

# Agenda


## Policy Review and Development Committee

**Monday 25 November 2024**

### Notice of Meeting

The next Policy Review and Development Committee will take place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Monday 25 November 2024** commencing at **6:30 pm**.

Yours sincerely



**JEREMY EDWARDS**  
**CHIEF EXECUTIVE OFFICER**

18 November 2024

---

<b>1</b>	<b>OFFICIAL OPENING</b> .....	<b>3</b>
<b>2</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>3</b>
<b>3</b>	<b>ATTENDANCE</b> .....	<b>3</b>
	<b>3.1 Apologies</b> .....	<b>3</b>
	<b>3.2 Approved Leave of Absence</b> .....	<b>3</b>
<b>4</b>	<b>DISCLOSURE OF INTEREST SUMMARY</b> .....	<b>3</b>
<b>5</b>	<b>DELEGATED AUTHORITY BY COUNCIL</b> .....	<b>4</b>
<b>6</b>	<b>TERMS OF REFERENCE</b> .....	<b>4</b>
<b>7</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>4</b>
<b>8</b>	<b>METHOD OF DEALING WITH AGENDA BUSINESS</b> .....	<b>4</b>
<b>9</b>	<b>REPORTS</b> .....	<b>6</b>
	<b>9.1 2024 Policy Review Schedule - Progress Report</b> .....	<b>6</b>
	<b>9.2 New Policy: Designated Dog Areas</b> .....	<b>12</b>
	<b>9.3 Policy Review: Grants Program</b> .....	<b>19</b>
	<b>9.4 Policy Review: Edible Gardens Policy</b> .....	<b>37</b>
	<b>9.5 Policy Review: Land Acquisition and Disposal</b> .....	<b>49</b>
	<b>9.6 Planning Policy Review: Non-Residential Uses</b> .....	<b>67</b>
	<b>9.7 Planning Policy Review: Height Restriction - Neville Street</b> .....	<b>83</b>
	<b>9.8 Planning Policy Review: Temporary and Minor Development</b> .....	<b>96</b>
	<b>9.9 Planning Policy Review: Proposed Character Protection Areas Policy</b> .....	<b>113</b>
	<b>9.10 Policy Review: Construction Materials</b> .....	<b>199</b>
	<b>9.11 Policy Review: Attendance at Events</b> .....	<b>204</b>
<b>10</b>	<b>GENERAL BUSINESS</b> .....	<b>222</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS</b> .....	<b>222</b>
<b>12</b>	<b>NEXT MEETING</b> .....	<b>222</b>
<b>13</b>	<b>CLOSURE</b> .....	<b>222</b>

**1 OFFICIAL OPENING****2 ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

*Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.*

English Language Interpretation

*We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.*

**3 ATTENDANCE****Presiding Member**

Cr Elli Petersen-Pik Deputy Mayor

**Members**

Cr Josh Eveson  
Cr Georgia Johnson  
Cr Nat Latter  
Cr Assunta Meleca  
Cr Steven Ostaszewskyj

**Officers**

Jeremy Edwards	Chief Executive Officer
Luke Botica	Director Infrastructure and Assets
Bianca Sandri	Director Community
Amanda Albrecht	Manager Governance and OPD
Alix Bray	Manager Property and Economic Development
Simon Hubbard	Manager Rangers and Security
Rebecca McKrill	Governance Officer (Minute-taker)

**3.1 Apologies**

Nil at time of agenda distribution.

**3.2 Approved Leave of Absence**

Nil.

**4 DISCLOSURE OF INTEREST SUMMARY**

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

## 5 DELEGATED AUTHORITY BY COUNCIL

There are no items appearing in this agenda for which the Policy Review and Development Committee has been granted delegated authority by Council in accordance with section 5.23(1)(b) of the *Local Government Act 1995 (WA)*; this meeting is closed to the Public.

## 6 TERMS OF REFERENCE

### Purpose

The purpose of the Committee is to:

- Review City of Bayswater policies and facilitate the development of new policies for the consideration by Council as required.
- Make recommendations to Council on matters related to policy, policy review and policy development.

### Membership

Six Elected Members (a minimum of three is required under legislation).

The quorum for this Committee is three members.

All other Councillors are appointed as Deputies.

Members must abide by the *City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates*.

### Delegated Authority

This Committee does not have any delegated authority. The Committee will make recommendations to Council on report items. Report items will then be presented for Council's consideration at the next available Ordinary Council meeting.

### Meetings

Committee meetings are to be held in accordance with the *City of Bayswater Standing Orders Local Law 2021*.

The Committee shall meet at least quarterly at the City of Bayswater Civic Centre.

### Liaison Officer

Chief Executive Officer.

## 7 CONFIRMATION OF MINUTES

**The Minutes of the Policy Review and Development Committee held on 30 September 2024 which have been distributed, be confirmed as a true and correct record.**

## 8 METHOD OF DEALING WITH AGENDA BUSINESS

With the exception of items identified to be withdrawn for discussion, the remaining reports will be adopted by exception (enbloc).

An adoption by exception resolution may not be used for a matter:

- (a) in which an interest has been disclosed;
- (b) that has been the subject of a petition or deputation;
- (c) that is a matter on which a Member wishes to make a statement; or
- (d) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

**9 REPORTS****9.1 2024 Policy Review Schedule - Progress Report**

<b>Responsible Branch:</b>	Governance and Organisational Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Information Purposes
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	Nil
<b>Refer:</b>	Item 10.6.1.1: OCM 31 January 2023

**SUMMARY**

This report monitors the progress of Policy Reviews against the Policy Review Schedule adopted by Council on 12 December 2023.

**OFFICER'S RECOMMENDATION**

**That Council notes the progress of Policy Reviews against the 2024 Policy Review Schedule.**

**BACKGROUND**

At its meeting of 20 November 2023, the Policy Review and Development Committee (PRDC) recommended that Council adopted a policy schedule for 2024. The schedule was subsequently adopted by Council at its meeting of 12 December 2023.

**EXTERNAL CONSULTATION**

No consultation has yet occurred with the public or other agencies on this matter.

**OFFICER'S COMMENTS**

The progress of policy reviews against the 2024 Policy Review Schedule is shown in the table below. The schedule aims to review all the City's policies within a two-year period to ensure that all the City's policies are up to date and relevant.

<b>Policy Committee Meeting Date</b>	<b>Policy Name</b>	<b>Review Status</b>	<b>Comment</b>
18 March 2024	Character Protection Areas	In Progress	This policy is presented for review in the agenda for this meeting.
	Dinghy Management	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and adopted by the Council at its 30 April 2024 meeting.
	Honorary Freeman of the City	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and adopted by the Council at its 30 April 2024 meeting.
	Asset Management	Complete	This Policy was reviewed by the PRDC on 8 July 2024 and adopted by the Council at its 23 July 2024 Ordinary Meeting.

Policy Committee Meeting Date	Policy Name	Review Status	Comment
	Payments	Complete	This Policy was reviewed by the PRDC on 18 March 2024 and repealed by the Council at its 30 April 2024 meeting.
	Retaining Walls	Complete	The final draft of this Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
	Private Trees	Complete	This policy was reviewed by the PRDC on 8 July 2024. The revised policy was adopted by the Council on 23 July 2024.
	Privacy	Review carried forward to 2025	Review of this Policy has been rescheduled to the first Policy and Development Committee of 2025, to align with the new Privacy and Responsible Information Sharing legislation, which is progressing through Parliament. The Department of the Premier and Cabinet has advised that the Bill will progress through Parliament by the end of the year with templates and model documents prepared for use in early 2025.
	Elected Members Allowances	Complete	The PRDC reviewed this Policy at its meeting of 18 March 2024. On 30 April 2024, the Council adopted the Committee’s recommendation to repeal this Policy and adopt a new Elected Members Entitlements Policy.

Policy Committee Meeting Date	Policy Name	Review Status	Comment
8 July 2024 (Rescheduled from 24 June 2024)	Administrative Management of Policies	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Council Vehicle Fleet	Review carried forward to 2025	Review of this Policy has been rescheduled to the first Policy and Development Committee of 2025. This will enable alignment with the City's adopted Asset Management Plan and provide adequate time for the City's new Sustainability Officer to align the policy's provisions to the requirements of the City's Emissions Reduction and Renewable Energy Plan.
	Funding and the Provision of In Kind Support for Minor works for Public and Private Schools within the City of Bayswater	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Street Verges	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Disposal of Unclaimed Animals	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Requirement to Hold Working with Children Check	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Directional Signs	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Contribution to Common Fences	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.



Policy Committee Meeting Date	Policy Name	Review Status	Comment
30 September 2024	Official Photograph of Council	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
	Edible Pocket Gardens	In Progress	The PRDC requested the CEO to undertake a further review of this Policy and submit it to the PRDC meeting of 25 November for consideration. Therefore, this Policy is presented for review in the agenda for this meeting.
	Civic Allowance Policy – Chief Executive Officer and Directors	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
	Home-Based Business Licensing	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and repealed by Council (as recommended by the Committee) at its meeting of 22 October 2024 (resumed 28 October 2024).
	Landscaping	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
	Graffiti Vandalism	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
	Purchase and Placement of Memorial Seats	Complete	This Policy was reviewed at the PRDC of 8 July 2024. The revised policy was adopted by the Council at its meeting of 23 July 2024.
	Telecommunications Infrastructure	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).

Policy Committee Meeting Date	Policy Name	Review Status	Comment
	Significant Tree Register for Private Land (Policy and Guidelines)	Complete	This Policy was reviewed by the PRDC at its meeting of 30 September 2024 and adopted by Council at its meeting of 22 October 2024 (resumed 28 October 2024).
25 November 2024	Non - Residential Uses in Residential Zones	In Progress	This policy is presented for review in the agenda for this meeting.
	Temporary and Minor Development	In Progress	This policy is presented for review in the agenda for this meeting.
	Land Acquisition and Disposal	In Progress	This policy is presented for review in the agenda for this meeting.
	Policy Governance	Complete	Review of this policy was brought forward to the July meeting of the PRDC, to incorporate the clauses from the Administrative Maintenance of Policies Policy. The revised policy was adopted by Council at its 23 July 2024 meeting.
	Construction Materials	In Progress	This policy is presented for review in the agenda for this meeting.
	Attendance at Events	In Progress	This policy is presented for review in the agenda for this meeting.
	Height Restriction - Neville Street, Bayswater	In Progress	This policy is presented for review in the agenda for this meeting.

The following policies are also presented for Council's consideration in the agenda for this meeting:

1. *Proposed Designated Dog Areas Policy*

This new Policy is proposed to provide guidance that enables fair and accountable decision making in relation to specifying or amending dog exercise areas or prohibiting dogs from certain areas.

2. *Grants Program Policy*

At its Ordinary Council Meeting of 22 October 2024 (resumed on 28 October 2024), the Council adopted the Committee Recommendation, requesting the *Grants Program Policy* to be reviewed at the 25 November 2024 PRDC.

### LEGISLATIVE COMPLIANCE

In accordance with section 2.7 of the *Local Government Act 1995* the role of Council is to determine a local government's policies.

**RISK MANAGEMENT CONSIDERATION**

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

**CONCLUSION**

This report monitors the progress of Policy Reviews against the Policy Review Schedule adopted by Council on 12 December 2023.

## 9.2 New Policy: Designated Dog Areas

<b>Responsible Branch:</b>	Ranger and Security Services
<b>Responsible Directorate:</b>	Community
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Draft Dog Exercise Areas Policy [9.2.1 - 4 pages]
<b>Refer:</b>	Item 10.4.1, OCM 22.10.2024 Item 10.1.5, OCM 24.09.2024 Item 10.4.5, OCM 29.01.2019 Item 11.2.9, OCM 26.06.2014

### SUMMARY

For Council to consider adopting a *Dog Exercise Area Policy*.

### OFFICER'S RECOMMENDATION

That Council adopts the *Dog Exercise Area Policy* as contained in Attachment 1 to this Report.

### BACKGROUND

During 2013, a review of the *Dog Act 1976* (the Act) was undertaken and as part of the review, section 31 was amended to include the authority for local governments to specify certain public places under their care, control or management as dog exercise areas, or to prohibit dogs from public places under their care, control or management. Previously these matters were addressed through the City of Bayswater Dogs Local Law (the Local Law).

At its Ordinary Meeting held on 24 June 2014, Council resolved to adopt dog exercise areas, prohibited areas and penalties in accordance with the legislative change. In 2018, the City undertook a further dog exercise review which was adopted by Council at its Ordinary Meeting held on 29 January 2019.

Following recent requests from community members to amend dog exercise areas at Cloughton Reserve, Bayswater and Battersea Reserve, Morley and the Riverside Gardens Urban Forest project it is likely the City will receive requests to amend dog exercise areas in the near future.

During a recent revision of dog exercise areas, it was noted that no guiding policy exists to support Council's decision making regarding these matters and a new Dog Exercise Area Policy (the policy) will assist Council when contemplating the establishment, removal or amendment of dog exercise areas.

### EXTERNAL CONSULTATION

No formal external consultation has been undertaken in relation to development of this policy.

### OFFICER'S COMMENTS

The review of dog exercise areas undertaken by the City in 2018 determined that the presence and location of dog exercise areas is topical, with community members holding a wide range of opinions about whether dog exercise areas should exist at all, where they should be located and what form they should take.

During the review, 5,479 dogs were registered within the City, which was believed to be approximately 50% of the actual dog population. The City currently has 7,357 registered dogs,

which represents an increase of 34%. The number of dogs within the City is expected to increase in line with the rising population and increased property density.

As it is likely the City will increasingly be relied on to make decisions regarding dog exercise areas this policy is intended to provide the City's administration and Council with a framework to make transparent and consistent decisions in relation to dog exercise areas.

The policy is intended to provide an equitable and accountable decision-making process which incorporates all relevant factors of the location being assessed, including the following:

- Class and the size of the Reserve.
- Active sport or recreation.
- Playground.
- Conservation or environmentally sensitive.
- Proximity to road networks and existing dog exercise areas.
- Health risks from dog excreta.
- Geography, topography and physical layout.
- Presence and location of facilities.

A copy of the draft *Dog Exercise Area Policy* is attached as **Attachment 1**.

#### **LEGISLATIVE COMPLIANCE**

Section 31 of the *Dog Act 1976*, relating to the control of dogs in certain public places, states the following:

*“(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited:*  
*(a) at all times; or*

*(b) at specified times.*

*(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

*(3C) At least 28 days before specifying a place to be —*

*(a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*

*(b) a dog exercise area under subsection (3A); or*

*(c) a rural leashing area under subsection (3B),*

## RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

## FINANCIAL IMPLICATIONS

Financial implications are minimal.

The cost of publishing a public notice of variations is approximately \$300 and replacement signage costs approximately \$220 per sign.

The implication of community engagement will vary based on individual situations.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

- Theme: Community
- Goal C1: Create safe and inviting places for people to come together.
- Goal C3: Maximise the use of the City's facilities and parks by all sections of the community.

This policy will enable consistent and informed decisions to be made in relation to dog exercise areas which will enhance the safety of people and dogs in public places and contribute to making the City a welcoming and vibrant place.

## CONCLUSION

The *Dog Exercise Area Policy* will provide City officers and Council with an objective and accountable mechanism to select, amend or remove dog exercise areas and provide the community with confidence that decisions are made in a fair and transparent manner that takes relevant factors into account.



# Dog Exercise Area Policy

<b>Responsible Division</b>	Community Services
<b>Responsible Business Unit</b>	Rangers and Security
<b>Responsible Officer</b>	Manager Rangers and Security
<b>Affected Business Units</b>	Rangers and Security
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

The purpose of this policy is to provide guidance that enables fair and accountable decision making in relation to specifying or amending dog exercise areas or prohibiting dogs from certain areas.

## Scope

This policy applies to certain public places under the care, control or management of the City.

## Definitions

Active reserves are predominantly utilised for organised sporting activities and require high levels of maintenance to sustain quality turf. Organised sport should be at the forefront of decision making as the intended primary use and the potential for dogs to damage turf and the risks to health and convenience of dog excreta that is not removed.

Dog exercise area: A public place under the care, control or management of the City where dogs have been approved to be exercised without being tethered or held by a leash, however the dog must remain under the control of the person who is responsible for it.

Passive reserves: Areas utilised for recreational activities that do not involve organised sport. They generally contain low maintenance turf with medium quality surface conditions suitable for low wear applications. They can encourage long stay usage with barbecues, playgrounds and toilet facilities or short stay usage with fewer facilities. These reserves are considered the most appropriate for use as dog exercise areas.

## Policy Statement

### 1. Class and size of location

There is no standard relating to the recommended size of dog exercise areas. Consideration should be given to areas that:

- Provide sufficient room to enable dogs to be exercised with minimal risk of conflict between dogs and other users of the location.
- Are sufficiently contained to prevent owners from losing sight or control of their dog.

Passive, active and static reserves each have differing user types, levels of activity and community expectations. No parks or reserves are to be considered as dog exercise areas during sporting or community activities.

Static reserves or land parcels may not be suitable due to their location, topography, geographical features etc. where use of these locations may present a risk to the City.

## **2. Playgrounds, carparks and lakes**

At the Ordinary Council Meeting on 29 January 2019 Council, resolved the following public places are not dog exercise areas, meaning dogs are permitted but must be on lead:

- Any park or reserve during a community event or sporting activity.
- Within 5 metres of a lake.
- Within a carpark.
- Within 20 metres of any unfenced playground, regardless of whether it is a specified dog area.

## **3. Prohibited areas**

At the Ordinary Council Meeting on 29 January 2019, Council resolved that dogs are prohibited at the following public places, other than on designated paths and with a leash securely fastened:

- Lightning Swamp Bushland.
- Eric Singleton Bird Sanctuary.
- Baigup Wetlands.

Dogs are totally prohibited from any park or reserve where fox trapping, nesting wildlife, weed eradication or other seasonal activities are taking place and are suitably signed during those activities.

## **4. Other factors for consideration**

Other factors for consideration when assessing suitability of potential dog exercise areas include:

- Proximity to road networks
- Proximity to other dog exercise areas
- The location and type of nearby facilities
- Health risks and inconvenience of dog excreta
- Proximity to vulnerable community members



Class	Sport	Playground	Other	Status
Passive	No	Yes	Reserve is small and does not accommodate 20 metre diameter around playground.	On lead
Passive	No	No	Close proximity to road and no physical barriers	On lead
Passive	No	No	No roads or schools nearby and clearly defined boundary	Off lead
Passive	No	Yes	Open space, 20 metre radius around playground, no organised sport	Off lead
Active	Yes	No	Regular organised sporting activities, well maintained high quality turf	On lead
Active	Yes	Yes	Regular organised sporting activities, well maintained high quality turf.	On lead
Passive	No	No	Clear and open space, high visibility, physical boundary, no competing uses	Off lead
Passive	No	No	Environmentally sensitive areas.	Prohibited, partly prohibited or on lead

**Table 1 – Example assessments**

## Related Legislation

Section 31 of the *Dog Act 1976*, relating to the control of dogs in certain public places, states:

*“(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited:*

*(a) at all times; or*

*(b) at specified times.*

*(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

*(3C) At least 28 days before specifying a place to be —*

*(a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*

- (b) a dog exercise area under subsection (3A); or
- (c) a rural leashing area under subsection (3B),

### Related Documentation

City of Bayswater Dog Exercise Review April 2018

### Document details.

<b>Relevant delegations</b>	Nil		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	Theme:	Community	
	Goal C1:	Create safe and inviting places for people to come together.	
	Goal C3:	Maximise the use of the City's facilities and parks by all sections of the community.	
<b>Council adoption</b>	[date]	<b>Resolution</b>	[item no.]
<b>Next review due</b>	[date]		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[item no.]
<b>Revision details</b>	[description]		

**9.3 Policy Review: Grants Program**

<b>Responsible Branch:</b>	Community Services
<b>Responsible Directorate:</b>	Community Development
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.3.1 - 5 pages]</li> <li>2. Amended Policy with Tracked Changes [9.3.2 - 5 pages]</li> <li>3. Draft Grants Program Policy [9.3.3 - 5 pages]</li> </ol>
<b>Refer:</b>	Item 10.5.2.1 OCM: 22 October 2024

**SUMMARY**

For Council to consider proposed amendments to the *Grants Program Policy*.

**OFFICER'S RECOMMENDATION**

That Council adopts the revised *Grants Program Policy* as contained in Attachment 3 to this Report.

**BACKGROUND**

The *Grants Program Policy* was last adopted on 28 June 2022 and was due for review 28 June 2026. The Policy Review and Development Committee requested the *Grants Program Policy* be reviewed ahead of schedule in light of the community concerns in regard to place making grants.

Subsequently, at its Ordinary Meeting held on 22 October 2024, Council resolved that it:

1. *Requests the Grants Program Policy be reviewed and submitted to the 25 November 2024 Policy Review and Development Committee for consideration.*

**EXTERNAL CONSULTATION**

No consultation has yet occurred with the public or other agencies on this matter.

**OFFICER'S COMMENTS**

The following revisions are proposed to the *Grants Program Policy*:

Policy Section	Revision	Rationale
<i>Purpose</i>	Include businesses into grant recipients	The Placemaking Grants, Seed Funding and Community Event Grant Management Practices have all since been amended to allow for businesses to receive grant funding. Event grants in the context that the event benefits Bayswater residents.
<i>Funding Stream Summary</i>	Change Community Event Grants to be open all year round	Increase community capacity to run community events by allowing event grant applications all year round. This amendment has already been adopted in the Community Event Grant Management Practice.
<i>Funding Stream Summary</i>	Remove Town Centre Grants Funding Stream	This funding stream is no longer included in the annual budget.

Policy Section	Revision	Rationale
<i>Funding Stream Summary</i>	Remove Neighbourhood Open Street Events	This funding stream is no longer included in the annual budget.
<i>Funding Stream Summary</i>	Amend Placemaking Grants	Amended to include businesses.
<i>Funding Stream Summary</i>	Waterwise Verge Garden	Amend to have one funding round per year.
<i>Funding Stream Summary</i>	Cloth Nappy Rebate	Amend to remove “maximum of 150 households”.
<i>Strategic Link</i>	Update Strategic link	Include Environment and Liveability and Vibrancy themes.
<i>Funding Stream Summary</i>	Catio Rebate	Inclusion of ‘catio rebate’ program.

A copy of the revised policy, with amendments shown in ‘tracked changes’ is provided in **Attachment 2**. Management practices will be amended or drafted as required to align with changes to the policy.

A copy of the revised policy, with amendments included, is provided in **Attachment 3**.

**LEGISLATIVE COMPLIANCE**

- *Local Government Act 1995.*
- *State Records Act 2000.*
- *Freedom of Information Act 1992.*

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer’s recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	low
Financial	Medium	low
Reputation and Stakeholders	Medium	medium
Service Delivery	Medium	medium
Environment	Low	low
Governance and Compliance	Low	low
Strategic Risk	SR04 - Inability to work collaboratively to engage and partner with stakeholders to promote and advocate opportunities to live and invest.	

**FINANCIAL IMPLICATIONS**

<b>Funding Stream</b>	<b>Annual Funding Allocation</b>
Better Bayswater Grant	\$20,000
Community Events Grant	\$62,500
Donations	\$30,000
Community Capital Requests	Approximate budget of \$160,000 allocated each year in the Forward Capital Works Program for the Community Capital grant. Officers provide recommendation on the projects to progress and council finalise the projects in the budget allocation each year.
Heritage Fund	\$20,000
Town Centre Events	No budget allocated
Placemaking Grants	\$50,000
Waterwise Verge Garden	\$10,000
Cloth Nappy Rebate	Approximate allocation of \$3,000
Catio Rebate	\$20,000

The above budget line items are subject to annual budget funding.

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Community

Goal C1: Celebrate multiculturalism, arts and culture by supporting local events and initiatives.

Goal C2: Create safe and inviting places for people to come together.

Goal C3: Maximise the use of the City's facilities and parks by all sections of the community.

Goal C4: Empower the community by helping them develop social connections.

Theme: Vibrancy

Goal V3: Activate the City's town and neighbourhood centres.

Goal V4: Support businesses across the City to grow and thrive.

**CONCLUSION**

That the revised *Grants Program Policy* be adopted by Council.



# City of Bayswater Grants Program Policy

<b>Responsible Division</b>	Community and Development
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development Planning and Place Corporate and Strategy Project Services Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	Document Set ID 4329447

## Purpose

The City of Bayswater Grants Program Policy aims to provide financial funding to:

1. An incorporated not-for-profit organisations/association or an auspice organisation or individual for a specific project which results in a defined community benefit. For example, inclusive of a social, sporting, cultural, environmental and/or charitable group context; and/or
2. An individual (resident) to support a specified activity must be based in City of Bayswater or primarily benefit residents and/or community of the City.

This Policy aims to establish best-practice grant-making that aligns with Council's vision and goals.

The following principles provide a framework for the design of the City of Bayswater Grants Program:

- **Capacity building** - To provide an opportunity to build the skills, networks and competency amongst individuals and organisations within the City of Bayswater. This includes the development of partnerships and collaborations which will ultimately provide sustainable projects and activities within the City of Bayswater.
- **Access and equity** - To support projects and programs representing a broad range of interests and needs within the community which align to; the Access and Inclusion Plan, Reconciliation Action Plan, Local Homelessness Plan, Youth Action Plan and Age Friendly Strategy; and any other relevant City plans.
- **Governance and accountability** - To have effective and efficient grant making processes proportional to the amount of funding being applied for, and the type of project being funded. Application and acquittal requirements are relative to the size of the grant provided.
- **Probity and transparency** - To follow a clearly outlined process to assess applications according to set funding criteria. Conflicts of interest are declared and addressed throughout an assessment process.
- **Value for money** - To seek to support grants that demonstrate good value for the amount of money or level of funding that has been requested. Projects and activities should not duplicate already existing services. Funding is subject to an annual budget approval process.

## Scope

This Policy intends to strategically guide the implementation of the Bayswater Grant Program which will be underpinned by a management practice for each grant funding stream that will address; purpose, scope, eligibility, assessment, funding conditions, grant conditions, marketing and promotion and review.

## Definitions

For the purpose of this Policy —

**Acquittal** means accurately reporting on the funded activities, including all expenditure of the grant.

**Auspice organisation** means an incorporated organisation that applies for a grant on behalf of an unincorporated organisation, group or individual. The auspice organisation is responsible for the financial management of the grant. An auspice agreement is a legally binding contract which sets out the legal obligations of both organisations toward each other and in relation to any specific funding of other agreements.

**Donation** means an arrangement where a financial contribution is provided to support a specified activity to an eligible party.

**Incorporated Association** means an incorporated association or club is able to pursue its objects and purposes by applying for grants, opening bank accounts and holding property in its own name, while limiting the exposure of its members to personal legal liability. For example, but not limited to, a social, sporting, cultural, environmental or charitable group.

An incorporated association can:

- (a) Open bank accounts
- (b) Apply for grants
- (c) Employ staff

**Public Liability Insurance** means insurance that protects a community organisation against its legal liability to pay:

- Compensation to third parties;
- Property damage that may occur as a result of the community organisations activities; and
- The legal costs that a community organisation may have if it needs to defend bodily injury and property damage claims made against it.

**Not-for-profit organisation** means an organisation registered with the Australian Charities and Not-For-Profits Commission.

## Policy Statement

The City of Bayswater Grants Program is responsive to contributing towards building a strong and inclusive community, support vibrant town centres and make the City a connected, accessible and welcoming destination.

The City of Bayswater Grants Program funding streams are summarised below:

No.	Funding Stream	Summary	No. of Rounds per Financial Year
1	Better Bayswater Grant**	Projects or programs that increase the capacity of organisations to improve community wellbeing (alignment with the City's Access and Inclusion Plan, Reconciliation Action Plan, Local Homelessness Strategy, Youth Action Plan, Age Friendly Strategy and any other relevant plans).	2
2	Community Events Grant	Events that are not located within a town/activity centre, and are open to the public and encourage increased activation and connection within the City of Bayswater area.	2
3	Donations	<u>Individuals:</u> To support local residents who reside in the City aged between 12 and 25 years selected from their State sporting association or national body with travel or accommodation costs to participate at the local, national or international level. <u>Community groups:</u> To support groups, local schools, clubs or not-for-profit organisations to deliver new services and resources that increase community participation or wellbeing.	Open all year round
4	Community Capital Requests**	To support established community not-for-profit organisations based and operating within the City of Bayswater to improve facilities and infrastructure.	1
5	Heritage Fund**	To assist with the maintenance, conservation and improvement of heritage buildings contained within the City's Heritage List for residential or non-residential properties.	Open all year round
6	Town Centre Events*	Events and activities which attract people to the City of Bayswater town/activity centres.	2
7	Neighbourhood Open Street Events	Small scale events held on street verges with less than 50 people with support through public liability insurance, traffic management control diagram provisions, signage and food voucher.	Open all year round
8	Place Making Seed Funding	Community-led place activation initiatives that align with priorities within the relevant Place Activation Plans.	1
9	Waterwise Verge Garden	A rebate for residents to create their own native verge plantings to support the Water Corporation's 'Waterwise Greening Scheme.'	Open all year round
10	Cloth Nappy Rebate**	The City offers a Cloth Nappy Rebate, with a 50 per cent rebate of up to \$100 for the purchase of modern cloth nappies for a maximum of 150 households.	Open all year round

Note: \* The Major Town Centre Event Funding is renamed the Town Centre Events.

Note: \*\* The funding eligibility requirement is matched funding.



### Related Legislation

- *Local Government Act 1995 (WA);*
- *State Records Act 2000; and*
- *Freedom of Information Act 1992.*

### Related Documentation

- *City of Bayswater Policy Framework;*
- *City of Bayswater Strategic Community Plan;*
- *Delegations Register;*
- *Access and Inclusion Plan;*
- *Reconciliation Action Plan;*
- *Local Homelessness Strategy;*
- *Youth Action Plan;*
- *Age Friendly Strategy;*
- *Community Recreation Plan;*
- *Play Space Strategy;*
- *Heritage Fund Policy (2008)*
- *Major Town Centre Events Policy (2012)*
- *Community Facility Lease and License Policy; and*
- *Sponsorship of Assets, Services and Activities Policy.*

### Document details

**Relevant delegations** Simple Majority required.

**Risk evaluation** Low

**Strategic link** In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community

Goal C1: Create safe and inviting places for people to come together.

Goal C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives

Goal C3: Maximise the use of the City's facilities and parks by all sections of the community

Goal C4: Empower the community by helping them develop social connections.

Theme: Environment and Liveability

Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

<b>Council adoption</b>	28 June 2022	<b>Resolution</b>	10.6.1.3
<b>Next review due</b>	Four years as per OCM 24/08/2021		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Revision details</b>	[revision no] [description]		

Current policy



# Grants Program Policy

<b>Responsible Division</b>	Community Services
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development Property and Economic Development Corporate and Strategy Project Services Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	4329447

## Purpose

The City of Bayswater Grants Program Policy aims to provide financial funding to:

1. An incorporated not-for-profit organisation/association or an auspice organisation or individual for a specific project which results in a defined community benefit. For example, inclusive of a social, sporting, cultural, environmental and/or charitable group context;
2. An individual (resident) to support a specified activity must be based in City of Bayswater or primarily benefit residents and/or community of the City.;
3. Business or Community Groups for place activation initiatives that contribute to physical character, amenity or activation of a town centre or business located in the City of Bayswater boundaries; and/or
2. Businesses that offer to deliver community events within the City of Bayswater boundaries that benefit residents and/or community of the City.;

This Policy aims to establish best-practice grant-making that aligns with Council's vision and goals.

The following principles provide a framework for the design of the City of Bayswater Grants Program:

- **Capacity building** - To provide an opportunity to build the skills, networks and competency amongst individuals and organisations within the City of Bayswater. This includes the development of partnerships and collaborations which will ultimately provide sustainable projects and activities within the City of Bayswater.
- **Access and equity** - To support projects and programs representing a broad range of interests and needs within the community which align to; the Access and Inclusion Plan, Reconciliation Action Plan. Local Homelessness Plan, Youth Action Plan and Age Friendly Strategy; and any other relevant City plans.
- **Governance and accountability** - To have effective and efficient grant making processes proportional to the amount of funding being applied for, and the type of project being funded. Application and acquittal requirements are relative to the size of the grant provided.
- **Probity and transparency** - To follow a clearly outlined process to assess applications according to set funding criteria. Conflicts of interest are declared and addressed throughout an assessment process.

- **Value for money** - To seek to support grants that demonstrate good value for the amount of money or level of funding that has been requested. Projects and activities should not duplicate already existing services. Funding is subject to an annual budget approval process.

## Scope

This Policy intends to strategically guide the implementation of the Bayswater Grant Program which will be underpinned by a management practice for each grant funding stream that will address; purpose, scope, eligibility, assessment, funding conditions, grant conditions, marketing and promotion and review.

## Definitions

For the purpose of this Policy —

**Acquittal** means accurately reporting on the funded activities, including all expenditure of the grant.

**Auspice organisation** means an incorporated organisation that applies for a grant on behalf of an unincorporated organisation, group or individual. The auspice organisation is responsible for the financial management of the grant. An auspice agreement is a legally binding contract which sets out the legal obligations of both organisations toward each other and in relation to any specific funding of other agreements.

**Donation** means an arrangement where a financial contribution is provided to support a specified activity to an eligible party.

**Incorporated Association** means an incorporated association or club is able to pursue its objects and purposes by applying for grants, opening bank accounts and holding property in its own name, while limiting the exposure of its members to personal legal liability. For example, but not limited to, a social, sporting, cultural, environmental or charitable group.

An incorporated association can:

- (a) Open bank accounts
- (b) Apply for grants
- (c) Employ staff

**Public Liability Insurance** means insurance that protects a community organisation against its legal liability to pay:

- Compensation to third parties;
- Property damage that may occur as a result of the community organisations activities; and
- The legal costs that a community organisation may have if it needs to defend bodily injury and property damage claims made against it.

**Not-for-profit organisation** means an organisation registered with the Australian Charities and Not-For-Profits Commission.

## Policy Statement

The City of Bayswater Grants Program is responsive to contributing towards building a strong and inclusive community, support vibrant town centres and make the City a connected, accessible and welcoming destination.

†The City of Bayswater Grants Program funding streams are summarised below:

No.	Funding Stream	Summary	No. of Rounds per Financial Year
1	Better Bayswater Grant**	Projects or programs that increase the capacity of organisations to improve community wellbeing (alignment with the City's Access and Inclusion Plan, Reconciliation Action Plan, Local Homelessness Strategy, Youth Action Plan, Age Friendly Strategy and any other relevant plans).	2
2	Community Events Grant	Events that <del>are not located within a town/activity centre, and</del> are open to the public and encourage increased activation and connection within the City of Bayswater area.	<a href="#">Open all year round</a> <sup>2</sup>
3	Donations	<u>Individuals:</u> To support local residents who reside in the City aged between 12 and 25 years selected from their State sporting association or national body with travel or accommodation costs to participate at the local, national or international level. <u>Community groups:</u> To support groups, local schools, clubs or not-for-profit organisations to deliver new services and resources that increase community participation or wellbeing.	Open all year round
4	Community Capital Requests**	To support established community not-for-profit organisations based and operating within the City of Bayswater to improve facilities and infrastructure.	1
5	Heritage Fund**	To assist with the maintenance, conservation and improvement of heritage buildings contained within the City's Heritage List for residential or non-residential properties.	Open all year round
6	Town Centre Events*	Events and activities which attract people to the City of Bayswater town/activity centres.	2
7	<a href="#">Neighbourhood Open Street Events</a>	<del>Small scale events held on street verges with less than 50 people with support through public liability insurance, traffic management control diagram provisions, signage and food voucher.</del>	<a href="#">Open all year round</a>
<del>768</del>	<del>Place Seed Grants Funding**</del>	<del>Community-led place activation initiatives that align with priorities within the relevant Place Activation Plans. Business and community-led place activation initiatives that contribute to physical character, amenity or activation of a town centre or business located in the City.</del>	1
<del>879</del>	Waterwise Verge Garden	A rebate for residents to create their own native verge plantings to support the Water Corporation's 'Waterwise Greening Scheme.'	<a href="#">Open all year round</a> <sup>1</sup>
<del>9810</del>	Cloth Nappy Rebate**	The City offers a Cloth Nappy Rebate, with a 50 per cent rebate of up to \$100 for the purchase of modern cloth nappies, <del>for a maximum of 150 households.</del>	Open all year round

10.	Catio Rebate	The City's rebate program provides up to \$500 to support residents to install outdoor enclosed areas for their cats. The aim of the program is to promote cat safety within the City, as well as protect our native biodiversity.	1
-----	--------------	--	---

Note: \* The Major Town Centre Event Funding is renamed the Town Centre Events.

Note: \*\* The funding eligibility requirement is matched funding.

### Related Legislation

- Local Government Act 1995 (WA);
- State Records Act 2000; and
- Freedom of Information Act 1992.

### Related Documentation

- City of Bayswater Policy Framework;
- City of Bayswater Strategic Community Plan;
- Delegations Register;
- Access and Inclusion Plan;
- Reconciliation Action Plan;
- Local Homelessness Strategy;
- Youth Action Plan;
- Age Friendly Strategy;
- Community Recreation Plan;
- Town Centre Place Plans;
- Business Booster Guidelines;
- Play Space Strategy;
- Heritage Fund Policy (2008);
- Major Town Centre Events Policy (2012);
- Community Facility Lease and License Policy; and
- Sponsorship of Assets, Services and Activities Policy.

### Document details

**Relevant delegations** Simple Majority required.

**Risk evaluation** Low

**Strategic link** In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community

- Goal C1: Create safe and inviting places for people to come together.
- Goal C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives
- Goal C3: Maximise the use of the City's facilities and parks by all sections of the community
- Goal C4: Empower the community by helping them develop social connections.
- Theme: Environment and Liveability
- Goal E5: Protect and enhance the City's natural environment and ~~biodiversity~~, and biodiversity and encourage the community to participate in its protection.

Theme: Vibrancy

Goal V3 Activate the City's town and neighbourhood centres.

Goal V4 Support businesses across the City to grow and thrive

<b>Council adoption</b>	28 June 2022	<b>Resolution</b>	10.6.1.3
<b>Next review due</b>	Four years as per OCM 24/08/2021		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Revision details</b>	[revision no] [description]		



# Grants Program Policy

<b>Responsible Division</b>	Community Services
<b>Responsible Business Unit</b>	Community Development
<b>Responsible Officer</b>	Manager Community Development
<b>Affected Business Units</b>	Community Development Property and Economic Development Corporate and Strategy Project Services Sustainability, Environment and Waste
<b>ECM Document Set ID</b>	4329447

## Purpose

The City of Bayswater Grants Program Policy aims to provide financial funding to:

1. An incorporated not-for-profit organisation/association or an auspice organisation or individual for a specific project which results in a defined community benefit. For example, inclusive of a social, sporting, cultural, environmental and/or charitable group context;
2. An individual (resident) to support a specified activity must be based in City of Bayswater or primarily benefit residents and/or community of the City.;
3. Business or Community Groups for place activation initiatives that contribute to physical character, amenity or activation of a town centre or business located in the City of Bayswater boundaries; and/or

Businesses that offer to deliver community events within the City of Bayswater boundaries that benefit residents and/or community of the City.

This Policy aims to establish best-practice grant-making that aligns with Council's vision and goals.

The following principles provide a framework for the design of the City of Bayswater Grants Program:

- **Capacity building** - To provide an opportunity to build the skills, networks and competency amongst individuals and organisations within the City of Bayswater. This includes the development of partnerships and collaborations which will ultimately provide sustainable projects and activities within the City of Bayswater.
- **Access and equity** - To support projects and programs representing a broad range of interests and needs within the community which align to; the Access and Inclusion Plan, Reconciliation Action Plan, Local Homelessness Plan, Youth Action Plan and Age Friendly Strategy; and any other relevant City plans.
- **Governance and accountability** - To have effective and efficient grant making processes proportional to the amount of funding being applied for, and the type of project being funded. Application and acquittal requirements are relative to the size of the grant provided.
- **Probity and transparency** - To follow a clearly outlined process to assess applications according to set funding criteria. Conflicts of interest are declared and addressed throughout an assessment process.



