

TEMPORARY USES AND MINOR WORKS



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning
Responsible Officer	-
Affected Business Unit/s	-

PURPOSE:

To define temporary uses and minor works and to clarify types of developments that are exempt from requiring planning approval.

POLICY STATEMENT:

1. Temporary uses and minor works with the following characteristics do not require planning approval:
 - a) Small in scale, and do not unduly impact the local community in regards to noise and other emissions, do not create high amounts of traffic, and does not remove any trees.
 - b) The development site is not;
 - i. Entered on the register of Heritage Places under *the Heritage of Western Australia Act 1990*;
 - ii. The subject of an order under the *Heritage of Western Australia Act 1990* Part 6;
 - iii. Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s);
 - iv. Within an areas designated under the town planning scheme(s) as a heritage area; or
 - v. The subject of a heritage agreement entered into under *Heritage of Western Australia Act 1990* section 29.
 - c) Is not detrimental to the streetscape or day to day activities of the local community.
 - d) Does not unduly impact vehicular or pedestrian accessibility.
 - e) Will not unduly impact on the general public's health and safety.

Where a temporary use or minor works is not specified below but meets all of the above characteristics it may not require planning approval.

2. Temporary uses and minor works include, but is not limited to, the following developments/activities:
 - a) *Temporary Uses*
 - i. Temporary uses include but are not limited to the following:

Garage sales, fetes, fairs, circus, charity goods sales, community markets, street festivals and pop-up shops (temporary or seasonal shop).

ii. Where a temporary use meets all of the following requirements planning approval is not required:

- Does not cause excessive noise nor create excessive traffic in the locality, causing congestion and/or compromising the safety of the users of the space.
- Does not construct any permanent works or structures, unless otherwise approved by the City of Bayswater.
- One temporary sign with a maximum size of 1.5m² relating to an above temporary use and located within private property.
- Does not cumulative occur on more than 20 days within a 12 month period.
- Operates within the hours of 7.00am and 10.00pm.

* Temporary uses may require other approvals such as Community Event Approval.

b) Water Tanks

Where a water tank meets all of the following requirements planning approval is not required:

- i. The structure has a maximum height of 3.0m from the natural ground level.
- ii. The structure shall not be directly visible from the primary street.
- iii. The structure is not to be situated within the primary street setback area and comply with the lot boundary setback requirements of the Residential Design Codes, unless entirely underground.

c) Signage and Advertising

Where signage and advertising meets the following requirements planning approval is not required:

- i. Changes to text and/or graphics on existing approved signs and advertising, without alteration to dimensions of the signage.

d) Street Fences, Walls and Gates

- i. Where street fences, walls and gates are compliant with the applicable town planning scheme(s) planning approval is not required.

e) Works Small In Scale and Composition

- i. Where works small in scale and composition, do not unduly affect the locality by way of emissions of any kind nor generate excessive amounts of traffic, nor adversely affect pedestrian pathways. This includes, but is not limited to, the following:
 - Marquees;
 - Stall setups;
 - Tables; or
 - Umbrellas.
- ii. Where the works do not include alterations or additions to buildings.

f) *Vergolas and Shade Sails*

Where a vergola or shade sail meets all of the following requirements planning approval is not required:

- i. The structure has a maximum height of 3.0m from natural ground level.
- ii. The structure is not to be situated within the primary street setback area and comply with the lot boundary setback requirements of the Residential Design Codes.
- iii. The structure does not encroach on an existing parking layout.

g) *Alfresco Dining on Public Thoroughfares*

Where alfresco dining meets all of the following requirements planning approval is not required:

- i. The alfresco dining furniture is located in front of the associated business.
- ii. The alfresco dining area ensures a minimum clear footpath width of 2.0m in all cases. Pedestrians are to be able to make normal use of the footpath.
- iii. The alfresco dining area has an approved permit under Division 3 - 'Outdoor eating facilities on public places' of the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

h) *Temporary Offices, Sales Offices or Sheds on Development Sites*

Where a temporary office, sales office or shed on a development site meets all of the following requirements planning approval is not required:

- i. The structure is on the development site for the duration of the works or a longer period approved by the City of Bayswater, and does not include the use of sea containers.

3. Other Approvals

This policy does not exempt development from the requirement to obtain any other necessary approvals including but not limited to the following:

- Building Permit
- Community Event Approval
- Approval under Local Laws
- Environmental Health Permits
- Technical Services Approval

RELATED LEGISLATION:

Policy is adopted under the City of Bayswater's town planning scheme(s), in accordance with Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

RELATED DOCUMENTATION:

NA

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	21 June 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	