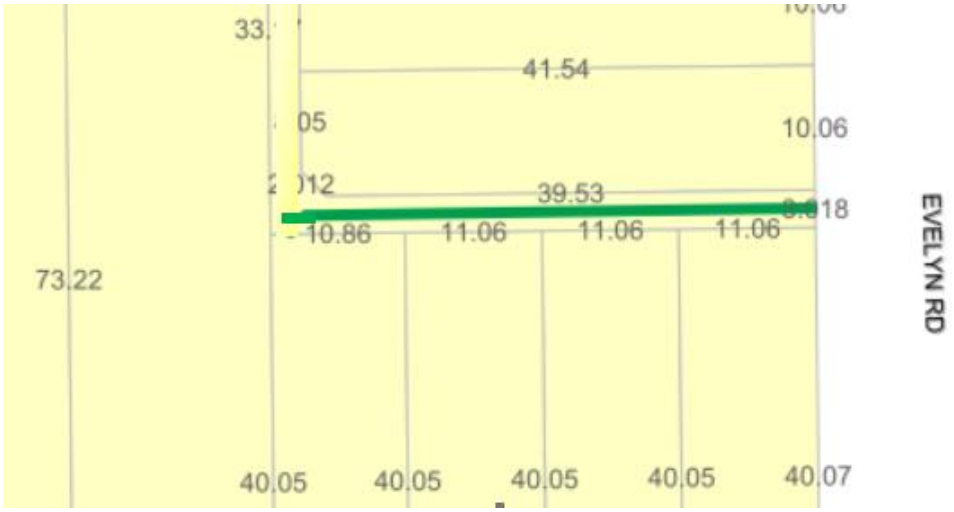


- The ROW is in very good condition, surfaced with bitumen for its entire length.
- The ROW is wider in sections than other ROWs within the immediate vicinity, however there is substantial infrastructure in place that will compromise any future widening opportunities.
- Most fencing to the ROW is solid brick render in good condition.
- Drainage within the ROW is adequate, noting several drains at regular intervals.
- Minimal casual surveillance is achieved given the orientation of the dwellings to the respective primary streets.

The ROW is in good condition and forms a link between Evelyn and Koeppe Roads. In addition, the ROW services several properties effectively and provides primary vehicle access to established parking areas. In this respect, it is recommended that the Town obtain ownership of the ROW to ensure that the current standard is maintained and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) is provided.

ROW 25	
Ownership	Private Ownership – H.G. Stirling and T.H. Cooper
Dimension	L: 44.04m W:3.02 A:133m^2
Condition	Generally, in a Average condition
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 5 properties

Pedestrian Access	Services 4 properties
Link to Road Network	Part of larger ROW network linking from the east of Koeppe Road to the west of Evelyn Road. Access from Evelyn Road to the east.
Current/Future Density	Density coding of R25 – No proposed change. No subdivision potential, noting that all dwellings abutting the ROW are well established, including several heritage dwellings to the south.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





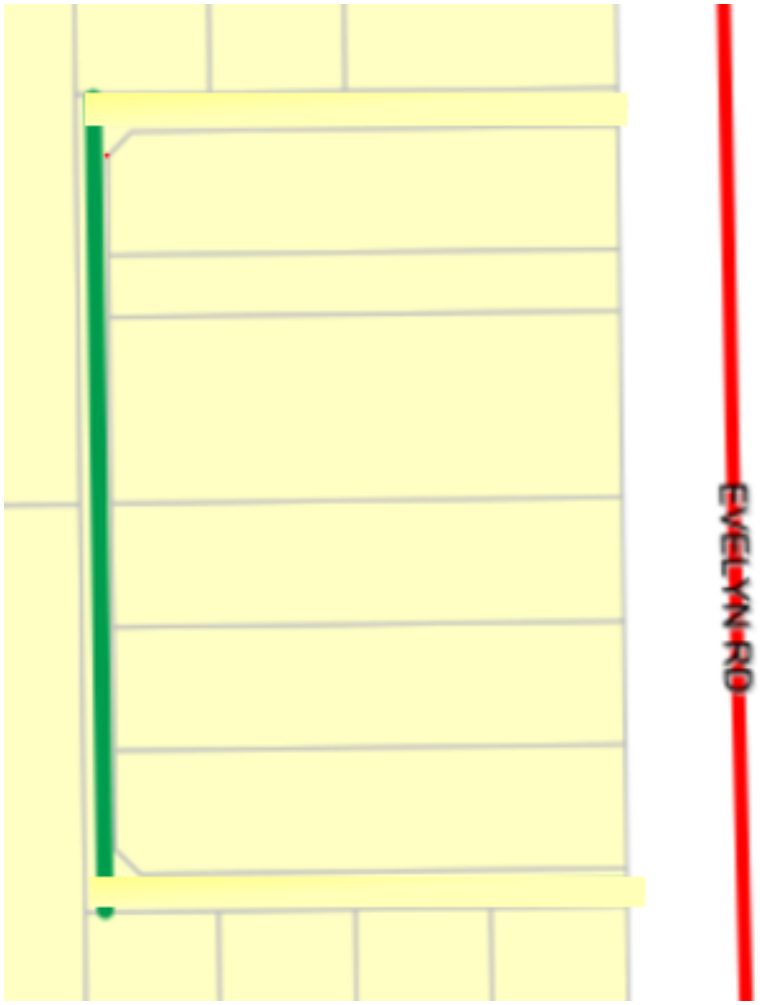
- The entire ROW is brick paved and the paving is in average condition.
- Stormwater run off is managed through strip drainage to the southern abutting properties,

noting the crossfall of the ROW. No drainage is located within the ROW.

- Mix of open frontages and solid brick render fencing to ROW which allows for some casual surveillance.
- Limited turning space for vehicles, particularly to the western most end of the ROW.

The ROW is in average condition overall. Given that the ROW is the primary vehicle access for several properties, it is recommended that the Town take ownership of the ROW to improve lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 26	
Ownership	Private Ownership - H.G. Stirling and T.H. Cooper
Dimension	L: 64m W:2.5m A: 159m^2
Condition	Generally cannot be graded, apart from 10m section which is in good condition
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Services 2 properties (no formal access)
Link to Road Network	Remaining section of ROW that formed part of larger ROW network east of Koeppe Road to the west of Evelyn Road. No longer utilised for any form of access.
Current/Future Density	Density coding of R25 (east) and R20 (west). No proposed change. Subdivision potential for the two lots to the west only to create a maximum of two additional lots.
Recommendation	Request closure of ROW and amalgamation of lot into adjoining lots.


EVELYN RD



- The ROW is grown over with inconsistent grass and sand covering.
- The ROW is very narrow and not fit for vehicle access.
- Established brick walls and structures have been built up to the east which precludes any future widening of the ROW.
- Evidence of overgrown vegetation and materials being stored in the ROW.
- No casual surveillance is achieved which could have implications in terms of crime and safety.

Given that the ROW is no longer serving as a means of access to the adjoining properties and is 2.5m wide, closure of the ROW is recommended to allow for the land to be amalgamated into the adjoining lots.

ROW 27	
Ownership	Private Ownership - H.G. Stirling and T.H. Cooper
Dimension	L: 44m W:3.02 A:133m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 3 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Part of larger ROW network linking from the east of Koeppe Road to the west of Evelyn Road. Access from Evelyn Road to the east.
Current/Future Density	Density coding of R25 – No proposed change. No subdivision potential for the abutting lots.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*

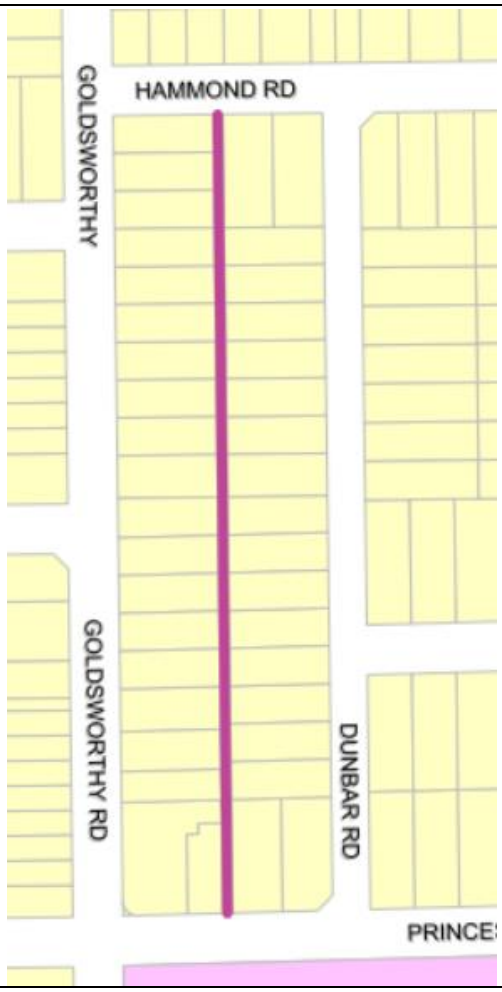




- Surface is essentially gravel/blue metal for the entire length of the ROW, noting a small section of paving to the western end.
- No drainage is evident within the ROW. Assumption that drainage occurs into the gravel.
- The ROW is abutted by both solid metal and brick fencing generally along the northern side.

The ROW is in very good condition overall. Given that the ROW is the primary vehicle access for several properties, it is recommended that the Town take ownership of the ROW to improve lighting (subject to consideration of amenity impacts and the views of adjoining property owners). In addition, the Town should continue to, where appropriate, request land be ceded or easements to be granted to allow for widening.

ROW 28	
Ownership	Town of Claremont
Dimension	L: 321m W: 3.7m-3.92m A: 1224m^2
Condition	Recently reconstructed - Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 21 properties
Pedestrian Access	Services 14 properties
Link to Road Network	The ROW is bounded by Hammond Road to the north and Princess Road to the south. ROW can be accessed via both roads.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that several dwellings abutting the ROW are well established, including heritage dwellings to the west.
Recommendation	Retain in the ownership and management of the Town.





- **In general the bitumen is in good condition with little cracking. There is a small amount of pavement slabs towards Hammond Road end. Drains all intact and sound.**
- In instances where development has occurred adjacent to the ROW, the surface has generally been finished with bitumen.

- Some sections of the ROW are narrow which restricts two way vehicle movement.
- Various types of solid fencing abut the ROW, much of which is in a poor condition.
- Vegetation adjacent to the ROW is not well maintained and encroaches into the ROW.
- Given the lot layout of existing dwellings and the prevalence of solid fencing, limited casual surveillance is observed.
- Formal drianage is to newly surfaced sections only; most stormwater runoff is to the soil.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, the ROW should remain in the ownership and management of the Town and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) be provided.

ROW 29	
Ownership	Private Ownership – J.W. Butler
Dimension	L: 132.29m W: 5.03-7.06m A: 684m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 12 properties (5 within grouped dwelling complex, 3 external residential properties and 4 commercial).
Pedestrian Access	A number of commercial and residential properties inclusive of grouped dwellings are services by this ROW/ROCW network.
Link to Road Network	Serves as the sole vehicle entry point and internal driveway for Hammond Grove units and is closed off to the northern section running parallel to Stirling Highway, noting that properties to the east of this section which also front Bay Road are not included in the Diagram for the subdivision and therefor do not have 'implied rights' to use the ROW. Bounded by Hammond Road to the south. The remaining northern portion of the ROW (running east to west) is no longer connected (fenced off) and services only commercial property along Stirling Highway through a private ROCW Easement adjacent Bay Road (east of the private ROW) which only effectively provides for one-way traffic flow.
Current/Future Density	Density coding of R20 to the north and R40 to the south for the commercial lots fronting Stirling Highway. The Minister for Planning has supported a modified Amendment No. 138 to Local Planning Scheme No. 3 with the application of an R-AC1 density coding. The modified Amendment increases the proposed density coding of R-AC3 (allowing for development of between six and eight storeys) to allow for nine storey apartment development. The Town is required to undertake a detailed Access Study for properties fronting Stirling Highway. There are complex arrangements relating to this ROW/ROCW network which will require detailed consideration in the Access Study.
Recommendation	It is recommended that the ROW be partially closed and dedicated for public use and partially closed and allocated to adjoining land with future traffic management and maintenance improvements identified under the Stirling Highway Access Study to be considered at a later date during the implementation stage of the Strategy.





- The ROW acts as the primary access point and internal driveway to the Hammond Grove units. It also services three other residential properties that front Bay Road to the east.
- The surface is limestone paved and in good condition.
- Drainage is evident within the ROW at regular intervals.
- Moderate surveillance of the ROW is achieved from the east and west, noting that the ROW is wide and open.

It is anticipated that future development will occur adjacent to the ROW which will increase vehicle dependence, particularly to the lots fronting Stirling Highway. Notwithstanding, the Stirling Highway Access Study will need to address complexities relative to the the ROW/ROCW network.

ROW 33-35	
Ownership	Private Ownership – F.W. Denbigh
Dimension	L: 206.74m W: 3.02-4.02m A: 674.43m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 9 properties
Pedestrian Access	Services 8 properties
Link to Road Network	Bounded by John Street to the west with two separate access points. Noted that northeast corner of the ROW is fenced off and no longer connects through.
Current/Future Density	Density coding of R20 to the north and R40 to the south for the commercial lots fronting Stirling Highway. The Minister for Planning has supported a modified Amendment No. 138 to Local Planning Scheme No. 3 with the application of an R-AC1 density coding. The modified Amendment increases the proposed density coding of R-AC3 (allowing for development of between six and eight storeys) to allow for nine storey apartment development. The Town is required to undertake a detailed Access Study for properties fronting Stirling Highway. There are complex arrangements relating to this ROW/ROCW network which will require detailed consideration in the Access Study.
Recommendation	It is recommended that the ROW be closed and dedicated for public use with future traffic management and maintenance improvements identified under the Stirling Highway Access Study to be considered at a later date during the implementation stage of the Strategy.





- ROW no longer functions as a two way access from John Street as northeast corner has been fenced off. Therefore acting as two separate ROWs.
- The sections of ROW that travel from east to west (directly adjoining John Street) are paved and in good condition, however the rear section (north to south) is overgrown with grass and in poor condition.
- Some drainage is evident in the paved sections of the ROW.
- Mix of solid fencing types abutting the ROW noting some casual surveillance being achieved to the southermost section of the ROW.

It is anticipated that future development will occur adjacent to the ROW which will increase vehicle dependence, particularly to the lots fronting Stirling Highway. Notwithstanding, the Stirling Highway Access Study will need to address complexities relative to the ROW/ROCW network.

ROW 38	
Ownership	Private Ownership – M.P. Ochiltree & N.M. Cotter
Dimension	L: 101.8m W: 5.03m A: 512m^2
Condition	Variable condition, ranging from Very Good to Very Poor
Services within ROW	Telstra cable Atco gas pipe Water Corp. wastewater pipes
Vehicular Access	Services 6 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Bounded by Langsford Street to the east and Mary Street to the west, with access from both. Services commercial properties fronting Stirling Highway.
Current/Future Density	Density coding of R20 to the north and R40 to the south for the commercial lots fronting Stirling Highway. The Minister for Planning has supported a modified Amendment No. 138 to Local Planning Scheme No. 3 with the application of an R-AC1 density coding. The modified Amendment increases the proposed density coding of R-AC3 (allowing for development of between six and eight storeys) to allow for nine storey apartment development. The Town is required to undertake a detailed Access Study for properties fronting Stirling Highway. There are complex arrangements relating to this ROW/ROCW network which will require detailed consideration in the Access Study.
Recommendation	It is recommended that the closed and dedicated for public use with future traffic management and maintenance improvements identified under the Stirling Highway Access Study to be considered at a later date during the implementation stage of the Strategy.