- **Value for money** - To seek to support grants that demonstrate good value for the amount of money or level of funding that has been requested. Projects and activities should not duplicate already existing services. Funding is subject to an annual budget approval process.

## Scope

This Policy intends to strategically guide the implementation of the Bayswater Grant Program which will be underpinned by a management practice for each grant funding stream that will address; purpose, scope, eligibility, assessment, funding conditions, grant conditions, marketing and promotion and review.

## Definitions

For the purpose of this Policy —

**Acquittal** means accurately reporting on the funded activities, including all expenditure of the grant.

**Auspice organisation** means an incorporated organisation that applies for a grant on behalf of an unincorporated organisation, group or individual. The auspice organisation is responsible for the financial management of the grant. An auspice agreement is a legally binding contract which sets out the legal obligations of both organisations toward each other and in relation to any specific funding of other agreements.

**Donation** means an arrangement where a financial contribution is provided to support a specified activity to an eligible party.

**Incorporated Association** means an incorporated association or club is able to pursue its objects and purposes by applying for grants, opening bank accounts and holding property in its own name, while limiting the exposure of its members to personal legal liability. For example, but not limited to, a social, sporting, cultural, environmental or charitable group.

An incorporated association can:

- (a) Open bank accounts
- (b) Apply for grants
- (c) Employ staff

**Public Liability Insurance** means insurance that protects a community organisation against its legal liability to pay:

- Compensation to third parties;
- Property damage that may occur as a result of the community organisations activities; and
- The legal costs that a community organisation may have if it needs to defend bodily injury and property damage claims made against it.

**Not-for-profit organisation** means an organisation registered with the Australian Charities and Not-For-Profits Commission.

## Policy Statement

The City of Bayswater Grants Program is responsive to contributing towards building a strong and inclusive community, support vibrant town centres and make the City a connected, accessible and welcoming destination.

The City of Bayswater Grants Program funding streams are summarised below:

No.	Funding Stream	Summary	No. of Rounds per Financial Year
1	Better Bayswater Grant*	Projects or programs that increase the capacity of organisations to improve community wellbeing (alignment with the City's Access and Inclusion Plan, Reconciliation Action Plan, Local Homelessness Strategy, Youth Action Plan, Age Friendly Strategy and any other relevant plans).	2
2	Community Events Grant	Events that are open to the public and encourage increased activation and connection within the City of Bayswater area.	Open all year round
3	Donations	<u>Individuals:</u> To support local residents who reside in the City aged between 12 and 25 years selected from their State sporting association or national body with travel or accommodation costs to participate at the local, national or international level. <u>Community groups:</u> To support groups, local schools, clubs or not-for-profit organisations to deliver new services and resources that increase community participation or wellbeing.	Open all year round
4	Community Capital Requests**	To support established community not-for-profit organisations based and operating within the City of Bayswater to improve facilities and infrastructure.	1
5	Heritage Fund*	To assist with the maintenance, conservation and improvement of heritage buildings contained within the City's Heritage List for residential or non-residential properties.	Open all year round
6	Town Centre Events*	Events and activities which attract people to the City of Bayswater town/activity centres.	2
7	Placemaking Grants*	Business and community-led place activation initiatives that contribute to physical character, amenity or activation of a town centre or business located in the City.	1
8	Waterwise Verge Garden	A rebate for residents to create their own native verge plantings to support the Water Corporation's 'Waterwise Greening Scheme.'	1
9	Cloth Nappy Rebate*	The City offers a Cloth Nappy Rebate, with a 50 per cent rebate of up to \$100 for the purchase of modern cloth nappies.	Open all year round
10	Catio Rebate	The City's rebate program provides up to \$500 to support residents to install outdoor enclosed areas for their cats. The aim of the program is to promote cat safety within the City, as well as protect our native biodiversity.	1

Note: \* The funding eligibility requirement is matched funding.

### Related Legislation

- *Local Government Act 1995 (WA);*

- *State Records Act 2000; and*
- *Freedom of Information Act 1992.*

### Related Documentation

- *City of Bayswater Policy Framework;*
- *City of Bayswater Strategic Community Plan;*
- *Delegations Register;*
- *Access and Inclusion Plan;*
- *Reconciliation Action Plan;*
- *Local Homelessness Strategy;*
- *Youth Action Plan;*
- *Age Friendly Strategy;*
- *Community Recreation Plan;*
- *Town Centre Place Plans;*
- *Business Booster Guidelines;*
- *Play Space Strategy;*
- *Heritage Fund Policy (2008);*
- *Major Town Centre Events Policy (2012);*
- *Community Facility Lease and License Policy; and*
- *Sponsorship of Assets, Services and Activities Policy.*

### Document details

<b>Relevant delegations</b>	Simple Majority required.
<b>Risk evaluation</b>	Low
<b>Strategic link</b>	<p>In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:</p> <p>Theme: Community</p> <p>Goal C1: Create safe and inviting places for people to come together.</p> <p>Goal C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives</p> <p>Goal C3: Maximise the use of the City's facilities and parks by all sections of the community</p> <p>Goal C4: Empower the community by helping them develop social connections.</p> <p>Theme: Environment and Liveability</p>

Goal E5: Protect and enhance the City's natural environment and biodiversity and encourage the community to participate in its protection.

Theme: Vibrancy

Goal V3 Activate the City's town and neighbourhood centres.

Goal V4 Support businesses across the City to grow and thrive

<b>Council adoption</b>	28 June 2022	<b>Resolution</b>	10.6.1.3
<b>Next review due</b>	Four years as per OCM 24/08/2021		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[Item no.]
<b>Revision details</b>	[revision no] [description]		

draft

#### 9.4 Policy Review: Edible Gardens Policy

<b>Responsible Branch:</b>	Parks and Environment
<b>Responsible Directorate:</b>	Infrastructure and Assets
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.4.1 - 3 pages]</li> <li>2. Amended Policy with Tracked Changes [9.4.2 - 3 pages]</li> <li>3. Draft Pocket and Community Garden Policy [9.4.3 - 3 pages]</li> </ol>

#### SUMMARY

For Council to consider changes to the *Edible Pocket Gardens Policy* and retitled it to become *Pocket and Community Garden Policy*.

#### OFFICER'S RECOMMENDATION

**That Council adopts the revised *Edible Pocket Garden Policy* as contained in Attachment 3 to this Report, noting its title being amended to be the *Pocket and Community Garden Policy*.**

#### BACKGROUND

The City conducted an assessment to gauge the demand and interest in implementing pocket gardens in accordance with the City's *Edible Pocket Garden Policy* (the policy). Since the policy's adoption, no formal applications have been received or implemented. Although a few locations were established before or at the policy's inception, these were approved verbally and have not been formally managed.

While this policy has many positive aspects, its focus on individual residents applying to the City and forming a garden within current parks and limited modifications to the site may have impacted the applications.

A significant number of local governments in Western Australia have a community garden policy which has a similar objective, however a more detailed approach which can offer a range of options and sizes, supported by a formal structure and management plan.

At the 30 September 2024 Policy Review and Development Committee meeting, officers recommended that the Edible Gardens Policy be repealed. Officers would then submit a new community gardens policy for further consideration.

At the 22 October 2024 (resumed 28 October 2024) Council Meeting, the following resolution was made:

*That Council:*

1. *Retains the Edible Gardens Policy as contained in Attachment 1 to this Report.*
2. *Requests the Chief Executive Officer undertake a further review of the Edible Gardens Policy and submit it to the 25 November 2024 Policy Review and Development Committee for consideration.*

In accordance with Limb 2, officers have undertaken a further review of the policy and have revised the policy to:

- retain the option of the edible pocket garden for residents that wish to apply
- add the Miyawaki Style garden as an option which will allow residents and community groups to plant native trees and lower story native plants including watering for the establishment of the garden
- add the option of community gardens which will allow incorporated local community groups or associations to apply to the City to construct and manage a community-based garden within the City.

## **EXTERNAL CONSULTATION**

No consultation has occurred with the public or other agencies on this matter.

## **OFFICER'S COMMENTS**

Community gardens including edible pocket and Miyawaki forests, are important sites for community connection, urban food production, increase in canopy and environmental education. They also offer a wide range of health, wellbeing, social, cultural, economic and food security benefits for communities. Council has an important role to play in enabling and supporting these types of community interaction sites.

Through this modified policy the City aim to promote the development of community spaces as places where people can meet and work together, build stronger community relationships and learn about sustainable gardening whilst increasing the City's tree canopy and biodiversity.

The City have added two new areas to this policy creating a policy that will provide more options and opportunities for the community as below:

### **1. Edible Pocket Gardens**

The City will continue with the Edible Pocket Gardens to support individuals and neighbours to apply to the City for a portion of the park to practice sustainable living through growing edible plant species, making use of public spaces and supporting more active and engaged communities.

### **2. Miyawaki Forests**

The City will adopt a new process to allow for the the establishment of Miyawaki Style Garden on land that Council owns and/or manages. Miyawaki forests are a planting method designed to deliver compact, rapid growth using a palette of local native shrubs and trees. The ultimate garden for wildlife, the City will support community groups who wish to implement this type of garden.

### **3. Community Gardens**

Where Incorporated or formally established Community Groups have expressed their ongoing commitment to the establishment of a community garden on Council owned land, Council will support appropriately located, designed, managed, and resourced community gardens.

## **LEGISLATIVE COMPLIANCE**

Nil.

**RISK MANAGEMENT CONSIDERATION**

In accordance with the City’s Risk Management Framework, the officer’s recommendation has been assessed against the City’s adopted risk tolerance. Comments are provided against each of the risk categories.

Impact Category	Appetite	Risk Rating
Workplace, Health, and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this Report.

**STRATEGIC IMPLICATIONS**

The City has strategies and policies in place to protect the environment and where possible, protecting and retaining existing trees assists with decreasing the urban heat island effect.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way.
	Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

**CONCLUSION**

It is recommended that the changes to the *Edible Pocket Gardens Policy* including the title of the policy is adopted.



# Edible Pocket Gardens Policy

<b>Responsible Division</b>	Technical Services
<b>Responsible Business Unit</b>	Sustainable Environment
<b>Responsible Officer</b>	Manager Sustainability and Environment
<b>Affected Business Units</b>	Parks and Gardens; Sustainable Environment
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

To support residents using a portion of their local park as an 'edible pocket garden' to promote greening and sustainability initiatives throughout the City.

## Definitions

For the purpose of this policy, an '**edible pocket garden**' is defined as a green space that:

- a) Is on City owned or managed land;
- b) Is managed by residents or the local community;
- c) The fundamental activity is the production of consumable plants for use by the community; and
- d) Is not a formal community garden.

## Policy Statement

Where appropriate, the City will support growing appropriate fruit trees or edible plants in an Edible Pocket Garden within parks and reserves in the City of Bayswater.

Edible pocket gardens will be supported by the City of Bayswater if the following conditions are met:

1. A suitable site is identified to the satisfaction of the City.
2. A resident gains approval to grow the edible trees or 'edible pocket garden' prior to undertaking any works.
3. The 'edible pocket garden' does not require significant changes to the park or reserve landscaping requirements and is complementary to the present and future objectives of the site.
4. The site is prepared and maintained by the resident to the satisfaction of the City.
5. If an edible pocket garden is considered by the City to pose a safety hazard or is poorly maintained, the City can request the resident to undertake works to meet the requirements of this policy. If these requests cannot be met the City may remove the garden.
6. 'Edible pocket gardens' built prior to the adoption of this policy do not need to seek retrospective approval, however will need to meet the other ongoing requirements of this policy.



7. Residents are required to meet the 'edible pocket garden' guidelines; which may be modified from time-to-time.

### Related Legislation

Nil.

### Related Documentation

Edible Pocket Garden Guidelines

### Document details

<b>Relevant delegations</b>	[list]	
<b>Risk evaluation</b>	[low/moderate/high/extreme]	
<b>Strategic link</b>	[link to Strategic Community Plan]	
<b>Council adoption</b>	[date]	<b>Resolution</b> [item no.]
<b>Next review due</b>	[date]	
<b>Reviewed/modified</b>	[date]	<b>Resolution</b> [item no.]
<b>Revision details</b>	[description]	

Current policy

# City of Bayswater ~~Policy~~ ~~Edible Pocket Gardens~~ ~~Policy~~



<b>Responsible Division</b>	<u>Infrastructure and Assets</u> <del>Technical Services</del>
<b>Responsible Business Unit</b>	<u>Parks and Environment</u> <del>Sustainable Environment</del>
<b>Responsible Officer</b>	<u>Manager Parks and Environment</u> <del>Manager Sustainability and Environment</del>
<b>Affected Business Units</b>	Parks and Gardens; Sustainable Environment; <u>Community Services</u> <u>Governance and Strategy; Corporate Services</u>
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

The City recognises gardening as a valuable activity that builds strong community relationships, contributes to the communities health and wellbeing and provides a range of environmental, social and educational benefits.

The purpose of this policy is to support residents and community groups that wish to use a portion using a portion of the City's parks and gardens as an 'Edible pocket garden', 'Community Garden' or 'Miyawaki Style Garden' of their local park as an 'edible pocket garden' to promote greening and sustainability initiatives throughout the City.

## Definitions

For the purpose of this policy, an

- 'Edible pocket garden' is defined as a green space that:

- a) Is on City owned or managed land;
- b) Is managed by residents or the local community;
- c) The fundamental activity is the production of consumable plants for use by the community; and
- d) Is not a formal community garden.

- 'Miyawaki Style Garden' is defined as a green space that:

- a) Is on City owned or managed land;
- b) Is managed by residents or the local community for the first 3 years through the establishment period;
- c) The fundamental activity is the planting of native trees and some lower story native plants; and
- d) Is not a formal community garden.

- **'Community Garden'** is defined as a green space that:

- a) Is on City owned or managed land;
- b) Is managed by an incorporated local community group or association;
- c) The fundamental activity is the production of consumable plants for use by the community and members of the Community Group; and
- d) Is a formal community garden with an agreement with the City.

## Policy Statement

Where appropriate, the City will support growing native trees and plants within an approved Miyawaki Style Garden and also support growing appropriate fruit trees or edible plants in an Edible Pocket Garden and Community Garden within parks and reserves in the City of Bayswater.

Guidance on the establishment and management of community gardens is provided in the 'Edible Pocket, Miyawaki Style and Community Garden Guidelines'. The Guidelines provide further detail and requirements that are necessary to gain approval in addition to the below: ~~Edible pocket gardens will be supported by the City of Bayswater if the following conditions are met:~~

- ~~1.a.~~ A suitable site is identified to the satisfaction of the City.
- ~~2.b.~~ A resident gains all approvals ~~to grow the edible trees or 'edible pocket garden'~~ prior to undertaking any works.
- ~~3.c.~~ The 'edible pocket garden' or Miyawaki style garden does not require significant changes to the park or reserve landscaping requirements and is complementary to the present and future objectives of the site.
- ~~4.d.~~ The site is prepared and maintained by the resident/s or community group to the satisfaction of the City.
- ~~5.e.~~ If any ~~edible pocket~~ garden is considered by the City to pose a safety hazard or is poorly maintained, the City can request the resident to undertake works to meet the requirements of this policy. If these requests cannot be met the City may remove the garden.
- ~~6.f.~~ Approved edible pocket or community gardens' ~~Edible pocket gardens'~~ built prior to the adoption of this policy do not need to seek retrospective approval, however will need to meet the other ongoing requirements of this policy.
- ~~g.~~ Residents are required to meet the Edible Pocket, Miyawaki Style and Community Garden Guidelines' ~~edible pocket garden' guidelines;~~ which may be modified from time-to-time.
- ~~h.~~ Community gardens must be registered to an incorporated community group or incorporated not-for-profit organisation.
- ~~i.~~ Edible pocket gardens or Miyawaki style gardens can be requests from residents, owners or community groups.
- ~~j.~~ A risk and safety assessment, management plan and rules of use for the garden must be prepared in conjunction with the City

Pocket and Community Garden Policy~~Edible Pocket Gardens~~**Policy**

- k. For a Community Garden a draft license agreement will be prepared by the City and agreed to before commencement of Community Garden.
- l. Edible pocket gardens or Miyawaki style gardens do not require a licence agreement, however agreements shall be in the form of a written letter to the applicant.

7.

### Related Legislation

Nil.

### Related Documentation

Edible Pocket, Miyawaki Style and Community Garden Guidelines

~~Edible Pocket Garden Guidelines~~

### Document details

Relevant delegations	<u>Nil.</u> <del>{list}</del>		
Risk evaluation	<u>Low</u> <del>{low/moderate/high/extreme}</del>		
Strategic link	[link to Strategic Community Plan]		
Council adoption	[date]	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		



# Pocket and Community Garden Policy

<b>Responsible Division</b>	Infrastructure and Assets
<b>Responsible Business Unit</b>	Parks and Environment
<b>Responsible Officer</b>	Manager Parks and Environment
<b>Affected Business Units</b>	Parks and Gardens; Sustainable Environment; Community Services Governance and Strategy; Corporate Services
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

The City recognises gardening as a valuable activity that builds strong community relationships, contributes to the communities health and wellbeing and provides a range of environmental, social and educational benefits.

The purpose of this policy is to support residents and community groups that wish to use a portion of the City's parks and gardens as an 'Edible pocket garden', 'Community Garden' or 'Miyawaki Style Garden' to promote greening and sustainability initiatives throughout the City.

## Definitions

For the purpose of this policy:

**'Edible Pocket Garden'** is defined as a green space that:

- Is on City owned or managed land;
- Is managed by residents or the local community;
- The fundamental activity is the production of consumable plants for use by the community; and
- Is not a formal community garden.

**'Miyawaki Style Garden'** is defined as a green space that:

- Is on City owned or managed land;
- Is managed by residents or the local community for the first 3 years through the establishment period;
- The fundamental activity is the planting of native trees and some lower story native plants; and
- Is not a formal community garden.

**'Community Garden'** is defined as a green space that:

- Is on City owned or managed land;
- Is managed by an incorporated local community group or association;
- The fundamental activity is the production of consumable plants for use by the community and members of the Community Group; and

- d) Is a formal community garden with an agreement with the City.

### Policy Statement

Where appropriate, the City will support growing native trees and plants within an approved Miyawaki Style Garden and also support growing appropriate fruit trees or edible plants in an Edible Pocket Garden and Community Garden within parks and reserves in the City of Bayswater.

Guidance on the establishment and management of community gardens is provided in the '*Edible Pocket, Miyawaki Style and Community Garden Guidelines*'. The Guidelines provide further detail and requirements that are necessary to gain approval in addition to the below:

- a) A suitable site is identified to the satisfaction of the City.
- b) A resident gains all approvals prior to undertaking any works.
- c) The edible pocket garden or Miyawaki style garden does not require significant changes to the park or reserve landscaping requirements and is complementary to the present and future objectives of the site.
- d) The site is prepared and maintained by the resident/s or community group to the satisfaction of the City.
- e) If any garden is considered by the City to pose a safety hazard or is poorly maintained, the City can request the resident to undertake works to meet the requirements of this policy. If these requests cannot be met the City may remove the garden.
- f) Approved edible pocket or community gardens built prior to the adoption of this policy do not need to seek retrospective approval, however will need to meet the other ongoing requirements of this policy and the guidelines
- g) Residents are required to meet the Edible Pocket, Miyawaki Style and Community Garden Guidelines'; which may be modified from time-to-time.
- h) Community gardens must be registered to an incorporated community group or incorporated not-for-profit organisation,
- i) Edible pocket gardens or Miyawaki style gardens can be requests from residents, owners or community groups.
- j) A risk and safety assessment, management plan and rules of use for the garden must be prepared in conjunction with the City
- k) For a Community Garden a draft license agreement will be prepared by the City and agreed to before commencement of Community Garden.
- l) Edible pocket gardens or Miyawaki style gardens do not require a licence agreement, however agreements shall be in the form of a written letter to the applicant.

### Related Legislation

Nil.

### Related Documentation

Edible Pocket, Miyawaki Style and Community Garden Guidelines

### Document details

<b>Relevant delegations</b>	Nil		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	[link to Strategic Community Plan]		
<b>Council adoption</b>	[date]	<b>Resolution</b>	[item no.]
<b>Next review due</b>	[date]		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[item no.]
<b>Revision details</b>	[description]		

draft



## 9.5 Policy Review: Land Acquisition and Disposal

<b>Responsible Branch:</b>	Property & Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	Attachment 1 – Current Policy Current Attachment 2 – Proposed Changes to Policy Attachment 3 – Final Policy with changes
<b>Refer:</b>	OCM: 27.06.2017 OCM: 23.06.2020

### SUMMARY

To consider updated amendments to the *Land Acquisition and Disposal Policy*.

### OFFICER'S RECOMMENDATION

**That Council adopts the revised *Land Acquisition and Disposal Policy* as contained in Attachment 3 to this Report.**

### BACKGROUND

The landscape of land acquisition and land management is continuously evolving to address shifts in community needs, environmental priorities, and legislative reforms.

The City's *Land Acquisition and Disposal Policy* (the policy) must be updated to align with current legal frameworks, ensuring compliance with new regulations and reflecting changes in property outcomes and community expectations.

The purpose of the policy is to provide framework and principles for the land management of City owned and controlled land assets, to secure the 'highest and best' use of those assets and achieve positive economic, planning, community or environmental outcomes.

The City's continuing need to increase the ratio of non-rates income to total income. In this context, the policy remains relevant as a means for the City to generate income via lease rental fees, sale of property and/or new rates income.

### EXTERNAL CONSULTATION

No consultation has yet occurred with the public on this matter.

### OFFICER'S COMMENTS

Land Acquisition and Disposal strategy requires a forward-looking approach, balancing economic development with sustainable land use. Updating this policy facilitates a transparent, equitable process that meets both government and stakeholder expectations, promoting responsible land development and minimising the risk.

By staying current with legislative changes and adapting to best practices in land management, the City can navigate complex acquisition processes effectively, supporting the broader objectives of economic growth and community stewardship.

The following revisions are proposed to the *Land Acquisition and Disposal Policy*:

Revision	Rationale
<b>Purpose</b>	
Slight alterations to wording purpose	Proposed wording adjustments to ensure alignment with the City’s strategic direction.
<b>Introduction</b>	
Clarification of the City's role in managing, acquiring, and disposing of land to generate revenue including the adding of; <ul style="list-style-type: none"> <li>• City’s role in management, acquisition and disposal of land</li> <li>• Maximising financial returns.</li> </ul>	Recommended modifications to enhance understanding of City’s role in land management and financial objective of disposals.
<b>Property Classification</b>	
Clear guidelines on the use of the land asset register, including information on asset designation, purpose, and utilisation. <ul style="list-style-type: none"> <li>• Changes to wording with land asset register use and purpose</li> <li>• Changes to wording around property function.</li> </ul>	This modification is recommended to ensure there is no ambiguity on property clarifications and land use.
<b>Acquisition Considerations</b>	
Minor rewording to Policy Statement 2 and 3 reflecting current considerations and clearer community objective wording.	Recommended modifications to wording to reflect current acquisition outcome considerations.
<b>Disposal Considerations</b>	
Clearer wording on disposal methods and consideration of decision-making assessment of City land.	Ensure relevancy by adhering to necessary frameworks and City’s strategic direction.
<b>Financial</b>	
Revisions to the wording of financial outcome objectives and clarification of the Council's role in disposal approvals. <ul style="list-style-type: none"> <li>• Rewording of revenue and allocation of fund use.</li> </ul>	Ensure relevancy by adhering to necessary frameworks and City’s strategy direction and recognising the Council's role in ensuring regulatory financial compliance.

The current policy is provided in **Attachment 1**. A copy of the revised policy, with amendments shown in ‘tracked changes’ is provided in **Attachment 2**. The final version of the proposed updated policy is provided in **Attachment 3**.

The proposed changes are largely clarifications and are outlined in the attached. The City does not consider the changes to be material in nature.

The objectives of the policy have been clarified slightly, though most remain consistent with those identified in the current version of the policy.

Other changes relate to procedural updates and slight wording changes.

**LEGISLATIVE COMPLIANCE**

Any future disposals (by sale or lease) will be subject to the *Local Government Act 1995*, including Section 3.58.

Where appropriate due to the value of a transaction, an acquisition or disposal may also be subject to Section 3.59 of the *Local Government Act 1995*.

### RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Medium
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets.  SR06 - City does not have the adequate financial capacity to deliver planned services and maintain assets.	

### FINANCIAL IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

The *Land Acquisition and Disposal Policy* is intended to provide guidance, direction and improved management practices of the City's portfolio to align to both strategic and corporate objectives and addressed identified risks.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.  
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

### CONCLUSION

In view of the above, it is recommended that Council adopts the modified *Land Acquisition and Disposal Policy*.

# Land Acquisition and Disposal Policy



Responsible Division	Community and Development
Responsible Business Unit/s	Strategic Planning and Place
Responsible Officer	Manager Strategic Planning and Place
Affected Business Unit/s	Whole of organisation

## Purpose

To provide a framework to achieve the efficient and accountable retention, development, acquisition and disposal of City of Bayswater land and property for community benefit.

## Objectives

The objectives of this policy are to:

- Ensure that required services are provided from the most appropriate locations.
- Set out the principles and framework for the retention, development, acquisition and disposal of property.
- Enable action of strategic acquisition, development and disposal opportunities.
- Ensure effective use of the Strategic Land Acquisition Reserve funds.

## Introduction

The City of Bayswater manages, acquires and disposes of land and property to support the delivery of services to the community and the financial performance of the organisation. Optimising the social and financial return from the City's property assets will also assist the City to reduce its reliance on rate revenue, meet community needs and expand its income-earning potential from alternative sources.

This policy acknowledges that land and property assets place an important role in realising the City's vision and the aspirations of the community as identified in its Strategic Community Plan.

## Policy Details

### Principles for the Management of Land and Property Assets:

1. Ensure the City has access to and control of land assets to be able to deliver, now and into the future, the necessary services and facilities for the community.
2. Increase the City's revenue from property investment acquisition to reduce the burden of rates and fees and charges on landowners and residents.
3. Consider disposal of properties that are not capable of continuing to provide a service, an alternate function or purpose, or a financial return.

These principles are detailed in the below sections.

## 1. Property Classification

*Policy Statement 1: The City shall prepare, maintain and integrate a register which outlines the attributes of its land asset including, the nature of ownership, way in which the land is used, and the purpose of the property as described in the Property Asset Classification Table.*

These property classifications describe the nature of ownership, the way in which the land is used, and the purpose the property and land asset performs. The 'function' reflects the current use of the property, whilst the 'purpose' is the reason that the City holds the asset, which may not always reflect its current use.

It is noted that properties may fit into a number of 'function' classifications. For example, the properties comprising The RISE, Maylands have 'civic', 'community', 'commercial' and 'open space' functions.

### Property Asset Classification Table

	<b>Classification</b>	<b>Description</b>
<b>Tenure</b>	T1. Freehold	<ul style="list-style-type: none"> <li>Land owned by the City or another entity, either vacant or with built infrastructure.</li> <li>The use is subject to the zoning of the land identified in the appropriate Planning Scheme.</li> <li>The land is capable of being sold by the City for financial return if appropriate.</li> </ul>
	T2. Reserve	<ul style="list-style-type: none"> <li>State Government land that the City has care and control via a management order (vesting) for a particular purpose in the public interest.</li> <li>The land cannot be sold by the City for financial return – can be sold by the Crown where it is no longer required for a public purpose.</li> </ul>
<b>Function</b>	F1. Civic	<ul style="list-style-type: none"> <li>Properties from which services are provided directly by the City.</li> <li>Portions of the property may be hired to a third party.</li> </ul>
	F2. Community	<ul style="list-style-type: none"> <li>Properties from which community groups, sporting and recreational groups, and funded not-for-profit activities or services are provided on behalf of the City or for the broader benefit of the community.</li> <li>The property may include both freehold and Crown Land vested in the City.</li> </ul>
	F3. Commercial	<ul style="list-style-type: none"> <li>Properties from which independent commercial activities are or can be conducted.</li> <li>The property may be leased to a third party.</li> </ul>
	F4. Residential	<ul style="list-style-type: none"> <li>Properties which are primarily used to provide residential accommodation.</li> <li>The property may be leased to a third party.</li> </ul>
	F5. Open Space	<ul style="list-style-type: none"> <li>The property is held by the City for the purpose of providing parks and nature reserves or similar.</li> <li>The property may be freehold or Crown Land vested in the City.</li> <li>Portions of the property may be leased to a third party.</li> </ul>

	F6. Utility	<ul style="list-style-type: none"> <li>Properties used by the City for the provision of essential infrastructure for example; water management, road reserves, parking, telecommunications, public access, etc.</li> </ul>
<b>Purpose</b>	P1. Service	<ul style="list-style-type: none"> <li>The property is adequately delivering on its current use and held to continue to provide community benefit.</li> </ul>
	P2. Strategic	<ul style="list-style-type: none"> <li>The property may not be adequately delivering on current use but it has another future proposed use.</li> <li>The property may be part of, or have the capacity to influence, a future economic development, planning, or redevelopment projects.</li> </ul>
	P3. Investment	<ul style="list-style-type: none"> <li>The property is held for the primary purpose of generating income for the City or for its capital appreciation potential.</li> <li>The property may be leased to a third party, generally on a commercial basis.</li> <li>The property may be the subject of a partnership with government or private sector to maximise its financial return.</li> </ul>
	P4. Potential Disposal	<ul style="list-style-type: none"> <li>The property has been determined not to be suitable for an alternate purpose (service, strategic or investment).</li> <li>Further investigations, works and/or community engagement may be required prior to its disposal.</li> </ul>

## 2. Acquisition Considerations

*Policy Statement 2: In considering the acquisition of freehold land for strategic or investment purposes, the following considerations are to guide decision making:*

Strategic Objectives - The acquisition of land aligns with the City's strategic objectives and plans, such as:

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or
- responding to endorsed and published City strategies or policies.

Community – The property will provide the current or future opportunity to improve service delivery or consolidate user groups in an improved or better shared facility.

Strategic - The acquisition provides an opportunity to contribute to economic activation of the City immediately or in the future or partner with government or private industry.

Financial - There is an immediate return through an income stream from tenants and/or there is potential for long term development. The whole of life costs have been considered.

Land Swap - The acquisition provides an opportunity to undertake a land swap with another agency in order to:

- reduce red tape associated with statutory processes;
- reduce direct and indirect costs associated with purchase;
- facilitate project delivery.

Acquisition Impacts – The acquisition considers possible foreseeable impacts including, but not limited to:

- on the existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

*Policy Statement 3: All property acquisitions are to be undertaken in accordance with the relevant provisions of the Local Government Act 1995 and associated regulation.*

### 3. Disposal Considerations

*Policy Statement 4: In considering the disposal or transfer of freehold land by sale or otherwise from the City, the considerations are to guide decision making:*

Strategic Objectives - The disposal of the land aligns with the City's strategic objectives and plans, such as:

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or
- responding to endorsed and published City strategies or policies.

Alternate Community Use - The property is not suitable for a current or future civic, community or open space use because of its location, size, characteristics, or surrounding land use.

Financial Outcomes – The disposal will provide funds to build the City's alternative revenue stream and an analysis has concluded it is preferable to an alternative development or partnership opportunity.

Disposal Impacts – The disposal considers possible foreseeable impacts such as:

- the displacement of existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

*Policy Statement 5: All property disposals are to be undertaken in accordance with the relevant provisions of the Local Government Act 1995 and associated regulation.*

### 4. Financial

*Policy Statement 6: The proceeds of disposal by sale of property assets are to be deposited in the City's Strategic Land Acquisition Reserve.*

*Policy Statement 7: The funds in the Strategic Land Acquisition Reserve should be used to acquire land for strategic or investment purposes.*

*Policy Statement 8: Where the use of financing for a strategic or investment acquisition, the debt to be repaid from the proceeds of the asset that generates the revenue.*

To achieve the principle of increasing the City’s revenue from property investment to reduce the reliance on rates and fees and charges income, it is necessary to dedicate funds to build a commercial portfolio. Using the funds from property disposals for operating expenses or other capital projects may have a short term benefit but will not be sustainable in the long term. The returns on investment property will provide an enduring source of funding to support the City’s service and infrastructure provision.

**Related Documentation**

This policy will be supported by management practices and processes as required.

**Related Legislation**

Adopted under Part 2, Division 2, s. 2.7(2) of the Local Government Act 1995.

This policy is prepared in accordance with the Local Government Act 1995.

Relevant Delegations	NIL			
Risk Evaluation				
The City Adoption	23 June 2020			
Reviewed / Modified				



# Land Acquisition and Disposal Policy

<b>Responsible Division</b>	Community and Development Office of the CEO
<b>Responsible Business Unit/s</b>	Strategic Planning and Place Property and Economic Development
<b>Responsible Officer</b>	Manager Strategic Planning and Place Manager Property and Economic Development
<b>Affected Business Unit/s</b>	Whole of organisation

## Purpose

To provide **establish** a framework to achieve **that ensures** the efficient, **transparent** and accountable **responsible** retention, development, acquisition and disposal of City of Bayswater land and property **assets** for the **benefit for community** benefit.

## Objectives

The objectives of this policy are to:

- Ensure that required **City** services are provided from the most appropriate locations.
- Set out the principles and framework for the retention, development, acquisition and disposal of property.
- Enable action of strategic acquisition, development and disposal opportunities.
- Ensure effective use of the Strategic **Property** Land Acquisition Reserve funds.

## Introduction

The City of Bayswater **oversees the management, acquisition, and disposal** manages, acquires and disposes of land and property to support **enhance** the delivery of services **service delivery** to the community and the financial performance of the organisation **strengthen the organisation's financial performance**. Optimising **Maximising** the social and financial returns on the City's property assets **will also assist the City to reduce its** supports a **reduced** reliance on rate revenue, meet community needs, and expand its income-earning potential from alternative sources.

This policy acknowledges **recognises** that **the vital role** of land and property assets play an important role in **realising in achieving** the City's vision and the aspirations **fulfilling the aspirations** of the community as identified in its **outlined in the** Strategic Community Plan.

## Policy Details

### Principles for the Management of Land and Property Assets

1. Ensure the City has access to and control of land assets to be able to deliver, now and into the future, the necessary services and facilities for the community.

2. Increase the City’s revenue from property investment acquisition to reduce the burden of rates and fees and charges on landowners and residents.
3. Consider **Evaluate the disposal of properties that are not capable of continuing to provide a service, can no longer deliver essential services, serve an alternate function or purpose, or a generate a financial return and seek Council support for this initiative.**

These principles are detailed in the below sections.

**1. Property Classification**

*Policy Statement 1: The City shall ~~prepare~~ **establish, maintain and integrate a comprehensive register detailing which outlines the attributes of its land assets. including, This register will include information on the nature of ownership, current land usage way in which the land is used, and the purpose designated purpose of each the property as described specified in the Property Asset Classification Table.***

These property classifications describe ~~describe~~ **delineate the nature of ownership nature, the way in which the land is used, and the purpose the property and land asset performs land use, and the intended role of each property and asset.** The ‘function’ reflects **represents** the current use of the property, whilst the ‘purpose’ is the reason that **signifies** the City’s **underlying reason for holding** the asset, which ~~may not always reflect its current use~~ **may differ from its present utilisation.**

~~It is noted that properties may fit into a number of~~ **Properties may align with multiple** ‘function’ classifications; ~~For example~~ **for instance,** the properties comprising The RISE in Maylands have **encompasses** ‘civic’, ‘community’, ‘commercial’ and ‘open space’ functions.

**Property Asset Classification Table**

	<b>Classification</b>	<b>Description</b>
<b>Tenure</b>	T1. Freehold	<ul style="list-style-type: none"> <li>• Land owned by the City or another entity, either vacant or with built infrastructure.</li> <li>• The use is subject to the zoning of the land identified in the appropriate Planning Scheme.</li> <li>• The land is capable of being sold by the City for financial return if appropriate.</li> </ul>
	T2. Reserve	<ul style="list-style-type: none"> <li>• State Government land that the City has care and control via a management order (vesting) for a particular purpose in the public interest.</li> <li>• The land cannot be sold by the City for financial return – can be sold by the Crown where it is no longer required for a public purpose.</li> </ul>
<b>Function</b>	F1. Civic	<ul style="list-style-type: none"> <li>• Properties from which services are provided directly by the City.</li> <li>• Portions of the property may be hired to a third party.</li> </ul>
	F2. Community	<ul style="list-style-type: none"> <li>• Properties from which community groups, sporting and recreational groups, and funded not-for-profit activities or services are provided on behalf of the City or for the broader benefit of the community.</li> <li>• The property may include both freehold and Crown Land vested in the City.</li> </ul>
	F3. Commercial	<ul style="list-style-type: none"> <li>• Properties from which independent commercial activities are or can be conducted.</li> </ul>

		<ul style="list-style-type: none"> <li>The property may be leased to a third party.</li> </ul>
	F4. Residential	<ul style="list-style-type: none"> <li>Properties which are primarily used to provide residential accommodation.</li> <li>The property may be leased to a third party.</li> </ul>
	F5. Open Space	<ul style="list-style-type: none"> <li>The property is held by the City for the purpose of providing parks and nature reserves or similar.</li> <li>The property may be freehold or Crown Land vested in the City.</li> <li>Portions of the property may be leased to a third party.</li> </ul>
	F6. Utility	<ul style="list-style-type: none"> <li>Properties used by the City for the provision of essential infrastructure for example; water management, road reserves, parking, telecommunications, public access, etc.</li> </ul>
<b>Purpose</b>	P1. Service	<ul style="list-style-type: none"> <li>The property is adequately delivering on its current use and held to continue to provide community benefit.</li> </ul>
	P2. Strategic	<ul style="list-style-type: none"> <li>The property may not be adequately delivering on current use but it has another future proposed use.</li> <li>The property may be part of, or have the capacity to influence, a future economic development, planning, or redevelopment projects.</li> </ul>
	P3. Investment	<ul style="list-style-type: none"> <li>The property is held for the primary purpose of generating income for the City or for its capital appreciation potential.</li> <li>The property may be leased to a third party, generally on a commercial basis.</li> <li>The property may be the subject of a partnership with government or private sector to maximise its financial return.</li> </ul>
	P4. Potential Disposal	<ul style="list-style-type: none"> <li>The property has been determined not to be suitable for an alternate purpose (service, strategic or investment).</li> <li>Further investigations, works and/or community engagement may be required prior to its disposal.</li> </ul>

## 2. Acquisition Considerations

*Policy Statement 2: In-considering **The acquisition of freehold land for strategic or investment purposes shall be guided by** the following considerations ~~are to guide decision making~~:*

Strategic Objectives - *The acquisition of land aligns with the City's strategic objectives and plans, such as:*

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;*
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or*
- responding to endorsed and published City strategies or policies.*

Community – The property will ~~provide~~ **offer** the current or future opportunity**ies** to ~~improve~~ **enhance** service delivery or consolidate user groups ~~in an improved~~ **within an updated** or better shared facility.

Strategic - The acquisition provides an opportunity to contribute to economic activation of the City immediately or in the future or partner with government or private industry.

Financial - There is an immediate return through an income stream from tenants and/or there is potential for long term development. The whole of life costs have been considered.

Land Swap - The acquisition provides an opportunity to undertake a land swap with another agency in order to:

- reduce red tape associated with statutory processes;
- reduce direct and indirect costs associated with purchase;
- facilitate project delivery.

Acquisition Impacts – The acquisition considers possible foreseeable impacts including, but not limited to:

- on the existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

Policy Statement 3: All property acquisitions ~~are to be undertaken in accordance with the relevant~~ **must adhere to the applicable provisions** of the Local Government Act 1995 and associated regulations.

### 3. Disposal Considerations

Policy Statement 4: : ~~In considering~~ **The following considerations shall guide the decision-making when assessing** the disposal or transfer of freehold land ~~by sale or otherwise from the City, the considerations are to guide decision-making~~ **whether by sale or other methods:**

Strategic Objectives - The disposal of the land aligns with the City's strategic objectives and plans, such as:

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or
- responding to endorsed and published City strategies or policies.

Alternate Community Use - The property is not suitable for a current or future civic, community or open space use because of its location, size, characteristics, or surrounding land use.