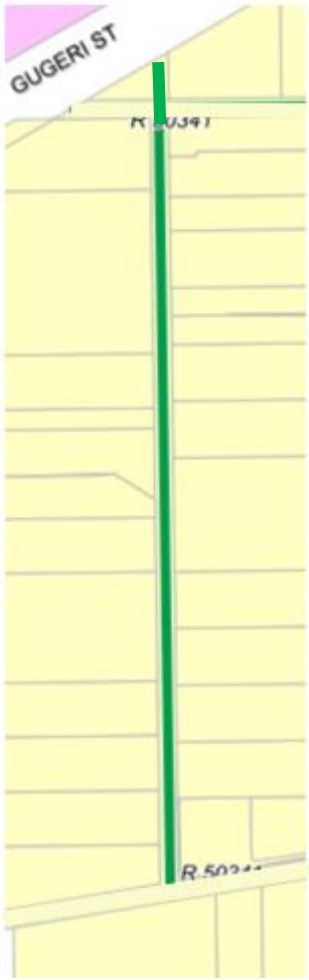


- Surface is predominantly bitumen with some evidence of wearing, particularly along the eastern side.
- Limited drainage within the ROW, noting that some formal drainage is located to the western end. Most stormwater runs off into the commercial properties to the south.
- Some surveillance of the ROW is achieved from the residential properties to the north, noting that the ROW is wide and open.
- A mix of solid fencing is evident along the ROW, most prominent on the western end.

Significant residential development potential (subject to pending Scheme Amendment) is noted for the properties abutting the ROW to the south, which front Stirling Highway. It is anticipated

that future development will occur adjacent to the ROW which will increase vehicle dependence, particularly to the lots fronting Stirling Highway. Notwithstanding, the Stirling Highway Access Study will need to address complexities relative to the ROW/ROCW network.

ROW 39	
Ownership	Private Ownership – M.P. Ochiltree & N.M. Cotter
Dimension	L: 209m W: 5.03m A: 1051.3m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 14 properties
Pedestrian Access	Services 11 properties
Link to Road Network	Bounded by ROW 38 to the south and ROW 40 to the north, access from both. Nearest public street access from Mary Street to the west and Langsford Street to the east.
Current/Future Density	Density coding of R20 – Proposed changes to properties lots fronting Mary Street to the northwest, increasing to R80, as per the Town Centre Precinct Structure Plan (TCPSP). In this respect, there is subdivision potential and scope for redevelopment, noting that many properties abutting the ROW are heritage listed.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*


GUGERI ST



- The ROW surface is very poor, generally made up of sand and gravel. Some resurfacing has occurred at the northern end of the ROW adjacent to new development.
- No formal drainage is observed in the ROW, therefore it is assumed that stormwater runoff is occuring into the soil.
- Mix of solid fencing types, much of which is in a poor condition.
- No casual surveillance is achieved within the ROW, noting that vegetation within the rear yards of existing dwellings is overgrown and encroaching upon the ROW.

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 Gugeri Street and take ownership of the ROW to improve the surfacing, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 40	
Ownership	Private Ownership – M.P. Ochiltree & N.M. Cotter
Dimension	L: 74.65m W: 5.03 A: 375.5m^2
Condition	N/A
Services within ROW	Water Corp. water pipe and Water Corp. wastewater pipes
Vehicular Access	Services 1 property
Pedestrian Access	Services 3 properties
Link to Road Network	Currently the eastern portion is used as pedestrian access leg bounded by Langsford Street to the east and using vacant land to the north to provide access to Gugeri Street and servicing garage access to one property west of ROW 39. The existing acute access to Gugeri Street is prohibited and land to the north of is being used as an extension of ROW 39 to access Gugeri Street, although it is noted that this access point has raised concerns with MRWA in the past. Improvements to the network by formally converting the pedestrian access to towards Langsford Street to allow alternative vehicular access has been discussed. The new development south-west of the intersection of ROWs 39 and 40 has been truncated to provide for this connection, however no formal discussions have taken place with adjoining property owners.
Current/Future Density	Density coding of R20 – Proposed change to one abutting lot fronting Mary Street to the west, increasing to R80, as per the TCPSP. In this respect, there is subdivision potential and scope for redevelopment.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under Sections 52 and 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.

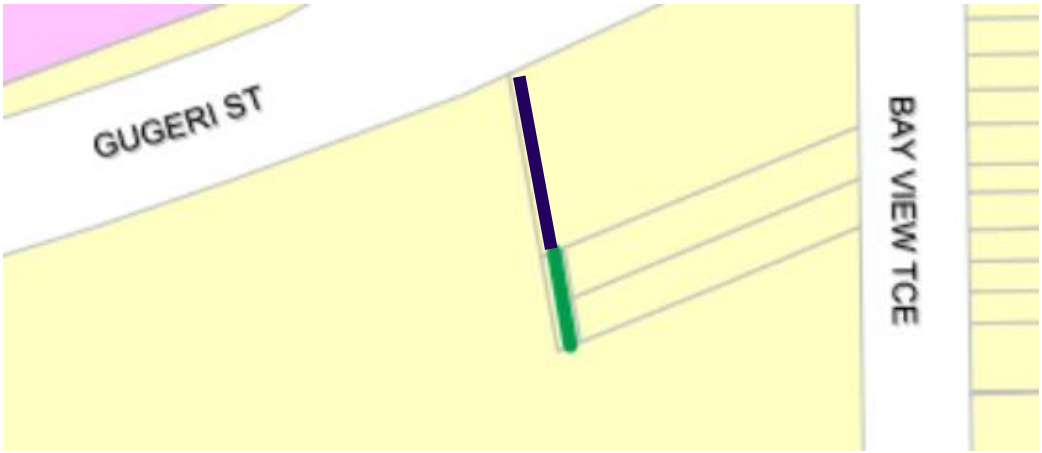




- As noted, the ROW is currently serving as a pedestrian access leg with bollards preventing vehicles from entering.
- The footpath and surrounds are in good condition.
- The ROW is abutted by solid fencing that limits surveillance of the space.
- No formal drainage in located within the ROW, noting that stormwater is running off into the soil beside the footpath.

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.

ROW 45	
Ownership	Private Ownership – Gretna Nominees Pty Ltd
Dimension	L: 13.4m W: 3.46m A: 46m^2
Condition	Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 1 commercial property
Pedestrian Access	Nil
Link to Road Network	Connects through to Gugeri Street to the north.
Current/Future Density	Presently as per Scheme requirements for building height and plot ratio, to be increased to RAC1 as per the TCPSP. However, the ROW is very small and is contained within the rear parking area to the Claremont Hotel (recently approved for renovation) and services fire escape access to the Claremont Quarter development. The access network extends to the north to Gugeri Street through a ROCW Easement on the Claremont Hotel property. Therefore, it is unlikely that the ROW will be used for any other vehicle access.
Recommendation	Remain in private ownership.



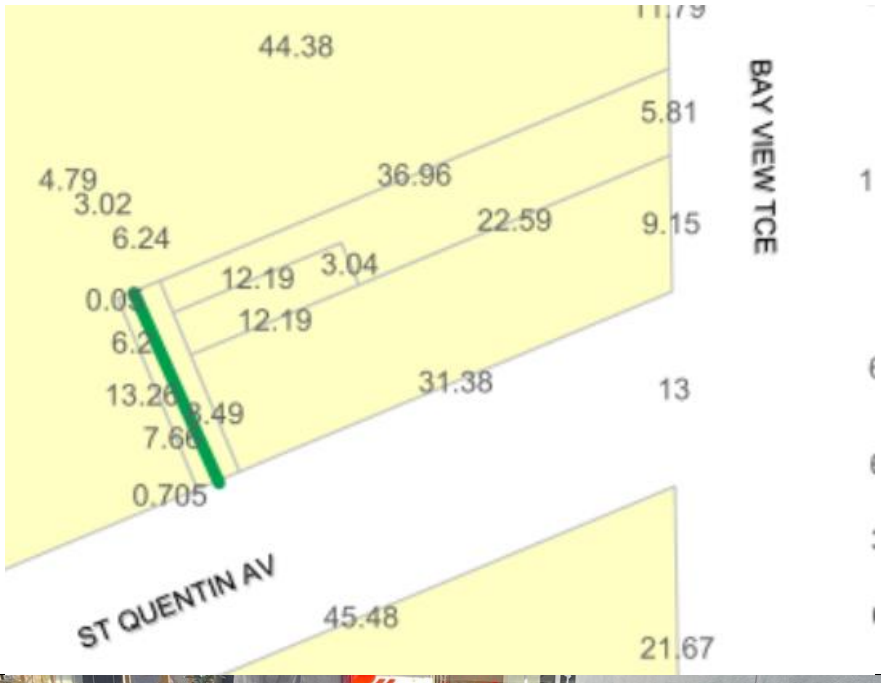


- The ROW forms part of the vehicle access to carparking bays associated with the Claremont Hotel. The ROW is identified as the sole means of access on the most recent Development Approval.
- The surface is completed in bitumen and is in good condition.
- The ROW serves only a commercial purpose.

Given that the ROW services private rear parking to the Claremont Hotel, it is not anticipated that the condition of the ROW will deteriorate. In this respect, it is recommended that the ROW remain in private ownership.

ROW 46	
Ownership	Private Ownership – 23 Bay View Pty Ltd
Dimension	L: 13m W: 5.1m A: 66.3m^2
Condition	Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Services 1 commercial tenancy
Link to Road Network	Connects to St Quentin Avenue to the south.

Current/Future Density	Presently as per Scheme requirements for building height and plot ratio, to be increased to RAC1 as per the TCPSP. Given that the ROW is used as a small pedestrian access and contained within the Claremont Quarter site, it is unlikely that the ROW will be used for future vehicle access.
Recommendation	Remain in private ownership

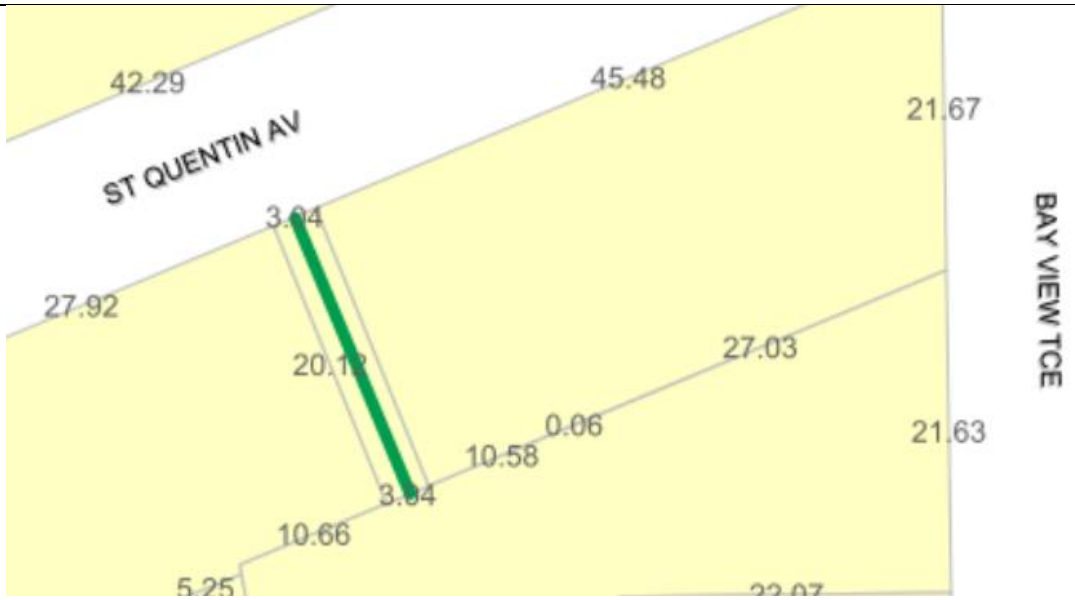




- Provides sole pedestrian access to one commerical tenancy to the northeast.
- The ROW is well paved and drained (brick paving).

Given that the ROW services one commerical tenancy with access from St Quentin Avenue, it is not anticipated that the condition of the ROW will deteriorate. In this respect, it is recommended that the ROW remain in private ownership.

ROW 47	
Ownership	Private Ownership - Leopold Nominees Pty Ltd
Dimension	L: 20.17m W: 3.04m A: 61m^2
Condition	Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Nil (can be used as an informal through road)
Pedestrian Access	Nil
Link to Road Network	Bounded by St Quentin Avenue to the north and a carparking area to the south.
Current/Future Density	Presently as per Scheme requirements for building height and plot ratio, to be increased to RAC1/RAC3 as per the TCPSP. May form part of future vehicle access should redevelopment occur adjacent.
Recommendation	Remain in private ownership.



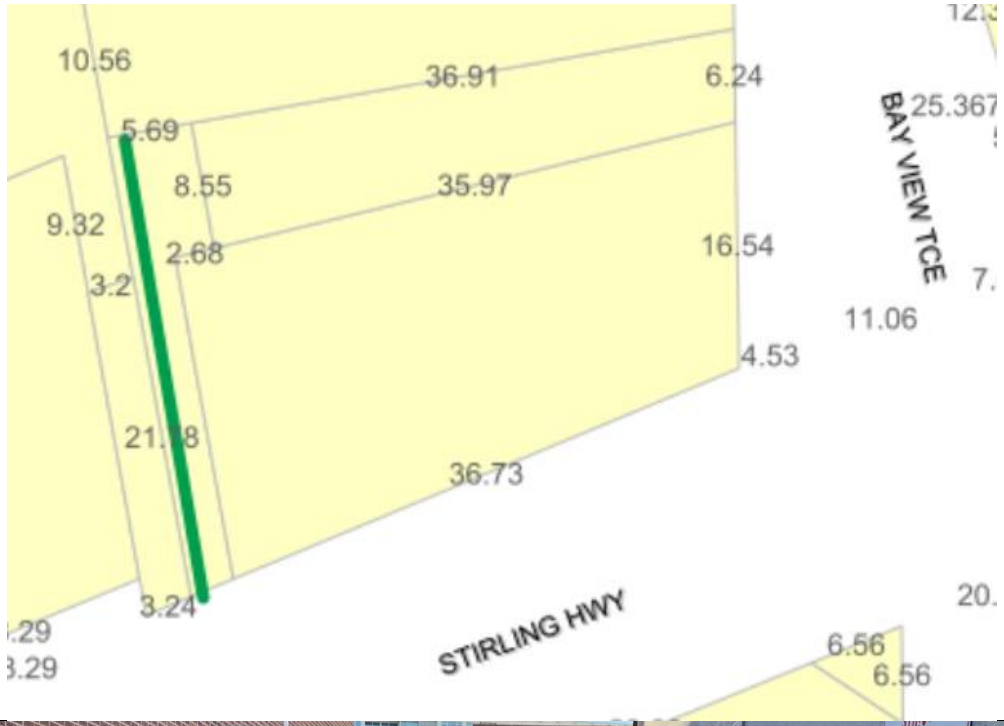


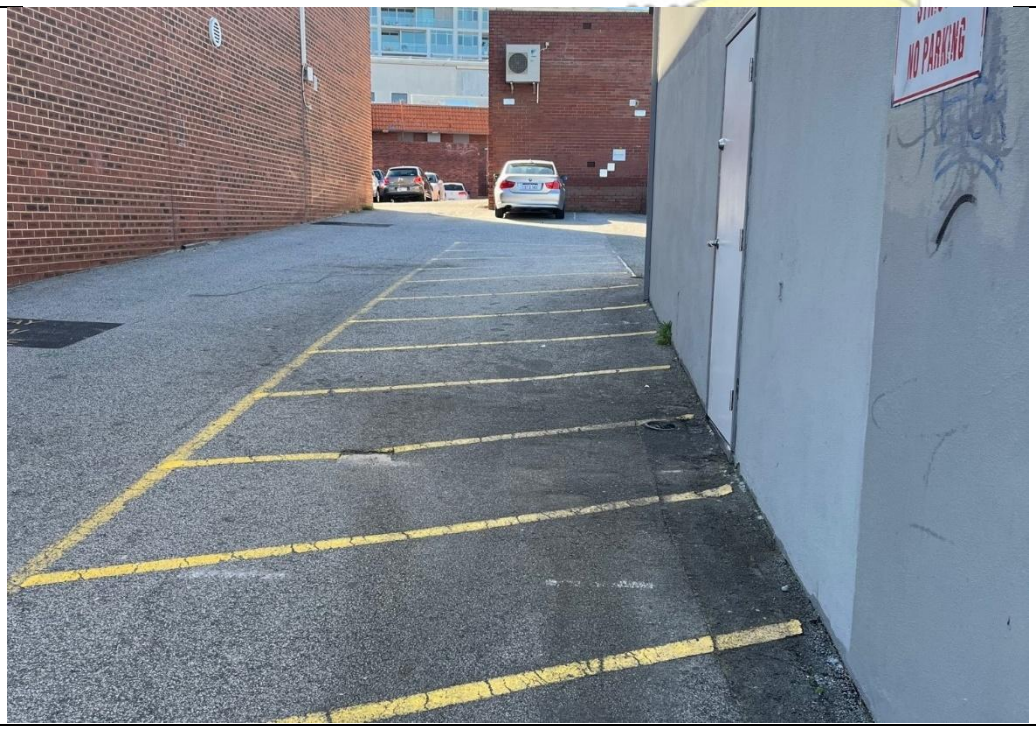
- Provides through access primarily for pedestrians from St Quentin Avenue to commercial tenancies to the south.
- The ROW is well paved and drained (brick paving).
- Presently serving only a commerical purpose.

Given that the ROW serves as a small pedestrian access from St Quentin Avenue, it is not anticipated that the condition of the ROW will deteriorate. In this respect, it is recommended that the ROW remain in private ownership.

ROW 49	
Ownership	Private Ownership – A & R Development Holdings Pty Ltd
Dimension	L: 30.33m W: 3.24/5.6m A: 117m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	NBN cable, Western Power data pilot cable, Western Power low voltage cable and Water Corp. wastewater pipes.
Vehicular Access	Services up to 4 commercial tenancies.
Pedestrian Access	Nil
Link to Road Network	Connects to Stirling Highway to the south and a commercial carport to the north.

Current/Future Density	Presently as per Scheme requirements for building height and plot ratio, to be increased to RAC1 as per the TCPSP. Likely to form part of future vehicle access should redevelopment occur adjacent.
Recommendation	Remain in private ownership.





- Provides rear parking access to five commerical properties that front Stirling Highway and Bay View Terrace to the south and east respectively.
- The surface is bitumen paved in good condition.

- Some drainage is evident in the ROW noting that most stormwater is likely to run off into Stirling Highway due to the slope of the land.
- Presently serving only a commerical purpose.

Given that the ROW services private rear parking to five commerical tenancies, it is not anticipated that the condition of the ROW will deteriorate. In this respect, it is recommended that the ROW remain in private ownership.

ROW 50	
Ownership	Town of Claremont
Dimension	L: 176m W: 3.9m A: 737m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 18 properties (plus several commercial properties).
Pedestrian Access	Services 2 properties
Link to Road Network	Bounded by Freshwater Parade to the west and Bay View Terrace to the east and linking to the south with ROW 51 Part of larger ROW network.
Current/Future Density	Density coding of R25 to the south, and as per Scheme requirements for building height and plot ratio for properties in the Town Centre (north, fronting Stirling Highway). To be increased to RAC3 fronting Stirling Highway as per the TCPSP. Subdivision and redevelopment are therefore likely in future.
Recommendation	Retain in management of the Town.





- The surface is a mix of bitumen (east) and brick paving (west) which is in good condition.
- Sufficient drainage is located within the ROW at regular intervals.
- Fencing within the ROW varies between solid and open which, in conjunction with major openings oriented to the ROW, allows for casual surveillance of the space.
- It is noted that there are several commercial tenancies using the ROW for vehicle access to the north.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, the ROW should remain in the ownership and management of the Town. Lighting should be upgraded.

ROW 51	
Ownership	Private Ownership – R. Evans
Dimension	L: 93.62m W: 5.03m A: 471m^2
Condition	Recent reconstruction works by private owners adjoining the ROW have raised the condition from Very Good to Very Poor, to Very Good
Services within ROW	Telstra mains cable, Western Power low voltage cable and Water Corp. wastewater pipes.
Vehicular Access	Services 11 properties
Pedestrian Access	Services 5 properties
Link to Road Network	Bounded by Park Lane to the south and ROW 50 to the north. Part of larger ROW network that Links between Bay View Terrace (north-east) and Freshwater Parade (south-west).
Current/Future Density	Density coding of R25 – No proposed change. Little scope for subdivision and redevelopment, noting that several lots have already undergone subdivision and have access directly from the ROW.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



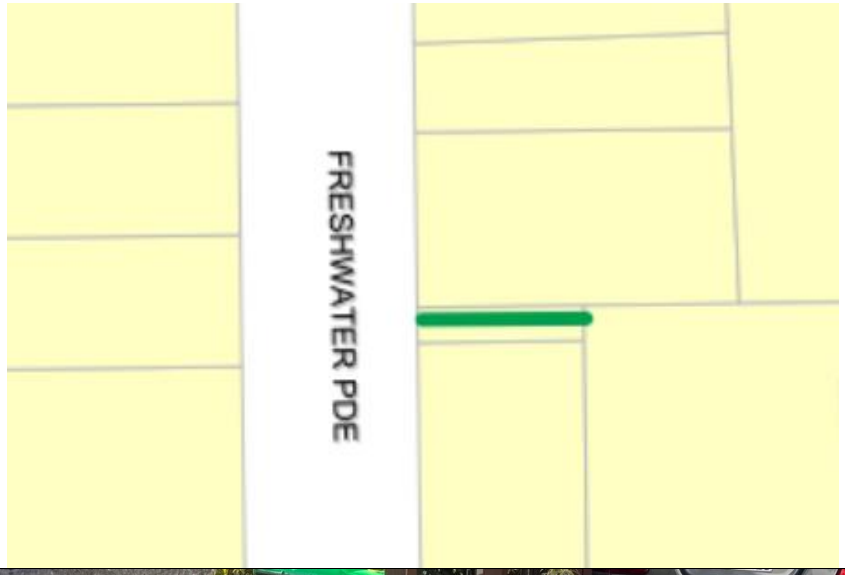


- The surface is predominantly bitumen and has recently been resurfaced and drainage upgraded.
- The width of the ROW varies where substantial development has occurred adjacent (not considered in asset assessment of ROW).
- Most fencing is accociated with garages that are finished in brick and rendered. Therefore, little surveillance of the ROW is achieved.
- Several services are noted within the ROW due to the power station which abuts to the west.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 52	
Ownership	Private Ownership – A.F. Thomson
Dimension	L: 6m W: 3.4m A: 20.4m^2
Condition	Generally, Very Good
Services within ROW	Nil
Vehicular Access	Services 1 property
Pedestrian Access	Nil

Link to Road Network	Direct access from Freshwater Parade to the west.
Current/Future Density	Density coding of R25 – No proposed change (single residential driveway).
Recommendation	Request closure of ROW and amalgamation of lot into the residential lot.

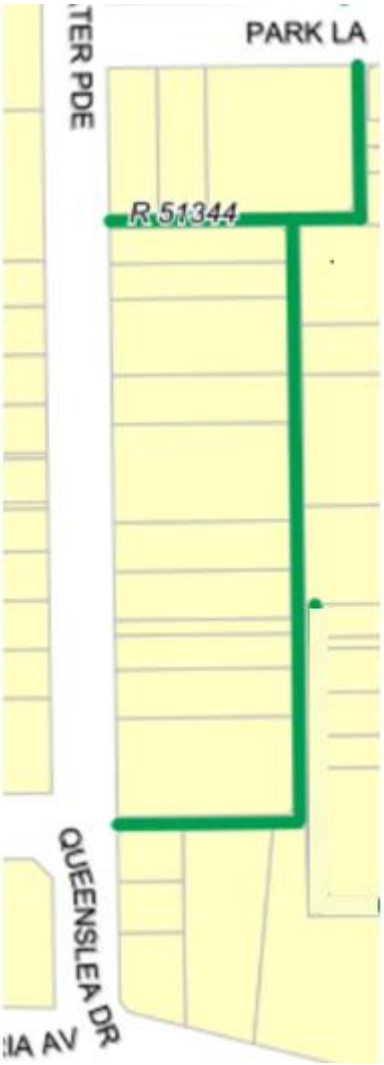




- Sole use as a residential driveway for one residential property.
- The ROW is in good condition.

Given the ROW acts only as a residential driveway, it is recommended that the ROW be closed and amalgamated into the residential lot.

ROW 53-56	
Ownership	Private Ownership – A.F. Thomson
Dimension	L: 361.25m W: 4.02 A: 1452.2m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 23 properties
Pedestrian Access	Services 15 properties
Link to Road Network	Known locally as Cactus Lane. Bounded by Park Lane to the north and Freshwater Parade to the west (via two separate entry points). Part of the larger ROW network between Bay View Terrace and Freshwater Parade.
Current/Future Density	Density coding of R25 – No proposed change. There is subdivision potential and scope for redevelopment along the ROW, however this is somewhat restricted by the established heritage dwellings to both the east and west.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- Various different surface types evident within the ROW, including bitumen, sand and gravel,

much of which is in a poor condition.

- Mix of fencing types abutting the ROW, observing solid walls and garages along with older damaged fencing.
- Poor casual surveillance is noted for the majority of the ROW, particularly to the north. This is exacerbated by overgrown vegetation that encroaches into the ROW.
- The ROW runs parallel to ROW 57 for a portion which is well surfaced and drained (southernmost portion). This effectively results in a double-width ROW.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade the surface, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 57	
Ownership	Private Ownership – G.T. Poole
Dimension	L: 156m W: 5.03/5.23 A: 798.5m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 18 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Partly known locally as Cactus Lane. Bounded by Bay View Terrace to the east. Effectively forms the southern portion (as a continuation) of ROW 53-56 which links to the wider ROW network from Bay View Terrace to Freshwater Parade.
Current/Future Density	Density coding of R25 – No proposed change. There is subdivision potential and scope for redevelopment along the ROW. It is however noted that the existing grouped dwelling sites currently generate a significant amount of vehicle traffic therefore it is unlikely to increase as a result of future development.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*

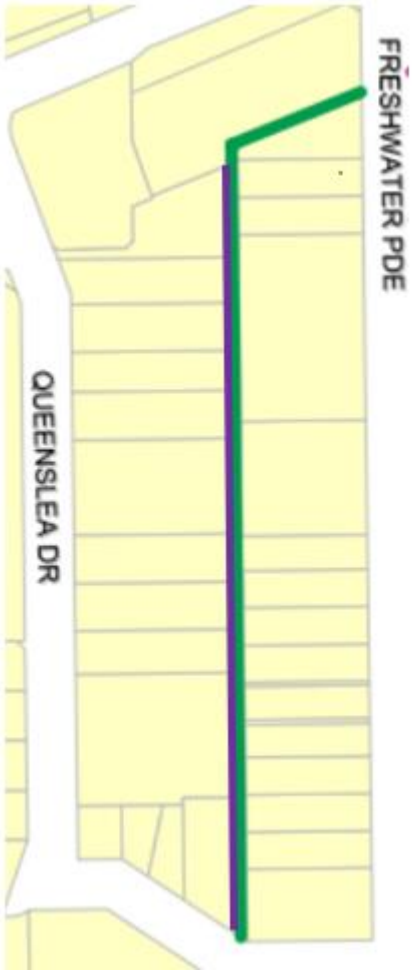




- The surface is bitumen for the entire length of the ROW and in good condition.
- Due to the orientation of the new dwellings abutting the ROW, mix of solid and open fencing and the width of the ROW, a high level of casual surveillance is observed.
- Abuts a large apartment complex to the south and associated carparking area.
- Adequate drainage is located within the ROW at regular intervals.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and provide lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 58-59	
Ownership	58 -Private Ownership – A.F. Thomson and 59 - The Crown
Dimension	58 - L: 397m W: 4.06m A: 1611m^2 plus 59 - partially parallel portion L:310 W: 1.04 A: 322m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Telstra mains cable and Water Corp. wastewater pipes
Vehicular Access	Services 22 properties
Pedestrian Access	Services 21 properties
Link to Road Network	Bounded by Freshwater Parade to the East and Queenslea Drive to the west, with entry from both.
Current/Future Density	Density coding of R25 to the south, and as per Scheme requirements for building height and plot ratio for properties in the Town Centre (north, fronting Stirling Highway). To be increased to RAC3 fronting Stirling Highway as per the TCPSP. Subdivision and redevelopment are likely in future. However, this is somewhat restricted by the heritage properties abutting the ROW.
Recommendation	Request the Minister to close and dedicate the larger portion of land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





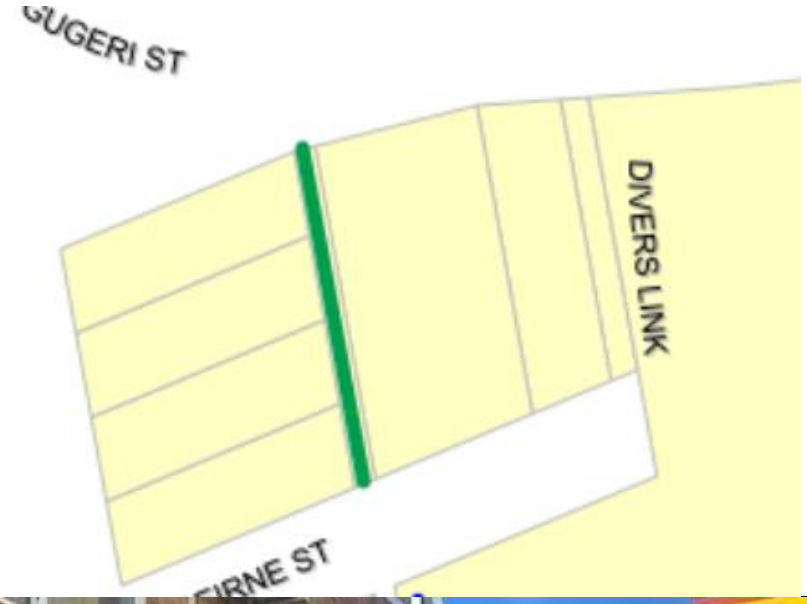
- The surface of the ROW is predominantly bitumen and in poor condition. Potholes are

evident throughout the ROW.

- A section of the ROW (northern end) has recently been re-surfaced in bitumen adjacent to apartments with frontage to Stirling Highway.
- Overgrown vegetation is observed and encroaching into the ROW.
- Majority of fencing abutting the ROW is solid brick associated with established garages, resulting in minimal casual surveillance of the space.
- Some drainage is evident however given the number of potholes the drainage is not effective.

The ROW consists of two portions including a wider private ROW and narrower Crown owned ROW to the west achieving a total width of approx. 5m. The combined ROW is the primary access point to several residential properties and is likely to service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the private ROW, and initially upgrade lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 62	
Ownership	Private Ownership – M.L. Moss
Dimension	L: 48.3m W: 3.02m A: 145.8m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Nil (not required for access)
Pedestrian Access	Nil
Link to Road Network	Bounded by Gugeri Street to the north and O'Beirne Street to the south. A narrow through road that is primarily used for parking.
Current/Future Density	As per Scheme requirements for building height and plot ratio for properties in the Town Centre. To be increased to RAC3 fronting Stirling Highway as per the TCPSP. May form part of future vehicle access.
Recommendation	Remain in private ownership.





- Provides vehicle access and parking for tenances fronting both Stirling Road and O'Beirne Street.
- Surface paving and drainage is in good condition and functional.
- Little casual surveillance is achieved however this is not a major concern given that residential property is not impacted and the ROW is very small.

Given that the ROW services the rear of commerical tenancies and has been maintained in good condition, it is not anticipated that the condition of the ROW will deteriorate. In this respect, it is recommended that the ROW remain in private ownership.

ROW 64-65	
Ownership	Town of Claremont
Dimension	L: 183.73m W: 3.02m A: 554.86m^2
Condition	Very Good
Services within ROW	ATCO gas pipe and Water Corp. wastewater pipes
Vehicular Access	Services 12 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Bounded by Barnfield Road to the north, Mount Street to the south and ROW 66 to the west, with access from all. Part of a larger ROW network that continues south below Mount Street.
Current/Future Density	Density coding of R40. No Change other than to the east - to be increased to RAC3 (lots fronting Stirling Road) as per the TCPSP. Subdivision and redevelopment are therefore likely in future. To the north, redevelopment is restricted by existing heritage properties fronting Barnfield Road.
Recommendation	Retain in ownership and management of the Town.