Financial Outcomes – The disposal will ~~provide~~ **generate** funds to ~~build~~ **establish** the City's alternative revenue stream, and an analysis has ~~concluded it is preferable~~ **determined that this approach is more advantageous than pursuing to an** alternative development or partnership opportunity.

Disposal Impacts – The disposal considers possible foreseeable impacts such as:

- the displacement of existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

Policy Statement 5: All property disposals are to be undertaken in accordance with the relevant provisions of the Local Government Act 1995 and associated regulation.

#### 4. Financial

*Policy Statement 6: The proceeds of disposal by sale of property assets are to be deposited in the City's Strategic **Property Land Acquisition Reserve**.*

*Policy Statement 7: The funds in the Strategic **Property Land Acquisition Reserve** should be used to acquire land for strategic or investment purposes.*

*Policy Statement 8: **In the first instance, the debt will be repaid using income generated, with any additional required funds sourced from alternative avenues. Where the use of financing for a strategic or investment acquisition, the debt to be repaid from the proceeds of the asset that generates the revenue.***

To achieve **support** the principle of increasing the City's revenue from property investment to reduce the **and reliance dependence** on rates and fees and charges income, it is necessary to **dedicate essential to allocate funds for future developments, with Council support being instrumental achieving this.** ~~to build a commercial portfolio. Using the funds~~ **The utilisation of proceeds** from property disposals **provides advantages of profitable returns that, in turn, supports the City's service delivery and infrastructure projects.** ~~for operating expenses or other capital projects may have a short term benefit but will not be sustainable in the long term. The returns on investment property will provide an enduring source of funding to support the City's service and infrastructure provision.~~

#### Related Documentation

This policy will be supported by management practices and processes as required.

#### Related Legislation

Adopted under **pursuant to** Part 2, Division 2, s. 2.7(2) of the *Local Government Act 1995*.

This policy is- **has been developed** prepared in accordance **compliance with the provisions outlined in** with the *Local Government Act 1995*.

#### Document details

Relevant delegations	Nil.		
Risk evaluation	Low		
Strategic link	[link to Strategic Community Plan]		
Council adoption	23 June 2020	Resolution	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	Resolution	[item no.]
Revision details	[description]		



# Land Acquisition and Disposal Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Whole of Organisation
<b>ECM Document Set ID</b>	

## Purpose

To establish a framework that ensures the efficient, transparent and responsible retention, development, acquisition and disposal of City of Bayswater land and property assets for the benefit for community.

## Objectives

The objectives of this policy are to:

- Ensure that required City services are provided from the most appropriate locations.
- Set out the principles and framework for the retention, development, acquisition and disposal of property.
- Enable action of strategic acquisition, development and disposal opportunities.
- Ensure effective use of the Strategic Property Reserve funds.

## Introduction

The City of Bayswater oversees the management, acquisition, and disposal of land and property to enhance the service delivery to the community and strengthen the organisation's financial performance. Maximising the social and financial returns on the City's property assets supports a reduced reliance on rate revenue, meet community needs, and expand its income potential from alternative sources.

This policy recognises the vital role of land and property assets in achieving the City's vision and fulfilling the aspirations outlined in the Strategic Community Plan.

## Policy Details

### Principles for the Management of Land and Property Assets

1. Ensure the City has access to and control of land assets to be able to deliver, now and into the future, the necessary services and facilities for the community.
2. Increase the City's revenue from property investment acquisition to reduce the burden of rates and fees and charges on landowners and residents.

- Evaluate the disposal of properties that can no longer deliver essential services, serve an alternate function or purpose, or a generate a financial return and seek Council support for this initiative.

These principles are detailed in the below sections.

### 1. Property Classification

*Policy Statement 1: The City shall establish, maintain and integrate a comprehensive register detailing the attributes of its land assets. This register will include information on the nature of ownership, current land usage and the designated purpose of each property as specified in the Property Asset Classification Table.*

These property classifications delineate ownership nature, land use, and the intended role of each property and asset. The 'function' represents the current use, whilst the 'purpose' signifies the City's underlying reason for holding the asset, which may differ from its present utilisation.

Properties may align with multiple 'function' classifications; for instance, The RISE in Maylands encompasses 'civic', 'community', 'commercial' and 'open space' functions.

#### Property Asset Classification Table

	<b>Classification</b>	<b>Description</b>
<b>Tenure</b>	T1. Freehold	<ul style="list-style-type: none"> <li>Land owned by the City or another entity, either vacant or with built infrastructure.</li> <li>The use is subject to the zoning of the land identified in the appropriate Planning Scheme.</li> <li>The land is capable of being sold by the City for financial return if appropriate.</li> </ul>
	T2. Reserve	<ul style="list-style-type: none"> <li>State Government land that the City has care and control via a management order (vesting) for a particular purpose in the public interest.</li> <li>The land cannot be sold by the City for financial return – can be sold by the Crown where it is no longer required for a public purpose.</li> </ul>
<b>Function</b>	F1. Civic	<ul style="list-style-type: none"> <li>Properties from which services are provided directly by the City.</li> <li>Portions of the property may be hired to a third party.</li> </ul>
	F2. Community	<ul style="list-style-type: none"> <li>Properties from which community groups, sporting and recreational groups, and funded not-for-profit activities or services are provided on behalf of the City or for the broader benefit of the community.</li> <li>The property may include both freehold and Crown Land vested in the City.</li> </ul>
	F3. Commercial	<ul style="list-style-type: none"> <li>Properties from which independent commercial activities are or can be conducted.</li> <li>The property may be leased to a third party.</li> </ul>
	F4. Residential	<ul style="list-style-type: none"> <li>Properties which are primarily used to provide residential accommodation.</li> <li>The property may be leased to a third party.</li> </ul>

	Classification	Description
	F5. Open Space	<ul style="list-style-type: none"> <li>The property is held by the City for the purpose of providing parks and nature reserves or similar.</li> <li>The property may be freehold or Crown Land vested in the City.</li> <li>Portions of the property may be leased to a third party.</li> </ul>
	F6. Utility	<ul style="list-style-type: none"> <li>Properties used by the City for the provision of essential infrastructure for example; water management, road reserves, parking, telecommunications, public access, etc.</li> </ul>
<b>Purpose</b>	P1. Service	<ul style="list-style-type: none"> <li>The property is adequately delivering on its current use and held to continue to provide community benefit.</li> </ul>
	P2. Strategic	<ul style="list-style-type: none"> <li>The property may not be adequately delivering on current use but it has another future proposed use.</li> <li>The property may be part of, or have the capacity to influence, a future economic development, planning, or redevelopment projects.</li> </ul>
	P3. Investment	<ul style="list-style-type: none"> <li>The property is held for the primary purpose of generating income for the City or for its capital appreciation potential.</li> <li>The property may be leased to a third party, generally on a commercial basis.</li> <li>The property may be the subject of a partnership with government or private sector to maximise its financial return.</li> </ul>
	P4. Potential Disposal	<ul style="list-style-type: none"> <li>The property has been determined not to be suitable for an alternate purpose (service, strategic or investment).</li> <li>Further investigations, works and/or community engagement may be required prior to its disposal.</li> </ul>

## 2. Acquisition Considerations

*Policy Statement 2: The acquisition of freehold land for strategic or investment purposes shall be guided by the following considerations:*

Strategic Objectives - The acquisition of land aligns with the City's strategic objectives and plans, such as:

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or
- responding to endorsed and published City strategies or policies.

Community – The property will offer the current or future opportunities to enhance service delivery or consolidate user groups within an updated or better shared facility.

Strategic - The acquisition provides an opportunity to contribute to economic activation of the City immediately or in the future or partner with government or private industry.

Financial - There is an immediate return through an income stream from tenants and/or there is potential for long term development. The whole of life costs have been considered.



Land Swap - The acquisition provides an opportunity to undertake a land swap with another agency in order to:

- reduce red tape associated with statutory processes;
- reduce direct and indirect costs associated with purchase;
- facilitate project delivery.

Acquisition Impacts – The acquisition considers possible foreseeable impacts including, but not limited to:

- on the existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

*Policy Statement 3: All property acquisitions must adhere to the applicable provisions of the Local Government Act 1995 and associated regulations.*

### **3. Disposal Considerations**

*Policy Statement 4: The following considerations shall guide the decision-making when assessing the disposal or transfer of freehold land from the City, whether by sale or other methods:*

Strategic Objectives - The disposal of the land aligns with the City's strategic objectives and plans, such as:

- aligning with the City's Strategic Community Plan, Corporate Business Plan, and Long Term Financial Plan;
- contributing to making the City more sustainable socially, environmentally and/or financially; and/or
- responding to endorsed and published City strategies or policies.

Alternate Community Use - The property is not suitable for a current or future civic, community or open space use because of its location, size, characteristics, or surrounding land use.

Financial Outcomes – The disposal will generate funds to establish the City's alternative revenue stream, and analysis has determined that this approach is more advantageous than pursuing to an alternative development or partnership opportunity.

Disposal Impacts – The disposal considers possible foreseeable impacts such as:

- the displacement of existing tenants or users;
- the positive or negative implications for surrounding properties; and/or
- the City's reputation.

*Policy Statement 5: All property disposals are to be undertaken in accordance with the relevant provisions of the Local Government Act 1995 and associated regulation.*

#### 4. Financial

*Policy Statement 6: The proceeds of disposal by sale of property assets are to be deposited in the City's Strategic Property Reserve.*

*Policy Statement 7: The funds in the Strategic Property Reserve should be used to acquire land for strategic or investment purposes.*

*Policy Statement 8: In the first instance, the debt will be repaid using income generated, with any additional required funds sourced from alternative avenues.*

To support the principle of increasing the City's revenue and dependence on rates and fees and charges income, it essential to allocate funds for future developments, with Council support being instrumental achieving this. The utilisation of proceeds from property disposals provides advantages of profitable returns that, in turn, supports the City's service delivery and infrastructure projects.

#### Related Legislation

Adopted pursuant to Part 2, Division 2, s. 2.7(2) of the *Local Government Act 1995*.

This policy has been developed in compliance with the provisions outlined in the *Local Government Act 1995*.

#### Related Documentation

This policy will be supported by management practices and processes as required.

#### Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	[low/moderate/high/extreme]		
<b>Strategic link</b>	[link to Strategic Community Plan]		
<b>Council adoption</b>	[date]	<b>Resolution</b>	[item no.]
<b>Next review due</b>	[date]		
<b>Reviewed/modified</b>	[date]	<b>Resolution</b>	[item no.]
<b>Revision details</b>	[description]		

## 9.6 Planning Policy Review: Non-Residential Uses

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.6.1 - 2 pages]</li> <li>2. Amended Policy with Tracked Changes [9.6.2 - 4 pages]</li> <li>3. Draft Policy [9.6.3 - 4 pages]</li> </ol>
<b>Refer:</b>	Item 10.5.1.1 OCM 11.02.2020

### SUMMARY

Council consideration is sought in relation to the proposed modifications to the City's *Non-Residential Uses in Residential Zones Policy* (the policy).

The existing policy aims to ensure that development is consistent with and will not detract from established and future residential character and amenity; and aims to ensure that any potential amenity impacts are appropriately managed.

The existing policy is proposed to be modified to improve its effectiveness and readability and bring it in line with the City's current policy format.

### OFFICER'S RECOMMENDATION

**That Council:**

1. **Adopts the revised *Non-Residential Uses in Residential Zones Policy* as contained in Attachment 3 to this Report for the purposes of public advertising;**
2. **Supports the City preparing a *Child Care Premises Local Planning Policy* for further consideration by Council.**

### BACKGROUND

The City has many local planning policies to better guide development within the City. City officers are undertaking an ongoing review of the existing local planning policies to improve the City's policy framework and reduce red tape associated with development applications.

The existing policy guides the development of all non-residential uses that may be considered in residential zones to ensure that these uses will not unduly impact upon the amenity of the surrounding residential area.

Council at its meeting held on 11 February 2020 adopted *Non-Residential Uses in Residential Zones Policy* and revoked the *Child Day Care Centres Policy*. Following the revocation of the *Child Day Care Centres Policy*, City officers have been applying the *Non-Residential Uses in Residential Zones Policy* however there has been numerous challenges including a number of child care premises development applications, and decisions made by the City, resulting in a State Administrative Tribunal review.

### EXTERNAL CONSULTATION

Should Council adopt the draft *Non-Residential Uses in Residential Zones Policy* for the purpose of advertising for public comment, the policy will be advertised in accordance with the

requirements of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) for at least 21 days by way of:

- notification being published in the local newspaper(s)
- information being placed on the City’s engagement website
- hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

**OFFICER'S COMMENTS**

The revised *Non-Residential Uses in Residential Zones Policy* is intended to ensure that non-residential development is consistent with and will not detract from established and future residential character and amenity; and to appropriately manage any potential amenity impacts on the surrounding residential area.

The following revisions are proposed to the *Non-Residential Uses in Residential Zones Policy*:

Revision Objectives	Rationale
Objective 1 to include reference to ‘scale.’	This modification is recommended to ensure non-residential development in residential areas is designed to be of a scale that integrates and does not detract from the surrounding residential area.
<b>2. Operation</b>	
2. subclause (a) ... car parking difficulties....  remove ‘difficulties’ and replace with ‘inadequacies’.	The City identified that ‘difficulties’ is not clear on what it constitutes and recommends the use of ‘inadequacies’.  The term ‘inadequacies’ is recommended to reflect a statutory terminology that at a high level relates to insufficient car parking and car parking design.
2. subclause (b) ... will generally be permitted....  remove ‘generally’.	This use of ‘generally’ results in a provision that lacks certainty and statutory weight. As a standard 7 am to 7 pm should be required within Residential zones to ensure the amenity of the Residential Area is maintained and is consistent with the <i>Environmental Protection (Noise) Regulations 1997</i> .  Variations may be considered on a case by case basis through due process.
2. subclauses (c) and (d) management plan to read as:  ‘Operational Management Plan.’	Including ‘operational’ provides clarity to the user as to the type of management plan to provide with this type of development.  Further to this, is recommended that an ‘Operational Management Plan’ template be prepared and included as an appendix to this policy.

Revision	Rationale
<p>2. subclause (d) to remove:</p> <p>‘and any subsequent variation will require the submission of a new application for development approval.’</p>	<p>Amendments to management plans do not always result in the need for a new development application. This part of the provision has been recommended to be removed by Statutory Planning to align with their internal processes.</p>
<p><b>3. Development Controls</b></p>	
<p>3. subclause (a) include:</p> <p>‘and not detract from the amenity of adjoining properties.’</p>	<p>This modification is recommended to reinforce the objectives of the policy.</p>
<p>3. subclause (c) the following new provision is proposed:</p> <p>‘Facades fronting the street or public domain shall be designed in accordance with relevant principles of the Crime Prevention through Environmental Design (CPTED) Planning Guidelines prepared by Department of Planning, Lands and Heritage; and address matters such as personal safety, passive surveillance and vandalism minimisation.’</p>	<p>The inclusion of this provision is recommended to reinforce that non-residential development is to incorporate throughout their design that provides for passive surveillance, personal safety, and minimises vandalism.</p> <p>Crime Prevention Through Environmental Design (CPTED) principles, prepared by the Department of Planning, Lands and Heritage, demonstrate design solutions that address these matters.</p>
<p>3. subclause (g) the following new provision is proposed:</p> <p>‘A minimum of 2 bicycle parking facilities shall be provided, and end of trip facilities are encouraged for all non-residential development.’</p>	<p>This new provision is recommended to encourage active forms of transport. This aligns with the City’s draft Local Planning Strategy and is consistent with other statutory documents bike parking provisions identified within the Morley Activity Centre Structure Plan and Special Control Area 10.</p>
<p>3. subclause (h) the provision is proposed to modified to include a compulsory landscaping strip of 1.5m to all street boundaries.</p>	<p>This modification is recommended to reinforce the objectives of the policy and to soften the interface between non-residential development, the residential streetscape amenity, and residential land uses.</p>
<p>3. subclause (j) the following new provision is proposed:</p> <p>‘Services, air conditioners, and other service equipment should be screened from view, and located at the rear of the building where practicable.’</p>	<p>This modification is recommended to reinforce the objectives of the policy and to ensure that service equipment is not located to the front of the building detracting from the residential streetscape.</p>

Revision	Rationale
<p>3. subclause (k) the following new provision is proposed:</p> <p>'Bin storage areas are to be in accordance with the following requirements:</p> <p>(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material, and located behind the main dwelling line or primary street setback whichever the greater.</p> <p>(ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.'</p>	<p>It was evident during the review of this policy that there was no guidance around bin storage on a site for non-residential development. Guidance of this nature has been provided in other local government policies including the City of Joondalup.</p> <p>It is considered beneficial to provide this guidance to designers within the City of Bayswater.</p>
<p>3. subclause (i) the following new provision is proposed:</p> <p>(i) All lighting is to be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting not result in negative impacts on surrounding residential properties.</p>	<p>This modification is recommended to reinforce the objectives of the policy by ensuring outdoor lighting to non-residential development does not result in negative impacts on surrounding residential properties.</p>

Minor modifications additional to the above are also proposed to the policy which improve its readability, and bring it in line with the City’s current policy format.

Management Plans

During the review of the policy, it was identified that there would be benefit to provide the City’s expectations on the information to be provided within a Management Plan. This includes the management of waste. Considering this, the City will prepare a Management Plan template to be included as an appendix to the policy should this amended policy be adopted following public consultation.

Child Care Centres

Child care is considered an essential community service and there is a rising demand for child care premises in both metropolitan and regional areas. As detailed above the City currently uses the Non-Residential Uses in Residential Zones Policy to assess child care applications. Based on the number of applications and feedback from applicants it is considered that providing further guidance on the design and location of child care premises within the City of Bayswater would benefit the community, designers, prospect operators and City officers.

Department of Planning, Lands and Heritage released the Draft Position Statement: Child care premises in November 2022. This position statement provides decision-makers, proponents and the community with a consistent policy approach to planning child care premises in Western Australia. This position statement will help guide the preparation of a child care premises policy

tailored to the City of Bayswater. In the event Council support the development of a policy to provide better guidance on child care premises the City will prepare the policy for mid 2025.

A copy of the revised policy, with amendments shown in ‘tracked changes’ is provided in **Attachment 2**.

A copy of the revised policy, with amendments included, is provided in **Attachment 3**.

**LEGISLATIVE COMPLIANCE**

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for amending a local planning policy, including the requirement to give local public notice of a decision to amend a local planning policy, unless, in the opinion of the local government, the amendment is a minor amendment.

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer’s recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

**FINANCIAL IMPLICATIONS**

The following financial implications are applicable:

**Item 1:** Advertise the draft policy.

**Asset Category:** N/A

**Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in the LTFP

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$600	-	-	-	-	-	\$14,000

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an

increase in high quality density around transport nodes.

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.  
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

The draft *Non-Residential Uses in Residential Zones Policy* will assist in achieving these aspirations, as it will ensure that these uses are of a scale and character that reflect their surroundings and do not unduly impact upon the amenity expected by neighbouring residents. In addition, the clearly stated requirements for development proposals would ensure that they are assessed in a more consistent manner.

## **CONCLUSION**

That the Council adopts the proposed draft *Non-Residential Uses in Residential Zones Policy* for purposes of public advertising.





# Non-Residential Uses in Residential Zones

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

## Purpose

This policy is intended to guide the development of those non-residential uses that may be considered in the City of Bayswater's residential zones.

## Objectives

The objectives of this policy are to:

1. Ensure that development is consistent with, and will not detract from residential character and amenity.
2. Ensure that any potential undue amenity impacts are appropriately managed.

## Introduction

The City of Bayswater's town planning scheme includes a number of non-residential uses that may be considered in residential zones.

The primary purpose of the City's residential zones is to accommodate residential uses; therefore, non-residential uses will only be considered favourably where it can be adequately demonstrated that they will not unduly impact upon the amenity of the surrounding residential area.

## Scope

This policy is applicable to any non-residential use in a residential zone within the City of Bayswater.

## Requirements

### Location

1. Non-residential uses in residential zones shall be located adjacent to established commercial, industrial or mixed-use zones and facing the same street as those land uses, to act as a transition between them and surrounding residential areas.
2. Proposals to locate non-residential uses in residential zones on local access roads, in culs-de-sac and/or situated in isolation between residential uses will generally not be supported.
3. Non-residential uses shall be restricted to lots, buildings or parts of a building that have direct frontage to a street or public right-of-way, i.e. not accessed via a battle-axe or shared driveway.
4. Notwithstanding the above, specific locational requirements will not be applied to:
  - (a) The extension of an existing, approved non-residential use
  - (b) Car park (only when in association with a Display Home Centre or Home Store)

- (c) Display Home Centre
- (d) Home Store
- (e) Public Utility
- (f) Radio Equipment.

### Operation

1. A non-residential use in a residential zone shall not unduly impact upon local amenity through traffic generation, car parking difficulties, or emissions including, but not limited to noise, odour or waste.
2. Non-residential uses in residential zones will generally be permitted to operate between the hours of 7:00 a.m. and 7:00 p.m. and not on Sundays or public holidays.
3. Proposals are to be accompanied by a management plan, detailing how the use will be operated and what measures will be taken to minimise undue amenity impacts on adjoining residential uses.
4. Any approved development is to be operated in accordance with the management plan and any subsequent variation will require the submission of a new application for development approval.

### Development

1. The development is to be of a scale and form that is consistent with the surrounding residential area, taking into account the requirements of the town planning scheme and the Residential Design Codes of Western Australia (as amended).
2. Car parking is to be contained entirely within the site, ideally located to the rear of the building and arranged in such a way that all vehicles can leave the site in a forward gear.
3. Only one crossover will be permitted per lot.
4. The public road verge is not to be developed or relied upon for car parking.
5. Landscaping is to be used to enhance the streetscape, especially where car parking is proposed within the street setback area.
6. A single sign of up to 0.2m<sup>2</sup> in area will be permitted. Larger signs may be considered where it can be adequately demonstrated that there will be no detrimental impact on residential character or amenity.

### Advertising development applications

Applications for non-residential uses may be advertised for public comment at the discretion of the City of Bayswater.

### Related legislation

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	11 February 2020



# Non-Residential Uses in Residential Zones

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

This policy is intended to guide the development of those non-residential uses that may be considered in the City of Bayswater's residential zones.

## Objectives

The objectives of this policy are to:

1. Ensure that **non-residential** development is consistent with, and **will does** not detract from residential **scale**, character and amenity.
2. Ensure that any potential undue amenity impacts are appropriately managed.

## Introduction

The City of Bayswater's town planning scheme includes a number of non-residential uses that may be considered in residential zones.

The primary purpose of the City's residential zones is to accommodate residential uses; therefore, non-residential uses will only be considered favourably where it can be adequately demonstrated that they will not unduly impact upon the amenity of the surrounding residential area.

## Scope

This policy **applies to all is-applicable to any** non-residential **development and land** use in **a**-residential zones within the City of Bayswater.

## Requirements

### 1. Location

- (a) Non-residential uses in residential zones shall be located adjacent to established commercial, industrial or mixed-use zones and facing the same street as those land uses, to act as a transition between them and surrounding residential areas.
- (b) Proposals to locate non-residential uses in residential zones on local access roads, in a cul-de-sac and/or situated in isolation between residential uses will generally not be supported.
- (c) Non-residential uses shall be restricted to lots, buildings or parts of a building that have direct frontage to a street or public right-of-way, i.e. not accessed via a battle-axe or shared driveway.
- (d) Notwithstanding the above, specific locational requirements will not be applied to:
  - i. The extension of an existing, approved non-residential use
  - ii. Car park (only when in association with a Display Home Centre or Home Store)
  - iii. Display Home Centre
  - iv. Home Store
  - v. Public Utility
  - vi. Radio Equipment.

### 2. Operation

- (a) A non-residential use in a residential zone shall not unduly impact upon local amenity through traffic generation, car parking ~~inadequacies~~ ~~difficulties~~, or emissions including, but not limited to noise, odour or waste.
- (b) Non-residential uses in residential zones will ~~generally~~ be permitted to operate between the hours of 7:00 a.m. and 7:00 p.m. and not on Sundays or public holidays.
- (c) ~~An Operational Management Plan shall be provided~~ ~~Proposals are to be accompanied by a management plan~~, detailing how the use will be operated and what measures will be taken to minimise undue amenity impacts on adjoining residential uses.
- (d) Any approved development is to be operated in accordance with the ~~operational~~ management plan and any subsequent variation will require the submission of a new application for development approval.

### 3. Development

- (a) The development is to be of a scale and form that is consistent with the surrounding residential area, ~~and not detract from the amenity of adjoining properties.~~
- (b) ~~The development shall be designed in accordance with taking into account the requirements of the City's Town Planning Scheme and the Residential Design Codes Volume 4 of Western Australia (as amended).~~
- (c) ~~Facades fronting the street or public domain shall be designed in accordance with relevant principles of the Crime Prevention through Environmental Design (CPTED) Planning Guidelines prepared by Department of Planning, Lands and Heritage and address matters such as personal safety, passive surveillance and vandalism minimisation.~~

## Non-Residential Uses in Residential Zones Policy

- (d) Car parking is to be contained entirely within the site, ~~designed in accordance with Australian Standards AS2890.1 and/or AS 2890.2, ideally-~~located to the rear of the building and ~~arranged in such a way that~~ designed to allow for all vehicles ~~can leave the site to enter the street~~ in a forward gear.
- (e) Only one crossover ~~will be~~ permitted per lot.
- (f) The public road verge is not to be developed or relied upon for car parking.
- (g) A minimum of 2 bicycle parking facilities shall be provided, and end of trip facilities are encouraged for all non-residential development.
- (h) Landscaping is to be used to enhance the streetscape ~~with a minimum soft landscaping strip of 1.5 metres wide provided to all street boundaries. especially where car parking is proposed within the street setback area.~~
- (i) A single sign of up to 0.2m<sup>2</sup> in area ~~will be~~ is permitted. Larger signs may be considered where it can be adequately demonstrated that there will be no detrimental impact on residential character or amenity.
- (j) Services, air conditioners, and other service equipment should be screened from view, and located at the rear of the building where practicable.
- (k) Bin storage areas are to be in accordance with the following requirements:
  - (i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material, and located behind the main dwelling line or primary street setback whichever the greater.
  - (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.
- (l) All lighting is to be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting not result in negative impacts on surrounding residential properties.

### 4. Advertising development applications

- (a) Applications for non-residential uses may be advertised for public comment at the discretion of the City of Bayswater.

### Related legislation

~~This policy is adopted under~~ City of Bayswater Town Planning Scheme No. 24, in accordance with

~~Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*~~

~~Planning and Development (Planning Codes) Regulations 2024~~

~~Residential Design Codes~~

### Related documentation

~~Department of Planning, Lands and Heritage Crime Prevention through Environmental Design Planning Guidelines~~

### Document details

<b>Relevant delegations</b>	TP-D01 Local Planning Schemes		
<b>Risk evaluation</b>	Low – Medium		
<b>Strategic link</b>	E1 and L4		
<b>Council adoption</b>	11 February 2020	<b>Resolution</b>	10.5.1.1
<b>Reviewed/modified</b>		<b>Resolution</b>	[item no.]
<b>Next review due</b>	October 2028		

tracked changes



# Non-Residential Uses in Residential Zones

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

This policy is intended to guide the development of those non-residential uses that may be considered in the City of Bayswater's residential zones.

## Objectives

The objectives of this policy are to:

1. Ensure that non-residential development is consistent with, and does not detract from residential scale, character and amenity.
2. Ensure that any potential undue amenity impacts are appropriately managed.

## Introduction

The City of Bayswater's town planning scheme includes a number of non-residential uses that may be considered in residential zones.

The primary purpose of the City's residential zones is to accommodate residential uses; therefore, non-residential uses will only be considered favourably where it can be adequately demonstrated that they will not unduly impact upon the amenity of the surrounding residential area.

## Scope

This policy applies to all non-residential development and land use in residential zones within the City of Bayswater.



## Non-Residential Uses in Residential Zones Policy

### Requirements

#### 1. Location

- (a) Non-residential uses in residential zones shall be located adjacent to established commercial, industrial or mixed-use zones and facing the same street as those land uses, to act as a transition between them and surrounding residential areas.
- (b) Proposals to locate non-residential uses in residential zones on local access roads, in a cul-de-sac and/or situated in isolation between residential uses will generally not be supported.
- (c) Non-residential uses shall be restricted to lots, buildings or parts of a building that have direct frontage to a street or public right-of-way, i.e. not accessed via a battle-axe or shared driveway.
- (d) Notwithstanding the above, specific locational requirements will not be applied to:
  - i. The extension of an existing, approved non-residential use
  - ii. Car park (only when in association with a Display Home Centre or Home Store)
  - iii. Display Home Centre
  - iv. Home Store
  - v. Public Utility
  - vi. Radio Equipment.

#### 2. Operation

- (a) A non-residential use in a residential zone shall not unduly impact upon local amenity through traffic generation, car parking inadequacies, or emissions including, but not limited to noise, odour or waste.
- (b) Non-residential uses in residential zones will be permitted to operate between the hours of 7:00 a.m. and 7:00 p.m. and not on Sundays or public holidays.
- (c) An Operational Management Plan shall be provided, detailing how the use will be operated and what measures will be taken to minimise undue amenity impacts on adjoining residential uses.
- (d) Any approved development is to be operated in accordance with the operational management plan and any subsequent variation will require the submission of a new application for development approval.

#### 3. Development

- (a) The development is to be of a scale and form that is consistent with the surrounding residential area, and not detract from the amenity of adjoining properties.
- (b) The development shall be designed in accordance with the City's Town Planning Scheme and the Residential Design Codes.
- (c) Facades fronting the street or public domain shall be designed in accordance with relevant principles of the Crime Prevention through Environmental Design (CPTED) Planning Guidelines prepared by Department of Planning, Lands and Heritage and address matters such as personal safety, passive surveillance and vandalism minimisation.





### Non-Residential Uses in Residential Zones Policy

- (d) Car parking is to be contained entirely within the site, designed in accordance with Australian Standards AS2890.1 ad/or AS 2890.2, located to the rear of the building and designed to allow for all vehicles to enter the street in a forward gear.
- (e) Only one crossover permitted per lot.
- (f) The public road verge is not to be developed or relied upon for car parking.
- (g) A minimum of 2 bicycle parking facilities shall be provided, and end of trip facilities are encouraged for all non-residential development.
- (h) Landscaping is to be used to enhance the streetscape with a minimum soft landscaping strip of 1.5 metres wide provided to all street boundaries.
- (i) A single sign of up to 0.2m<sup>2</sup> in area is permitted. Larger signs may be considered where it can be adequately demonstrated that there will be no detrimental impact on residential character or amenity.
- (j) Services, air conditioners, and other service equipment should be screened from view, and located at the rear of the building where practicable.
- (k) Bin storage areas are to be in accordance with the following requirements:
  - (i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material, and located behind the main dwelling line or primary street setback whichever the greater.
  - (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.
- (l) All lighting is to be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting not result in negative impacts on surrounding residential properties.

#### 4. Advertising development applications

- (a) Applications for non-residential uses may be advertised for public comment at the discretion of the City of Bayswater.

#### Related legislation

City of Bayswater Town Planning Scheme

Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Planning and Development (Planning Codes) Regulations 2024

Residential Design Codes

#### Related documentation

Crime Prevention through Environmental Design Planning Guidelines

#### Document details

**Relevant delegations** TP-D01 Local Planning Schemes

---



**Non-Residential Uses in Residential Zones Policy**

<b>Risk evaluation</b>	Low – Medium		
<b>Strategic link</b>	E1 and L4		
<b>Council adoption</b>	11 February 2020	<b>Resolution</b>	10.5.1.1
<b>Reviewed/modified</b>		<b>Resolution</b>	[item no.]
<b>Next review due</b>	October 2028		

**9.7 Planning Policy Review: Height Restriction - Neville Street**

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.7.1 - 2 pages]</li> <li>2. Amended Policy with Tracked Changes [9.7.2 - 3 pages]</li> <li>3. Draft Policy [9.7.3 - 3 pages]</li> </ol>
<b>Refer:</b>	Item 10.6.1.3 OCM 2.12.2020

**SUMMARY**

Council consideration is sought in relation to the proposed modifications to the City's *Height Restriction – Neville Street, Bayswater Policy* (the policy).

The existing policy limits the height of buildings on Lot 103 (Strata Lot 3), 3D, Lot 700, 5-7 and Lot 3, 9 Neville Street, Bayswater to the height limits specified in Part B Category A of Table 3 of the Residential Design Codes (R-Codes).

It is considered that the policy is still necessary, due to the absence of restrictive covenants on the affected lots. The draft modified policy will bring it in line with the current City policy format, improve readability, update the document and futureproof it insofar as possible.

**OFFICER'S RECOMMENDATION**

**That Council adopts the revised *Height Restriction – Neville Street, Bayswater Policy* as contained in Attachment 3 to this Report.**

**BACKGROUND**

The City has many local planning policies to better guide development within the City. City officers are undertaking an ongoing review of the existing local planning policies to improve the City's policy framework and reduce red tape associated with development applications.

The existing policy was adopted by Council on 22 May 2001. The policy has subsequently been modified in 2004, 2016, and 2020.

The review found that the content of the *Height Restriction - Neville Street, Bayswater Policy* remains current to ensure the properties subject to this policy do not undertake second storey additions that restrict views of the Swan River for surrounding properties; however, it requires updating to reflect the current City of Bayswater policy format and remove outdated references.



Figure 1 below. Properties subject the policy view facing south towards Riverside Gardens Regional Reserve



Figure 2 below. Properties subject the policy and properties beyond facing north.



Imaginary Google Earth 23 February 2022.

### EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. The proposed revisions to the *Height Restriction - Neville Street, Bayswater Policy* is considered minor administrative changes and do not materially change the guidance provided by the policy, therefore no advertising is required.

### OFFICER'S COMMENTS

The *Height Restriction - Neville Street, Bayswater Policy* was implemented to limit the height of buildings on Lot 103 (Strata Lot 3), 3D, Lot 700, 5-7 and Lot 3, 9 Neville Street, Bayswater, to create a transition from the surrounding residential area in the north to the adjacent Parks and Recreation reserve (Riverside Gardens) to the south.

The draft modified *Height Restriction - Neville Street, Bayswater Policy*, as contained in **Attachment 2** to this report, updates the existing policy in accordance with the current City of Bayswater policy format. The purpose, objectives, introduction, scope, and requirements all remain the same.

#### Removal of Clause 2:

Clause 2 states:

*Excessive filling of the site is not considered appropriate.*

This provision is general in nature and lacks statutory weight with not specifically stating height restricts of site fill on a subject site. Further to this, the City's Retaining Walls Policy adequately considers site fill across the City and is relevant also to the context of the properties subject to this policy, Height Restriction - Neville Street, Bayswater Policy. Therefore, it is recommended that the above clause is removed.

#### Residential Design Codes

The existing policy has been reviewed against the requirements of the Residential Design Codes Volume 1 (R-Codes V1). Part 4 of the R-Codes requires WAPC approval for any intended continuation of an existing policy that varies the deemed-to-comply requirements set out in Part

C of the R-Codes. The lots subject to this policy are zoned Medium to High Density Residential with a density code R25. The development of these lots is subject to Part B R-Code requirements. WAPC approval is therefore not required for the continuation of this policy.

A copy of the revised policy, with amendments shown in ‘tracked changes’ is provided in **Attachment 2**.

A copy of the revised policy, with amendments included, is provided in **Attachment 3**.

**LEGISLATIVE COMPLIANCE**

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for amending a local planning policy, including the requirement to give local public notice of a decision to amend a local planning policy, unless, in the opinion of the local government, the amendment is a minor amendment.

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer’s recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

- Theme: Environment and Liveability
- Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.
- Theme: Leadership and Governance
- Goal L4: Communicate in a clear and transparent way.  
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

The proposed draft modified policy will assist with the delivery of a quality built environment. The draft policy will maintain the restriction on the height of buildings to ensure that the scale of buildings transitions from the residential area to the north to the adjacent Parks and Recreation reserve to the south.

**CONCLUSION**

That the Council adopts the revised *Height Restriction - Neville Street, Bayswater Policy*.



# Height Restriction - Neville Street, Bayswater Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

## Purpose

The purpose of this policy is to ensure that development on a portion of the identified lots adjacent to the Regional Reserve are limited to a single storey, so that the scale of development creates a transition from the residential area to the north to the adjacent Parks and Recreation Reserve to the south.

## Objectives

The objectives of this policy are to:

1. Ensure that the scale of development is in keeping with the established local development context.
2. Ensure that development does not unduly impact upon local amenity.

## Introduction

The Residential Design Codes allows a local planning policy to contain provisions that amend or replace the deemed-to-comply provisions set out in the Codes. As it is considered necessary to restrict building height on the identified lots, this policy contains a requirement that varies the relevant building height provisions of the Residential Design Codes.

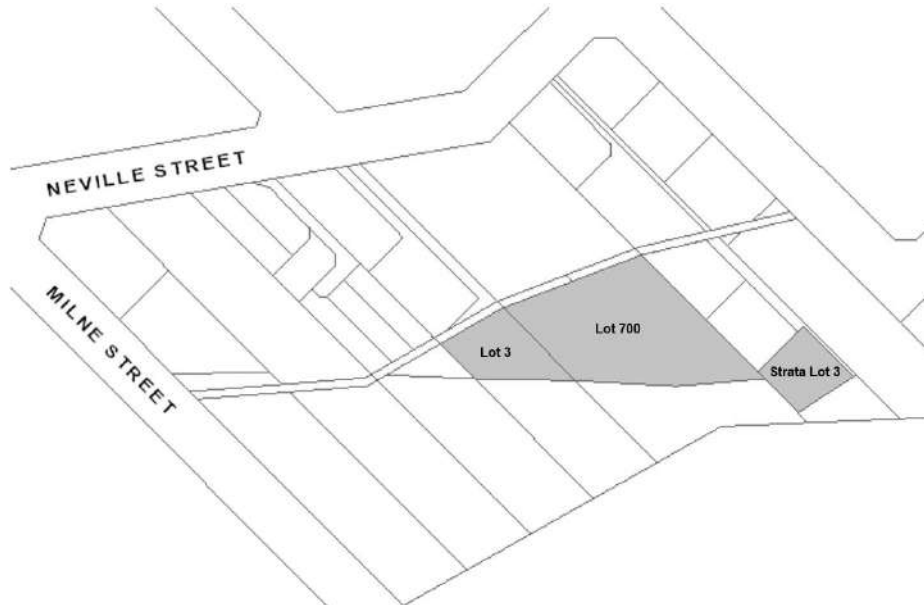
## Scope

This policy applies to the development of all buildings on:

- Strata Lot 3, No. 3D Neville Street, Bayswater;
- Lot 700, Units 11 to 15, Nos. 5 to 7 Neville Street, Bayswater; and
- Lot 3, No. 9 Neville Street, Bayswater;

as shown on the below map:





### Requirements

1. All residential development on the lots identified in the scope and the plan above, shall be restricted to Category A (single storey) dwellings as specified in Table 3 of the Residential Design Codes.
2. Excessive filling of the site is not considered appropriate.

### Related legislation

This policy is adopted under City of Bayswater Town Planning Scheme No. 24, in accordance with Schedule 2, Part 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Relevant Delegations	TP-D01
Council Adoption	22 May 2001
Reviewed / Modified	22 June 2004
Reviewed / Modified	1 March 2016
Reviewed / Modified	8 December 2020



# Height Restriction – Neville Street, Bayswater Policy

<b>Responsible Division</b>	Community and Development Office of the CEO
<b>Responsible Business Unit</b>	Development Approvals Property and Economic Development
<b>Responsible Officer</b>	Manager Development Approvals Manager Property and Economic Development
<b>Affected Business Units</b>	Development Approvals Statutory Planning and Compliance Property and Economic Development
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

The purpose of this policy is to ensure that development on a portion of the identified lots adjacent to the Regional Reserve are limited to a single storey, so that the scale of development creates a transition from the residential area to the north to the adjacent Parks and Recreation Reserve to the south.

## Objectives

The objectives of this policy are to:

1. Ensure that the scale of development is in keeping with the established local development context.
2. Ensure that development does not unduly impact upon local amenity.