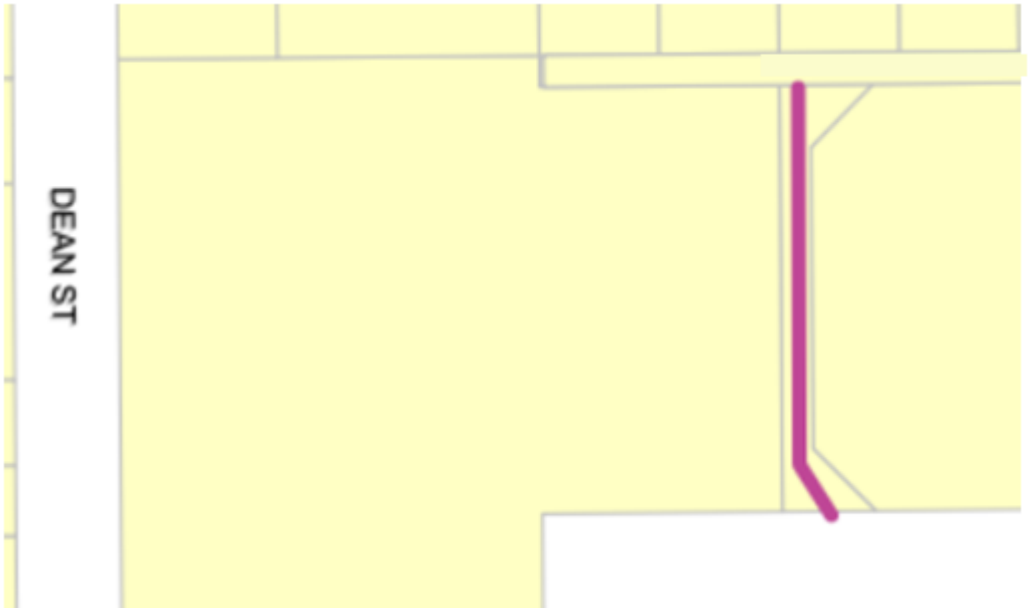


- The ROW has recently been re-surfaced in bitumen and is therefore in good condition.
- Given the severe slope of the ROW from west to east, most drainage is located toward the east to deal with stormwater runoff.
- Established garages make vehicle movement difficult. The ROW is one way (with signage to indicate) for this reason.
- The fencing abutting the ROW is predominantly solid however it is not overly high, therefore some casual surveillance to the space is achieved.

The ROW is the primary access point to several residential properties and is likely to service more properties in the future, noting the pending density increases under the Town Centre PSP. Therefore, the ROW should remain in the ownership and management of the Town and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) be provided.

ROW 66	
Ownership	Town of Claremont
Dimension	L: 40.64m W: 3m A: 122m^2
Condition	Very Good
Services within ROW	Nil
Vehicular Access	Nil
Pedestrian Access	Nil

Link to Road Network	Bounded by Mount Street to the south and ROW 64-65 to the east, with access from all. Part of a larger ROW network that continues south below Mount Street.
Current/Future Density	Density coding of R40 – No proposed change. Abutted by high density grouped dwelling sites, however not used for access. Unlikely that subdivision or redevelopment would occur to generate a significant amount of traffic.
Recommendation	Retain in ownership and management of the Town.





- The ROW has been re-surfaced recently (consistent with ROW 64-65) and is in good condition.

- No drainage is located within this ROW however stormwater runs off into drain where the ROW meets ROW 64-65.
- The ROW is very narrow and allows only for one way movement.
- The fencing abutting the ROW is solid brick and metal and little casual surveillance is achieved.

The ROW connects to the primary vehicle access for several residential properties and is may service more properties in the future, noting the pending density increases under the Town Centre PSP. Therefore, the ROW should remain in the ownership and management of the Town and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) be provided.

ROW 67-68	
Ownership	Town of Claremont
Dimension	L: 114m W: 3m A: 342.5m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 14 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by Mount Street to the north. Part of a larger ROW network that continues north above Mount Street.
Current/Future Density	Density coding of R40. No change other than to the east - to be increased to RAC3 (lots fronting Stirling Road) as per the TCPSP. Subdivision and redevelopment are therefore likely in future.
Recommendation	Retain in ownership and management of the Town.

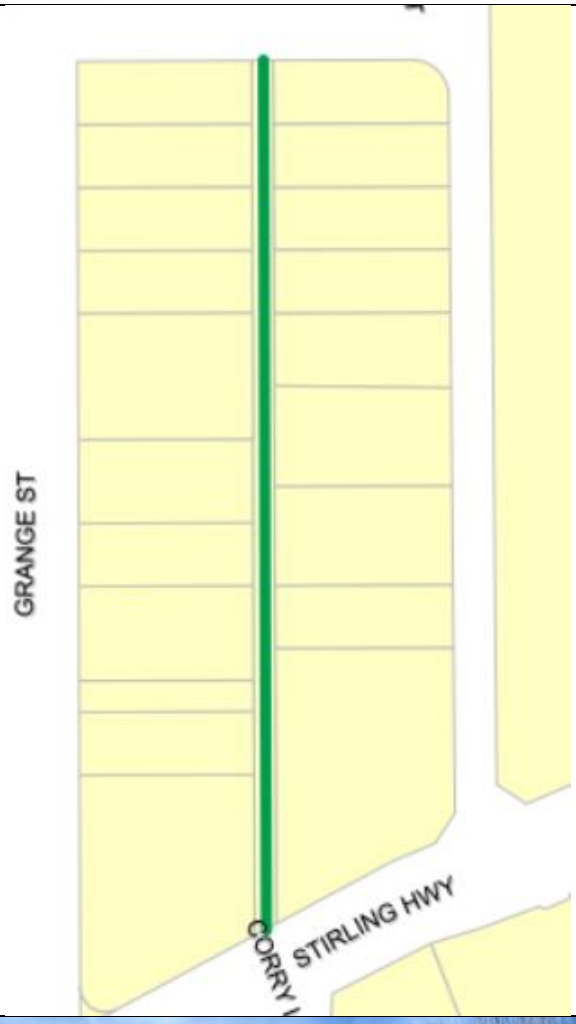




- The ROW surface is bitumen in variable condition, noting that potholes have recently been filled in.
- The ROW is significantly wider than the ROWs to the north of Mount Street which allows for two way movement.
- Some vegetation is evident within the ROW which encroaches from private property.
- Due to the orientation of dwellings and open fencing to the ROW, a high level of casual surveillance is achieved, particularly to the easternmost end of the ROW.

The ROW is the primary vehicle access point for several residential properties and is likely to service more properties in the future, noting the pending density increases under the TCPSP. Therefore, the ROW should remain in the ownership and management of the Town and that the ROW be partially resealed and provided with lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 69	
Ownership	Private Ownership – E.B. Rose
Dimension	L: 208m W: 5.03m A: 1047.8m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 36 properties
Pedestrian Access	Services 7 properties
Link to Road Network	Bounded by Kingsmill Street to the north and Stirling Highway to the south, with access from both. Aligns with Corry Lynn Road to the south however access is prevented by traffic island.
Current/Future Density	Density coding of R15/20 and R30 for the two lots fronting Stirling Highway. No change proposed. Little scope for subdivision and redevelopment, noting that there are several established heritage properties on either side of the ROW.
Recommendation	Request the Minister to dedicate the land for management by the Town under the Section 56 of the *Land Administration Act 1997.*



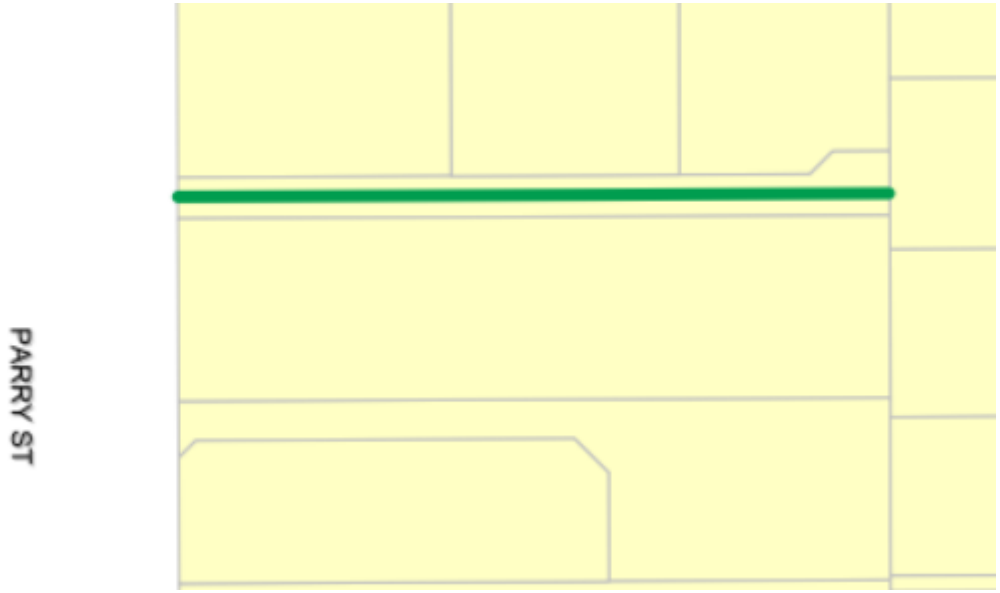


- The ROW surface is bitumen for its entire length and is in average condition. Vegetation is evident within the ROW which is impacting the surface.

- Formal drainage is observed within the ROW however it is likely that much of the stormwater run off would occur to Stirling Highway given the slope of the ROW to the south.
- Abutting properties to the west provide some casual surveillance given that the natural ground levels are raised considerably above the level of the ROW.
- The majority of fencing is solid, noting a mix of materials. Some fencing is in very poor condition.

The ROW is the primary vehicle access point for several residential properties and is likely to service more properties in the future. Therefore, it is recommedned that the Town take ownership and management of the ROW, and partialy upgrade the surface, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 70	
Ownership	Private Ownership – P. Leary
Dimension	L: 62.8m W: 3.62m A: 189.7m^2
Condition	Very Good
Services within ROW	Telstra cable and Water Corp. wastewater pipes
Vehicular Access	Services 6 properties
Pedestrian Access	Services 4 properties
Link to Road Network	Bounded by Parry Street to the west which is the only access point.
Current/Future Density	Density coding of R20 – No proposed change. Little to no subdivision and redevelopment potential, and it is not considered that vehicle traffic will intensify.
Recommendation	Retain in private ownership.

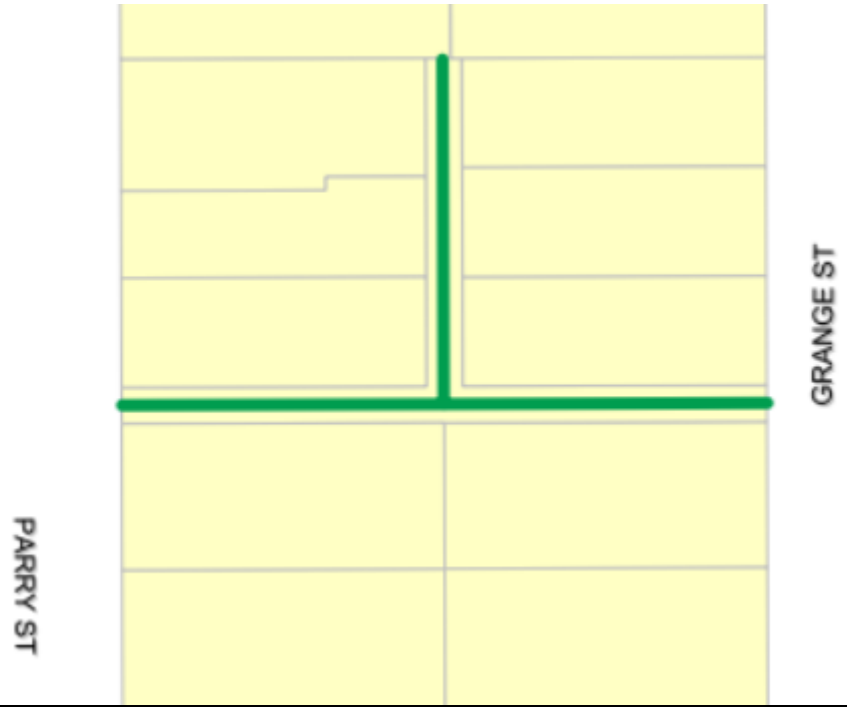




- The surface is limestone brick paved for the entire length and in good condition.
- No formal drainage is located within the ROW, noting that stormwater run off is managed through strip drains on private land.
- Open fencing abuts the ROW to the south which allows for casual surveillance of the space to be achieved. To the north are garages and associated walls and fences.

Given that the ROW services private residential parking to six properties, the majority of which are grouped dwellings, it is not anticipated that the condition of the ROW will deteriorate. In addition, it is not anticipated that there will be additional traffic volume in the future. In this respect, it is recommended that the ROW remain in private ownership.

ROW 71-72	
Ownership	Private Ownership – E.B. Rose
Dimension	L: 129.1m W: 5.03m A: 649.4m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 6 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by Parry Street to the west and Grange Street to the east, with access from both. Portion of ROW running from south to north does not connect through to a public road.
Current/Future Density	Density coding of R15/20 – No proposed change. No subdivision potential, noting that there are several established heritage dwellings abutting, limiting scope for future development.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- The surface of the ROW running east to west is bitumen and in good condition. The surface running south to north is gravel, overgrown with vegetation and in poor condition.
- Prevalence of high solid brick fencing and garages abutting the ROW which largely prohibits casual surveillance of the space.
- Drainage within the ROW is limited, noting that stormwater is likely to run off into Grange Street to the east due to the slope of the ROW, and into the soil to the north.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade the surface, drainage of the northern extension and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly for the entire ROW network.

ROW 73	
Ownership	Private Ownership – Ginza Pty Ltd
Dimension	L: 47.9m W: 3m A: 143.66m^2
Condition	Variable condition, ranging from Very Good to ungraded
Services within ROW	Telstra cable, Western Power cable and ATCO gas pipe
Vehicular Access	Services 1 property
Pedestrian Access	Nil
Link to Road Network	The ROW is used as a private driveway to two residential properties from Brae Road and appears to include an ROCW Easement.

Current/Future Density	Density coding of R20 – No proposed change (single residential driveway).
Recommendation	Retain in private ownership.

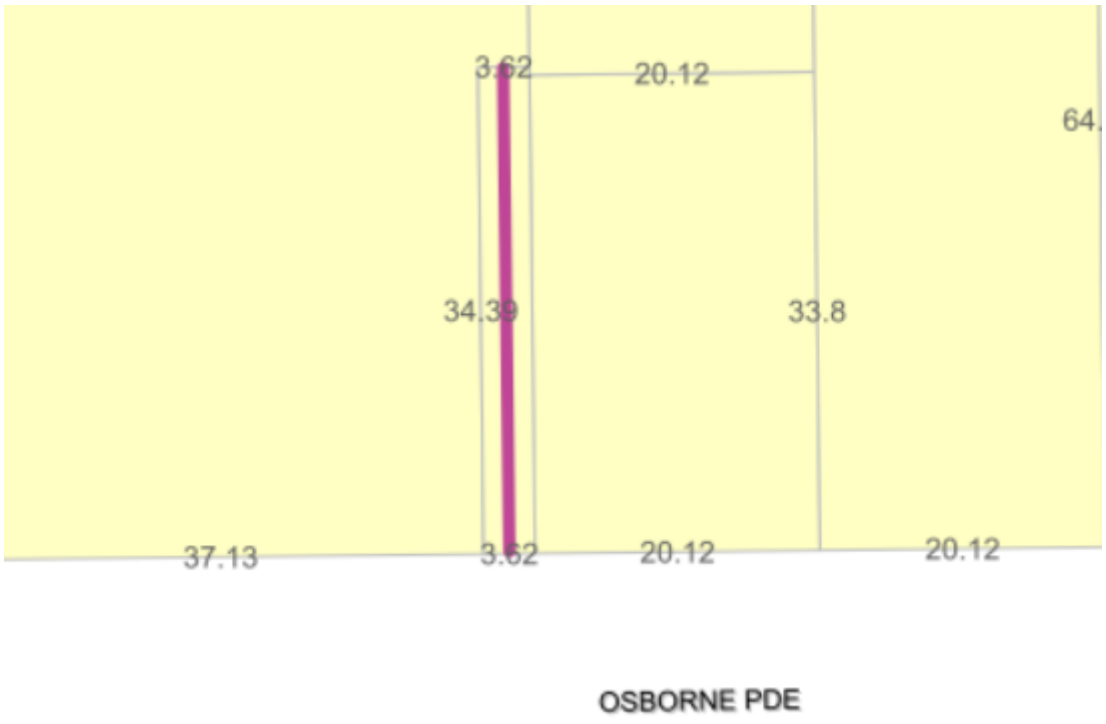




- The surface of the ROW is brick paving which is in good condition.
- Stormwater runoff is assumed into Brae Road given the slope of the land to the north.
- The driveway is gated off at the street therefore public access of the space is not permitted.

Given the ROW appears to act as a residential driveway for two properties, it is recommended that the ROW remain in private ownership.

ROW 75	
Ownership	Town of Claremont
Dimension	L: 34.39m W: 3.62m A: 124.49m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 3 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Bounded by Osborne Parade to the south, noting this as the only access point. Primarily a private residential driveway and adjoining grouped dwelling development.
Current/Future Density	Density coding of R20 and R30 (fronting Stirling Highway) – No proposed change. Limited subdivision and redevelopment potential, and vehicle traffic is not expected to increase.
Recommendation	Close and negotiate acquisition by adjoining owners with easement.





- The ROW surface is limestone brick paved for the entire length and is in good condition.
- The ROW is effectively wider than 3.6m given the need to accommodate the required reversing space from the abutting garages, which have been set back from the ROW and paved to match.
- Solid brick fencing and hedging is observed abutting the ROW, noting that some casual surveillance of the space is achieved from the residential properties to the east.

Given the ROW acts only as a residential driveway, it is recommended that the ROW be closed and amalgamated into one of the residential lots with provision of an ROCW Easement to service access to the other lot, or retained in private ownership.

ROW 82	
Ownership	R & L Hair
Dimension	L: 138m W: 5.04m A: 695m^2
Condition	Unconstructed
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Services 3 properties
Link to Road Network	Bounded by Devon Road to the west however no longer used for vehicle access. Has been consumed by reserve land and currently forms part of public open space (McKenzie Bushland).
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that ROW does not provide vehicle access to private residences.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



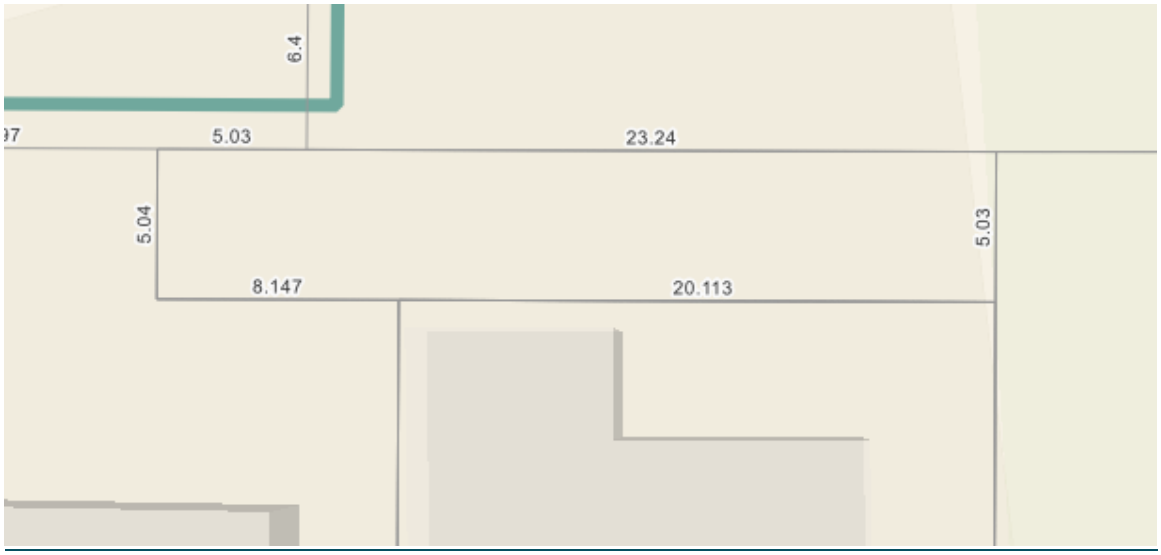


- ROW has been consumed and now forms part of reserve land and associated car parking area with access via Midford Street.
- Pedestrian access is provided to three properties which abut the reserve to the rear.
- Fencing to the abutting properties is open to allow for views and surveillance of the reserve land.

Although the ROW does not serve a typical function, it is evident that the reserve land is a valuable public asset. In this respect, closure and dedication for public use under Sections 52 and 56 of the *Land Administration Act 1997* for management by the Town is appropriate.

ROW 83	
Ownership	Private Ownership – R & L Hair
Dimension	L: 23.24m W: 5.04m A: 117.1m^2
Condition	Private driveways and landscaping
Services within ROW	TBD
Vehicular Access	Services 2 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Directly adjoining Narla Road – likely to have been created to provide lots access from Narla Road prior to subdivision of Lakeway Drive-in site by the Town. Primarily serves as primary vehicle access to two residential properties.

Current/Future Density	Density coding of R20 – No proposed change.
Recommendation	Consider options close and apportion land to two adjoining owners in liaison with Landgate and current owners.





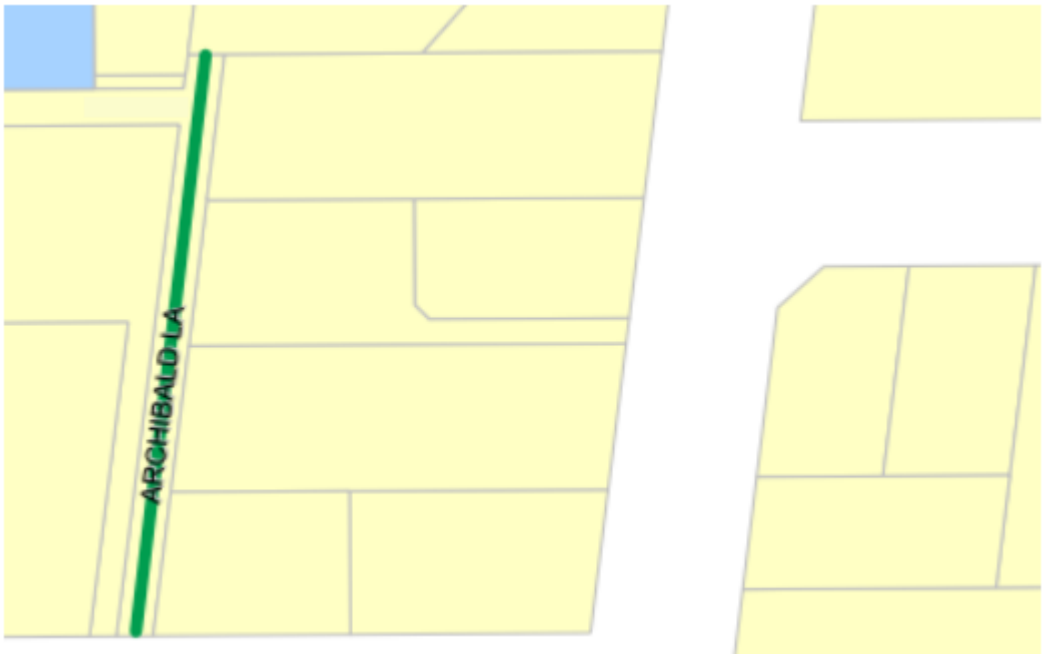


- The ROW is constructed as two private driveways with associated landscaping and fencing.

Ownership of the ROW has recently been transferred to the owners of the property at 26 Narla Road. The ROW has informally operated as private land for the owners of Lots 57 and 42 Narla Road. Given the development of the ROW for private driveways and landscaping in the front setback of these lots, it is recommended that the ROW be closed and allocated to the adjoining owners. Options for this may vary due to current ownership and require further investigation with Landgate.

ROW 85	
Ownership	Private Ownership – R & L Hair
Dimension	L: 80.8m W: 5.03m A: 406.4m^2
Condition	Generally, Very Poor
Services within ROW	Nil
Vehicular Access	Services 8 properties
Pedestrian Access	Services 1 property
Link to Road Network	Part of original ROW network including Fimiston and Hogarth Lanes, bounded by Cornwall Street to the south. Access no longer continues through the other ROWs; therefore, access is only from Cornwall Street.
Current/Future Density	Density coding of R20 – No proposed change. Little subdivision and redevelopment potential, noting that several abutting lots have already been subdivided. In this respect, vehicle traffic will not greatly intensify.

Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





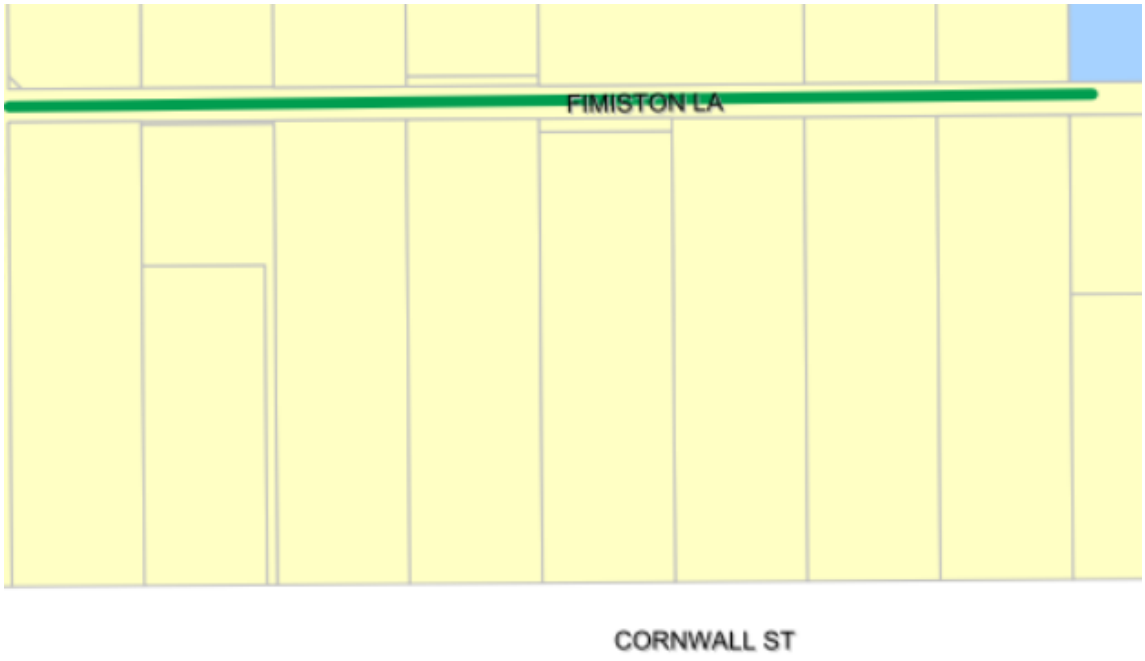
- The surface of the ROW is bitumen for the full length with signs of significant wear including cracking and potholes.
- The ROW is very narrow noting that vegetation from private property encroaches into the ROW and further restricts movement.
- Some solid fencing is evident however there are dwellings with a primary frontage to the ROW therefore a high level of casual surveillance is achieved.
- No formal drainage is located within the ROW which has contributed to the condition,

however it is assumed that much of the stormwater run off is to Cornwall Street given the slope of the land.

- As noted, the ROW does not connect through to Fimiston Lane, where fencing has been erected in the north west corner to prevent access.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade the surface, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly. As part of this process, the Town should review the through access to Fimiston Lane (ROW 86) which appears unconstructed due to the steep grade of the land and improve pedestrian connectivity by constructing a pedestrian access path.

ROW 86	
Ownership	Private Ownership – R & L Hair
Dimension	L: 190m W: 5.03m A: 955.7m^2
Condition	Variable condition, ranging from Poor to Very Good Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 9 properties
Pedestrian Access	Services 10 properties
Link to Road Network	Part of original ROW network including Archibald and Hogarth Lanes, bounded by Hogarth Lane to the west. Access does not continue through to Archibald Lane to the east; therefore, access is only from Hogarth Lane.
Current/Future Density	Density coding of R20 – No proposed change. Little subdivision and redevelopment potential, noting that several abutting lots have already been subdivided. In this respect, vehicle traffic will not greatly intensify. Many well established dwellings abut the ROW.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





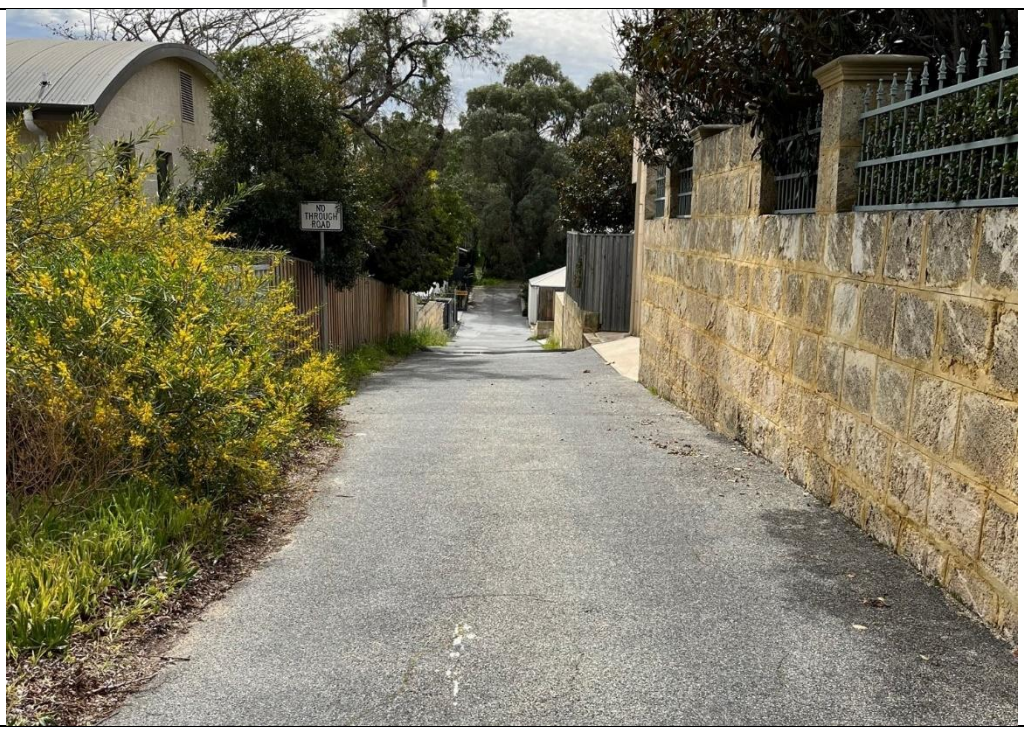
- The surface of the ROW is bitumen for the full length and in a fair condition, with some minor cracking observed.
- The fencing abutting the ROW is predominantly solid with a mix of brick, metal and wood material.
- As most dwellings are oriented to the primary street, little surveillance of the ROW is achieved, which is exacerbated by the solid fencing.
- Several drains are located within the ROW at regular intervals to manage stormwater runoff.
- Vegetation is observed within the ROW, both in terms of grass cover and vegetation within

private property that encroaches into the ROW.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade the surface, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly. As part of this process, the Town should evaluate through access to Archibald Lane which appears not to have been constructed due to excess grades and improve pedestrian connectivity by constructing a pedestrian access path.

ROW 87	
Ownership	Private Ownership – R & L Hair
Dimension	L: 104m W: 5.03m A: 524.37m^2
Condition	Generally, Very Good Some gradings have not been applied
Services within ROW	Telstra mains cable
Vehicular Access	Services 5 properties
Pedestrian Access	Services 5 properties
Link to Road Network	Part of original ROW network including Archibald and Fimiston Lanes, bounded by Fimiston Lane to the east and Cornwall Street to the south. Access to Narla Road to the north has not been constructed due primarily to excess grades.
Current/Future Density	Density coding of R20 – No proposed change. Little subdivision and redevelopment potential, noting that several abutting lots have already been subdivided and developed recently. In this respect, vehicle traffic will not greatly intensify.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- Several new developments have occurred adjacent to the ROW which has resulted in much of the ROW being resurfaced in bitumen.
- New drainage has been installed within the ROW, noting that some issues have been reported regarding stormwater run off to the west (significant slope observed).
- Although drainage upgrades have been installed to improve the operation of the drainage network, further work may be required and should be investigated by the Town.
- The ROW is relatively wide which facilitates good vehicle movement.
- A mix of both solid and open fencing is observed within the ROW. Given that new

development has occurred adjacent that is oriented toward the ROW, good casual surveillance of the ROW is evident.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town investigate drainage upgrade requirements and consider taking ownership and management of the ROW, and then maintain the surface, upgrade the drainage and install lighting accordingly. The Town should also consider construction of the northern section of the ROW to Narla Road. As part of this process, the Town should evaluate through access to Narla Road which appears not to have been constructed due to excess grades and review options to improve pedestrian connectivity by constructing a pedestrian access path.