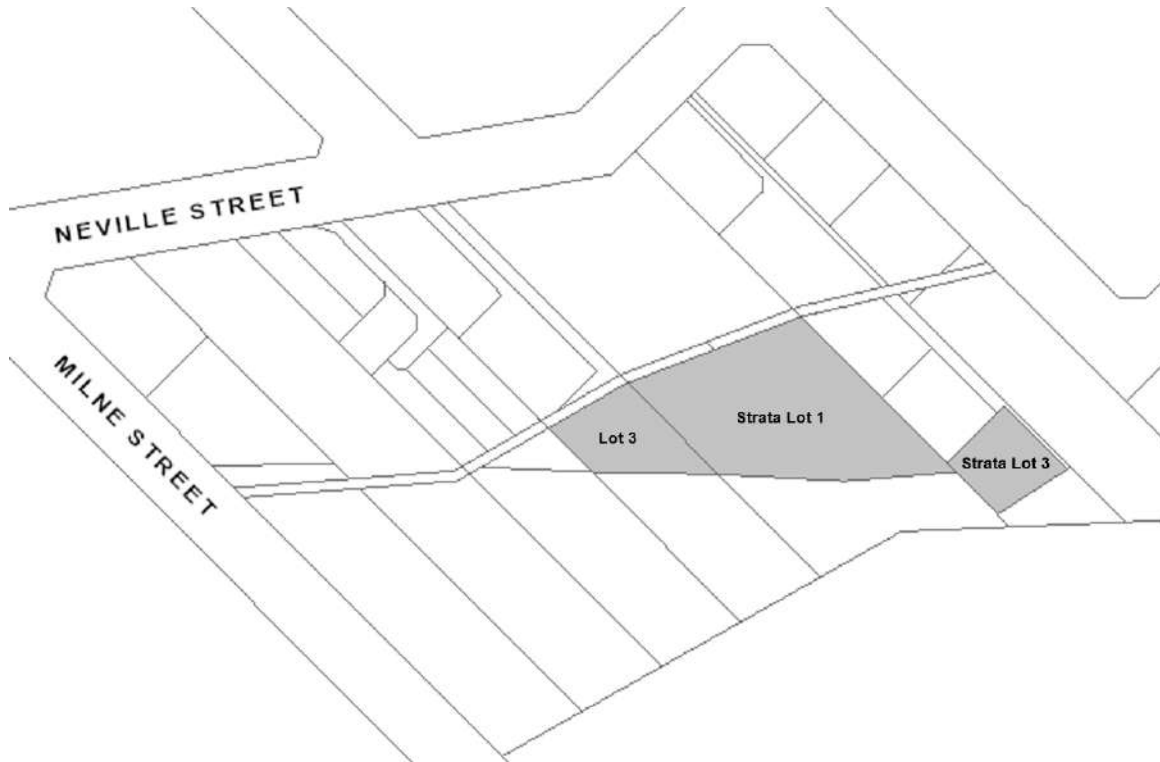
## Introduction

The Residential Design Codes allows a local planning policy to contain provisions that amend or replace the deemed-to-comply provisions set out in the Codes. As it is considered necessary to restrict building height on the identified lots, this policy contains a requirement that varies the relevant building height provisions of the Residential Design Codes.

## Scope

This policy applies to the development of all buildings on:

- Strata Lot 3, No. 3D Neville Street, Bayswater;
- Lot 700, Units 11 to 15, Nos. 5 to 7 Neville Street, Bayswater; and
- Lot 3, No. 9 Neville Street, Bayswater; as shown on the below map:



### Requirements

1. All residential development on the lots identified in the scope and the plan above, shall be restricted to Category A (single storey) dwellings as specified in **Part B** Table 3 of the Residential Design Codes.
2. ~~Excessive filling of the site is not considered appropriate.~~

### Related legislation

~~This policy is adopted under~~ City of Bayswater Town Planning Scheme No. 24, ~~in accordance with~~ Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.  
~~Planning and Development (Planning Codes) Regulations 2024~~  
Residential Design Codes

### Document details

Relevant delegations TP-D01

Risk evaluation Low

<b>Strategic link</b>	SR01		
<b>Council adoption</b>	22 May 2001	<b>Resolution</b>	
<b>Reviewed/modified</b>	22 June 2004	<b>Resolution</b>	
<b>Reviewed/modified</b>	1 March 2016	<b>Resolution</b>	
<b>Reviewed/modified</b>	8 December 2020	<b>Resolution</b>	10.6.1.3
<b>Reviewed/modified</b>	November 2024	<b>Resolution</b>	[item no.]
<b>Next review due</b>	XXX 2029		

tracked changes



# Height Restriction – Neville Street, Bayswater Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Statutory Planning and Compliance Property and Economic Development
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

The purpose of this policy is to ensure that development on a portion of the identified lots adjacent to the Regional Reserve are limited to a single storey, so that the scale of development creates a transition from the residential area to the north to the adjacent Parks and Recreation Reserve to the south.

## Objectives

The objectives of this policy are to:

1. Ensure that the scale of development is in keeping with the established local development context.
2. Ensure that development does not unduly impact upon local amenity.

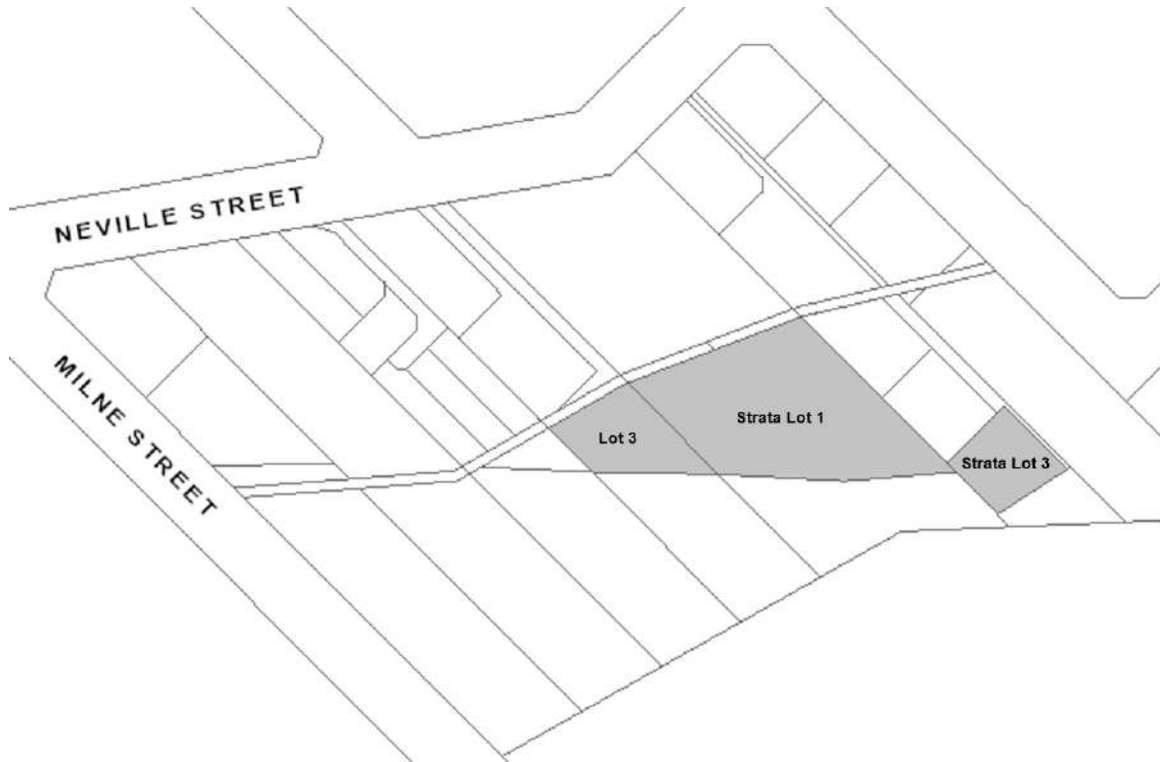
## Introduction

The Residential Design Codes allows a local planning policy to contain provisions that amend or replace the deemed-to-comply provisions set out in the Codes. As it is considered necessary to restrict building height on the identified lots, this policy contains a requirement that varies the relevant building height provisions of the Residential Design Codes.

## Scope

This policy applies to the development of all buildings on:

- Strata Lot 3, No. 3D Neville Street, Bayswater;
- Lot 700, Units 11 to 15, Nos. 5 to 7 Neville Street, Bayswater; and
- Lot 3, No. 9 Neville Street, Bayswater; as shown on the below map:



### Requirements

1. All residential development on the lots identified in the scope and the plan above, shall be restricted to Category A (single storey) dwellings as specified in Part B Table 3 of the Residential Design Codes.

### Related legislation

City of Bayswater Town Planning Scheme No. 24

Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

*Planning and Development (Planning Codes) Regulations 2024*

Residential Design Codes

### Document details

**Relevant delegations** TP-D01

**Risk evaluation** Low

**Strategic link** SR01

<b>Council adoption</b>	22 May 2001	<b>Resolution</b>	
<b>Reviewed/modified</b>	22 June 2004	<b>Resolution</b>	
<b>Reviewed/modified</b>	1 March 2016	<b>Resolution</b>	
<b>Reviewed/modified</b>	8 December 2020	<b>Resolution</b>	10.6.1.3
<b>Reviewed/modified</b>	November 2024	<b>Resolution</b>	[item no.]
<b>Next review due</b>	XXX 2029		

draft

## 9.8 Planning Policy Review: Temporary and Minor Development

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.8.1 - 4 pages]</li> <li>2. Amended Policy with tracked changes [9.8.2 - 5 pages]</li> <li>3. Draft Policy [9.8.3 - 4 pages]</li> </ol>
<b>Refer:</b>	Item 10.11 OCM 21.06.2016 Item 9.2 PRDC 28.01.2020

### SUMMARY

Council consideration is sought in relation to the proposed modifications to the City's *Temporary and Minor Development Policy* (the policy).

The existing policy aims to streamline the development application process by identifying characteristics and types of developments which are considered minor in nature and therefore do not require development approval. The existing policy is proposed to be modified to improve its effectiveness and readability and bring it in line with the City's current policy format.

### OFFICER'S RECOMMENDATION

**That Council adopts the revised *Temporary and Minor Development Policy* as contained in Attachment 3 to this Report for the purposes of public advertising.**

### BACKGROUND

The City has many local planning policies to better guide development within the City. City officers are undertaking an ongoing review of the existing local planning policies to improve the City's policy framework and reduce red tape associated with development applications.

The existing policy was adopted by Council on 21 June 2016 and subsequently modified in 2020.

### EXTERNAL CONSULTATION

Should Council adopt the revised *Temporary and Minor Development Policy* for the purpose of advertising for public comment, the policy will be advertised in accordance with the requirements of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) for at least 21 days by way of:

- notification being published in the local newspaper(s)
- information being placed on the City's engagement website
- hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

### OFFICER'S COMMENTS

The revised *Temporary and Minor Development Policy* is intended to define temporary and minor developments that are exempt from requiring development approval, while also ensuring that they do not have any undue impacts upon local amenity. Such developments can be undertaken in accordance with the established planning framework and can also contribute to the vitalisation of activity centres and local neighbourhoods, by activating streetscapes and encouraging interactions between local residents.



The following revisions are proposed to the *Temporary and Minor Development Policy*:

Revision	Rationale
<b>Scope</b>	
<p>Insert the following paragraph under first paragraph:</p> <p>Temporary uses in areas not under the City's Planning control such as under the control of the Department of Biodiversity, Conservation and Attractions (DBCA), whilst the City doesn't require an approval, a permit may need to be obtained under separate legislation from the DBCA or relevant authority.</p>	<p>The City has received a number of enquires relating to the scope of the policy and whether it also applies to land that is under DBCA control.</p> <p>New paragraph recommended to provide clarity on this matter.</p>
<b>Definitions</b>	
<p>Insert new definition:</p> <p><b>Small in scale</b> means development that does not have an undue impact on the locality by way of environmental impacts, character of the locality, and social impacts, does not generate excessive amounts of traffic, emissions (noise), or impede on pedestrian safety.</p>	<p>During the policy review it was identified that there would be benefit in defining 'Small in scale' to provide parameters for what the City may or may not consider under this policy.</p> <p>This definition is largely based on the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Deemed Provisions clause 67 which sets out matters the City is to have due regard to during the consideration of a development application.</p>
<b>Alfresco dining on public thoroughfares</b>	
<p>Delete the following section within the policy:</p> <p>Alfresco dining on public thoroughfares</p> <p>Development approval is not required for alfresco dining areas on public thoroughfares where:</p> <ol style="list-style-type: none"> <li>1. The alfresco dining area is located adjacent to the associated business.</li> <li>2. A minimum clear footpath width of 2m is maintained for pedestrians.</li> <li>3. An alfresco dining permit has been approved under the City's Activities on Thoroughfares and Public Places and Trading Local Law.</li> </ol>	<p>Alfresco dining is considered under Part 10 - 'Outdoor eating facilities on public places' of the City's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and is not subject to planning legislation in public places.</p> <p>It is recommended that this section is removed to ensure there is no duplication.</p>

Revision	Rationale
<b>Solar collectors</b>	
<p>Clause 1 to insert the follow at the end of the clause:</p> <p>(irrespective of its angle to the roof provided the overall height does not exceed building height limits that apply to the site).</p>	<p>The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Deemed Provisions clause 61 exempts solar panels on the roof of a building, however only in the instance the solar panels are parallel to the angle of the roof and the works are not located in a heritage-protected place.</p> <p>Amending clause 1 will allow for solar panels that do not run parallel to the angle of the roof, for instance solar panels that are erected on a roof that are fixed to a tilted frame / bracket, provided the overall height does not exceed building height limits that apply to the site.</p>

A copy of the revised policy, with amendments shown in ‘tracked changes’ is provided in **Attachment 2**.

A copy of the revised policy, with amendments included, is provided in **Attachment 3**.

**LEGISLATIVE COMPLIANCE**

Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 sets out the procedure for amending a local planning policy, including the requirement to give local public notice of a decision to amend a local planning policy, unless, in the opinion of the local government, the amendment is a minor amendment.

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer’s recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Medium
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.  
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

The revised *Temporary and Minor Development Policy* will help to reduce red tape for developments which will have limited to no impact on the surrounding area. The policy would ensure that temporary and minor developments will be allowed where they will activate vacant spaces and improve streetscapes in town centres and industrial areas, while simultaneously mitigating any undue impacts on local character and amenity.

### **CONCLUSION**

That the Council adopts the revised *Temporary and Minor Development Policy* for purposes of advertising.



# Temporary and Minor Development Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

## Purpose

This policy is intended to define temporary and minor developments that are exempt from requiring development approval by the City of Bayswater.

## Objectives

The objectives of this policy are to:

1. Facilitate temporary and minor developments that have no undue impact upon local character and amenity.
2. Ensure the preservation of local character and amenity.
3. Activate vacant spaces in town centres and industrial areas.
4. Improve streetscapes in town centres and industrial areas.
5. Maintain public safety.

## Introduction

Many temporary and minor developments will have no undue impact on local character or amenity and can be undertaken in accordance with the established planning framework. Temporary and minor developments can also help to vitalise activity centres and local neighbourhoods, by activating streetscapes and encouraging interactions between local residents.

The City of Bayswater considers it desirable to facilitate such developments by exempting them from requiring development approval by the City where possible.

## Scope

This policy is applicable to defined temporary and minor developments on all land within the City of Bayswater; however, it does not override the requirements of building and environmental health legislation, local laws or the City's event approval process.

## Definitions

**Temporary development** means a development that is in place for no more than 6 months cumulatively within a 12 month period. Examples of temporary developments include community markets, fairs, festivals, garage sales, pop-up shops and galleries and temporary buildings or structures, such as marquees or site offices.

**Minor development** means development that, in relative terms, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed. Examples of minor development include ancillary uses, small garden structures, solar collectors and water tanks.

## Requirements

### Development approval

Development approval is not required for any temporary or minor development, unless:

1. The development site is
  - (a) Entered on the State Register of Heritage Places under the Heritage Act 2018.
  - (b) The subject of an order under the Heritage Act 2018 Part 4 or Part 11, Division 4.
  - (c) Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s).
  - (d) Within an area designated under the town planning scheme(s) as a heritage area.
  - (e) The subject of a heritage agreement entered into under Heritage Act 2018 section 90.
2. The development would, in the opinion of the City of Bayswater:
  - (a) Be detrimental to the streetscape or day-to-day activities of the local community.
  - (b) Unduly impact upon local amenity through traffic generation, car parking difficulties, or emissions including, but not limited to noise, odour or waste.
  - (c) Unduly impact upon pedestrian or vehicular accessibility.
  - (d) Unduly impact upon on the health and safety of the general public.

### Temporary developments

Development approval will generally not be required for temporary developments where:

1. The development will not be located in a residential zone.
2. The development will not be in place for more than 6 months cumulatively within a 12 month period.
3. The development will not operate outside of the hours of 7:00 a.m. to 10:00 p.m.
4. Any works component will be small in scale.
5. Any works component will not involve the alteration of, or addition to existing buildings.
6. The development will not compromise the safety of those using the space where it will be conducted.
7. The development will not require the placement of more than one temporary sign with a maximum area of 1.5m<sup>2</sup>.
8. The development will not involve the removal of trees.

### Minor developments

Development approval will generally not be required for minor developments where:

1. Any use component is listed as a 'P' or 'D' use in the town planning scheme and is of a minor, incidental nature when compared to the approved use of the land or buildings.
2. Any works component will be small in scale.
3. Any works component will not involve the alteration of, or addition to existing buildings.
4. The development will not compromise the safety of those using the space where it will be conducted.
5. The development will not involve the removal of trees.

### Alfresco dining on public thoroughfares

Development approval is not required for alfresco dining areas on public thoroughfares where:

1. The alfresco dining area is located adjacent to the associated business.
2. A minimum clear footpath width of 2m is maintained for pedestrians.
3. An alfresco dining permit has been approved under the City's Activities on Thoroughfares and Public Places and Trading Local Law.

### Temporary site and sales offices, sheds and sea containers on development sites

Development approval is not required to locate a temporary site or sales office, shed or sea container on a development site where:

1. The structure will be located so as not to compromise lines of sight necessary for the safe access and egress of motor vehicles to and from the site.
2. The structure will only be located on the development site while works are actively ongoing, or for a longer period as agreed in writing with the City of Bayswater.
3. The location of the structure will not involve the removal of trees.

### Signs

Development approval is not required to alter the content of existing, approved signage where:

1. The content will be consistent with the relevant provisions of any other applicable City of Bayswater local planning policies.
2. The dimensions of the sign face will not be altered.

### Solar collectors

Development approval is not required for the installation of a solar collector where:

1. The collector will be installed on the roof of a building.

## Water tanks

Development approval is not required for the installation of a water tank where:

1. The tank will not be located between any building and the primary street, unless entirely underground.
2. The tank will be set back from other boundaries in accordance with the town planning scheme or Residential Design Codes of WA, as appropriate, unless entirely underground.
3. The tank will have a maximum height of 3m, measured from natural ground level.
4. The tank will be located so that it is not directly visible from the primary street.

## Related legislation

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	21 June 2016
Reviewed / Modified	11 February 2020



# Temporary and Minor Development Policy

<b>Responsible Division</b>	<del>Community and Development</del> Office of the CEO
<b>Responsible Business Unit</b>	<del>Development Approvals</del> Property and Economic Development
<b>Responsible Officer</b>	<del>Manager Development Approvals</del> Manager Property and Economic Development
<b>Affected Business Units</b>	<del>Development Approvals</del> Statutory Planning and Compliance Property and Economic Development
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

This policy is intended to define temporary and minor developments that are exempt from requiring development approval by the City of Bayswater.

## Objectives

The objectives of this policy are to:

1. Facilitate temporary and minor developments that have no undue impact upon local character and amenity.
2. Ensure the preservation of local character and amenity.
3. Activate vacant spaces in town centres and industrial areas.
4. Improve streetscapes in town centres and industrial areas.
5. Maintain public safety.

## Introduction

Many temporary and minor developments will have no undue impact on local character or amenity and can be undertaken in accordance with the established planning framework. Temporary and minor developments can also help to vitalise activity centres and local neighbourhoods, by activating streetscapes and encouraging interactions between local residents.

The City of Bayswater considers it desirable to facilitate such developments by exempting them from requiring development approval by the City where possible.

## Scope



This policy is applicable to defined temporary and minor developments on all land within the City of Bayswater; however, it does not override the requirements of building and environmental health legislation, local laws or the City's event approval process.

Temporary uses in areas not under the City's Planning control such as under the control of the Department of Biodiversity, Conservation and Attractions (DBCA), whilst the City doesn't require an approval, a permit may need to be obtained under separate legislation from the DBCA or other relevant authority.

## Definitions

**Temporary development** means a development that is in place for no more than 6 months cumulatively within a 12 month period. Examples of temporary developments include community markets, fairs, festivals, garage sales, pop-up shops and galleries and temporary buildings or structures, such as marquees or site offices.

**Minor development** means development that, in relative terms, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed. Examples of minor development include ancillary uses, small garden structures, solar collectors and water tanks.

**Small in scale** means development that does not have an undue impact on the locality by way of environmental impacts, character of the locality, and social impacts, does not generate excessive amounts of traffic, emissions (noise), or impede on pedestrian safety.

## Requirements

### Development approval

Development approval is not required for any temporary or minor development, unless:

1. The development site is:
  - a. Entered on the State Register of Heritage Places under the Heritage Act 2018.
  - b. The subject of an order under the Heritage Act 2018 Part 4 or Part 11, Division 4.
  - c. Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s).
  - d. Within an area designated under the town planning scheme(s) as a heritage area.
  - e. The subject of a heritage agreement entered into under Heritage Act 2018 section 90.
2. The development would, in the opinion of the City of Bayswater:
  - a. Be detrimental to the streetscape or day-to-day activities of the local community.
  - b. Unduly impact upon local amenity through traffic generation, car parking difficulties, or emissions including, but not limited to noise, odour or waste.
  - c. Unduly impact upon pedestrian or vehicular accessibility.

- d. Unduly impact upon on the health and safety of the general public.

### Temporary developments

Development approval will generally not be required for temporary developments where:

1. The development will not be located in a residential zone.
2. The development will not be in place for more than 6 months cumulatively within a 12 month period.
3. The development will not operate outside of the hours of 7:00 a.m. to 10:00 p.m.
4. Any works component will be small in scale.
5. Any works component will not involve the alteration of, or addition to existing buildings.
6. The development will not compromise the safety of those using the space where it will be conducted.
7. The development will not require the placement of more than one temporary sign with a maximum area of 1.5m<sup>2</sup>.
8. The development will not involve the removal of trees.

### Minor development

Development approval will generally not be required for minor developments where:

1. Any use component is listed as a 'P' or 'D' use in the town planning scheme and is of a minor, incidental nature when compared to the approved use of the land or buildings.
2. Any works component will be small in scale.
3. Any works component will not involve the alteration of, or addition to existing buildings.
4. The development will not compromise the safety of those using the space where it will be conducted.
5. The development will not involve the removal of trees.

### **Alfresco dining on public thoroughfares**

Development approval is not required for alfresco dining areas on public thoroughfares where:

- ~~1. The alfresco dining area is located adjacent to the associated business.~~
- ~~2. A minimum clear footpath width of 2m is maintained for pedestrians.~~
- ~~6. An alfresco dining permit has been approved under the City's Activities on Thoroughfares and Public Places and Trading Local Law.~~

### Temporary site and sales offices, sheds and sea containers on development sites

Development approval is not required to locate a temporary site or sales office, shed or sea container on a development site where:

1. The structure will be located so as not to compromise lines of sight necessary for the safe access and egress of motor vehicles to and from the site.
2. The structure will only be located on the development site while works are actively ongoing, or for a longer period as agreed in writing with the City of Bayswater.
3. The location of the structure will not involve the removal of trees.

### Signs

Development approval is not required to alter the content of existing, approved signage where:

1. The content will be consistent with the relevant provisions of any other applicable City of Bayswater local planning policies.
2. The dimensions of the sign face will not be altered.

### Solar collectors

Development approval is not required for the installation of a solar collector where:

1. The collector will be installed on the roof of a building (irrespective of its angle to the roof provided the overall height does not exceed building height limits that apply to the site).

### Water tanks

Development approval is not required for the installation of a water tank where:

1. The tank will not be located between any building and the primary street, unless entirely underground.
2. The tank will be set back from other boundaries in accordance with the town planning scheme or Residential Design Codes of WA, as appropriate, unless entirely underground.
3. The tank will have a maximum height of 3m, measured from natural ground level.
4. The tank will be located so that it is not directly visible from the primary street.

### Related Legislation

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town Planning Scheme.

Residential Design Codes.

### Document details

Relevant delegations TP-D01

---

<b>Risk evaluation</b>	Low/Medium		
<b>Strategic link</b>	Goal E1 and Goal L4		
<b>Council adoption</b>	21 June 2016	<b>Resolution</b>	10.11
<b>Reviewed/modified</b>	28 January 2020	<b>Resolution</b>	9.2
<b>Reviewed/modified</b>	December 2024	<b>Resolution</b>	[item no.]
<b>Next review due</b>	[description]		

tracked changes



# Temporary and Minor Development Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Statutory Planning and Compliance Property and Economic Development
<b>ECM Document Set ID</b>	[ECM document set ID]

## Purpose

This policy is intended to define temporary and minor developments that are exempt from requiring development approval by the City of Bayswater.

## Objectives

The objectives of this policy are to:

1. Facilitate temporary and minor developments that have no undue impact upon local character and amenity.
2. Ensure the preservation of local character and amenity.
3. Activate vacant spaces in town centres and industrial areas.
4. Improve streetscapes in town centres and industrial areas.
5. Maintain public safety.

## Introduction

Many temporary and minor developments will have no undue impact on local character or amenity and can be undertaken in accordance with the established planning framework. Temporary and minor developments can also help to vitalise activity centres and local neighbourhoods, by activating streetscapes and encouraging interactions between local residents.

The City of Bayswater considers it desirable to facilitate such developments by exempting them from requiring development approval by the City where possible.

## Scope

This policy is applicable to defined temporary and minor developments on all land within the City of Bayswater; however, it does not override the requirements of building and environmental health legislation, local laws or the City's event approval process.

Temporary uses in areas not under the City's Planning control such as under the control of the Department of Biodiversity, Conservation and Attractions (DBCA), whilst the City doesn't require an approval, a permit may need to be obtained under separate legislation from the DBCA or other relevant authority.

## Definitions

**Temporary development** means a development that is in place for no more than 6 months cumulatively within a 12 month period. Examples of temporary developments include community markets, fairs, festivals, garage sales, pop-up shops and galleries and temporary buildings or structures, such as marquees or site offices.

**Minor development** means development that, in relative terms, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed. Examples of minor development include ancillary uses, small garden structures, solar collectors and water tanks.

**Small in scale** means development that does not have an undue impact on the locality by way of environmental impacts, character of the locality, and social impacts, does not generate excessive amounts of traffic, emissions (noise), or impede on pedestrian safety.

## Requirements

### Development approval

Development approval is not required for any temporary or minor development, unless:

1. The development site is:
  - a. Entered on the State Register of Heritage Places under the Heritage Act 2018.
  - b. The subject of an order under the Heritage Act 2018 Part 4 or Part 11, Division 4.
  - c. Included on a heritage list prepared in accordance with the City of Bayswater town planning scheme(s).
  - d. Within an area designated under the town planning scheme(s) as a heritage area.
  - e. The subject of a heritage agreement entered into under Heritage Act 2018 section 90.
2. The development would, in the opinion of the City of Bayswater:
  - a. Be detrimental to the streetscape or day-to-day activities of the local community.
  - b. Unduly impact upon local amenity through traffic generation, car parking difficulties, or emissions including, but not limited to noise, odour or waste.

- c. Unduly impact upon pedestrian or vehicular accessibility.
- d. Unduly impact upon on the health and safety of the general public.

### **Temporary developments**

Development approval will generally not be required for temporary developments where:

1. The development will not be located in a residential zone.
1. The development will not be in place for more than 6 months cumulatively within a 12 month period.
2. The development will not operate outside of the hours of 7:00 a.m. to 10:00 p.m.
3. Any works component will be small in scale.
4. Any works component will not involve the alteration of, or addition to existing buildings.
2. The development will not compromise the safety of those using the space where it will be conducted.
3. The development will not require the placement of more than one temporary sign with a maximum area of 1.5m<sup>2</sup>.
4. The development will not involve the removal of trees.

### **Minor development**

Development approval will generally not be required for minor developments where:

5. Any use component is listed as a 'P' or 'D' use in the town planning scheme and is of a minor, incidental nature when compared to the approved use of the land or buildings.
6. Any works component will be small in scale.
7. Any works component will not involve the alteration of, or addition to existing buildings.
8. The development will not compromise the safety of those using the space where it will be conducted.
9. The development will not involve the removal of trees.

### **Temporary site and sales offices, sheds and sea containers on development sites**

Development approval is not required to locate a temporary site or sales office, shed or sea container on a development site where:

1. The structure will be located so as not to compromise lines of sight necessary for the safe access and egress of motor vehicles to and from the site.
2. The structure will only be located on the development site while works are actively ongoing, or for a longer period as agreed in writing with the City of Bayswater.
3. The location of the structure will not involve the removal of trees.

## Signs

Development approval is not required to alter the content of existing, approved signage where:

1. The content will be consistent with the relevant provisions of any other applicable City of Bayswater local planning policies.
2. The dimensions of the sign face will not be altered.

## Solar collectors

Development approval is not required for the installation of a solar collector where:

1. The collector will be installed on the roof of a building (irrespective of its angle to the roof provided the overall height does not exceed building height limits that apply to the site).

## Water tanks

Development approval is not required for the installation of a water tank where:

1. The tank will not be located between any building and the primary street, unless entirely underground.
2. The tank will be set back from other boundaries in accordance with the town planning scheme or Residential Design Codes, as appropriate, unless entirely underground.
3. The tank will have a maximum height of 3m, measured from natural ground level.
4. The tank will be located so that it is not directly visible from the primary street.

## Related Legislation

*Planning and Development (Local Planning Schemes) Regulations 2015.*

Town Planning Scheme.

Residential Design Codes.

## Document details

<b>Relevant delegations</b>	TP-D01		
<b>Risk evaluation</b>	Low/Medium		
<b>Strategic link</b>	Goal E1 and Goal L4		
<b>Council adoption</b>	21 June 2016	<b>Resolution</b>	10.11
<b>Reviewed/modified</b>	28 January 2020	<b>Resolution</b>	9.2
<b>Reviewed/modified</b>	December 2024	<b>Resolution</b>	[item no.]
<b>Next review due</b>	[description]		



## 9.9 Planning Policy Review: Proposed Character Protection Areas Policy

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Advertised Character Protection Areas Policy [9.9.1 - 22 pages]</li> <li>2. Track Change Modifications to Advertised Character Protection Areas Policy [9.9.2 - 22 pages]</li> <li>3. Draft Amended Character Protection Areas Policy [9.9.3 - 22 pages]</li> <li>4. Table of Summarised Public Advertising Submissions [9.9.4 - 13 pages]</li> </ol>
<b>Refer:</b>	Item 10.5.1.5 OCM 23.07.2024

### SUMMARY

Council consideration is sought in relation to the final approval of the draft *Character Protection Areas Policy*.

The draft modified local planning policy was advertised for public comment from 29 August 2024 to 20 September 2024, during which time 236 people visited the policy online with 148 document downloads. Twelve formal submissions were received during the public consultation period - five submissions supporting the policy, three partially supporting the policy, and four not supporting the policy.

### OFFICER'S RECOMMENDATION

**That Council adopts the revised *Character Protection Areas Policy* as contained in Attachment 3 to this Report.**

### BACKGROUND

Council at its Ordinary Meeting held on 23 July 2024 adopted for public advertising the draft *Character Protection Areas Policy* (the policy).

The existing policy provides provisions for new development, and additions and alterations to existing buildings, located within the Character Protection Areas.

### EXTERNAL CONSULTATION

The City advertised the draft policy in accordance with Councils' resolution for a period of 22 days from 29 August 2024 to 20 September 2024, by way of:

- notification being published in the local newspaper(s)
- notification being sent to landowners within the Character Protection Areas
- information being placed on the City's engagement website
- hard copies of the draft policy being made available for inspection at the City of Bayswater Civic Centre and libraries.

During the public consultation period, 236 people visited the policy online with 148 document downloads.

The following table provides an overview of submissions received during the public consultation period:

Support the draft Policy	Public Authority or Local Government	Lives or owns property within:			Total
		Maylands North CPA	Mount Lawley CPA	Bayswater CPA	
Yes	1	2	1	1	5
Somewhat		2	1		3
No		2	1	1	4
<b>Total</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>12</b>

Out of the 12 submissions, 11 provided comment. Submissions including summarised comments are included in **Attachment 4** and are discussed further in the subsequent section of this report.

One submission was received from the Water Corporation who stated that proposed amendments does not affect Water Corporations assets. Water Corporation had no objection to the amendments proposed.

**OFFICER'S COMMENTS**

A copy of the draft Character Protection Areas Policy is contained in **Attachment 3**.

The following table summarises modifications to the *Character Protection Areas Policy* that were recommended during the public consultation period:

Modifications supported by the City	Rationale
<b>Objectives</b>	
Objective 1 to include 'materiality':	Materiality was raised within community submission. Upon review including materiality within objective 1 was considered relevant considering the policy provisions aims for materials and colours of surrounding traditional homes to be used as a point of reference for new development.
New Objective. Objective three inserted: <i>Ensure the siting, height, scale, massing and materiality of new development including additions to existing buildings is appropriately located, scaled and designed so not to visually dominate or detract from the streetscape qualities of the areas.</i>	This new objectives was recommended within community submission.  Upon review, this new objective was considered relevant as it reinforces the intent of the policy provisions.
Objective 5 relating to carports, garages, vehicle access and carparking.	Modification recommended within community submission. Rearranging the objective improves its readability and recommended to be modified.

Modifications supported by the City	Rationale
<p>Objective 7 relating to alterations to existing building.</p> <p>Word 'restoration' deleted and replaced with 'alteration'.</p>	<p>Modification recommended within community submission.</p> <p>Upon review, the using the wording 'alteration' is considered appropriate for the objective intent and is recommended to be modified.</p>
<p>Objective 8 relating to multiple dwellings to include reference of 'subdivision pattern.'</p>	<p>Modification recommended within community submission.</p> <p>Upon review including subdivision pattern within objective 8 was considered relevant to reinforce the provisions of the policy.</p>
Definitions	
<p>New definition recommended:</p> <p><b>Visually Permeable</b> in reference to a wall, gate, door, screen or fence within the scope of this policy, is the vertical surface, when viewed directly from the street or other public space, has continuous vertical or horizontal gaps that in total amount to being 75% open.</p>	<p>Modification recommended within community submission.</p> <p>Upon review including this definition provides clarity to its users when considering the design of fencing for a residential property within a CPA. This definition is consistent with the policy requirements.</p>
Character Statements	
<p>Character Protection Area 1: Maylands North to include:</p> <ul style="list-style-type: none"> <li>• Visible brick roof chimneys</li> <li>• Face brick with tuckpointing</li> <li>• Low fence heights</li> </ul>	<p>Modification recommended within community submission.</p> <p>Upon consideration of these elements and undertaking site visit, the City concurs with these elements being predominant building forms and materials of traditional character homes within the CPA.</p>
Built Form	
<p>Clause 2.10 Bulk, Form and Scale, subclause (b) insert the word 'visual' before amenity.</p>	<p>The relevancy of 'amenity' of traditional character homes to this policy was questioned within a community submission.</p> <p>It is considered that the visual amenity of traditional character homes is relevant in the context of the policy by way of views of the traditional character home are to be maintained as viewed from the street and other surrounding homes. The intent of this clause is to ensure that new buildings do not take this away.</p> <p>It is therefore recommended to insert 'visual' to provide clarity on this.</p>
Carports and Garages	

Modifications supported by the City	Rationale
<p>Clause 2.16 Garages insert the following subclause under (a):                      (iv) Garage additions where there is an existing building on the subject site are not assessed under this clause. Garage additions are to be assessed under clauses 3.1, 3.3, and 3.5.</p>	<p>A possible contradiction was raised within a community submission that clause 2.16 and clause 3.1 both refer to assessment requirements for garages. This clause is recommended to be included to provide clarity on this matter.</p>
Additions and Alterations	
<p>Clause 3.1 Ground Floor Additions and/or Alterations                      Delete 'and/or alterations' from the clause title.</p>	<p>This clause only relates to Additions only therefore this modification is recommended. Alterations are assessed under subsequent clause 3.4.</p>
<p>Clause 3.1 (c); and Clause 3.2 (c) replace 'interesting parts' with 'important elements.'</p>	<p>This modification was recommended within a community submission. Upon review the City concurs with this change as it is more explicit on what it is aiming to achieve.</p>
<p>Clause 3.2 (d) Second storey to 'respect the existing building and traditional character homes within the street in relation to' and delete 'sympathetic' 'and are similar to the existing fabric, but imitation should be avoided'</p>	<p>This modification was recommended within a community submission. Upon review the City concurs with this change as it is more explicit on what it is aiming to achieve. It is also noted that the intent of second storey additions is to allow for contemporary/modern additions that are not directly visible from the street. This is the basis of introducing the 4metre setback from the primary street setback and to be located behind the roof ridgeline.</p>
<p>Alterations clarified 'external alterations' this policy does not seek to cover internal alterations.</p>	<p>This modification is recommended to provide clarity on this provision that it relates to external alterations only and does not relate to internal modifications.</p>

The following table details key concerns were raised during the public consultation period:

Concern	City response
<p>Not supportive of setback changes</p>	<p>Clause 2.7 (c) (i) introduces a new second storey setback of 4m, whereas 2m was originally required.</p> <p>The intention of this clause is for first floor development to be adequately setback to maintain the predominant single storey appearance of the streetscape.</p> <p>It is recommended that the new two storey development setback provision remains.</p>

Concern	City response
<p>Recommends design choice flexibility for security measures i.e. garage doors</p>	<p>The Department of Planning, Lands and Heritage Crime Prevention through Environmental design Planning Guidelines advocates for passive surveillance through unimpeded sightlines to and within the publicly accessible areas. This includes visually permeable fences and clear sightlines of the house from the street.</p> <p>Fences heights and design have also remained unchanged. Rather the provisions have been modified to provide ease of interpretation of the provision.</p> <p>It is acknowledged that garages provide secure place for a vehicle to be stored. The policy does not prohibit garage doors within CPAs. Design requirements for garages are provided under clause 2.16 of the policy. The setback of garages from the street has remained unchanged from the original policy.</p>
<p>Remove the policy all together</p>	<p>The review of the policy has identified concerns that if new development is to be designed in harmony with existing traditional character homes, the new development would appear as 'fake heritage' and detract from the traditional character homes.</p> <p>Reframing new development (excluding additions and alterations to traditional character homes) from 'harmony' to 'sympathetic', means a design outcome that respects the proportions and materiality, but is not meant to be identical, nor would it result in a development that intrudes on the traditional character homes presence in the streetscape.</p> <p>The review of this policy has had these considerations at the forefront with the emphasis for new development, including additions, to be 'sympathetic' to existing traditional character homes and not intrude on the existing character of the streetscape</p>
<p>Remove CPA's within 1km of train stations</p>	<p>It is noted the policy does not control density of residential lots, nor does it prohibit the development to a greater density such as apartments or grouped dwellings.</p> <p>This policy provides parameters for new development within Character Protection Areas (CPA) to ensure that new development in Character Protection Areas is sympathetic with</p>

Concern	City response
	<p>the character, rhythm, scale and visual amenity of existing residential streetscapes.</p> <p>Given that 8 out of the 12 submissions received either supported or somewhat supported the policy demonstrates that the policy is valued by the community.</p> <p>Please note the City is not considering the boundaries of CPA's as part of this review.</p>

Other modifications have been recommended within the policy that relate to improving its readability or reinforcing the intent of the policy. A draft amended policy detailing these amendments is contained in **Attachment 2**.