ROW 90	
Ownership	Private Ownership – G.F. Gallop
Dimension	L: 102.55m W: 5.03m A: 515.8m^2
Condition	Generally, Very Good Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 2 properties
Pedestrian Access	Services 8 properties (noting that some access gates could be used for vehicles).
Link to Road Network	Bounded by Henshaw Lane to the south which is the only point of access.
Current/Future Density	Density coding of R30 – No proposed change. Presently abutted by large, grouped dwelling sites that primarily access from public roads. Should the land be re-subdivided in future, vehicle access from the ROW would likely intensify. Recent development to the north has required adjacent ROW surface upgrades.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



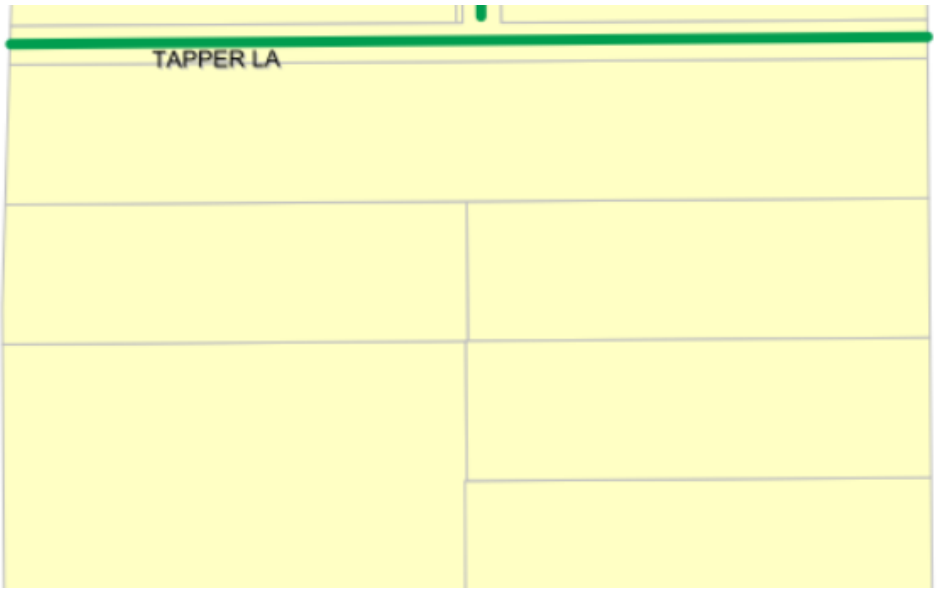


- The surface of the ROW is bitumen for the entire length apart from a small section of blue metal leading to the resurfacing associated with development at the northern end. The ROW is in good condition.
- Drainage is evident at regular intervals and it is assumed that stormwater will also run off into soil between the bitumen and fencing.
- The fencing abutting the ROW is consistent solid metal for the most part.
- Little surveillance of the ROW is achieved due to the orientation of the existing dwellings in conjunction with the solid fencing.

- Some vegetation (hedges) overgrowth is evident within the ROW which restricts vehicle movement.

Although the ROW only provides vehicle access to three properties, there is scope for future adjacent development which would increase vehicle traffic. Therefore, it is recommended that the Town take ownership and management of the ROW, and maintain the surface, drainage and provide lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 91	
Ownership	Private Ownership – J.R. Carroll
Dimension	L: 119.9m W: 5.03m A: 603m^2 containing drainage pits with associated L: 55.64m W 2.47m A: 137.43m^2 ROCW Easement to the south (eastern side fronting Graylands Road)
Condition	Good to Very Good
Services within ROW	ATCO gas pipe and Water Corp. wastewater pipes
Vehicular Access	Services 10 properties
Pedestrian Access	Services 4 properties
Link to Road Network	Known as Tapper Lane and bounded by Graylands Road to the east and Davies Road to the west, with access from both. Also connects through to Harvey Lane to the north.
Current/Future Density	Density coding of R30 – No proposed change. As the ROW is the formal vehicle access and frontage to several properties (generally grouped dwellings), subdivision and redevelopment are considered unlikely. Therefore, current vehicle traffic will be maintained.
Recommendation	Negotiate acquisition of the ROCW Easement and accessway to the west and south of the ROW with the owners of Lot 5 and request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- The surface of the ROW is brick paved for the entire length and in very good condition.
- The ROW provides sole vehicle access to several grouped dwellings, acting as an internal driveway.
- Several drains are located within the ROW at regular intervals to manage stormwater runoff, noting that stormwater is also likely to run off into Davies Road due to the slope of the site.
- Solid fencing is observed abutting the ROW however as the ROW serves as the primary frontage to several properties and is wide, casual surveillance is maintained.
- The ROW is supplimented by a 2.47m wide paved area located to its south on Lot 5 which runs between Grandlands and Davies Road. Only the eastern portion of this paved area (55.64m in length) is provided as a Right of Carriageway in favour of Lot 50 (to the north of

the ROW fronting Graylands Road). Access over the remaining western portion is informal and not provided for under an easement.

The Town would generally recommend that the ROW remain in private ownership given that the ROW partially acts as an internal driveway to several private residences and it is not anticipated that the condition of the ROW will deteriorate. However, given that the ROW adjoins Harvey Lane to the north, it is practical for the Town to take ownership and management of both ROWs and if possible, the easement and paved land on Lot 5, to avoid future issues that could arise as a result of fragmented ownership and longer term maintenance. Taking ownership of the easement and paved land on Lot 5 will require negotiation with the landowners highlighting the long term advantages of Council taking responsibilty for the longer term maintenance of the ROW, ROCW and accessway area.

ROW 92	
Ownership	Private Ownership – J.R. Carroll
Dimension	L: 85.76m W: 5.03m A: 431.4m^2
Condition	Variable condition, ranging from Poor to Very Good Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 8 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by Tapper Lane to the south (ROW 91) and this is the only point of access.
Current/Future Density	Known locally as Harvey Lane. Density coding of R30 – No proposed change. Little to no subdivision and redevelopment potential, noting that most lots abutting the ROW have already been subdivided (or are grouped dwellings) and redeveloped. Therefore, current vehicle traffic will be maintained.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*

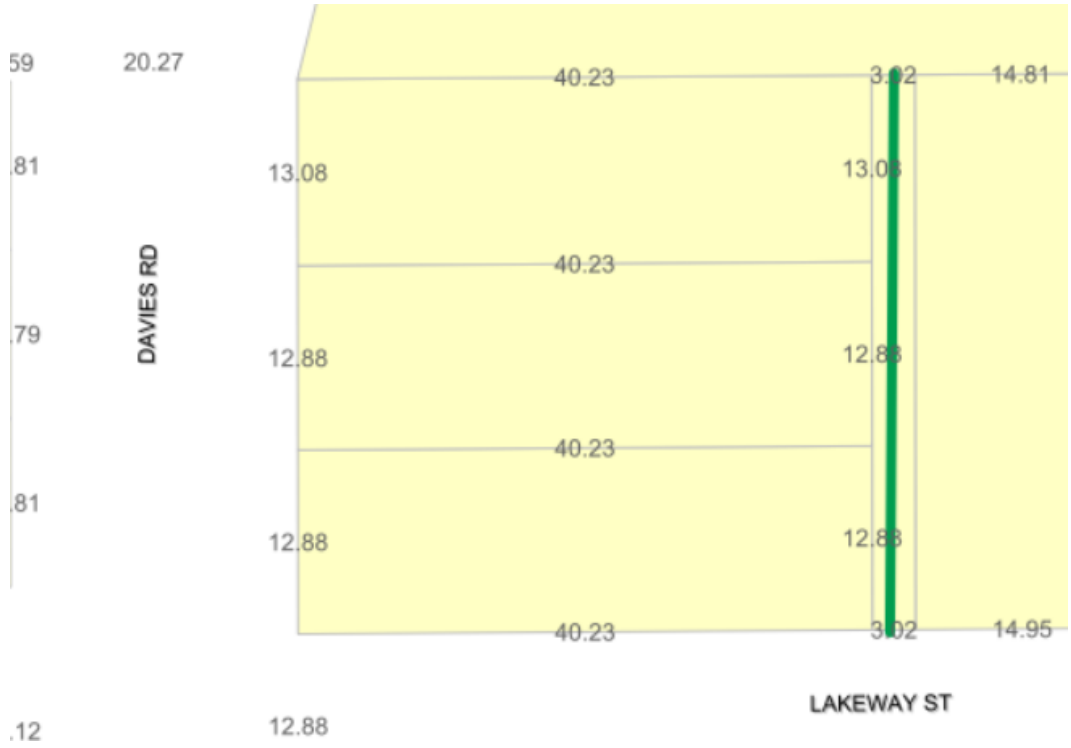




- The surface of the ROW is bitumen paved for its entire length and in a fair condition with minor evidence of wearing.
- Drainage is located within the ROW at regular intervals to manage stormwater run off.
- A mix of fencing types is observed within the ROW, noting that there are dwellings with open primary frontages to the ROW which allows for sufficient casual surveillance.
- Several new developments have occurred adjacent to the ROW which has resulted in consistent widening.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, maintain the surface, drainage and install lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 94	
Ownership	Private Ownership – F.J. & W.A. Schruth
Dimension	L: 38.84m W: 3.02m A: 117.97m^2
Condition	Very Good – recently constructed
Services within ROW	Nil
Vehicular Access	Services 2 properties
Pedestrian Access	Services 3 properties
Link to Road Network	Bounded by Lakeway Street to the south which is the only point of access.
Current/Future Density	Density coding of R30 – No proposed change. No subdivision potential, noting that the property to the east has recently been redeveloped. Therefore, current vehicle traffic will be maintained.
Recommendation	Retain in private ownership.



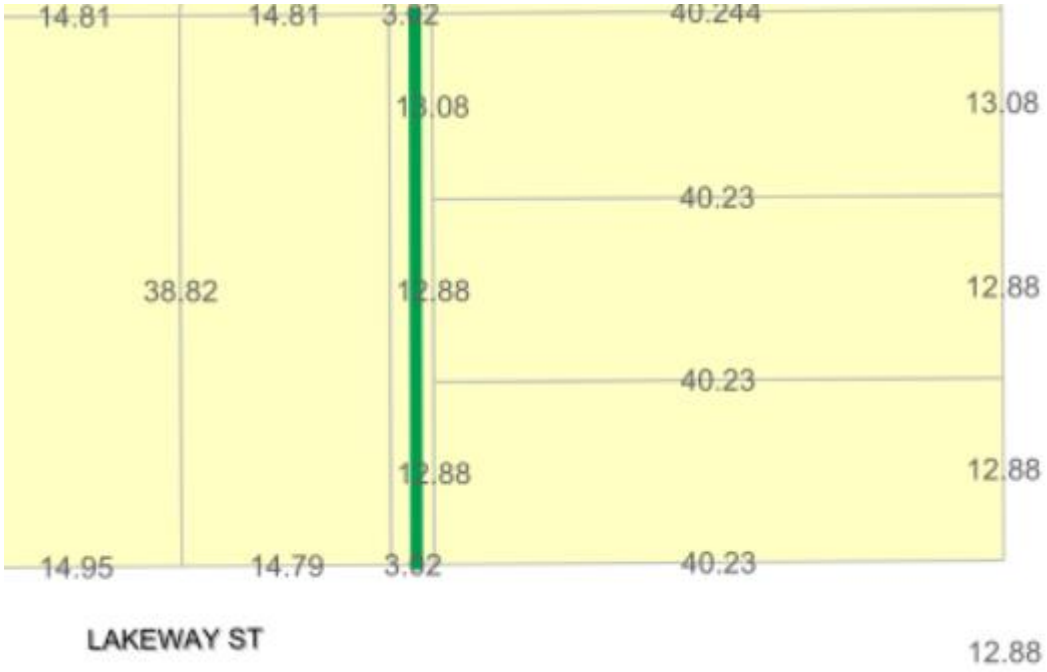


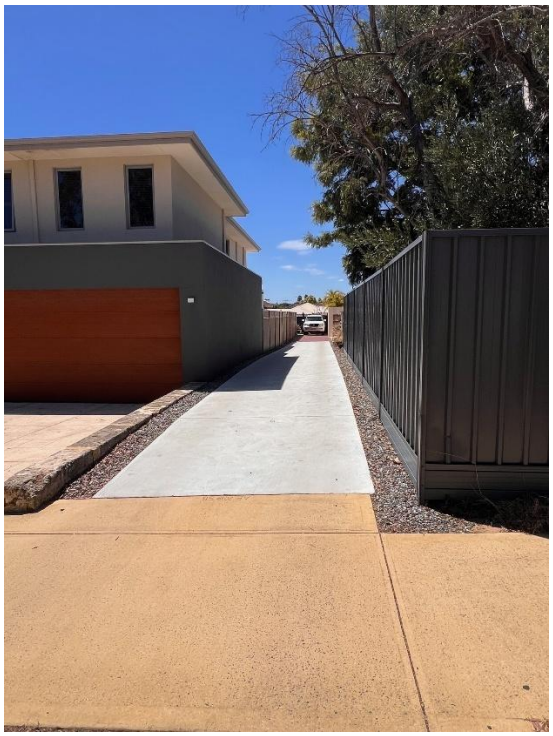
- The ROW has recently been completely resurfaced in bitumen as part of the redevelopment works for the property to the east. Drainage has also been installed to manage stormwater.
- Casual surveillance of the ROW is achieved from major openings to the property to the east.
- Solid brick and metal fencing is observed on either side of the ROW.

Given that the ROW services private residential parking for two properties, it is not anticipated that the condition of the ROW will deteriorate. In addition, it is not anticipated that much, if any additional traffic volume will be generated in the future. In this respect, it is recommended that the ROW remain in private ownership.

ROW 95	
Ownership	Private Ownership – F.J. & W.A. Schruth
Dimension	L: 38.84m W: 3.02m A: 117.97m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 3 properties
Pedestrian Access	Services 1 property
Link to Road Network	Bounded by Lakeway Street to the south which is the only point of access Previously part of larger ROW network which continued through ROW 98 to Graylands Road, however access is now prohibited by fencing and vegetation.

Current/Future Density	Density coding of R30 – No proposed change. No subdivision potential, however, properties to the east could be redeveloped. Notwithstanding, it is not considered that vehicle access will greatly intensify.
Recommendation	Retain in private ownership.



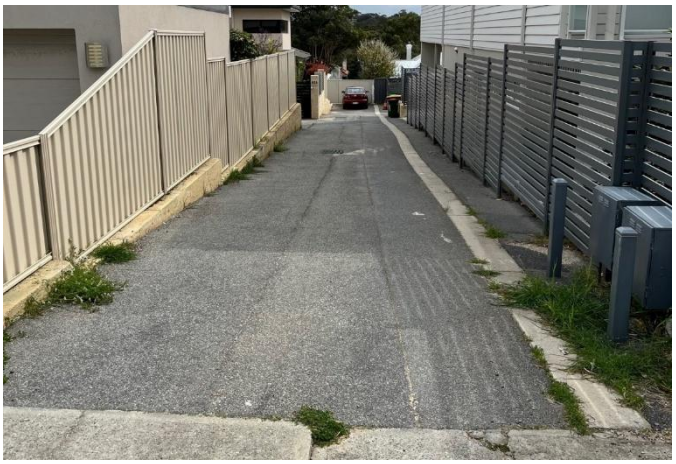


- The surface of the ROW has been recently constructed in concrete.
- No formal drainage is observed within the ROW. It is assumed that stormwater is running off into the soil.
- The end of the ROW adjoins the southernmost section of ROW 98 which is no longer useable. As noted, vehicle access no longer continues through, prohibited by fencing and vegetation.
- The existing fencing is solid metal and overheight in most sections. As a result, little casual surveillance is achieved.