**Residential Design Codes**

The Residential Design Codes (R-Codes) now have the status of subsidiary legislation under the Planning and Development Act 2015 and are referred to as a Planning Code. They are no longer considered a State Planning Policy. They are now referred to as the Residential Design Code Volume 1 2024 and Residential Design Code Volume 2 2024.

In accordance with clause 4.1 of the R-Codes local planning policies that include provisions that amend, replace or augment deemed-to-comply provisions of the R-Codes Part C (Single houses R50+, Grouped Dwellings R30 +, Multiple Dwellings R30- R60) require Western Australian Planning Commission (WAPC) approval in order for the provisions of the policy to amend, replace or augment R-Code Part C provisions to have effect after April 2026.

WAPC approval is required for parts of the policy that apply to:

- Maylands North R40 zoned land in relation to grouped dwelling and multiple dwelling developments.
- Mount Lawley R50 zoned land in relation to single houses, grouped dwellings and multiple dwelling developments.
- Bayswater R40 and R30 zoned land in relation to grouped dwelling and multiple dwelling developments.

If Council adopts the amended draft policy, the City will seek the approval of the WAPC for the parts of the policy that apply to the above.

In light of the above it is recommended that Council adopt the amended draft policy as contained in **Attachment 3**.

**LEGISLATIVE COMPLIANCE**

Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for amending a local planning policy.

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
-----------------	----------	-------------

Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods.	

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

It is considered that the proposed Character Protection Areas policy provides the community guidance on designing new buildings, and additions and alterations to existing buildings within a Character Protection Area, whilst respecting the existing traditional character of the area.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.  
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

**CONCLUSION**

The proposed policy incorporates various improvements, and clarifies provisions to enhance its ease of use and effectiveness in maintaining the traditional character within the City's three character protection areas. In light of this, it is recommended that the proposed *Character Protection Areas Policy* is adopted by Council.



# Character Protection Areas Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance
<b>ECM Document Set ID</b>	

**City of Bayswater**  
**Character Protection Areas Policy**  
**Maylands North | Mount Lawley | Bayswater**

Advertised



## Contents

Purpose .....	4
Objective .....	4
Scope .....	4
Background .....	4
Definitions .....	5
Related Legislation .....	6
1. Character Protection Areas - Character Statements .....	7
Character Protection Area 1: Maylands North .....	7
Character Protection Area 2: Mount Lawley .....	8
Character Protection Area 3: Bayswater .....	9
2. Requirements for New Development .....	11
Configuration .....	11
2.1 Subdivision Pattern .....	11
2.2 Building Orientation .....	11
Streetscapes .....	11
2.3 Open Streetscapes .....	11
2.4 Fences .....	11
2.5 Retaining walls and Topography .....	12
2.6 Landscaping .....	12
Street setback .....	12
2.7 Street Setbacks .....	12
2.8 Location of Entries .....	13
2.9 Boundary Walls .....	13
Built form .....	13
2.10 Bulk, Form and Scale .....	13
2.11 Roof Pitch and Form .....	13
2.12 Materials .....	14
2.13 Detailing .....	14
Carparking and vehicle access .....	14
2.14 Access and car parking .....	14
Carport and Garages .....	15
2.15 Carports .....	15

2.16 Garages .....	15
Fixtures and facilities .....	16
2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels.....	16
Relationship with the R-Codes .....	16
2.18 Relationship with the R-Codes .....	16
3. Requirements for Additions and Alterations to Existing Dwellings .....	16
Additions and Alterations.....	16
3.1 Ground Floor Additions and/or Alterations.....	16
3.2 Second Storey Additions .....	16
3.3 Additions not Visible from the Street.....	17
3.4 Alterations.....	17
4. Requirements for Multiple Dwellings .....	17
Street Setback.....	18
4.1 Street Setback .....	18
Built Form .....	18
4.2 Built Form .....	18
4.3 Roofs .....	18
Carparking and vehicle access.....	18
4.4 Access and car parking .....	18
Landscaping .....	19
4.5 Landscaping .....	19
Fixtures and facilities.....	19
4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels.....	19
Relationship with the R-Codes .....	19
4.7 Relationship with the R-Codes .....	19
5 Application for Development Approval .....	19
Application for Development Approval Requirements.....	19
5.1 Application Requirements.....	19
5.2 Advertising of Applications.....	20
Figures.....	21

## Purpose

To provide parameters for new development within Character Protection Areas (CPA) to ensure that new development in Character Protection Areas is sympathetic with the character, rhythm, scale and visual amenity of existing residential streetscapes in the three Character Protection Areas.

## Objective

The objectives of this policy are to:

1. Ensure that new development is sympathetic to the unique character of the streetscape.
2. To retain the open character of streetscapes and landscaped gardens.
3. Ensure the built form of new development is sympathetic to the scale and form of traditional character homes within each of the three Character Protection Area.
4. Carports and garages are not to detract from the residential character of streetscapes and shall be designed to minimise their impact on the dwellings which they serve. Ensure vehicle access and car parking is designed to minimise its impact on the street.
5. Ensure additions are sympathetic with the original building.
6. Ensure alterations integrate harmoniously with the original building so that restoration does not detract from the existing building.
7. Ensure the built form and architectural expression of multiple dwelling developments preserves the character of the Character Protection Areas and is sympathetic to the character of traditional character homes in the street.

## Scope

This policy applies to and sets out the requirements for new residential development, including single houses, grouped dwellings, multiple dwellings and alterations and additions to single houses, grouped dwellings, and multiple dwellings, that require development approval in the following areas:

- Character Protection Area 1: Maylands North
- Character Protection Area 2: Mount Lawley
- Character Protection Area 3: Bayswater

## Background

One important way by which the local community identifies itself is its cultural heritage, mainly represented by the built environment. The local community wishes to ensure that development in certain areas is sympathetic to the local character.

The character of these residential areas can be simply expressed as their streetscape appeal; this includes front fences and gardens, the scale and form of existing buildings, roofscapes, heritage places and trees that combine to form the street's character. Three Character Protection Areas (CPA) were established and are designated specific guidelines for these areas to ensure new development is sympathetic to the local character of the respective areas.

Development applications are to take into consideration of the Character Statement for each of the three character areas.

## Definitions

For the purposes of this policy -

**Bulk** means the combined effect of the arrangement, volume, size and shape of a building or group of buildings.

**Character** is defined by the combination of the particular characteristics or qualities of a place. These include the rhythm, scale and visual amenity of dwellings which contribute to the existing streetscapes.

**Character Protection area** means a group of properties that are recognised to collectively form a streetscape with defining features and characteristics, which may include form and scale, materiality, style or repetition.

**Character statement** means a concise and distilled summary of the characteristics of the place. It is a statement summarising each aspect of character, following an assessment of character. It underpins decisions about statutory provisions.

**Context** means the specific character, quality, and physical characteristics of a building's setting.

**Form** as it relates to the form of a building, is its overall shape and volume and the arrangement of its parts.

**Mass** means the size and volume of a building.

**Predominant setback** of an existing residence comprises the setback from the street boundary of the major portion of the front façade. It excludes projecting verandahs, bay windows, garages and carports.

**Primary street setback** is the predominant streetscape pattern in the immediate locality. This is to be taken as the average setback of the two dwellings on each side of the property the subject site of the application. This average shall be measured to the predominant street setback lines of the adjacent dwellings (ie not the line of the verandahs or carports).

**Scale** means the size of a building and its proportional relationship with its surrounding dwellings in the locality.

**Streetscape** means all of the visual elements which inform the perception of a street; these include the road, front fences and gardens, existing buildings scale and form, roofscapes, trees and open spaces, that combine to form the street's character.

**Sympathetic** means a design outcome that respects its context. It would not be identical to the traditional character homes, nor would it intrude on their presence in the streetscape. It would be of a similar or lesser scale.

**Traditional Character Home** is a building used as a residence generally built before 1950 in a traditional style.

**Visual Amenity** means all those visual factors which assist in forming the character of an area and contributing to its current and likely future amenity.

### Related Legislation

- Town Planning Scheme No.24
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Residential Design Codes of Western Australia

### Document details

<b>Relevant delegations</b>	TP-D01 Local Planning Schemes		
<b>Risk evaluation</b>	Low – Moderate		
<b>Strategic link</b>	Goal E1 and Goal L4		
<b>Council adoption</b>	22 September 2015	<b>Resolution</b>	13.3.1
<b>Reviewed/modified</b>		<b>Resolution</b>	
<b>Next review due</b>			

Advertised

## 1. Character Protection Areas - Character Statements

### Character Protection Area 1: Maylands North

Figure 1



Maylands North Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA is bound by adjacent local government boundaries to the west and south, Coode Street and Railway Parade to the east and Sussex Street to the north.

The area around Maylands was inhabited by the Wadjuk Noongar People thousands of years before the Swan River Colony established in 1829. The subdivision and settlement of Maylands began around the year of 1900 following the construction of the Ferguson Foundry (1898). The foundry supplied the water pipes required for C.Y. O'Connor's Goldfields Water Supply Scheme (gold fields pipeline) and attracted many young families to the area.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains good examples of brick and timber bungalows including the architectural styles of Federation Bungalow, Federation Timber Bungalow and Federation Timber Workers Cottage.

The landform rises from a low in the east (Railway Parade) to a high in the west (Carrington and York Street).

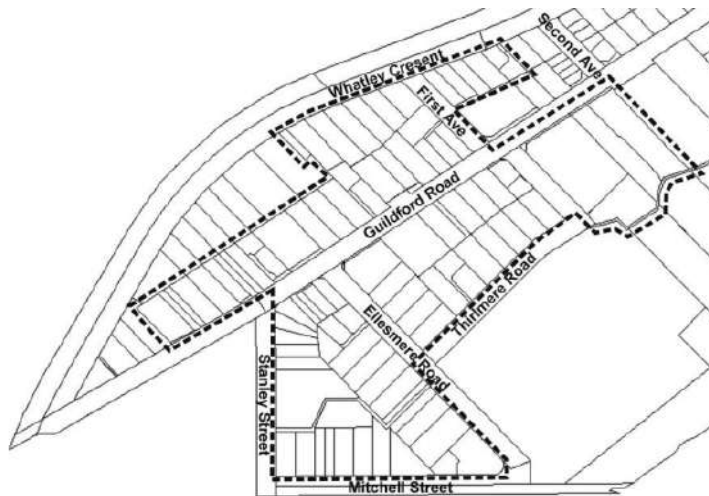
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- Face brick, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Timber detailing to verandahs.

- Face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

### Character Protection Area 2: Mount Lawley

Figure 2



Mount Lawley Character Protection Area (CPA) is located in the south west corner of the City of Bayswater. The CPA is bound by local government boundaries to the west and south, the railway to the north and the suburb of Maylands to the east.

The area around Mount Lawley was originally inhabited by the Wadjuk Noongar People thousands of years before the Swan River settlement established in 1829. This portion of Mount Lawley was subdivided for residential lots under the management of Robert Thompson Robinson and Samuel Copley. Robinson built his own home 'Killowen' in 1903 at the base of Ellesmere Road overlooking the Swan River which is now a hospital. The subdivision was aimed at the affluent members of the community and began development in 1910.

The seven streets in the CPA retain a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick bungalows including the architectural styles of Federation Bungalow and Federation Queen Anne Bungalow. There are a number of places with strong inter war influences including the Inter War Domestic Revival architectural style.

Guildford Road and Whitley Crescent are both high traffic volume roads that influence the character of the area. These streetscapes are predominantly open with single storey dwellings dating from the late nineteenth and early twentieth century through to more recent development. The verge and a number of front setbacks of Guildford Road are concrete or brick paved. The landmark building, Albany Bell Castle, is set well back from the Guildford Road boundary.

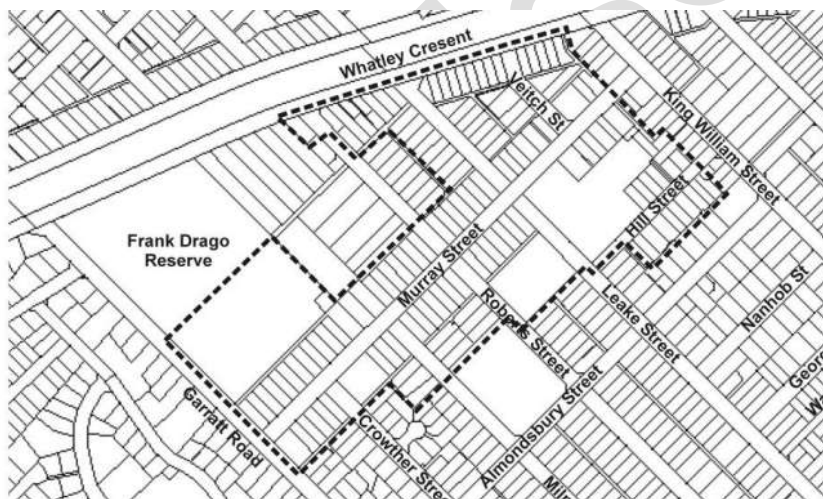
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Hip and gable tiled roof forms. There are some corrugated steel roofs, especially north of Guildford Road.
- Face brick or rendered brick walls, some with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences. Some higher brick and rendered brick fences to Guildford Road.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

Whatley Crescent retains grass verges, front boundary fences and perimeter planting to the front yards.

### Character Protection Area 3: Bayswater

Figure 3



Bayswater Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA bound by Garratt Road to the south, Whatley Crescent to the west, the rear boundary of commercial properties to King William Street to the north and a line to the east from the rear of properties to Hill Street extending to Garratt Road.

Bayswater was originally inhabited by the Wadjuk Noongar people thousands of years before the Swan River Colony was established in 1829. This area remained undeveloped until 1881 when the Perth to Guildford railway line was built. This area was largely used for gardening and farming with houses spread out over the Bayswater area. The opening of the Midland Railway Workshops fuelled greater suburban growth in Bayswater between 1904 and 1914.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick and timber bungalows including the architectural styles of



Federation Bungalow, Federation Timber Bungalow, Federation Timber Workers Cottage and Inter War California Bungalow.

The landform rises from a low point in the north (King William Street) to a high at Roberts Street. The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- Face brick, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front façade verandahs, some with return verandahs. Some entry porches.
- Awnings to some windows.
- Face brick, rendered brick, timber, stone, brick pier with iron or timber infill panels to fences. There are some timber post and rail with wire infill fences and some dwellings with no fence to the front boundary. Some high brick fences to Whatley Crescent.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.
- Numerous dwellings have access to rear laneways.

## 2. Requirements for New Development

New buildings within a character protection area are to be sympathetic with the existing traditional character of the area and should not detract from existing character homes. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials, colours and finishes, front fences, and front gardens.

The following provisions apply to proposed single houses, grouped dwellings and subdivisions. Additions and alterations are assessed under a separate [clause 3](#).

### Configuration

#### 2.1 Subdivision Pattern

- (a) In areas where the traditional subdivision pattern contributes to the character of the streetscape, new development should respect and respond to this pattern.
- (b) To ensure existing arrangement of lots, particularly the length of street frontages is maintained.
- (c) Amalgamation will not be supported in CPAs.

#### 2.2 Building Orientation

- (a) Building orientation shall be consistent with the existing street pattern (that is at right angles to the street).

### Streetscapes

#### 2.3 Open Streetscapes

- (a) Dwellings shall interact with the public domain by way of:
  - (i) Verandah or porch provided to the front of the dwelling that faces the primary street.
  - (ii) Blank walls, heavy planting, screen walls, or garages and enclosed carports in the front setback area shall be avoided.
  - (iii) The property boundary shall be clearly demarcated by a fence or planting consistent with the existing character of the streetscape.

#### 2.4 Fences

- (a) Open Fences:
  - (i) Open fences on the front boundary shall be a maximum height of 1m above the adjoining pavement level.
- (b) Masonry Fences:
  - (i) Solid masonry fences are permitted to a maximum height of 600mm from the adjoining pavement level and shall be visually permeable above (minimum 75% open).
  - (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.

(c) Fences on Sloping Sites:

- (i) Masonry fences on sloping site shall be a maximum height of 750mm above the adjoining pavement level.
- (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.

(d) Materials:

- (i) Fibre cement and metal sheeting materials shall not be supported.

(e) Meter Boxes:

- (i) Where meter boxes are incorporated into front fences they shall not be visible directly from the street.

## 2.5 Retaining walls and Topography

- (a) New dwellings shall respond to the natural features of the site. Cutting and filling, particularly in locations directly visible from the street, shall be kept to a minimum.
- (b) Retaining walls within the front setback area are to be stepped vertically if they are more than 0.5m high to reduce their visual impact.

## 2.6 Landscaping

(a) Existing Mature Trees

- (i) Existing mature trees on the site shall be retained wherever possible.

(b) Landscaping of Front Gardens

- (i) Landscape plans are to include soft landscaping in the front setback areas to maintain the landscape character of front gardens in the locality.

## Street setback

### 2.7 Street Setbacks

(a) Primary Street Setback

- (i) Buildings (excluding carports, unenclosed porches, balconies, and verandahs) shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
- (ii) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See [Figure 5](#)).

(b) Open Entry Porches and Verandahs

- (i) Open entry porches and verandahs directly visible from the street shall be limited to single storey structures and shall be a maximum height of 3.5m.
- (ii) Entry porches and verandahs can protrude 2.5m into the primary front setback provided it is reflective of existing porches and verandahs in the immediate locality (ie occurs in at least

two dwellings of the two either side of the subject site and the three across the street) and will not dominate the appearance of the dwelling (See [Figure 5](#)).

(iii) Entry porches and verandahs shall be open on three or more sides.

(c) Upper Floors

(i) Upper floors shall be setback a minimum of 4m from the primary street setback line of the proposed dwelling (See [Figure 6](#)).

(d) Balconies

(i) Open upper floor balconies shall be setback behind primary street setback line, are not to dominate the street elevation of the dwelling and be limited to 40% of the width of the subject site (See [Figure 6](#)).

(ii) Balconies shall incorporate architectural detailing as outlined in clause 2.13.

## 2.8 Location of Entries

(a) Front doors shall face the street. Entry doors located at the side of the dwelling may be considered only where the entry arrangements are clear and accessed via a porch or verandah easily visible from the street.

## 2.9 Boundary Walls

(a) Boundary walls shall be setback a minimum of 1m behind the primary street setback line or the front wall of the dwelling where this is setback beyond the primary street setback line.

## Built form

### 2.10 Bulk, Form and Scale

(a) Development directly visible from the street shall have a continuation of plate height and be of similar built form proportions to traditional character homes within the CPA.

(b) Building height and bulk shall be distributed appropriately on the development site to protect the amenity of traditional character homes on adjoining lots and maintain the visual integrity of the streetscape.

(c) Development shall be of high quality design, and be articulated to breakdown their perceived bulk and establish a scale appropriate to existing dwellings in the locality.

(d) The visual bulk of two storey buildings should be minimised through articulation of larger wall lengths, and the stepping back of upper storey walls from the ground floor elevation.

### 2.11 Roof Pitch and Form

(a) Hipped or gabled roof forms are preferred roof forms.

(b) The scale of roof elements should be comparable with the scale of existing roofs in the locality.

(c) Gabled or hipped roof forms consisting of elements which break up the scale of roofs should be provided. Roof elements should be consistent with the Character Protection Area and may include overhanging eaves, cover over entrances, detailing to eaves and canopies over windows.

(d) Other roof forms shall only be considered where it can be demonstrated that the roof form proposed will not detract from the established streetscape.

## 2.12 Materials

(a) Dwellings are to recognise the characteristic materials, textures and colours used in the surrounding traditional character homes within the CPA. These should be re-interpreted and incorporated as part of the new development.

(b) Materials and colours of surrounding buildings should not be simply copied but used as a point of reference. Modern materials can be used if their proportions and details are sympathetic to and do not detract from the surrounding traditional character buildings. Colour, texture and tonal contrast can be unifying elements.

(c) A limited palette of materials shall be used to provide visual interest and articulate the building form.

(d) The outcome of the total composition shall make a positive contribution to the existing streetscape.

## 2.13 Detailing

(a) Detailing should comprise the direct and simple expression of architectural elements and be provided to the front and side elevations of the building. Detailing of existing traditional homes should not be copied in new development, rather be used as a point of reference. Detailing of new development shall not result in a development that intrudes on adjoining traditional character homes nor dominate the streetscape.

(b) The relationships of solids to voids shall reflect the immediate locality and detailing shall be used to provide identity and highlight important components such as entrances, chimneys, balconies, and to screen service areas.

## Carparking and vehicle access

### 2.14 Access and car parking

(a) Vehicle parking shall be located at the rear of the property and accessed via a right of way where a right of way is present and rights of access exist.

(b) Where no right of way is available, access to vehicle parking shall be taken from the secondary street. Where a secondary street is not available, access to vehicle parking may be permitted from the primary street.

(i) Where driveways to primary or secondary street are permitted, they are to be provided as follows:

- Single garages and carports are to be accessed from a single crossover to the street with a maximum width of 3.0m.
- Double garages and carports are to be accessed from a single crossover to the street of a width of 4.8m.

(d) Grouped dwelling vehicle access shall meet the following:

- (i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.
- (ii) Parking areas shall be located within developments and not in the front setback area.
- (iii) Parking areas shall be screened from the street by buildings or landscaping.
- (iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## **Carpport and Garages**

### **2.15 Carpports**

- (a) Where access off a right of way is not possible carpports:
  - (i) May be located within the street setback area provided they are open on all sides (except where they adjoin the dwelling) and shall be of simple and unobtrusive design to ensure they do not obscure the view of the existing dwelling from the street.
  - (ii) Carpports proposed as part of a new dwelling are encouraged to be incorporated under the roof of the proposed dwelling at the same setback as the new dwelling.
  - (iii) Carpport additions shall be independent of the existing dwelling.
  - (iv) Where the primary street frontage of a lot is 12m or less only single width carpports shall be permitted.
  - (v) Roofs to carpports shall be 'light weight' in nature incorporating:
    - flat or skillion (with low pitch) roof forms so as to not obscure the view of the existing dwelling from the street.
    - The fascia of the carpport shall match the line of the fascia of the existing dwelling verandah.
    - Posts to the carpports shall be a maximum width of 90mm\*90mm.
  - (vi) A pitch or gable roof form to carpports may be considered on a case by case basis and shall be:
    - Unobtrusive in design and not obscure the view of the existing dwelling from the street
    - Infill panels or closing in of gable ends are not permitted. Roof pitches are to match the existing dwelling.
    - While the underside of roofs may be lined, flat ceilings are not permitted.
  - (vii) Roller doors, tilt doors, and solid gates are ~~will not be~~ permitted for any carpports located within the street setback area.
  - (viii) Materials and colours are to be compatible with the dwelling and not detract from the appearance for the dwelling.

### **2.16 Garages**

- (a) Where access off a right of way is not possible garages:
  - (i) Shall be integrated into the development and Garages shall be setback a minimum of 1m behind the line of the primary setback line of the dwelling (excludes verandahs and entry porches).
  - (ii) The form and materials of garages shall meet the 'Built Form' requirements of the Policy (clause 2.10 – 2.13).

- (iii) If a garage is provided no carport shall be permitted in the front setback area.

## Fixtures and facilities

### 2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant and satellite dishes shall be located in positions where they are not directly visible from the street.
- (b) Solar panels are permitted. However where practicable they shall be located in positions which minimise any undue impact on the streetscape.

## Relationship with the R-Codes

### 2.18 Relationship with the R-Codes

- (a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, the provisions within this Policy prevail.

## 3. Requirements for Additions and Alterations to Existing Dwellings

When altering or adding to a place with existing traditional character, the goal is for an outcome that does not reduce the character of the place, rather enhances it.

## Additions and Alterations

### 3.1 Ground Floor Additions and/or Alterations

- (a) Ground floor additions to an existing dwelling, including garages, shall be setback a minimum of 2m from the primary setback line (excluding unenclosed carports, porches and verandahs).
- (b) The use of links, courtyards and breezeways are encouraged for additions to traditional character homes. These minimise the impacts on the existing dwelling and provide improved internal and external living conditions (See Figure 7); alternatively additions which are contiguous with the existing dwelling should seek to minimise the impact on the existing dwelling (See Figure 7).
- (c) Additions shall not detract from the interesting parts of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) Additions shall be sympathetic of its siting, bulk, form, scale, character, colour, texture and material; are similar to the existing fabric, but imitation should be avoided; and not intrude on existing traditional character homes in the immediate locality.
- (f) Unenclosed carports, porches and verandahs shall meet clauses 2.7 (b) – Open Entry porches and 2.15 – Carports.

### 3.2 Second Storey Additions

- (a) Second storey additions shall be setback:
- a minimum 4 metres from the primary street setback as determined under clause 2.7(a); and
  - be located behind the roof ridgeline of the roof of the existing dwelling (See Figure 8).
- (b) Two storey extensions at the front of the existing dwelling that dominate the streetscape will not be supported (See Figure 8).
- (c) Second storey additions shall not detract from the interesting parts of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) Additions shall be sympathetic of its siting, bulk, form, scale, character, colour, texture and material; are similar to the existing fabric, but imitation should be avoided; and not intrude on existing traditional character homes in the immediate locality.
- (e) Alterations shall integrate harmoniously with the original building so that restoration does not detract from the existing building.

### 3.3 Additions not Visible from the Street

- (a) Additions not directly visible from the street may have a different character to the architectural style of the existing dwelling, including contemporary design, but shall be sympathetic to the form, scale, and bulk of the existing dwelling and development, and not intrude on existing traditional character homes in the immediate locality. Suitability of this clause is to be considered on a case by case basis as determined by the City.

### 3.4 Alterations

- (a) Alterations shall integrate harmoniously with the original building so that restoration does not detract from the existing building.

### 3.5 The following additional clauses apply to additions to existing dwellings:

- |   |                               |
|---|-------------------------------|
| 2.2 - Building Orientation  | 2.3 – Open Streetscapes       |
| 2.4 – Fences  | 2.5 – Retaining walls         |
| 2.6 – Landscaping   | 2.8 – Location of Entries     |
| 2.9 – Boundary walls  | 2.10 – Bulk, form and scale   |
| 2.11 – Roof pitch and form  | 2.12 – Materials              |
| 2.13 – Detailing  | 2.14 – Access and car parking |
| 2.15 – Carports   | 2.16 – Garages                |
| 2.17 – Air Conditioning Equipment and Plant,<br>Satellite Dishes and Solar Panels |                               |

Where there is an inconsistency, the provisions of clause 3 prevail.

### 3.6 Relationship with the R-Codes

- (a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, this Policy prevails.



## 4. Requirements for Multiple Dwellings

If multiple dwellings are permitted within the CPA the following provisions shall apply.

New buildings within a character protection area are to respect and complement the character of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to the CPA, and does not intrude on existing traditional character homes within the streetscape. New infill development are to respond sympathetically to the character values of the CPA.

### Street Setback

#### 4.1 Street Setback

- (a) Buildings shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
- (b) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See Figure 5).

### Built Form

#### 4.2 Built Form

- (a) The built form of multiple dwellings shall be articulated into perceptually differentiated components which reflect the scale of adjoining dwellings. That is walls, openings and roof planes are to be modulated in response to the scale of neighbouring buildings. Such forms are to have a vertical emphasis.
- (b) The ground floor of the development shall have a clear and direct relationship to the existing ground or street plane and entrances shall generally face the street.
- (c) Entries located at the side of the development shall be considered only where the entry arrangements are highly legible and accessed via a defined porch or verandah directly visible from the street.
- (d) Materials and details shall comply with clause 2.12 and 2.13 of this policy.

#### 4.3 Roofs

- (a) Roof form and skyline shall be articulated by ridge and parapet lines, roof slopes, and punctuated by party walls, chimneys, skylights or other elements to break down the scale and the perceived height of the building. Roof forms facing the street shall be sympathetic to existing roofs in the immediate vicinity.

### Carparking and vehicle access

#### 4.4 Access and car parking

- (a) Multiple dwellings shall meet the following:
- (i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.
  - (ii) Parking areas shall be located within developments and not in the front setback area.
  - (iii) Parking areas shall be screened from the street by buildings or landscaping.
  - (iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## Landscaping

### 4.5 Landscaping

- (a) Landscaping in the front setback area shall include soft landscaping to maintain the landscape character of front gardens in the area. These areas shall generally retain existing ground levels within the front setback area.
- (b) New fences, garden walls, planting and landscape elements shall reflect the scale of such elements in the immediate area.

## Fixtures and facilities

### 4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant, satellite dishes and water tanks shall be located they are not directly visible from the street or shall be adequately screened.

## Relationship with the R-Codes

### 4.7 Relationship with the R-Codes

- (a) Residential Design Codes Volume 2 – Apartments (R-Codes V2) apply. Where there is a contradiction between this Policy and the R-Codes V2, this policy prevails.

## 5 Application for Development Approval

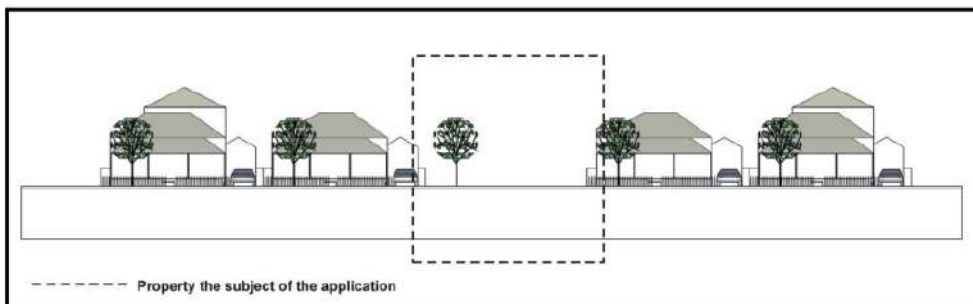
### Application for Development Approval Requirements

#### 5.1 Application Requirements

An application for planning approval for development of a lot within the Character Protection Areas is to be accompanied by the following information in addition to that required by the Town Planning Scheme:

- (a) Colour photographs of the elevations of the existing dwelling and development on the two adjoining properties on either side of the subject property.
- (b) A streetscape elevation of the proposed development which includes development on the two adjoining properties on either side of the subject property at a scale not less than 1:100 (See Figure 4).

**Figure 4: Streetscape Elevation**



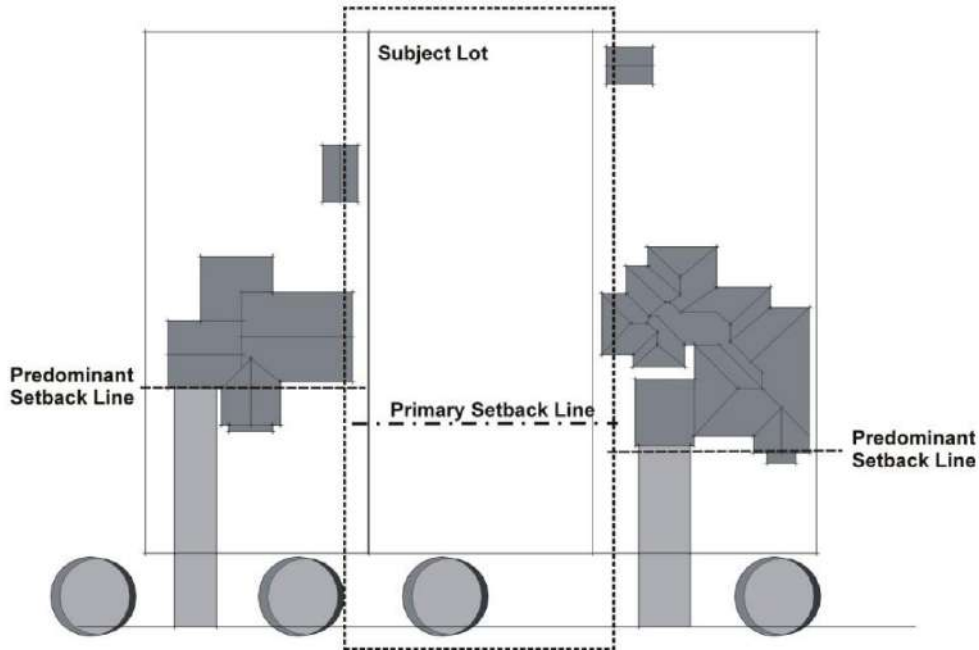
- (c) A schedule of finishes of all materials which could be seen directly from the street. This includes front and side elevations of the proposed and existing development.
- (d) A landscape plan of the front garden area proposed indicating proposed fencing and identifying both materials (paving) and plant species. The landscape plan shall be provided in accordance with the City's Landscaping Guidelines.

## 5.2 Advertising of Applications

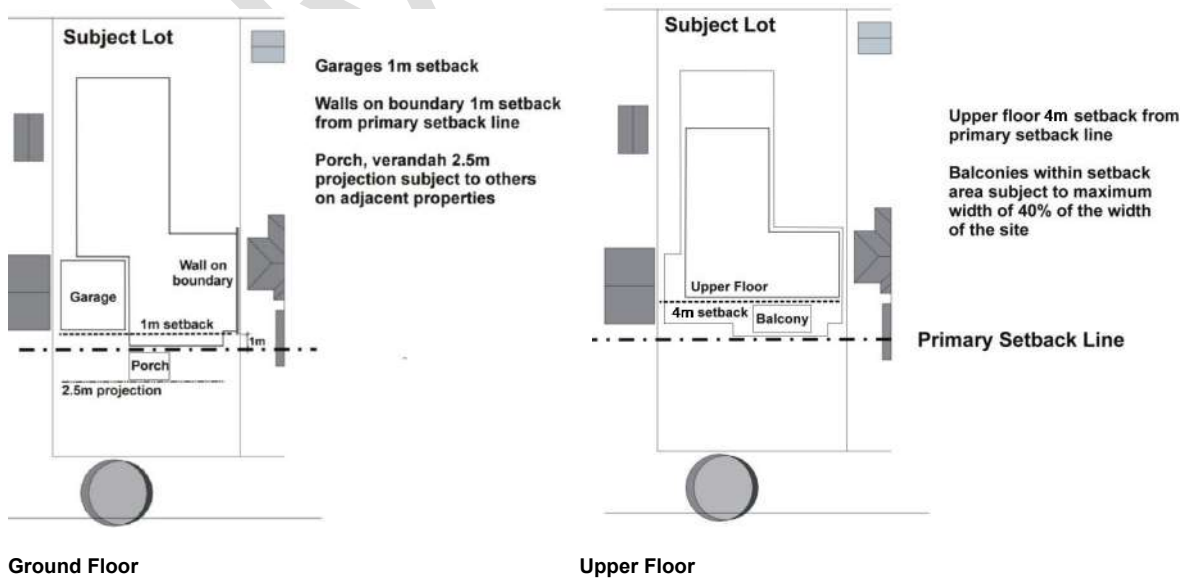
- (a) Where an application is made for planning approval to carry out development which does not comply with the relevant provisions of the Character Protection Area policy the City may advertise the application in accordance with the consultation provisions of the Residential Design Codes.

**Figures**

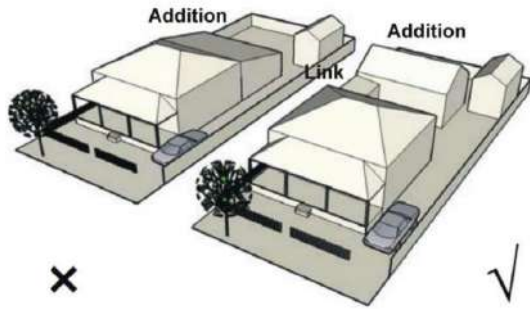
**Figure 5** – Calculating the Primary Street Setback Line



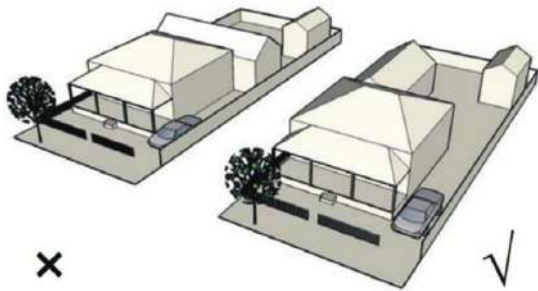
**Figure 6** – Calculating front setbacks



**Figure 7** – Ground floor alterations and additions



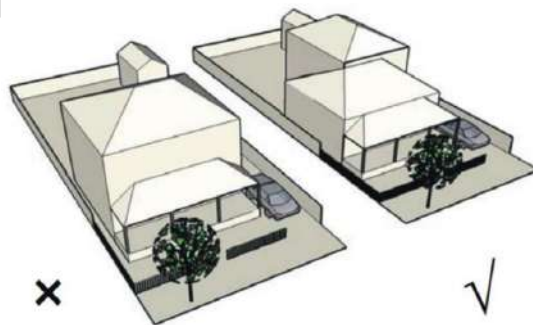
The use of links, courtyards and breezeways are encouraged. These minimise the impacts on the existing residence and provide improved internal and external living conditions.



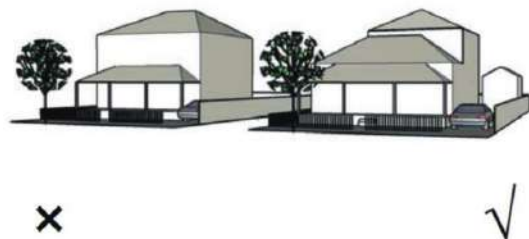
Alternatively contiguous extensions should seek to minimise the impact on existing residence.

**Figure 8** – Upper floor alterations and additions

Two storey extensions should be placed behind the ridgeline of the existing residence.



Two storey extensions at the front will dominate the streetscape and will not be supported.





# Character Protection Areas Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance
<b>ECM Document Set ID</b>	

**City of Bayswater**  
**Character Protection Areas Policy**  
**Maylands North | Mount Lawley | Bayswater**

## Contents

Purpose .....	4
Objective .....	4
Scope .....	4
Background .....	4
Definitions .....	5
1. Character Protection Areas - Character Statements .....	7
Character Protection Area 1: Maylands North .....	7
Character Protection Area 2: Mount Lawley .....	8
Character Protection Area 3: Bayswater .....	9
2. Requirements for New Dwellings .....	11
Configuration .....	11
2.1 Subdivision Pattern .....	11
2.2 Building Orientation .....	11
Streetscapes .....	11
2.3 Open Streetscapes .....	11
2.4 Fences .....	11
2.5 Retaining walls and Topography .....	12
2.6 Landscaping .....	12
Street setback .....	12
2.7 Street Setbacks .....	13
2.8 Location of Entries .....	13
2.9 Boundary Walls .....	13
Built form .....	14
2.10 Bulk, Form and Scale .....	14
2.11 Roof Pitch and Form .....	14
2.12 Materials .....	14
2.13 Detailing .....	14
Carparking and vehicle access .....	15
2.14 Access and car parking .....	15
Carport and Garages .....	15
2.15 Carports .....	15
2.16 Garages .....	16
Fixtures and facilities .....	16
2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels .....	16

Relationship with the R-Codes .....	17
3. Requirements for Additions and Alterations to Existing Dwellings .....	17
Additions and Alterations .....	18
3.1 Ground Floor Additions and/or Alterations .....	18
3.2 Second Storey Additions .....	18
3.3 Additions not Visible from the Street .....	18
3.4 Alterations .....	18
4. Requirements for Multiple Dwellings .....	20
Street Setback .....	20
4.1 Street Setback .....	20
Built Form .....	20
4.2 Built Form .....	20
4.3 Roofs .....	20
Carparking and vehicle access .....	21
4.4 Access and car parking .....	21
Landscaping .....	21
4.5 Landscaping .....	21
Fixtures and facilities .....	21
4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels .....	21
Relationship with the R-Codes .....	21
5 Application for Development Approval .....	21
Application for Development Approval Requirements .....	21
Figures .....	23



## Purpose

To provide parameters for new development within Character Protection Areas (CPA) to ensure that new development in Character Protection Areas is sympathetic with the character, rhythm, scale and visual amenity of existing residential streetscapes in the three Character Protection Areas.

## Objective

The objectives of this policy are to:

1. Ensure that new development is sympathetic to the unique character **and materiality** of the streetscape.
2. To retain the open character of streetscapes and landscaped gardens.
3. **Ensure the siting, height, scale, massing and materiality of new development including additions to existing buildings is appropriately located, scaled and designed so not to visually dominate or detract from the streetscape qualities of the areas.**
4. ~~3.~~ Ensure the built form of new development is sympathetic to the scale and form of traditional character homes within each of the three Character Protection Area.
5. ~~4.~~ Carports, **and garages, vehicle access and carparking are do not dominate to detract from the residential character of streetscapes or adversely impact the unique character or presentation of and shall be designed to minimise their impact on** the dwellings which they serve. **Ensure vehicle access and car parking is designed to minimise its impact on the street.**
6. ~~5.~~ Ensure additions are sympathetic with the original building.
7. ~~6.~~ Ensure alterations integrate harmoniously with the original building so that **alterations restoration** does not detract from the existing building.
8. ~~7.~~ Ensure the built form and architectural expression of multiple dwelling developments preserves the character **and subdivision pattern** of the Character Protection Areas and is sympathetic to the character of traditional character homes in the street.

## Scope

This policy **guides proposals and assists in the assessment of applies to and sets out the requirements for** new residential development **and alterations and additions to, including** single houses, grouped dwellings, multiple dwellings; **and alterations and additions to single houses, grouped dwellings, and multiple dwellings,** that require development approval in the following areas:

- Character Protection Area 1: Maylands North
- Character Protection Area 2: Mount Lawley
- Character Protection Area 3: Bayswater

## Background

One important way by which the local community identifies itself is its cultural heritage, mainly represented by the built environment. The local community wishes to ensure that development in certain areas is sympathetic to the local character.

The character of these residential areas can be simply expressed as their streetscape appeal; this includes front fences and gardens, the scale and form of existing buildings, roofscapes, heritage places and trees that combine to form the street's character. Three Character Protection Areas (CPA) were established and

are designated specific guidelines for these areas to ensure new development is sympathetic to the local character of the respective areas.

Development applications ~~must consider~~ ~~are to take into consideration of~~ the Character Statement for ~~the relevant CPA and comply with the policy each of the three character areas~~

## Definitions

For the purposes of this policy -

**Bulk** means the combined effect of the arrangement, volume, size and shape of a building or group of buildings.

**Character** is defined by the combination of the particular characteristics or qualities of a place. These include the rhythm, scale and visual amenity of dwellings which contribute to the existing streetscapes.

**Character Protection area** means a group of properties that are recognised to collectively form a streetscape with defining features and characteristics, which may include form and scale, materiality, style or repetition.

**Character statement** means a concise and distilled summary of the characteristics of the place. It is a statement summarising each aspect of character, following an assessment of character. It underpins decisions about statutory provisions.

**Context** means the specific character, quality, and physical characteristics of a building's setting.

**Form** as it relates to the form of a building, is its overall shape and volume and the arrangement of its parts.

**Mass** means the size and volume of a building.

**Predominant setback** of an existing residence comprises the setback from the street boundary of the major portion of the front façade. It excludes projecting verandahs, bay windows, garages and carports.

**Primary street setback** is the predominant streetscape pattern in the immediate locality. This is to be taken as the average setback of the two dwellings on each side of the property the subject site of the application. This average shall be measured to the predominant street setback lines of the adjacent dwellings (ie not the line of the verandahs or carports).

**Scale** means the size of a building and its proportional relationship with its surrounding dwellings in the locality.

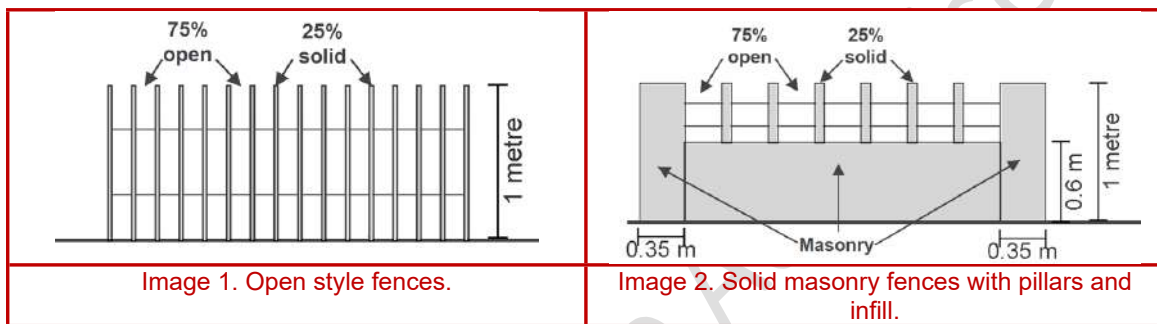
**Streetscape** means all of the visual elements which inform the perception of a street; these include the road, front fences and gardens, existing buildings scale and form, roofscapes, trees and open spaces, that combine to form the street's character.

**Sympathetic** means a design outcome that respects its context. It would not be identical to the traditional character homes, nor would it intrude on their presence in the streetscape. It would be of a similar or lesser scale.

**Traditional Character Home** is a building used as a residence generally built before 1950 in a traditional style.

**Visual Amenity** means all those visual factors which assist in forming the character of an area and contributing to its current and likely future amenity.

**Visually Permeable** in reference to a wall, gate, door, screen or fence within the scope of this policy, is the vertical surface, when viewed directly from the street or other public space, has continuous vertical or horizontal gaps that in total result in being 75% open.



### Related Legislation

- Town Planning Scheme No.24
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Residential Design Codes of Western Australia

### Document details

<b>Relevant delegations</b>	TP-D01 Local Planning Schemes		
<b>Risk evaluation</b>	Low – Moderate		
<b>Strategic link</b>	Goal E1 and Goal L4		
<b>Council adoption</b>	22 September 2015	<b>Resolution</b>	13.3.1
<b>Reviewed/modified</b>	<b>Resolution</b>		
<b>Next review due</b>			

## 1. Character Protection Areas - Character Statements

### Character Protection Area 1: Maylands North

Figure 1



Maylands North Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA is bound by adjacent local government boundaries to the west and south, Coode Street and Railway Parade to the east and Sussex Street to the north.

The area around Maylands was inhabited by the Wadjuk Noongar People thousands of years before the Swan River Colony established in 1829. The subdivision and settlement of Maylands began around the year of 1900 following the construction of the Ferguson Foundry (1898). The foundry supplied the water pipes required for C.Y. O'Connor's Goldfields Water Supply Scheme (gold fields pipeline) and attracted many young families to the area.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains good examples of brick and timber bungalows including the architectural styles of Federation Bungalow, Federation Timber Bungalow and Federation Timber Workers Cottage.

The landform rises from a low in the east (Railway Parade) to a high in the west (Carrington and York Street).

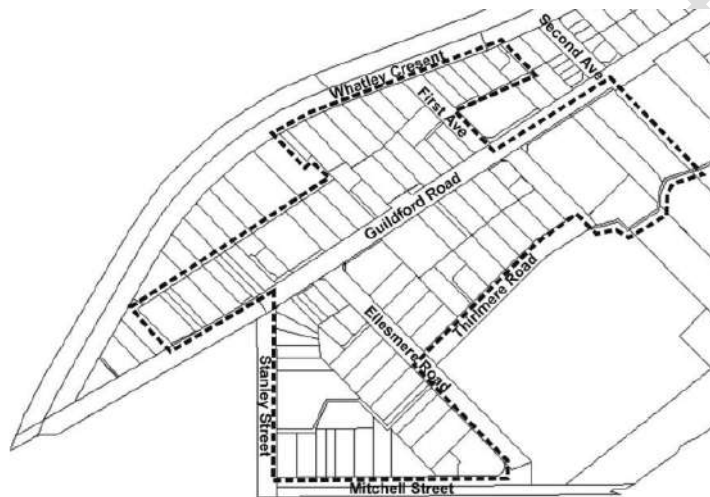
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- **Visible brick roof chimneys.**

- Face brick with tuckpointing, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Timber detailing to verandahs.
- Low fence heights with face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

### Character Protection Area 2: Mount Lawley

Figure 2



Mount Lawley Character Protection Area (CPA) is located in the south west corner of the City of Bayswater. The CPA is bound by local government boundaries to the west and south, the railway to the north and the suburb of Maylands to the east.

The area around Mount Lawley was originally inhabited by the Wadjuk Noongar People thousands of years before the Swan River settlement established in 1829. This portion of Mount Lawley was subdivided for residential lots under the management of Robert Thompson Robinson and Samuel Copley. Robinson built his own home 'Killowen' in 1903 at the base of Ellesmere Road overlooking the Swan River which is now a hospital. The subdivision was aimed at the affluent members of the community and began development in 1910.

The seven streets in the CPA retain a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick bungalows including the architectural styles of Federation Bungalow and Federation Queen Anne Bungalow. There are a number of places with strong inter war influences including the Inter War Domestic Revival architectural style.

Guildford Road and Whitley Crescent are both high traffic volume roads that influence the character of the area. These streetscapes are predominantly open with single storey dwellings dating from the late

nineteenth and early twentieth century through to more recent development. The verge and a number of front setbacks of Guildford Road are concrete or brick paved. The landmark building, Albany Bell Castle, is set well back from the Guildford Road boundary.

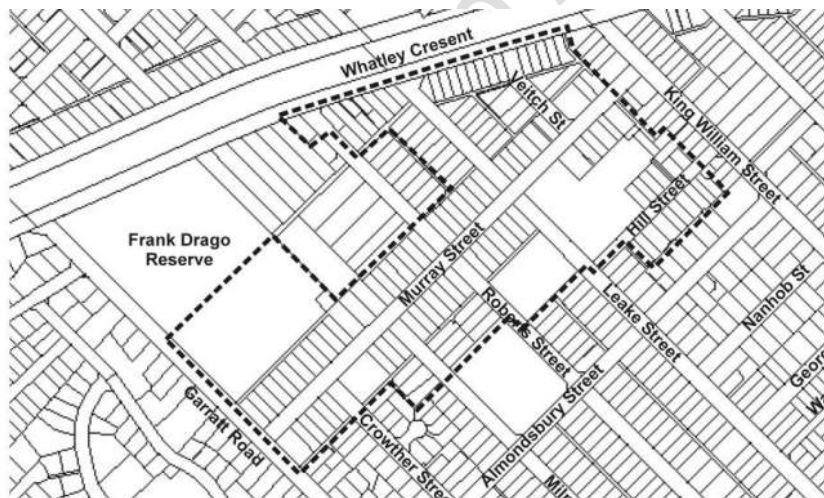
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Hip and gable tiled roof forms. There are some corrugated steel roofs, especially north of Guildford Road.
- Face brick or rendered brick walls, some with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences. Some higher brick and rendered brick fences to Guildford Road.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

Whatley Crescent retains grass verges, front boundary fences and perimeter planting to the front yards.

### Character Protection Area 3: Bayswater

Figure 3



Bayswater Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA bound by Garratt Road to the south, Whatley Crescent to the west, the rear boundary of commercial properties to King William Street to the north and a line to the east from the rear of properties to Hill Street extending to Garratt Road.

Bayswater was originally inhabited by the Wadjuk Noongar people thousands of years before the Swan River Colony was established in 1829. This area remained undeveloped until 1881 when the Perth to Guildford railway line was built. This area was largely used for gardening and farming with houses spread

out over the Bayswater area. The opening of the Midland Railway Workshops fuelled greater suburban growth in Bayswater between 1904 and 1914.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick and timber bungalows including the architectural styles of Federation Bungalow, Federation Timber Bungalow, Federation Timber Workers Cottage and Inter War California Bungalow.

The landform rises from a low point in the north (King William Street) to a high at Roberts Street. The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- Face brick, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front façade verandahs, some with return verandahs. Some entry porches.
- Awnings to some windows.
- Face brick, rendered brick, timber, stone, brick pier with iron or timber infill panels to fences. There are some timber post and rail with wire infill fences and some dwellings with no fence to the front boundary. Some high brick fences to Whatley Crescent.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.
- Numerous dwellings have access to rear laneways.

## 2. Requirements for New Development

New buildings within a character protection area are to be sympathetic with the existing traditional character of the area and should not detract from existing traditional character homes. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials, colours and finishes, front fences, and front gardens.

The following provisions apply to proposed single houses, grouped dwellings and subdivisions. Additions and alterations are assessed under a separate [clause 3](#).

### Configuration

#### 2.1 Subdivision Pattern

- (a) In areas where the traditional subdivision pattern contributes to the character of the streetscape, new development ~~are to should~~ respect and respond to this pattern.
- (b) ~~The existing arrangement of lots, particularly the length of street frontages, is to be maintained To ensure existing arrangement of lots, particularly the length of street frontages is maintained.~~
- (c) Amalgamation will not be supported in CPAs.

#### 2.2 Building Orientation

- (a) Building orientation shall be consistent with the existing street pattern (that is at right angles to the street).

### Streetscapes

#### 2.3 Open Streetscapes

- (a) Dwellings ~~are to shall~~ interact with the public domain ~~through by-way-of~~:
  - (i) ~~Provision of v~~Verandah or porch ~~provided~~ to the front of the dwelling that facing the primary street.
  - (ii) ~~Avoiding b~~Blank walls, heavy planting, screen walls, or garages and enclosed carports in the front setback area ~~shall be avoided~~.
  - (iii) ~~The property boundary shall be C~~clearly demarcated~~ed~~ the property boundary by a ~~fencing~~ or planting consistent with the existing character of the streetscape.

#### 2.4 Fences

- (a) Open Fences:
  - (i) ~~Open-f~~Fences on the front boundary shall be visually permeable (minimum 75% open) to a maximum height of 1m above the adjoining pavement level.
- (b) Masonry Fences:
  - (i) Solid masonry fences are permitted to a maximum height of 600mm from the adjoining pavement level and shall be visually permeable above (minimum 75% open).



- (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.
- (c) Fences on Sloping Sites:
  - (i) Masonry fences on sloping site shall be a maximum height of 750mm above the adjoining pavement level.
  - (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.
- (d) Materials:
  - (i) Fibre cement and metal sheeting materials ~~will shall~~ not be supported.
- (e) Meter Boxes:
  - (i) Where meter boxes are incorporated into front fences they shall not be visible directly from the street.

## 2.5 Retaining walls and Topography

- (a) New dwellings shall respond to the natural features of the site. Cutting and filling, particularly in locations directly visible from the street, shall be kept to a minimum.
- (b) Retaining walls within the front setback area are to be stepped vertically if they are more than 0.5m high to reduce their visual impact.

## 2.6 Landscaping

- (a) Existing Mature Trees
  - (i) Existing mature trees on the site shall be retained wherever possible.
- (b) Landscaping of Front Gardens
  - (i) Landscape plans are to include soft landscaping in the front setback areas to maintain the landscape character of front gardens in the locality.

## Street setback

### 2.7 Street Setbacks

- (a) Primary Street Setback
  - (i) Buildings (excluding carports, unenclosed porches, balconies, and verandahs) shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
  - (ii) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See [Figure 5](#)).
- (b) Open Entry Porches and Verandahs
  - (i) Open entry porches and verandahs directly visible from the street shall be limited to single storey structures and shall be a maximum height of 3.5m.

- (ii) Entry porches and verandahs can protrude 2.5m into the primary front setback provided it is reflective of existing porches and verandahs in the immediate locality (ie occurs in at least two dwellings of the two either side of the subject site and the three across the street) and will not dominate the appearance of the dwelling (See [Figure 5](#)).
- (iii) Entry porches and verandahs shall be open on three or more sides.
- (c) Upper Floors
  - (i) Upper floors shall be setback a minimum of 4m from the primary street setback line of the proposed dwelling (See [Figure 6](#)).
- (d) Balconies
  - (i) Open upper floor balconies shall be setback behind primary street setback line, are not to dominate the street elevation of the dwelling and be limited to 40% of the width of the subject site (See [Figure 6](#)).
  - (ii) Balconies shall incorporate architectural detailing as outlined in clause 2.13.

## 2.8 Location of Entries

- (a) Front doors shall face the street. Entry doors located at the side of the dwelling may be considered only where the entry arrangements are clear and accessed via a porch or verandah easily visible from the street.

## 2.9 Boundary Walls

- (a) Boundary walls shall be setback a minimum of 1m behind the primary street setback line or the front wall of the dwelling where this is setback beyond the primary street setback line.

## Built form

### 2.10 Bulk, Form and Scale

- (a) Development directly visible from the street shall have a continuation of plate height and be of similar built form proportions to traditional character homes within the CPA.
- (b) Building height and bulk shall be distributed appropriately on the development site to protect the **visual** amenity of traditional character homes on adjoining lots and maintain the visual integrity of the streetscape.
- (c) Development shall be of high quality design, and be articulated to breakdown their perceived bulk and establish a scale appropriate to existing dwellings in the locality.
- (d) The visual bulk of two storey buildings should be minimised through articulation of larger wall lengths, and the stepping back of upper storey walls from the ground floor elevation.

### 2.11 Roof Pitch and Form

- (a) Hipped or gabled roof forms are preferred roof forms.
- (b) The scale of roof elements should be comparable with the scale of existing roofs in the locality.
- (c) Gabled or hipped roof forms consisting of elements which break up the scale of roofs **should are to** be provided. Roof elements should be consistent with the Character Protection Area and may include overhanging eaves, cover over entrances, detailing to eaves and canopies over windows.

(d) Other roof forms shall only be considered where it can be demonstrated that the roof form proposed will not detract from the established streetscape.

## 2.12 Materials

(a) Dwellings are to recognise the characteristic materials, textures and colours used in the surrounding traditional character homes within the CPA. These should be re-interpreted and incorporated as part of the new development.

(b) Materials and colours of surrounding **traditional character homes buildings** should not be simply copied but used as a point of reference. Modern materials can be used if their proportions and details are sympathetic to and do not detract from the surrounding traditional character buildings. Colour, texture and tonal contrast can be unifying elements.

(c) A limited palette of materials shall be used to provide visual interest and articulate the building form.

(d) The outcome of the total composition shall make a positive contribution to the existing streetscape.

## 2.13 Detailing

(a) Detailing should comprise the direct and simple expression of architectural elements and be provided to the front and side elevations of the building.

(b) **New development is to use D**detailing of existing traditional homes **should not be copied in new development, rather be used** as a point of reference.

(c) Detailing of new development shall not result in a development that intrudes on adjoining traditional character homes nor dominate the streetscape.

(d) The relationships of solids to voids shall reflect the immediate locality and detailing shall be used to provide identity and highlight important components such as entrances, chimneys, balconies, and to screen service areas.

## Carparking and vehicle access

### 2.14 Access and car parking

(a) Vehicle parking shall be located at the rear of the property and accessed via a right of way where a right of way is present and rights of access exist.

(b) Where no right of way is available, access to vehicle parking shall be taken from the secondary street. Where a secondary street is not available, access to vehicle parking may be permitted from the primary street.

(i) Where driveways to primary or secondary street are permitted, they are to be provided as follows:

- Single garages and carports are to be accessed from a single crossover to the street with a maximum width of 3.0m.
- Double garages and carports are to be accessed from a single crossover to the street of a width of 4.8m.

(d) Grouped dwelling vehicle access shall meet the following:

(i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.

- (ii) Parking areas shall be located within developments and not in the front setback area.
- (iii) Parking areas shall be screened from the street by buildings or landscaping.
- (iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## Carport and Garages

### 2.15 Carports

- (a) Where access off a right of way is not possible carports:
  - (i) May be located within the street setback area provided they are open on all sides (except where they adjoin the dwelling) and shall be of simple and unobtrusive design to ensure they do not obscure the view of the existing dwelling from the street.
  - (ii) Carports proposed as part of a new dwelling are encouraged to be incorporated under the roof of the proposed dwelling at the same setback as the new dwelling.
  - (iii) Carport additions shall be independent of the existing dwelling.
  - (iv) Where the primary street frontage of a lot is 12m or less only single width carports shall be permitted.
  - (v) Roofs to carports shall be 'light weight' in nature incorporating:
    - flat or skillion (with low pitch) roof forms so as to not obscure the view of the existing dwelling from the street.
    - The fascia of the carport shall match the line of the fascia of the existing dwelling verandah.
    - Posts to the carports shall be a maximum width of 90mm\*90mm.
  - (vi) A pitch or gable roof form to carports may be considered on a case by case basis and shall be:
    - Unobtrusive in design and not obscure the view of the existing dwelling from the street.
    - Infill panels or closing in of gable ends are not permitted. Roof pitches are to match the existing dwelling.
    - While the underside of roofs may be lined, flat ceilings are not permitted.
  - (vii) Roller doors, tilt doors, and solid gates are not permitted for any carports located within the street setback area.
  - (viii) Materials and colours are to be compatible with the dwelling and not detract from the appearance for the dwelling.

### 2.16 Garages

- (a) Where access off a right of way is not possible garages:
  - (i) Shall be integrated into the development and **Garages shall** be setback a minimum of 1m behind the line of the primary setback line of the dwelling (excludes verandahs and entry porches).
  - (ii) The form and materials of garages shall meet the 'Built Form' requirements of the Policy (clause 2.10 – 2.13).
  - (iii) If a garage is provided no carport shall be permitted in the front setback area.

(iv) Garage additions where there is an existing building on the subject site are not assessed under this clause. Garage additions are to be assessed under clauses 3.1, 3.3, and 3.5.

## Fixtures and facilities

### 2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant and satellite dishes shall be located in positions where they are not directly visible from the street.
- (b) Solar panels are permitted. However where practicable they shall be located in positions which minimise any undue impact on the streetscape.

## Relationship with the R-Codes

### 2.18 Relationship with the R-Codes

- (a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, the provisions within this Policy prevail.

## 3. Requirements for Additions and Alterations to Existing Dwellings

When altering or adding to a place with existing traditional character, the goal is for an outcome that does not reduce the character of the place, rather enhances it.

## Additions and Alterations

### 3.1 Ground Floor Additions and/or Alterations

- (a) Ground floor additions to an existing dwelling, including garages additions, shall be setback a minimum of 2m from the primary setback line (excluding unenclosed carports, porches and verandahs).
- (b) The use of links, courtyards and breezeways are encouraged for additions to traditional character homes. These minimise the impacts on the existing dwelling and provide improved internal and external living conditions (See Figure 7); alternatively additions which are contiguous with the existing dwelling should seek to minimise the impact on the existing dwelling (See Figure 7).
- (c) Additions shall not detract from the important elements interesting parts of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) Additions shall be sympathetic of its siting, bulk, form, scale, character, colour, texture and material; are similar to the existing fabric, but imitation should be avoided; and not intrude on existing traditional character homes in the immediate locality.
- (e) Unenclosed carports, porches and verandahs shall meet clauses 2.7 (b) – Open Entry porches and 2.15 – Carports.

### 3.2 Second Storey Additions

- (a) Second storey additions shall be setback:

- a minimum 4 metres from the primary street setback as determined under clause 2.7(a); and
  - be located behind the roof ridgeline of the existing dwelling (See Figure 8).
- (b) Two storey extensions at the front of the existing dwelling that dominate the streetscape will not be supported (See Figure 8).
- (c) Second storey additions shall not detract from the **important elements interesting parts** of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) **New Second storey** additions shall **respect the existing building and traditional character homes within the street in relation to be sympathetic of it's-the** siting, bulk, form, scale, character, colour, texture and material; and are similar to the existing fabric, but imitation should be avoided.

### 3.3 Additions not Visible from the Street

(a) Additions not directly visible from the street may have a different character to the architectural style of the existing dwelling, including contemporary design, but shall be sympathetic to the form, scale, and bulk of the existing dwelling and development, and not intrude on existing traditional character homes in the immediate locality. Suitability of this clause is to be considered on a case by case basis as determined by the City.

### 3.4 Alterations

(a) **External** Alterations shall integrate harmoniously with the original building so that **alterations restoration** does not detract from the existing building.

### 3.5 The following additional clauses apply to additions to existing dwellings:

- |   |                               |
|---|-------------------------------|
| 2.2 - Building Orientation  | 2.3 – Open Streetscapes       |
| 2.4 – Fences  | 2.5 – Retaining walls         |
| 2.6 – Landscaping   | 2.8 – Location of Entries     |
| 2.9 – Boundary walls  | 2.10 – Bulk, form and scale   |
| 2.11 – Roof pitch and form  | 2.12 – Materials              |
| 2.13 – Detailing  | 2.14 – Access and car parking |
| 2.15 – Carports   | 2.16 – Garages                |
| 2.17 – Air Conditioning Equipment and Plant,<br>Satellite Dishes and Solar Panels |                               |

Where there is an inconsistency, the provisions of clause 3 prevail.

### 3.6 Relationship with the R-Codes

(a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, this Policy prevails.

## 4. Requirements for Multiple Dwellings

If multiple dwellings are permitted within the CPA the following provisions shall apply.

New buildings within a character protection area are to respect and complement the character of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to the CPA, and does not intrude on existing traditional character homes within the streetscape. New infill development are to respond sympathetically to the character values of the CPA.

## **Street Setback**

### **4.1 Street Setback**

- (a) Buildings shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
- (b) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See Figure 5).

## **Built Form**

### **4.2 Built Form**

- (a) The built form of multiple dwellings shall be articulated into perceptually differentiated components which reflect the scale of adjoining dwellings. That is walls, openings and roof planes are to be modulated in response to the scale of neighbouring buildings. Such forms are to have a vertical emphasis.
- (b) The ground floor of the development shall have a clear and direct relationship to the existing ground or street plane and entrances shall generally face the street.
- (c) Entries located at the side of the development shall be considered only where the entry arrangements are highly legible and accessed via a defined porch or verandah directly visible from the street.
- (d) Materials and details shall comply with clause 2.12 and 2.13 of this policy.

### **4.3 Roofs**

- (a) Roof form and skyline shall be articulated by ridge and parapet lines, roof slopes, and punctuated by party walls, chimneys, skylights or other elements to break down the scale and the perceived height of the building. Roof forms facing the street shall be sympathetic to existing roofs in the immediate vicinity.

## **Carparking and vehicle access**

### **4.4 Access and car parking**

- (a) Multiple dwellings shall meet the following:
  - (i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.
  - (ii) Parking areas shall be located within developments and not in the front setback area.
  - (iii) Parking areas shall be screened from the street by buildings or landscaping.

- (iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## Landscaping

### 4.5 Landscaping

- (a) Landscaping in the front setback area shall include soft landscaping to maintain the landscape character of front gardens in the area. These areas shall generally retain existing ground levels within the front setback area.
- (b) New fences, garden walls, planting and landscape elements shall reflect the scale of such elements in the immediate area.

## Fixtures and facilities

### 4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant, satellite dishes and water tanks shall be located **where** they are not directly visible from the street or shall be adequately screened.

## Relationship with the R-Codes

### 4.7 Relationship with the R-Codes

- (a) Residential Design Codes Volume 2 – Apartments (R-Codes V2) apply. Where there is a contradiction between this Policy and the R-Codes V2, this policy prevails.

## 5 Application for Development Approval

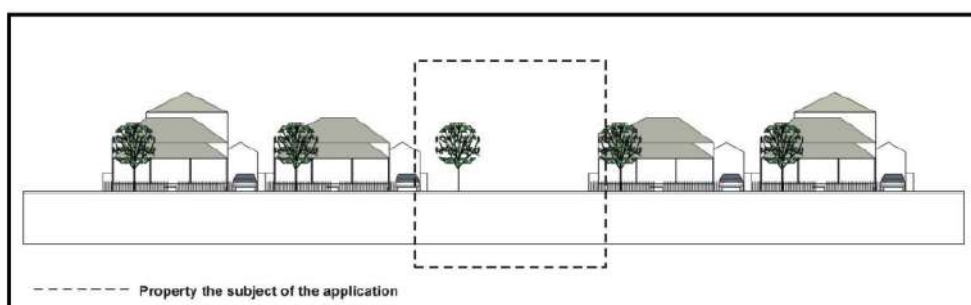
### Application for Development Approval Requirements

#### 5.1 Application Requirements

An application for planning approval for development of a lot within the Character Protection Areas is to be accompanied by the following information in addition to that required by the Town Planning Scheme:

- (a) Colour photographs of the elevations of the existing dwelling and development on the two adjoining properties on either side of the subject property.
- (b) A streetscape elevation of the proposed development which includes development on the two adjoining properties on either side of the subject property at a scale not less than 1:100 (See Figure 4).

**Figure 4: Streetscape Elevation**





(c) A schedule of finishes of all materials which could be seen directly from the street. This includes front and side elevations of the proposed and existing development.

(d) A landscape plan of the front garden area proposed indicating proposed fencing and identifying both materials (paving) and plant species. The landscape plan shall be provided in accordance with the City's Landscaping Guidelines.

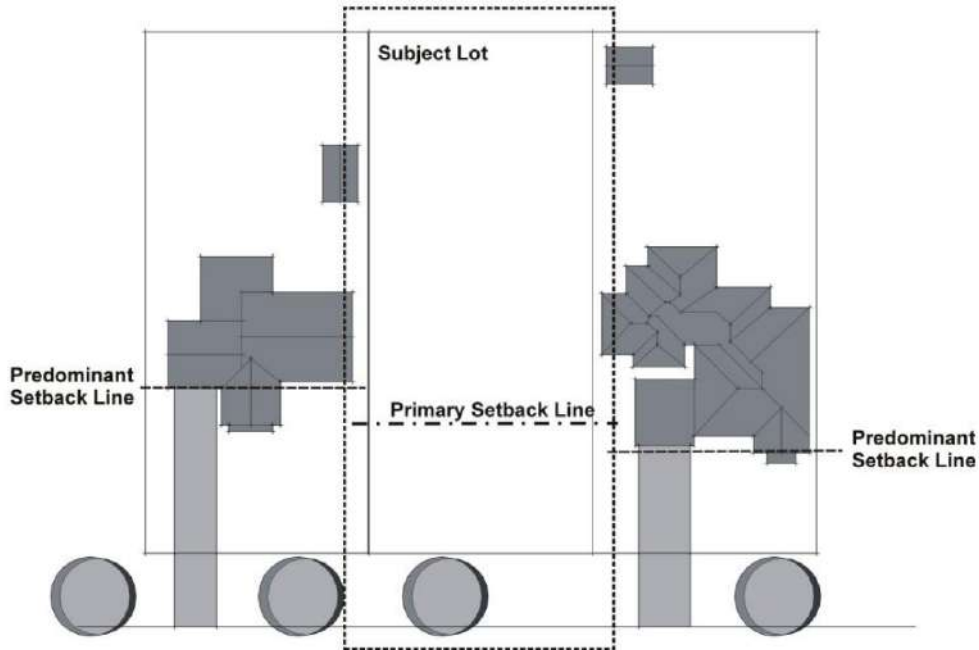
## **5.2 Advertising of Applications**

(a) Where an application is made for planning approval to carry out development which does not comply with the relevant provisions of the Character Protection Area policy the City may advertise the application in accordance with the consultation provisions of the Residential Design Codes.

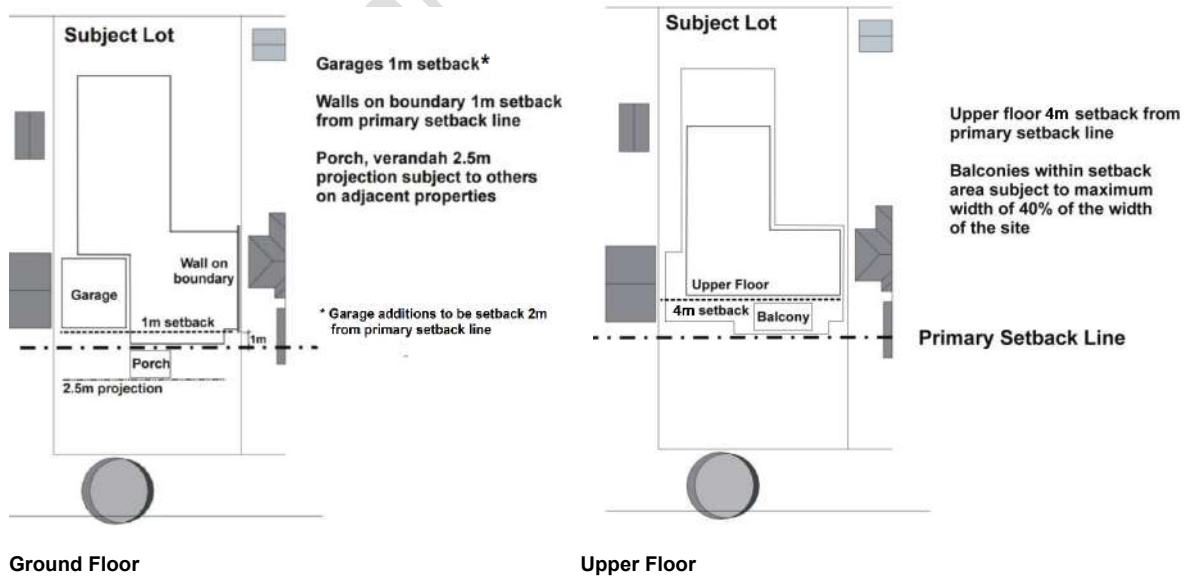
Track Changes to Advertisements

**Figures**

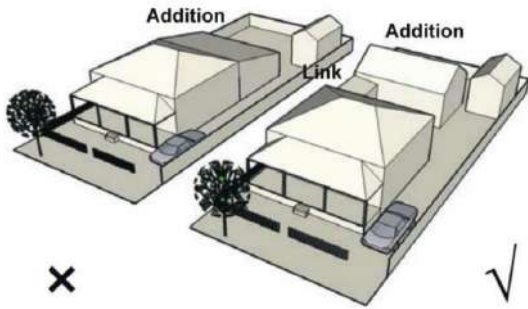
**Figure 5** – Calculating the Primary Street Setback Line



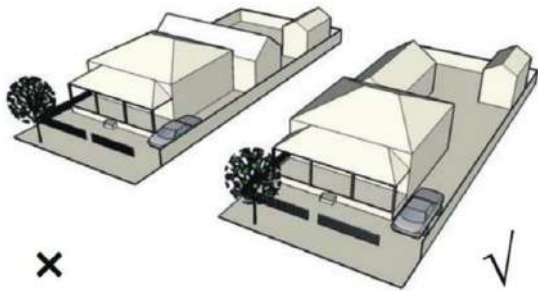
**Figure 6** – Calculating front setbacks



**Figure 7** – Ground floor alterations and additions



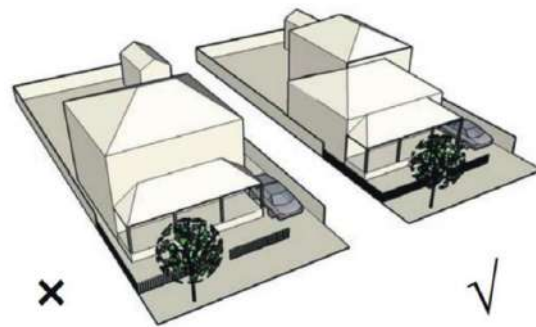
The use of links, courtyards and breezeways are encouraged. These minimise the impacts on the existing residence and provide improved internal and external living conditions.



Alternatively contiguous extensions should seek to minimise the impact on existing residence.

**Figure 8** – Upper floor alterations and additions

Two storey extensions should be placed behind the ridgeline of the existing residence.



Two storey extensions at the front will dominate the streetscape and will not be supported.





# Character Protection Areas Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance
<b>ECM Document Set ID</b>	

**City of Bayswater**  
**Character Protection Areas Policy**  
**Maylands North | Mount Lawley | Bayswater**

## Contents

Purpose .....	4
Objective .....	4
Scope .....	4
Background .....	4
Definitions .....	5
1. Character Protection Areas - Character Statements .....	7
Character Protection Area 1: Maylands North .....	7
Character Protection Area 2: Mount Lawley .....	8
Character Protection Area 3: Bayswater .....	9
2. Requirements for New Dwellings .....	11
Configuration .....	11
2.1 Subdivision Pattern .....	11
2.2 Building Orientation .....	11
Streetscapes .....	11
2.3 Open Streetscapes .....	11
2.4 Fences .....	11
2.5 Retaining walls and Topography .....	12
2.6 Landscaping .....	12
Street setback .....	12
2.7 Street Setbacks .....	12
2.8 Location of Entries .....	13
2.9 Boundary Walls .....	13
Built form .....	13
2.10 Bulk, Form and Scale .....	13
2.11 Roof Pitch and Form .....	13
2.12 Materials .....	14
2.13 Detailing .....	14
Carparking and vehicle access .....	14
2.14 Access and car parking .....	14
Carport and Garages .....	15
2.15 Carports .....	15
2.16 Garages .....	15
Fixtures and facilities .....	16
2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels .....	16

Relationship with the R-Codes .....	16
3. Requirements for Additions and Alterations to Existing Dwellings .....	16
Additions and Alterations .....	16
3.1 Ground Floor Additions and/or Alterations .....	16
3.2 Second Storey Additions .....	17
3.3 Additions not Visible from the Street .....	17
3.4 Alterations .....	17
4. Requirements for Multiple Dwellings .....	18
Street Setback .....	18
4.1 Street Setback .....	18
Built Form .....	18
4.2 Built Form .....	18
4.3 Roofs .....	18
Carparking and vehicle access .....	19
4.4 Access and car parking .....	19
Landscaping .....	19
4.5 Landscaping .....	19
Fixtures and facilities .....	19
4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels .....	19
Relationship with the R-Codes .....	19
5 Application for Development Approval .....	20
Application for Development Approval Requirements .....	20
Figures .....	21

## Purpose

To provide parameters for new development within Character Protection Areas (CPA) to ensure that new development in Character Protection Areas is sympathetic with the character, rhythm, scale and visual amenity of existing residential streetscapes in the three Character Protection Areas.

## Objective

The objectives of this policy are to:

1. Ensure that new development is sympathetic to the unique character and materiality of the streetscape.
2. To retain the open character of streetscapes and landscaped gardens.
3. Ensure the siting, height, scale, massing and materiality of new development including additions to existing buildings is appropriately located, scaled and designed so not to visually dominate or detract from the streetscape qualities of the areas.
4. Ensure the built form of new development is sympathetic to the scale and form of traditional character homes within each of the three Character Protection Area.
5. Carports, garages, vehicle access and carparking do not dominate the streetscapes or adversely impact the unique character or presentation of the dwellings which they serve.
6. Ensure additions are sympathetic with the original building.
7. Ensure alterations integrate harmoniously with the original building so that alterations do not detract from the existing building.
8. Ensure the built form and architectural expression of multiple dwelling developments preserves the character and subdivision pattern of the Character Protection Areas and is sympathetic to the character of traditional character homes in the street.

## Scope

This policy guides proposals and assists in the assessment of new residential development and alterations and additions to single houses, grouped dwellings, multiple dwellings; that require development approval in the following areas:

- Character Protection Area 1: Maylands North
- Character Protection Area 2: Mount Lawley
- Character Protection Area 3: Bayswater

## Background

One important way by which the local community identifies itself is its cultural heritage, mainly represented by the built environment. The local community wishes to ensure that development in certain areas is sympathetic to the local character.

The character of these residential areas can be simply expressed as their streetscape appeal; this includes front fences and gardens, the scale and form of existing buildings, roofscapes, heritage places and trees that combine to form the street's character. Three Character Protection Areas (CPA) were established and are designated specific guidelines for these areas to ensure new development is sympathetic to the local character of the respective areas.

Development applications must consider the Character Statement for the relevant CPA and comply with the policy.

## Definitions

For the purposes of this policy -

**Bulk** means the combined effect of the arrangement, volume, size and shape of a building or group of buildings.

**Character** is defined by the combination of the particular characteristics or qualities of a place. These include the rhythm, scale and visual amenity of dwellings which contribute to the existing streetscapes.

**Character Protection area** means a group of properties that are recognised to collectively form a streetscape with defining features and characteristics, which may include form and scale, materiality, style or repetition.

**Character statement** means a concise and distilled summary of the characteristics of the place. It is a statement summarising each aspect of character, following an assessment of character. It underpins decisions about statutory provisions.

**Context** means the specific character, quality, and physical characteristics of a building's setting.

**Form** as it relates to the form of a building, is its overall shape and volume and the arrangement of its parts.

**Mass** means the size and volume of a building.

**Predominant setback** of an existing residence comprises the setback from the street boundary of the major portion of the front façade. It excludes projecting verandahs, bay windows, garages and carports.