The ROW is bounded by only four residential properties and is unlikely to generate a high level of vehicle traffic in the future. It is noted that two of the abutting properties are modern homes and one does not use the ROW for vehicle access. In this respect, it is recommended that the ROW remain in private ownership.

ROW 98	
Ownership	Private Ownership – E.M. Flintoff
Dimension	L: 150.4m W: 3.02m-4.02m A: 469m^2
Condition	Variable condition, ranging from Poor to Very Good Some gradings have not been applied
Services within ROW	NBN cable, Telstra cable and Water Corp. wastewater pipes
Vehicular Access	Services 3 properties
Pedestrian Access	Services 2 properties
Link to Road Network	Only the northern section of the ROW extending from Graylands Road is constructed. Bounded by Graylands Road to the east. Previously part of larger ROW network which continued through ROW 95 to Lakeway Street, however access is now prohibited by fencing and vegetation, noting that much of the ROW is no longer used.
Current/Future Density	Density coding of R30 – No proposed change. No subdivision potential, noting that the ROW is only partially used for vehicle access. Lots have recently been redeveloped adjacent to the useable portion of the ROW, therefore current vehicle traffic will be maintained.
Recommendation	Retain part of ROW in private ownership, and request closure of the unused portion of the ROW and amalgamate the land into the residential lots abutting.





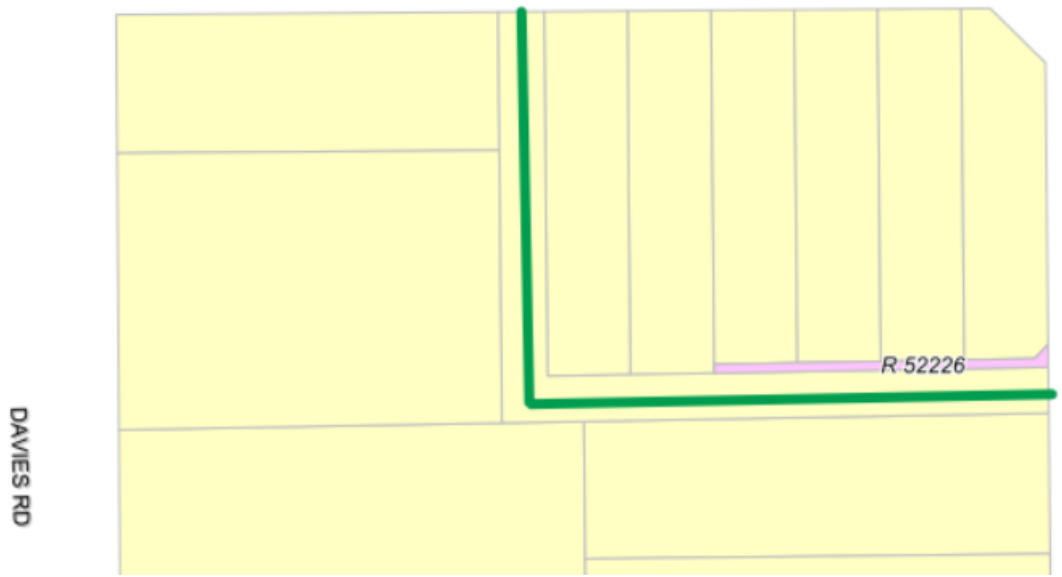


- The only useable portion of the ROW runs from east to west, directly from Graylands Road. The majority of the ROW which runs primarily from north to south is unused and overgrown with grass.
- The used portion of the ROW is well surfaced with bitumen in good condition.
- Formal drainage has been installed in the ROW at regular intervals to manage stormwater.
- A mix of fencing types is observed within the ROW, noting that there are dwellings with open primary frontages to the ROW which allows for sufficient casual surveillance.
- No casual surveillance is achieved in relation to the unused section which could have implications in terms of crime and safety.

The portion of the ROW in good condition is bounded by only four properties which have resulted from previous subdivision. It is therefore unlikely that the any further vehicle traffic will be

generated. In this respect, it is recommended that the ROW remain in private ownership. The unused portion of the ROW which makes up the majority of the land parcel should be closed and amalgamated into the residential lots abutting.

ROW 99-100	
Ownership	Private Ownership – A.M. & B.A. Naidu
Dimension	L: 99.85m W: 5.03m A: 502.25m^2
Condition	Generally, Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 14 properties
Pedestrian Access	Services 7 properties
Link to Road Network	Bounded by Alfred Road to the north and Graylands Road to the east, with access from both.
Current/Future Density	Density coding of R30 – No proposed change. Minimal subdivision potential, noting that most lots abutting the ROW have already been subdivided. In this respect, vehicle traffic will not greatly intensify.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



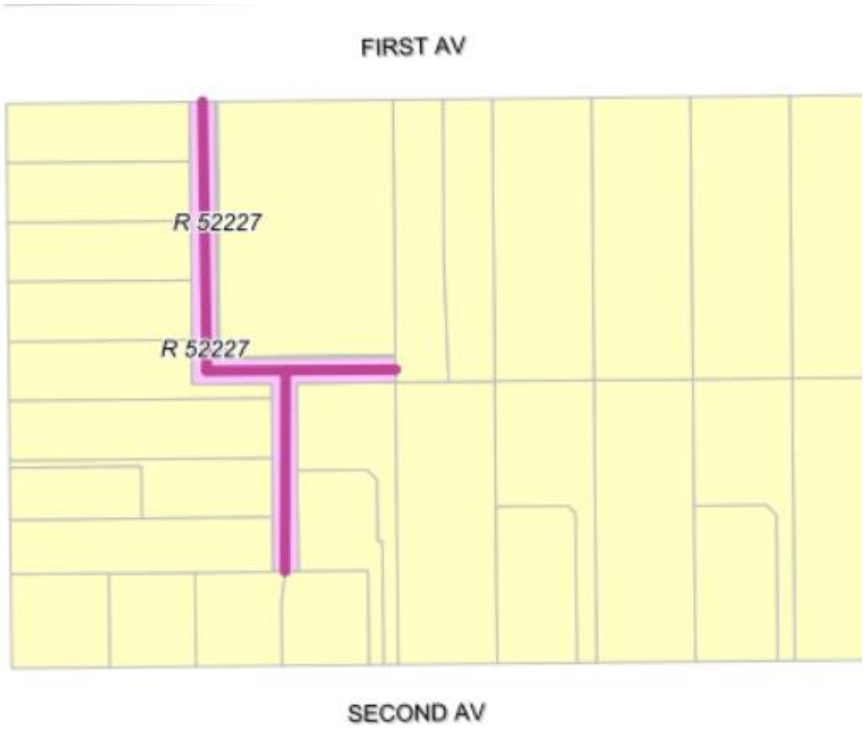


- The surface of the ROW is bitumen for the full length and is in good condition.
- A mix of fencing types are observed within the ROW, noting that there are dwellings with open primary frontages to the ROW which allows for sufficient casual surveillance.
- Formal drainage is located within the ROW at regular intervals to manage stormwater.
- The ROW is relatively wide, noting that several properties have been developed adjcent to the ROW with associated ROCW Easements.

The ROW is the primary vehicle access point for several residential properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, maintain the surface and drainage and install lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 101-103	
Ownership	Town of Claremont
Dimension	L: 131.76m W: 5.03m A: 662.75m^2
Condition	Very Good
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 6 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by First Avenue to the north which is the only point of access.
Current/Future Density	Density coding of R30 – No proposed change.

	Minimal subdivision potential, noting that most lots abutting the ROW have already been subdivided. In this respect, vehicle traffic will not greatly intensify. Recent development of lots with associated subdivision resulted in construction of the ROW by the developer and dedication of the former private ROW.
Recommendation	Retain in ownership and management of the Town





- The surface of the ROW has recently been finished in bitumen and kerbing has been installed.

- New drainage has been installed to manage stormwater.
- Fencing abutting the ROW is predominantly overheight metal however due to several two storey dwellings being contructed adjacent to the ROW, casual surveillance from windows is sufficient.

Given that the ROW is in good condition and is adequately servicing residential properties, continued management by the Town is appropriate, and install lighting (subject to consideration of amenity impacts and the views of adjoining property owners).

ROW 107	
Ownership	Private Ownership – H. Atwell
Dimension	L: 160.92m W: 3.32m A: 534.25m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. pipe and Water Corp. wastewater pipes
Vehicular Access	Services 10 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by Shenton Road to the north and Rob Roy Street to the south, noting that the ROW intersects with the eastern end of Otway Street. The ROW can be accessed by pedestrians from all streets, however vehicle access is now restricted from south of Otway Street.
Current/Future Density	Density coding of R20 – An Improvement Plan applies to residential land in the proximity of the Swanbourne railway station. While noting the prevalence of heritage properties in the locality, the Improvement Plan is likely to increase the potential for subdivision and development which may impact on traffic demands in the area. In this respect, vehicle traffic may intensify and consideration of any proposals to remove the bollards in the ROW will need to take these matters into consideration.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- The condition of the surface is very poor for the majority of the length, with the exception of a section of bitumen in good condition to the north. Much of the ROW consists of cracked bitumen and sand.
- The ROW no longer connects through for vehicles from south of Otway Street, used only as a pedestrian pathway. This section of the ROW is narrow and overgrown with vegetation. Vehicle access to properties south of Otway Street is therefore from Rob Roy Street.
- A mix of fencing types are evident along the ROW and generally in poor condition.
- Surveillance of the ROW is achieved to the northernmost end where the ROW is well maintained.
- Little drainage is observed within the ROW, assuming that stormwater runs off into the soil.

The ROW is the primary vehicle access point for several residential properties and is likely to service more properties as a result of likely proposals to increase the density of residential development within the proximity of Swanbourne railway station under the Improvement Plan. Accordingly, any proposal to remove bollards in the ROW to free up access between Rob Roy Street and Shenton Road would need to consider the impacts of future subdivision and development on traffic movement in the area. It is recommended that the Town take ownership and management of the ROW, upgrade the surface and install lighting (subject to consideration of amenity impacts and the views of adjoining property owners). As part of this process, the Town may, in the interim period prior to redevelopment of the locality in accordance with the Improvement Plan, consider proposals to relocate bollards within the ROW in consultation with affected property owners to reduce the locational impacts of these bollards on individual properties.

ROW 108	
Ownership	Private Ownership – W. Nicholson
Dimension	L: 40.17m W: 3.04m A: 122.12m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 7 properties (4 commercial)
Pedestrian Access	Nil
Link to Road Network	Bounded by Franklin Street to the west which is the only point of access.
Current/Future Density	Density coding of R20 – subject of current LDP (or equivalent planning framework document). Increases in density proposed up to R80. Likely that ROW will form part of future vehicle access to service new development and in part may be lowered to service potential basement parking, when consideration may be given to conversion to a partial ROCW Easement as part of a Development Application.
Recommendation	Retain in private ownership.



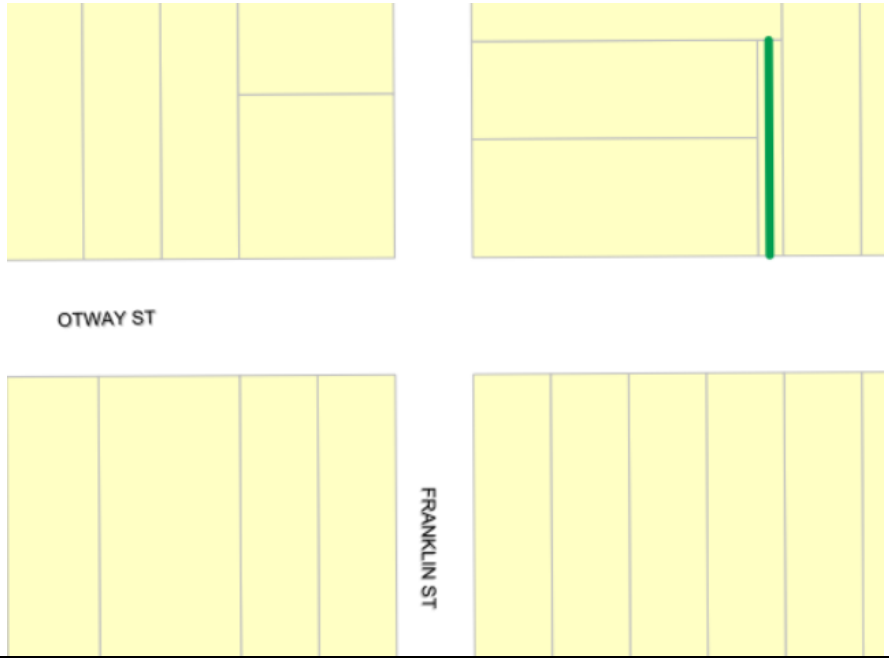


- The surface of the ROW is bitumen for the entire length and in fair condition with some signs of wearing.
- The ROW abuts four commerical tenancies to the south which present as open frontages, noting that the residential fencing to the north is solid and overheight.
- Given that the ROW abuts rear parking to the commercial tenancies, the width of the ROW is effectively greater than 3.6m.
- Limited surveillance of the ROW is achieved from the residential properties.

The ROW is part of the Swanbourne Local Centre site which is expected to undergo future redevelopment. In this respect, it is recommended that the ROW remain in private ownership as

the ROW will form part of future vehicle access to service proposed development where levels may need to be altered to assist access arrangements and alternative ROCW Easement arrangements may be considered as part of the Development Approval process.

ROW 109	
Ownership	Private Ownership – H.H. Wilson
Dimension	L: 27.9m W: 3.22m A: 90m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 1 property
Pedestrian Access	Services 2 properties
Link to Road Network	Bounded by Otway Street to the south which is the only point of access.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that the ROW is bounded by heritage listed dwellings on both sides. Therefore, current vehicle traffic will be maintained.
Recommendation	Close and negotiate acquisition by adjoining owners with easement if required.





- The surface of the ROW is predominantly gravel and overgrown grass, with brick paving to the northern end.
- Solid fencing and a garage wall to the west limits casual surveillance of the ROW.
- One formal drain is located in the middle of the ROW to manage stormwater, noting that stormwater is likely to also run off into the soil.

Although the ROW is in poor condition, it is bounded by only three residential properties and is unlikely to generate a high level of vehicle traffic in the future. It is noted that the abutting properties are established homes and two do not use the ROW for vehicle access. In this respect, it is recommended that the Town investigate closure and apportionment to the adjoining property owner who presently gains access from the ROW, together with any easement requirements.

ROW 110	
Ownership	Private Ownership – H. Atwell
Dimension	L: 80.46m W: 3.32m A: 267m^2
Condition	Ungraded
Services within ROW	Western Power cable, ATCO gas pipe, Water Corp. pipe and Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Services 2 properties
Link to Road Network	Part of original ROW network extending from Shenton Road to the north and Claremont Crescent to the south.

	Bounded by Otway Street to the north and Rob Roy Street to the south. Part forms part of the Otway Street road network.
Current/Future Density	Density coding of R20 – No proposed change. The ROW is not used for vehicle access and not expected to in future
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*



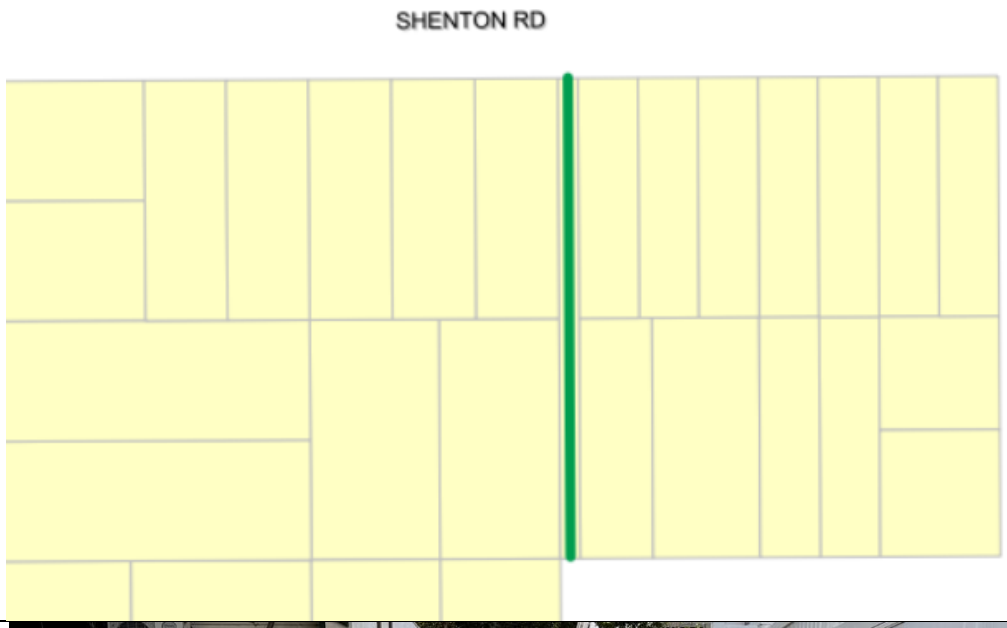


- The ROW is no longer functional for vehicle access, noting that the entire surface is grass.
- The ROW is abutted by solid brick walls and fibre cement/asbestos fencing on either side which limits surveillance.