**Primary street setback** is the predominant streetscape pattern in the immediate locality. This is to be taken as the average setback of the two dwellings on each side of the property the subject site. This average shall be measured to the predominant street setback lines of the adjacent dwellings (ie not the line of the verandahs or carports).

**Scale** means the size of a building and its proportional relationship with its surrounding dwellings in the locality.

**Streetscape** means all of the visual elements which inform the perception of a street; these include the road, front fences and gardens, existing buildings scale and form, roofscapes, trees and open spaces, that combine to form the street's character.

**Sympathetic** means a design outcome that respects its context. It would not be identical to the traditional character homes, nor would it intrude on their presence in the streetscape. It would be of a similar or lesser scale.

**Traditional Character Home** is a building used as a residence generally built before 1950 in a traditional style.



**Visual Amenity** means all those visual factors which assist in forming the character of an area and contributing to its current and likely future amenity.

**Visually Permeable** in reference to a wall, gate, door, screen or fence within the scope of this policy, is the vertical surface, when viewed directly from the street or other public space, has continuous vertical or horizontal gaps that in total result in being 75% open.

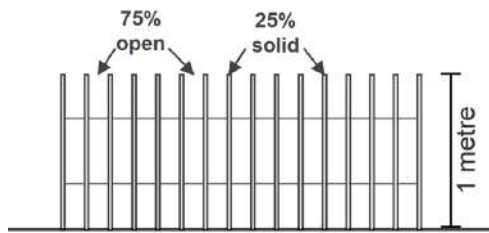


Image 1. Open style fences.

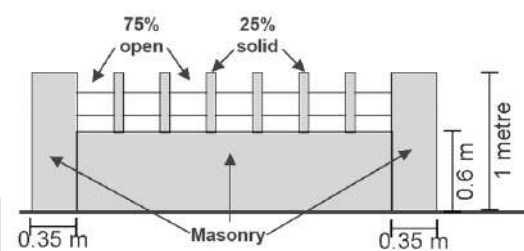


Image 2. Solid masonry fences with pillars and infill.

### Related Legislation

- Town Planning Scheme No.24
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Residential Design Codes of Western Australia

### Document details

<b>Relevant delegations</b>	TP-D01 Local Planning Schemes		
<b>Risk evaluation</b>	Low – Moderate		
<b>Strategic link</b>	Goal E1 and Goal L4		
<b>Council adoption</b>	22 September 2015	<b>Resolution</b>	13.3.1
<b>Reviewed/modified</b>		<b>Resolution</b>	
<b>Next review due</b>			

## 1. Character Protection Areas - Character Statements

### Character Protection Area 1: Maylands North

Figure 1



Maylands North Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA is bound by adjacent local government boundaries to the west and south, Coode Street and Railway Parade to the east and Sussex Street to the north.

The area around Maylands was inhabited by the Wadjuk Noongar People thousands of years before the Swan River Colony established in 1829. The subdivision and settlement of Maylands began around the year of 1900 following the construction of the Ferguson Foundry (1898). The foundry supplied the water pipes required for C.Y. O'Connor's Goldfields Water Supply Scheme (gold fields pipeline) and attracted many young families to the area.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains good examples of brick and timber bungalows including the architectural styles of Federation Bungalow, Federation Timber Bungalow and Federation Timber Workers Cottage.

The landform rises from a low in the east (Railway Parade) to a high in the west (Carrington and York Street).

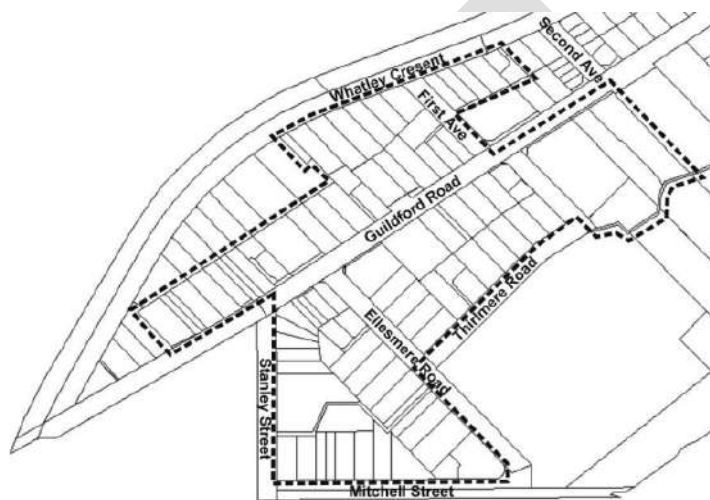
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- Visible brick roof chimneys.

- Face brick with tuckpointing, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Timber detailing to verandahs.
- Low fence heights with face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

### Character Protection Area 2: Mount Lawley

Figure 2



Mount Lawley Character Protection Area (CPA) is located in the south west corner of the City of Bayswater. The CPA is bound by local government boundaries to the west and south, the railway to the north and the suburb of Maylands to the east.

The area around Mount Lawley was originally inhabited by the Wadjuk Noongar People thousands of years before the Swan River settlement established in 1829. This portion of Mount Lawley was subdivided for residential lots under the management of Robert Thompson Robinson and Samuel Copley. Robinson built his own home 'Killowen' in 1903 at the base of Ellesmere Road overlooking the Swan River which is now a hospital. The subdivision was aimed at the affluent members of the community and began development in 1910.

The seven streets in the CPA retain a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick bungalows including the architectural styles of Federation Bungalow and Federation Queen Anne Bungalow. There are a number of places with strong inter war influences including the Inter War Domestic Revival architectural style.

Guildford Road and Whitley Crescent are both high traffic volume roads that influence the character of the area. These streetscapes are predominantly open with single storey dwellings dating from the late

nineteenth and early twentieth century through to more recent development. The verge and a number of front setbacks of Guildford Road are concrete or brick paved. The landmark building, Albany Bell Castle, is set well back from the Guildford Road boundary.

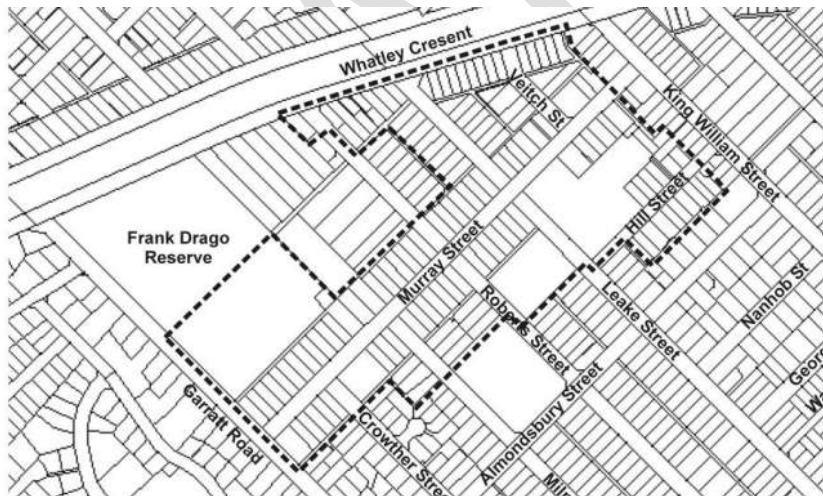
The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Hip and gable tiled roof forms. There are some corrugated steel roofs, especially north of Guildford Road.
- Face brick or rendered brick walls, some with limestone foundations.
- Front entry porches and verandahs, some with return verandahs.
- Face brick, rendered brick, brick pier and iron infill panels to fences. There are some timber and some stone fences. Some higher brick and rendered brick fences to Guildford Road.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.

Whatley Crescent retains grass verges, front boundary fences and perimeter planting to the front yards.

### Character Protection Area 3: Bayswater

Figure 3



Bayswater Character Protection Area (CPA) is located in the south west section of the City of Bayswater. The CPA bound by Garratt Road to the south, Whatley Crescent to the west, the rear boundary of commercial properties to King William Street to the north and a line to the east from the rear of properties to Hill Street extending to Garratt Road.

Bayswater was originally inhabited by the Wadjuk Noongar people thousands of years before the Swan River Colony was established in 1829. This area remained undeveloped until 1881 when the Perth to Guildford railway line was built. This area was largely used for gardening and farming with houses spread

out over the Bayswater area. The opening of the Midland Railway Workshops fuelled greater suburban growth in Bayswater between 1904 and 1914.

The area retains a high percentage of places that positively contribute to the streetscape. The area contains some good examples of brick and timber bungalows including the architectural styles of Federation Bungalow, Federation Timber Bungalow, Federation Timber Workers Cottage and Inter War California Bungalow.

The landform rises from a low point in the north (King William Street) to a high at Roberts Street. The predominant building form, materials and streetscape characteristics in the area are:

- Single storey with some two storey.
- Asymmetrical facades and single fronted facades.
- Hip and gable roof forms and tiled and corrugated steel roof cladding.
- Face brick, rendered brick and timber walls. Some masonry dwellings with limestone foundations.
- Front façade verandahs, some with return verandahs. Some entry porches.
- Awnings to some windows.
- Face brick, rendered brick, timber, stone, brick pier with iron or timber infill panels to fences. There are some timber post and rail with wire infill fences and some dwellings with no fence to the front boundary. Some high brick fences to Whatley Crescent.
- Grass to front yards with perimeter planting.
- Grass verge and mature street trees.
- Concrete and brick paved driveways to one side of the lot.
- Numerous dwellings have access to rear laneways.

## 2. Requirements for New Development

New buildings within a character protection area are to be sympathetic with the existing traditional character of the area and should not detract from existing traditional character homes. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials, colours and finishes, front fences, and front gardens.

The following provisions apply to proposed single houses, grouped dwellings and subdivisions. Additions and alterations are assessed under a separate [clause 3](#).

### Configuration

#### 2.1 Subdivision Pattern

- (a) In areas where the traditional subdivision pattern contributes to the character of the streetscape, new development are to respect and respond to this pattern.
- (b) The existing arrangement of lots, particularly the length of street frontages, is to be maintained
- (c) Amalgamation will not be supported in CPAs.

#### 2.2 Building Orientation

- (a) Building orientation shall be consistent with the existing street pattern (that is at right angles to the street).

### Streetscapes

#### 2.3 Open Streetscapes

- (a) Dwellings are to interact with the public domain through:
  - (i) Provision of verandah or porch provided to the front of the dwelling that facing the primary street.
  - (ii) Avoiding blank walls, heavy planting, screen walls, or garages and enclosed carports in the front setback area.
  - (iii) Clearly demarcating the property boundary by fencing or planting consistent with the existing character of the streetscape.

#### 2.4 Fences

- (a) Open Fences:
  - (i) Fences on the front boundary shall be visually permeable (minimum 75% open) to a maximum height of 1m above the adjoining pavement level.
- (b) Masonry Fences:
  - (i) Solid masonry fences are permitted to a maximum height of 600mm from the adjoining pavement level and shall be visually permeable above (minimum 75% open).
  - (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.

(c) Fences on Sloping Sites:

- (i) Masonry fences on sloping site shall be a maximum height of 750mm above the adjoining pavement level.
- (ii) Masonry piers shall be limited to a maximum height of 1m above the adjoining pavement level and limited to a maximum width of 350mm x 350mm.

(d) Materials:

- (i) Fibre cement and metal sheeting materials will not be supported.

(e) Meter Boxes:

- (i) Where meter boxes are incorporated into front fences they shall not be visible directly from the street.

## 2.5 Retaining walls and Topography

- (a) New dwellings shall respond to the natural features of the site. Cutting and filling, particularly in locations directly visible from the street, shall be kept to a minimum.
- (b) Retaining walls within the front setback area are to be stepped vertically if they are more than 0.5m high to reduce their visual impact.

## 2.6 Landscaping

(a) Existing Mature Trees

- (i) Existing mature trees on the site shall be retained wherever possible.

(b) Landscaping of Front Gardens

- (i) Landscape plans are to include soft landscaping in the front setback areas to maintain the landscape character of front gardens in the locality.

## Street setback

### 2.7 Street Setbacks

(a) Primary Street Setback

- (i) Buildings (excluding carports, unenclosed porches, balconies, and verandahs) shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
- (ii) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See [Figure 5](#)).

(b) Open Entry Porches and Verandahs

- (i) Open entry porches and verandahs directly visible from the street shall be limited to single storey structures and shall be a maximum height of 3.5m.
- (ii) Entry porches and verandahs can protrude 2.5m into the primary front setback provided it is reflective of existing porches and verandahs in the immediate locality (ie occurs in at least two dwellings of the two either side of the subject site and the three across the street) and will not dominate the appearance of the dwelling (See [Figure 5](#)).

- (iii) Entry porches and verandahs shall be open on three or more sides.
- (c) Upper Floors
  - (i) Upper floors shall be setback a minimum of 4m from the primary street setback line of the proposed dwelling (See [Figure 6](#)).
- (d) Balconies
  - (i) Open upper floor balconies shall be setback behind primary street setback line, are not to dominate the street elevation of the dwelling and be limited to 40% of the width of the subject site (See [Figure 6](#)).
  - (ii) Balconies shall incorporate architectural detailing as outlined in clause 2.13.

## 2.8 Location of Entries

- (a) Front doors shall face the street. Entry doors located at the side of the dwelling may be considered only where the entry arrangements are clear and accessed via a porch or verandah easily visible from the street.

## 2.9 Boundary Walls

- (a) Boundary walls shall be setback a minimum of 1m behind the primary street setback line or the front wall of the dwelling where this is setback beyond the primary street setback line.

## Built form

### 2.10 Bulk, Form and Scale

- (a) Development directly visible from the street shall have a continuation of plate height and be of similar built form proportions to traditional character homes within the CPA.
- (b) Building height and bulk shall be distributed appropriately on the development site to protect the visual amenity of traditional character homes on adjoining lots and maintain the visual integrity of the streetscape.
- (c) Development shall be of high quality design, and be articulated to breakdown their perceived bulk and establish a scale appropriate to existing dwellings in the locality.
- (d) The visual bulk of two storey buildings should be minimised through articulation of larger wall lengths, and the stepping back of upper storey walls from the ground floor elevation.

### 2.11 Roof Pitch and Form

- (a) Hipped or gabled roof forms are preferred roof forms.
- (b) The scale of roof elements should be comparable with the scale of existing roofs in the locality.
- (c) Gabled or hipped roof forms consisting of elements which break up the scale of roofs are to be provided. Roof elements should be consistent with the Character Protection Area and may include overhanging eaves, cover over entrances, detailing to eaves and canopies over windows.
- (d) Other roof forms shall only be considered where it can be demonstrated that the roof form proposed will not detract from the established streetscape.



## 2.12 Materials

- (a) Dwellings are to recognise the characteristic materials, textures and colours used in the surrounding traditional character homes within the CPA. These should be re-interpreted and incorporated as part of the new development.
- (b) Materials and colours of surrounding traditional character homes should not be simply copied but used as a point of reference. Modern materials can be used if their proportions and details are sympathetic to and do not detract from the surrounding traditional character buildings. Colour, texture and tonal contrast can be unifying elements.
- (c) A limited palette of materials shall be used to provide visual interest and articulate the building form.
- (d) The outcome of the total composition shall make a positive contribution to the existing streetscape.

## 2.13 Detailing

- (a) Detailing should comprise the direct and simple expression of architectural elements and be provided to the front and side elevations of the building.
- (b) New development is to use detailing of existing traditional homes as a point of reference.
- (c) Detailing of new development shall not result in a development that intrudes on adjoining traditional character homes nor dominate the streetscape.
- (d) The relationships of solids to voids shall reflect the immediate locality and detailing shall be used to provide identity and highlight important components such as entrances, chimneys, balconies, and to screen service areas.

## Carparking and vehicle access

### 2.14 Access and car parking

- (a) Vehicle parking shall be located at the rear of the property and accessed via a right of way where a right of way is present and rights of access exist.
- (b) Where no right of way is available, access to vehicle parking shall be taken from the secondary street. Where a secondary street is not available, access to vehicle parking may be permitted from the primary street.
  - (i) Where driveways to primary or secondary street are permitted, they are to be provided as follows:
    - Single garages and carports are to be accessed from a single crossover to the street with a maximum width of 3.0m.
    - Double garages and carports are to be accessed from a single crossover to the street of a width of 4.8m.
- (d) Grouped dwelling vehicle access shall meet the following:
  - (i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.
  - (ii) Parking areas shall be located within developments and not in the front setback area.
  - (iii) Parking areas shall be screened from the street by buildings or landscaping.

(iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## Carport and Garages

### 2.15 Carports

(a) Where access off a right of way is not possible carports:

(i) May be located within the street setback area provided they are open on all sides (except where they adjoin the dwelling) and shall be of simple and unobtrusive design to ensure they do not obscure the view of the existing dwelling from the street.

(ii) Carports proposed as part of a new dwelling are encouraged to be incorporated under the roof of the proposed dwelling at the same setback as the new dwelling.

(iii) Carport additions shall be independent of the existing dwelling.

(iv) Where the primary street frontage of a lot is 12m or less only single width carports shall be permitted.

(v) Roofs to carports shall be 'light weight' in nature incorporating:

- flat or skillion (with low pitch) roof forms so as to not obscure the view of the existing dwelling from the street.
- The fascia of the carport shall match the line of the fascia of the existing dwelling verandah.
- Posts to the carports shall be a maximum width of 90mm\*90mm.

(vi) A pitch or gable roof form to carports may be considered on a case by case basis and shall be:

- Unobtrusive in design and not obscure the view of the existing dwelling from the street.
- Infill panels or closing in of gable ends are not permitted. Roof pitches are to match the existing dwelling.
- While the underside of roofs may be lined, flat ceilings are not permitted.

(vii) Roller doors, tilt doors, and solid gates are not permitted for any carports located within the street setback area.

(viii) Materials and colours are to be compatible with the dwelling and not detract from the appearance for the dwelling.

### 2.16 Garages

(a) Where access off a right of way is not possible garages:

(i) Shall be integrated into the development and be setback a minimum of 1m behind the line of the primary setback line of the dwelling (excludes verandahs and entry porches).

(ii) The form and materials of garages shall meet the 'Built Form' requirements of the Policy (clause 2.10 – 2.13).

(iii) If a garage is provided no carport shall be permitted in the front setback area.

(iv) Garage additions where there is an existing building on the subject site are not assessed under this clause. Garage additions are to be assessed under clauses 3.1, 3.3, and 3.5.

## Fixtures and facilities

### 2.17 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant and satellite dishes shall be located in positions where they are not directly visible from the street.
- (b) Solar panels are permitted. However where practicable they shall be located in positions which minimise any undue impact on the streetscape.

## Relationship with the R-Codes

### 2.18 Relationship with the R-Codes

- (a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, the provisions within this Policy prevails.

## 3. Requirements for Additions and Alterations to Existing Dwellings

When altering or adding to a place with existing traditional character, the goal is for an outcome that does not reduce the character of the place, rather enhances it.

## Additions and Alterations

### 3.1 Ground Floor Additions

- (a) Ground floor additions to an existing dwelling, including garage additions, shall be setback a minimum of 2m from the primary setback line (excluding unenclosed carports, porches and verandahs).
- (b) The use of links, courtyards and breezeways are encouraged for additions to traditional character homes. These minimise the impacts on the existing dwelling and provide improved internal and external living conditions (See Figure 7); alternatively additions which are contiguous with the existing dwelling should seek to minimise the impact on the existing dwelling (See Figure 7).
- (c) Additions shall not detract from the important elements of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) Additions shall be sympathetic of its siting, bulk, form, scale, character, colour, texture and material; are similar to the existing fabric, but imitation should be avoided; and not intrude on existing traditional character homes in the immediate locality.
- (e) Unenclosed carports, porches and verandahs shall meet clauses 2.7 (b) – Open Entry porches and 2.15 – Carports.

### **3.2 Second Storey Additions**

- (a) Second storey additions shall be setback:
- a minimum 4 metres from the primary street setback as determined under clause 2.7(a); and
  - be located behind the roof ridgeline of the existing dwelling (See Figure 8).
- (b) Two storey extensions at the front of the existing dwelling that dominate the streetscape will not be supported (See Figure 8).
- (c) Second storey additions shall not detract from the important elements of the existing building, its setting, the balance of composition and relationship with its surrounding streetscape.
- (d) Second storey additions shall respect the existing building and traditional character homes within the street in relation to the siting, bulk, form, scale, character, colour, texture and material; and are similar to the existing fabric, but imitation should be avoided.

### **3.3 Additions not Visible from the Street**

- (a) Additions not directly visible from the street may have a different character to the architectural style of the existing dwelling, including contemporary design, but shall be sympathetic to the form, scale, and bulk of the existing dwelling and development, and not intrude on existing traditional character homes in the immediate locality. Suitability of this clause is to be considered on a case by case basis as determined by the City.

### **3.4 Alterations**

- (a) External Alterations shall integrate harmoniously with the original building so that alterations do not detract from the existing building.

### **3.5 The following additional clauses apply to additions to existing dwellings:**

- |   |                               |
|---|-------------------------------|
| 2.2 - Building Orientation  | 2.3 – Open Streetscapes       |
| 2.4 – Fences  | 2.5 – Retaining walls         |
| 2.6 – Landscaping   | 2.8 – Location of Entries     |
| 2.9 – Boundary walls  | 2.10 – Bulk, form and scale   |
| 2.11 – Roof pitch and form  | 2.12 – Materials              |
| 2.13 – Detailing  | 2.14 – Access and car parking |
| 2.15 – Carports   | 2.16 – Garages                |
| 2.17 – Air Conditioning Equipment and Plant,<br>Satellite Dishes and Solar Panels |                               |

Where there is an inconsistency, the provisions of clause 3 prevail.

### **3.6 Relationship with the R-Codes**

- (a) Residential Design Codes Volume 1 (R-Codes V1) apply. Where there is a contradiction between this Policy and the R-Codes V1, this Policy prevails.

## 4. Requirements for Multiple Dwellings

If multiple dwellings are permitted within the CPA the following provisions shall apply.

New buildings within a character protection area are to respect and complement the character of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to the CPA, and does not intrude on existing traditional character homes within the streetscape. New infill development are to respond sympathetically to the character values of the CPA.

### Street Setback

#### 4.1 Street Setback

- (a) Buildings shall be set back from the primary street boundary at the average calculated setback of the two dwellings on each side of the subject site.
- (b) The average calculated setback is measured from the primary street boundary to the predominant street setback lines of the two dwellings on each side of the subject site (ie not to the line of the verandahs, porches or carports) (See Figure 5).

### Built Form

#### 4.2 Built Form

- (a) The built form of multiple dwellings shall be articulated into perceptually differentiated components which reflect the scale of adjoining dwellings. That is walls, openings and roof planes are to be modulated in response to the scale of neighbouring buildings. Such forms are to have a vertical emphasis.
- (b) The ground floor of the development shall have a clear and direct relationship to the existing ground or street plane and entrances shall generally face the street.
- (c) Entries located at the side of the development shall be considered only where the entry arrangements are highly legible and accessed via a defined porch or verandah directly visible from the street.
- (d) Materials and details shall comply with clause 2.12 and 2.13 of this policy.

#### 4.3 Roofs

- (a) Roof form and skyline shall be articulated by ridge and parapet lines, roof slopes, and punctuated by party walls, chimneys, skylights or other elements to break down the scale and the perceived height of the building. Roof forms facing the street shall be sympathetic to existing roofs in the immediate vicinity.

## Carparking and vehicle access

### 4.4 Access and car parking

- (a) Multiple dwellings shall meet the following:
  - (i) The alignment of access ways should be varied to avoid the 'gun barrel' effect.
  - (ii) Parking areas shall be located within developments and not in the front setback area.
  - (iii) Parking areas shall be screened from the street by buildings or landscaping.
  - (iv) Parking provision for more than six bays shall be broken up with trees, buildings, or different surface treatments.

## Landscaping

### 4.5 Landscaping

- (a) Landscaping in the front setback area shall include soft landscaping to maintain the landscape character of front gardens in the area. These areas shall generally retain existing ground levels within the front setback area.
- (b) New fences, garden walls, planting and landscape elements shall reflect the scale of such elements in the immediate area.

## Fixtures and facilities

### 4.6 Air Conditioning Equipment and Plant, Satellite Dishes and Solar Panels

- (a) Air conditioning equipment, plant, satellite dishes and water tanks shall be located where they are not directly visible from the street or shall be adequately screened.

## Relationship with the R-Codes

### 4.7 Relationship with the R-Codes

- (a) Residential Design Codes Volume 2 – Apartments (R-Codes V2) apply. Where there is a contradiction between this Policy and the R-Codes V2, this policy prevails.

## 5 Application for Development Approval

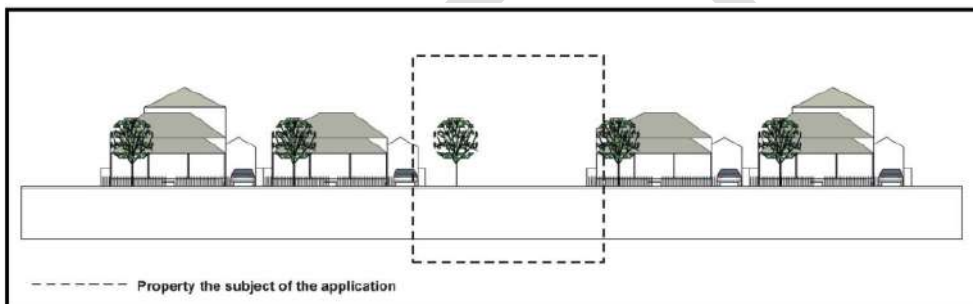
### Application for Development Approval Requirements

#### 5.1 Application Requirements

An application for planning approval for development of a lot within the Character Protection Areas is to be accompanied by the following information in addition to that required by the Town Planning Scheme:

- (a) Colour photographs of the elevations of the existing dwelling and development on the two adjoining properties on either side of the subject property.
- (b) A streetscape elevation of the proposed development which includes development on the two adjoining properties on either side of the subject property at a scale not less than 1:100 (See Figure 4).

**Figure 4: Streetscape Elevation**



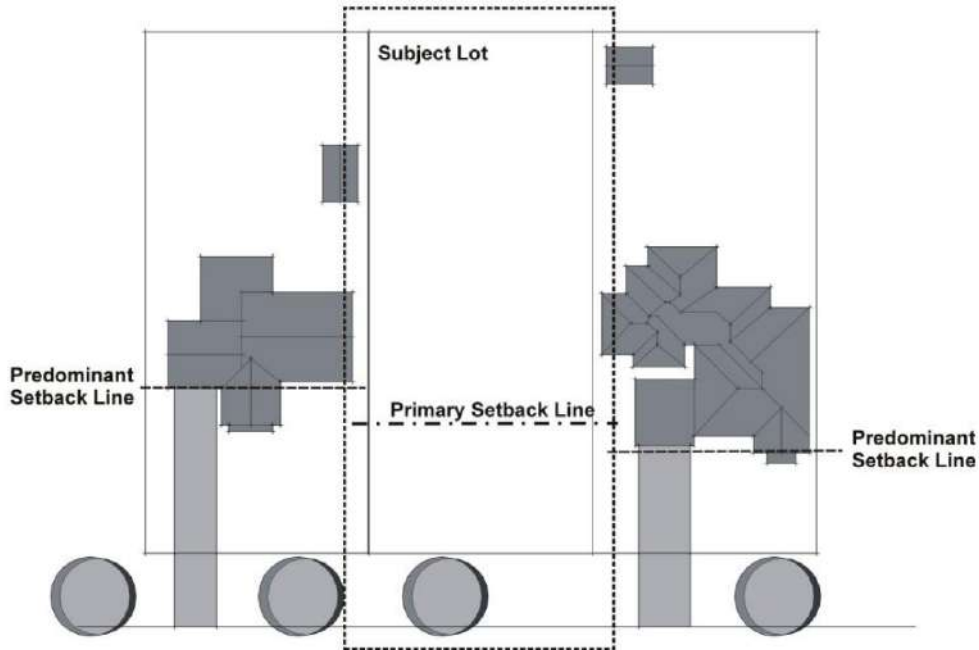
- (c) A schedule of finishes of all materials which could be seen directly from the street. This includes front and side elevations of the proposed and existing development.
- (d) A landscape plan of the front garden area proposed indicating proposed fencing and identifying both materials (paving) and plant species. The landscape plan shall be provided in accordance with the City's Landscaping Guidelines.

#### 5.2 Advertising of Applications

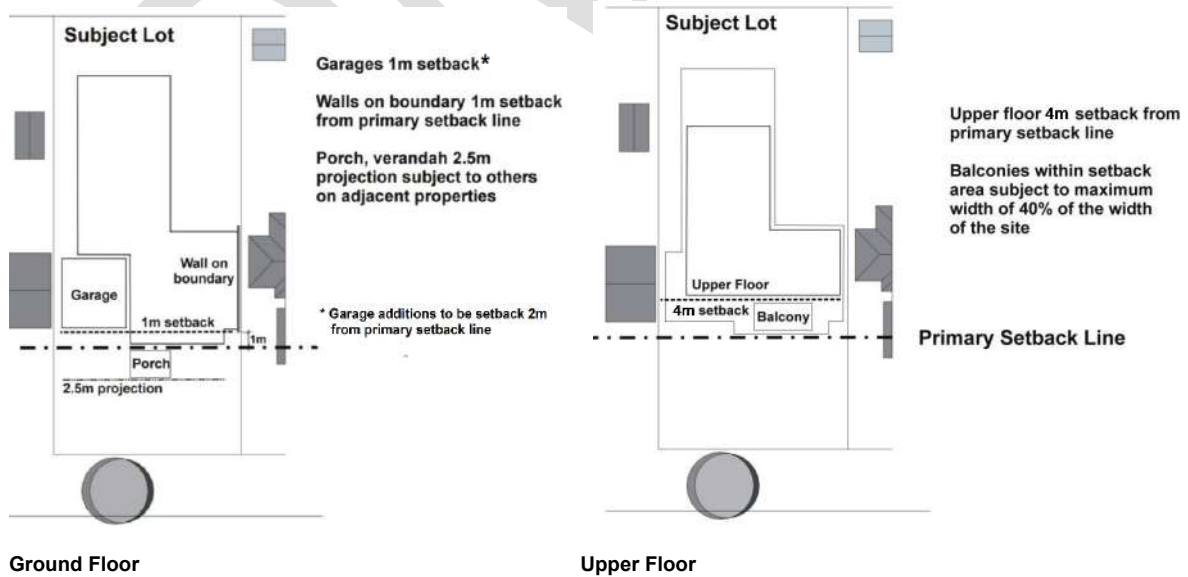
- (a) Where an application is made for planning approval to carry out development which does not comply with the relevant provisions of the Character Protection Area policy the City may advertise the application in accordance with the consultation provisions of the Residential Design Codes.

**Figures**

**Figure 5** – Calculating the Primary Street Setback Line

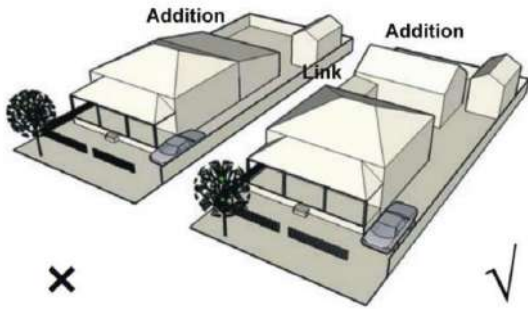


**Figure 6** – Calculating front setbacks

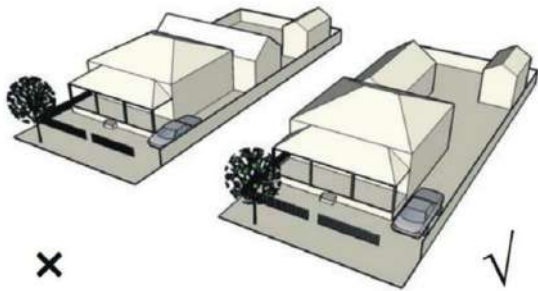




**Figure 7** – Ground floor alterations and additions



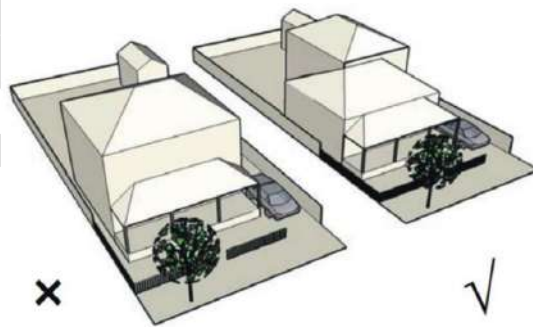
The use of links, courtyards and breezeways are encouraged. These minimise the impacts on the existing residence and provide improved internal and external living conditions.



Alternatively contiguous extensions should seek to minimise the impact on existing residence.

**Figure 8** – Upper floor alterations and additions


Two storey extensions should be placed behind the ridgeline of the existing residence.



Two storey extensions at the front will dominate the streetscape and will not be supported.




Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
<b>In support of the draft policy</b>			
Water corporation assets	The proposed City of Bayswater Character Protection Amendment does not affect Water Corporations assets (Water Corporation submission).	Submission is acknowledged.	N/A
Aligns well with the preservation of CPA	<p>It aligns well with the preservation of the character features of our neighbourhood.</p> <p>It is why owner occupiers such as ourselves choose to live here.</p> <p>Character features are also well sort out in the property market and maintaining this impacts on the value of your property.</p> <p>The change of language means that it will be difficult for new developments to argue against this and therefore help to protect the interests of existing properties.</p> <p>(Lives within Maylands North CPA)</p>	Submission is acknowledged.	N/A
Supportive of amendments	<p>Supportive for amendments that provide more protection for heritage sites.</p> <p>Hoping that there is more opportunity for the community to work with the new owners (88-90 Guildford Road) so that the new development can be an addition to the street scape, and the residential neighbourhood.</p> <p>(Lives within Mount Lawley CPA)</p>	<p>Submission is acknowledged.</p> <p>It is noted, as part of a development application process, in accordance with the Residential Design Codes (R-Codes), where a proposal is assessed against one or more design principles of the R-Codes; and there is the potential for the amenity of an adjacent property or the street to be impacted; there may be grounds for the City undertake public consultation with affected owners and occupiers of the proposal.</p>	N/A
N/A	<p>No comment.</p> <p>(Lives within Maylands North CPA)</p>	N/A	N/A
Ensure heritage homes are admired and supported, not	Supportive of any move to ensure new developments, additions and alterations (eg second storeys) in CPAs to be built in a style sympathetic to the existing streetscape, without overwhelming, or mimicking the style of traditional dwellings.	Submission is acknowledged.	N/A



Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
detracted by new development	<p>I am all for development, but it MUST respect our heritage - since 1830's.</p> <p>Homes are 124 years old, and need to ensure that history is able to be admired and supported, not blocked out by box dwellings with no trees or public interaction.</p> <p>(Lives within Bayswater CPA)</p>		
<b>Partially support the draft policy</b>			
Request removal of lot from CPA	<p>We fully support the goals of this policy.</p> <p>However, I would like to highlight a particular issue regarding our property, 56 Whatley Crescent, and the neighbouring plot, now home to the aged care facility. Historically, these two plots appear to have been part of a single larger property.</p> <p>Our concern is that if we eventually sell 56 Whatley, the logical buyer might be the current owners of the larger, adjacent plot. In that scenario, the division of CPA protection — with our property subject to the restrictions and the neighbouring property not — could create complications.</p> <p>To be clear, we do not oppose the policy, but we request consideration for aligning the CPA designation between these two closely linked plots. This would ensure consistency in the future, should any merger of the properties occur.</p> <p>(Investment property within Mt Lawley CPA)</p>	<p>The location is acknowledged being that is adjacent to a larger lot and it being on the edge of the Character Protection Areas boundary for Mount Lawley, location extract below.</p> <p>Given that the subject property is considered to be a Traditional Character Home, the City recommends this property to remain within the boundary of the Character Protection Area – Mount Lawley and be subject to the requirements of the CPA Policy.</p> <p>Aerial 56 Whatley Crescent, Mount Lawley:</p>  <p>Town Planning Scheme No. 24 extract of 56 Whatley Crescent relative to CPA boundary in blue:</p>	No modifications recommended in this instance.

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
		 <p>Street view of 56 Whatley Crescent, Mount Lawley:</p> 	
<p>Recommends modifications to objectives, background, 2.1, 2.10, and detailing.</p>	<p>Recommends modifications to the Objectives, Background, clause 2.1, 2.4, 2.10, and detailing.</p> <p>Full submission has been included at the end of this table (refer to full submission extract).</p> <p>(I live within, have a professional interest, work within Maylands North CPA)</p>	<p>The recommended modifications have been consideration and has informed new modifications to the Character Protection Area Policy. Please refer to the Council report for a full discussion of the amendments recommended by the City following consideration of all submissions, including this subject submission.</p> <p>With regards to the comment relating to 2.10. Clause 2.10 reads:</p> <p><i>Development directly visible from the street shall have a continuation of plate height and be of similar built form proportions to traditional character homes within the CPA.</i></p> <p>This provision applies to both infill development and additions to existing development. This new provision was recommended to provide for new development to be of similar proportions to traditional character homes in the locality to provide for homes to be of similar scale overall along the streetscape. The review of the policy identified concerns that if new development is be designed to be in harmony with existing traditional character</p>	<p>Modifications recommended.</p>

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
		<p>homes it will appear as 'fake heritage'. 'Sympathetic', means a design outcome that respects the proportions and materiality, but is not meant to be identical, nor would it result in a development that intrudes on the traditional character homes presence in the streetscape.</p> <p>With regards to the comment relating to a contradiction between clause 3.1 garage additions requiring 2m setback and 2.16 new development including garages within integrated into the development being set back 1m, this difference in setback is intentional. A setback of 2m for a garage addition is considered appropriate in the context of garage additions to traditional character homes to reduce its dominance of the street elevation and to not detract from the visual appearance of the traditional character home. If a variation is proposed for garage additions to existing dwellings that is not a traditional character home, there may be scope to consider this on its own merits this under the objectives of the policy.</p> <p>Where there are variations raised within the submission, these are acknowledged and there is scope within the policy to be considered on a case by case basis and will be required to meet the objectives of the policy.</p>	
<p>Supportive of change from harmony to synthesise</p> <p>Not supportive of setback changes.</p>	<p>Supportive of change from harmony to synthesise.</p> <p>The housing pattern within the CPAs, especially Maylands North is already punctured, and has been for decades, by low rise 3 storey apartment buildings. Construction within these areas should not be beholden to what was constructed in the 1900-20s, when the bulk of residences in parts were constructed 50 years later.</p> <p>I do not support the change in setbacks. Setbacks are costly and wasteful, and often ugly and out of character. This includes both first and subsequent storeys.</p> <p>(Lives within Maylands North CPA)</p>	<p>The intent of requiring a street setback that is the average of the properties either side is to retain the open character of streetscapes and landscaped gardens, and to ensure new development does not detract from existing traditional character homes, rather it is sympathetic to the unique character to the streetscape and existing traditional character homes.</p>	<p>No modifications recommended in this instance.</p>
<p><b>Do not support the draft policy</b></p>			

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
Request removal of the area bounded by Guildford Road, First Avenue and Whatley Crescent in the Mount Lawley CPA.	<p>In 2016 I opposed the introduction of the character protection policy and including the area bounded by Guildford Road, First Avenue and Whatley Crescent in the Mount Lawley Character Protection Area (CPA). There is already a Municipal Heritage Inventory &amp; Scheme List of places deemed significant and worthy of retention.</p> <p>My property is on Guildford Road, Mount Lawley, being on a primary main road, serviced by frequent bus services and Mount Lawley railway station train services there is an opportunity for greater density development along this road.</p> <p>These streets contain a mish mash of styles old and new and include some ordinary looking units, an unused car yard, a bottle shop and strata developments not in harmony with, or sympathetic, to the CPA.</p>	<p>The City is not considering the boundaries of CPA's as part of this review.</p> <p>It is noted that there are a number of Traditional Character Homes within this portion of the Mount Lawley CPA.</p>	No modifications recommended in this instance.
Not supportive of setback changes.	<p>The introduction of the setback clause in this policy in particular, restricted my ability to develop my block to its full potential. At 59, 61 and 63 Guildford Road there are three houses on large blocks with a setback of about 13 metres, most other blocks have a setback under 4 metres or are developed up to the street.</p>	<p>The intent of requiring a street setback that is the average of the properties either side is to retain the open character of streetscapes and landscaped gardens, and to ensure new development does not detract from existing traditional character homes, rather it is sympathetic to the unique character to the streetscape and existing traditional character homes.</p>	No modifications recommended in this instance.
How has demolition been allowed?	<p>How has the City of Bayswater contributed to the Mount Lawley CPA since this policy was introduced?</p> <p>The demolition of the old houses situated between 68 and 70 Guildford Road was allowed, one of which was on the heritage list, without an approved development plan and the site has sat vacant ever since.</p>	<p>This policy was considered during the design phase and assessment of the proposed development at 88 and 90 Guildford Road, Mount Lawley among other developments across the Mount Lawley CPA.</p> <p>This policy does not control demolition. Nor does it require development within a certain time period after development.</p>	N/A
How was illuminated advertisement allowed?	<p>Allowed the installation of an over illuminated advertisement sign on the corner of Ellesmere and Guildford Road, that adversely impacts residents during the hours of darkness for a business that isn't even open after hours. This section of Guildford Road is already excessively lit.</p>	<p>The City understands that the signage referenced in this submission refers to the signs in the image below. These two signs are located within the road reserve and outside the scope of this Policy.</p>	N/A

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
<p>St John of God Mt Lawley Hospital to be included in CPA</p>	<p>Why is St John of God Mt Lawley Hospital not included within the CPA even though it dominates the landscape.</p>	 <p>The CPA policy applies to residential development and does not apply to non-residential sites such as St John of God Hospital.</p>	<p>N/A</p>
<p>CPA policy conflicts with Main Roads and road upgrades</p>	<p>Has the City opposed Main Roads plans make provision for a double right-turn lane at the intersection for traffic heading north on East Parade turning into Guildford Road eastbound? This will significantly reduce traffic on First Avenue, which contains a couple of houses and a petrol station and direct it all through the middle of the Mount Lawley CPA and past the houses your amendments once again target?</p>	<p>Road layouts is outside the scope of this Policy.</p>	<p>N/A</p>
<p>Not supportive of setback changes.</p>	<p>Intention of adding a second storey extension at the front of my dwelling, to take full advantage of uninterrupted City, River, Optus Stadium and Matagraup Bridge views. There are plenty of examples of extensions, at the front of dwellings, that</p>	<p>It is noted the policy does not restrict development to single storey. Clause 2.7 (c) (i) introduces a new second storey setback of 4m, whereas 2m was originally required.</p>	<p>No modifications recommended in this instance.</p>

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
<p>Not supportive of air conditioning provisions</p>	<p>have enhanced the streetscape, such as No.2 Ellesmere Road, Mount Lawley. Also, a fine example of imitation.</p> <p>I wouldn't have installed the rear patio, which council approved last year, if council had advised this amendment was coming. If I have to place extension behind the roof ridgeline, and 4m from primary setback, there would be no patio and zero views.</p>   <p>Not supportive of the new restrictions regarding installation of air conditioning equipment. I wouldn't have be able to install 2 of our 4 units last year if that was already the case.</p>	<p>The intention of this clause is for first floor development to be adequately setback to maintain the predominant single storey appearance of the streetscape.</p> <p>Clause 2.17(a) remains largely unchanged to the original policy. The original policy provision: <i>Air conditioning equipment, and plant and satellite dishes are to be located in positions where they are not directly visible from the street.</i></p> <p>New policy provision:</p>	<p>No modifications recommended in this instance.</p>



Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
Not supportive of solar panel restrictions	Not supportive of the new restrictions regarding solar panels, if I install them they will be placed in the best location to receive the most sun and best quality sunlight, regardless of whether or not they are visible from the street.	<p><i>Air conditioning equipment, plant and satellite dishes shall be located in positions where they are not directly visible from the street.</i></p> <p>Clause 2.17(b) remains unchanged to the original policy.</p> <p><i>Solar panels are permitted. However where practicable they shall be located in positions which minimise any undue impact on the streetscape.</i></p> <p>This provision does not prohibit the location of solar in the most optimum position for solar gain.</p>	No modifications recommended in this instance.
Not supportive of porches and verandahs to be open	Not supportive of porches and verandah's have to be open on three or more sides. I am on a primary main road, as road noise increases I wish to retain the option to install double glazing to the verandah to reduce traffic noise.	<p>Clause 2.7 (b) (iii) remains unchanged to the original policy.</p> <p>Entry porches and verandahs shall be open on three or more sides.</p> <p>Whilst the submission is acknowledged, the intent of the above is to provide for open streetscapes, this is consistent with the existing traditional character of the streetscapes.</p> <p>It is noted that each application is considered on a case by case basis with consideration of location including along Primary Distributor Roads such as Guildford Road.</p>	No modifications recommended in this instance.
Request rezoning of property if amendments go through.	If council adopts these amendments for existing properties, please consider changing the zoning of my property to commercial/business. Then it can remain as is and be used for offices, medical consulting rooms etc. like many of the heritage homes near St John of God Hospital in Subiaco, as it will no longer be suitable for development as a family home.	Rezoning properties is outside the scope of this policy review.	N/A
Recommendations outside the scope of the policy	<p>Recommend the policy to focus on:</p> <ol style="list-style-type: none"> <li>1. Public access to the river from Ellesmere Road, Mount Lawley</li> <li>2. Can we get safer controls for vehicles turning right from Second Avenue to Whatley Crescent and pedestrians from Third Avenue bridge crossing Railway Parade?</li> <li>3. Safe crossing for pedestrians crossing Whatley Crescent from Mount Lawley train station. It's very hard for adults to see cars coming over the peak of the hill let alone young children.</li> <li>4. Community is waiting for the dangerous intersection of East Parade and Guildford Road that is currently operating over-</li> </ol>	These comments are noted. They are outside the scope of this policy review.	N/A

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
	<p>capacity for its design, with hundred-metre queues at peak hour to be fixed.</p> <p>5. Block Main Roads plans for a double right-turn lane at the intersection for traffic heading north on East Parade turning into Guildford Road eastbound.</p> <p>(Live within Mount Lawley CPA)</p>		
<p>Recommends design choice flexibility for security measures ie garage doors</p>	<p>As a resident of Bayswater, I value the unique character of our community. However, the new policy fails to account for the realities of an evolving society, particularly with the increasing crime rates we are facing.</p> <p>The restrictions on installing proper security fencing and enclosed garages compromise the safety and security of our homes. In a time where break-ins and vehicle thefts are becoming more frequent, it is crucial that homeowners have the freedom to take necessary precautions to protect their families and property.</p> <p>Moreover, the role of the council should primarily focus on essential services such as roads, rates, and rubbish. Dictating specific architectural or aesthetic choices for private properties goes beyond the council's mandate and infringes on the rights of homeowners. The policy should reflect a balance between maintaining the character of the area and allowing residents to adapt their homes to current safety needs.</p> <p>I urge the council to reconsider this policy and to engage with the community in a meaningful way to develop guidelines that both respect the heritage of our area and address the legitimate concerns of homeowners. Flexibility in design choices, particularly when it comes to security measures, is essential for ensuring that our neighborhoods remain safe and livable.</p> <p>(Live within Maylands North CPA)</p>	<p>The Department of Planning, Lands and Heritage Crime Prevention through Environmental design Planning Guidelines advocates for passive surveillance through unimpeded sightlines to and within the publicly accessible areas. This includes visually permeable fences and clear sightlines of the house from the street.</p> <p>Fences heights and design have also remained unchanged. Rather the provisions have been modified to provide ease of interpretation of the provision.</p> <p>It is acknowledged that garages provide secure place for a vehicle to be stored. The policy does not prohibit garage doors within CPAs. Design requirements for garages are provided under clause 2.16 of the policy. The setback of garages from the street has remained unchanged from the original policy.</p>	<p>N/A</p>
<p>Remove the policy all together</p>	<p>Starting from a very weak protection policy and implementation, it is now watered down to a level you technically scrap it.</p>	<p>The review of the policy has identified concerns that if new development is to be designed in harmony with existing traditional character homes, the new development would</p>	<p>N/A</p>

Topic Area	Summary of points raised in community submissions <i>*Comments have been summarised and grouped into topic areas for the purpose of analysis.</i>	Officer Discussion/ Response	Recommended Modifications
	<p>As was always the case with the City of Bayswater planning attitude to heritage protection, another disgraceful amendment to the policy (which we know will be followed by no implementation / enforcement anyway).</p> <p>The name of the policy should have been "Keep the greedy architects and hopeless developers happy policy". Just let them use not fit for purpose construction materials and design features "sympathetic" to what? Absolute rubbish wording and definitions to let them get away with anything they want and destroy the character of the area.</p> <p>It provides the ability to approve anything regardless of what it looks like. Here is the start of your approval document: "It is sympathetic to a piece of shit and therefore approved"...</p> <p>Why do I waste my time on this submission... This is a feel good exercise by the City and you don't actually want to hear what the residents have to say. Otherwise you would call the people owning heritage houses and ask what we think is "keeping heritage" and how new builds and modifications best fit with the heritage houses before writing this policy.</p> <p>(Live within Maylands North CPA)</p>	<p>appear as 'fake heritage' and detract from the traditional character homes.</p> <p>Reframing new development (excluding additions and alterations to traditional character homes) from 'harmony' to 'sympathetic', means a design outcome that respects the proportions and materiality, but is not meant to be identical, nor would it result in a development that intrudes on the traditional character homes presence in the streetscape.</p> <p>The review of this policy has had these considerations at the forefront with the emphasis for new development, including additions, to be 'sympathetic' to existing traditional character homes and not intrude on the existing character of the streetscape</p>	
<p>Remove CPA's within 1km of train stations</p>	<p>Not in favour of CPA areas within the City of Bayswater and specifically within a 1km radius of the newly developed train station.</p> <p>Hope the state planning authority removes all statutory planning power from the LGA to enable critical density within the above radius.</p> <p>(Live within Bayswater CPA)</p>	<p>The policy does not control density of residential lots, nor does it prohibit the development to a greater density such as apartments or grouped dwellings.</p> <p>This policy provides parameters for new development within Character Protection Areas (CPA) to ensure that new development in Character Protection Areas is sympathetic with the character, rhythm, scale and visual amenity of existing residential streetscapes.</p> <p>The City is not considering the boundaries of CPA's as part of this review.</p>	<p>N/A</p>
<p><i>Comments contained in the community submissions have been summarised for the purpose of analysis.</i></p>			

Full submission extract 1:

Character Protection Areas Policy

**Objective:**

The objectives of this policy are to ensure that:

1. Development respects the unique streetscape characteristics of the areas, including the historic built form and materiality, open landscape character of the street and landscaped garden.
2. The siting, height, scale, massing and materiality of infill development and additions to existing buildings is appropriately located, scaled and designed so not to visually dominate or detract from the streetscape qualities of the areas.
3. Carports, garages, vehicle access and carparking do not visually dominate the streetscapes or adversely impact the heritage fabric or presentation of the dwellings which they serve.
4. Alterations respect the form and scale of the original building through subtle harmonious or distinct modern integration that enhances the character of the area.
5. Multiple dwellings respect the character and traditional subdivision pattern of the areas.

\*Note that restoration means: Returning a place to a known earlier state by removing accretions or by reassembling existing elements, without the introduction of new material.

**Background**

Last paragraph needs to be reworded. Perhaps say 'Development Applications must consider the Character Statements for the areas, and aim to comply with this Policy.'

Maybe includes a short history (including Aboriginal) of the area in the background or other into section. Noted that it's mentioned in the individual areas but an overarching paragraph here could help to set the context and also avoid repetition in the individual sections.

Could also mention here any lands that still reflects early pre-European settlement.

Is there an application section that could outline the intended use of the document – ie to guide proposals and to assist officers in assessment, and Council in determining applications?

Maylands North

- Add low or no fencing to street to list of predominant features
- Remove 'some two storey' as it's a list of predominant features
- Visible brick roof chimneys
- Face brick with tuckpointing

Mount Lawley

- The seven streets??

General

- Don't use 'shall' 'should' or 'must' instead consider 'is to be' 'are to be'
- Avoid 'ensure' in policy.
- Eg.

- 2.1.(a) In areas where the traditional subdivision pattern contributes to the character of the streetscape, new development are to respect and respond to this pattern
- (b) The existing arrangement of lots, particularly the length of street frontages is to be maintained.

Make clear statements outline expectations. Eg:

Dwellings are to interact with the public domain through:

- (1) Provision of verandah or porch to the street facing elevation
- (2) Avoiding blank walls, heavy plantings.
- (3) Clearly demarcating property boundary with fencing or planting

#### 2.4 Fences

- better describe open fence and orientation/permeable expectations
- fibre cement and metal sheeting materials will not be supported.

#### 2.10

Does 2.10 (a) relate to visual development. Does this relate to additions to existing buildings or infill development, or both. This seems at odds with the general intent of the revised policy to avoid mimicking and allow for new architectural expression that respects heritage.

There will be instances where an addition to side is setback but visible from the street and is recessive and not dominating. Equally a new build could have higher plate height to adjacent traditional buildings but be designed in a respectful way. These would be acceptable variations to this policy.

Could refocus this to something along the lines of 'Visible new development is to be designed to be sympathetic to the rhythm and fenestration of adjacent heritage facades.'

2.10 (b) The issue of amenity to adjacent lots is not a heritage issue and should be addressed in other planning policy.

Bulk and height issues should relate to how they dominate the affected building and the neighbouring properties in terms of their streetscape presentation. Could say something about setting back upper storey additions/levels from the street to maintain the single storey streetscape.

Roof - Hipped or gabled roof forms are preferred for the visually dominate roofs only.

Perhaps consider being more flexible here to allow for new architectural expression. We won't want everything to match and we want to encourage new high quality architecture.

The City of Perth's William Street guidelines include three approaches to new built form which can be applied to any aspect of development within a heritage area:

- Subtle architectural style using simple forms and limited material palette;
- Distinct architectural approach that enhances the existing character of the place;
- Design principles that derive from the architectural language of the existing heritage fabric without imitation

Detailing:

- Should not be copied for existing or new homes. We want to avoid what has happened in Stirling where we have lots of new homes with traditional feature. The City of Vincent has plenty of good examples of high quality new architectural design in a heritage context.

Garages

- Consider allowing garages to be in line of the building line if they do not dominate the streetscape or detract from the presentation of the dwelling.
- Existing garage may not be adequate or appropriate located thus requiring a carport.
- Carport should be allowed if garage meets policy requirements.

Ground Floor additions and alterations

- Garages to be set 2m from primary setback? Above notes 1m.
- Interesting parts of places?
- Visible should not dominate the building or the streetscape or require demolition of a substantial amount of original fabric.
- Additions should enable the important characteristic of a place, such as its roof form and architectural detailing and composition to remain visually prominent.

Avoid 'interesting parts' instead say important elements that make a positive contribution to the place/area.

Second story additions –

- Perhaps say respectful rather than sympathetic.
- New single storey additions to be similar to the existing fabric?? Not necessarily. New materials can be acceptable.

Alterations – this sentence below does not make sense. See above meaning of restoration.

(a) Alterations shall integrate harmoniously with the original building so that restoration does not detract from the existing building

- does this relate to external and internal alterations?

Perhaps could mention in this section:

- Removal of intrusive elements that detract from streetscape
- Retention of original fabric
- Reinstatement and restoration of missing heritage elements
- Retention of original floor layout and timber floors

General approach to alterations is same as additions – retain as much fabric as possible and ensure change does not mimic, dominate or visually detract from the place or area.

**9.10 Policy Review: Construction Materials**

<b>Responsible Branch:</b>	Property and Economic Development
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Construction Materials Policy [9.10.1 - 2 pages]
<b>Refer:</b>	Item 13.1.4: OCM 22.09.2020

**SUMMARY**

Council consideration is sought in relation to the proposed revocation of the *Construction Materials Policy*.

**OFFICER'S RECOMMENDATION**

**That Council revokes the *Construction Materials Policy* as contained in Attachment 1 to this Report.**

**BACKGROUND**

The City has a large number of local planning policies to guide better development within the City. City officers review existing local planning policies in accordance with the adopted policy review schedule, or as otherwise determined due to identified operational issues or legislative changes. This process updates and improves the City's policy framework and reduces red tape associated with applications for Development Approval.

Part of this review process is to revoke those local planning policies which are no longer considered relevant.

Part V(56) of Shire of Bayswater *Town Planning Scheme No.13* (District Zoning Scheme), gazetted 17 November 1972, included the following provisions regarding the "General Appearance of Buildings":

*No person shall construct:*

- (a) *A building which has an exterior design that is out of harmony with existing buildings; or*
- (b) *An ugly building that may destroy local amenities.*

Further, the development control table of TPS 13 required almost all types of development within the Shire to be constructed of brick, stone or concrete.

These requirements were clarified and refined in *Town Planning Scheme No.21*, gazetted 16 September 1988, with clause 4.4.8 of TPS 21 applying to residential development only and containing identical wording to that currently in clause 8.5.6 of *Town Planning Scheme No.24* (TPS 24). Currently, clause 8.5.6 of TPS 24 requires the following:

*The ground level of all buildings, other than outbuildings, shall be constructed from brick, stone or concrete. Ground and first floor levels may be constructed of lighter framed materials if the materials, design and anticipated final appearance of these structures is approved by the Council.*

Clause 8.5.6 of TPS 24 applies to residential development only, and is read to require that where an applicant proposes a building material on the ground floor that is not brick, stone or concrete, then an application for Development Approval is required. The City's *Construction Materials Policy* was first adopted in 2008 to provide guidance on the use of alternative construction

materials which were becoming more prevalent across the City at that time for reasons such as sustainability and affordability. The policy was amended by its last review and Council, at its Ordinary Meeting held on 22 September 2020, adopted the amended *Construction Materials Policy*, as advertised, without modification.

## EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

## OFFICER'S COMMENTS

### Exemptions and Delegation for Single Dwellings

Clause 61 of Schedule 2 Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) stipulates that the erection of, or alterations or additions to, a single house on a lot is exempt from requiring Development Approval, where:

- (a) the R-Codes apply to the works
- (b) the works comply with the deemed-to-comply provisions of the R-Codes
- (c) the works are not located in a heritage-protected place.

Division 2A of Part 10 of the *Deemed Provisions* sets out that all prescribed single house development must be determined by the Chief Executive Officer or an authorised employee, and can not be determined by Council, except development in a heritage-protected place.

The R-Codes Vol.1 and Vol.2 do not control for construction materials, therefore any instruments within the local planning framework which control for this cannot supersede the above exemptions, as they are not variations to the R-Codes. This means that, where a single dwelling meets the deemed-to-comply requirements of the R-Codes, it is exempt from requiring Development Approval regardless of the construction materials proposed, despite the inclusion of clause 8.5.6 in TPS 24.

### Grouped Dwellings and Apartments

Grouped dwelling and apartment developments are not subject to the same Deemed Provisions exemptions and delegations that single dwellings are, and therefore require Development Approval in all instances. However it is considered that the wording of clause 8.5.6 provides sufficient flexibility for the City to give appropriate consideration to grouped dwelling and apartment applications which propose alternative construction materials, namely:

*“Ground and first floor levels may be constructed of lighter framed materials if the materials, design and anticipated final appearance of these structures is approved by the Council.”*

All applications, regardless of clause 8.5.6, are required to be assessed against the requirements of all other relevant State and local planning instruments, including the R-Codes and the City's *Character Protection Areas Policy*, which provide sufficient controls for residential development. More significant proposals are also required to undergo review by the City's Design Review Panel.

Whilst the City has previously maintained clause 8.5.6 in TPS 24 and the *Construction Materials Policy*, progressive amendments to the National Construction Code and State planning framework over that time have diminished the utility and enforceability of clause 8.5.6, and the rationale for maintaining the *Construction Materials Policy* as a consequence.

It is not considered appropriate to impose additional controls on built form outcomes which may limit innovation, design, affordability and sustainability outcomes. As a local planning policy the *Construction Materials Policy* has no impact on other legislation, and all residential development is required to meet the requirements of the National Construction Code.



## LEGISLATIVE COMPLIANCE

Schedule 2 Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for the revocation of a local planning policy, including the requirement to give public notice of a decision to revoke a policy.

## RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Medium
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

The City's neighbourhoods contain a diversity of housing types, architectural styles and construction materials, many of which are not consistent with the requirements of clause 8.5.6 of TPS 24 and the *Construction Materials Policy*. Blanket planning controls regarding materiality of built form are not consistent with the current planning framework, nor likely to result in context-sensitive outcomes.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.

## CONCLUSION

The City's *Construction Materials Policy* provides limited guidance to the application of discretion related to clause 8.5.6 of TPS 24 which, in the case of single dwellings, is considered not legally enforceable and for other residential development provides sufficient flexibility for the City to consider alternative proposals on their merits. Clause 8.5.6 appears to have been carried forward from 1970s planning scheme provisions and, whilst the scheme clause is not subject of this report, the *Construction Materials Policy* only exists as a 'work-around' to facilitate residential construction materials not covered by the clause. However, due to amendments to the State planning framework including single dwelling exemptions, delegation of authority and the R-Codes, it is considered that the policy no longer has a valid planning rationale.

In light of the above, it is recommended that Council revoke the *Construction Materials Policy*.



# Construction Materials Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

## Purpose

The purpose of this policy is to provide guidance on the use of building materials other than brick, stone or concrete.

## Objectives

The objectives of this policy are to:

1. Facilitate the use of alternative building materials.
2. Ensure that buildings are finished to a high standard.
3. Ensure that development is consistent with, and will not detract from established and future residential character and amenity.

## Introduction

The City's town planning scheme requires the ground floor level of all residential buildings, other than outbuildings, to be constructed of brick, stone or concrete. Where a proposal has included the use of materials other than brick, stone or concrete for the ground floor, the application requires development approval. However, the use of building materials other than brick, stone or concrete is becoming more common due to the increasing need to build environmentally sustainable and affordable houses and buildings. The Building Code of Australia (BCA) requires housing to be designed to energy efficiency requirements and this has required home designs focusing on energy efficiency and led to the introduction of new building materials.

## Scope

This policy applies to the erection of all buildings, other than outbuildings, in Residential zones within the City of Bayswater.

## Requirements

1. The use of alternative building materials is permitted provided that they:
  - (a) Are finished to a high standard
  - (b) Enhance the character of the streetscape and the amenity of the locality.

2. Alternative building materials that can be considered for approval on all floors include, but are not limited to:
  - (a) Cast fibreglass reinforced panels (such as Rapid Wall)
  - (b) Aerated, reinforced concrete panels
  - (c) Fibre cement / compressed sheeting
  - (d) Colorbond, aluminium and zincalume sheeting
  - (e) Weatherboard / linearboard.

### Related legislation

This policy is adopted under City of Bayswater Town Planning Scheme No. 24, in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	25 November 2008
Reviewed / Modified	1 March 2016
Reviewed / Modified	22 September 2020

**9.11 Policy Review: Attendance at Events**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Office of the CEO
<b>Authority/Discretion:</b>	Legislative
<b>Voting Requirement:</b>	<b><i>ABSOLUTE MAJORITY REQUIRED</i></b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Policy [9.11.1 - 3 pages]</li> <li>2. Amended Policy with tracked changes [9.11.2 - 5 pages]</li> <li>3. Draft Policy [9.11.3 - 5 pages]</li> </ol>
<b>Refer:</b>	Item 10.6.1.1: OCM 8.12.2020 Item 10.6.2.2: OCM 7.12.2021

**SUMMARY**

For Council to consider a revised *Attendance at Events Policy*.

**OFFICER'S RECOMMENDATION**

That Council adopts the revised *Attendance at Events Policy* as contained in Attachment 3 to this Report.

***ABSOLUTE MAJORITY REQUIRED***

**BACKGROUND**

On 20 October 2019, the *Local Government Legislative Amendment Act 2019* came into operation which introduced various changes to the *Local Government Act 1995* (the Act). One of the changes made to the Act was the requirement for local governments to adopt an Attendance at Events Policy (s 5.90A).

The new requirements within the Act state that an Attendance at Events Policy must deal with matters relating to the attendance of elected members and the Chief Executive Officer at events, including:

- (a) the provision of tickets to events
- (b) payments in respect of attendance
- (c) approval of attendance by the local government and criteria for approval
- (d) any other prescribed matter (currently none are stipulated in the *Local Government (Administration) Regulations 1996*).

Council adopted its inaugural *Attendance at Events Policy* (the policy) at its meeting held on 8 December 2020, which was developed based on the model provided by the Department of Local Government, Sport and Cultural Industries within its *Operational Guideline: Attendance at Events Policy* (December 2019). The policy was last reviewed by Council at its meeting held on 7 December 2021, where it was resolved that the policy be retained in its original form.

**EXTERNAL CONSULTATION**

No consultation has yet occurred with the public or other agencies on this matter.

**OFFICER'S COMMENTS**

Due to the nature of a local government's business, elected members and the CEO deal regularly with third parties and from time to time may be offered tickets to attend events. The City acknowledges the acceptance of tickets, and therefore attendance at events, can provide opportunity to work and network with stakeholders to legitimately further the interests of the City or the Bayswater community.

To ensure the City is carrying out its functions impartially, elected members and the CEO must be able to demonstrate they are not improperly influenced by third parties through the acceptance of tickets to events. It is therefore important for the City to manage any real or perceived conflicts of interest in terms of decision-making undertaken by elected members (when meeting as a Council) or the CEO, when tickets are accepted and used.

It is clear one objective of the legislative requirements for a local government to have an attendance at events policy, is to ensure that there is greater transparency related to events attended by elected members and the CEO, including the approval process for attendance at those events. Another clear objective is to enable elected members and the CEO to participate in Council decision-making processes where their participation would, or might, otherwise be prohibited or restricted as a result of attending an event in respect of they would be taken to have received a 'gift' (such as the value of any ticket to attend and the value of any hospitality provided at the event).

Section 5.62(1B) of the Act (relating to closely associated persons) states a gift is an excluded gift:

- “(a) if:
- (i) *the gift is a ticket to, or otherwise relates to the relevant person’s attendance at, an event as defined in section 5.90A(1); and*
  - (ii) *the local government approves, in accordance with the local government’s policy under section 5.90A, the relevant person’s attendance at the event;*
- or
- (b) *if the gift is in a class of gifts prescribed for the purposes of this subsection.”*

To ensure the policy is contemporary for the City’s business and activities, the following main amendments to the City’s existing policy are suggested, as shown in tracked changes version of the policy contained in **Attachment 2** (Minor drafting changes and improvements are also suggested although not detailed in depth within the table below):

Revision	Rationale
<p><b>Purpose:</b></p> <p>Better clarify the policy’s purpose as well as the gift disclosure provisions.</p>	<p>To further clarify the purpose and benefits to the community in attending events as well as the gift disclosure requirements.</p>
<p><b>Policy Statement:</b></p> <p>Include a new section on pre-approved events and the circumstances that apply.</p>	<p>In fulfilling an elected member’s civic role (or that of the CEO) it is considered there would be certain circumstances where attendance at an event should be classed as a pre-approved event (and therefore not needing approval of Council - such as where the elected member or CEO is attending an event in an official capacity, such as:</p> <ul style="list-style-type: none"> <li>I. performing a speaking role or some other welcoming role;</li> <li>II. participating as a member of a discussion panel or judging panel;</li> <li>III. presenting at the event as part of the event program;</li> <li>IV. representing the City of Bayswater at a sponsorship acknowledgement event or</li> </ul>

Revision	Rationale
	<p>award ceremony, where the primary purpose of attendance is not for the entertainment of the individual elected member or CEO, but enable the elected member and/or CEO to fulfil their role, and for the City to exercise its rights and benefits, as a sponsor;</p> <p>V. presenting awards or prizes to others on behalf of the City; and</p> <p>VI. attending an exhibition or display where the City, its programs or services are being showcased at the event.</p> <p>It is also considered there are certain organisations and associations that would be appropriate for elected members and the CEO to attend if a ticket is offered by them, such as:</p> <p>I. the Western Australian Local Government Association;</p> <p>II. the Australian Local Government Association;</p> <p>III. Local Government Professionals;</p> <p>IV. a department or statutory body of the WA Public Service;</p> <p>V. a government department of another State, a Territory or Commonwealth;</p> <p>VI. a State or Federal Member of Parliament, other than for party political events or fundraisers;</p> <p>VII. a local government or regional local government;</p> <p>VIII. major professional or industry association(s) relevant to local government activities;</p> <p>IX. a civic/cultural/community organisation;</p> <p>X. educational institutions; or</p> <p>XI. a not-for profit organisation.</p>

Revision	Rationale
<p><b>Policy Statement</b></p> <p>Other Events</p> <p>Revise clause to include provision on approval process and record in certain registers.</p>	<p>To better clarify the approval process for attending events that are not pre-approved under the policy. Furthermore there is better clarity in regard to what needs to be disclosed in the City’s Attendance at Events Register, considering the disclosure requirements in the Gifts Register and Interests Register.</p>
<p><b>Policy Statement</b></p> <p>Approval of Attendance by Mayor</p> <p>Insert a secondary approval process by the CEO where the Mayor may be asked to attend an event.</p>	<p>To provide better clarity around approval processes that are in line with the approval processes of other local governments.</p>
<p><b>Policy Statement</b></p> <p>Disclosure requirement relating to tickets</p> <p>Insert a new section around the disclosure provisions at meetings and where a ticket considered a gift is to be included in the City’s gift register.</p>	<p>To provide better clarity around the gift and disclosure provisions within the legislation that related to tickets, when they are considered a gift.</p>

**LEGISLATIVE COMPLIANCE**

- Section 5.90A of the *Local Government Act 1995*.
- Section 5.62(1B) of the *Local Government Act 1995*.
- *Local Government (Administration) Regulations 1996*.

**RISK MANAGEMENT CONSIDERATION**

The table below shows the level of risk for each impact category, if the officer’s recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low
Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR07 - Unethical or inadequate governance and/or decision-making.	

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

### **CONCLUSION**

The City's policy provides a framework for the acceptance of tickets to events by elected members and the Chief Executive Officer and to actively consider the purpose of, and benefits to, the community in attending. It also details what disclosure requirements are needed when attending events by elected members and the Chief Executive Officer and a range of other governance arrangements when attending events.

It is recommended that Council adopt the revised policy.



# Attendance at Events Policy



<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	Office of the CEO, Governance
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	3579617

## Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.

## Policy Statement

### 1. Invitations

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Council.
- b) Any invitation or offer of tickets not addressed to the Council is not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- c) A list of events and attendees authorised by the City in advance of the event will be maintained in a Register available on the City's website.

### 2. Approval of Attendance by Council

- a) In making a decision on attendance at an event, the Council will consider:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of Local Government representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor in accordance with clause 3 below.

### 3. Approval of Attendance by Mayor

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance.
- b) In approving attendance, the Mayor will consider the following:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of City representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

### 4. Payments in respect of attendance

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation,
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

## Definitions

**Elected Members** includes the Mayor and all Councillors

**Event** is defined as a:

- Concert;
- Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- Function; or
- Sporting Event.

### Related Legislation

*Local Government Act 1995 (WA) s 5.90A*

### Related Documentation

*Nil*

<b>Relevant Delegations</b>	Nil.
<b>Risk Evaluation</b>	Nil.
<b>Council Adoption</b>	8 December 2020
<b>Review/Modified</b>	7 December 2021
<b>Review/Modified</b>	
<b>Review/Modified</b>	



# Attendance at Events Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	<del>Office of the CEO</del> , Governance <u>and Strategy</u>
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	3579617

## Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions and to actively consider the purpose of, and benefits to, the community in attending. It also details what disclosure requirements are needed when attending events by Elected Members and the CEO and a range of other governance arrangements when attending events.

This policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the *Local Government Act 1995 (WA)* which requires all Local gGovernments to prepare and adopt an Attendance at Events Policy.

## Policy Statement

### 1. Pre-approved events

- a) The acceptance and subsequent use of a ticket by an Elected Member or CEO for an event within the Perth Metropolitan Area is deemed a pre-approved event under the following circumstances:
  - i) Where the Elected Member or CEO is attending an event in an official capacity, such as:
    - I. performing a speaking role or some other welcoming role;
    - II. participating as a member of a discussion panel or judging panel;
    - III. presenting at the event as part of the event program;
    - IV. representing the City of Bayswater at a sponsorship acknowledgement event or award ceremony, where the primary purpose of attendance is not for the entertainment of the individual Elected Member or CEO, but enable the Elected Member and/or CEO to fulfil their role, and for the City to exercise its rights and benefits, as a sponsor;
    - V. presenting awards or prizes to others on behalf of the City; and

- VI. attending an exhibition or display where the City, its programs or services are being showcased at the event;
- ii) Where the ticket is offered by:
  - I. the Western Australian Local Government Association;
  - II. the Australian Local Government Association;
  - III. Local Government Professionals;
  - IV. a department or statutory body of the WA Public Service;
  - V. a government department of another State, a Territory or Commonwealth;
  - VI. a State or Federal Member of Parliament, other than for party political events or fundraisers;
  - VII. a local government or regional local government;
  - VIII. major professional or industry association(s) relevant to local government activities;
  - IX. a civic/cultural/community organisation;
  - X. educational institutions; or
  - XI. a not-for profit organisation.

#### **24. Invitations~~Other Events~~**

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event that is not a pre-approved event as per clause 1, should be in writing and addressed to the Council/City, a relevant Elected Member or the CEO.
- a)b) Approval of attendance will be undertaken by Council, under clause 3, or the Mayor / CEO under clause 4.
- b) ~~Any invitation or offer of tickets not addressed to the Council is not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.~~
- c) A list of events and attendees authorised by the City in advance of the event (other than a pre-approved event) will be maintained in a Register available on the City's website. This register is in addition to any declarations made in the gifts register or interests register required under clause 6 of this policy.

#### **32. Approval of Attendance by Council**

- a) In making a decision on attendance at an event, ~~the~~ Council, Mayor or CEO (as the case requires) will consider:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;

- iv) Whether the event is sponsored by the City;
  - v) The benefit of Local Government representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor (or in some cases the CEO) in accordance with clause 43 below.

#### **43. Approval of Attendance by Mayor or CEO**

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance. Where the invitation is for the Mayor to attend, the CEO will be authorised to approve attendance.
- b) In approving attendance, the Mayor, or the CEO (as the case requires), will consider the following:
- i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of City representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor (or the CEO) will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

#### **54. Payments in respect of attendance**

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

## **6. Disclosure requirements relating to Tickets**

- a) Attendance at an event in accordance with this policy will exclude the ticket holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.
- b) Where an Elected Member or CEO accepts a ticket, and the ticket falls under the definition of a gift, details of the ticket is to be disclosed and published in the City's gift register in accordance with the sections 5.87A–5.87C of the *Local Government Act 1995*.

## **Definitions**

**Elected Members** includes the Mayor, Deputy Mayor and ~~all~~ Councillors.

**Event** ~~as per the definition in the *Local Government Act 1995* is defined as~~ includes the following:

- a Concert;
- a Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- a Function; or
- a Sporting Event.

**Gift** has the meaning given to it under the *Local Government Act 1995*.

Note: Section 5.57 of the Act states the following:

**gift** means:

- a. a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b. a travel contribution.

For the purposes of the above definition:

- travel includes accommodation incidental to a journey;
- travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person

**Ticket** includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

## **Related Legislation**

*Local Government Act 1995 (WA) s 5.90A*

*Local Government (Administration) Regulations 1996.*

### Related Documentation

*Nil*

<b>Relevant Delegations</b>	Nil.
<b>Risk Evaluation</b>	Moderate
<b>Council Adoption</b>	8 December 2020
<b>Review/Modified</b>	7 December 2021
<b>Review/Modified</b>	
<b>Review/Modified</b>	

tracked changes





# Attendance at Events Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	Governance and Strategy
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	3579617

## Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions and to actively consider the purpose of, and benefits to, the community in attending. It also details what disclosure requirements are needed when attending events by Elected Members and the CEO and a range of other governance arrangements when attending events.

This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the *Local Government Act 1995* which requires all local governments to prepare and adopt an Attendance at Events Policy.

## Policy Statement

### 1. Pre-approved events

- a) The acceptance and subsequent use of a ticket by an Elected Member or CEO for an event within the Perth Metropolitan Area is deemed a pre-approved event under the following circumstances:
  - i) Where the Elected Member or CEO is attending an event in an official capacity, such as:
    - I. performing a speaking role or some other welcoming role;
    - II. participating as a member of a discussion panel or judging panel;
    - III. presenting at the event as part of the event program;
    - IV. representing the City of Bayswater at a sponsorship acknowledgement event or award ceremony, where the primary purpose of attendance is not for the entertainment of the individual Elected Member or CEO, but enable the Elected Member and/or CEO to fulfil their role, and for the City to exercise its rights and benefits, as a sponsor;
    - V. presenting awards or prizes to others on behalf of the City; and
    - VI. attending an exhibition or display where the City, its programs or services are being showcased at the event;
  - ii) Where the ticket is offered by:

- I. the Western Australian Local Government Association;
- II. the Australian Local Government Association;
- III. Local Government Professionals;
- IV. a department or statutory body of the WA Public Service;
- V. a government department of another State, a Territory or Commonwealth;
- VI. a State or Federal Member of Parliament, other than for party political events or fundraisers;
- VII. a local government or regional local government;
- VIII. major professional or industry association(s) relevant to local government activities;
- IX. a civic/cultural/community organisation;
- X. educational institutions; or
- XI. a not-for profit organisation.

## **2. Other Events**

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event that is not a pre-approved event as per clause 1, should be in writing and addressed to the City, a relevant Elected Member or the CEO.
- b) Approval of attendance will be undertaken by Council, under clause 3, or the Mayor / CEO under clause 4.
- c) A list of events and attendees authorised by the City in advance of the event (other than a pre-approved event) will be maintained in a Register available on the City's website. This register is in addition to any declarations made in the gifts register or interests register required under clause 6 of this policy.

## **3. Approval of Attendance by Council**

- a) In making a decision on attendance at an event, Council, Mayor or CEO (as the case requires) will consider:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of Local Government representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor (or in some cases the CEO) in accordance with clause 4 below.

#### **4. Approval of Attendance by Mayor or CEO**

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance. Where the invitation is for the Mayor to attend, the CEO will be authorised to approve attendance.
- b) In approving attendance, the Mayor, or the CEO (as the case requires), will consider the following:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of City representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor (or the CEO) will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

#### **5. Payments in respect of attendance**

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

#### **6. Disclosure requirements relating to Tickets**

- a) Attendance at an event in accordance with this policy will exclude the ticket holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

- b) Where an Elected Member or CEO accepts a ticket, and the ticket falls under the definition of a gift, details of the ticket is to be disclosed and published in the City's gift register in accordance with the sections 5.87A–5.87C of the *Local Government Act 1995*.

## Definitions

**Elected Member** includes the Mayor, Deputy Mayor and Councillors.

**Event** as per the definition in the *Local Government Act 1995* includes the following:

- a Concert;
- a Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- a Function; or
- a Sporting Event.

**Gift** has the meaning given to it under the *Local Government Act 1995*.

*Note: Section 5.57 of the Act states the following:*

**gift** means:

- a. a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b. a travel contribution.

For the purposes of the above definition:

- travel includes accommodation incidental to a journey;
- travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person

**Ticket** includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

## Related Legislation

*Local Government Act 1995 (WA) s 5.90A*

*Local Government (Administration) Regulations 1996.*

## Related Documentation

Nil

**Relevant Delegations** Nil.

**Risk Evaluation** Moderate



**Attendance at Events Policy**

<b>Council Adoption</b>	8 December 2020
<b>Review/Modified</b>	7 December 2021
<b>Review/Modified</b>	
<b>Review/Modified</b>	

draft

**10 GENERAL BUSINESS**

Nil.

**11 CONFIDENTIAL ITEMS**

Nil.

**12 NEXT MEETING**

**13 CLOSURE**