- All stormwater is drained into the soil.

Given that several services are located within the ROW, maintaining access is essential. In this respect, it is recommended that the Town take ownership and management of the ROW for conversion into a formalised pedestrian access way, upgrading the surface, drainage and lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly. This will not prevent that portion of the ROW located adjacent to Otway Street being continued to be used as part of the road network.

ROW 111	
Ownership	Private Ownership – H. Atwell
Dimension	L: 80.46m W: 3.32m A: 267m^2
Condition	Variable condition, ranging from Poor to Very Good Some gradings have not been applied
Services within ROW	Water Corp. wastewater pipes
Vehicular Access	Services 1 property
Pedestrian Access	Services 2 properties
Link to Road Network	Part of original ROW network extending from Shenton Road to the north and Claremont Crescent to the south. Bounded by Shenton Road to the north and Otway Street to the south.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that all dwellings abutting the ROW are well established. Therefore, current vehicle traffic will be maintained.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*

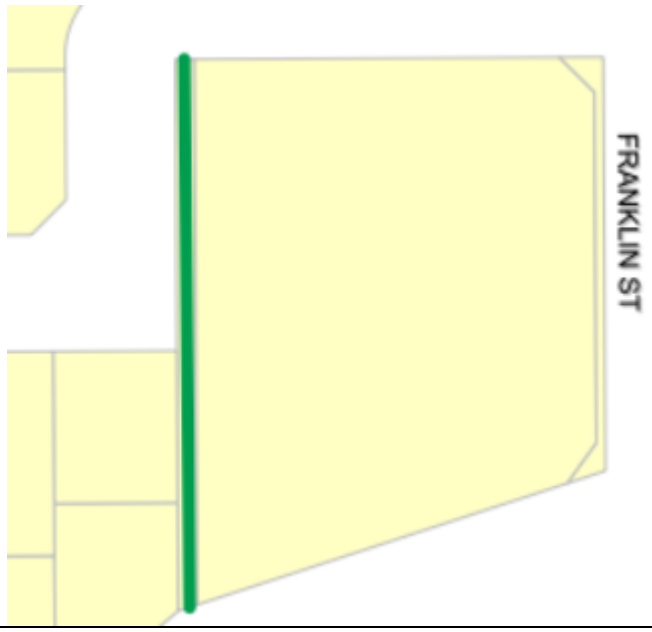




- Acts partially as a vehicle access noting a section of paved bitumen to north adjoining Shenton Road in fair condition. Remainder of the ROW is grass and sand.
- Mix of fencing types evident, primarily solid which limits casual surveillance of the space.
- Most stormwater run off is into the soil.

The ROW is the primary vehicle access point for one residential however it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, and upgrade the surface and drainage and provide lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 112	
Ownership	Private Ownership – H. Atwell
Dimension	L: 94.02m W: 3.32m A: 312m^2
Condition	Ungraded
Services within ROW	Water Corp. pipe Water Corp. wastewater pipes
Vehicular Access	Nil
Pedestrian Access	Services 1 property (aged care)
Link to Road Network	Part of original ROW network extending from Shenton Road to the north and Claremont Crescent to the south. Bounded by Rob Roy to the north and Claremont Crescent to the south.
Current/Future Density	Density coding of R20 to the west, noting the aged care facility to the east. The ROW is no longer used for the purpose of vehicle access and is acting as a formal pedestrian access. Portion of the ROW forms the verge of Deakin/Otway Street.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- The ROW has been converted to a pedestrian access way.
- The surface is limestone paving (extent of the path) and is in goodition. Tree planting is also evident within the ROW.
- The ROW is abutted by an aged care come to the east with open fencing that provides sufficient casual surveillance.
- No formal drainage is located within the ROW, noting that stormwater is likely to run off into the soil.

Given that the ROW is functioning well as a pedestrian access, it should be retained. In this respect, it is recommended that the Town take ownership and management of the ROW for conversion into a formalised pedestrian access way, upgrading the surface and drainage when required including the provision of lighting (subject to consideration of amenity impacts and the views of adjoining property owners). The pedestrian access should form a continuous access from ROW 110 once it is converted. This action would not prevent the continued use of the verge as part of Deakin /Otway Street.

ROW 113-114	
Ownership	Private Ownership – Tonic Holdings Pty Ltd & Synergy WA Pty Ltd
Dimension	L: 128.8m W: 5.03m A: 151.8m^2
Condition	Partially Very Good however generally ungraded
Services within ROW	Water Corp. wastewater tunnel
Vehicular Access	Services 9 properties
Pedestrian Access	Services 1 property

Link to Road Network	Bounded by Deakin Street to the North and Claremont Crescent to the south, with access from both.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that all dwellings abutting the ROW are well established. Therefore, current vehicle traffic will be maintained.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*





- The surface of the ROW is a mix of bitumen and gravel throughout, with evidence of wearing including potholes.
- Little drainage is observed within the ROW therefore stormwater run off is into the soil.
- Fencing is generally solid and metal which limits casual surveillance, noting that no dwellings are oriented towards the ROW.
- The ROW is relatively wide and can accommodate two way vehicle access.
- Access is provided to commerical tenancies to the south that front Claremont Crescent.

The ROW is the primary vehicle access point for several properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, upgrade the surface and drainage, and provide lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 115	
Ownership	Private Ownership – E. Dean
Dimension	L: 144.5m W: 4.02m A: 580.85m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	Western Power cable and Water Corp. wastewater pipes
Vehicular Access	Services 16 properties
Pedestrian Access	Services 6 properties
Link to Road Network	Bounded by Claremont Crescent to the south which is the only point of access.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that the ROW is bounded by several established heritage properties. Therefore, current vehicle traffic will be maintained.
Recommendation	Request the Minister to close and dedicate the land for management by the Town under the Sections 52 and 56 of the *Land Administration Act 1997.*

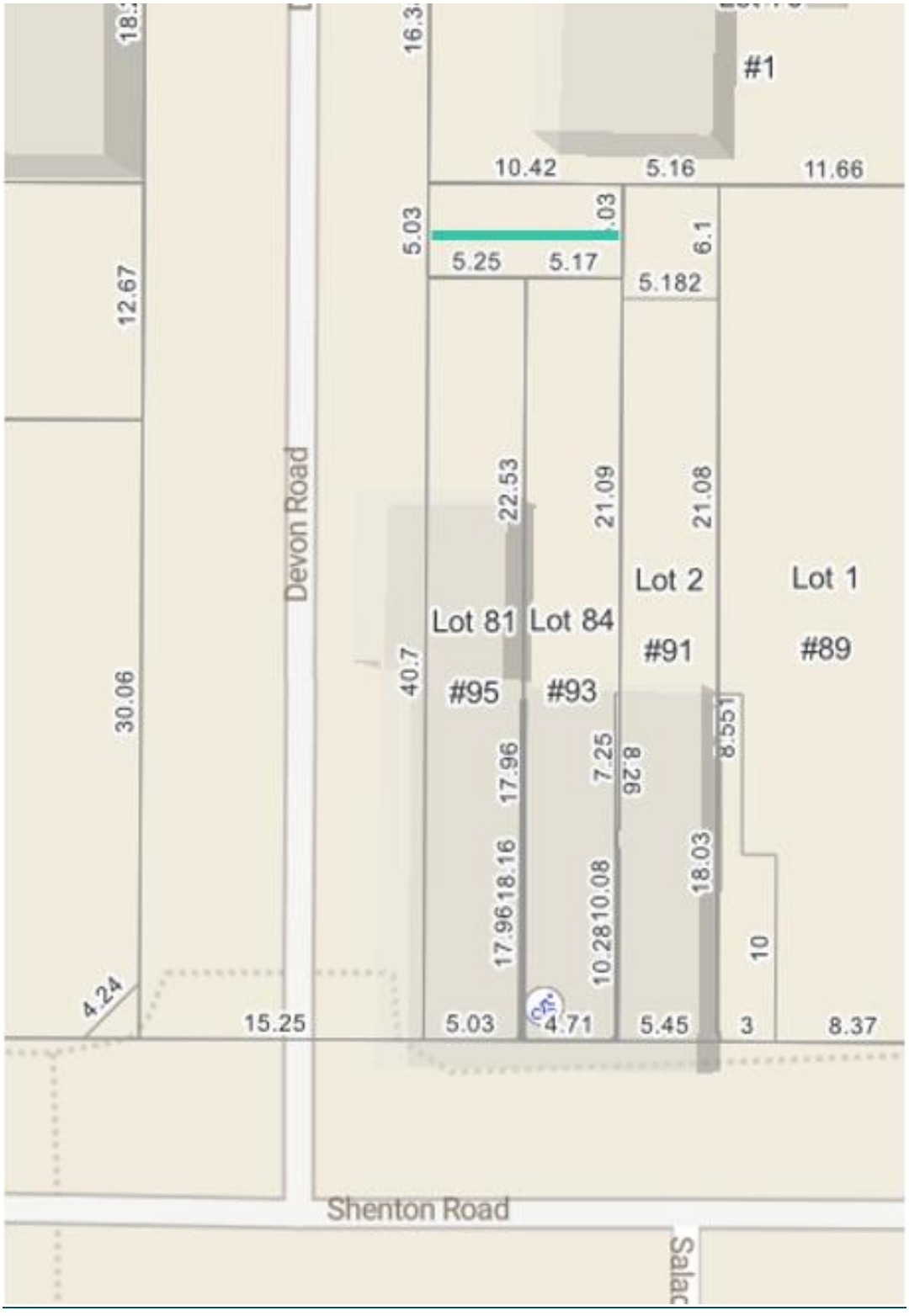




- The surface of the ROW is partially bitumen (north to south) which is in poor conditon with potholes evident. The remainder (east to west) is gravel and sand which is also in poor condition.
- The portion of the ROW from north to south is very narrow, restricting vehicle movement.
- Little drainage is observed within the ROW therefore stormwater run off is generally into the soil.
- A mix of fencing types is evident along the ROW, consisting of solid and open. Mature vegetation is also evident within the ROW, particularly from east to west, limiting casual surveillance.

The ROW is the primary vehicle access point for several properties and it may service more properties in the future. Therefore, it is recommended that the Town take ownership and management of the ROW, upgrade the surface and drainage, and provide lighting (subject to consideration of amenity impacts and the views of adjoining property owners) accordingly.

ROW 116	
Ownership	Private Ownership – HBS Brede, RGN Gibb and WRB Sweeney
Dimension	L: 10.42 W: 5.03m A: 52.41m^2
Condition	Variable condition, ranging from Very Good to Very Poor Some gradings have not been applied
Services within ROW	TBD
Vehicular Access	Services 3/4 properties
Pedestrian Access	Services 3/4 properties
Link to Road Network	Bounded by Devon Road to the west which is the only point of access.
Current/Future Density	Density coding of R20 – No proposed change. No subdivision potential, noting that the ROW is bounded to the south and east by three established commercial heritage properties. Therefore, current vehicle traffic will be maintained.
Recommendation	Retain in private ownership.


#1
10.42
5.16
11.66
5.03
5.25
5.17
5.182
6.1
12.67
Devon Road
22.53
21.09
21.08
Lot 2
Lot 1
Lot 81
Lot 84
#91
#89
#95
#93
40.7
30.06
17.96
7.25
8.26
8.55
18.03
17.96
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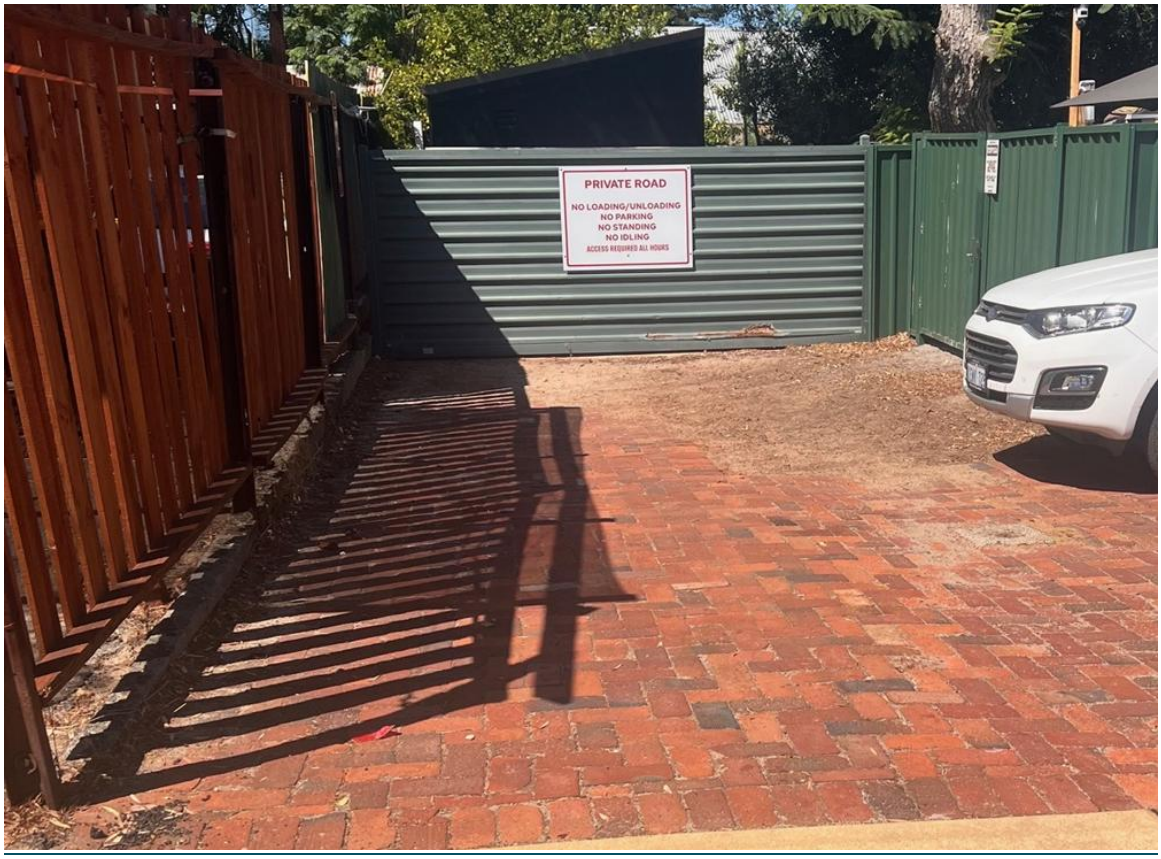
5.45
3
8.37
Shenton Road



- The surface of the ROW is partially brick paved (north and west) which is in good conditon. The south east remainder is sand in poor condition.
- The ROW provides servicing access to the retail shops/premises located to the south and east.
- Little drainage is observed within the ROW therefore stormwater run off is generally into the soil or out onto the road to the west.
- A mix of fencing types is evident along the ROW, consisting of solid and open.

Given that the ROW services the rear of commerical tenancies and is generally maintained in good condition, it is not anticipated that the condition of the ROW will deteriorate futher. Given the short length of the ROW with direct connection to Devon Road and the capacity for adjoining owners to upgrade the survace treatment in the south-eastern corner, it is recommended that the ROW remain in private ownership.

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